

TOPLINE Q&A

UNACCOMPANIED ALIEN CHILDREN (UAC)

Q: Why are such large numbers of children migrating to the United States?

A: I know this from personal conversations with these kids -- I've spoken to dozens of these kids -- and I know from talking to Border Patrol officers who've spoken to these kids, the first thing they say when you ask them, "Why did you come here?," it has to do with the conditions in the three Central American countries.

"My mother told me that the gang was going to kill me or my brother was killed." It's always initially that.

Second, clearly, they know that if they come to the United States, our laws require certain things, that we transfer them to HHS.

But it's also the case that the criminal smuggling organizations are creating considerable misinformation about the state of our laws and so forth. They're -- they're telling -- in order to induce the family member to pay \$3,000, \$5,000 or whatever it is, they tell them things like, "You'll get a free pass and it will expire at the end of June or the end of May."

The fact is -- and I've been saying this publicly now for weeks and it's being repeated in Central America and the Spanish press that the deferred action program that was established two years ago is for children who've been in this country for seven years, since June 2007.

So it is simply wrong to say that if you come here today, tomorrow or yesterday, you're going to benefit from DACA.

Recently, we have seen rate of unaccompanied alien children apprehended in the Rio Grande Valley moving downward compared to earlier this year, but we continue to prepare for any change in current conditions. The Border Patrol Agents in RGV Sector and CBP employees around the country continue to respond to this humanitarian crisis in a professional and compassionate manner.

Q. What will happen if Congress fails to pass Supplemental funding to address the current humanitarian situation?

A: If there is no supplemental, the Department will have to make some very dramatic, harsh form of reprogramming, away from some vital homeland security programs.

We've had to surge resources within ICE transportation costs, and the costs of building increased detention capability, most notably from the adults with children. ICE had very, very few beds for the detention of this population and we've had to build more to deal with this, to send people back quicker.

The Border Patrol has been working overtime, so we've incurred those overtime costs as well as simply the cost of caring for all the children at the border. At the current burn rate, ICE is going to run out of money in mid-August, and we project that CBP is going to run out of money in mid-September.

Q: Do you believe changes need to be made to the 2008 Trafficking Victims Protections Reauthorization Act?

A: The Trafficking Victims Protections Reauthorization Act, which became law in 2008, requires that when we identify a child as an unaccompanied alien child, I am required to give that child over to HHS, and they act in the best interest of the child. We're talking about unaccompanied alien children who don't have with them an adult to make decisions on their behalf. So, I believe that the intentions behind the spirit of the law reflect very worthwhile principles and reflect our American values.

I do believe that some type of added discretion on my part would be helpful to address this particular situation. And so, right now, what we have in mind is treating migrants, unaccompanied migrants from the three Central American countries, which are what we call non-contiguous countries, as being from contiguous countries.

Right now, we have the discretion to offer an unaccompanied alien child from a contiguous country, i.e. Mexico, the ability to accept a voluntary return. And, a lot of them actually do accept voluntary return. And so, we want the flexibility in this current situation to offer somebody from a Central American country voluntary return.

Q. Is it true that the current debate on immigration reform is encouraging children in ever larger numbers to migrate?

A: The unaccompanied alien children migration pattern tended to be cyclical, but in 2011 apprehensions generally steadily increased through December 2011. Apprehensions generally doubled from 2011 to 2012, this pattern remained the same for 2012 to 2013. Over the past few months, CBP has seen a significant increase in the apprehension of unaccompanied alien children and adults with children from Central America in the Rio Grande Valley. While overall border apprehensions across our entire border have only slightly increased during this time period and remain at near historic lows, the rise in apprehensions and processing of children in the Rio Grande Valley presents unique operational challenges for HHS.

The increase in unaccompanied alien children crossing the border mirrors the increase in apprehensions of Central Americans.

Q. If Congress passes an immigration reform bill with an earned path to citizenship, would these young people be eligible? Are they eligible for the Deferred Action for Childhood Arrivals process?

A: No, under the Senate bill, individuals must have been in the United States as of December 31, 2011 to qualify. Since these young people are very recent arrivals, they would not be eligible. Under DACA, individuals must have resided in the U.S. since June 2007. Because these young people are new arrivals, they would not qualify for DACA.

Q. How are you working with the governments of Mexico and Central America to deter further migration of unaccompanied children?

A: I traveled to Guatemala two weeks ago. Joined by SOUTHCOM Commander General John Kelly and Ambassador Thomas A. Shannon, I met with President Otto Fernando Pérez Molina to discuss the urgent situation and to express our commitment to work with Guatemala to stem the flow of individuals, address the root causes of the influx, and to expand the capacity of these countries to receive and reintegrate repatriated migrants.

As a part of these international engagement efforts, the United States has committed foreign assistance resources to improve the capacity of these countries to receive and reintegrate returned individuals and address the underlying security and economic issues that cause migration. This funding will enable El Salvador, Guatemala, and Honduras to improve their existing repatriation processes and increase the capacity of these governments and nongovernmental organizations to provide expanded services to returned migrants. Additional resources will support community policing and law enforcement efforts to combat gang violence and strengthen citizen security in some of the most violent communities in these countries.

DHS has also added personnel and resources to the investigation, prosecution, disruption, and dismantling of the smuggling organizations that are facilitating border crossings into the Rio Grande Valley. ICE/HSI is deploying 60 additional criminal investigators and support personnel to their San Antonio and Houston offices for this purpose, as well as supplementing this with additional intelligence and programmatic support from ICE headquarters. ICE will continue to vigorously pursue and dismantle these human smuggling organizations by all investigative means to include the financial structure of these criminal organizations.

We have increased CBP staffing and detailed 115 additional experienced agents from less active sectors to augment operations there. On June 30, 2014, I announced the immediate deployment of 150 U.S. Border Patrol agents to the Rio Grande Valley Sector to augment illegal entry detection efforts while enhancing processing and detention capabilities.

We continue to rely on the support of our partner nations to help locate, disrupt, and dismantle these transnational criminal smuggling networks. We enjoy excellent relations with the governments of Mexico, Guatemala, El Salvador, and Honduras. We are coordinating with them on this issue and asking for additional assistance to counter this recent dangerous surge in migrant children in these smuggling routes, and also enlisting international help in spreading the word of the dangers involved for children.

Q: What is the status of these children while they are here?

A: Recent border crossers have illegal status and will be placed into immigration proceedings. DHS screens every individual, takes biometrics, and puts them in the immigration system. To be clear-- they are subject to removal, but may be placed in alternatives to detention while in removal proceedings.

Q: Is there a health risk to U.S. Customs and Border Protection officers or the general public?

A: DHS has public health controls in place to minimize any possible health risks. Throughout the Rio Grande Valley Sector we are conducting public health screens on all incoming detainees to screen for any symptoms of contagious diseases of possible public health concern. U.S. Border Patrol has established Medical Units at its busiest border stations (McAllen, Weslaco, and Ft. Brown) handling unaccompanied alien children. USG medical teams are assisting with the screening process, and providing healthcare evaluations for the sick and injured.

Occupational health and safety guidance has been provided to CBP personnel in the handling of subjects with signs of health-related symptoms. Our workforce has been provided and encouraged to use personal protective gear including latex or non-latex gloves, long-sleeve shirts, and to take precaution including frequent hand washing.

If any serious symptoms are present, individuals are referred to a medical provider or healthcare facility for treatment and medical clearance.

Q: How are you handling the influx of Adults with Children?

A: DHS already begun to expand capacity to detain adults with children while they are in expedited removal proceedings. We have established a facility on the FLETC's Artesia, New Mexico campus for this purpose, which has tripled our capacity to detain and quickly removal individuals from this population. This facility is one of several that DHS is developing to detain individuals in this population.

On July 14, 2014, a group of 38 adults with children were returned to Honduras by ICE officials. As President Obama, the Vice President, and I have said, our border is not open to illegal migration and we will send recent illegal migrants back. This group of migrants is in addition to the more than 81,995 migrants from Central American countries who have already been returned this fiscal year, consistent with DHS's enforcement priorities of focusing on national security, public safety, and border security. We expect additional migrants will be returned to Honduras, Guatemala and El Salvador in the coming days and weeks, based on the results of removal proceedings or expedited removal. These returns are a result of the President's direction to surge resources such as immigration judges and asylum officers to process these cases more quickly.

DEFERRED ACTION FOR CHILDHOOD ARRIVALS

Q: Has the Department of Homeland Security changed the Deferred Action for Childhood Arrivals process? What do these changes mean?

A: On June 5, 2014, I announced a process for individuals to renew their Deferred Action for Childhood Arrivals (DACA) and begin accepting renewal requests. This process includes the release of a new form to facilitate DACA renewal. Each renewal request will continue to include a robust review by a USCIS adjudicator and a background check of all relevant national security and criminal databases. USCIS will also continue to accept requests for DACA from individuals who have not previously sought to access the program based on the criteria previously established.

U.S. CUSTOMS AND BORDER PROTECTION

Q: Why did U.S. Customs and Border Protection releasing their use of force policy?

A: Earlier this year, CBP Commissioner Kerlikowske released the CBP Use of Force Policy, Guidelines and Procedures Handbook, as well as the Police Executive Research Forum—a report that CBP initiated. This report makes recommendations regarding use of force policies, training, tactics and equipment. We fully cooperated with the review and carefully considered these recommendations when crafting the use of force handbook. The responsible use of force by CBP law enforcement personnel reflects the professionalism and personal integrity of each employee. It requires all agents and officers to commit to doing the right thing in every action they perform on behalf of the United States. At the same time, the CBP leadership and I pledge to administer the CBP use of force policies with transparency and a full understanding of the public trust.

Q: Why was Jose Antonio Vargas, one of the most prominent undocumented immigrants in the U.S., apprehended by Border Patrol at McAllen Airport?

A: CBP Border Patrol Agents operating at McAllen-Miller International Airport encountered Mr. Vargas and apprehended him after he stated that he was in the country illegally. Mr. Vargas was transported to the McAllen Border Patrol Station where he was processed and provided with a Notice to Appear before an immigration judge. He was released on his own recognizance after

consultation with ICE. Mr. Vargas has not previously been arrested by ICE nor has the agency ever issued a detainer on him or encountered him. ICE is focused on smart, effective immigration enforcement that prioritizes the agency's resources to promote border security and to identify and remove criminal individuals who pose a threat to public safety and national security.

AVIATION SECURITY

Q: Can you comment on current threats to our aviation security?

A: DHS continually assesses the global threat environment and reevaluates the measures we take to promote aviation security. As part of this ongoing process, I have directed TSA to implement enhanced security measures in the coming days at certain overseas airports with direct flights to the United States. We will work to ensure these necessary steps pose as few disruptions to travelers as possible. We are sharing recent and relevant information with our foreign allies and are consulting the aviation industry. These communications are an important part of our commitment to providing our security partners with situational awareness about the current environment and protecting the traveling public. Aviation security includes a number of measures, both seen and unseen, informed by an evolving environment. As always, we will continue to adjust security measures to promote aviation security without unnecessary disruptions to the traveling public.

Q: Why are enhanced security measures only being taken at international airports?

A: TSA regularly adjusts its security apparatus informed by evolving intelligence, and will make particular adjustments to meet an ever evolving threat picture.

Q: What enhancements are being made? Can you be specific about what the Transportation Security Administration is looking for?

A: Information about specific enhancements is sensitive as we do not wish to divulge information about specific layers of security to those who would do harm. Our security apparatus includes a number of measures, both seen and unseen, informed by the latest information. As always, DHS continues to adjust security measures to fit an ever evolving threat environment. That being said, TSA may require some additional screening of persons and their property, so travelers should always arrive at an airport with plenty of time for screening to be sure they do not miss their flights.

Q: At which airports are security measures being enhanced?

A: Information about specific enhancements and locations are sensitive as we do not wish to divulge information about specific layers of security to those who would do us harm. Out of an abundance of caution, the Department of Homeland Security has shared relevant information with international and private sector partners.

Q: How did the Department of Homeland Security/Transportation Security Administration select the foreign airports for the increased security?

A: Information about specific enhancements and locations are sensitive as we do not wish to divulge information about specific layers of security to those who would do us harm. Out of an abundance of caution, DHS has shared relevant information with international and private sector partners. The TSA regularly adjusts its security apparatus based on all available information, and will make particular adjustments to meet an ever evolving threat picture.

Q: Is this in response to a specific threat or information stream?

A: Aviation remains an attractive target to global terrorists, who are consistently looking for ways to circumvent our aviation security measures. We cannot comment on specific intelligence matters.

Q: How long will they be in place? Indefinitely?

A: The TSA regularly adjusts its security measures based on all available information, and will make particular adjustments to meet the current threat picture.

Q: Will this change what I'm allowed to bring on-board commercial aircraft? If so, how?

A: The mitigation measures have not impacted the prohibited items lists.

CYBERSECURITY

Q: What are the Administration's priorities for cybersecurity legislation?

A: The Administration wants to continue the dialogue with the Congress and stands ready to work with members of Congress to incorporate our core priorities to produce a full suite of cybersecurity legislation that addresses these critical issues.

The Administration wants legislation that:

1. Facilitates cybersecurity information sharing between the Government and the private sector as well as among private sector companies. We believe that effective legislation in this area would expand the legitimate information sharing that already occurs, while preserving strong privacy and civil liberties protections, reinforcing the appropriate roles of civilian and intelligence agencies, and providing targeted liability protections;
2. Incentivizes the adoption of best practices and standards for critical infrastructure by complementing the process set forth under the Executive Order;
3. Gives law enforcement the tools to disrupt, investigate, and prosecute cyber-enabled crime in the digital age;
4. Updates Federal agency network security laws, and codifies DHS's cybersecurity responsibilities; and
5. Creates a national data breach reporting requirement.

In each of these legislative areas, we want to incorporate the right privacy and civil liberties safeguards.

Q: As we see more crime taking place online, such as the recent Target incident, what is the Department of Homeland Security doing to combat cyber crime?

A: To combat cyber crime, DHS leverages the skills and resources of the USSS, ICE, USCG, and CBP and works in close cooperation with the DOJ, especially FBI, to investigate and prosecute cyber criminals.

Through the USSS and ICE's law enforcement capabilities, DHS works with international partners and other law enforcement counterparts to pursue intellectual property rights violations, arrest and prosecute child sex offenders, and combat credit and debit card fraud, identity theft, computer fraud, and bank fraud. During the past 10 years, these efforts have resulted in the seizure of 2,252 websites selling counterfeit goods, 9,700 child sex offenders arrested, and the apprehension of over 10,000 suspects for cybercrime investigations that prevented over \$13 billion in fraud loss since 2001.

Q: Can you comment on the *New York Times* report on the allegations of Chinese hackers targeting the Office of Personnel Management?

A: DHS actively collaborates with public and private sector partners every day to share actionable information gleaned from ongoing network defense efforts, cybercrime investigations, and national

security efforts. Through this collaboration, DHS supports our Nation's cyber capabilities and the ability of our partners to put in place appropriate mitigation strategies.

In mid-March of 2014, the DHS National Cybersecurity and Communications Integration Center became aware of a potential intrusion of the Office of Personnel Management's network. Working with the Office of Personnel Management and other interagency partners, the National Cybersecurity and Communications Integration Center, per standard procedure, deployed an on-site U.S. Computer Emergency Readiness Team to assess and mitigate any risks identified. At this time, neither the Office of Personnel Management nor the U.S. Computer Emergency Readiness Team have identified any loss of personally identifiable information.

The U.S. Computer Emergency Readiness Team is conducting a thorough analysis of the incident as part of an ongoing investigation.

SYRIA

Q: Can you comment on the situation in Syria? What are your main concerns?

A: Syria has become a matter of homeland security, and we are very focused on foreign terrorist fighters heading to Syria. Based on our work and the work of our international partners, we know individuals from the U.S., Canada and Europe are traveling to Syria to fight in the conflict. DHS, FBI, and the intelligence community will continue to work closely to identify those foreign fighters that represent a threat to the homeland.

MALAYSIAN AIRLINES CRASH

Q: Can you comment on the Malaysian Airlines flight that was shot down in the Ukraine?

A: As the President said last week, this incident is an outrage of unspeakable proportions. Our thoughts and prayers are with the families and loved ones affected by this terrible incident. I would refer you to the Department of State for any updates on the situation.

Q: Will there be any security enhancements at U.S. airports because of this situation?

A: While we don't have any announcements to make with regard to specific security enhancements related to this incident, the TSA regularly adjusts its security apparatus informed by evolving intelligence, and if necessary, make particular adjustments to meet an ever evolving threat picture.

**SECRETARY'S
BRIEFING BOOK**

Tuesday, July 22, 2014



1

**Phone Call with Eduardo Medina
Mora (Mexico)**

2

**Conference Call with Governors
Concerning UACs**

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Press Conference

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**PHONE CALL WITH AMBASSADOR EDUARDO MEDINA MORA
July 22, 2014**

Overview:

- You will have a phone call with the Ambassador of Mexico to the United States, Eduardo Medina Mora. The purpose of the call is to discuss the July 7, 2014 announcement of Mexico's southern border strategy by President Enrique Peña Nieto.
- The goal of the call is to get an update as to Mexico's plans to implement their strategy for addressing migrant flows from Central America, including the collection and sharing of biometric data, establishing checkpoint and mobile team operations in the Isthmus of Tehuantepec, and addressing "La Bestia"—the trains which transport migrants to the Southwest Border.

Discussion Points:

- Mexico's southern border strategy is a welcome addition to the United States and Mexico joint efforts to address the surge in unaccompanied alien children migrating from Central America.
- DHS is prepared to support Mexican efforts to secure this region and facilitate lawful travel, in particular through trilateral and multilateral work with partners in Central America, such as technical assistance in the repatriation of Central Americans apprehended in Mexico, and joint work to increase Central American consular presence in southern Mexico.

Background:

- You last met with Ambassador Medina Mora in March 2014 when you discussed the DHS-Mexico relationship and previewed your upcoming travel to Mexico City.
- President Peña Nieto announced Mexico's southern border strategy at an event on the Mexico-Guatemala border on July 7, 2014.
 - President Peña Nieto said the objective of the new government effort was to protect the human rights of migrants who transit Mexico and to provide them with a more orderly and secure passage across Mexico's southern border.
 - Further, as part of the new initiative, Mexico would boost efforts to register and provide documentation in Mexico for visiting citizens from Guatemala and Belize, through the creation of a border workers program and a temporary visitors program.
 - He also announced that Mexico would increase investment in physical security at legal border crossings to help stem the flow of illicit goods and undocumented migrants.
- The President of Guatemala, Otto Perez Molina, joined President Peña Nieto in Mexico for the announcement, highlighting in his public remarks that Central American nations, Mexico, and the United States had a "shared responsibility" to work together to address the recent immigration crisis, and that the new Mexican strategy was a model response.
- The announced plan had five lines of actions:
 1. *Orderly Passage* – enshrining the temporary entrance of migrants via a free Regional Travel Card that will allow 72 hours of entry into the Mexican states of Campeche, Chiapas, Quintana Roo, and Tabasco;
 2. *Border Management* – increasing intelligence sharing to target human smuggling, specifically development of an IT platform to share real-time biometric information registration and migration processes; increasing customs and immigration infrastructure

- and equipment investment at the 12 official border crossings (10 with Guatemala, two with Belize); and deploying of mobile teams;
3. *Protection/Social Action* – increasing access to medical care, improved detention centers, better cooperation with civil society; standing up five Border Transit Comprehensive Care Centers, with adequate space for the care of unaccompanied alien children who are in the removal process, and provide medical care to other migrants as needed;
 4. *Regional Stewardship* – taking a more active role in regional fora, such as hosting the Regional Conference on Migration in which they will focus on the implementation of the Managua Declaration; and
 5. *Institutional Coordination* – leading a multi-agency effort to achieve these objectives through the Ministry of Governance. To this end, Secretary of Governance Miguel Angel Osorio Chong announced the appointment of former senator Humberto Mayans as the Government’s Southern Border Migration Coordinator on July 15, 2014.
- At the event, Mexican Secretary Osorio Chong said that Mexico was no longer a country of origin for migrants traveling to the United States, and that it had evolved to primarily a country of transit for Central American migrants. Secretary Osorio Chong highlighted that Mexico was responding well to this new reality, and that Mexico had provided assistance to over 40,000 migrants so far in 2014, including to some 11,000 unaccompanied children. He said that most migrants were from Honduras (19,000) and Guatemala (15,000). Secretary Osorio Chong noted that the International Red Cross had certified Mexico’s migrant assistance shelters.
 - This strategy is a welcome addition to the work addressing the flow of unaccompanied alien children from Central America. The strategy also provides the U.S. Government a framework through which to engage the governments of El Salvador, Guatemala, and Honduras regarding unaccompanied alien children.
 - In particular, this strategy provides a framework for DHS to support Government of Mexico efforts to engage Central American governments to increase the volume and frequency of returns of their nationals from Mexico.
 - DHS is also prepared to support port of entry, checkpoint, and mobile team operations in Mexico, if requested by the Ministry of Governance.
 - DHS remains committed to working with the Government of Mexico to shut down “La Bestia,” a dangerous train route migrants frequently use to travel north to the border.

Participants:

Secretary Johnson

Alan Bersin, Acting Assistant Secretary, PLCY

Eduardo Medina Mora, Ambassador of Mexico to the United States

Attachments:

A. Talking Points

B. Biography

Staff Responsible for Briefing Memo: Alan Bersin, Acting Assistant Secretary, PLCY.

**TALKING POINTS: PHONE CALL WITH
AMBASSADOR EDUARDO MEDINA MORA (MEXICO)**

- Express appreciation for the Ambassador facilitating the participation of Secretary Osorio Chong in meetings in Guatemala City last week. The trilateral meeting with the Government of Guatemala was truly historic and highlights the high level of cooperation and trust between the United States and Mexico.
- Highlight that working together with partners in Central America, the United States and Mexico can effectively address the flow of unaccompanied alien children from Central America.
- Raise that DHS welcomes President Peña Nieto's announcement last week of Mexico's southern border strategy. The approach is holistic and will play a major role in improving security and prosperity in the region.
- Understanding that many aspects of the strategy are already in place, such as three of the new interior checkpoints in the Isthmus of Tehuantepec and infrastructure improvements to ports of entry, ask the Ambassador when Mexico will begin to implement the remaining aspects of this strategy?
- Express that DHS is ready to assist as requested in this area. In particular, Department experts are prepared to support Mexican efforts to engage Central American governments to facilitate the repatriation process.
- Raise that the Department is interested to learn more about Mexico's plans to address "La Bestia," which discourages migrants from using the train to illegally travel north. "La Bestia" will play an important role in improving migrant safety and facilitating legal travel through more regulated means.
- Inform the Ambassador that Mexico's strategy will be a primary topic of discussion during meetings lead by White House Senior Advisor Rand Beers in Mexico on July 31, 2014.

