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Cc:

Bcc:

Subject: Re: House report: At least 18 migrant children under the age of 2 were separated from parents for 20 days to 6 months

Date: Fri Jul 12 2019 16:00:44 EDT

Attachments: staff.report.-immigrant.child.separations.pdf

Sir,

This is a result of a subpoena from Chairman Cummings office in that we've been providing him data on the ZTP population.

That file shows 2,648 UAC, 18 children under the age of 2, 9 are under the age of 1, 10 of those under 2 are listed with a citizenship of Honduras. As I'm not home (on A/L in Kentucky at the moment) I cannot say how long those children were separated from parents or how many times they were sent to different facilities. But it is part of the data we went to his office.

Attached is their full report.

Thanks,

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

From: (b) (6)

Sent: Friday, July 12, 2019 11:48 AM

To: Morgan, Mark A; (b) (6), (b) (7)(C)

Subject: Fwd: House report: At least 18 migrant children under the age of 2 were separated from parents for 20 days to 6 months

Need our best analysis of this ASAP.

From: (b) (6)

Sent: Friday, July 12, 2019 9:34:50 AM

Subject: CNN: House report: At least 18 migrant children under the age of 2 were separated from parents for 20 days to 6 months

House report: At least 18 migrant children under the age of 2 were separated from parents for 20 days to 6 months

CNN

Priscilla Alvarez

July 12, 2019 – 9:02 AM

<https://www.cnn.com/2019/07/12/politics/house-oversight-committee-family-separations/index.html>

Washington (CNN) –At least 18 migrant infants and toddlers under the age of two were separated from their parents at the border "including nine infants under the age of one," according to a report released Friday by the House Oversight Committee.

The Trump administration's "zero tolerance" policy announced in April 2018 led to the separation of thousands of families, sparking a national outcry. More than a year later, the repercussions of that policy continue to be felt as House Democrats seek additional information on its execution.

The Democratic-led House Oversight Committee report comes ahead of a hearing on child separations that will include testimony from Reps. Alexandria Ocasio-Cortez and Rashida Talib, who toured border facilities last week, as well as testimony from the inspectors general from the Department of Health and Human Services and Department of Homeland Security.

Friday's report, based on data obtained by the committee under subpoena from the Trump administration, provides new information about at least 2,648 children who were separated from their parents.

The findings include:

- At least 18 infants and toddlers under two years old were separated from their parents and "kept apart for 20 days to half a year."
- Some children were kept in Border Patrol facilities longer than the allowed 72 hours.

- Children were moved around to multiple government facilities: more than 400 children were moved to several Customs and Border Protection facilities, more than 80 were moved to multiple Office of Refugee Resettlement facilities, and at least five children were moved to several Immigration and Customs Enforcement facilities.

- In some cases, parents were not sent to federal criminal custody, as was intended under the "zero tolerance" policy, while others were briefly taken into custody "and then returned within a day or two likely because prosecutors declined to prosecute their cases or because they were sentenced to time served for the misdemeanor of illegal entry."

- Ten of the children under two were from Honduras.

The list provided to the committee by the administration was derived from an ongoing family separation lawsuit brought by the American Civil Liberties Union, according to the report.

Last year, a court order in the case from US District Judge Dana Sabraw in San Diego forced the reunification of many immigrant families the government had separated at the border as a result of its "zero tolerance" policy. The majority have been reunited, according to the latest court filing in the case.

The committee notes in the report that it "has received some -- but not all -- of the information required by the subpoenas," as of Friday.

The committee is among others in pursuit of additional information on the administration's "zero tolerance" policy. On Thursday, the Democratic-led House Judiciary Committee voted to authorize subpoenas to current and former Trump administration officials related to the policy.

CNN has reached out to the departments of Homeland Security and Health and Human Services for comment.

This story is breaking and will be updated.



# **Child Separations by the Trump Administration**

*Prepared for Chairman Elijah E. Cummings*

**Staff Report  
Committee on Oversight and Reform  
U.S. House of Representatives**

**July 2019**

**[oversight.house.gov](https://oversight.house.gov)**



## EXECUTIVE SUMMARY

On February 26, 2019, the Committee on Oversight and Reform voted on a bipartisan basis to authorize subpoenas to compel the Trump Administration to produce documents relating to its policy of separating immigrant children from their families. These subpoenas were served to the Department of Justice (DOJ), the Department of Homeland Security (DHS), and the Department of Health and Human Services (HHS) after they refused to provide this information voluntarily in response to bipartisan requests made six months earlier.

This staff report has been prepared at the request of Chairman Elijah E. Cummings to summarize the data obtained by the Committee. This information is not complete. In many respects, it is woefully inadequate in terms of the volume of information produced and the number of separated children who remain unaccounted for, and the Committee will continue to press for additional information.

Nevertheless, pursuant to the subpoenas, the Committee has now obtained new information about at least 2,648 children who were separated from their parents by the Trump Administration. Many of these children were brought by their parents to the United States to seek refuge from violence in Central America and elsewhere and to seek asylum under U.S. law.

This list largely covers children who were separated after the Administration initiated its “zero tolerance policy” in April 2018 and were still in custody as of June 26, 2018. This information was provided by the Office of Refugee Resettlement (ORR) within HHS, Customs and Border Protection (CBP) and Immigration and Customs Enforcement (ICE) within DHS, and other federal agencies.

This data does not include information about thousands of additional children who may have been separated prior to April 2018, information about children who were reunited with their parents prior to June 2018, or information about more than 700 additional children who have been separated by the Administration since June 2018.

Based on the new information obtained by the Committee, this staff report includes the following preliminary findings, which may be updated as more information is obtained:

- **The Trump Administration’s child separations were more harmful, traumatic, and chaotic than previously known.**
  - At least 18 infants and toddlers under two years old were taken away from their parents at the border and kept apart for 20 days to half a year.
  - At least 241 separated children were kept in Border Patrol facilities longer than the 72 hours permitted by law.
  - Many separated children were kept in government custody far longer than previously known—at least 679 were held for 46 to 75 days, more than 50 were held for six months to a year, and more than 25 were held for more than a year.

- Even after being reunited with their parents, hundreds of separated children continued to be detained for months in family detention facilities—far longer than the 20-day limit under the *Flores* case.
- More than 400 children were moved to multiple CBP facilities, more than 80 children were moved to multiple ORR facilities, and at least five children were moved to multiple ICE facilities—including to one, Port Isabel, after the Administration claimed that “no children will be housed at the facility ... even for short periods.”
- At least ten separated children were sent to the “tent city” in Tornillo, Texas, the notorious emergency influx facility near El Paso, before the CEO of the facility’s parent company refused to continue operations as a result of the Administration’s pressure to expand capacity despite delays in releasing children.
- **The Trump Administration has not been candid with the American people about its purpose in separating children.** The records obtained by the Committee indicate that the Trump Administration separated children unnecessarily—even under its own rationale—causing lengthy delays to reunifications and separations that continue to this day. The Administration claimed that separating children was necessary to criminally prosecute parents. But the documents describe parents who were never sent to federal criminal custody, as well as others who were briefly taken into custody and then returned within a day or two likely because prosecutors declined to prosecute their cases or because they were sentenced to time served for the misdemeanor of illegal entry. *In some cases, parents were readmitted to the same facilities they left just hours before, but their children had already been removed.* These parents were then sent to separate detention facilities and in some cases deported without their children.
- **The nightmare of child separations continues.** Hundreds of additional children have been separated from their parents since the end of the Administration’s zero tolerance policy in June 2018. These continued unnecessary separations have contributed to the current crisis of children suffering in overcrowded, poorly-run government detention facilities at the border. In addition, at least 30 children separated from their parents under the zero tolerance policy remain separated, despite a federal court order more than a year ago to reunite these children with their families or an appropriate sponsor.

The information obtained by the Committee indicates that the Trump Administration’s decision to separate thousands of babies, toddlers, and children from their parents and put them in government custody for months or years is causing immense suffering. This staff report provides numerous case studies that illustrate their trauma in stark terms. These child separations were not required by law and were not in the best interest of the children. Instead, the policy of separating children from their parents appears to be a deliberate, unnecessary, and cruel choice by President Trump and his Administration.

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## I. THE COMMITTEE'S INVESTIGATION

In early 2018, reports began surfacing that hundreds of children, including babies and toddlers, were being separated from their parents at the southern border. Many of these children had been brought by their parents to the United States to seek refuge from violence in Central America and elsewhere and to seek asylum under U.S. law.<sup>1</sup>

In response to these reports, Ranking Member Cummings, who was in the minority, repeatedly asked Republicans to investigate. Rep. Cummings and other Committee Democrats wrote to Rep. Trey Gowdy, who was then serving as Chairman, on May 22, 2018, and June 17, 2018, requesting an investigation, but he did not respond.<sup>2</sup>

Rep. Cummings then began pleading with his Republican colleagues, including at hearings on unrelated topics. For example, on July 19, 2018, Rep. Cummings asked his Republican colleagues to “stand up to President Trump” and join Democrats in rejecting the child separation policy.<sup>3</sup> Again, Republicans refused.

On June 22, 2018, all Committee Democrats joined together in sending a letter asking the Trump Administration to produce information relating to each child who had been separated from his or her family under the Administration’s child separation policy.<sup>4</sup> The Administration did not comply.

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<sup>1</sup> See, e.g., ‘Where’s Mommy?’: A Family Fled Death Threats, Only to Face Separation at the Border, Washington Post (Mar. 18, 2018) (online at [www.washingtonpost.com/local/wheres-mommy-a-family-fled-death-threats-only-to-face-separation-at-the-border/2018/03/18/94e227ea-2675-11e8-874b-d517e912f125\\_story.html?utm\\_term=.6958eb11fc57](http://www.washingtonpost.com/local/wheres-mommy-a-family-fled-death-threats-only-to-face-separation-at-the-border/2018/03/18/94e227ea-2675-11e8-874b-d517e912f125_story.html?utm_term=.6958eb11fc57)); *Hundreds of Immigrant Children Have Been Taken From Parents at U.S. Border*, New York Times (Apr. 20, 2018) (online at [www.nytimes.com/2018/04/20/us/immigrant-children-separation-ice.html?login=email&auth=login-email](http://www.nytimes.com/2018/04/20/us/immigrant-children-separation-ice.html?login=email&auth=login-email)).

<sup>2</sup> Letter from Ranking Member Elijah E. Cummings and Rep. Carolyn B. Maloney to Chairman Trey Gowdy, Committee on Oversight and Government Reform (May 22, 2018) (online at <https://maloney.house.gov/sites/maloney.house.gov/files/MaloneyCummings%20ICE%20Child%20Separation%20OGR%20Hearing%20Request.pdf>); Letter from Ranking Member Elijah E. Cummings et al. to Chairman Trey Gowdy, Committee on Oversight and Government Reform (June 17, 2018) (online at <https://oversight.house.gov/sites/democrats.oversight.house.gov/files/documents/2018-06-17.OGR%20Dems%20to%20Gowdy%20re%20Request%20for%20Child%20Separation%20Hearing.pdf>).

<sup>3</sup> Committee on Oversight and Government Reform Democrats, *MUST SEE VIDEO: Elijah Cummings Issues Blistering Condemnation Of President Trump’s “Child Internment Camps” Calls on House Republicans to Stand Up to President Trump and Stand Up for the Children* (June 19, 2018) (online at <https://oversight.house.gov/news/press-releases/elijah-cummings-issues-blistering-condemnation-of-president-trump-s-child>).

<sup>4</sup> Letter from Democratic Members, Committee on Oversight and Government Reform, to Secretary Kirstjen M. Nielsen, Department of Homeland Security, Secretary Alex M. Azar II, Department of Health and Human Services, and Attorney General Jeff Sessions, Department of Justice (June 22, 2018) (online at <https://oversight.house.gov/sites/democrats.oversight.house.gov/files/documents/2018-06-22.OGR%20Dems%20to%20Nielsen-DHS%20Azar-HHS%20Sessions-DOJ%20re%20Family%20Separations.pdf>).

At another unrelated hearing, Rep. Cummings pleaded with his Republican colleagues again, warning that the “harm and the trauma our own government is inflicting on these children is continuing and compounding every single day.”<sup>5</sup>

Finally, on July 5, 2018, Ranking Member Cummings obtained the agreement of one Republican Committee Member, Rep. Mark Meadows, to send requests to the Department of Justice (DOJ), Department of Homeland Security (DHS), and Department of Health and Human Services (HHS). Their requests sought information on each child and parent separated under the Administration’s zero tolerance policy. As they wrote, “we want to ensure that we can reunite children who have been separated from their families as expeditiously as possible.”<sup>6</sup>

All three agencies refused to produce the requested information. Instead, they briefed Committee Members and staff on July 18, 2018, but they did not produce the specific information requested.<sup>7</sup>

Over the next several months, Rep. Cummings made repeated efforts to obtain the information that had been requested on a bipartisan basis. He sent a follow-up letter to the agencies on August 2, 2018, seeking “full and immediate compliance” with the request, but the agencies refused to produce the requested information.<sup>8</sup>

In September 2018, Rep. Cummings and Committee Democrats repeatedly asked Chairman Gowdy to allow the Committee to debate and vote on a motion to issue subpoenas to HHS, DHS, and DOJ for the information. Rep. Gowdy did not respond.<sup>9</sup>

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<sup>5</sup> Committee on Oversight and Government Reform, *Hearing on Examining the Administration’s Government-Wide Reorganization Plan*, 115th Cong. (June 27, 2018) (online at <https://docs.house.gov/meetings/GO/GO00/20180627/108490/HHRG-115-GO00-Transcript-20180627.pdf>).