**Eduardo Medina Mora
Ambassador of Mexico**



On January 10, 2013, Ambassador Eduardo Medina Mora was sworn in as Mexico's Ambassador to the United States. He received a Law Degree from the National Autonomous University of Mexico (UNAM). From November 2009 to January 2013, he served as Ambassador to the United Kingdom of Great Britain and Northern Ireland and as Permanent Representative of Mexico to the International Maritime Organization (IMO), the International Coffee Organization (ICO), the International Sugar Organization (ISO), and the International Mobile Satellite Organization (IMSO).

Throughout his career in the public sector, he has served as Attorney General of Mexico (2006-2009), Secretary for Public Security (2005-2006), and Director General of the Centre for Investigation and National Security (2000-2005). He served as member of the Public Security Cabinet and of the National Security Council (2000-2009), and he chaired the National Public Security Council (2005-2006).

In the private sector, Ambassador Medina Mora was Deputy Director General of DESC Group (1991-2000). He was also coordinator of the legal advisory group that advised the Government of Mexico during the negotiations of the North American Free Trade Agreement (NAFTA) and its parallel agreements, Legal Advisor to the National Agricultural Council, and member of its National Executive Committee and National Counselor of the Business Coordinating Council.

He is member of the Royal Institute of International Affairs (Chatham House), the International Institute for Strategic Studies (IISS), the Mexican Bar Association, and the American Bar Association.

Ambassador Medina Mora is married and has three children.

**WHITE HOUSE INTERGOVERNMENTAL AFFAIRS HOSTED CALL TO
GOVERNORS ON UACS
July 22, 2014**

Overview:

- You will be participating in a briefing hosted by the White House Office of Intergovernmental Affairs for governors and their policy staff on the Administration's response to the unaccompanied alien children migration on the Southwest Border.
- David Agnew, Deputy Assistant to the President and White House Director of Intergovernmental Affairs, will give opening welcome remarks and will then turn the call over to you.
- You and Secretary Burwell will separately deliver 5 to 7 minutes of remarks followed by a 5 minutes brief on the supplemental by Acting OMB Director Brian Deese. Commissioner Kerlikowske and Deputy Chief Vitiello from CBP, as well as representatives from ICE and FEMA, will stay on the line to answer questions.

Discussion Points:

- Emphasize that the U.S. Government is committed to keeping the lines of communication open with governors, and other state and local officials on this critical topic.
- DHS and HHS want to work closely with states to respond to this humanitarian situation.
- Mention that you have had conversations and met with Arizona Governor Brewer and Texas Governor Perry, as well as conversations with other governors about the issue, and that you are always available.
- DHS wants to engage with the governor and others in each state to address any concerns that they may have about the care or impact of unaccompanied alien children in their states, while making sure that the children are treated humanely and consistent with the law as they go through immigration court proceedings that will determine whether they will be removed and repatriated, or qualify for some form of relief.
- Stress that the safety and well-being of the children affected by these challenges are the top priority of the Federal Government. As the lead coordinating agency, FEMA is leveraging the capabilities of the Federal Government to support CBP, ICE, and HHS. These agencies have the lead roles in addressing the immediate needs of unaccompanied alien children.
- Highlight the process that occurs within the Federal Government when an unaccompanied alien child turns him/herself in at the border or is apprehended.
- Indicate that during the week of July 14-18, 2014, groups of adults with children who recently crossed the border were returned to Central America.
- Reiterate what you, President Obama, and Vice President Biden have said, our border is not open to illegal migration and we will send recent illegal migrants back. Indicate that we expect additional migrants to be returned to Honduras, Guatemala and El Salvador in the coming days and weeks, based on the results of removal proceedings or expedited removal. These returns are a result of the President's direction to surge resources such as immigration judges and asylum officers to process these cases more quickly.
- Highlight that the U.S. Government plans to work together with the governments of Honduras, Guatemala, and El Salvador to help address the underlying security and economic issues that cause migration. For example, the U.S. Government will provide \$9.6 million in additional support for these governments to receive and reintegrate their repatriated citizens.

Supplemental Request

- The Administration submitted a comprehensive supplemental spending plan to Congress on July 8, 2014 for \$3.7 billion. The supplemental request has the right focus on deterrence, added detention, and removal.
- The supplemental request seeks \$1.1 billion for immigration and customs enforcement, \$879 million of which goes to adding detention capacity for adults who bring their children or family units.
- \$109 million goes to ICE for working with the three Central American countries from which this migration is coming to expand their own resources.
- With respect to CPB, \$433 million is requested, \$364 million of which is for added Border Patrol agents, overtime and the like, and for their capacity.

Items of Interest to Governors

- HHS has been conducting outreach to states and communities to seek facilities with demonstrated community support for the past couple of weeks (similar to the facilities being provided by Dallas County). HHS has had interest from a range of states and local communities on this process who are or will be sending in recommendations. In particular, Illinois Governor Quinn has submitted sites for consideration as has Massachusetts Governor Patrick.
- Some governors have started to express concern about the placement of unaccompanied alien children by HHS in their states. In particular, Nebraska Governor Heineman and South Carolina Governor Haley have asked for the number of unaccompanied alien children in their states, as well information like the name and addresses of those children. These governors have raised questions concerning the impact of these children on local services like schools and social services. HHS has strong policies in place to ensure the privacy and safety of unaccompanied alien children by maintaining the confidentiality of their personal information.
- The attached Washington Post article from Thursday, July 17, 2014 provides an overview of the perspectives of 10 state governors (**See Tab C**).

IF ASKED

- The governors may ask about the legal status of the unaccompanied alien children while they are here in the United States.
 - Unaccompanied children who unlawfully cross the border are generally inadmissible and have no lawful status to be in the United States. They will be placed into immigration removal proceedings, and scheduled for hearings before a federal immigration judge. An immigration judge will determine if an unaccompanied alien child is eligible for immigration benefits, relief from removal, or if they should be removed from the United States.
- What is the difference between the HHS temporary shelters in places like Lackland and Ventura Naval Base and permanent placement with sponsors?
 - By law, HHS and its Administration for Children and Families must accept unaccompanied children under the age of 18 who are apprehended by CBP into its care and custody. The Administration for Children and Families provides grant funding to nonprofit organizations to operate shelters around the country to care for these children until they can be placed with sponsors, usually parents or other relatives, while awaiting

immigration removal proceedings. Due to the rise in the number of unaccompanied alien children coming into HHS's care and custody, DOD has provided HHS with space to establish temporary emergency shelters on three military bases: Joint Base San Antonio-Lackland in Texas; Fort Sill in Lawton, Oklahoma; and Naval Base Ventura County in Oxnard, California. As is the policy with the non-profit shelters, HHS holds the unaccompanied alien children in these temporary emergency facilities until they too can be placed with a sponsor around the country.

Participants:

Secretary Johnson

Phil McNamara, Assistant Secretary, IGA

Sylvia Matthews-Burwell, Secretary, HHS

Brian Deese, Acting Director, OMB

David Agnew, Deputy Assistant to the President and White House Director of Intergovernmental Affairs

Gil Kerlikowske, Commissioner, CBP

Ron Vitiello, Deputy Chief, CBP

TBD, ICE

TBD, FEMA

Attachments:

A. White House Agenda

B. List of Governors Attending

C. Washington Post Article (July 17, 2014)

Staff Responsible for Briefing Memo: Philip A. McNamara, Assistant Secretary, IGA.

LIST OF GOVERNORS ATTENDING

GOVERNORS

1. Governor Brewer (R-AZ)
2. Governor Brown (D-CA)
3. Governor Chafee (D-RI)
4. Governor Christie (R-NJ)
5. Governor Corbett (R-PA)
6. Governor Dalrymple (R-ND)
7. Governor Fallin (R-OK)
8. Governor Herbert (R-UT)
9. Governor Hickenlooper (D-CO)
10. Governor Inslee (D-WA)
11. Governor Jindal (R-LA)
12. Governor LePage (R-ME)
13. Governor Malloy (D-CT)
14. Governor Markell (D-DE)
15. Governor Mead (R-WY)
16. Governor Patrick (D-MA)
17. Governor Pence (R-IN)
18. Governor Quinn (D-IL)
19. Governor Snyder (R-MI)

STAFF

20. Office of Governor Bentley (R-AL) – J. Ross Gunnells
21. Office of Governor Branstad (R-IA) – Doug Hoelscher, DC Director
22. Office of Governor Dayton (D-MN) – TBD
23. Office of Governor Fallin (R-OK) –Denise Northrup, Chief of Staff
24. Office of Governor Hassan (D-NH) –William Hinkle, Press Secretary
25. Office of Governor McAuliffe (D-VA) – Maribel Ramos, DC Director
26. Office of Governor Perry (R-TX) – Dan Wilmot, DC Director

OTHER

27. National Governors Association– Melinda Becker

WHAT 10 GOVERNORS ARE SAYING ABOUT HOUSING UNDOCUMENTED IMMIGRANT CHILDREN IN THEIR STATES

The Washington Post
By Niraj Chokshi

July 17, 2014

To understand the nuanced reaction from the nation's governors to the federal government's request for help in housing thousands of undocumented children, look no further than Maryland. There, Gov. Martin O'Malley (D) first warned last week that sending the Central American children home as Obama suggested could have tragic consequences. The administration then angrily responded, accusing him of hypocrisy for opposing its use of a building in his state to house them. That resistance, O'Malley explained, was driven by concern that they would be unwelcome, a point underscored by a weekend act of vandalism in which the phrases "no illegals here" and "no undocumented democrats" were spray-painted on the building. The back and forth between the White House and its reliable ally highlight the delicate response many governors have had to the administration's request: the humanitarian crisis must be handled compassionately, they say, but not without careful consideration of a series of concerns including cost, local resistance, how the children arrived in the first place. Here's a brief look at how 10 governors have responded to the administration's request for support in finding a home for the undocumented children.

Colorado Gov. John Hickenlooper (D): Resources are limited.

Gov. Hickenlooper said this week that citizens are reluctant to accept the heavy load. "Our citizens already feel burdened by all kinds of challenges. They don't want to see another burden come into their state," he said. "However we deal with the humanitarian aspects of this, we've got to do it in the most cost-effective way possible." A spokeswoman on Monday told local Fox affiliate KDVR that no official request for help had been made and that the comment was taken out of context—the governor was simply pointing out that limited resources are available in dealing with the problem.

Connecticut Gov. Dan Malloy (D): Our facility is not equipped to handle the children.

The Malloy administration denied a federal government request to house the children at a facility in the state, citing among other things its age and deterioration. "The vacant property that the state of Connecticut has is too small to accommodate your needs (which clearly must be at least several hundred thousand square feet of building space alone) and is typically in a state of disrepair to the point where a certificate of occupancy would be difficult to obtain," one state official wrote to a federal official, according to the Connecticut Mirror. The building, in Southbury, is the only large residential facility of its kind, the paper reported. A Malloy spokesman also told the outlet that "we don't currently have the ability to meet this request. What this really speaks to is the absolute necessity for Congress to pass the president's emergency supplemental request and comprehensive immigration reform."

Delaware Gov. Jack Markell (D): The state can't, but private groups may.

Delaware has no facility large enough to house the kids, but private groups may take up the cause, Markell said this week, according to the News Journal.

"I don't really see the possibility of any state facilities housing these kids," Markell said. "I don't think that exists. If private organizations choose to do so, that'll be up to them."

Iowa Gov. Terry Branstad (R): Let's focus on securing the border.

Iowa Gov. Branstad said early in the week that he didn't want his state taking on the undocumented children.

"The first thing we need to do is secure the border. I do have empathy for these kids," Branstad said, according to the Associated Press. "But I also don't want to send the signal that [you] send your kids to America illegally. That's not the right message."

Maryland Gov. Martin O'Malley (D): Not in Carroll County.

In explaining his resistance to a federal proposal to use a building in Maryland's Carroll County, O'Malley said he feared they would be unwelcome there.

"I suggested to them that the location still under consideration in Westminster might not be the most inviting environment for the kids," O'Malley said, according to The Washington Post's Jenna Johnson.

The governor said the best solution may be to house the children with relatives living in the United States or place them in foster homes or temporary housing, maybe in coordination with churches.

Massachusetts Gov. Deval Patrick (D): We'll look into it.

Gov. Patrick said Wednesday that he was exploring options to house children in his state, the Boston Globe reported. It's unclear how many children the state may house, but he stressed that the federal government would pay any associated costs.

Federal officials "asked us to focus on larger-capacity places and ones that are able to be secured," a senior Patrick administration official told the Globe. "They've also made pretty clear that, given the intense need to address the humanitarian crisis, they're willing to consider different ideas."

Nevada Gov. Brian Sandoval (R): States should not have to pay.

In a statement, Gov. Sandoval stressed that finding a solution to the crisis is up to the federal government, not the states.

"The health and safety of unaccompanied children (UAC) should be the top priority in this unfortunate situation," Sandoval said in a statement provided to Nevada political journalist Jon Ralston, of RalstonReports.com. "That being said, the federal government should not expect states to absorb responsibility and costs of the temporary housing and caring for these children in need. It is my sincere hope the federal government works quickly to develop a comprehensive and thoughtful plan of action to address the needs of these children."

Oklahoma Gov. Mary Fallin (R): The administration is going about this all wrong.

Gov. Fallin sharply criticized the president and accused him of being more concerned for noncitizen children than Americans.

“Many of our public schools are already at capacity and need additional funding,” Fallin said Wednesday, according to Tulsa World. “Our health-care system is strained as it is. Now, instead of allowing us to address those needs for Oklahomans, President Obama is forcing us to add an unspecified number of illegal immigrants to our public education and public health systems.

Vermont Gov. Peter Shumlin (D): We’ll look into it.

Vermont’s Gov. Shumlin said Wednesday that he will explore housing at least some of the children in his state.

“We’ve let HHS know that we are willing to investigate locations and logistical requirements and work with them to determine if Vermont would be an appropriate host state for some of the children who have crossed the border and are in custody,” Shumlin’s office said in a statement, the Burlington Free Press reported Wednesday night.

Wisconsin Gov. Scott Walker (R): This is a federal problem.

Walker said he has been touched by the issue and is praying for the children, but he portrays it as a federal, not a state problem.

“Obviously, this is a heartbreaking humanitarian issue,” Walker spokesperson Jocelyn Webster told the Cap Times. “However, this is a federal issue for which the federal government must find a solution.”

<http://www.washingtonpost.com/blogs/govbeat/wp/2014/07/17/what-9-governors-are-saying-about-housing-undocumented-immigrant-children-in-their-states/>

MEDIA AVAILABILITY TO ANNOUNCE RESULTS OF ONGOING ICE OPERATION TO COMBAT HUMAN SMUGGLING

July 22, 2014

Overview:

- You will participate in a media availability at ICE Headquarters with ICE Principal Deputy Assistant Secretary Thomas Winkowski, Deputy Chief of the U.S. Border Patrol Ronald Vitiello, and DOJ Deputy Attorney General James Cole to announce the results of an ongoing operation by ICE/HSI to target human smuggling operations in the Rio Grande Valley.
- The conference is open to the press.

Background:

- In response to the recent influx of adults traveling with children and unaccompanied alien children from Central America into the United States via the Rio Grande Valley, ICE/HSI initiated a 90-day human smuggling operation to support ongoing investigative and enforcement efforts as part of HSI's broader strategy to disrupt and dismantle human smuggling organizations.
 - "Operation Torrent Divide" began on June 23, 2014, and it focused on the San Antonio and Houston areas.
 - HSI has deployed 60 personnel to these offices for executing human smuggling investigations and enforcement actions during the operational period.
 - Additionally, HSI has dedicated intelligence and programmatic support to these offices to provide real-time tactical and operational support.
 - As of July 19, 2014, Operation Torrent Divide has resulted in **191 criminal arrests and 456 administrative arrests**. Four firearms and 28 vehicles have also been seized.
 - As part of "Operation Torrent Divide," HSI is conducting a simultaneous 90-day operation, known as "Operation Funnel Catch" to target the money laundering activity associated with transnational human and drug smuggling operations, particularly focused on the exploitation of "interstate funnel accounts."
 - Interstate funnel accounts allow transnational criminal organizations to launder drug and human smuggling proceeds quickly, efficiently, and more securely by using banks to avoid suspicion and interdiction by law enforcement.
 - During the operation, HSI field offices throughout the United States are targeting and identifying criminal organizations using funnel accounts to move their illicit proceeds. These offices are affecting seizure warrants by intercepting criminally derived proceeds with the intent of disrupting transnational criminal organizations financial networks.
 - The ensuing investigations target further identification of the criminal infrastructure to dismantle the networks.
 - As of July 19, 2014, Operation Funnel Catch has resulted in **two criminal arrests and the seizure of approximately \$505,156 from 288 bank accounts, \$92,979 in cash** and other negotiable instruments and one vehicle.

Case Examples:

- On July 8, 2014, HSI special agents in McAllen, Texas, assisted by U.S. Border Patrol agents, encountered three suspected smugglers and 91 undocumented immigrants, including 12 unaccompanied alien children. The individuals were from Honduras, El Salvador, Guatemala, China, Nicaragua, and Mexico.
- On July 9, 2014, HSI special agents in McAllen, assisted by U.S. Border Patrol, rescued a Honduran woman who was being threatened and held against her will by her smugglers. Her family member in Alexandria, Virginia, was being extorted for \$2,000 in exchange for her release. Two Mexican nationals were arrested in McAllen on illegal immigrant smuggling charges. HSI Washington D.C. and the Alexandria Police Department are assisting with the investigation.
- On July 17, 2014, HSI special agents in McAllen, assisted by U.S. Border Patrol and the Palmview Police Department in Texas, identified an illegal immigrant stash house in Palmview with 46 undocumented immigrants of various Central American nationality and two suspected immigrant smugglers. The agents also discovered two handguns and identified the smugglers as part of an illegal immigrant and drug smuggling operation connected to the smuggling of over 460 undocumented immigrants, more than 3,500 pounds of marijuana, and 50 pounds of cocaine.
- On July 17, 2014, HSI Del Rio special agents arrested a Honduran national in San Antonio for illegal immigrant smuggling. The individual is a previously convicted cocaine smuggler and the leader of an illegal immigrant smuggling organization known for smuggling more than 400 undocumented immigrants into the United States since January 2013. A firearm in his possession was also seized. The Bexar County Police Department in Texas also assisted with the arrest.
- On July 18, 2014, HSI New York's El Dorado Task Force reported the seizure of \$127,849 from 44 bank accounts related to a transnational criminal organization involved in money laundering between Mexico and the United States. The seizure warrants were executed at 3 separate financial institutions. The organization structured cash deposits between bank accounts that was commensurate with funnel account activity.
- On July 18, 2014, HSI Phoenix special agents reported the seizure of approximately \$149,246 from 38 bank accounts from two financial institutions. The operation targeted individuals who use funnel accounts to rapidly move monetary funds from various U.S. states to Arizona. These funds are tied to transnational human and narcotics smuggling organizations.

Participants:

Secretary Johnson

Thomas Winkowski, Principal Deputy Assistant Secretary, ICE

Ronald Vitiello, Deputy Chief of the U.S. Border Patrol, CBP

James Cole, Deputy Attorney General, DOJ

Attachments:

A. Talking Points

B. Q&A

Staff Responsible for Briefing Memo: Tanya Bradsher, Acting Assistant Secretary, OPA.

TOPLINE Q&A

HUMAN SMUGGLING

Q: What is human smuggling?

A: Human smuggling is defined as the importation of people into the United States involving deliberate evasion of immigration laws. This offense includes bringing undocumented immigrants into the United States, as well as the unlawful transportation and harboring of undocumented immigrants already in the United States. Human smuggling is an international crime. Criminal organizations, operating primarily in foreign countries and using international confederates, move persons from source and transit countries into the United States in deliberate violation of immigration laws. This vulnerability was specifically addressed in the 9/11 Commission on Terrorist Travel and the National Strategy to Combat Terrorist Travel.

Q: Why does the Department investigate human smuggling as a criminal offense?

A: Combating human smuggling is an important mission of DHS. The smuggling of human beings is a gateway crime that paves the way for additional criminal offenses, including illegal immigration, identity theft, document and benefit fraud, gang activity, financial fraud, terrorism, and other national security threats. At times, human smuggling ventures lead to extremely dangerous circumstances that pose a threat to public safety and create humanitarian concerns. These cases include smuggled immigrants that have been, kidnapped, taken hostage, beaten, sexually assaulted, threatened with murder or have died as a result of dangerous conditions.

Q: How does human smuggling impact national security?

A: Criminal travel networks pose a threat to our national security by providing a readily available conduit through which undocumented immigrants and persons seeking to harm United States interests can enter the country. Typically, criminal travel networks depend on highly effective transnational alliances involving various operators such as recruiters, brokers, document providers, transporters and corrupt foreign officials.

Q: Why is the Department of Homeland Security concerned about non-security threats, like families and children trying to escape violence in their home countries?

A: Human smuggling organizations have one goal in mind, usually to turn a quick and significant profit and continue moving undocumented immigrants across our borders. In severe cases, smugglers hold their human cargo hostage and demand more money from family members as a means to extort higher fees. Family members usually will pay any fees involved in getting a family member into the United States. However, they may not fully realize the violence that is commonplace with this criminal act — or that smugglers trick them into believing that there will be little hardship along the journey.

Q: How does Homeland Security Investigations focus on criminal networks of smugglers versus individuals?

A: The broad strategic goals of HSI are to dismantle criminal organizations and take away their assets and profit incentive by bringing to bear its broad range of authorities, expertise and capabilities and attacking the criminal enterprises by the aggressive investigation and prosecution of smuggling, trafficking and money laundering statutes, and the identification and seizure of assets and criminal proceeds.

Q: What are interstate funnel accounts?

A: An interstate funnel account is one that can be held in one state but receive regular, anonymous cash deposits from branch locations in distant states. Once the cash is deposited, the account holder can withdraw the cash in minutes or days.

Q: How do human smugglers use interstate funnel accounts to launder their proceeds?

A: Interstate funnel accounts allow transnational criminal organizations to launder drug and human smuggling proceeds quickly, efficiently and more securely, by using banks to avoid suspicion and interdiction by law enforcement. In the instance of human smuggling, cash deposits are made anonymously throughout the country to pay off smuggling debts and then immediately withdrawn by the human smugglers. By targeting the criminal use of the accounts, HSI is working to identify the larger criminal infrastructure and dismantle the networks involved in human smuggling.

Q: What has the Department done to disrupt and potentially terminate this money laundering technique?

A: In an effort to combat this trend, HSI is focusing its resources on the exploitation of interstate funnel accounts. Throughout the U.S. our agents are currently targeting and identifying the criminal organizations which use funnel accounts to move their illicit proceeds. The enforcement actions will result in the identification of the money movers within the organization. The ensuing investigations will target further identification of the criminal infrastructure and dismantle the networks.

Q: What does the Department do to ensure that banks are not complicit in money laundering by Transnational Criminal Organizations?