<sup>6</sup> Letter from Chairman Mark Meadows, Subcommittee on Government Operations, and Ranking Member Elijah E. Cummings, Committee on Oversight and Government Reform, to Secretary Kirstjen M. Nielsen, Department of Homeland Security, Secretary Alex M. Azar II, Department of Health and Human Services, and Attorney General Jeff Sessions, Department of Justice (July 5, 2018) (online at <https://oversight.house.gov/sites/democrats.oversight.house.gov/files/documents/Meadows-Cummings%20Letter%20Requesting%20Info%20on%20Separated%20Children.pdf>).

<sup>7</sup> Briefing by Commander Jonathan D. White, Ph.D., Federal Health Coordinating Official for the 2018 UAC Reunification Effort, Department of Health and Human Services, Joseph Edlow, Deputy Assistant Attorney General, Department of Justice, Matthew T. Albence, Executive Associate Director for Enforcement and Removal Operations, Immigration and Customs Enforcement, and Matthew Rogow, Acting Law Enforcement Operations Directorate Deputy Chief, Customs and Border Protection, to Committee on Oversight and Government Reform (July 18, 2018).

<sup>8</sup> Letter from Ranking Member Elijah E. Cummings, Committee on Oversight and Government Reform, to Secretary Kirstjen M. Nielsen, Department of Homeland Security, Secretary Alex M. Azar II, Department of Health and Human Services, and Attorney General Jeff Sessions, Department of Justice (Aug. 2, 2018) (online at <https://oversight.house.gov/sites/democrats.oversight.house.gov/files/2018-08-02.EEC%20to%20Sessions-DOJ%20Nielsen-DHS%20Azar-HHS%20re%20Child%20Separation%20Follow%20Up%20Request.pdf>).

<sup>9</sup> Letter from Ranking Member Elijah E. Cummings to Chairman Trey Gowdy, Committee on Oversight and Government Reform (Sept. 17, 2018) (online at <https://oversight.house.gov/sites/democrats.oversight.house.gov/files/documents/2018-09-17.EEC%20to%20Gowdy-OGR%20re%20Child%20Separation.pdf>); Letter from Ranking Member Elijah E.

At a Committee meeting on September 27, 2018, Democrats moved to issue these subpoenas, but Republicans blocked their consideration.<sup>10</sup>

On December 19, 2018, after Democrats were voted into the majority in the House of Representatives and Rep. Cummings was chosen as the incoming Chairman of the Committee, he sent letters to all three agencies requesting that they “fully comply” with the July 2018 request by January 11, 2019.<sup>11</sup> Despite the fact that the agencies had more than six months to comply, they failed to produce the requested information by this deadline.

In order to investigate further, on February 5, 2019, Chairman Cummings invited the top legislative affairs officials at each agency to testify about why they did not produce the requested information. On February 8, 2019, the Chairman postponed the hearing to accommodate the agencies’ request for additional time, but none of the agencies fully complied with the Committee’s requests.<sup>12</sup>

On February 26, 2019, following further unsuccessful attempts to secure voluntary compliance, the Committee voted to authorize Chairman Cummings to issue subpoenas requiring DOJ, DHS, and HHS to produce the same information originally requested in the bipartisan letter on July 5, 2018. These were the first subpoenas authorized by the Committee in the 116th Congress, and they were approved on a bipartisan basis, with Republican Committee Members Chip Roy and Justin Amash voting in favor of authorizing them.<sup>13</sup>

A month later, on March 27, 2019, Chairman Cummings and Subcommittee on Civil Rights and Civil Liberties Chairman Jamie Raskin sent a letter to the three agencies expressing concern with their failure to comply with the subpoenas and inviting each agency’s top

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Cummings and Vice Ranking Member Gerald E. Connolly, to Chairman Trey Gowdy, Committee on Oversight and Government Reform (Sept. 25, 2018) (online at <https://oversight.house.gov/sites/democrats.oversight.house.gov/files/documents/2018-09-25.EEC%20Connolly%20to%20Gowdy-OGR%20re%20Subpoena%20Requests.pdf>).

<sup>10</sup> Committee on Oversight and Government Reform Democrats, *Oversight Republicans Block 11 More Subpoenas for a Total of 64 Motions Denied* (Sept. 27, 2018) (online at <https://oversight.house.gov/news/press-releases/oversight-republicans-block-11-more-subpoenas-for-a-total-of-64-motions-denied>).

<sup>11</sup> Letter from Ranking Member Elijah E. Cummings, Committee on Oversight and Government Reform, to Secretary Kirstjen M. Nielsen, Department of Homeland Security, Secretary Alex M. Azar II, Department of Health and Human Services, and Acting Attorney General Matthew G. Whitaker, Department of Justice (Dec. 19, 2018) (online at <https://oversight.house.gov/sites/democrats.oversight.house.gov/files/2018-12-19.EEC%20to%20Nielsen-DHS%20Whitaker-DOJ%20and%20Azar-HHS%20re%20Immigrant%20Child%20Separation.Updated.pdf>).

<sup>12</sup> See Letter from Chairman Elijah E. Cummings, Committee on Oversight and Reform, to Assistant Secretary Christine Ciccone, Department of Homeland Security, Assistant Attorney General Stephen E. Boyd, Department of Justice, and Assistant Secretary Matthew Bassett, Department of Health and Human Services (Feb. 5, 2019) (online at <https://oversight.house.gov/sites/democrats.oversight.house.gov/files/documents/2019-02-05.EEC%20to%20DHS%20DOJ%20HHS%20on%20Child%20Separation.pdf>).

<sup>13</sup> Committee on Oversight and Reform, *Oversight Committee Approves First Subpoenas of the 116th Congress—And They Are Bipartisan* (Feb. 26, 2019) (online at <https://oversight.house.gov/news/press-releases/oversight-committee-approves-first-subpoenas-of-the-116th-congress-and-they-are>).

legislative affairs official to testify at a hearing on their noncompliance.<sup>14</sup> Committee staff engaged in extensive discussions with agency staff to negotiate faster production of responsive data, and the Chairmen agreed as a further accommodation to have staff meet with agency officials on April 9, 2019, in lieu of the hearing.

As of today, the Committee has received some—but not all—of the information required by the subpoenas. Specifically, the Committee has received data relating to 2,648 children who were separated from their parents at the border. The Committee also received data relating to a few individuals who were already 18 years old or older at the time of their arrival or were determined to have arrived alone or with an adult who was not their parent.<sup>15</sup>

The Administration has stated that this list of 2,648 separated children was derived from a list compiled by the Trump Administration in response to a class action lawsuit, *Ms. L vs. Immigration and Customs Enforcement (ICE)*, which was brought by the American Civil Liberties Union on behalf of families of separated children.<sup>16</sup>

This list includes separated children who were in custody as of June 26, 2018. It does not cover children who were reunited with their parents before that date or more than 700 additional children separated since June 2018. In addition, the data provided to the Committee does not include 149 children who were added to the *Ms. L* litigation last December.<sup>17</sup>

The Committee has not received complete data for all 2,648 children, and data from the Office of Refugee Resettlement (ORR) and Customs and Border Protection (CBP) still has not been provided for many children. The limited information includes the following:

- Some data for each of the 2,648 separated children and their parents, including date of birth, date of book-in to U.S. government custody, age at book-in, country of citizenship or birth, and gender, as well as the date of birth, age, country of citizenship, and gender of the parent accompanying each child, and time and location of ICE detention and deportation data for parents where applicable.

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<sup>14</sup> Letter from Chairman Elijah E. Cummings, Committee on Oversight and Reform, and Chairman Jamie Raskin, Subcommittee on Civil Rights and Civil Liberties, to Secretary Kirstjen M. Nielsen, Department of Homeland Security, Secretary Alex M. Azar II, Department of Health and Human Services, and Attorney General William P. Barr, Department of Justice (Mar. 27, 2019) (online at <https://oversight.house.gov/sites/democrats.oversight.house.gov/files/2019-03-27.EEC%20Raskin%20to%20DHS%20DOJ%20HHS.pdf>).

<sup>15</sup> In addition to the 2,648 separated children, the data included six individuals who were 18 or over when they arrived in the United States and 13 who were determined to have arrived alone or with an adult who was not their parent, for a total of 2,667 individuals.

<sup>16</sup> Letter from Matthew D. Bassett, Assistant Secretary for Legislation, Department of Health and Human Services, to Chairman Elijah E. Cummings, Committee on Oversight and Reform (Mar. 12, 2019) (online at <https://oversight.house.gov/sites/democrats.oversight.house.gov/files/2019-03-12%20HHS%20Response%20to%20EEC%20re%20Child%20Separation.pdf>).

<sup>17</sup> Joint Status Report, *Ms. L v. ICE*, 3:18-cv-00428-DMS-MDD (S.D. Cal. Dec. 12, 2018).

- ORR data for 1,063 of these children, including the locations of each ORR facility that children were admitted to, the dates they were there, and the reason for their release.
- CBP data for 1,000 of these children and their parents (only 862 of whom overlap with the limited set of ORR records described above), including the date and location of arrest at the border, and the book-in dates and names of each CBP facility where the separated child and parent were kept.

The analysis of data in this report includes data provided by CBP to the Committee on or before July 3, 2019, data provided by ORR to the Committee on or before June 4, 2019, and data provided by ICE on or before April 19, 2019. The agencies have and are continuing to produce additional data, which may result in updates to this report.



## II. CHRONOLOGY OF ADMINISTRATION’S CHILD SEPARATIONS

This section provides a chronology of the Trump Administration’s child separation policy. For a more detailed timeline, see Appendix A.

The height of child separations at the southern border occurred between April and June 2018. During this period, DOJ instituted a “zero tolerance policy” to prosecute all cases of unauthorized entry at the southern border, and DHS referred all instances of unauthorized entry for prosecution.

Under this policy, CBP separated families that crossed the border without authorization. CBP referred parents for prosecution and designated children as Unaccompanied Alien Children (UAC), sending them to the custody of ORR, a component of HHS, in facilities across the United States.

The Trump Administration has admitted to separating hundreds of additional children since the zero tolerance policy was halted by a federal court, and government watchdogs have indicated that the Administration may have separated thousands of additional children before the zero tolerance policy was announced.

Reports by the DHS Office of Inspector General and the Government Accountability Office (GAO) found that the Trump Administration conducted these separations with no plans to track separated children, made false statements about the ability to track these children and reunite families, and failed to plan for an influx of children into ORR custody despite warnings from agency officials.<sup>18</sup>

The Trump Administration’s failure to care for separated children adequately and reunite them with their families in a timely way may also violate binding standards in the 1997 *Flores v. Reno* settlement agreement and the Trafficking Victims Protection Reauthorization Act (TVPRA), which was signed into law by President George W. Bush in 2008.

The *Flores* agreement “sets out nationwide policy for the detention, release, and treatment of minors” in federal immigration custody. Among other requirements, *Flores* compels the government to “expeditiously process” detained children, to place children in the “least restrictive setting appropriate,” to maintain “safe and sanitary” conditions in detention, and to release children “without unnecessary delay” to a parent or other sponsor.<sup>19</sup> The *Flores* settlement applies to minors whether or not they are accompanied by adults, and courts

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<sup>18</sup> Department of Homeland Security, Office of Inspector General, *Special Review—Initial Observations Regarding Family Separation Issues Under the Zero Tolerance Policy* (Sept. 27, 2018) (online at [www.oig.dhs.gov/sites/default/files/assets/2018-10/OIG-18-84-Sep18.pdf](http://www.oig.dhs.gov/sites/default/files/assets/2018-10/OIG-18-84-Sep18.pdf)); Government Accountability Office, *Unaccompanied Children, Agency Efforts to Reunify Children Separated from Parents at the Border* (Oct. 24, 2018) (online at [www.gao.gov/assets/700/694918.pdf](http://www.gao.gov/assets/700/694918.pdf)).

<sup>19</sup> Stipulated Settlement Agreement, *Flores v. Reno*, No. CV 85-4544-RJK(Px) (N.D. Cal. Jan. 17, 1997) (online at [www.aclu.org/sites/default/files/assets/flores\\_settlement\\_final\\_plus\\_extension\\_of\\_settlement011797.pdf](http://www.aclu.org/sites/default/files/assets/flores_settlement_final_plus_extension_of_settlement011797.pdf)).

interpreting this agreement have held that detaining children in family detention for more than 20 days violates the agreement.<sup>20</sup>

The TVPRA requires that, except in “exceptional circumstances,” any “unaccompanied alien child” in government custody—which includes separated children—must be sent to an ORR facility “not later than 72 hours after determining that such child is an unaccompanied alien child.”<sup>21</sup>

#### **A. Administration’s Initial Child Separations (2017 to Early 2018)**

The Trump Administration began publicly discussing the possibility of separating children just weeks after President Trump’s inauguration in 2017. In an interview on March 7, 2017, Secretary of Homeland Security John F. Kelly was asked whether DHS personnel were going to “separate the children from their moms and dads.” He responded:

Yes, I am considering, in order to deter more movement along this terribly dangerous network, I am considering exactly that. They will be well cared for as we deal with their parents.<sup>22</sup>

In July 2017, the Administration began a secret pilot program to separate children and their parents arriving at the border in the El Paso sector.<sup>23</sup> An October 2018 GAO report found that 281 individuals were separated under this program.<sup>24</sup>

A January 2019 report by the HHS Office of Inspector General found that child separations rose sharply in 2017. The report also found that “thousands” of separations may have occurred before the zero tolerance policy, but that the “total number and current status of all children separated from their parents or guardians by DHS and referred to ORR’s care is unknown.”<sup>25</sup> This report, along with media reports and lawsuits filed by separated parents,

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<sup>20</sup> *Flores v. Sessions*, No. 2:85-CV-04544 (C.D. Cal. June 27, 2017) (finding “substantial noncompliance” with the *Flores* settlement where, among other concerns, “a significant number of detainees still remained in detention for over 20 days”) (online at [www.americanimmigrationcouncil.org/sites/default/files/jenny\\_1\\_flores\\_v\\_jefferson\\_b\\_sessions\\_motion\\_to\\_enforce.pdf](http://www.americanimmigrationcouncil.org/sites/default/files/jenny_1_flores_v_jefferson_b_sessions_motion_to_enforce.pdf)).