A: The Department collaborates with financial institutions to identify suspicious activity such as unusual patterns of money flowing between geographic regions and industries. Because human smuggling and drug trafficking networks, cyber-criminals, and weapon procurement networks all have the capacity to move their illicit proceeds through global financial systems with the click of a button, it is essential for law enforcement and financial institutions to continue developing and fostering cooperative relationships to combat these organizations.

ADDITIONAL Q&A

UNACCOMPANIED ALIEN CHILDREN (UAC)

Q: Why are such large numbers of children migrating to the United States?

A: I know this from personal conversations with these kids -- I've spoken to dozens of these kids -- and I know from talking to Border Patrol officers who've spoken to these kids, the first thing they say when you ask them, "Why did you come here," it has to do with the conditions in the three Central American countries.

"My mother told me that the gang was going to kill me or my brother was killed." It's always initially that.

Second, clearly, they know that if they come to the United States, our laws require certain things, that we transfer them to HHS.

But it's also the case that the criminal smuggling organizations are creating considerable misinformation about the state of our laws and so forth. They're telling them, in order to induce the family member to pay 3,000, 5,000 or whatever it is, they tell them things like, "You'll get a free pass and it will expire at the end of June or the end of May."

The fact is -- and I've been saying this publicly now for weeks and it's being repeated in Central America and the Spanish press that the deferred action program that was established two years ago is for children who've been in this country for seven years, since June 2007.

So it is simply wrong to say that if you come here today, tomorrow or yesterday, you're going to benefit from the DACA.

Recently, we have seen rate of unaccompanied children apprehended in the Rio Grande Valley moving downward compared to earlier this year, but we continue to prepare for any change in current conditions. The Border Patrol Agents in RGV Sector and CBP employees around the country continue to respond to this humanitarian crisis in a professional and compassionate manner.

Q. What will happen if Congress fails to pass Supplemental funding to address the current humanitarian situation?

A: If there is no supplemental, the Department will have to make some very dramatic, harsh form of reprogramming, away from some vital homeland security programs.

We've had to surge resources within ICE transportation cost, and the cost of building increased detention capability, most notably from the adults with children. ICE had very, very few beds for the detention of this population and we've had to build more to deal with this, to send people back quicker.

The Border Patrol has been working overtime, so we've incurred those overtime costs as well as simply the cost of caring for all the children at the border. At the current burn rate, U.S. ICE is going to run out of money in mid-August, and we project that CBP is going to run out of money in mid-September.

Q: Do you believe changes need to be made to the 2008 Trafficking Victims Protections Reauthorization Act?

A: The Trafficking Victims Protections Reauthorization Act, which became law in 2008, requires that when we identify a child as an unaccompanied child, I am required to give that child over to HHS, and they act in the best interest of the child. We're talking about unaccompanied alien children who don't have with them an adult to make decisions on their behalf. So, I believe that the intentions behind the spirit of the law, reflect very worthwhile principles and reflect our American values.

I do believe that some type of added discretion on my part would be helpful to address this particular situation. And so, right now, what we have in mind is treating migrants and unaccompanied migrants from the three Central American countries, which are what we call non- contiguous countries, as being from contiguous countries.

Right now, we have the discretion to offer an unaccompanied child from a contiguous country, i.e. Mexico, the ability to accept a voluntary return. And, a lot of them actually do accept voluntary return. And so, we want the flexibility in this current situation to offer somebody from a Central American country voluntary return.

Q. Is it true that the current debate on immigration reform is encouraging children in ever larger numbers to migrate?

A: The unaccompanied alien children migration pattern tended to be cyclical, but in 2011 apprehensions generally steadily increased through December 2011. Apprehensions generally doubled from 2011 to 2012, this pattern remained the same for 2012 to 2013. Over the past few months, CBP has seen a significant increase in the apprehension of unaccompanied alien children and adults with children from Central America in the Rio Grande Valley. While overall border apprehensions across our entire border have only slightly increased during this time period and remain at near historic lows, the rise in apprehensions and processing of children in the Rio Grande Valley presents unique operational challenges for DHS and HHS.

The increase in unaccompanied alien children crossing the border mirrors the increase in apprehensions of Central Americans.

Q. If Congress passes an immigration reform bill with an earned path to citizenship, would these young people be eligible? Are they eligible for the Deferred Action for Childhood Arrivals process?

A: No, under the Senate bill, individuals must have been in the United States as of December 31, 2011 to qualify. Since these young people are very recent arrivals, they would not be eligible. Under DACA, individuals must have resided in the U.S. since June 2007. Because these young people are new arrivals, they would not qualify for DACA.

Q. How are you working with the governments of Mexico and Central America to deter further migration of unaccompanied children?

A: I traveled to Guatemala two weeks ago. Joined by SOUTHCOM Commander General John Kelly and Ambassador Thomas A. Shannon, I met with President Otto Fernando Pérez Molina to discuss the urgent situation and to express our commitment to work with Guatemala to stem the

flow of individuals, address the root causes of the influx, and to expand the capacity of these countries to receive and reintegrate repatriated migrants.

As a part of these international engagement efforts, the United States has committed foreign assistance resources to improve the capacity of these countries to receive and reintegrate returned individuals and address the underlying security and economic issues that cause migration. This funding will enable El Salvador, Guatemala, and Honduras to improve their existing repatriation processes and increase the capacity of these governments and nongovernmental organizations to provide expanded services to returned migrants. Additional resources will support community policing and law enforcement efforts to combat gang violence and strengthen citizen security in some of the most violent communities in these countries.

DHS has also added personnel and resources to the investigation, prosecution, disruption, and dismantling of the smuggling organizations that are facilitating border crossings into the Rio Grande Valley. ICE/HIS is deploying 60 additional criminal investigators and support personnel to their San Antonio and Houston offices for this purpose, as well as supplementing this with additional intelligence and programmatic support from ICE headquarters. ICE will continue to vigorously pursue and dismantle these human smuggling organizations by all investigative means to include the financial structure of these criminal organizations.

We have increased CBP staffing and detailed 115 additional experienced agents from less active sectors to augment operations there. On June 30, 2014, I announced the immediate deployment of 150 U.S. Border Patrol agents to the Rio Grande Valley Sector to augment illegal entry detection efforts while enhancing processing and detention capabilities.

We continue to rely on the support of our partner nations to help locate, disrupt, and dismantle these transnational criminal smuggling networks. We enjoy excellent relations with the governments of Mexico, Guatemala, El Salvador, and Honduras. We are coordinating with them on this issue and asking for additional assistance to counter this recent dangerous surge in migrant children in these smuggling routes, and also enlisting international help in spreading the word of the dangers involved for children.

Q: What is the status of these children while they are here?

A: Recent border crossers have illegal status and will be placed into immigration proceedings. DHS screens every individual, takes biometrics, and puts them in the immigration system. To be clear--they are subject to removal, but may be placed in alternatives to detention while in removal proceedings.

Q: Is there a health risk to CBP officers or the general public?

A: DHS has public health controls in place to minimize any possible health risks. Throughout the Rio Grande Valley Sector, we are conducting public health screens on all incoming detainees to screen for any symptoms of contagious diseases of possible public health concern. U.S. Border Patrol has established medical units at its busiest border stations (McAllen, Weslaco, and Ft Brown) handling unaccompanied alien children. USG medical teams are assisting with the screening process, and providing healthcare evaluations for the sick and injured.

Occupational health and safety guidance has been provided to for CBP personnel in the handling of subjects with signs of health-related symptoms. Our workforce has been provided and encouraged to use personal protective gear including latex or non-latex gloves, long-sleeve shirts, and to take precaution including frequent hand washing.

If any serious symptoms are present, individuals are referred to a medical provider or healthcare facility for treatment and medical clearance.

Q: How are you handing the influx of Adults with Children?

A: DHS has already begun to expand capacity to detain adults with children while they are in expedited removal proceedings. We have established a facility on FLETC's Artesia, New Mexico campus for this purpose, which has tripled our capacity to detain and quickly remove individuals from this population. This facility is one of several that DHS is developing to detain individuals in this population.

On July 14, 2014, a group of thirty-eight adults with children were returned to Honduras by ICE officials. As President Obama, the Vice President, and I have said, our border is not open to illegal migration and we will send recent illegal migrants back. This group of migrants is in addition to the more than 81,995 migrants from Central American countries who have already been returned this fiscal year, consistent with DHS's enforcement priorities of focusing on national security, public safety, and border security. We expect additional migrants will be returned to Honduras, Guatemala and El Salvador in the coming days and weeks, based on the results of removal proceedings or expedited removal. These returns are a result of the President's direction to surge resources such as immigration judges and asylum officers to process these cases more quickly.

Q: The Administration has been tracking the increase of unaccompanied children for several years. Why call this a crisis now?

A: We have seen a tremendous increase in the number of individuals from Honduras, El Salvador, and Guatemala arriving at our Southwest Border, and specifically, in the Rio Grande Valley sector of our Southwest Border. And the number of individuals from those countries arriving at our borders is far greater than we have seen in the past.

Q: Has there been dropoff in the number of unaccompanied Central American migrants coming through the Rio Grande sector? Is that the case, and is DHS sharing any specific numbers?

A: Since the beginning of July 2014, we have begun to see some initial signs of progress along our Southwest Border, although it is too early to tell whether these trends will be sustained over time.

The number of unaccompanied alien children in CBP custody in the Southwest Border currently is less than one quarter of what it was in June. These numbers are still too high, and we must continue our intensive efforts on both sides of the border.

At the same time, the number of children being safely and appropriately discharged from HHS care and placed with sponsors who can care for them while their immigration case proceeds has

increased. For the first time since this urgent situation began, there are more children leaving custody than entering it on a weekly basis.

While the reasons for the reduction in the number of unaccompanied alien children and adults traveling with children apprehended by CBP cannot be attributed to any one factor, we believe that the Administration's response and efforts to work with Central American leaders to publicize the dangers of the journey and reinforce that apprehended migrants are ultimately returned to their home countries in keeping with the law, as well as seasonal flows, have played a part.

UAC Apprehensions in the RGV

Date Range	# of Apps
6/8/14 to 6/14/14	1,986
6/15/14 to 6/21/14	2,077
6/22/14 to 6/28/14	1,985
6/29/14 to 7/5/14	1,260
7/6/14 to 7/12/14	977
7/13/14 to 7/19/14	672

Q: How many people have been sent back to their home countries so far?

A: On July 14, 2014 and July 18, 2014, two groups of adults with children who recently crossed the border were returned to Central America. As we have said, our border is not open to illegal migration and we will send recent illegal migrants back. We expect that additional migrants will be returned to Honduras, Guatemala and El Salvador in the coming days and weeks, based on the results of removal proceedings or expedited removal.

ICE has always removed both unaccompanied alien children and family units to their countries or origin. The number of unaccompanied alien minors and family units being repatriated varies depending on a number of factors, including the length of immigration proceedings, whether or not the individuals are detained, how quickly countries issue travel documents, and whether the individuals have valid protection or asylum claims, among other factors. ICE has specific repatriation agreements with each Central American country that govern many of the specific factors.

DEFERRED ACTION FOR CHILDHOOD ARRIVALS

Q: Has the Department of Homeland Security changed the Deferred Action for Childhood Arrivals process? What do these changes mean?

A: On June 5, 2014, I announced a process for individuals to renew their Deferred Action for Childhood Arrivals (DACA) and begin accepting renewal requests. This process includes the release of a new form to facilitate DACA renewal. Each renewal request will continue to include a robust review by a USCIS adjudicator and a background check of all relevant national security and criminal databases. USCIS will also continue to accept requests for DACA from individuals who have not previously sought to access the program based on the criteria previously established.

U.S. CUSTOMS AND BORDER PROTECTION

Q: Why did U.S. Customs and Border Protection releasing their use of force policy?

A: Earlier this year, CBP Commissioner Kerlikowske released the CBP Use of Force Policy, Guidelines and Procedures Handbook, as well as the Police Executive Research Forum—a report that CBP initiated. This report makes recommendations regarding use of force policies, training, tactics and equipment. We fully cooperated with the review and carefully considered these recommendations when crafting the use of force handbook. The responsible use of force by CBP law enforcement personnel reflects the professionalism and personal integrity of each employee. It requires all agents and officers to commit to doing the right thing in every action they perform on behalf of the United States. At the same time, CBP leadership and I pledge to administer the U.S. Customs and Border Protection use of force policies with transparency and a full understanding of the public trust.

Q: Why was Jose Antonio Vargas, one of the most prominent undocumented immigrants in the U.S., apprehended by Border Patrol at McAllen Airport?

A: CBP Border Patrol Agents operating at McAllen-Miller International Airport encountered Mr. Vargas and apprehended him after he stated that he was in the country illegally. Mr. Vargas was transported to the McAllen Border Patrol Station where he was processed and provided with a Notice to Appear before an immigration judge. He was released on his own recognizance after consultation with ICE. Mr. Vargas has not previously been arrested by ICE nor has the agency ever issued a detainer on him or encountered him. ICE is focused on smart, effective immigration enforcement that prioritizes the agency's resources to promote border security and to identify and remove criminal individuals who pose a threat to public safety and national security.

MALAYSIAN AIRLINES CRASH

Q: Can you comment on the Malaysian Airlines flight that was shot down in the Ukraine?

A: As the President said last week, this incident is an outrage of unspeakable proportions. Our thoughts and prayers are with the families and loved ones affected by this terrible incident. I would refer you to the Department of State for any updates on the situation.

Q: Will there be any security enhancements at US airports because of this situation?

A: While we don't have any announcements to make with regard to specific security enhancements related to this incident, TSA regularly adjusts its security apparatus informed by evolving intelligence, and if necessary, make particular adjustments to meet an ever evolving threat picture.

Veitch, Alexandra

From: Veitch, Alexandra

Sent: 13 Aug 2014 16:54:57 -0400

To: Marrone, Christian

Cc: Brodsky, Marcy; Metzler, Alan; De Vallance, Brian; Lovett, Edward

Subject: Cuellar Request for an S1 Call

Attachments: Attachment 2 Homeland Security chief don't delay funding.pdf, August 8 2014 letter to the President.pdf

Cuellar has requested a call with S1 in August to discuss the attached letter to President Obama.

As a reminder, Cuellar requested to speak to S1 the last week the House was in session, which we declined to do. Also as a reminder, Cuellar was the sole Democratic vote in the House for the final version of the supplemental that passed that chamber, which had received a veto threat from OMB.

I think the attached letter argues pretty clearly against S1 connecting with Cuellar as Cuellar will only try to pin the Secretary down on the Administration's position on his bill. I think we can let this request pend for a little bit, at least until S1 is back in the office, but wanted to make everyone aware.

ANV



Alexandra N. Veitch
Department of Homeland Security
Office of Legislative Affairs
Deputy Assistant Secretary (House)
Chief of Staff

BB: (b)(6)

HENRY CUELLAR, PH.D. U.S. HOUSE OF REPRESENTATIVES

The Honorable Barack Obama
President of the United States
The White House
1600 Pennsylvania Avenue, NW
Washington, D.C. 20500

August 8, 2014

Dear President Obama:

With the humanitarian crisis that is ongoing on our southern border, it is imperative that we work together to find a common sense solution to both care for the undocumented immigrants who have arrived in our country and deter others from making the same dangerous journey. Congress, along with the administration, must work together in a bipartisan fashion to enact legislation to provide funding and policy changes to address this humanitarian crisis at the border.

In June of 2014, you sent a letter stating that your administration felt changes to the 2008 Trafficking Victims Protection Reauthorization Act (TVPRA) would be one potential step in stemming the flow of the unaccompanied alien children (UACs) into the United States (see attachment 1). High ranking members of your administration that include Department of Homeland Security Secretary Jeh Johnson made a similar recommendation (see attachment 2).

In July of 2014, Senator Cornyn and I drafted a bipartisan bill to address this issue which improves the TVPRA of 2008—treating all unaccompanied immigrant children crossing our southern border with equality under the law, allowing for voluntary reunification with family, whether they are from Mexico, Central America, or any other country, while maintaining due process and all legal protections. Throughout the process of drafting my legislative proposal to address the loophole created by the 2008 law that smugglers have taken advantage of, I reached out to my Democratic colleagues in opposition to sit down with me and provide their input so that we could come up with a solution. To this day I have yet to hear anyone offer one.

A short time later after your June 2014 letter, your administration reversed its stance on changing the 2008 TVPRA, as White House Press Secretary Josh Earnest stated, “First, as it relates to language where you ended up, it is correct that almost a month ago -- I think even more than a month ago now -- the administration did put forward a specific request for Congress to take action in granting additional authority that could be used by the Secretary of Homeland Security to incorporate some flexibility in enforcing the law so that we could actually do a better job of enforcing that law more efficiently. The language that has been put forward by Senator Cornyn and Congressman Cuellar doesn't -- it actually undermines the desire for more

flexibility” (see attachment 3). On July 30, 2014, the White House Office of Legislative Affairs issued a statement that they recommend you veto H.R. 5230. While not a perfect bill, at that time H.R. 5230 included the language from the bi-partisan legislation that Senator Cornyn and I introduced that would have provided funding to address the crisis and made commonsense policy changes.

Shifts in the conversation about how to address this crisis have had a real impact on the success of any solution being considered and agreed upon. As the Washington Post Editorial Board noted on August 5, 2014, “Mr. Obama’s own vacillations have not helped cope with the crisis. He was right to identify a 2008 anti-trafficking law as a key source of the problem. Inadvertently, that law has encouraged thousands of Central American children to try to reach the United States by granting them access to immigration courts that Mexican kids don’t enjoy; the effect has been months-long backups in the courts. Initially, the president said he would propose changes to the law to hasten deportations. Faced with opposition from Democrats, he backed down days later” (see attachment 4).

Since June 2014 many Democrats have expressed their support for making changes to the 2008 law including:

-June 30th –**President Obama** stated in his June 30th letter to Congress “*providing the DHS Secretary additional authority to exercise discretion in processing the return and removal of unaccompanied minor children from non-contiguous countries like Guatemala, Honduras, and El Salvador.*” (see attachment 1)

-July 7th White House Press Briefing by **Press Secretary Josh Earnest** stated “*Well, no, Jon, what’s important is the difference between 2008 and the more recent statistics that you’re citing is the passage of that law by Congress in 2008 that was signed into law by the previous President. And what that law mandated was a difference in the way that children who arrive in this country from non-contiguous countries are treated in the immigration system.*

So the numbers that you cite reflect, or at least are the consequence of this administration’s consistent commitment for enforcing the law. What we are seeking is greater authority for the Secretary of Homeland Security to exercise some discretion that would allow him to make that process more efficient, and in some cases more quickly and promptly remove some children from this country if it is found that they don’t have -- that they don’t qualify for humanitarian relief.

So understanding those numbers that were presented in the Times this morning requires someone to take into account what the enforcement of the law requires. And what that law required was a longer process for adjudicating the cases of these children from non-contiguous countries. (see attachment 5)

- July 19th **Sen. Tom Carper** (D) said the funding and the policy changes should move together. “*I think they go together,*” he said. (see attachment 6)

- July 19th *"I'm interested in seeing some of the other proposals around policy changes. I do think there may be some things we can change that help expedite proceedings for some of the people who are here,"* said **Sen. Jeanne Shaheen** (D), who is in the midst of a competitive race in New Hampshire. *"It seems to me we ought to be able to find some middle ground here that everybody can agree to."* (see attachment 6)

- July 19th **Sen. Claire McCaskill** (Mo.), another Democratic centrist, said, *"I think we should have the same law on the books for Central America as we have for Canada and Mexico."* (see attachment 6)

-July 22nd – According to The Hill, **Secretary Johnson** also reiterated that the administration is seeking changes to a 2008 human trafficking law to ease the processing of some child immigrants, despite some Democratic gripes... *"We've asked ... for a change in law and we're in active discussions with Congress right now about doing that,"* he said." (see attachment 2)

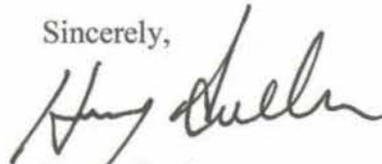
-July 24th **-Hillary Clinton** said that she was open to changing a 2008 trafficking law to help the administration deal with an influx of child migrants crossing the border illegally. *"I think it should be looked at as part of an overall package,"* Clinton said on NPR's "On Point." (see attachment 7)

-As of July 30th Representatives Ron Barber, Collin Peterson and Dan Lipinski have signed onto my bipartisan legislation H.R. 5114 the HUMANE Act.

Mr. President, making a change to the TVPRA will only address about 20% (UACs) of the problem of the individuals crossing at the southern border (see attachment 8). Family units and adults make up the other 80% crossing the southern border. The reason we need to find a solution is because up until this point the focus has primarily been about UACs, but as you can see undocumented immigration is a much larger problem that will require funding and policy changes.

I am committed to finding a bipartisan solution. I am writing this letter to urge you to meet with myself and other members of Congress to discuss what policy changes and funding needs are necessary to resolve this crisis. It is time for us to put partisan politics aside, lead on this issue, and find solutions that are acceptable to both sides of the aisle. Doing nothing is not an option.

Sincerely,



Henry Cuellar
U.S. Congressman
28th District of Texas

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PROBLEM

The Rio Grande Valley (RGV) region of South Texas has witnessed a significant increase in illegal immigration over the last three (3) years that has impacted Department of Homeland Security (DHS) enforcement entities. Within this overall increase of illegal immigration the region has also seen a substantial increase of unaccompanied alien children (UAC) that are mostly classified as Other Than Mexican (OTM) nationals. The large influx of UACs has caused DHS some difficulty in meeting the requirements of the Flores v. Reno Settlement Agreement, which stipulates that the UAC will be placed in the custody of an organization that can appropriately care for the UAC. The two DHS components mostly impacted by these increases are Customs and Border Protection (Office of Border Patrol and Office of Field Operations) and Immigration and Customs Enforcement (ICE), Enforcement and Removal Operations (ERO). The Health and Human Services Department, Office of Refugee and Resettlement (HHS ORR), is the agency responsible for long-term placement of UACs in contracted shelters while UACs await their immigration hearings.

CONTEXTUAL FRAMEWORK

Quick Facts

- The Flores-Reno settlement agreement, Homeland Security Act of 2002, and the Trafficking Victims Protection Reauthorization Act (TVPRA) are the guiding principles when dealing with UACs.
- The number of UACs in the Rio Grande Valley/Harlingen Field Office geographical area has seen an increase of 367.6 percent since fiscal year 2011.
- Most UACs are Other Than Mexican (OTM) nationals, which causes significant increases in processing time (administrative/criminal casework) and requirements for long term detention.
- The amount of time and resources needed to provide humanitarian care is extensive and increases with escalating UAC numbers.
- ORR tries to place apprehended UACs as close to the referring location as possible to minimize travel requirements for CBP and ICE.
- The HHS ORR Intake Center operates 24-7 but makes UAC referral placements from 9 a.m. – 9 p.m. each day.
- Each morning the HHS ORR Intake Center has approximately 30-90 initial placement referral requests pending from the previous night.
- The national discharge rate of UACs is approximately 80-90 per day.
- There are approximately 5,000 beds available in the HHS ORR network that service approximately 25,000 UACs annually.
- Each agency uses different data systems to manage UACs.