<sup>21</sup> 8 U.S.C. § 1232(b)(3).

<sup>22</sup> Kelly: *DHS Is Considering Separating Undocumented Children from Their Parents at the Border*, CNN (Mar. 7, 2017) (online at [www.cnn.com/2017/03/06/politics/john-kelly-separating-children-from-parents-immigration-border/index.html](http://www.cnn.com/2017/03/06/politics/john-kelly-separating-children-from-parents-immigration-border/index.html)) (emphasis added).

<sup>23</sup> *Trump Admin Ran ‘Pilot Program’ for Separating Migrant Families in 2017*, NBC News (June 29, 2018) (online at [www.nbcnews.com/storyline/immigration-border-crisis/trump-admin-ran-pilot-program-separating-migrant-families-2017-n887616](http://www.nbcnews.com/storyline/immigration-border-crisis/trump-admin-ran-pilot-program-separating-migrant-families-2017-n887616)).

<sup>24</sup> Government Accountability Office, *Unaccompanied Children: Agency Efforts to Reunify Children Separated from Parents at the Border* (Oct. 24, 2018) (online at [www.gao.gov/assets/700/694918.pdf](http://www.gao.gov/assets/700/694918.pdf)).

<sup>25</sup> Department of Health and Human Services, Office of Inspector General, *Separated Children Placed in Office of Refugee Resettlement Care* (Jan. 17, 2019) (“Officials estimated that ORR received and released thousands of separated children prior to a June 26, 2018, court order in *Ms. L v. ICE* that required ORR to identify and reunify

contradicted statements by Administration officials that they were not separating families prior to the April 2018 zero tolerance policy.<sup>26</sup>

Earlier this year, a federal court ordered the government to identify all children separated during this period and gave the Administration until October 2019 to do so.<sup>27</sup> As of July 11, 2019, the Administration had identified 791 additional children separated before the original court order.<sup>28</sup>

## **B. Mass Separations Under “Zero Tolerance Policy” (April to June 2018)**

Family separations increased dramatically in April 2018 as a result of two Trump Administration policy changes:

- On April 6, 2018, Attorney General Sessions announced that he was directing federal prosecutors along the southern border “to adopt a policy to prosecute all Department of Homeland Security referrals of section 1325(a) violations, to the extent practicable.”<sup>29</sup> 8 U.S.C. § 1325(a) addresses unauthorized entry into the United States.
- In late April or early May 2018, Secretary of Homeland Security Kirstjen Nielsen approved a policy of referring all adults for prosecution who make unauthorized border crossings, regardless of whether they arrive with a child.<sup>30</sup>

Although the Trump Administration separated thousands of children from their parents during the months following these policy changes, Secretary Nielsen stated on multiple occasions that there was no policy to separate children from their parents. On May 15, 2018, she stated in testimony before the Senate Homeland Security and Governmental Affairs Committee:

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certain separated children in its care as of that date.”) (online at [www.oig.hhs.gov/oei/reports/oei-BL-18-00511.pdf](http://www.oig.hhs.gov/oei/reports/oei-BL-18-00511.pdf)).

<sup>26</sup> *ACLU Sues ICE for Allegedly Separating 'Hundreds' Of Migrant Families*, National Public Radio (Mar. 9, 2018) (online at [www.npr.org/sections/thetwo-way/2018/03/09/592374637/aclu-sues-ice-for-allegedly-separating-hundreds-of-migrant-families](http://www.npr.org/sections/thetwo-way/2018/03/09/592374637/aclu-sues-ice-for-allegedly-separating-hundreds-of-migrant-families)).

<sup>27</sup> *Judge Gives U.S. 6 Months to Account for Thousands More Separated Migrant Families*, New York Times (Apr. 25, 2019) (online at [www.nytimes.com/2019/04/25/us/migrant-family-separation-judge.html](http://www.nytimes.com/2019/04/25/us/migrant-family-separation-judge.html)).

<sup>28</sup> Joint Status Report, *Ms. L v. ICE*, 3:18-cv-00428-DMS-MDD (S.D. Cal. July 11, 2019).

<sup>29</sup> Department of Justice, *Attorney General Announces Zero-Tolerance Policy for Criminal Illegal Entry* (Apr. 6, 2018) (online at [www.justice.gov/opa/pr/attorney-general-announces-zero-tolerance-policy-criminal-illegal-entry](http://www.justice.gov/opa/pr/attorney-general-announces-zero-tolerance-policy-criminal-illegal-entry)).

<sup>30</sup> *The Secretary of Homeland Security Said There Was “No Policy of Separating Families.” A Memo Proves There Was.*, BuzzFeed (Sept. 27, 2018) (online at [www.buzzfeednews.com/article/adolfoflores/immigration-homeland-security-family-separation-foia-dhs](http://www.buzzfeednews.com/article/adolfoflores/immigration-homeland-security-family-separation-foia-dhs)); *Top Homeland Security Officials Urge Criminal Prosecution of Parents Crossing Border with Children*, Washington Post (Apr. 26, 2018) (online at [www.washingtonpost.com/local/immigration/top-homeland-security-officials-urge-criminal-prosecution-of-parents-who-cross-border-with-children/2018/04/26/a0bdcee0-4964-11e8-8b5a-3b1697adcc2a\\_story.html](http://www.washingtonpost.com/local/immigration/top-homeland-security-officials-urge-criminal-prosecution-of-parents-who-cross-border-with-children/2018/04/26/a0bdcee0-4964-11e8-8b5a-3b1697adcc2a_story.html)).

“We do not have a policy to separate children from their parents.”<sup>31</sup> On June 17, 2018, Secretary Nielsen tweeted: “We do not have a policy of separating families at the border. Period.”<sup>32</sup>

Secretary Nielsen claimed that the only thing that had changed under the zero tolerance policy was that “everyone is subject to prosecution” and that separating children was necessary when the parent was placed in custody of the U.S. Marshals Service. She said this was “not a controversial idea.” She asserted: “If an American were to commit a crime anywhere in the United States, they would go to jail and they would be separated from their family.”<sup>33</sup>

Asked whether she was “intending for parents to be separated from their children” and “intending to send a message,” Secretary Nielsen responded, “I find that offensive. No. Because why would I ever create a policy that purposely does that?” She then denied that the policy was intended as a deterrent.<sup>34</sup>

However, other Administration officials said repeatedly that the separations would act as a deterrent. For example, Attorney General Sessions, when asked if the child separations policy was intended as a deterrent, said, “yes, hopefully people will get the message and come through the border at the port of entry and not break across the border unlawfully.” In response to a similar question, White House Chief of Staff John Kelly agreed, saying, “It could be a tough deterrent—would be a tough deterrent.”<sup>35</sup>

The President repeatedly and inaccurately blamed Democrats and legal requirements—instead of the Administration’s own policy decisions—for the child separation policy. He also claimed to be powerless to stop it, saying: “We can’t do it through executive order.”<sup>36</sup> Despite his claims, on June 20, 2018, amid massive public outcry and international condemnation, President Trump issued an executive order backing away from the zero tolerance policy and blanket child separations in all cases of unauthorized entry.<sup>37</sup>

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<sup>31</sup> Senate Homeland Security and Governmental Affairs Committee, *Hearing on Authorities and Resources Needed to Protect and Secure the United States*, 115th Cong. (May 15, 2018) (online at [www.hsgac.senate.gov/hearings/authorities-and-resources-needed-to-protect-and-secure-the-united-states](http://www.hsgac.senate.gov/hearings/authorities-and-resources-needed-to-protect-and-secure-the-united-states)).

<sup>32</sup> Secretary Kirstjen Nielsen, Department of Homeland Security, @SecNielsen, Twitter (June 17, 2018) (online at [twitter.com/SecNielsen/status/1008467414235992069](https://twitter.com/SecNielsen/status/1008467414235992069)).

<sup>33</sup> The White House, *Press Briefing by Press Secretary Sarah Sanders and Department of Homeland Security Secretary Kirstjen Nielsen* (June 18, 2018) (online at [www.whitehouse.gov/briefings-statements/press-briefing-press-secretary-sarah-sanders-department-homeland-security-secretary-kirstjen-nielsen-061818/](http://www.whitehouse.gov/briefings-statements/press-briefing-press-secretary-sarah-sanders-department-homeland-security-secretary-kirstjen-nielsen-061818/)).

<sup>34</sup> *Id.*

<sup>35</sup> *Here Are the Administration Officials Who Have Said That Family Separation is Meant as a Deterrent*, Washington Post (June 19, 2018) (online at [www.washingtonpost.com/news/politics/wp/2018/06/19/here-are-the-administration-officials-who-have-said-that-family-separation-is-meant-as-a-deterrent/?utm\\_term=.06b2c4a71390](https://www.washingtonpost.com/news/politics/wp/2018/06/19/here-are-the-administration-officials-who-have-said-that-family-separation-is-meant-as-a-deterrent/?utm_term=.06b2c4a71390)).

<sup>36</sup> *Trump Stops Separating Immigrant Families After Claiming He Couldn’t*, Daily Beast (June 20, 2018) (online at [www.thedailybeast.com/trump-stops-separating-immigrant-families-after-claiming-he-couldnt](http://www.thedailybeast.com/trump-stops-separating-immigrant-families-after-claiming-he-couldnt)).

<sup>37</sup> 83 Fed. Reg. 29435.

### **C. Court-Ordered Reunifications (June to July 2018)**

On June 26, 2018, the federal court overseeing the *Ms. L* lawsuit issued a preliminary injunction halting family separations, except in narrow circumstances for the safety of the child, and ordered the reunification of all separated children still in government custody on that date. The court gave the Administration approximately two weeks to reunify all children under the age of five and one month to reunify all other children with their parents.<sup>38</sup>

The Administration has identified 2,816 children covered by the court's preliminary injunction, including more than 100 children under five and over 2,500 children between 5 to 17.<sup>39</sup>

The court ordered the reunification of children under five by July 11, 2018, and of children between 5 to 17 by July 26, 2018. However, following these deadlines, 711 children remained separated, including several hundred children whose parents had been deported before the court issued its preliminary injunction.<sup>40</sup>

As of July 11, 2019—more than a year after the court's reunification order—30 of these separated children remain in ORR custody.<sup>41</sup>

### **D. Child Separations After Zero Tolerance (June 2018 to Present)**

The Administration has continued to separate children from their parents at the border since June 2018. In February 2019, the Administration identified 245 children separated since the court order.<sup>42</sup> That number increased to more than 700 by May 2019.<sup>43</sup>

The Administration has asserted that these separations fall under exceptions in the *Ms. L* ruling for separations due to a parent's criminal history or child safety concerns. Although separation of a parent and child may be necessary in rare situations when the parent poses a genuine risk to the child's safety, advocates report that the Administration has no written

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<sup>38</sup> Order Granting Plaintiffs' Mot. For Classwide Preliminary Injunction, *Ms. L v. ICE*, 3:18-cv-00428-DMS-MDD (S.D. Cal. June 26, 2018). Relevant court documents are online at [www.aclu.org/cases/ms-l-v-ice](http://www.aclu.org/cases/ms-l-v-ice).

<sup>39</sup> These figures changed slightly over time as the Administration identified additional separated children. See Joint Status Report, *Ms. L v. ICE*, 3:18-cv-00428-DMS-MDD (S.D. Cal. Aug. 16, 2018); Joint Status Report, *Ms. L v. ICE*, 3:18-cv-00428-DMS-MDD (S.D. Cal. Feb. 20, 2019).

<sup>40</sup> *After Deadline to Reunite Them, Hundreds of Children Remain Separated*, PBS (July 27, 2018) (online at [www.pbs.org/wgbh/frontline/article/after-deadline-to-reunite-them-hundreds-of-children-remain-separated/](http://www.pbs.org/wgbh/frontline/article/after-deadline-to-reunite-them-hundreds-of-children-remain-separated/)).

<sup>41</sup> Joint Status Report, *Ms. L v. ICE*, 3:18-cv-00428-DMS-MDD (S.D. Cal. July 11, 2019).

<sup>42</sup> *At Least 245 Children Separated from Families Since Trump Admin Said It Would Stop Doing So*, CNN (Feb. 22, 2019) (online at [www.cnn.com/2019/02/21/politics/separations-status-report/index.html](http://www.cnn.com/2019/02/21/politics/separations-status-report/index.html)).

<sup>43</sup> *Trump Administration Still Separating Hundreds of Migrant Children at the Border Through Often Questionable Claims of Danger*, Houston Chronicle (June 22, 2019) (online at [www.houstonchronicle.com/news/houston-texas/houston/article/Trump-administration-still-separating-hundreds-of-14029494.php](http://www.houstonchronicle.com/news/houston-texas/houston/article/Trump-administration-still-separating-hundreds-of-14029494.php)).

guidelines to determine when such separations should occur and justifies the hundreds of ongoing separations by “relying on minor crimes, questionable accusations of gang membership, and unverified safety concerns.”<sup>44</sup>

In response to a Freedom of Information Act request, HHS recently released additional information on children separated from January 2018 to March 2019.<sup>45</sup> This data covered 380 of the more than 700 children separated since the end of the zero tolerance policy. The newly released data shows:

- Only 55 children, or about 15%, were reunited with the parent from whom they were separated. The reunification occurred after an average of 64 days in ORR custody. The longest separation lasted more than six months.
- 172 children, or 45%, were released under “other appropriate circumstances”—which appears to refer to releases to relatives or other sponsors who are not the separated parents.
- 153 children, or 40%, were still in ORR custody when the data was reported.<sup>46</sup>

Some of the hundreds of children who have been detained for days or weeks in unhealthy and overcrowded conditions at Border Patrol facilities were also separated from their parents, according to attorneys who interviewed these children.<sup>47</sup>

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<sup>44</sup> *Id.*

<sup>45</sup> *Family Separation FOIA Response from HHS Key Documents: Instances of Family Separation*, American Immigration Council (online at [www.americanimmigrationcouncil.org/sites/default/files/foia\\_documents/family\\_separation\\_foia\\_request\\_hhs\\_production\\_instances\\_of\\_family\\_separation.pdf](http://www.americanimmigrationcouncil.org/sites/default/files/foia_documents/family_separation_foia_request_hhs_production_instances_of_family_separation.pdf)).

<sup>46</sup> This HHS information is undated, but appears to be from March 30, 2019, or later.

<sup>47</sup> *Inside a Texas Building Where the Government is Holding Immigrant Children*, New Yorker (June 22, 2019) (online at [www.newyorker.com/news/q-and-a/inside-a-texas-building-where-the-government-is-holding-immigrant-children](http://www.newyorker.com/news/q-and-a/inside-a-texas-building-where-the-government-is-holding-immigrant-children)).

### III. FINDINGS

Set forth below are preliminary findings based on a review of the records described above in Section I, including data on 2,648 children separated as of June 26, 2018, and included in the *Ms. L* lawsuit and additional ORR and CBP data on subsets of that group of children.<sup>48</sup> Appendix B provides additional detail about this data.

#### A. The Trump Administration's Child Separations Were More Harmful, Traumatic, and Chaotic Than Previously Known

Child separations impacted children of all ages, including babies, and these children spent substantial amounts of time in CBP custody, in ORR custody, and in ICE family detention facilities even after they were reunified with their parents.

##### 1. Infants and Toddlers Taken Away From Parents Held for Months

Data produced to the Committee shows that at least 18 infants and toddlers under the age of two were taken away from their parents, including nine infants under the age of one. The chart below provides the age, gender, and country of origin of each of these 18 infants and toddlers. This data is drawn from the *Ms. L* class and includes only infants and toddlers separated as of June 2018. This information has not been previously released publicly.

Separated Infants and Toddlers (from <i>Ms. L</i> Class)					
Country of Origin	Gender	Age at Separation	Country of Origin	Gender	Age at Separation
Romania	Boy	4 months old	Honduras	Girl	13 months old
Guatemala	Boy	5 months old	Honduras	Girl	14 months old
Honduras	Boy	8 months old	Guatemala	Boy	14 months old
Mexico	Boy	8 months old	Honduras	Boy	15 months old
Mexico	Boy	8 months old	Honduras	Boy	17 months old
Honduras	Girl	9 months old	Honduras	Girl	17 months old
Mexico	Boy	10 months old	Honduras	Girl	18 months old
Romania	Girl	10 months old	Honduras	Boy	19 months old
Honduras	Boy	10 months old	Hungary	Boy	23 months old

The limited set of ORR records includes data for seven of these infants and toddlers. The records show that these children remained in government custody—and separated from their parents—for periods ranging from 20 days to half a year. For example:

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<sup>48</sup> As noted above, this data includes all separated children who are members of the *Ms. L* class except 149 children who were added in December 2018 for whom the Administration has not yet produced data to the Committee.

- **Child 1:** Records confirm that the youngest child separated from his parents was a four-month-old baby boy from Romania who was separated from his 35-year-old father upon arrival in February 2018. The father was deported in early June 2018 from an ICE detention facility in south Texas.
- **Child 2:** This baby from Honduras was eight months old when he arrived with his father in May 2018 at the border in Texas. He was taken away from his father and sent to an ORR facility in Arizona, where he remained for nearly six months, before being released for departure from the United States in November. During this time, his father was transported to an ICE detention facility near the border, transferred days later to another ICE detention facility in Texas, transferred to a third ICE detention facility nearly a month later, and then deported in July. At the time of his release, the baby had spent nearly half of his life without his parents, in the custody of the Trump Administration. It is unclear whether the child and father have been reunited.
- **Child 3:** This toddler from Honduras was 19 months old when he arrived with his father in April 2018 at the border in Texas. He was taken away from his father and transported to foster care in New York, where he remained for five and a half months before being released to a sponsor in October 2018. During this time, the child's father was sent to various ICE detention facilities in Texas, New Jersey, and New York, before being released in October. It is unclear whether the child and father have been reunited.

In some instances, agency records produced to the Committee do not provide sufficient detail to determine whether the sponsor to whom a child was released was a parent, other relative, or non-relative sponsor. References in this staff report to “ORR custody” or an “ORR facility” indicate that a child was housed in an ORR contractor-run facility or foster care through an ORR grantee where specified.

## 2. CBP Detained Separated Children Beyond Legal Limit

Records obtained by the Committee show that some children spent up to a week in CBP detention facilities at the border before being sent to an ORR facility designed to house children. This may violate the *Flores* settlement as well as a federal statute, the TVPRA, which generally requires the government to transfer children in CBP custody to ORR within 72 hours.<sup>49</sup>

CBP and ORR data for a limited subset of separated children indicate when each child entered CBP custody and when he or she entered ORR custody. The data shows that 241 children—more than 25%—remained in CBP custody (or in transit from CBP to ORR) longer than 72 hours.

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<sup>49</sup> 8 U.S.C. § 1232(b)(3) (“Except in the case of exceptional circumstances, any department or agency of the Federal Government that has an unaccompanied alien child in custody shall transfer the custody of such child to the Secretary of Health and Human Services not later than 72 hours after determining that such child is an unaccompanied alien child.”).



<b>Time Between Border Arrest and ORR Admission (for Subset of 862 Children in <i>Ms. L</i> Class)</b>	
Same day:	5 children (<1%)
Next day:	93 children (11%)
Two days:	247 children (29%)
Three days:	276 children (32%)
Four days:	158 children (18%)
Five days:	54 children (6%)
Six days:	20 children (2%)
Seven days:	3 children (<1%)
Eight days:	4 children (<1%)
Nine days:	1 child (<1%)
Ten days:	1 child (<1%)

### **3. ORR Detained Separated Children Longer Than Previously Known**

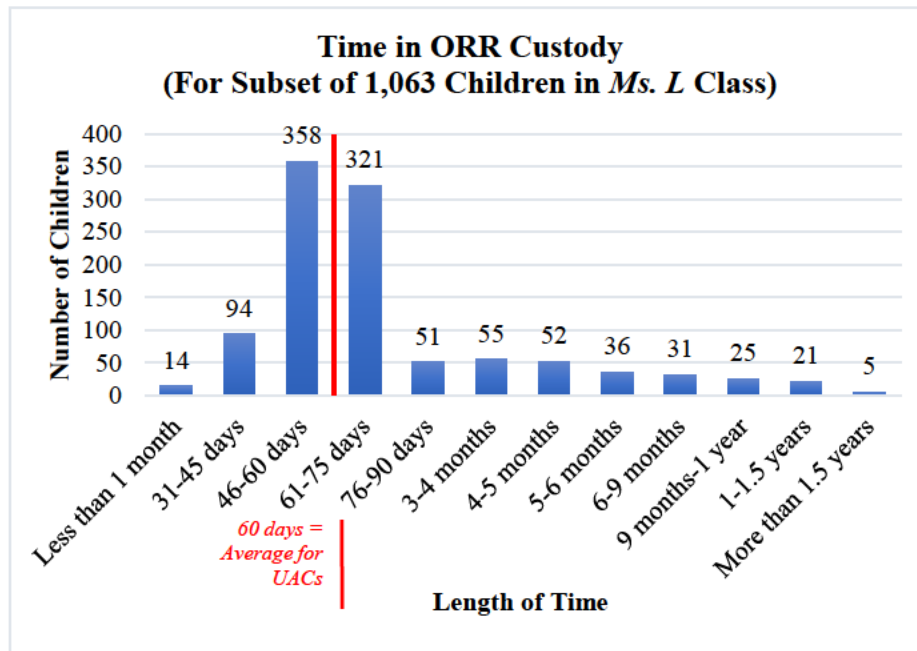
Records show that children of all ages were held in ORR custody for extensive periods of time. Separated children were in ORR custody for an average of approximately 90 days, compared to an average of 60 days for all unaccompanied children in ORR care in Fiscal Year 2018.<sup>50</sup> Some children, however, were held for far longer—some for more than a year and a half.

More than half of these children were in ORR custody between 46 and 75 days, more than 50 children were in ORR custody for six months to a year, 21 were held between one year and a year a half, and 5 were in custody for more than a year and a half. For children whose ORR records show them still in custody, Committee staff used the date of production of those records to the Committee to determine the duration of detention.

The chart below shows a breakdown of time spent in custody, with the red line marking the FY18 average time of 60 days for all unaccompanied children in ORR custody.

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<sup>50</sup> Office of Refugee Resettlement, *Facts and Data* (accessed June 27, 2019) (online at [www.acf.hhs.gov/orr/about/ucs/facts-and-data](http://www.acf.hhs.gov/orr/about/ucs/facts-and-data)).



#### 4. ICE Detained Separated Children for Months After Reunifications

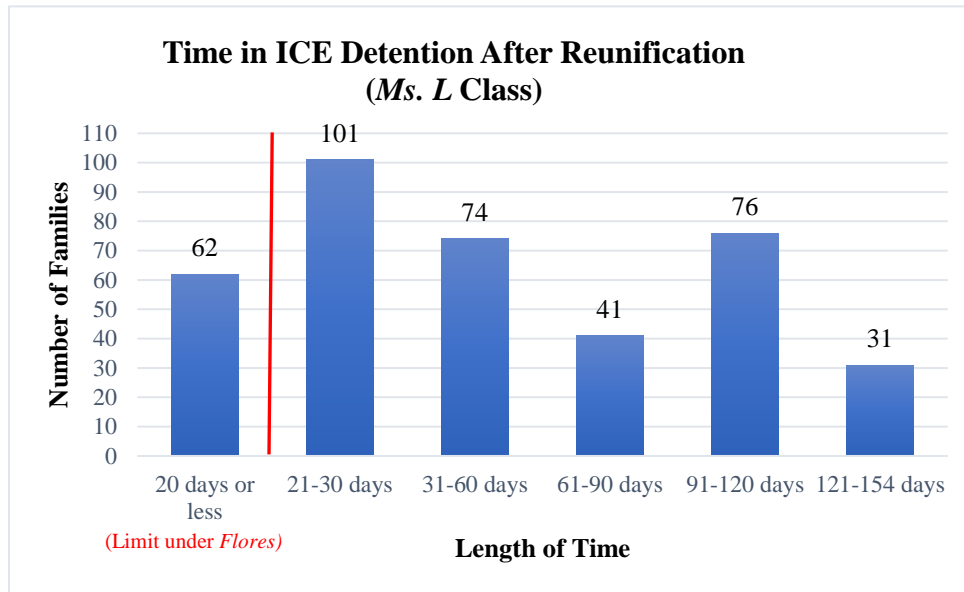
Even after they were reunited with their parents, hundreds of children continued to be detained for weeks or months in ICE family detention at the Dilley and Karnes facilities in Texas. Approximately 385 of the 2,648 separated children included in the data were reunited with their families in ICE family detention. Most of them were held longer than 20 days—which courts have held is the legal limit under the *Flores* settlement.<sup>51</sup>

The average length of time that these families spent in ICE detention was approximately 58 days. Many families remained in detention for several months, with approximately 75 families in detention for 3-4 months and approximately 30 families in detention for 4-5 months.

Approximately 300 of the families that were reunified in ICE detention, or roughly 80%, ultimately were released from custody rather than deported, raising the question of what purpose was served by their initial detention and whether it was appropriate.

The chart below shows the amount of time each family spent in ICE detention. The red line marks the 20-day limit for family detention under the *Flores* settlement.

<sup>51</sup> Of these children, 62 were held for 20 days or less, the limit under the terms of the *Flores* settlement. See *Flores v. Sessions*, No. 2:85-CV-04544, 2017 WL 6060252 (C.D. Cal. June 27, 2017) (finding “substantial noncompliance” with the *Flores* settlement where, among other concerns, “a significant number of detainees still remained in detention for over 20 days”); see also Congressional Research Service, *The “Flores Settlement” and Alien Families Apprehended at the U.S. Border: Frequently Asked Questions* (Sept. 17, 2018) (online at [fas.org/sfp/crs/homsec/R45297.pdf](https://fas.org/sfp/crs/homsec/R45297.pdf)).



## 5. Administration Repeatedly Moved Separated Children

Many separated children were moved multiple times while in custody, adding to the trauma they experienced. For example, many children were moved to multiple CBP facilities before they were sent to ORR custody. Records show that more than 400 children were moved to multiple CBP locations, sometimes with a parent and sometimes after separation. Similarly, after being sent to ORR, many children were moved around to different ORR facilities. Records show that more than 80 children were transferred to different ORR facilities while in ORR custody. Nine children were transferred twice, four were transferred three times, and one was transferred four times. For example:

- Child 4:** One child cycled through five different ORR facilities over the course of more than eight months. This child was 16 years old when he arrived from Honduras in June 2018 and was separated from his father at the border near Phoenix, Arizona. The child was sent to three different facilities near the south Texas border, spending a few weeks or months at each location. In November, he was sent to a facility in Virginia, where he stayed for more than two months, and was then moved to a facility in California in February 2019. He was released to a sponsor in March 2019. During this time, the child’s father was sent to an ICE detention facility in Florence, Arizona, moved to an ICE contractor detention facility, moved to an ICE detention facility in Eloy, Arizona in June 2018, and deported in July 2018.

At least five children were transferred to multiple ICE family detention facilities—including to one facility, Port Isabel, which is not a family detention facility and was not built to house children. When the Administration began reuniting separated families in June 2018, ICE

claimed that “no children will be housed at the facility” and would not be housed “even for short periods.”<sup>52</sup> For example:

- **Child 5:** This child was nine years old when he arrived from Honduras in June 2018 with his father. ICE records show the child was sent to Karnes family detention and possibly was reunited with his father there. The child spent two days at Karnes before being moved to Port Isabel, where he spent nearly three weeks before removal with his father in mid-August.