RESEARCH QUESTION

The Centers of Excellence (COEs) from the University of Southern California (USC), Rutgers University, and the University of Texas at El Paso (UTEP) proposed the following research question:

How can the processes of OBP, ICE ERO, and HHS ORR in the RGV be designed to best employ resources under conditions of increasing volume while still meeting 72 hr. transfer requirements, ensuring humanitarian treatment and care of UACs, and minimizing/reducing the diversion of resources from other critical missions? The problem is particularly challenging as the number of UAC apprehensions is increasing dramatically and fluctuates on a day-to-day basis.

UTEP's ROLE

UTEP's National Center for Border Security and Immigration (NCBSI) was tasked with examining the depth and scope of the perceived UAC problem in the Rio Grande Valley region of South Texas. In determining the depth and scope of the problem, UTEP was required to examine and analyze the current UAC flow processes that impact the Rio Grande Valley region. The current report details what UTEP found and outlines a research path forward.

METHODOLOGY

The UTEP research team conducted several site visits to gather information for this report. During each of the site visits team members conducted interviews with officials that work with UACs on a daily basis. They found the interviewees to be very accommodating and forthcoming about the challenges their agencies face with the increasing UAC apprehension rates. Each of the site visits occurred during the fall of 2013. The first visit was to CBP Sector Headquarters in Tucson, AZ to put the UAC problem in South Texas (McAllen/RGV) in a clearer contextual framework before the RGV site visits were made. The second and third visits were to the RGV region of South Texas where researchers met with CBP, ICE ERO, and HHS ORR officials, including officials from headquarters as well as local stations and field offices to gather multiple perspectives on each agency's daily challenges in UAC processing, transportation, and care. Specifically, researchers were able to view UAC processing and staging at McAllen and Fort Brown Border Patrol Stations, and as well as meet with ICE ERO officials at their Harlingen Field Office. UTEP researchers also toured an HHS ORR-contracted shelter for UACs in Los Fresnos. The final site visit and interview was in Washington D.C., where researchers interviewed officials from HHS ORR HQ to hear their perspective on the challenges of UAC placement and processing and to learn more about how their intake office makes placement location decisions. During this process, UTEP researchers were joined on the site visits by several researchers from partnering COE universities. The

interviews facilitated an understanding of the complexity of the UAC challenge and elicited possible solutions for increasing multi-agency communication, transportation, and efficiency of UAC processing and placement, which are detailed at the end of the report.

WHAT UTEP FOUND Both Border Patrol and ICE ERO officers agreed that the lack of deterrence for crossing the US-Mexican border has impacted the rate at which they apprehend UACs. Officers are certain that UACs are aware of the relative lack of consequences they will receive when apprehended at the U.S. border. UTEP was informed that smugglers of family members of UACs understand that once a UAC is apprehended for illegal entry into the United States, the individual will be re-united with a U.S. based family member pending the disposition of the immigration hearing. This process appears to be exploited by illegal alien smugglers and family members in the United States who wish to reunite with separated children. It was observed by the researchers that the current policy is very similar to the 'catch & release'¹ problem that the Department of Homeland Security (DHS) faced prior to the passage of the Intelligence Reform and Terrorism Prevention Act of 2004.

UTEP was informed that the number of UAC arrests have more than doubled in the Rio Grande Valley since 2011. Both Border Patrol and ICE Enforcement and Removal Operations (ERO) officials believe that the numbers will continue to increase, stating that the best-case scenario is a leveling out of UAC numbers. They also believe that the new 'baseline' for UAC flow in the region is now at the elevated level of at least fiscal year 2013. Officials from ICE ERO informed UTEP that in October of 2013, the average intake of UACs received per day was 66². Given these numbers, UACs are a priority for all agencies involved and are processed before adults. In addition, UTEP was informed that CBP and ICE ERO experience a surge in overall arrests over weekends, with the peak days of the week for the U.S. Border Patrol being Saturday through Monday.

¹ 'Catch & Release' was a term used by CBP and ICE officials when they would apprehend an individual that was Other Than Mexican (OTM) and no detention space was available to detain the individual. The individual would be released into the United States with the promise that he/she would appear at an appointed administrative immigration hearing. It was believed that this policy actually facilitated an increase in illegal immigration of Other Than Mexican nationals.

² The daily average for the month of October fiscal year 2011 was 10 per day.

Rio Grande Valley	FY 2011	FY 2012	FY 2013
Number of Arrests (UACs) Rio Grande Valley Border Patrol	5,236 ³	10,759	24,481

HHS ORR is responsible for determining a field placement location and providing UACs with a long term detention facility. Factors such as health conditions and foreign languages spoken can influence placement location. Researchers were informed that HHS ORR places UACs on a first-come-first-served basis. Approximately half receive local placement and the other half receive non-local placement⁴. Once UACs arrive at the field placement location, HHS ORR is responsible for providing humanitarian care such as housing, education, meals, and clothing.

System Overview

UTEP has identified seven (7) critical nodes in the UAC process that appear to be important junctures in the overall system that impact the placement of a UAC. The nodes depicted are not intended to represent every aspect of the process but are critical in understanding the importance to each entity involved⁵. Each node in the progression is influenced by internal or external influences that may be dictated by one of the three entities directly involved in the placement of UAC. It was also noted that many of these nodes contain unique challenges for the individual entities that may not be understood by each entity that has a direct impact on the placement of the UAC. The following sections outline the systematic processes that occur at each node and any influences and challenges that may impact the system.

³ There are some differences in the number of apprehensions reported by CBP, ICE, and HHS ORR. The number reported here is based on CBP statistics provided on CBP.gov.

⁴ Local placement is defined as any HHS ORR shelter within 6 hours driving time from the Fort Brown station.

⁵ The entities directly involved in this issue have been identified as Customs and Border Protection (Office of Border Patrol & Office of Field Operations), Immigration and Customs Enforcement (Enforcement and Removal Operations), and Health and Human Services (Office of Refugee and Resettlement)

UAC System Overview

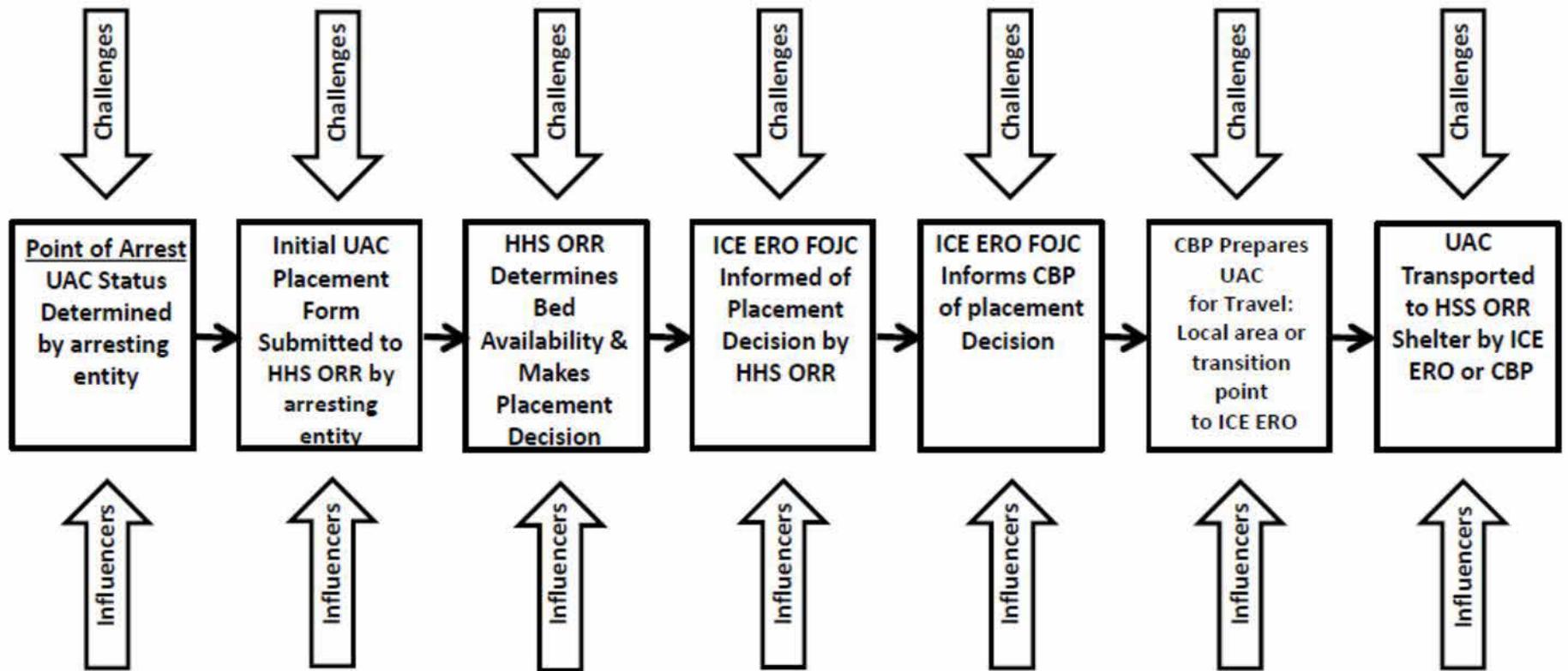


Figure 1

Point of Arrest

The point of arrest starts the 'clock' for the placement of the UAC in an HHS ORR shelter. Although the vast majority of the placement requests come from CBP (U.S. Border Patrol⁶ and Office of Field Operations), a small number of requests come from other DHS entities such as ICE (Immigration and Customs Enforcement). The point of arrest 'triggers' certain conditions and/or notifications to be met that are stipulated in the CBP "Hold Room Policy". The certain conditions and/or notifications may cause additional actions by the U.S. Border Patrol for the placement of the UAC.

UACs apprehended in the field are taken to the appropriate station to determine nationality, deportability, age, and possible medical needs. Within an hour after apprehension, the UAC Initial Placement Referral Form⁷ is executed, which notifies HHS ORR and the ICE ERO Field Office Juvenile Coordinator (FOJC) about the UAC apprehension, and the time stamp of arrest is documented. The UAC Initial Placement Referral Form is utilized by the apprehending Border Patrol station (e.g., McAllen) to make a placement request for a UAC. The form contains many of the biographical sections that would be expected to identify an individual (name, date of birth, gender, nationality, etc.) plus a cursory inquiry into medical conditions, obvious signs of gang affiliations, and criminal history. Once this form is completed, it is emailed to representatives of ICE ERO FOJC and HHS ORR for placement of the UAC. The notification of the UAC placement request is then logged into a segment of the *E3* processing system, which contains a tracking mechanism utilized by CBP to monitor processing of UACs. At the McAllen station, researchers were informed that placement referral requests start within two hours of the time of arrest.

⁶ The U.S. Border Patrol accounts for approximately 95% of all placement requests.

⁷ This form was created by HHS ORR, and it is unknown how much, if any, input was provided by the users of this form.

Unaccompanied Alien Child (UAC) – Initial Placement Referral Form

See Footer for Instructions – Last Updated 01/03/13

UAC Information

Last Name	First Name	Middle Name	A#	DOB	Gender
					Choose one
Alias:					
Country of Birth	Immigration Status	Health Concerns?:	Criminal Charges?:		
	Choose One	<input type="checkbox"/> No <input type="checkbox"/> Yes (If yes, complete Medical/Mental Health Information section.)	<input type="checkbox"/> No <input type="checkbox"/> Yes (If yes, complete Secure/Staff Secure Addendum)		

UAC Apprehended With:

<input type="checkbox"/> Parents/Legal Guardians	<input type="checkbox"/> Other Related Adults	<input type="checkbox"/> Related Minors	<input type="checkbox"/> Alone
Please provide the following for all relatives apprehended with the UAC, if more space is needed, use the <i>Referral Notes</i> :			
Name	A #	Relationship to UAC	

Medical/Mental Health Information

Does the UAC report or appear to have any medical or mental health conditions?

<input type="checkbox"/> Pregnancy <input type="checkbox"/> Injury <input type="checkbox"/> Illness <input type="checkbox"/> Other	Summary (List diagnosis, medications, observations, and number of months pregnant) Click here to enter text.
---	--

Scan and email or fax available Medical/Mental Health documentation to ORR/DUCS along with this form.

Apprehension and Transfer Information

Entry	City and/or Location Code	ST	Date
Apprehension			
Current Location			

Office/POE Loc Code	Processing Officer's Name	Email Address	Desk Phone	Cell Phone
ICE Office Loc Code	FOJC Name	Email Address	Desk Phone	Cell Phone

Referral Notes

Email this form to orrducs_intakes@acf.hhs.gov, with a copy to your ICE/DRO FOJC.
 Additional documentation should be scanned and emailed along with this form or faxed to 202-401-1022.

Unaccompanied Alien Child (UAC) – Initial Placement Referral Form

See Footer for Instructions – Last Updated 01/03/13

Secure/Staff-Secure Addendum

Please provide additional information to assist with placement decision.

Justification for Secure Placement	
Provide a summary of court documentation, police reports, arrests, dispositions, etc.	

Scan and email or fax available criminal documentation (e.g. court documentation, police reports, summary of arrests, dispositions, etc) to ORR/DUCS along with this form. If not available explain why.

Gang Affiliation	
Any Known Gang Affiliation? (Choose one)	<input type="checkbox"/> Yes <input type="checkbox"/> Suspected <input type="checkbox"/> No <input type="checkbox"/> Unknown
Determined By	<input type="checkbox"/> Self-Admission of UAC <input type="checkbox"/> Gang Tattoos <input type="checkbox"/> Other Documentation
Name of Gang	
Gang Affiliation Summary	
Provide a summary of gang involvement - including violent activity, leadership role, etc.	

Scan and email or fax available gang affiliation documentation to ORR/DUCS along with this form, if available.

Detention Facility Information	
If UAC received from a detention facility, provide the following information.	
Choose Type of Detention Facility	
<input type="checkbox"/> Adult Detention	<input type="checkbox"/> Juvenile Detention
Facility Contact Information	
Facility Name	
Point of Contact	
Phone Number	Fax Number
UAC Detention Stay Information	
Admission Date	Discharge Date
Provide a summary of known Incident Reports during stay at Juvenile Detention Facility:	
Provide a summary of known TB tests and medical / mental health condition:	

Scan and email or fax other available documentation to ORR/DUCS along with this form, if available.

Email this form to orrducs_intakes@acf.hhs.gov, with a copy to your ICE/DRO FOJC.
Additional documentation should be scanned and emailed along with this form or faxed to 202-401-1022.

Figure 2

CBP Initial Processing CBP informed UTEP that the scope of its responsibilities in the UAC process involve apprehension, processing, staging, and local transport. CBP's goal is to process UACs within 12 hours of arrest, and with the assistance of ICE (for non-local transports), place them in the care of HHS ORR within 72 hours. If a UAC field placement is in an area considered to be non-local, then CBP and ICE have up to five days to place the UAC⁸. However, for all UACs and field placement locations, CBP and ICE strive to adhere to the 72-hour limit. This is because all Border Patrol facilities are set up to be processing centers, not detention facilities that can provide long-term humanitarian care. Researchers learned that all of the Border Patrol stations in the Rio Grande Sector are impacted by UACs in varying degrees. For example, at the McAllen station UACs receive an initial intake interview; however, they are then transported to Weslaco by CBP for further processing before being transported to Fort Brown for temporary holding. At each stage of the process, there is an opportunity for the UAC intake information to be verified and a redetermination of UAC status made if necessary.

**Initial UAC
Placement Form
Submitted to
HHS ORR**

As stated previously, the initial placement form is submitted to the HHS ORR Intake Center and the ICE ERO Field Operations Juvenile Coordinator via email to a designated email address. The submission of this form is typically done by the requesting agency within two hours of the arrest although the goal remains one hour. UTEP researchers were informed that in February of 2012, the Office of Border Patrol Headquarters made a policy/process change that has had a significant and positive influence in the timely placement of unaccompanied alien children. The policy change was to inform the applicable entities (ICE ERO, HHS ORR, etc.) of the detention of a UAC earlier in their process. For example, UTEP was informed that in the past UACs would be fully processed before the placement entities were informed of the detention of the UAC. Currently, the placement agencies are notified once the UAC arrives at the station.

UTEP was informed that once the "UAC Initial Placement Referral Form" has been submitted to the HHS ORR Intake Center, ICE ERO, in essence, acts as a 'travel agent' for CBP, seeking a placement location for the UAC. ICE ERO coordinates with HHS ORR to locate suitable bed space for the UAC.

⁸ The desired goal of DHS is to place the UAC in an HHS ORR shelter within 72 hours due to the ambiguity in the Flores-Reno settlement agreement regarding placements after 72 hours.

Challenges

Incomplete Information

HHS ORR officials stated that incomplete and/or incorrect information on the referral form submitted by the requesting agency can cause delays in the placement of the UAC. Examples of such errors include, but are not limited to, entering the wrong gender or birth date, or failing to classify the UAC as an individual with special needs. Incomplete and/or incorrect information can result in a UAC being placed at a shelter that is not equipped to handle the UAC's unique needs. Thus, incomplete and/or incorrect information may cause HHS ORR to "re-designate" the UAC to a different shelter, which has been identified as a 'labor intensive' action for HHS ORR intake staff and presumably for CBP and ICE as well.

Communication

CBP officers informed UTEP that although they send out the initial placement request form via email, ORR informs only ICE ERO of the placement location. This lack of communication between Border Patrol and ORR over placement locations can cause several problems. For example, ICE ERO is required to ensure that their charter flights run at near to full capacity. If ICE ERO requests some UACs from Border Patrol to board a charter flight, HHS ORR emails ICE ERO only with the 'A' file numbers of the UACs they wish to board on that charter flight. Since ORR has not informed Border Patrol during this selection process, CBP has transported several UACs via bus to the charter flight. As a result, CBP must turn the bus around and go back to the station to determine which UACs get to fly on the charter flight. This re-designation issue has resulted in UACs spending an extra night in Border Patrol custody. This extra night requires CBP to transport the UACs for shower runs and medical care if necessary. Thus, miscommunications between agencies result in delays costing CBP additional staffing duties.

CBP informed UTEP that they wish HHS ORR would simply 'reply to all' in their emails so that CBP receives timely status updates. However, HHS ORR informed UTEP that it would take too long to search through the initial emails and find which CBP shift officer in which Border Sector made the initial placement request. HHS ORR suggested that there could be a CBP centralized contact or listserv. If CBP created an email distribution list, HHS ORR officials could include one centralized CBP email onto the placement referral emails.

As another communication challenge, ICE ERO informed UTEP that because E3 (CBP) and ENFORCE (ICE) processing systems are not integrated, problems are often created due to the sharing of certain

pieces of information that are not contained in the *UAC Initial Placement Referral Form*. For example, ICE ERO representatives state that they have no clear picture of the arrest information regarding the UAC. In particular, ICE ERO states that the arrest time would be helpful so that they are aware when the clock started for the UAC.

Figure 3 is a depiction of the existing communications process once a *UAC Initial Placement Referral Form* is submitted to the HHS ORR Intake Center and ICE ERO FOJC.

HHS ORR & ICE ERO Decision UAC Placement Communication Dynamic

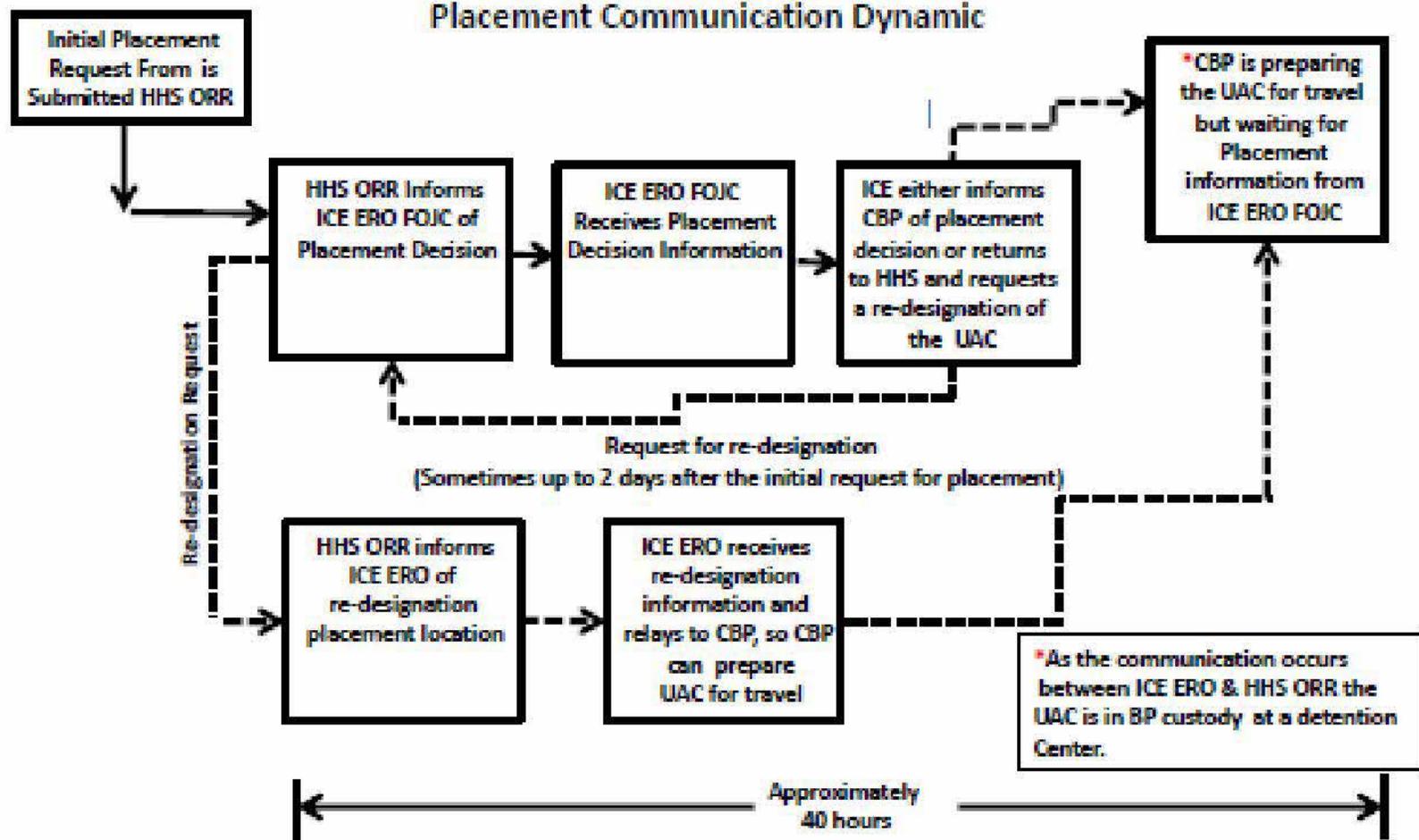


Figure 3

**HHS ORR
Determines Bed
Availability & Makes
Placement Decision**

According to the Office of Refugee and Resettlement (ORR), UAC numbers have more than doubled each year since 2011, and it is projected that 50,000 UACs will require placement in fiscal year 2014⁹. ORR officials explained that they typically see “peak seasons” of UAC referrals with fall/winter being their “slow season” and spring/summer being their “busy summer.” However, the number of UACs has increased to the point where fall numbers of this fiscal year are surpassing the spring/summer numbers of last fiscal year. While the HHS ORR Intake Center operates on a 24-7 schedule, the intake staff processes placement referrals from 9:00 a.m. – 9:00 p.m. Eastern Time. The majority of placement referrals are emailed to the HHS ORR Intake Center after 9:00 p.m. Each day at 9:00 a.m., there will be approximately 30-90 of these overnight process referrals waiting for placement. The referrals arrive in the form of an email from the apprehending agency (e.g. Border Patrol) with the *UAC Initial Placement Referral Form* attached to the email. The vast majority of placement referrals arrive from the Rio Grande Valley region of South Texas, with Laredo, TX and Phoenix, AZ regions also sending a small but consistent portion of the referrals. A placement location for each of the 30-90 morning referrals is typically made by 1:00 p.m. each day. In addition, UAC placement referrals arrive at ORR on a rolling basis throughout the day. HHS ORR informed UTEP that as long as a placement request has been sent before 9:00 p.m. the UAC will be placed that day – usually within the hour. Any referral requests made after 9:00 p.m. will not get placed until the following day.

HHS ORR informed UTEP that they do what they can to place UACs as close to the referring (apprehending) location as possible to minimize travel for ICE and CBP. However, given the sheer number of UACs apprehended it is becoming increasingly challenging to find a consistent supply of available beds in the RGV region. Several criteria are considered when placing a UAC, but it is no longer HHS ORR’s goal to place UACs in proximate locations to family members, as the residential location of family members is usually not determined until well after the UAC has been placed. Further, they noted that the average length of stay for UACs has been decreasing, and with a relatively quick turnover, it is no longer feasible to consider placement decisions that prioritize family reunification.

⁹ The federal fiscal year runs from October 1st thru September 30th every year.

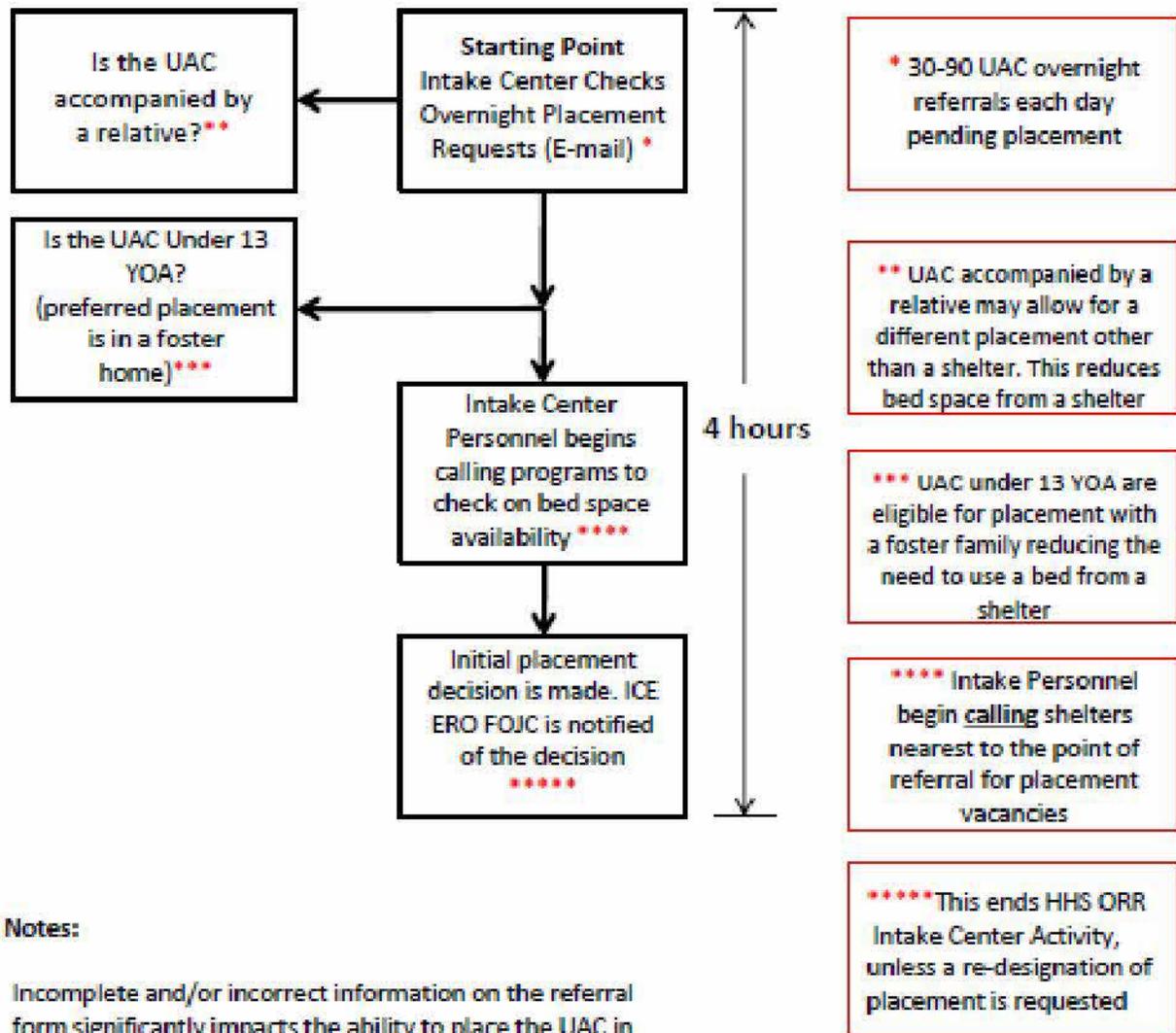
There are six intake center staff members at ORR that make placement decisions. Each day, one staff member calls all of the necessary shelters to determine their availability to admit new UACs. ORR prioritizes placement referrals on a first-come-first-serve basis. They informed UTEP that at times CBP or ICE will request that certain individuals be placed before others because of the time that they have been in CBP/ICE custody. However, ORR stands by its first-come-first-serve policy, with the exception of placing individuals with special needs before others. If a UAC is under 13 years of age, ORR tries to place the UAC in foster care rather than a shelter. Medical conditions (e.g., pregnancy) and country of origin are also taken into consideration when making placement decisions. Lastly, ORR explained that shelters are very cognizant of state laws and regulations regarding capacity levels and are very cautious about admitting more UACs than laws permit. The number of openings is tracked by a case manager at ORR, and ORR is in the process of implementing a new database in January 2014 in part to eliminate the need to track information in both a spreadsheet and database.

HHS ORR intake officials described three primary concerns when making a placement decision. The first concern is whether or not the UAC is traveling with a relative (but not a parent or legal guardian). ORR is interested in this variable because it attempts to keep the family unit together in whatever placement decision is made. A second concern is the age of the UAC. If the UAC is under the age of 13, ORR attempts to place the UAC in a foster home for the benefit of the UAC. The placement of the UAC in a foster home does not appear to negatively impact bed space availability in shelters. The third noteworthy concern is whether or not the UAC is considered a “special needs” individual. ORR explained that special needs individuals add to the complexity of the decision-making process because there are only a certain number of shelters in certain locations that are equipped to care for these individuals (e.g., pregnant UACs).

Figure 4 depicts the HHS ORR UAC Initial Placement Request Decision model.

UAC Initial Placement Request Decision Model (HHS ORR)

The HHS ORR Initial Placement Intake Center
Operates seven days a week from 9A-9P (EST)



Key Notes:

- Incomplete and/or incorrect information on the referral form significantly impacts the ability to place the UAC in a timely fashion.
- The national average discharge rate for UACs is about 80 – 90 per day.
- The Rio Grande Valley, TX and Phoenix, AZ have the most shelter beds based on DHS requests.

Figure 4

Influences

Shelter Capacity

HHS ORR informed UTEP that most shelter beds are located in the Phoenix, AZ and Rio Grande Valley, TX regions based on DHS requests. HHS ORR also supported the claim that most UAC placement referrals come from these two locations. HHS ORR informed UTEP that it currently has 5,000 available licensed beds in the HHS nationwide network, which service approximately 25,000 UACs annually. HHS and DHS project a need to service approximately 50,000 UACs in fiscal year 2014.

HHS ORR informed UTEP that it has taken several steps to improve the placement process in an effort to seek efficiencies because "... the idea of increasing capacity infinitely is not feasible." HHS ORR discussed how they internally decide to transfer UACs from foster care to a shelter or vice versa to create bed space for a difficult-to-place UAC.¹⁰ Furthermore, HHS ORR stated that in 2011 the average length of stay for a UAC in ORR's care was 72 days; in 2013 it averaged 42 days. UTEP was informed that the goal for the average length of stay is 35 days or less, which would increase capability without increasing capacity¹¹. In order to reach this goal, HHS ORR has a goal of discharging 20% of UACs per week and per month. Periodically, all of the shelters will be sent statistics on their (and every other shelter's) discharge rates, as HHS ORR officials stated they believe these statistics place at least a small amount of social pressure on the shelters to reach the 20% goal. HHS ORR officials explained that this decrease in length of stay is a feasible goal. The UACs that stay beyond 20 days are typically those UACs that have no families or viable sponsors. HHS ORR officials explained that these UACs are often transferred out of shelters and into long-term foster care. The amount of time UACs stay under foster care does not impact the bed availability in shelters.

HHS ORR officials discussed that reducing the time UACs spend in shelters could be accomplished in the following ways. The policy requiring families to pay UAC transportation fees (transport from shelter to family) could be modified to allow for some flexibility or payment plan. HHS ORR officials believe by implementing a flexible policy on payment of transportation fees would reduce the amount of time a UAC is in a shelter because the initial financial burden on the receiving family member would be mitigated. The current requirement for having all 17-

¹⁰ Difficult-to-place UACs are typically those that do not have an identified family or viable sponsor or with behavioral problems such as aggression.

¹¹ The 35 day length of stay equals a 20% per week discharge rate.

year-old UACs fingerprinted could be dropped. Dropping this requirement can reduce the length of stay for 17 year-olds by approximately 17 days.

Laws & Procedures The primary factor in UAC placement location is shelter capacity. HHS ORR intake personnel cannot fill a shelter past its listed capacity. A shelter past capacity can lose its license, resulting in the shutdown of the shelter. It was further explained that HHS ORR intake staff are unable to predict availability because a UAC cannot be placed or designated to a facility that may cause that facility to exceed its authorized capacity. Bed availability depends on discharge rates, and shelter personnel cannot declare an individual bed to be available until the UAC has physically left the shelter. Even when UACs receive their discharge documentation 48 hours before departure, the bed is not considered available until the UAC has left the shelter.

Shelter Imbalance HHS ORR officials informed UTEP that there are some shelters that will be busy all year round, such as those shelters in the RGV region. In contrast, during the winter (i.e., slow season), there are some shelters that ask HHS ORR to send more UACs. Ideally, placement locations would be balanced across all shelters; however, since speed of transportation to the shelter is prioritized, there are some shelters that will always be busier than others. A suggestion to improve this imbalance is to increase the percentage of shelters that are located in those critical areas such as the RGV region and to decrease the percentage of shelters located in non-critical areas, such as the Northeast part of the United States. This process has already taken place to an extent.

Contracts & Competition Shelters must apply annually for HHS ORR contracts. Therefore, the location of beds is determined by the location of the shelters that are awarded contracts. HHS ORR requires that a certain percentage of these beds be located in border areas such as the Rio Grande Valley region of South Texas. Shelter personnel are required to be licensed (i.e., trained to handle UACs). However the licensing standards differ by state and HHS ORR informed UTEP that it is becoming increasingly difficult to find additional licensed staff, or potentially capable staff, in the more highly impacted areas (e.g., RGV region).

HHS ORR encourages shelters to get licensed for as many beds as possible so that it can place UACs in the busier seasons of spring and summer. Unfortunately, the shelters have no apparent obligation to increase their capacity based on HHS ORR's input.

Special Needs

HHS ORR informed UTEP that UACs that are identified as having special needs¹² are a little more problematic than the non-special needs UACs in finding a suitable placement location. Although it is not impossible to place UACs with special needs, it is more time consuming and often requires that the UAC remain in the custody of the requesting agency longer. UACs with special needs are approximately 30 percent of the UAC population processed.

UACs with special needs such as a pregnancy, mental illness, physical handicaps, and age (under 2 years) are placed at the "front of the line"¹³. Out of the 66 UACs apprehended per day, ICE ERO estimated that about 20 would be identified as special needs. The number of UACs identified with special needs has increased and can be attributed to the increasing numbers of UAC apprehensions. Thus, the base-rate of UACs with special needs has remained consistent.

UACs identified with special needs are given local placement priority. ICE ERO officers informed UTEP that they call ORR to request local placement if they identify a UAC with special needs. ICE ERO officers stated that ORR personnel are cooperative in ensuring local placement for UACs with special needs. However, only certain shelters out of the 12 local shelters in the RGV region are equipped to handle various special needs. ICE ERO also views UACs with special needs as manpower intensive due to the sensitivity and attention dedicated to placing the UAC in a shelter as soon as possible.

ICE ERO Requests

HHS ORR officials stated that ICE ERO heavily influences whether UACs are placed at in-region or out-of-region locations. Officials stated that ICE ERO is aware of the locations of the regional shelters as well as their available capacity. HHS ORR stated that it is no more work to place 30 UACs in a local shelter (nearest to the referring entity) than it is to place 30 UACs in a shelter in Chicago. The officials state they simply attempt to comply with requests made by ICE ERO in terms of placement location. UTEP was informed that the ICE charter flight destinations do not appear to match vacancies at the out-of-region shelter locations. Thus, the charter flights that ICE ERO wishes to maximize often fly to locations where bed availability is low. For example, ORR mentioned that Houston would be a much more effective location for an ICE charter

¹² "Special needs" UACs could be those who have medical and psychological needs beyond the normal encounter with a UAC. Also, a UAC with a criminal background is treated as a 'special needs' UAC.

¹³ "Front of the line" is defined by CBP as moving ahead with a special needs case in front of others. Typically, CBP will process, transport, and place a UAC based on chronological order from the time of arrest.

flight than some of the other out-of-region locations to which ICE sends UACs.

Challenges

Occupancy Rates HHS ORR stated that when the rate of available occupancy is below 5% nationally, it becomes more difficult and resource-intensive to place a UAC. HHS ORR described how daily telephone calls to the shelters are not intended as forecasting measures, but as a means to place a UAC immediately. When available occupancy is below 5%, more calls need to be made as each call results in only a few (if any) UACs being placed. This process also results in more emails being sent to the referring agencies. HHS ORR intake staff explained that at 10% available capacity, the placement process is manageable, but it becomes strained when it drops below the 10%. For example, current bed availability for female UACs is low. HHS ORR informed UTEP that, each year, bed availability has run down to 0%, which requires UACs to spend more nights under CBP custody until a bed is available for a female UAC.

UTEP learned that if HHS ORR decided to expand the number of shelters, it would take a minimum of 45 to 60 days for the hiring and training of personnel needed to operate the shelter. These shelters would also have to abide by the appropriate state regulatory rules and HHS ORR standards.

Tracking Process It was described to UTEP and observed on a field visit to a shelter that the tracking of bed availability is usually done in a non-automated manner. HHS ORR is planning to deploy a new database that it believes will increase the efficiency of UAC placement by reducing the requirement of duplicating data entries. However, this database does not appear to be designed to automatically assist in tracking shelter vacancies without making the daily calls. HHS ORR discussed that bed projection models would be difficult to use effectively because they simply do not have a margin of error (i.e., they cannot place a UAC above shelter capacity and cannot afford to leave any one bed vacant). Thus, HHS ORR would not feel comfortable in relying on shelter representatives to update their discharge rates (i.e., bed vacancies) into the database in “real-time.” HHS ORR representatives believed that there would be significant value in such a system, but it would require a significant cultural change within the HHS ORR system of shelters.

Placement Priority CBP and ICE ERO focus their placement requests based on the amount of time that a UAC has been detained (i.e., when the “clock started” for the DHS entities). Although the requesting agencies attempt to maintain a

chronological order of requests, they will, from time to time, encounter a situation where the UAC needs to be “moved to the front of the line”. HHS ORR attempts to comply with these requests but, due to the volume of UACs, the requesting agency must choose between UACs for placement or ICE ERO must decide who to transport. To illustrate UAC priority, ICE ERO informed UTEP that when filling up charter flights, adults will be taken off the plane in order to give seats to UACs.

**ICE ERO FOJC
Informed of**

Placement Decision

HHS ORR replies only to ICE ERO FOJC headquarters with the placement location decision. ICE ERO FOJC headquarters then has to inform the correct ICE ERO field office of the placement location of the UAC. ICE ERO headquarters representatives state that they often send informational emails to the Fort Brown Border Patrol Station. Once this information is provided, the Fort Brown Border Patrol Station must locate the UAC within the system of Border Patrol stations if the UAC has not been previously transported to the Fort Brown Border Patrol Station.

HHS ORR informed UTEP that ICE ERO will often request a re-designation of UAC placement from a regional shelter to a non-regional shelter. The placement of a UAC to a non-regional shelter requires air transportation which is most notably in the form of charter flights. These charter flights are the preferred method of handling non-local transportations of UACs.

Challenges

Re-designation of
Placement: Impact
HHS ORR

HHS ORR staff informed UTEP that re-designation of placement for a UAC is a labor intensive activity, and in most cases is requested by ICE ERO two days after the placement decision has been made. HHS ORR stated that in most cases these designations are from a local placement to an out of the region placement that will be conducted via a charter flight. UTEP was also informed that if a UAC misses either a charter or commercial flight, a request is made by ICE ERO to change the placement of the UAC to a local shelter. HHS ORR stated that these types of requests negatively impact the placement system because referrals are placed in order of request.

HHS ORR informed UTEP that they have denied re-designations. This is because ORR stands by their first-come-first-served policy, and thus will focus on placing those 30-90 overnight placement referrals. Re-designations become labor intensive and time consuming as additional

calls must be made, and these calls are made when bed availability has been taken up by the overnight referrals. If time permits, HHS ORR officials informed UTEP that they do place re-designations. If not, they will deny the re-designation request and ICE ERO will be responsible for transporting the UAC to the original referral location, which often involves using commercial flights for transportation.

Re-designation of placement not only appears to negatively impact HHS ORR, but also appears to have a significant impact on either CBP or the referring entity. This is because re-designation usually results in UACs being transported by CBP or ICE ERO, again putting the UAC under their custody.

Re-designation of
Placement: Impact
CBP

Although ICE ERO informed UTEP that it has increased the number of regularly scheduled charter flights, CBP officers seemed unaware of this increase. When charter flights were mentioned, CBP informed UTEP that the charter flights have not positively impacted their efficiency of UAC processing. In fact, CBP suggested that the charter flights may cause an unintended consequence of “stacking”¹⁴. Although charter flights have alleviated some stress of the UACs, UTEP was informed that there is significant pressure to fill each available seat. This sometimes causes UACs an extended stay at the Border Patrol station in order to allow them fill a seat in a pending flight.

CBP informed researchers that a significant amount of time is spent on correcting UAC “A” files¹⁵. These incorrect “A” files typically result from the change of placement location of the UAC once they have left the processing Border Patrol station. If the initial placement of the UAC is changed, the “re-designation” of placement causes problems with re-issuing of legal documents to the UAC.

Re-designation of
Placement: Impact
Inter-agency
Communication

CBP officers informed UTEP that although they send out the initial placement request form via email, HHS ORR informs only ICE ERO of the inclusion of a re-designation of placement location. This lack of

¹⁴ “Stacking” was identified as the process of delaying the placement of a UAC in a local shelter so he/she can be placed on a charter flight. This delay results in CBP increasing the time they house the UAC while he/she awaits another mode of transportation.

¹⁵ “A” files are alien registration files which are used by DHS to formally process an individual that is not a United States citizen. The ‘A’ file becomes the official data file for an individual under immigration proceedings/activity.

communication between Border Patrol, ICE ERO, and HHS ORR over re-designation of placement location has caused several problems. For example, ICE ERO is required to ensure its charter flights run at near to full capacity. If ICE ERO requests some UACs to board a charter flight who originally were destined for a local placement, then, HHS ORR emails ICE ERO only with the 'A' file numbers of the UACs re-designated to board that charter flight. Since HHS ORR does not inform Border Patrol during this selection process, CBP may transport several UACs via bus to the charter flight, who ultimately cannot board the flight. As a result, CBP must turn the bus around and go back to the station to determine which UACs get to fly on the charter flight. This re-designation issue has resulted in UACs spending an extra night in Border Patrol custody. CBP informed UTEP that it wishes HHS ORR would simply "reply to all" in their emails so that CBP receives timely status updates.

CBP informed UTEP that if there are delays in placement location, the delay usually results in UACs spending an extra night in CBP custody. This extra night requires CBP to transport the UACs for shower runs, and for medical care if necessary. Thus, miscommunications between agencies result in delays, causing CBP to take on additional staffing duties.

**ICE ERO FOJC
Informs CBP of
Placement Decision**

Once long-term placement decisions have been made by HHS ORR and CBP is informed, officers at the Fort Brown Border Patrol Station are responsible for updating the UAC files and either coordinating or providing transportation. The UAC paperwork gets stamped with the field placement location. Researchers were told that approximately half of field placements locations are local, but CBP works with ICE ERO officers for non-local transport. Once the UAC is in HHS ORR care the clock stops, in accordance to the Flores-Reno Settlement Agreement, for CBP and ICE.

Challenges

**Inter-agency
Communication**

There are several data files required by each agency for one UAC, and these data files are not automatically communicated between the three agencies. Mistakes in communicating, or a failure to communicate updated information for a UAC such as placement location can cause an emergency with ICE ERO. It was explained to UTEP that if a UAC is not ready for travel on a charter flight it must be re-designated to a different shelter, most often to a local shelter, but the UAC will be automatically

placed at the back of the line¹⁶. However, ICE ERO still has to adhere to the 72 hour timeline of getting the UAC into ORR's care.

**CBP Prepares UAC
for Travel: Local
Area or Transition
Point to ICE ERO**

Located In the Rio Grande Valley, the Fort Brown Border Patrol Station is the holding "hub" for all UACs and family units for the Rio Grande Valley Border Patrol Sector¹⁷. The Fort Brown Station conducts an additional screening of the UACs upon arrival to the station. The screening includes medical questions and whereabouts of other family members. As the Fort Brown Station is considered the staging location for UACs in the Rio Grande Valley Sector, they are responsible for preparing the UAC for travel or for making UACs, as they termed it, "fit for travel". CBP estimates that the average time UACs are under Border Patrol custody is 40 hours, which exceeds the 12 hours or less limit that CBP seeks to achieve.