This child was housed at Port Isabel after 37 children traveled by van to Port Isabel from ORR facilities on July 15, 2018, to be reunited with their families. These children waited up to 39 hours in these vans in the parking lot because the facility was not equipped to house them, and DHS failed to process them promptly for reunification.<sup>53</sup>

## **6. Administration Detained Separated Children in Notorious “Tent City”**

Records show that at least ten children spent time at Tornillo, the notorious emergency influx facility near El Paso that has since closed. ORR moved these children to Tornillo in June 2018, soon after the facility opened. Five of these children were released to a parent or sponsor in July 2018, and the remaining five were transferred to other ORR facilities in July or August.

Tornillo gained notoriety as a “tent city” set up to handle the influx of children in ORR custody caused by the child separation policy. In an audit issued in November 2018, the HHS Inspector General found “significant vulnerabilities” at the Tornillo facility, including its failure to conduct required background checks and an insufficient number of “staff clinicians to provide adequate mental health care for UAC.” The Inspector General warned that these problems “warrant ORR’s immediate attention because they could significantly compromise the safety and well-being of UAC.”<sup>54</sup>

In January 2019, Kevin Dinnin, the President and CEO of BCFS, the contractor that ran the facility, refused to continue operating Tornillo because the Trump Administration kept pushing him to expand capacity at the same time that he observed longer and longer delays releasing children to sponsors. Mr. Dinnin stated: “The children want to get to their families.

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<sup>52</sup> *Port Isabel Detention Center, Where Immigrants Will Be Sent Before Reuniting with Children, Has Long History of Problems*, Texas Tribune (June 27, 2018) (online at [www.texastribune.org/2018/06/27/port-isabel-detention-center-long-history-problems-immigrants-reunific/](http://www.texastribune.org/2018/06/27/port-isabel-detention-center-long-history-problems-immigrants-reunific/)).

<sup>53</sup> *Botched Family Reunifications Left Migrant Children Waiting in Vans Overnight*, NBC News (June 3, 2019) (online at [www.nbcnews.com/politics/immigration/botched-family-reunifications-left-migrant-children-waiting-vans-overnight-n1013336](http://www.nbcnews.com/politics/immigration/botched-family-reunifications-left-migrant-children-waiting-vans-overnight-n1013336)).

<sup>54</sup> Memorandum from Inspector General Daniel R. Levinson, Department of Health and Human Services, to Lynn Johnson, Assistant Secretary for Administration for Children and Families, Department of Health and Human Services, *The Tornillo Influx Care Facility: Concerns About Staff Background Checks and Number of Clinicians on Staff* (Nov. 27, 2018) (online at <https://oig.hhs.gov/oas/reports/region12/121920000.pdf>).

Under any circumstance, I don't think it's right that a child be held in care longer than necessary to ensure their safe placement."<sup>55</sup>

**B. Administration Has Not Been Candid About Its Purpose in Separating Children**

The records obtained by the Committee indicate that the Trump Administration separated children unnecessarily—even under the Administration's own rationale—and then failed to track separated families. These actions caused lengthy delays to reunification and, in some cases, separations that are still ongoing today.

The Trump Administration claimed that child separations under the zero tolerance policy were necessary in order to criminally prosecute the parents and that such separations were no different than what occurs in the context of any criminal prosecution.<sup>56</sup> For example, in June 2018, Attorney General Sessions said:

If you cross the Southwest border unlawfully, then the Department of Homeland Security will arrest you and the Department of Justice will prosecute you. ... However, we are not sending children to jail with their parents. The law requires that children who cannot be with their parents be placed in custody of the Department of Health and Human Services within 72 hours.<sup>57</sup>

However, the data shows that many child separations were unnecessary even under this claimed rationale. Some parents who were separated from their children were never sent to U.S. Marshals or other federal criminal custody, but instead went straight from CBP custody to ICE detention. Other parents were briefly taken into U.S. Marshals' custody and then returned to CBP custody within a day or two. These parents were readmitted to the same facilities where they had been separated from their children days before, but the children had already been sent to ORR custody. These parents were then sent to ICE detention and in some cases were deported without their children.

These parents may have been in federal criminal custody for only a brief period—or not at all—because prosecutors declined to prosecute the cases, or because the parents' only criminal offense was the misdemeanor of illegal entry and they were sentenced to time served when they immediately pleaded guilty. Yet their children were nevertheless taken from them and kept apart for weeks or months. For example:

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<sup>55</sup> *Head of Controversial Tent City Says the Trump Administration Pressured Him to Detain More Young Migrants*, VICE News (Jan. 11, 2019) (online at [news.vice.com/en\\_us/article/kzvmg3/head-of-controversial-tent-city-says-the-trump-administration-pressured-him-to-detain-more-young-migrants](https://news.vice.com/en_us/article/kzvmg3/head-of-controversial-tent-city-says-the-trump-administration-pressured-him-to-detain-more-young-migrants)).

<sup>56</sup> *Sessions: Parents, Children Entering U.S. Illegally Will be Separated*, NBC News (May 7, 2018) (online at [www.nbcnews.com/politics/justice-department/sessions-parents-children-entering-us-illegally-will-be-separated-n872081](https://www.nbcnews.com/politics/justice-department/sessions-parents-children-entering-us-illegally-will-be-separated-n872081)).

<sup>57</sup> Department of Justice, *Attorney General Sessions Addresses Recent Criticisms of Zero Tolerance by Church Leaders* (June 14, 2018) ([www.justice.gov/opa/speech/attorney-general-sessions-addresses-recent-criticisms-zero-tolerance-church-leaders](https://www.justice.gov/opa/speech/attorney-general-sessions-addresses-recent-criticisms-zero-tolerance-church-leaders)).

- **Child 6:** This boy from Guatemala was 15 years old when he arrived with his father in May 2018 at the Arizona border. He was sent to an ORR facility in Phoenix, Arizona on May 16, while his father went to a hospital that same day. On May 17, the father was sent briefly to U.S. Marshals custody and then returned to CBP custody on the same day to the same facility, but his son had already been transferred to ORR custody. A week later, the father was moved to the first of several ICE detention facilities in Arizona. On July 3, he was deported without his son. The boy remained in ORR custody for three months before being released to a sponsor in August.
- **Child 7:** This boy from Guatemala was 13 years old when he arrived with his father on June 11, 2018, at the Arizona border, and they both were brought to a Border Patrol facility. The next day, June 12, the father was sent briefly to U.S. Marshals custody before being returned to the same Border Patrol facility. The child, however, had already been transferred to ORR custody that day, and on June 15, he was admitted to the ORR Homestead facility in Florida, run by a for-profit contractor. The father was moved to three different ICE detention facilities before being reunited with his son more than a month after they were separated.
- **Child 8:** This girl from Guatemala was 12 years old when she arrived with her father in May 2018 at the Arizona border. The following day, May 19, the child was transferred from the Border Patrol facility to an ORR facility in Corpus Christi, Texas. Her father was sent to U.S. Marshals custody on May 21 and returned to CBP custody the same day at the same facility where he and his daughter had been detained a few days earlier. The father was moved to five different ICE detention facilities in Arizona, Georgia, and Texas. He was not reunited with his daughter until July, two months after they were separated.

In September 2018, the DHS Office of Inspector General issued a report finding that CBP officials sometimes avoided taking back custody of parents after court appearances—even though their children were still in CBP’s custody—because CBP wanted to “avoid doing the additional paperwork.” The report stated:

In McAllen, Texas, many adults prosecuted under the Zero Tolerance Policy were sentenced to time served and promptly returned to CBP custody. Several officers at CBP’s Central Processing Center in McAllen stated that if these individuals’ children were still at the facility when they returned from court, CBP would cancel the child’s transfer to HHS and reunite the family. However, CBP officials later arranged to have adults transferred directly from court to ICE custody, rather than readmitting them where they might be reunited with their children. According to a senior official who was involved with this decision, CBP made this change in order to avoid doing the additional paperwork required to readmit the adults.<sup>58</sup>

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<sup>58</sup> Department of Homeland Security, Office of Inspector General, *Special Review—Initial Observations Regarding Family Separation Issues Under the Zero Tolerance Policy* (Sept. 27, 2018) (online at [www.oig.dhs.gov/sites/default/files/assets/2018-10/OIG-18-84-Sep18.pdf](http://www.oig.dhs.gov/sites/default/files/assets/2018-10/OIG-18-84-Sep18.pdf)).

### C. Children Separated Years Ago Are Still Not Reunited, Despite Court Order

More than a year ago, on June 26, 2018, the federal court handling the *Ms. L* litigation ordered the Trump Administration to terminate its zero tolerance policy and reunite children separated pursuant to that policy.<sup>59</sup> The court ordered the reunification of children under five by July 11, 2018, and of children ages 5 to 17 by July 26, 2018. However, as of July 2019, approximately 30 children separated from their parents more than a year ago under the zero tolerance policy still have not been reunited with a parent or released to a sponsor.<sup>60</sup>

The limited set of ORR records includes information about 17 children who had not been reunited when the records were produced to the Committee. Most were admitted to ORR facilities between March and June 2018. The parents of at least ten of these children have been deported. Committee staff cannot determine based on the data what happened to the parents of the other seven. For example:

- **Child 9:** This eight-year-old boy from Guatemala arrived with his father in May 2018 at the Arizona border. The boy was taken away from his father, held in CBP custody, and then transported to an ORR facility near Houston, Texas, where he remained for nearly eight months. He was transferred to the nearby Shiloh Treatment Center in January 2019, and as of May 2019, he was still there—one year after arriving at the border and being separated from his father. His father was deported in July 2018, two months after they arrived. Records do not indicate what steps the Administration has taken to reunify the father and the child, who is now nine years old.
- **Child 10:** This boy from Guatemala was 13 years old when he arrived with his father in May 2018 at the Arizona border. The child was taken away from his father and admitted to ORR custody at a facility near Manassas, Virginia. He remained there for six and a half months and was then transferred to a facility back in Texas meant for longer term care of children. As of May 2019, he was still there, even though his father was deported months ago, in August 2018. Again, the records produced to the Committee do not indicate what steps the Administration has taken to reunify this family, and this boy is now 14 years old.

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<sup>59</sup> Order Granting Plaintiffs’ Motion for Classwide Preliminary Injunction, *Ms. L v. ICE*, 3:18-cv-00428-DMS-MDD (S.D. Cal. June 26, 2018).

<sup>60</sup> Joint Status Report, *Ms. L v. ICE*, 3:18-cv-00428-DMS-MDD (S.D. Cal. July 11, 2019). These 30 children include: 1 child whose parent is “present outside the U.S.” and for whom “resolution will be delayed”; 13 children “where a final determination has been made they cannot be reunified because the parent is unfit or presents a danger to the child,” 14 children “with parent presently departed from the United States whose intent not to reunify has been confirmed by the ACLU”; 1 child “with parent in the United States who has indicated an intent not to reunify” and 1 child for whom a steering committee assisting with reunifications “could not obtain parental preference.”

The court in the *Ms. L* litigation is considering what will happen with parents deported without their children, particularly after a settlement last year allowing many to reapply for asylum.<sup>61</sup>

#### IV. CONCLUSION

Despite the failure by DHS, HHS, and DOJ to produce a complete set of records, the Committee's investigation of the Trump Administration's child separations has revealed harm inflicted on children beyond what was previously known, has refuted the Administration's justification for this cruel policy, and has confirmed the ongoing trauma inflicted by these separations. The separation of these children from their parents was not required by law, but instead was the result of a long-considered series of policy decisions by the Trump Administration.

The Administration executed a deliberate policy to take thousands of babies, infants, toddlers, and children away from their parents and transfer them to government custody, in some cases in deplorable conditions. The Committee will continue to analyze additional information produced from DHS, HHS, and DOJ and will consider additional investigative steps to fully evaluate the damage caused by this policy.

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<sup>61</sup> *Settlement Reached in Family Separation Cases: More than 1,000 Rejected Asylum Seekers to Get Second Chance if Court Approves*, Washington Post (Sept. 13, 2018) (online at [www.washingtonpost.com/news/morning-mix/wp/2018/09/13/settlement-reached-in-family-separation-cases-more-than-1000-rejected-asylum-seekers-to-get-second-chance-if-court-approves/?utm\\_term=.87b88c5959f6](http://www.washingtonpost.com/news/morning-mix/wp/2018/09/13/settlement-reached-in-family-separation-cases-more-than-1000-rejected-asylum-seekers-to-get-second-chance-if-court-approves/?utm_term=.87b88c5959f6)); *29 Parents Separated from their Children and Deported Last Year Cross U.S. Border to Request Asylum*, Washington Post (Mar. 2, 2019) (online at [www.washingtonpost.com/world/the\\_americas/29-parents-separated-from-their-children-and-deported-last-year-arrive-at-us-border-to-request-asylum/2019/03/02/38eaba7a-2e48-11e9-8781-763619f12cb4\\_story.html](http://www.washingtonpost.com/world/the_americas/29-parents-separated-from-their-children-and-deported-last-year-arrive-at-us-border-to-request-asylum/2019/03/02/38eaba7a-2e48-11e9-8781-763619f12cb4_story.html)).



## APPENDIX A

### Timeline of Trump Administration Child Separations

Below is a timeline of key events relating to the planning and implementation of mass separations of children from their parents at the southern border under President Trump.

- March 6, 2017:** Secretary of Homeland Security John F. Kelly stated in a televised interview that the Trump Administration may separate children from parents at the border as a deterrent measure.<sup>62</sup>
- April 11, 2017:** Attorney General Jeff Sessions announced new priorities for federal prosecutions of immigration-related offenses and issued a policy memorandum to federal prosecutors entitled, “Renewed Commitment to Criminal Immigration Enforcement.”<sup>63</sup> This policy included prioritizing felony prosecutions for unauthorized entry and unauthorized reentry, the same legal offenses that later formed the basis of the “zero-tolerance” prosecutions and mass child separations.
- July-Nov. 2017:** The Administration ran a pilot initiative to separate children from their parents arriving at the border in the El Paso sector, reaching an agreement with nearby federal prosecutors to substantially increase the number of referrals of adults for unauthorized entry or re-entry.<sup>64</sup> An October 2018 GAO report confirmed the pilot program’s existence and described a Border Patrol report indicating that “the El Paso sector processed approximately 1,800 individuals in families and 281 individuals in families were separated under this initiative.”<sup>65</sup>
- December 2017:** In a memorandum entitled, “Policy Options to Respond to Border Surge of Illegal Immigration,” that has since become public in draft form, DOJ and DHS officials discussed increasing prosecutions of parents who arrive with children and separating those families on arrival. The memo states that “the increase in prosecutions would be reported by the media and it would have a substantial deterrent effect” and that “CBP is currently executing this policy on a limited basis in the El Paso Sector.”<sup>66</sup> In an interview with Committee

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<sup>62</sup> Kelly: *DHS is Considering Separating Undocumented Children from their Parents at the Border*, CNN (Mar. 7, 2017) (online at [www.cnn.com/2017/03/06/politics/john-kelly-separating-children-from-parents-immigration-border/index.html](http://www.cnn.com/2017/03/06/politics/john-kelly-separating-children-from-parents-immigration-border/index.html)).

<sup>63</sup> Department of Justice, *Attorney General Jeff Sessions Announces the Department of Justice’s Renewed Commitment to Criminal Immigration Enforcement* (Apr. 11, 2017) (online at [www.justice.gov/opa/pr/attorney-general-jeff-sessions-announces-department-justice-s-renewed-commitment-criminal](http://www.justice.gov/opa/pr/attorney-general-jeff-sessions-announces-department-justice-s-renewed-commitment-criminal)).

<sup>64</sup> *Trump Admin Ran ‘Pilot Program’ for Separating Migrant Families in 2017*, NBC News (June 29, 2018) (online at [www.nbcnews.com/storyline/immigration-border-crisis/trump-admin-ran-pilot-program-separating-migrant-families-2017-n887616](http://www.nbcnews.com/storyline/immigration-border-crisis/trump-admin-ran-pilot-program-separating-migrant-families-2017-n887616)).

<sup>65</sup> Government Accountability Office, *Unaccompanied Children: Agency Efforts to Reunify Children Separated from Parents at the Border* (Oct. 24, 2018) (online at [www.gao.gov/assets/700/694918.pdf](http://www.gao.gov/assets/700/694918.pdf)).

<sup>66</sup> *Trump Admin Weighed Targeting Migrant Families, Speeding Up Deportation of Children*, NBC News

staff, the top immigration advisor to the Attorney General, Gene Hamilton, recalled receiving this memo from DHS in late 2017 or early 2018.<sup>67</sup>

- Feb. 26, 2018:** The American Civil Liberties Union filed a lawsuit against the Administration, *Ms. L v. ICE*, on behalf of a mother from the Democratic Republic of Congo who was separated from her seven-year-old daughter at a port of entry. This case later expanded to a class action on behalf of separated children.<sup>68</sup>
- April 6, 2018:** Attorney General Sessions announced the Trump Administration’s “zero-tolerance policy,” directing federal prosecutors along the southern border “to adopt a policy to prosecute all Department of Homeland Security referrals of section 1325(a) violations, to the extent practicable.”<sup>69</sup> 8 U.S.C. § 1325(a) refers to unauthorized entry into the United States.
- April 22, 2018:** CBP Commissioner Kevin McAleenan, ICE Acting Director Thomas Homan, and U.S. Citizenship and Immigration Services Director L. Francis Cissna sent a memorandum to Secretary of Homeland Security Kirstjen Nielsen asking for her decision “on increasing immigration violation prosecution referrals.”
- Late April / Early May 2018:** Secretary Nielsen approved a policy recommendation in the memo to refer all adults for prosecution who make unauthorized border crossings, regardless of whether they arrive with a child.<sup>70</sup>
- May 7, 2018:** In two speeches, Attorney General Sessions announced the new DHS policy of referring all cases of unauthorized entry to DOJ for prosecution and acknowledged that the policy will separate children from their parents, saying:

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(Jan. 17, 2019) (online at [www.nbcnews.com/politics/immigration/trump-admin-weighed-targeting-migrant-families-speeding-deportation-children-n958811](http://www.nbcnews.com/politics/immigration/trump-admin-weighed-targeting-migrant-families-speeding-deportation-children-n958811)).

<sup>67</sup> Committee on Oversight and Reform, Transcribed Interview with Gene Hamilton (May 30, 2019).

<sup>68</sup> *ACLU Sues ICE for Allegedly Separating ‘Hundreds’ of Migrant Families*, National Public Radio (Mar. 9, 2018) (online at [www.npr.org/sections/thetwo-way/2018/03/09/592374637/aclu-sues-ice-for-allegedly-separating-hundreds-of-migrant-families](http://www.npr.org/sections/thetwo-way/2018/03/09/592374637/aclu-sues-ice-for-allegedly-separating-hundreds-of-migrant-families)).

<sup>69</sup> Department of Justice, *Attorney General Announces Zero-Tolerance Policy for Criminal Illegal Entry* (Apr. 6, 2018) (online at [www.justice.gov/opa/pr/attorney-general-announces-zero-tolerance-policy-criminal-illegal-entry](http://www.justice.gov/opa/pr/attorney-general-announces-zero-tolerance-policy-criminal-illegal-entry)).

<sup>70</sup> *The Secretary of Homeland Security Said There Was “No Policy of Separating Families.” A Memo Proves There Was.*, BuzzFeed (Sept. 27, 2018) (online at [www.buzzfeednews.com/article/adolfoflores/immigration-homeland-security-family-separation-foia-dhs](http://www.buzzfeednews.com/article/adolfoflores/immigration-homeland-security-family-separation-foia-dhs)); *Top Homeland Security Officials Urge Criminal Prosecution of Parents Crossing Border with Children*, Washington Post (Apr. 26, 2018) (online at [www.washingtonpost.com/local/immigration/top-homeland-security-officials-urge-criminal-prosecution-of-parents-who-cross-border-with-children/2018/04/26/a0bdcee0-4964-11e8-8b5a-3b1697adcc2a\\_story.html?utm\\_term=.3a7078387875](http://www.washingtonpost.com/local/immigration/top-homeland-security-officials-urge-criminal-prosecution-of-parents-who-cross-border-with-children/2018/04/26/a0bdcee0-4964-11e8-8b5a-3b1697adcc2a_story.html?utm_term=.3a7078387875)).

“If you don’t want your child separated, then don’t bring them across the border illegally.”<sup>71</sup>

**May-June 2018:** The Trump Administration separated thousands of children from their parents under the zero tolerance policy.

**June 20, 2018:** Amid massive public outcry and international condemnation, President Trump issued Executive Order 13841, “Affording Congress an Opportunity to Address Family Separation,” reversing course on the zero tolerance policy and blanket child separations in all cases of unauthorized entry by families.<sup>72</sup>

**June 26, 2018:** The federal judge overseeing the *Ms. L v. ICE* case issued a preliminary injunction halting family separations, except in narrow circumstances for the safety of the child, and ordering reunifications of all separated children still in government custody on this date—giving the government approximately two weeks to reunify all children under the age of five and one month to reunify all other children with their parents.<sup>73</sup>

**July 2018:** The Court in *Ms. L* ordered the reunification of children under five by July 11 and of children ages 5 to 17 by July 26. However, following these deadlines, 711 children remained separated for a variety of reasons asserted by the Administration, including several hundred children whose parents had been deported before the court issued its preliminary injunction.<sup>74</sup>

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<sup>71</sup> *Sessions Vows to Prosecute All Illegal Border Crossers and Separate Children from their Parents*, Washington Post (May 7, 2018) (online at [www.washingtonpost.com/world/national-security/sessions-says-justice-dept-will-prosecute-every-person-who-crosses-border-unlawfully/2018/05/07/e1312b7e-5216-11e8-9c91-7dab596e8252\\_story.html](http://www.washingtonpost.com/world/national-security/sessions-says-justice-dept-will-prosecute-every-person-who-crosses-border-unlawfully/2018/05/07/e1312b7e-5216-11e8-9c91-7dab596e8252_story.html)).

<sup>72</sup> 83 Fed. Reg. 29435.

<sup>73</sup> Order Granting Plaintiffs’ Mot. For Classwide Preliminary Injunction, *Ms. L v. ICE*, 3:18-cv-00428-DMS-MDD (S.D. Cal. June 26, 2018).

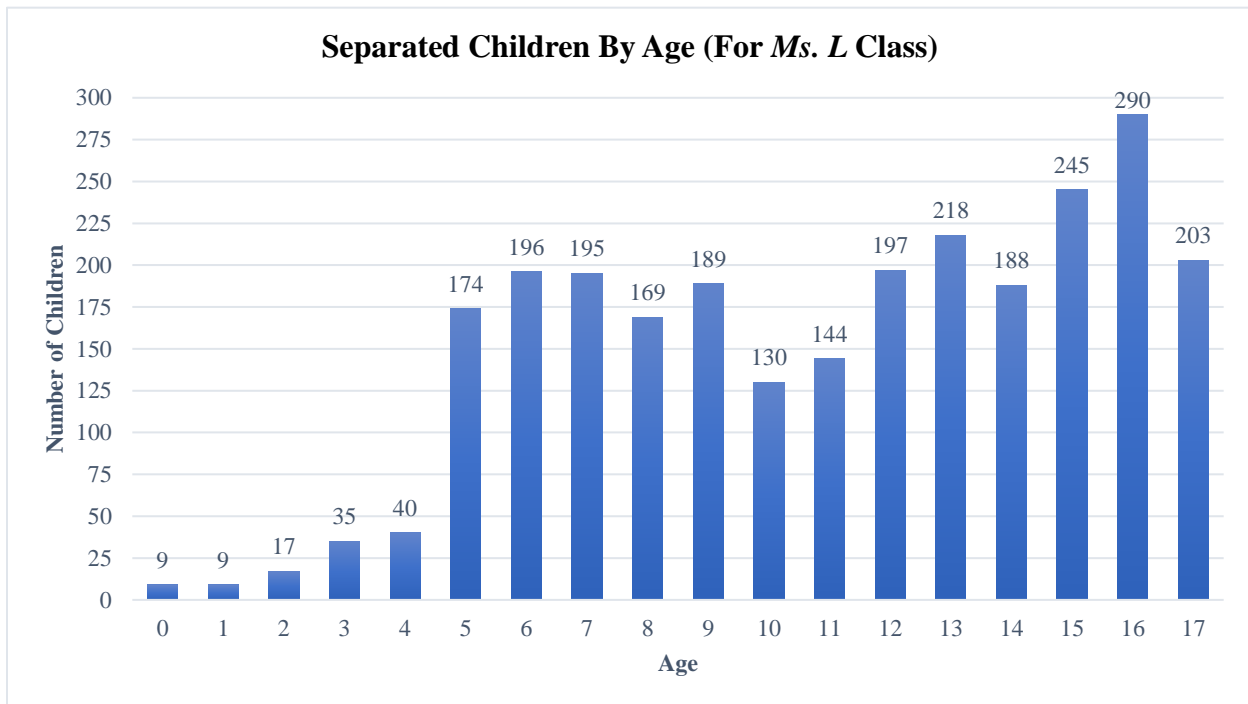
<sup>74</sup> *After Deadline to Reunite Them, Hundreds of Children Remain Separated*, PBS (Jul. 27, 2018) (online at [www.pbs.org/wgbh/frontline/article/after-deadline-to-reunite-them-hundreds-of-children-remain-separated/](http://www.pbs.org/wgbh/frontline/article/after-deadline-to-reunite-them-hundreds-of-children-remain-separated/)).

## APPENDIX B

### Additional Data on Trump Administration Child Separations

#### *Age of Separated Children*

The Administration divided the *Ms. L* class into children 0-4 years old and 5-17 years old. The chart below shows the full age breakdown of 2,648 separated children from the *Ms. L* class based on records produced to the Committee.



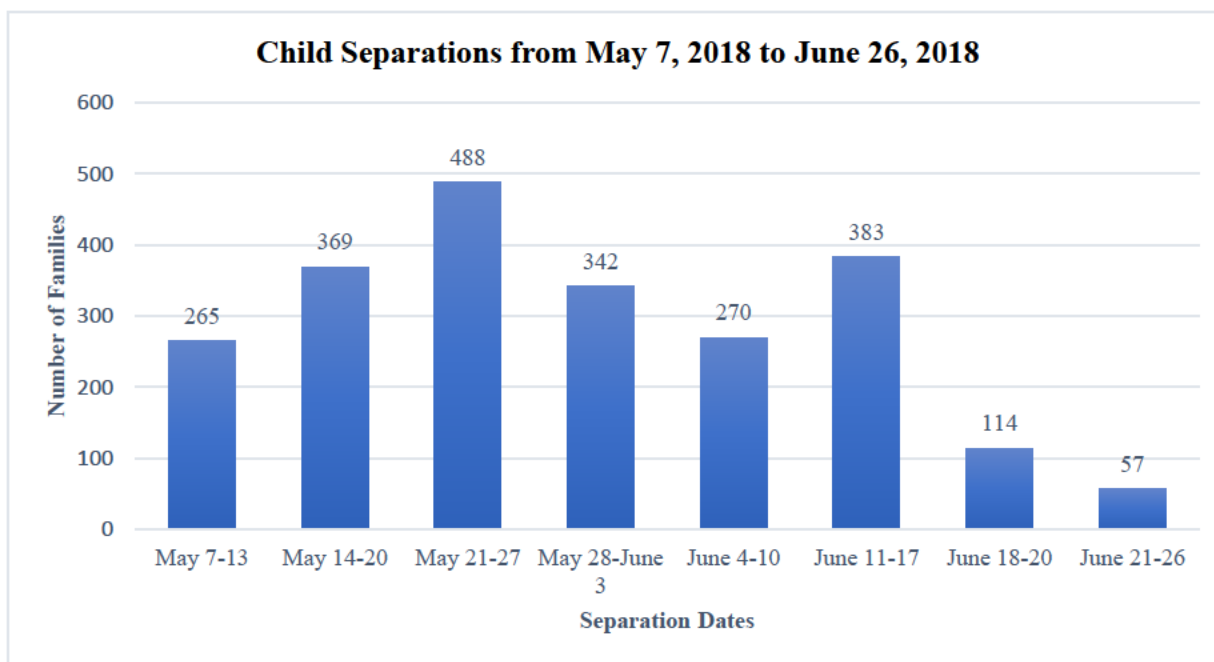
#### *When Separations Occurred*

The figures below show when children in the *Ms. L* class were separated. These dates are drawn from the “initial book-in” date for 2,648 separated children and their parents, which, per agency staff, is used as an approximation for the date of separation.