While UACs are under the supervision of the Border Patrol, CBP officers are responsible for any local UAC transportation needs. Because UAC health care is a primary concern, these needs include trips to bathing facilities and local hospitals. CBP has immediate transportation resources available whenever necessary. If UACs are determined to be Mexican, CBP officers are also responsible for transporting them back to Mexico. CBP Officers work with the Mexican Consulate to arrange transportation that occurs during daylight hours.

UAC transportation to long-term placement is made once a location has been determined by HHS ORR. If a local placement is made, CBP Officers are responsible for taking the UAC to the ORR facility. CBP Officers use ground transportation and adhere to the six-hour rule, with regard to distance. Time and efficiency of transportation can depend on a variety of factors which include: the number of escort officers required, UAC medical needs, and whether buses have all of the safety equipment necessary for transportation (e.g., seat belts).

Each UAC that arrives at the Fort Brown Station, and is scheduled for placement outside the local area, is taken to get a shower and fresh clothes. This task is undertaken because charter flights and/or commercial flights will not accept the UACs as passengers until they are

¹⁶ HHS ORR makes placement decisions based on the time they received a placement request. A re-designation is often considered a new placement request.

¹⁷ The Rio Grande Valley Border Patrol Sector is comprised on nine (9) Border Patrol Stations.

“fit for travel”. Depending on local weather conditions, the UAC that is being assigned for local placement may also be taken to get a shower for humanitarian reasons. CBP transports UACs to local shelters managed by ORR to be showered. This process involves CBP working around the shelter’s schedule. Thus, shower runs can only occur in the evening - the time of day most busy for CBP. Every evening, four Border Patrol officers are responsible for having UACs transported to local shower facilities. Specifically, two buses/Border Patrol vans are used for shower runs. One bus transports all the older males to a local shelter in the region, and one bus transports all the younger males and female UACs to another local shelter in the region.

Due to an increase of UAC apprehensions, more CBP officers are required to supervise the UACs at the station. Supervisory duties take CBP officers away from field/patrolling duties. Supervisory duties include: monitoring UACs, preparing food, and making shower runs. CBP informed researchers that resources are permanently committed to handle the UAC process. For example, there are four Border Patrol officers responsible for UAC transportation at any given time. CBP reports that the biggest issue with UACs is the high maintenance that is associated with caring, feeding, and clothing them. CBP was asked if the administrative immigration processing of a UAC was inherently a governmental function, or if it could be executed by someone else. They could not provide a definitive answer. This aspect should be further studied since it could alleviate a significant portion of staffing requirements if the duties could be taken over by a non-government agency.

Challenges

CBP Staffing

Fort Brown station representatives informed UTEP researchers that in order to ensure that the UACs are “fit for travel,” and to meet mission needs of caregiving to the UACs while they await transport to a shelter, the following duties are routinely conducted by Fort Brown Station personnel:

- Border Patrol Agents go to the local grocery stores to purchase food and drinks for consumption by the UACs and family units at the station.
- Border Patrol Agents prepare food in the form of sandwiches for the UACs and family units.

- Blankets used by the UACs are taken to an off-site location by Border Patrol Agents to wash and dry.
- UACs are routinely taken to a local shelter so that they can shower before being assigned to a placement location. They are transported by Border Patrol Agents to the shelter, and back to the Fort Brown Station to await formal placement.
- In case of inclement weather, Border Patrol Agents will make arrangements with local agencies to provide a change of clothing for the UACs.
- Entertainment (video tapes and games) is provided by the Fort Brown Station to help entertain the UACs.

Although the Fort Brown Station was not designed to be a detention/staging facility, considerable manpower is spent addressing the needs of UACs, as previously outlined.

Time of day

CBP officers informed UTEP that the evenings are the busiest time of day for officers on UAC duty. It is undetermined, at this time, if the evenings are the busiest due to activity levels (arrests), influences outside the control of CBP (changes in placement location, timing of bathing of the UACs, etc.), or an internal decision by CBP to conduct certain duties during this time frame. Every evening, all files must be manually updated, and notifications of UAC itineraries are made. Specifically, CBP officers are responsible for confirming which stations all UACs are currently located in, and ensuring that the UACs scheduled to be transported via ICE are at Fort Brown and are ready to leave. The staging process at Fort Brown involves both ensuring that the paperwork is ready for UAC departure, and that the UACs themselves are physically ready for departure (e.g., have been fed and bathed).

**UAC Transported
To HHS ORR Shelter
(ICE ERO or CBP)**

CBP Transport

Although CBP contracts with private industry (G4S) to assist with local transportation of UACs, CBP informed UTEP that they are currently using their own officers to drive ICE ERO buses. More specifically, Border Patrol officers are providing transport of UACs who received local placement locations. CBP informed UTEP that although the contracted G4S buses are equipped to transport UACs, the buses are currently being used to transport adult OTMs. CBP admits that these buses are already

at maximum capacity with the transportation of adult OTMs. It does not appear that the number of buses in place in the Rio Grande Valley region is sufficient to meet the requirements needed to transport UACs without Border Patrol officers' assistance.

Challenges

CBP informed UTEP that the amount of staff and time costs dedicated to UAC transportation is vast. Officials report that in October 2012, approximately 20 Border Patrol Officers were utilized in a 24 hour period at the Fort Brown Station to care for and transport UACs. The number of Border Patrol Officers in October 2013 increased to approximately 30 in a 24 hour period at the Fort Brown Station. Even with all this transportation, CBP officers state that there are at least 100 UACs every night that spend the night under Border Patrol custody.

As stated previously, charter flights have not always positively impacted the efficiency of UAC processing for CBP, due to the unintended consequence of "stacking".

ICE ERO Transport Once placement location requests are received and the current location of the UAC is known, ICE ERO arranges for non-local transport, if applicable. ICE ERO focuses their placement requests based on the duration the UAC has been detained. There are routinely scheduled charter flights to several ORR hub cities that ICE uses to handle non-local transportation. ICE ERO prioritizes UACs above all other apprehensions.

If a field placement location is situated beyond the local area, ICE ERO officers are responsible for providing transportation. Due to the increased numbers of non-local transports, ICE operations now include regularly scheduled charter flights and buses. Private companies such as Trail Boss provide some transportation for ICE ERO. Starting in June 2012, ICE AIR operations began to conduct charter flights to both Chicago and Miami. Since these charter flights do not cover all non-local transports, ICE ERO officers also transport UACs via commercial air flights. The time it takes to transport UACs to non-local field placement locations is at least 10 hours.

ICE primarily transports UACs via air to their non-local placement locations. There are four forms of air travel that ICE uses: Charter flights, reverse escorts, commercial flights, and ICE Air escort team. Charter flights appear to be considered the most preferable and the utilization of commercial flights the least favorable by ICE ERO.

Charter flights	<p>Charter flights are being made 6 times a week. ICE uses charter flights to fly into El Paso every Monday and Thursday. Every Tuesday, flights are made into Chicago and Miami; on Fridays, charter flights again fly into Chicago, and once a week (i.e., Wednesdays) these flights fly into Newark.</p> <p>ICE ERO officers informed UTEP that these charter flights are the preferred mode of handling non-local transportation of UACs. Charter flights are cheaper and are capable of transporting up to 50 UACs at a time. However, in order for charter flights to be cost effective they must be filled close to capacity. ICE ERO informed UTEP that it takes approximately 2.5 days to prepare a charter flight. This preparation includes coordination between ICE officials at either end of the flight (departure and arrival) to ensure both smooth and timely transportation of the UACs.</p>
Reverse Escorts	<p>Reverse escorts involve ICE ERO officers transporting other DHS detained individuals to one location and picking up UACs to take back to the originating location of the ERO officers. This system capitalizes on the availability of flights that may travel unoccupied by detainees and is ICE ERO's second preferred method of non-local transportation. The reverse escort process not only transports UACs to shelters outside of the Rio Grande Valley region, but it also reduces the requirement of additional Harlingen Field Office officers providing transportation duties.</p>
Commercial flights	<p>Commercial flights are ICE ERO's least preferred method of non-local transportation. ICE ERO faces many challenges with regard to providing non-local transportation. For example, airline policies restrict the number of UACs allowed on a commercial flight. In addition, staff shortages are abundant in the travel department, and seat availability on commercial flights is limited. This is compounded by the fact that officers that escort the UACs usually only receive a one-day notice prior to having to travel with the UAC on his or her flight to their placement location. Additionally, flights can potentially take 18-20 hours of travel time due to weather delays or situations beyond ICE control. ICE officials are concerned about officer burnout, which has been alleviated to a small extent by reverse escorts, (i.e., when the escorting officer originates from the placement location, rather than from the Harlingen Field Office). Per ICE ERO policy, they are required to have at least two ICE ERO escorts per commercial flight. Once the UAC reaches a placement facility it is HHS ORR's responsibility to move the UAC, if required.</p>
Escort teams	<p>UTEP was informed that the ICE Air escort team requires more staff in order to operate more effectively and impact the UAC process.</p>

Challenges

ICE ERO

Transportation

Commercial flights tend to be very inefficient. Transportation arrangements cannot be completed before UAC placement locations have been made, yet ICE ERO still follows the 72 hour timeline stipulated by the Homeland Security Act of 2002. Due to this process, these commercial flights are booked shortly before they are scheduled to leave. Many airline flights only have a few seats available, because ICE ERO must also compete with private sector demands for the same flights departing to the local area. As a result, ICE headquarters can lose two officers for up to three days while transporting as little as two UACs. Fortunately, because of the increase in charter flights, ICE ERO does not have to rely as much on commercial flights.

ICE ERO Staffing

The juvenile department of ICE ERO is responsible for managing both UACs and family units. The increase in the number of UAC and family unit apprehensions in turn increases the amount of staff required to manage the juvenile department. For example, last October 2012, ICE ERO received around 73 families per day, which totaled roughly 160 individuals. In comparison, this October 2013, ICE ERO received around 533 family units per day - totaling 1,200 individuals. Thus within a year, ICE ERO saw a 630% increase in family units. These family units are individuals that have to be accommodated and managed by ICE ERO in addition to the UACs it receives.

Last year, the ICE juvenile department consisted of 7 to 9 staff members. This year, there are 20 staff members working for the juvenile department. These additional staff members have been taken away from other ICE units, such as Fugitive Operations. The increase in numbers has helped; however, ICE ERO informed UTEP that these numbers are still not sufficient and the staff members are still overworked. Although the juvenile department still needs more assistance, ICE ERO officials cannot request additional assistance from other ICE units for fear that these units themselves become dangerously understaffed. UTEP was informed that the local office requires additional vacancy positions to augment the current staffing levels. ICE ERO pointed out additional aspects of UACs that significantly impact personnel requirements:

- Border Patrol may not provide clothing to UACs that is appropriate to the location that the UAC is being placed. ICE ERO has to expend funds and manpower to purchase jackets, etc.
- The amount of data entry work required for the UAC process is

extensive and involves constantly updating UAC files. ICE ERO officers are required to keep several manual logs, and are required to update these logs on a daily basis. It does not appear that these various logs are automated or conducive to high volume activity levels. Therefore, law enforcement officers often do these updates manually. Essentially, this redundancy of data entry work is causing shortages in law enforcement operations.

- Issues such as false claims to UACs requires that ICE ERO correct administrative immigration casework. A false claim typically occurs when an adult claims to be an unaccompanied alien child to exploit the process of being placed in a shelter in the interior of the United States.
- The requirement for ICE ERO personnel to escort UACs on commercial flights taxes personnel resources. The personnel have to be identified and available (enough time between shifts) to provide the escort services. Each flight results in a loss of two agents for three working days. Diversion of flights for reasons out of the span of control of ICE ERO (e.g., inclement weather) places significant demands on personnel and the ability to deliver the UAC to the approved HHS ORR placement facility. Due to the significant increase in UACs who need to be placed outside the local geographical area, the situation has caused the unintended consequence of not fulfilling certain ICE mission sets to the fullest extent possible. For example, the fugitive operations team had to be diverted to conduct transportation duties because the staffing levels for the juvenile department did not meet the UAC transportation demands.

In conclusion, ICE ERO informed UTEP that more staff is needed to manage the juvenile department, and more resources are needed for the staff to manage the juvenile department effectively. It was mentioned that the Fugitive Operations Team used to be a focus of ICE, requiring additional staff. As a result, more resources were allocated to the Fugitive Operations Team. ICE ERO officers informed UTEP that the juvenile department has recently become the focus, but this has not yet resulted in recognizing the need for additional permanent staffing.

Additional System Challenges

Inter-agency Communication

The common procedure for transferring paperwork between Border Patrol stations is to have the hard copies of the paperwork transferred with the UACs. These hard copy forms of communication are not automatically transferable to other agencies, such as ICE. Researchers were informed by ICE ERO officers that the only information from CBP that gets transferred automatically into their computer system is “encounter information”. This information does not include the time of arrest (i.e., the time the clock starts). It was explained that this lack of transfer is due to an incompatibility issue of the *E3* system used by Border Patrol, and the ENFORCE system used by ICE ERO.

Data Input

ICE ERO officers informed UTEP that the amount of data kept for UAC processing is extensive. ICE ERO officers are required to keep several manual logs, and they have to update these logs on a daily basis. It does not appear that these various logs are automated or conducive to high volume activity levels. The amount of data input increases the chance of human error. To give an example, ICE ERO officials mentioned that administrating and managing an ICE ERO charter flight requires booking paperwork¹⁸ for approximately 50 UACs.

Case Management

The term “case management” means different things to ICE ERO and HHS ORR, causing significant issues to the scheduling of an immigration hearing within the Executive Office for Immigration Review (EOIR). The fundamental issue appears to be the disparity in philosophical mission beliefs. This disparity will often lead to occasions where HHS ORR does not notify ICE ERO of the movement of the UAC from a placement facility to either another placement facility, or release to a parent or legal guardian. This lack of notification causes issues with the scheduling of the UAC for his/her administrative hearing (Executive Office for Immigration Review or EOIR) in terms of venue. ICE ERO representatives state that HHS ORR is only required to notify ICE ERO of a “significant event” regarding a UAC. It appears that the only classification for a “significant event” is a runaway UAC.

ICE ERO is responsible for the administrative immigration case management of approximately 1,200 beds which house locally placed

¹⁸ It is not clear what “booking paperwork” actually entails or the steps required to complete the process.

UACs¹⁹. These 1,200 beds are divided up into 12 shelters and are managed by HHS ORR. ICE ERO keeps track of local UAC immigration proceedings with a census check²⁰. Each ICE ERO officer is responsible for a docket of about 450 local UACs. ICE ERO informed UTEP that HHS ORR calls each shelter every day to receive updates on its UACs. Often times HHS ORR will make additional placement or release decisions for the UAC based on contact with relatives, parents, or legal guardians which impacts the administrative immigration proceedings. Each shelter maintains their data in different formats, often in “old-school” formats (e.g., white boards). This system does not allow ICE ERO officers to be able to quickly go through their docket and spot status changes or inconsistencies that have not been updated in their system.

Length of Stay

Although further reductions of stay in an HHS ORR placement shelter would appear to be an improvement in the system, reductions in stay have already caused other organizational issues. The main issue is the sooner the UAC is released, the less time there is for the UAC to attend the EOIR hearing. Due to a potential lack of notification (i.e., the UAC has been moved from the shelter before the court hearing documents arrive in the mail) the UAC is not informed of court appointment data and therefore misses the court appointment, after which he or she will likely be ordered deported *in absentia*.

CBP and ICE ERO 'Wish List'

CBP - Decrease in Transportation Duties

CBP officers informed UTEP that on average, 60 UACs are apprehended by Border Patrol each day. This average takes into account all Border Patrol stations. In order to prevent back log, CBP informed UTEP that ORR must move the same amount of UACs that CBP picks up daily. Thus, CBP requires that they must be able to move 60 UACs per day.

In addition, the daily shower runs, and the every other day grocery runs, are decreasing the amount of Border Patrol officers available for patrolling duties. CBP informed UTEP that these runs must be decreased in the near future. The fact that CBP must work around HHS ORR's

¹⁹ Responsibility in this context does not mean the actual caretaking of the UACs, but instead the responsibility of ensuring that all UACs housed in the local region fulfill their legal obligation to appear before administrative immigration court appearances.

²⁰ Census check appears to be a moment in time that HHS ORR utilizes to determine the status of UACs in its shelters.

schedule for making shower runs also presents a time delay for Border Patrol officers.

ICE ERO -Increase
in staff

ICE ERO informed UTEP that more staff is needed to manage the juvenile department, and more resources are needed for the staff to manage the juvenile department effectively.

Web-based System
for UAC data

It was suggested that a web-based system that would allow all three agencies (CBP, ICE, and HHS ORR) to track UAC "A" numbers would be very beneficial. Ideally, each agency would have access to each UAC's age, time of apprehension, and placement location. This web-based system would have to be password protected and kept private between the three agencies so that it could not be accessed from a non-government website. This tracking system would allow each agency to feed information into it, and each agency to simultaneously review information in real time. The expected benefits of this system include decreasing the amount of paperwork each agency is currently responsible for, and decreasing the chance for human error that exists when all updates have to be entered manually by three separate agencies.

An additional suggestion to this web-based system was instating a check-mark system so that each agency knows how much paperwork it has successfully completed, and what additional steps it needs to complete.

Other ways that a web-based system compatible with all three agencies could help:

1. ICE ERO informed UTEP that it would be helpful if the number and location of beds available was known to them at a more consistent basis, or at least 24 hours before a scheduled charter flight is set to depart.
2. ICE ERO informed UTEP that better communication between HHS ORR and the local shelters would help ICE ERO officers keep better track of their dockets. For example, UACs get discharge notification notices 24 to 48 hours before scheduled discharge. Thus, shelters know when UACs are leaving. If this information was shared consistently, ICE ERO would have better ideas about local bed availability.
3. CBP informed UTEP that if a web-based system was created, it would be helpful if a time stamp was made when ORR makes a placement location. If possible, this time stamp would be placed on each UAC's "A" number, be ordered numerically, and filtered down by sector.

This type of data sharing and organization would help CBP prioritize UACs.

Welcome Center²¹

A suggestion that was put forward from the last site visit was the idea of a “Welcome Center” – a facility placed in the RGV region that is managed by HHS ORR. CBP would apprehend and process UACs and then immediately transport them to the Welcome Center. From there, HHS ORR would handle the transportation of UACs to long-term shelters. ICE ERO would track UACs and handle the case management of immigration court proceedings. The idea is that while UACs are waiting placement, they are in the hands of non-law enforcement officers who are equipped to handle children. The Welcome Center would require the resources necessary to handle UACs, such as medical and psychological care, food, shelter etc.

The Welcome Center would satisfy the goal of humanely treating UACs and reducing unnecessary trauma. This would allow CBP and ICE ERO officers to process UACs within the timeline required.

CBP Thoughts

CBP officers believe that the Welcome Center would diminish the amount of time UACs are under Border Patrol Custody. CBP informed UTEP that the Welcome Center would also eliminate the need for having one Border Patrol station exclusively set up to stage (feed and bathe) UACs. CBP officers estimated that eliminating this responsibility from Border Patrol would reduce the time UACs spent under Border Patrol custody by 12 hours. In summary, the Welcome Center would allow for all Border Patrol stations to handle the prime responsibilities of CBP - to apprehend and process UACs.

CBP informed UTEP that ensuring proper medical care for UACs is a major concern. In the event that a UAC requires medical care, it would be beneficial for the UAC to be processed at a facility equipped with medical care personnel. Although CBP officers stated that the apprehension and processing stages of UACs should still be conducted under Border Patrol custody, the ability for CBP to quickly transport UACs to a medically equipped local facility such as the Welcome Center would be beneficial. Alternatively, CBP could be provided with Physician Assistants or Nurse Practitioners assigned to each Border Patrol station, allowing for processing to be completed at the station. Future discussion should

²¹ A “Welcome Center” has been described as a HHS ORR location where CBP and ICE ERO could transport UACs, almost immediately, so that no short detention requirements would be needed for CBP or ICE regarding UACs.

include whether or not Border Patrol processing of UACs in need of medical care could be conducted at this Welcome Center.

ICE ERO Thoughts ICE ERO officers also supported the idea of the Welcome Center, saying that the idea would allow their officers to fully manage their official UAC duties - case management and court proceedings.

CBP and ICE ERO officers were asked if the Welcome Center would help if it was located outside the RGV region. CBP officers did not think this was a good idea. ICE ERO officers stated that they believed the center would still provide them some relief, but questioned the logic of setting up a center outside the area where the majority of UACs are apprehended.

HHS ORR Thoughts HHS ORR representatives were asked about the Welcome Center concept. HHS ORR stated that the concept was tested in 2012 in San Antonio, Texas, and the center was called an “Emergency Reception Center.” The Emergency Reception Center was **not** deemed a success. This is because the center was still a significant distance from the referring locations and thus transportation from the San Antonio, TX area to long-term shelters in the United States became problematic. Essentially, the Emergency Reception Center became another HHS ORR shelter, in that UACs were staying there longer than a temporary basis.

HHS ORR officials relayed to UTEP that a Welcome Center would need the same licensing and transportation requirements as a shelter. HHS ORR’s second requirement for a Welcome Center is that both CBP and ICE ERO recognize the center as a temporary location for UACs and thus not rely upon the center as they would another ORR shelter. In order for it to be a temporary location, bed numbers need to double (according to 2014 projection rates). HHS ORR officials further explained that CBP has been unable to isolate the transportation costs of transporting a UAC to a local shelter. With the Center, HHS ORR would need to know transportation costs per UAC and receive transportation funds. HHS ORR did not seem to support the concept of the Center under current and known variables, without further in depth discussion.

UTEP Concluding Comments

During the course of the interviews and research conducted by UTEP, it is clear that CBP, ICE ERO, and HHS ORR are faced with many challenges in respect to the increasing number of UACs in the Rio Grande Valley. UTEP researchers observed three emerging trends that have a significant impact on the UAC process. These trends include but are not limited to: (1) Inadequate inter-agency communication, which encompasses both a failure to communicate important information and limited or outdated

resources/methods to provide real-time communication; (2) an increase in transportation requirements, which severely limits the ability of CBP and ICE ERO to maintain other critical missions and; (3) a lack of understanding with regard to both the entirety of the system process and each other's challenges and requirements.

UTEP researchers believe that additional research could assist DHS and HHS in either remediating challenges seen in the emerging UAC apprehension trends or provide more clarity on potential avenues for remediation.

The following suggested avenues for further research/exploration have been identified by the DHS COEs to help address shortcomings in the UAC apprehension and detention process, based on the emerging trends observed:

Communication:

Data Sharing

The Border Patrol and ICE ERO both felt they could benefit from an automated database that they could share with HHS ORR. Research challenges:

1. Review current database processes and capabilities. Develop an outline for properties/design of a web-based, shareable database that could be used by Border Patrol, ICE ERO, and ORR and avoids duplication of effort.
2. Consider whether the new system ORR purchased could satisfy the desired properties stated in challenge one.
3. Consider whether the possibility of developing a prototype for such a system may prove too expensive.
4. Develop and design a daily "census" at shelters so that the data can be quickly and readily combined by ICE ERO agents monitoring status of their docket of children – see also Bed Projections.