In records for some children, the data show book-in dates after June 26, 2018. Because the *Ms. L* class was only supposed to include children in custody as of June 26, 2018, it is unclear whether these later book-in dates are accurate. In some instances, Committee staff were able to confirm earlier book-in dates from other data. However, for 38 children with book-in dates after June 26, Committee staff could not determine whether the book-in dates were accurate.

<b>Date of Separation (for <i>Ms. L</i> Class)</b>	
2017 or earlier	76 children
January 1, 2018, to April 5, 2018 (prior to zero tolerance policy)	116 children
April 6, 2018, to May 6, 2018 (prior to DHS referring all adults for prosecution)	130 children
May 7, 2018, to June 20, 2018 (prior to executive order ending zero tolerance)	2,231 children
June 21, 2018, to June 26, 2018 (prior to order in <i>Ms. L</i> case)	57 children
After June 27, 2018 or unknown (after order in <i>Ms. L</i> case or data errors)	38 children

The overwhelming majority of children in the *Ms. L* class were separated between May 7, 2018, and June 20, 2018—a 45-day period. The chart below shows a breakdown of those separations by week, along with the separations in the six days after the June 20, 2018, Executive Order.



### ***Parent Deportations***

Based on ICE data, 545 parents of the 2,648 separated children reviewed by the Committee were deported, with or without their children. From the limited set of ORR records, Committee staff have identified at least 158 parents who were deported without their children

and at least 89 who were deported with their children. The chart below shows when parents were deported, broken down by key dates:

<b>Date of Deportation of Separated Parents (for <i>Ms. L</i> Class)</b>	
June 26, 2018, or Earlier (date of <i>Ms. L</i> order)	269 parents
June 26, 2018, to July 11, 2018 (deadline to reunite children under five)	85 parents
July 11, 2018, to July 26, 2018 (deadline to reunite children five and over)	32 parents
July 27, 2018, or Later	159 parents

### ***Reason for Release from ORR Custody***

ORR records show the reasons children were discharged from ORR custody. Below is a breakdown of separated children by these different reasons. When the child was released to a sponsor following an ORR vetting process, rather than being released immediately to a parent, records do not specify whether a sponsor was a parent, other relative, or other individual.

<b>Reasons for Release of Separated Children from ORR Custody (for Subset of 1,063 Children from <i>Ms. L</i> Class)</b>	
Released to parents per <i>Ms. L</i> court order	713 children (67%)
Released to a sponsor through ORR process	294 children (28%)
Released to rejoin parents in home country	19 children (2%)
Child turned 18 and aged out of ORR custody	10 children (1%)
Reason unclear from data	9 children (1%)
Ran away from ORR facility	1 child (<1%)

### ***Locations of ORR Custody***

ORR records identify each facility in which children were housed while in ORR custody. The table below shows the locations of ORR facilities where separated children were sent after arrival at the southern border:

<b>Initial Location of Separated Children in ORR Custody (for Subset of 1,063 Children from <i>Ms. L</i> Class)</b>			
Texas:	459 children	Arizona:	244 children
New York:	178 children	Florida:	86 children
Illinois:	25 children	California:	20 children
Maryland:	11 children	Pennsylvania:	11 children
Michigan:	11 children	Virginia:	6 children
Kansas:	4 children	Oregon:	3 children
New Jersey:	1 child	Connecticut:	1 child
Location Unclear:	3 children		

Below are additional facts about ORR facilities that these children were sent to:

- Cayuga Centers in New York housed the largest number of children, closely followed by Southwest Key Casa Padre in Brownsville, Texas.
- Taken together, Southwest Key facilities housed 525 of these separated children.
- 55 children were sent to the Homestead emergency influx shelter in Florida.
- Ten children were sent to the Tornillo emergency influx shelter near El Paso, Texas, after being transferred from other facilities.
- At least seven children were in long-term foster care, and at least three remained as of the date of records produced to the Committee.

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From:

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

To:

Cc:

Bcc:

Subject: Issue Papers for WH Meeting Tomorrow

Date: Thu Oct 24 2019 16:30:22 EDT

Attachments: ACA Update 10-24-19.docx  
B visa reg 10-24-19.doc  
CBP Enforcement Actions\_Mexico FY19-w-graph.pdf  
CBP SBO USBP Apps OFO Inadmiss MEX FMUA FY16-FY19TD AUG\_v2.xlsx  
CODIS 10-24-19.docx  
ENV Update 10-24-19.docx  
PACR 10-24-19.docx  
US Credible Fear Pilot Program 10-24-19.docx

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Team – please find below and attached papers for WH meeting tomorrow.

Issue Papers on the following for tomorrow:

- PACR
- CF USBP Pilot
- ENV



- ACA

#### Mexican Stats:

Attached are two documents that reflect the trend of Mexican nationals.

\*\*\*\*\* The first is a chart of MEX FMUA broken down by OFO and BP AORs across FY16, FY17, FY18, and most of FY19. (CBP SB USBP Apps File)

\*\*\*\*\* The second is a chart & graph of CBP enforcement actions for all MEX Nationals for FY19 broken down by month broken out between OFO & BP. (CBP Enforcement Actions File)

\*\*\*\*\* Lastly, below is a chart that shows all of MEX nationals enforcement actions broken down by FMUA, SA, UC, and AM for each month of FY19.

#### CBP MEX

Oct

Nov

Dec

Jan

Feb

Mar

Apr

May

Jun

Jul

Aug

Sep

Total

Southwest Border

FMUA

Acc Child

1,273

1,496

1,342

1,162

1,222

1,346

1,311

1,556

1,484

1,817

2,634

3,604

20,247

Adult

931

1,082

976

913

956

1,070

979

1,205

1,149

1,463

2,087

3,043

15,854

FMUA Total

2,204

2,578

2,318

2,075

2,178

2,417

2,290

2,761

2,633

3,280

4,722

6,647

36,103

Single Adult

16,178

13,372

10,758

13,426

14,515

18,463

17,962

19,003

17,096

14,222

15,197

16,472

186,664

UAC (0-17 yrs old)

1,082

967

784

1,004

1,142

1,360

1,202

1,298

1,061

1,021

1,241

1,277

13,439

Accompanied Minor Child

78

65

81

64

68

78

81

64

65

80

81

67

872

Total

19,542

16,982

13,941  
16,569  
17,903  
22,318  
21,535  
23,126  
20,855  
18,603  
21,241  
24,463  
237,078

I don't think the below topics will come up – but they are attached for awareness:

- CODIS
- B-Visa Regs

I think we are good to go on everything for tomorrow.

Let me know if you all need anything additional!!

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

---

From:

MORGAN, MARK A

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

To:

Cc:

Bcc:

Subject:

Date: Sun Oct 06 2019 20:03:59 EDT

Attachments:

---

ANNUAL IMMIGRATION LAW AND POLICY CONFERENCE October 7, 2019

BOTTOM LINE UP FRONT: th

(b) (5)

AGENDA:

- This is a full-day conference at Georgetown University with four sessions focusing on U.S. immigration policy and migration flows in the Americas.
- The conference topics are the SWB crisis, family separation, MPP, DACA, TPS, asylum, and Northern Triangle migration.
- The event is open to press and the public.

DHS PRIORITIES:

Managing and Mitigating the Crisis at the SWB

(b) (5)

Strengthening U.S. Border Security and Closing Loopholes in the U.S. Immigration System

(b) (5)

~~FOR OFFICIAL USE ONLY~~

(b) (5)

BACKGROUND:

- The conference is organized by the Catholic Legal Immigration Network, the Migration Policy Institute, and the Georgetown University Law Center.
- This is the first time you are attending. ATTACHMENTS:

A. Remarks

Staff Responsible for Briefing Memo: (b) (6), (b) (7)(C) Policy Analyst for Immigration Policy (b) (6), (b) (7)(C)

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

FOR OFFICIAL USE ONLY

2

DRAFT // ~~FOR OFFICIAL USE ONLY~~ 10/4/2019 1:50 PM 16TH ANNUAL IMMIGRATION LAW AND POLICY CONFERENCE

(b) (5)

DRAFT // ~~FOR OFFICIAL USE ONLY~~

1

DRAFT // ~~FOR OFFICIAL USE ONLY~~ 10/4/2019 1:50 PM

(b) (5)

(b) (5)

DRAFT // ~~FOR OFFICIAL USE ONLY~~

2

DRAFT // ~~FOR OFFICIAL USE ONLY~~ 10/4/2019 1:50 PM

(b) (5)

DRAFT // ~~FOR OFFICIAL USE ONLY~~

3

DRAFT // ~~FOR OFFICIAL USE ONLY~~ 10/4/2019 1:50 PM

(b) (5)

DRAFT // ~~FOR OFFICIAL USE ONLY~~

4

DRAFT // ~~FOR OFFICIAL USE ONLY~~ 10/4/2019 1:50 PM

(b) (5)

DRAFT // ~~FOR OFFICIAL USE ONLY~~

5

DRAFT // ~~FOR OFFICIAL USE ONLY~~ 10/4/2019 1:50 PM

(b) (5)



(b) (5)

DRAFT // ~~FOR OFFICIAL USE ONLY~~

6

DRAFT // ~~FOR OFFICIAL USE ONLY~~ 10/4/2019 1:50 PM

(b) (5)

(b) (5)

DRAFT // ~~FOR OFFICIAL USE ONLY~~

7

DRAFT // ~~FOR OFFICIAL USE ONLY~~ 10/4/2019 1:50 PM

(b) (5)

DRAFT // ~~FOR OFFICIAL USE ONLY~~

8

DRAFT // ~~FOR OFFICIAL USE ONLY~~ 10/4/2019 1:50 PM

(b) (5)

DRAFT // ~~FOR OFFICIAL USE ONLY~~

9

(b) (5)

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(b) (5)

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(b) (5)

DRAFT // ~~FOR OFFICIAL USE ONLY~~

13

DRAFT // ~~FOR OFFICIAL USE ONLY~~ 10/4/2019 1:50 PM

(b) (5)

DRAFT // ~~FOR OFFICIAL USE ONLY~~

14

DRAFT // ~~FOR OFFICIAL USE ONLY~~ 10/4/2019 1:50 PM

(b) (5)

DRAFT // ~~FOR OFFICIAL USE ONLY~~

15

Sent from my iPhone

---

From: MORGAN, MARK A

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

To:

Cc:

Bcc:

Subject: Fwd: Litigation Challenging the Flores Final Rule -- Complaint, PI Motion, and Transfer to Judge Gee

Date: Fri Sep 06 2019 09:41:46 EDT

Attachments: ATT00001.htm

ATT00002.htm

ATT00003.htm

ATT00004.htm

Flores Final Rule 8-23-19.pdf

Flores Final Rule CDCA Complaint 8-26-19.pdf

Flores Final Rule CDCA PI Motion 8-30-19.pdf

Flores Final Rule CDCA Transfer to Judge Gee 9-3-19.pdf

---

Please print all.

Sent from my iPhone

Begin forwarded message:

From: "COUREY, MARC BENNETT (OCC)" (b) (6), (b) (7)(C)

To: "MORGAN, MARK A" (b) (6), (b) (7)(C) "PEREZ, ROBERT E" (b) (6), (b) (7)(C)

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

Cc: "Owen, Todd C (AC OFO)" (b) (6), (b) (7)(C) "WAGNER, JOHN P" (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) "HOWE, RANDY J" (b) (6), (b) (7)(C) "HOFFMAN,

TODD A" (b) (6), (b) (7)(C) "PROVOST, CARL A (USBP)" (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) "LUCK, SCOTT A (USBP)" (b) (6), (b) (7)(C)

"HASTINGS, BRIAN S" (b) (6), (b) (7)(C)

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

(b) (6), (b) (7)(C) "FALK, SCOTT K (OCC)" (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) "HIGHSMITH, ANNMARIE (OCC)" (b) (6), (b) (7)(C)

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

Subject: Litigation Challenging the Flores Final Rule -- Complaint, PI Motion, and Transfer to Judge Gee

(b) (5)

---

(b) (5)

Bennett Courey

CBP Associate Chief Counsel (Enforcement and Operations)

T. (b) (6), (b) (7)(C)

\*\* Attorney Work Product / Attorney-Client Privileged \*\*

---

From:

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

To:

MORGAN, MARK A

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

(b) (6), (b) (7)(C), (b) (7)(E) PEREZ, ROBERT E (b) (6), (b) (7)(C), (b) (7)(E)

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

Cc:

(b) (6), (b) (7)(C), (b) (7)(E) COUREY, MARC BENNETT (OCC)

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

Bcc:

Subject:

FW: Separations

Date:

Fri Aug 02 2019 18:23:00 EDT

Attachments:

439 Motion to Enforce.pdf

439-1 Motion to Enforce - Memo and Exhibits.pdf

Consolidated\_Separation\_Reasons\_7.19.19.xlsx

Copy of ACLU\_exchange\_through6\_29\_updated\_7\_10\_2019\_newrun (CBP final

7.18.19) (vs).xlsx

---

Sirs-

Please see below and attached for your consideration the draft response (b) (6), (b) (7) and the OCC team pulled together for AS1. Please let us know if there is any further information required.