Transportation:

Charter Flights

1. Model the positive and negative aspects of different policies about charter flights including: how often to schedule, who gets priority, where they should fly to, is there a benefit or a cost to filling all seats

rather than moving UACs to local shelters, what constraints arise from union rules and requirements for escorts, etc.

2. See if new models could conceivably speed up the 2.5 days ICE ERO needs to make its transportation assignments, to the benefit of all stakeholders.
3. Investigate/model the idea of daily charters to a distant staging site like Chicago, for further transportation from there.

Transportation:

Bed Projections

1. Discuss with HHS ORR the possibility of modeling the probability of beds becoming available and establishing some sort of future “reservation” system; review similar systems in other contexts (e.g., NJ Addiction Treatment Network).
2. Discuss with HHS ORR the possibility of closely observing the placement decision process. It appears that UACs essentially fall into two groups: (a) those that are routine (are kept in shelters for around 20 days), and (b) those that require extensive care and/or are hard to reunify (are kept in shelters for 60+ days). Most UACs seem to fall within the routine category, a second large percentage would require extensive stay, and the rest fall anywhere in between (with a very small percentage falling at the average of 42 days).

It appears that a one size fits all solution may not be the best approach, and when looking at factors to reduce average length of stay, it may be best to look at each group separately. Further, it may be advantageous for bed availability to separate UACs into these groups when making placement decisions.

3. Find ways to make the daily bed census at HHS ORR more efficient to facilitate quicker shelter assignments, and therefore quicker transportation assignments, through use of some sort of database tool.

Entirety of Process:

Cost and Benefit
Analysis of A
Welcome Center

To fully demonstrate the impact a Welcome Center would have on the UAC process from both the CBP and ICE ERO perspectives, a “cost and benefit analysis” was suggested. This analysis would explore in-depth the

requirements and responsibilities of both CBP and ICE ERO agencies regarding the UAC process, with or without the Welcome Center. To help with the analysis, CBP agreed to supply COE researchers with data regarding number of dollars spent on UAC processing everyday across all border sectors. Research challenges include:

1. Develop alternative flow models of how such a facility could work, with or without ICE ERO still doing the transportation from the center to shelters. Take into account what the agencies involved, including ORR, would find infeasible or unpalatable.
2. Do a cost-benefit analysis of the Welcome Center vs. no Welcome Center under different scenarios. Challenge: estimate benefits to UACs. Second challenge: if costs to ORR go up, what would make this more palatable to ORR? Third challenge: Isolate transportation costs to inform the cost/benefit review.
3. Understand what ORR and/or ICE have already done to “model” this or even try it.

Information Request
By DHS COE's to the
Appropriate DHS Entity

1. CBP Hold Room Policy.
2. Any local agreements in the Rio Grande Valley region between ICE ERO and HHS ORR.
3. CBP transportation routes for the Fort Brown Station.
4. The number of CBP personnel assigned to transportation duties at the Fort Brown Station.
5. Any modular costs developed by the Border Patrol to determine the financial cost of caring, detaining, and transporting UACs in the Rio Grande Valley, and in particular the Fort Brown Station.
6. An outline of the 'booking' process utilized by ICE ERO to place UACs on charter or commercial flights.

7. Detail what preparations are needed by ICE ERO to prepare a UAC charter flight. A listing of the requirements to establish an ICE ERO charter flight.
8. CBP statistics regarding the arrest of UACs in the Rio Grande Valley region since fiscal year 2009 and ICE ERO statistics regarding the activity of their Fugitive Operations Team based in the Harlingen Field Office.

Data Request

NCBSI If point two of the bed projection analysis were to be pursued, researchers would need data on the percentage of UACs that stayed from 0-100 days under HHS ORR supervision. In addition, a random subset of UAC data that contains their information on the initial placement form, along with the number of hours that they were with DHS, and the number of days that they were with HHS ORR.

CREATE Attached

CCICADA Attached

Data Request – CREATE

Unaccompanied Alien Children (UAC) Project Resource Management Optimization for UAC Transfer and Placement and Shelter Utilization

Preliminary DATA Considerations (to be refined through the development of project tasks – CCICADA Task II: Data Requirements)

UAC Arrivals (for each UAC client)	Transfer	System	Costs
Rate	(by UAC arrivals)	BP Sectors	Housing
By BP Sector	From BP Sector	BP Stations	Medical
By BP station	From BP Station	BP Sub-stations	Transportation
By characteristics	BP Sub-stations	Facilities	Escort
Age	To Facility	- for the above	Legal determination
Gender	LOS	name, location, capacities (funded, excess, other use), services, type, custody level, gender, other resident types	Housing facility
Country of Origin	Sibling location		BP Station Housing
Adjudication type (UAC vs. direct deportation – Mex./Can.)	Children of children location		Assessments
Emergencies (e.g., medical)	Mode of transfer		Transportation
Age outs	Staff requirement of transfer		Facility Housing
Siblings	Agency	Historical bed fill rates	Services
Children of children	Title	Transportation types	Other (tied to system elements of other categories)
Asylum/Human Trafficking	Number	Assessments	Cost structures (per diem, flat bed cost, other)
Medical needs	In system transfers	Staffing requirements	Contract durations, renewals
Initial Assessment(s)	System discharge		
Non-UAC arrivals	- to location		
Arrival time	- time		
Arrival date	- date		
LOS			
Age-outs			
Unidentified characteristics (age, country of origin, name)			
Special Needs			
Mental			
Physical condition			
Chronic condition			
Drugs/alcohol			
Serious emotional disturbance			
Serious neglect or abuse			
Apprehending Agency			

Data Request – CCICADA

CCICADA Proposed Data Need (by research theme)
(December 23, 2013)

Welcome Center Cost/Benefit Analysis	Data Sharing	Charter Flights	Bed Projections	Other/General
<p>1) Additional time periods of sample data provided of UAC movement via file: 'May2013 Master Referred.xls' 1a - additional months going back in time as far as possible but at least to cover the period of volume stability through the initial and continued UAC apprehension 1b - the data key (heading definitions and cell color coding)</p> <p>2) ICE-ERO and OBP transportation costs</p> <p>3) The documentation (methodology, findings, recommendations) and if available, data related to the ICE-ERO mapping analysis.</p> <p>4) ORR discharge data</p> <p>5) ORR location and other design factors, options and preferences. [Q: identify qualified staff availability] 5a – any formal or informal ORR analyses of the Welcome Center concept 5b – any suggestions on cost/benefit elements from ORR perspective that should be reviewed.</p>	<p>1) Listing of databases used by each stakeholder including fields (data collected), who, when and where entered and access restrictions.</p> <p>2) Documentation for the new ORR database design.</p> <p>Screen shots would be additionally helpful (current and new system[s]).</p>	<p>1) Current rules, regulations, policies, procedures that define current ICE-ERO use of the charter system including flight availability, timing (arranging, reserving, boarding), union rules for assigned officers, etc.</p> <p>2) Data on the current use of the charter flights to include: a) UACs by flight and destination; b) volume of other charter flight passengers; c) seat vacancies and d) other system charter flights not currently used by the UAC system.</p> <p>4) Other timing considerations/restrictions: a) timing of seat reservation; b) flight times and c) escort requirements vs. commercial flights.</p> <p>3) Cost elements of charter flights (including costs of empty seats)</p> <p>4) Cost elements of other transportation options.</p> <p>5) Time factors in charter flight utilization as well as commercial options.</p> <p>6) Charter flight decisions: a) decision on current schedule and b) how often revisited.</p>	<p>1) The UAC movement data as listed under "Welcome Center" column.</p> <p>2) Detailed current capacity of UAC beds by facility, location, type, etc.</p> <p>3) Documentation and related data (if available) on the current ORR bed projection approach including how it informs the contracting process.</p> <p>4) External: review other client bed management systems (e.g., NY addiction treatment beds)</p>	<p>Arrange one-on-one discussions between researchers and front-line stakeholder staff to facilitate understanding, project cooperation and feedback processes.</p> <p>Explore the possibility of participating in the UAC Data Sharing group to get a better understanding of the data collected as well as data related issues.</p> <p>Penalties or other costs, consequences of exceeding the 72hr requirement for UAC transfer. To whom is this assessed?</p> <p>Seek communication with SPAR statistician on their UAC related review(s) and what they have learned.</p> <p>What is the cost of UAC re-designation?</p>

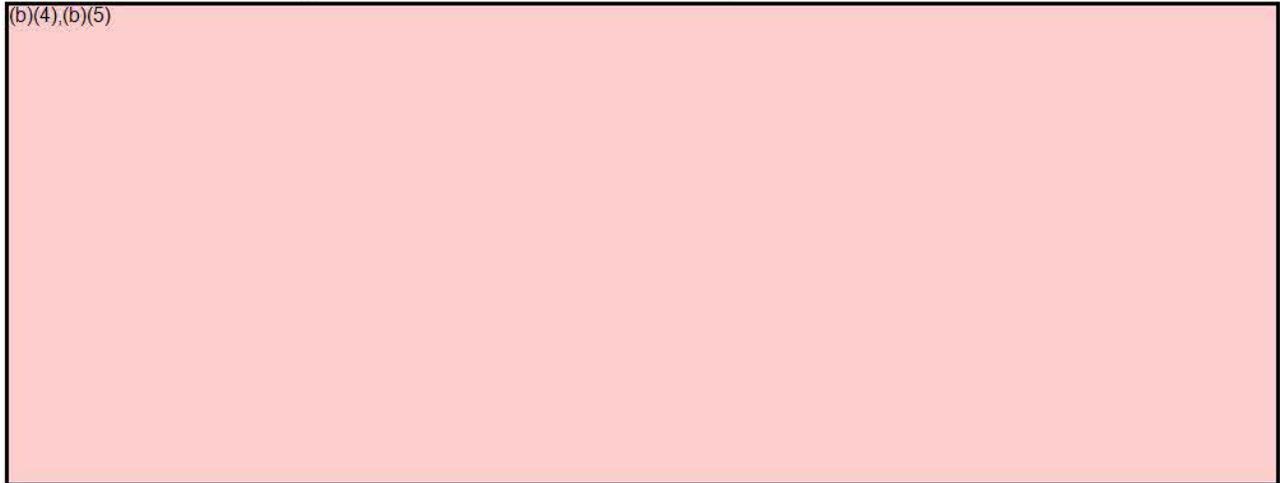
Data Request – CCICADA (Continued)

Welcome Center Cost/Benefit Analysis	Data Sharing	Charter Rights	Bed Projections	Other/General
6) Shelter costs (food, staff, housing, etc.) 7) Cost/benefits elements related to the UAC participant children. 8) Legal implications of jurisdictional transfer under the Welcome Center options.				

Warlitner, Tab (US - Arlington)

From: Warlitner, Tab (US - Arlington)
Sent: 6 Aug 2014 15:03:01 +0000
To: Marrone, Christian
Cc: Wald, Chuck (US - Arlington); Hale, Janet (US - Arlington)
Subject: Follow up on Risk tool and Unaccompanied Minors
Attachments: Unaccompanied Children Crisis POV 6 aug 2014.docx

(b)(4),(b)(5)



Thanks,
Tab

Tab Warlitner

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of the Freedom of Information and Privacy Act

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of the Freedom of Information and Privacy Act

Unaccompanied Minors

Minors from contiguous countries (Mexico/Canada)

- CBP screens the child for protection issues (i.e., whether the child has a fear of persecution or is susceptible to human trafficking). If there are no protection concerns, and if the child is deemed to have the capacity to withdraw his or her application for admission and does so, the child is voluntarily returned to Mexico or Canada.
- If protection concerns are found, or if the child does not to have the capacity to make immigration decisions or does not agree to withdraw, CBP processes the child for removal proceedings and transfers custody of the child to HHS.

Minors from non-contiguous countries

- CBP screens the child for protection issues, processes the child for removal proceedings, and transfers custody of the child to HHS. Children remain in HHS custody until they are either placed with a sponsor (often a parent or family member), repatriated, age out, or placed in another appropriate setting.
- While in HHS custody, children are cared for and provided services such as health and education services. In addition, while in care HHS endeavors to give all children Know Your Rights presentations, screening for legal relief, and access to pro bono representation.
- HHS attempts to secure counsel for children who stay in HHS custody to assist them with their removal proceedings in the immigration court closest to the HHS facility.
- When a child is released to a sponsor, HHS notifies ICE about the release and ICE initiates removal proceedings in the immigration court closest to the sponsor's address. This makes the removal process more efficient because it avoids needless court delays. ICE continues to monitor the cases of these children through the removal proceedings.
- HHS provides a small subpopulation of children identified as particularly vulnerable with post-release follow-up services, including home visits and referral to community based services.

Adults Traveling With Children

- Adults with children apprehended by CBP are processed for removal. Where detention space is available and appropriate, these adults with children are placed in expedited removal.
- When detention space is not available or appropriate, CBP processes these individuals for removal proceedings and transfers them to ICE for consideration of enrollment in the alternatives to detention program.
- Once adults with children arrive in their location, they are told to report to a local ICE office within 15 days. When an individual reports, they are told about their court date and other information. If they do not show up for court proceedings, ICE considers the individuals to be fugitives and based on enforcement priorities, including public safety and national security concerns, ICE Fugitive Operations identifies which fugitives to target for apprehension.

- At the direction of President Obama, the Administration announced a surge of government resources to increase our capacity to detain individuals and adults with children and to handle immigration court hearings. The surge included a temporary facility in Artesia, New Mexico to process adults with children more quickly.
- After CBP does its initial processing, subject to space constraints, some adults with children may be detained for the length of their proceedings, even if they are found to have credible fear and have an asylum hearing before an immigration judge.
- Despite the “expedited” nature of these removal proceedings, adults with children maintain important due process rights, including the ability to seek asylum, appeal to an immigration judge the denial of a credible fear finding, and the ability to seek legal representation. DOJ will soon operate the Legal Orientation Program (LOP) at the Artesia facility. Since 2003, LOP has improved judicial efficiency and assisted detained individuals in removal proceedings.
- Both asylum officers and immigration judges are available to conduct credible fear screenings, appeals of denials of credible fear, and asylum hearings. DHS and DOJ have surged judges and asylum officers to this facility, so that these claims can be heard quickly thereby minimizing the detention of families.

Safe Repatriation

- The Administration is working with our Central American partners to ensure that countries where migrants are returned have appropriate mechanisms in place to safely and securely repatriate and reintegrate children.
- The U.S. Government will be providing \$9.6 million in additional support for Central American governments to receive and reintegrate their repatriated citizens. This funding will enable El Salvador, Guatemala, and Honduras to make substantial investments in their existing repatriation centers, provide training to immigration officials on migrant care, and increase the capacity of these governments and non-governmental organizations to provide expanded services to returned migrants
- Included in the President’s supplemental request is funding for Central American governments to expand capacity to receive and reintegrate repatriated migrants. Beyond initial assistance, continued funding for repatriation and reintegration activities will be contingent on sustained progress and cooperation by the Central American countries.

UAC Hill Engagements – Topline Points

- The President has mounted a significant effort to deal with this urgent humanitarian situation in the Rio Grande Valley. The Administration is focused on addressing these immediate and pressing challenges to make sure we are responding in an efficient and timely way and confronting the root of the problem with top-level diplomatic efforts in Central America.

The Administration's Response

- In the beginning of June, the President and DHS Secretary designated FEMA to coordinate the federal response to the urgent humanitarian situation so that we are caring for the needs of this vulnerable population appropriately.
- The Departments of Justice and Homeland Security have deployed an additional surge of immigration judges, ICE attorneys, and asylum officers to focus on these cases of recent arrivals.
- Top Administration officials have made multiple visits to CBP processing facilities in the Southwest border as well as HHS temporary facilities at Joint Base San Antonio-Lackland, and FEMA has been working in partnership with other federal agencies to secure adequate facilities for interim housing facilities for children and families.
- The President has made very clear that children who are fortunate enough to survive an unbelievably dangerous journey from Central America – at the hands of smugglers – will be taken care of while they are in our custody, but in most cases they are unlikely to qualify for humanitarian relief and the legal process will lead to them being returned home.
- At the same time, we're working with our Central American partners and Mexico to get the word out to deter migration; improve the ability of Mexico and Guatemala to interdict migrants; enhance the Central's ability to receive and reintegrate repatriated migrants; and address the underlying causes of migration.
- The Vice President and Secretaries Kerry and Johnson have been in the region to meet with Central American leaders and underscore the President's message both directly to those countries' leaders and in public. The President has also spoken with Mexican President Peña Nieto on joint efforts to stem the flow including disrupting and dismantling criminal smuggling networks and confronting the root causes of the problem, and the Mexicans have taken a series of concrete steps since that time.

Supplemental

- The President has requested \$3.7 billion in emergency supplemental funding to address the increase in child and adult migration from Central America in the Rio Grande Valley. The request supports an aggressive, unified, and coordinated Federal response to address this urgent humanitarian situation that focuses on deterrence, enforcement, foreign cooperation, and capacity.
- The \$3.7 billion request would fund activities at DHS, DOJ, the State Department and other International Programs and HHS.
- Congress can act by fully funding our request for overtime pay for border patrol agents and resources to respond swiftly to this situation like more immigration judges and attorneys to reduce the backlog of pending cases; and clean, appropriate living conditions for children while they are temporarily in US custody before they are returned to their home country.

- Congress can also act by increasing penalties for smugglers and expanding existing immigration law to allow for speedy deportation of those undocumented immigrants who do not qualify for humanitarian visas.

Update on the Situation

- Over the past two weeks, we have begun to see some initial signs of progress along our Southwest border, although it is too early to tell whether these trends will be sustained over time.
- These positive developments are preliminary and the situation on the ground remains fluid. These numbers are still too high and we must continue our intensive efforts on both sides of the border.
- Specifically, the number of unaccompanied children apprehended and in Customs and Border Protection (CBP) custody has fallen since the end of June.
 - In June, CBP apprehended an average of 355 unaccompanied children along the southwest border per day. According to preliminary data, from July 1-14, CBP apprehensions have dropped to an average of less than 220 unaccompanied children per day.
 - The number of unaccompanied children in CBP custody in the southwest border currently is less than one quarter of what it was in June. The number of unaccompanied children in CBP custody has fallen from a high of more than 3,200 in June to around 700 early this week.
- Similarly, the number of apprehensions of adults traveling with children in the Rio Grande Valley has also decreased since the end of June.
- At the same time, the number of children being safely and appropriately discharged from HHS care and placed with sponsors who can care for them while their immigration case proceeds has increased. For the first time since this urgent humanitarian situation began, there are more children leaving custody than entering it on a weekly basis.
- While the reasons for the reduction in the number of unaccompanied children and adults traveling with children apprehended by CBP cannot be attributed to any one factor, we believe the administration's response and efforts to work with Central American leaders to publicize the dangers of the journey and reinforce that apprehended migrants are ultimately returned to their home countries in keeping with the law, as well as seasonal flows, have played a part.
- Support for the Administration's strategy and supplemental request -- including efforts to support deterrence efforts, address the root causes of migration, and build our capacity to provide the appropriate care for unaccompanied children and adults traveling with children -- remains critical to managing the situation this year and making longer-term progress in stemming the flow of Central American migrants across to the border, so that we do not find ourselves in a similar situation in years to come.

UAC Hill Engagements – Q&A

Cornyn-Cuellar

What is the administration position on the Cornyn-Cuellar bill?

- We are still reviewing the Cornyn-Cuellar legislation.
- As we have said previously, the President is interested in working with Congress to develop the legal authorities that will allow us to have a more flexible approach for migrants from non-contiguous countries. Our goal is to process these cases in a way that is both more efficient and consistent with our values. The President agrees that we need to streamline processes but also that it is critical to provide adequate due process for vulnerable children moving through the immigration courts system.
- We have real concerns about that being possible under this bill. In particular, the bill includes arbitrary and unrealistic deadlines that will further strain an already broken immigration system, undermine humanitarian and due process protections for this vulnerable population, and limit law enforcement's ability to focus on key priorities including public safety and adults apprehended crossing the border.
- The President will not support legislation that further burdens the courts; shifts resources away from key priorities, such as public safety and criminal removals; and prevents immigration judges from doing their job. This bill does not provide the actual resources to hold children, hire judges, or fund the border security plan it asks DHS to develop.
- The bill also includes border security provisions that should be a part of the larger discussion to fix the broken immigration system. As you know, the Senate acted in a bipartisan way on commonsense immigration reform legislation. We need to address this humanitarian solution but cannot lose sight of the larger reforms that are needed.

TVPRA/Authorities

What additional discretion/flexibility are you looking for?

- Right now we treat children from Mexico differently than those children coming from Central America, but there is no clear policy reason for doing so.
- So at the same time we want to preserve the fundamental protections included in the 2008 trafficking law, which require the screening of children to make sure they are not victims of human trafficking or will not be returned into a situation in which they will be persecuted, we are seeking discretion that would allow the DHS Secretary additional flexibility to process the return and removal of children coming from these non-contiguous countries.
- Because Congress failed to pass immigration reform, we are still operating under a broken immigration system that is exacerbating this problem. We want to work with Members of Congress to make fixes where we can, but that in no way should hold up the emergency supplemental.

What about the exception in the trafficking law for extraordinary circumstances?

- We are looking at the exception in the law for extraordinary circumstances, and we agree that it is open to some interpretation, but we have concerns that it does not give the kind of flexibility envisioned by Senator Feinstein. We are continuing to work through options that are legally available to us and welcome input from Senator Feinstein or other members of Congress.

What about non-legislative options to speed up the process? How long does the process for deporting UACs take now?

- We are working to accelerate removal proceedings consistent with existing law and our values. We've already made some change to do so, including DOJ prioritizing these cases and those of other recent border crossers, and surging resources like asylum officers and immigration judges. But we need supplemental funding to sustain that.
- It varies case, by case, but the larger point is that it takes too long; one of the objectives of the immigration reform that President Obama has been seeking is to provide resources to clear a badly backlogged immigration court system.

Need for Supplemental

What happens if the supplemental is delayed past July?

- *[Johnson/Burwell to repeat operational examples used from hearing last week]*
- *More generally:* Without supplemental funding, absent undertaking extraordinary measures, agencies will not have sufficient resources to adequately address this situation. HHS will be unable to address the influx of children by securing sufficient shelter capacity with the number of children held at Border Patrol stations continuing to increase, for longer periods of time. Going forward, HHS will be unable to set-up more stable, cost-effective arrangements for these children, Border Patrol agents will have to be re-assigned to child care duties from their border security work, and ICE will lack the resources needed to sufficiently expand detention and removal capacity for adults with children who cross the border illegally. In addition, without additional funds, DOJ will be unable to keep pace with its growing caseload, leading to longer wait times for those cases already on the docket. And absent dedicated resources in Central American countries, we will not make progress on the larger drivers of this humanitarian crisis.

Doesn't the decrease in numbers mean that the supplemental request is not necessary?

- No. Support for the Administration's strategy and supplemental request -- including efforts to support deterrence efforts, address the root causes of migration, and build our capacity to provide the appropriate care for unaccompanied children and adults traveling with children -- remains critical to managing the situation this year and making longer-term progress in stemming the flow of Central American migrants across to the border, so that we do not find ourselves in a similar situation in years to come.

Sent:2 Aug 2014 00:15:08 +0000

To:Bradsher, Tanya

Subject:RE: The Obama Administration's Government-Wide Response to Influx of Central American Migrants at the Southwest Border

It reads nice - looks like something we wrote.

From: Bradsher, Tanya

Sent: Friday, August 01, 2014 11:36:35 PM

To: Marrone, Christian

Subject: RE: The Obama Administration's Government-Wide Response to Influx of Central American Migrants at the Southwest Border

It reads like a fact sheet but it does not say that it is.

Sent with Good (www.good.com)

From: Marrone, Christian

Sent: Friday, August 01, 2014 7:33:41 PM

To: Bradsher, Tanya

Subject: RE: The Obama Administration's Government-Wide Response to Influx of Central American Migrants at the Southwest Border

What is this?

From: Bradsher, Tanya

Sent: Friday, August 01, 2014 11:31:42 PM

To: (b)(7)S1

Cc: Marrone, Christian; De Vallance, Brian; Fulghum, Chip

Subject: FW: The Obama Administration's Government-Wide Response to Influx of Central American Migrants at the Southwest Border

Sent with Good (www.good.com)

From: White House Press Office

Sent: Friday, August 01, 2014 7:29:21 PM

To: Media Inquiry

Subject: The Obama Administration's Government-Wide Response to Influx of Central American Migrants at the Southwest Border

THE WHITE HOUSE

FOR IMMEDIATE RELEASE

August 1, 2014

The Obama Administration's Government-Wide Response to Influx of Central American Migrants at the Southwest Border

The influx of children being apprehended trying to cross the southwest border shows that our immigration system is broken and Congress needs to advance comprehensive immigration reform so we can fix the system now. Commonsense immigration reform would continue to strengthen security at our border where we have apprehended over 40,000 unaccompanied children and adults traveling with children since May; add more immigration judges who process these cases; crack down on companies that hire undocumented workers; help grow our economy; and provide an opportunity for 11 million immigrants to come out of the shadows and earn their citizenship if they pass strict requirements.

Republicans have had more than a year to comprehensively fix the Nation's broken immigration system. In the absence of Congressional action, the President mounted a significant effort to deal with this urgent humanitarian situation in the Rio Grande Valley. As outlined below, the Administration has been for several months focused on addressing these immediate and pressing challenges to make sure we are responding in an efficient and timely way and confronting the root of the problem with top-level diplomatic efforts in Central America.

As part of this effort, the President requested emergency supplemental funding to support a unified, comprehensive Federal Government response to the influx of child and adult migration from Central America in the Rio Grande Valley. Congress's failure to act will undercut our ability to continue to effectively and efficiently address the situation at the border, delay efforts to address the root causes of increased child migration, impede our ability to accelerate the processing of and repatriate recent migrants, and potentially increase the cost of addressing this problem in the long-term.

The Administration's Response to Address the Immediate Situation

In the beginning of June, the President and Department of Homeland Security Secretary Johnson designated Federal Emergency Management Agency (FEMA) to coordinate the federal response to the urgent humanitarian situation so that we are caring for the needs of this vulnerable population appropriately while taking the proper measures to process and safely repatriate individuals. FEMA assisted HHS and DoD to secure and operationalize temporary shelters for children. DHS opened facilities to detain and process adults with children.

These government-wide efforts fulfill our legal and moral obligation to make sure we appropriately care for unaccompanied children who are apprehended, while taking strong steps to surge resources to our Southwest border to deter both adults and children from this dangerous journey, increase capacity for enforcement and removal proceedings, and quickly return unlawful migrants to their home countries.

This surge of resources means that cases are and will continue to be processed as fairly and quickly as possible, ensuring due process for all, while enabling the prompt removal of individuals who do not qualify for asylum or other forms of relief from removal, or protection.

Finally, to attack the criminal organizations and smuggling rings that are exploiting these individuals, we are surging law enforcement task forces in cooperation with our international partners, with a focus on stepped-up interdiction and prosecution.

Efforts to Stop Illegal Migration and Disrupt Criminal Smuggling Networks

The President and his Administration have made very clear that children and adults traveling with children who survive an unbelievably dangerous journey from Central America – at the hands of smugglers – will be taken care of while they are in our custody, and will be returned if no legal relief or protection is applicable to their case.

Additionally, the Administration is working with the Honduran, Guatemalan, and El Salvadoran governments to provide resources to help address the underlying causes of the influx of child migrants, including increased criminal activity and social and economic opportunity challenges.

Department of Homeland Security (DHS):

- On May 12th, Secretary Johnson declared a Level IV condition of readiness, the highest level of planning, and enabling DHS to surge resources to critical sectors of the border.
- CBP instituted the use of its processing center in Nogales, Arizona and recently opened a 1,000-bed processing center in McAllen, Texas to handle the rise in unaccompanied children apprehended in the Rio Grande Valley.
- CBP surged 265 border patrol agents from less active sectors to the Rio Grande Valley to manage increased apprehensions in the sector and bolster detection and interdiction efforts.
- On July 3, DHS, under the U.S. Customs and Border Protection (CBP), launched the *Dangers Awareness Campaign*, an aggressive Spanish language outreach effort and an urgent call to action to community groups, the media, parents and relatives in the U.S. and Central America to not put the lives of children at risk by attempting to illegally cross the southwest border.

- On June 23, DHS surged approximately 60 ICE Homeland Security Investigations (HSI) criminal investigators, intelligence analysts, and support staff to the Rio Grande Valley as part of efforts to target and dismantle human smuggling operations across the southwest border.
- On July 22, DHS and DOJ announced “Operation Coyote,” a 90-day surge operation being conducted by ICE Homeland Security Investigations to target human smuggling networks in the Texas Rio Grande Valley.
 - A 60-person investigative team was sent to south Texas to dismantle criminal organizations smuggling people into the U.S. The effort has led to 192 arrests, seizures of 28 vehicles and the interdiction of \$625,000 of money for smuggling.
- ICE opened facilities in Artesia, NM and Karnes County Residential Center in Texas to detain and expedite the removal of adults with children.
- ICE repatriated a number of recently-apprehended Central American adults with children who were held at the Artesia detention facility.

Department of Defense (DoD):

- In May and June, three temporary shelters for unaccompanied children were opened on DoD installations. The facilities allowed HHS to care for children humanely and relieve overcrowding at CBP border facilities. These facilities have cared for more than 7,700 children.

Department of Justice (DOJ):

- DOJ is redoubling efforts to work with Mexican authorities to apprehend smugglers aiding unaccompanied minors in crossing the southwest border.

U.S. Agency for International Development (USAID):

- USAID supports youth outreach centers, as part of the U.S. Government's Central American Regional Security Initiative (CARSI), to disrupt the cycle of violence by offering youth a safe space that helps provide structure and guidance as they face tough life decisions.
 - USAID supports more than 120 outreach centers throughout Honduras, Guatemala, and El Salvador, impacting the lives of tens of thousands of youth.
 - Honduran President Juan Orlando Hernández pledged \$1 million from the country's security tax fund to finance 40 existing outreach centers and to help USAID establish 11 new centers. In El Salvador, USAID will open 77 new outreach centers bringing the country's total close to 110.

Improving Immigration Processing and Reducing Immigration Court Delays

As the President has said, the American people have great compassion for the children who are fortunate enough to survive the dangerous journey from Central America – and this Administration will continue to take every step to care for their needs while they're in our custody; however, for those who do not have a legal basis to stay under our laws will be returned home.

Department of Justice:

- DOJ's Executive Office for Immigration Review (EOIR) has refocused its immigration court resources primarily to focus on cases involving recent migrants who have crossed the southwest border and whom DHS has placed into removal proceedings. EOIR is working to process these cases quickly, but fairly, to enable prompt removal in appropriate cases, while ensuring due process for those seeking relief or protection.
- DOJ published in the Federal Register an interim rule allowing for the appointment of temporary immigration judges. These immigration judges will provide additional capacity and focus on key priorities while swiftly and effectively processing cases.
- Working with the Department of State, DOJ is also providing support and training in Central America to help address the root causes of migration, and is redoubling efforts to work with other federal agencies and the Mexican government to investigate and prosecute those who smuggle migrants to the United States.

Department of Health and Human Services:

- HHS cares for unaccompanied children until they can be released with sponsors, typically family members, who can safely and appropriately care for them while their immigration case is processed. So far this year, HHS has cared for nearly 54,000 children – more than 2.75 times the number cared for over the same period last year.
- To respond to the sharp increase in the number of children needing care, HHS has increased the number of children it can shelter at any one time in our standard facilities by almost 2,200 since January.
- Additionally, HHS has taken steps to reduce the length of time children stay in shelters while ensuring that children are only released to sponsors who can care for them safely. The average length of time a child remains in HHS care has fallen by more than half since 2011, and today a substantial share of children are placed with sponsors in less than three weeks.

Department of Homeland Security:

- CBP opened two processing centers to improve coordination in processing unaccompanied children between CBP, ICE, and HHS.

- ICE increased and surged transportation resources for relocating unaccompanied children from DHS to HHS Office of Refugee Resettlement (ORR) facilities and custody.
- ICE refocused immigration prosecuting attorneys from the Office of the Principal Legal Advisor to prioritize cases related to unaccompanied children and adults with children who have recently entered the United States.

Corporation for National and Community Service (CNCS)

- In June, the Department of Justice and the Corporation for National and Community Service announced justice AmeriCorps, a strategic partnership that will enroll approximately 100 lawyers and paralegals as AmeriCorps members to provide legal services to the most vulnerable of the unaccompanied minors. These AmeriCorps members will facilitate the effective and efficient adjudication of immigration proceedings involving certain children who have crossed the border. The AmeriCorps members will also help identify unaccompanied immigrant children who have been victims of human trafficking or abuse to assist in the investigation and prosecution of those who perpetrate such crimes on those children.
- CNCS is committing AmeriCorps VISTA resources to addressing the humanitarian crisis at the border. AmeriCorps VISTA members will build the capacity of organizations that provide resources for pro bono and legal services to better serve those involved in the unaccompanied minor humanitarian effort. AmeriCorps VISTA members will also support organizations funded through the justice AmeriCorps competition.
- Additionally, CNCS has committed Senior Corps resources to support the needs of unaccompanied children across the country. CNCS has also deployed members of FEMA Corps, a unit of AmeriCorps NCCC, to provide logistical and operational support in processing facilities near the border and in Washington, D.C.

Diplomatic Efforts with Central America and Mexico

The Administration is working with our Central American partners and Mexico to get the word out to deter migration; improve the ability of Mexico and Guatemala to interdict migrants; enhance the Central's ability to receive and reintegrate repatriated migrants; and address the underlying causes of migration.

- On July 25, President Obama met with President Perez Molina of Guatemala, President Hernandez of Honduras, and President Sanchez Ceren of El Salvador to discuss how the United States and Central American governments are cooperating to disrupt smuggling organizations and promote safe, legal, and orderly

migration. The leaders also discussed how we can work together with other members of the international community to accelerate development, economic growth, and security improvements in the region and address the systemic factors that are causing Central American citizens to undertake the dangerous journey to the United States.

- Vice President Biden and Secretary of State Kerry have met with leaders from El Salvador, Guatemala, and Honduras, as well as Mexico, to discuss our shared responsibility for promoting security, and agree on concrete ways that we can work together to stem the flow of migrants taking the dangerous trip to the United States.
- Homeland Security Secretary Johnson and Health and Human Services Secretary Burwell, as well as other senior Administration officials, have made multiple visits to CBP processing facilities in the Southwest border, as well as HHS temporary facilities to ensure that we are caring for the needs of the vulnerable population appropriately.

Honduras

- On June 20, the Honduran government began a nationwide media campaign using CBP-provided materials highlighting the dangers of land-based migration, which is being shown on gas station screens and broadcast on 80 TV outlets and 120 radio stations.
- On July 9, President Hernandez declared a humanitarian emergency and announced the creation of a revolving fund to coordinate the repatriation and reintegration of children and the prioritization of unaccompanied children in the delivery of consular services.
- Honduran special operations police, with training and funding assistance from INL and CBP, stood up Operation “Rescue Angels” along the Honduran-Guatemalan border. The operation is designed to increase apprehensions of migrants attempting to illegally emigrate to the United States, often via smuggling organizations. The unit has rescued at least 90 children attempting to cross the border with smuggling organizations since the operation began on June 20 and turned them over to the appropriate Honduran authorities.

Guatemala

- Guatemala’s First Lady launched the “Quédate!” campaign discouraging illegal immigration to the United States. Through public statements she is noting the dangers of the journey and urged parents not to send their children illegally to the United States.
- On June 26, Guatemala media Prensa Libre, El Quetzalteco, and Guatevisión launched an independent campaign on June 26 to raise awareness of the unaccompanied minors issue

- In coordination with U.S. officials, the Guatemalan government is investigating six human smuggling/trafficking rings with potential connections to smuggling of migrants.

El Salvador

- On July 14, the Government of El Salvador announced the launch of a six-month, \$1.2 million media campaign on the dangers of migration by children and families. Phase one will focus on the dangers of the trip, while phase two will highlight government efforts to reduce migration push factors.
- On July 10, the Mayor's Office of San Salvador, the Municipal Institute for Youth and the NGO Vision Democrática launched an unaccompanied minor campaign called "Sueño vs. Pesadilla" (Dream vs. Nightmare). The campaign, conducted in partnership with ten universities and 2,000 youth volunteers, includes earned media, social media and direct volunteer outreach to key communities in San Salvador.

Mexico

- President Obama called President Peña Nieto of Mexico twice to discuss a regional strategy to address the influx of Central American migrants through Mexico.
- Multiple government officials have visited the region including Secretary of State John Kerry, DHS Secretary Jeh Johnson and Defense and State officials.
- On July 7, Mexican President Peña Nieto announced its Southern Border Strategy, a welcome step towards improving Mexico's ability to exercise greater control along its border with Guatemala. On July 15, President Peña Nieto designated Humberto Mayans Canabal as coordinator of its Southern Border Strategy.

The Administration's Unprecedented Investments to Secure the Border:

- This Administration has dedicated unprecedented resources to secure the border including historic investments in manpower, technology and infrastructure.
 - Right now, there are more Border Patrol agents and surveillance resources on the ground than at any time in our history.
 - Since 2004, the number of "boots on the ground" along the Southwest border has increased by 94% to nearly 21,000 Border Patrol Agents today.
- We have staffed up technology, fencing, and aerial assets to monitor and detect illicit activity.
 - The number of mobile surveillance systems deployed to the border has nearly doubled from 2006 to over 12,000 mobile systems today, with more systems in the pipeline for deployment in the coming year.
 - DHS has completed 651 miles of fencing along the Southwest border. This includes 299 miles of vehicle barriers and 352 miles of pedestrian fence.

- It's important to understand that the current influx of unaccompanied minors and adults with children is not occurring on the entire border – it affects one sector: the Rio Grande Valley.
 - If you look at overall trends in the past 4 years along the entire border, you will see that at the same time that we have deployed more resources and technology to monitor and detect illicit activity, seizures continue to increase and border apprehensions have decreased significantly, indicating that fewer people are attempting to cross the border.

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The White House · 1600 Pennsylvania Avenue, NW · Washington DC 20500 · 202-456-1111

Sent: 27 Aug 2014 21:24:33 +0000

To: (b) S1

Subject: RE: Washpost story

Article below

Obama's immigration decision could roil 2014 election

By Karen Tumulty and Robert Costa August 27 at 3:32 PM

Both political parties are in a state of high anxiety over the possibility that President Obama will allow millions of illegal immigrants to remain in the country, fearing that White House action on the issue could change the course of November's midterm elections.

In the past few days, Democratic candidates in nearly every closely fought Senate race have criticized the idea of aggressive action by Obama. Some strategists say privately that it would signal the president has written off the Democrats' prospects for retaining control of the chamber, deciding to focus on securing his own legacy instead.

Senior Republicans, meanwhile, have their own worries about a "September surprise" on immigration. They know their volatile party's tendency to erupt at such moments — launching threats of impeachment and government shutdowns — and that the GOP brand is even more tattered than the Democratic one.

A conservative uprising against the administration would pose little risk for safely entrenched Republicans in the GOP-controlled House. But any moves toward impeachment hearings or another government shutdown would raise serious risks for Republicans in key Senate races, who must appeal to independents already suspicious about the party's ability to govern.

Obama announced in June that he was looking at "additional actions my administration can take on our own, within my existing legal authorities, to do what Congress refuses to do and fix as much of our immigration system as we can."

The possibilities include not only deferring deportations for millions of illegal immigrants but also providing new green cards for high-tech workers and for the relatives of U.S. citizens and permanent residents, officials say. A decision is expected in coming weeks.

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One senior administration official said the White House is balancing a number of concerns in its deliberations, including the legal limits on the president's authority, the ongoing child migrant crisis along the Rio Grande River, the communications challenge of explaining the new policy, the impact it is likely to have on Capitol Hill and the implications of acting in the heat of a campaign.

The White House is also feeling pressure from Hispanic groups and other advocates of immigration liberalization, who are weary of being told they must be patient. On Wednesday, Rep. Luis V. Gutierrez (D-Ill.) met with more than two dozen like-minded activists in the office of Chicago Mayor Rahm Emanuel, who was Obama's first White House chief of staff.

"We're preparing and want to make sure it happens," Gutierrez said. "I'm more optimistic than ever that the president will be broad and generous with his decision."

He said Obama "is going to determine his legacy with the immigrant community in the next 30 days."

A dramatic move may well produce long-term political benefits with the nation's fast-growing Latino electorate. But many of the crucial Senate battles this year are being fought in conservative states with small Latino populations where Obama is unpopular.

Democratic candidates in those states have little appetite for yet another policy battle.

“To me, securing our borders has to be the priority, and that should be the president’s focus,” said Sen. Mark Begich (D-Alaska).

Sen. Kay Hagan (D-N.C.) added, “I am extremely disappointed that the House has stalled on comprehensive immigration reform, but this is an issue that I believe should be addressed legislatively and not through executive order.”

Shripal Shah, an adviser to Sen. Jeanne Shaheen (D-N.H.), said the candidate “believes Congress must address our broken immigration system with a comprehensive fix, and would not support a piecemeal approach issued by executive order.”

Shaheen’s Republican opponent, former Massachusetts senator Scott Brown, is betting that a wave of unrest over immigration could help him win in a state he has only recently called home. His first town hall of the campaign was about “illegal immigration and the ongoing crisis at the border,” and he has produced television ads blasting the “pro-amnesty policies of President Obama and Senator Shaheen.”

One state where the issue could pay dividends for Democrats this year is Colorado, where 21 percent of the population is Hispanic and incumbent Sen. Mark Udall (D) is in a close race against Rep. Cory Gardner (R).

“Senator Udall believes our immigration system is badly broken and in need of changes that only Congress can make, but Republicans have so far refused to help,” said Mike Saccone, a Udall aide. “Senator Udall has pressed the president to take action if Republicans refuse.”

Republicans on Capitol Hill and outside conservative leaders have been closely watching the Obama White House’s statements. They see an opportunity “but also an opening for their party to stumble at a time when the political tide seems to be running in their favor.

“The hope is that he’ll change his mind and won’t take it that far but it may be a little too late, from what we hear,” said Sen. Jeff Flake (R-Ariz.), who supported the Senate’s bipartisan immigration bill passed last year. “Now, we haven’t heard directly from the White House, but if you believe the rumors, there is not much hesitancy.”

Some see the potential for an almost Machiavellian turn of events.

“A cynic would say this is a trap carefully laid by the White House,” said Vin Weber, a well-connected Republican former congressman from Minnesota.

“By doing something like this, the president would incite some Republican members, hoping to change the storyline,” said David Winston, a longtime pollster for House Republicans. “But whether it changes the story depends on the discipline of the Republican side to make sure that disagreements that exist within the conference do not overwhelm what the conference is trying to achieve overall.”

The two impulses that Republican leaders are eager to tamp down are calls for Obama’s impeachment or another government shutdown.

Rep. Steve King (R-Iowa), a hard-line tea party conservative, said a shutdown is possible. King has accrued growing influence on the immigration issue this summer, helping to shape the House GOP border security legislation passed in early August.

King said in an interview that if Obama does move forward with an executive action, many House Republicans will be unwilling to extend funding for the government that is set to expire at the end of September.

“I don’t see how we could reach agreement if he takes that posture,” King said. “It would throw us into a constitutional crisis.”

“No one wants to use the I-word,” King added, when asked about possible calls for impeachment. But he did not

rule out the option.

Sen. Marco Rubio (R-Fla.), a potential 2016 presidential candidate, said this week that Republicans may look to tie votes on fiscal and budgetary policy to the immigration issue.

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"There will have to be some sort of a budget vote or a continuing resolution vote, so I assume there will be some sort of a vote on this," Rubio said in an interview with Breitbart, a conservative news Web site. "I'm interested to see what kinds of ideas my colleagues have about using funding mechanisms to address this issue."

Reining in King and his bloc is likely to be difficult. House Speaker John A. Boehner (R-Ohio) enters the fall session with an unseasoned leadership team and a long history of strife with his party's tea party caucus.

King said that he and a growing number conservative House Republicans are keeping in close touch this summer with a flurry of e-mails and phone calls, readying for whatever may come next month and warning conservative leaders that they need to prepare for a sea change in the midterm dynamics.

"You can expect me to head directly to the nearest airport, get to Washington, and pick up whatever drum I can beat, if the president follows through," King said. "I'll call for a special session and ask the leadership to hammer this out on the House floor."

Top GOP aides on Capitol Hill, who spoke on the condition of anonymity to discuss internal plans, said Republicans' immediate response would be to play up Obama's past statements about the limits of his authority to make unilateral changes in immigration policy. They would argue that the president is abusing the power of his office, and then focus on endangered Senate Democrats. Advisers to the National Republican Senatorial Committee are already focused on the idea of Democratic disarray on the issue.

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Mitt Romney, the 2012 GOP presidential nominee whose defeat was blamed in part on having alienated Hispanics, said in an interview last week that any short-term political gains made by the president could eventually be overshadowed by the long-term consequences.

"If the president takes unilateral action and makes law on his own and says he's going to go around the laws that have been passed by Congress, then he is going to set us back, for who knows how many years, on true immigration reform and the security of our borders," Romney said. "And that would be a terrible, terrible mistake on his part."

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

From: [b]S1

Sent: Wednesday, August 27, 2014 5:20 PM

To: Marrone, Christian

Subject: Washpost story

Something about immigration just hit. I don't have a subscription on my iphone. Pls email to me.