Thank you,

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

\*\*\*\*\*

(b) (5)

(b) (5)

From: (b) (6)  
Sent: Wednesday, July 31, 2019 8:24 AM  
To: MORGAN, MARK A (b) (6), (b) (7)(C) FALK, SCOTT K (OCC) (b) (6), (b) (7)(C)  
(b) (6), (b) (7)(C)  
Cc: (b) (6)  
Subject: Separations

ATTORNEY-CLIENT PRIVILEGED  
PRE-DECISIONAL//DELIBERATIVE

Commissioner, Chief Counsel, and team,

(b) (5)

KM

From: PETERLIN, MEGHANN K (b) (6), (b) (7)(C), (b) (7)(E)  
(b) (6), (b) (7)(C), (b) (7)(E)  
To: (b) (6), (b) (7)(C), (b) (7)(E)  
Cc: CHAVEZ, GLORIA I (b) (6), (b) (7)(C), (b) (7)(E)  
(b) (6), (b) (7)(C), (b) (7)(E)  
Bcc:  
Subject: FW: Developing a Statement re Complaint on Family Separation  
Date: Fri Dec 22 2017 11:02:38 EST  
Attachments: Family Separation Complaint.pdf

---

Do you know whether there were any amendments to the family separation statement last week (below)? This is the latest we saw. We're getting inquiries following the articles last night.

Thanks much!

Meghann

From: (b) (6), (b) (7)(C)  
Sent: Friday, December 22, 2017 10:57 AM  
To: PETERLIN, MEGHANN K (b) (6), (b) (7)(C)  
Subject: FW: Developing a Statement re Complaint on Family Separation

From: (b) (6), (b) (7)(C)  
Sent: Wednesday, December 13, 2017 4:49 PM  
To: (b) (6), (b) (7)(C) PETERLIN, MEGHANN K (b) (6), (b) (7)(C)  
(b) (6), (b) (7)(C)  
Cc: (b) (6), (b) (7)(C)  
Subject: FW: Developing a Statement re Complaint on Family Separation

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



Below is the draft Family Separation statement for your review. This statement used previously approved language as a base, but was tweaked to make apply to all of CBP instead of just USBP. It was approved by:

- \*\*\*\*\* Brian Hastings – USBP
- \*\*\*\*\* (b) (6), (b) (7)(C) OFO
- \*\*\*\*\* (b) (6), (b) (7)(C) – OCC
- \*\*\*\*\* (b) (6), (b) (7)(C) OPA
- \*\*\*\*\* Pete Ladowicz – OCA
- \*\*\*\*\* (b) (6), (b) (7)(C) – IPL
- \*\*\*\*\* Meghann Peterlin – PD

(b) (5)

Thank you! Please let me know if you have any questions or concerns.

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

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

Strategic Policy Advisor (Acting)  
Policy Directorate  
Customs and Border Protection  
Department of Homeland Security

(b) (6), (b) (7)(C)(w)  
(c)

From: PETERLIN, MEGHANN K

Sent: Wednesday, December 13, 2017 10:11 AM

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

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

(b) (6), (b) (7)(C) ADOWICZ, JOHN P (b) (6), (b) (7)(C)

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

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

CHAVEZ,

GLORIA I

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

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

HUFFMAN, BENJAMINE C

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

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

Subject: Developing a Statement re Complaint on Family Separation

Hey all- Good morning!

We're getting questions from NGOs and media (nothing from the Hill yet, but it's certainly coming) regarding the Family Separation Complaint received yesterday. Attached for your reference.

We need to develop a statement so I wanted to circle up this fantastic group. From talking to several of you, sounds like we've made various statements in the past on this issue. So, seemed best to start by asking- if you have a statement your office has provided or used in the past on family separation, would you please send it along? We'll use that as the foundation to develop an updated statement and then share for your sign off.

Please let me know if you have any questions!

Thanks much,

Meghann

Meghann K. Peterlin

Executive Director | Policy Directorate

Office of the Commissioner

---

U.S. Customs and Border Protection

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

(cell)

From: (b) (6), (b) (7)(C), (b) (7)(E)  
To: [REDACTED]  
Cc: EPT Management Taskings  
(b) (6), (b) (7)(C), (b) (7)(E)  
Bcc:  
Subject: FW: FMUA over 72 hours  
Date: Wed Dec 20 2017 12:07:22 EST  
Attachments: EsaEmbeddedMsg (1).msg

---

Sir, please see requested information below. Thank you

The Lordsburg Station's (LOB) manpower is currently (b) (7)(E) LOB operates (b) (7)(E) which is located approximately (b) (7)(E) from the Lordsburg station. Groups of FMUAs and UACs frequently turn themselves in at the (b) (7)(E)

Below is a timeline of events for the FMUA.

- 12/10/2017 0700 The FMUA was part of a group of 33 that was apprehended at (b) (7)(E)
  - 12/10/2017 2237 The FMUA was transported to the Deming station (DNM), who offered to assist LOB with processing
  - 12/12/2017 0253 DNM requested placement (email attached). Placement for the FMUAs cannot be submitted until the file is complete
  - 12/18/2017 0401 DNM sent follow-up email to placement request
  - 12/18/2017 1216 ERO Scheduled the FMUA for an appointment on 12/20/2017, 8 days after placement was requested
  - 12/18/2017 2229 FMUA transported and received at El Paso Station processing/holding facility (PDT) to await transport to ERO
  - 12/20/2017 0937 FMUA currently in transit to ERO
-

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

Operations Officer

Law Enforcement Operations Division

El Paso Sector

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

(C)

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

Sent: Wednesday, December 20, 2017 7:17 AM

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

Cc:

Subject: FW: FMUA over 72 hours

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

Could you check into the below inquiry and advise what is the cause of delay with the two subjects in custody. Thank you.

Respectfully,

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

Assistant Chief | United States Border Patrol

Law Enforcement Operations Directorate | Operations West Division

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

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

---

Sent: Wednesday, December 20, 2017 8:16 AM

To: OPS WEST SECTORS

(b) (7)(E)

Cc:

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

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

Subject: FMUA over 72 hours

For EPT:

EPT has 2 FMUA (father and daughter) that have been in custody for 214 hours (9 days). I've attached the 213s and custodial action reports for reference.

There are no reasons cited in the reports (at hospital, etc) so I am unable to determine what the cause of this delay may be. Please reach out to the sector to determine what may be causing this delay in transfer of custody and advise of any assistance that we can provide.

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

Assistant Chief

U.S. Border Patrol

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

(C)

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

---

From: MCALEENAN, KEVIN K (b) (6), (b) (7)(C), (b) (7)(E)

To:

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

Cc:

Bcc:

Subject: FW: Update: UAC Options

Date: Sun Dec 17 2017 10:35:33 EST

Attachments: UAC\_Options(v.2).OCC.docx

---

PRE-DECISIONAL//DELIBERATIVE. - ATTORNEY-CLIENT COMMUNICATION

(b) (6)

(b) (5)

KM

---

From: (b) (6), (b) (7)(C) (OCC)

Sent: Saturday, December 16, 2017 6:01:52 PM

To: (b) (6), (b) (7)(C) CHAVEZ, GLORIA I; COUREY, MARC BENNETT (OCC); PETERLIN, MEGHANN K

Cc: MCALEENAN, KEVIN K

Subject: RE: Update: UAC Options

ATTORNEY CLIENT PRIVILEGED  
ATTORNEY WORK PRODUCT

DELIBERATIVE

(b) (5)

physically out of the office after Monday, but I'm always available on my cell.

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

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

Dep. Assoc. Chief Counsel

Office of Chief Counsel

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

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

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

Sent: Saturday, December 16, 2017 2:35 PM

To: CHAVEZ, GLORIA I (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) COUREY, MARC BENNETT (OCC) (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) PETERLIN, MEGHANN K (b) (6), (b) (7)(C)

Cc: MCALEENAN, KEVIN K (b) (6), (b) (7)(C)

Subject: FW: Update: UAC Options

MCAT and OCC

Please review the attached. Need edits back by 9 pm tonight for C1 review.

Thanks.

V/R

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

---

From: MCALEENAN, KEVIN K

Sent: Saturday, December 16, 2017 6:33:33 PM

To: (b) (6), (b) (7)(C) PETERLIN, MEGHANN K

Subject: FW: Update: UAC Options

Please get a quick turn and send back to me for review and forwarding back to Dept.

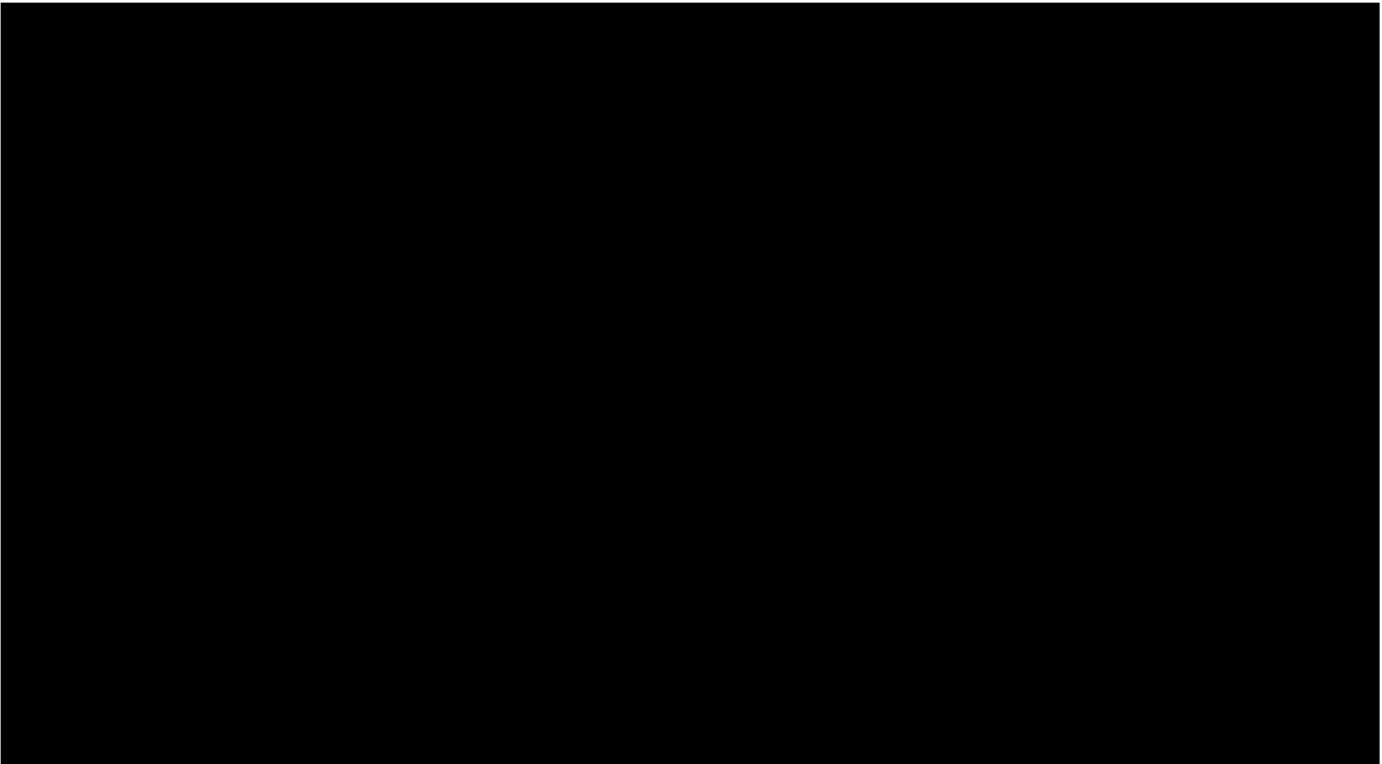
---



From: CHAVEZ, GLORIA I (b) (6), (b) (7)(C), (b) (7)(E)  
(b) (6), (b) (7)(C), (b) (7)(E)  
To: (b) (6), (b) (7)(C), (b) (7)(E)  
(b) (6), (b) (7)(C), (b) (7)(E)  
COUREY, MARC BENNETT (OCC) (b) (6), (b) (7)(C), (b) (7)(E)  
(b) (6), (b) (7)(C), (b) (7)(E)  
PETERLIN, MEGHANN K (b) (6), (b) (7)(C), (b) (7)(E)  
(b) (6), (b) (7)(C), (b) (7)(E)  
Cc: MCALEENAN, KEVIN K (b) (6), (b) (7)(C), (b) (7)(E)  
(b) (6), (b) (7)(C), (b) (7)(E)  
Bcc:  
Subject: FW: Update: UAC Options  
Date: Sat Dec 16 2017 18:31:33 EST  
Attachments: UAC\_Options(v.2).OCC.docx

(b) (6), (b) (7)(C) Both my MCAT Deputy and I have reviewed the document and have no edits. The only item I'd like to mention with regards to the document is that under #1 (Status) - CBP is NOT executing this policy on a limited basis in El Paso Sector. The initiative is not operational.

Operationally, there are a few other items I'd like to mention for awareness that the MCAT has been considering that could help resolve some of the challenges with UACs and FMUAs.



(b) (5)

Apologies for long email and THANK YOU for allowing us to review.

GC

Regards,  
Gloria I. Chavez  
Deputy Chief - LEOD/Operations  
U.S. Border Patrol Headquarters  
(b) (6), (b) (7)(C) (office)  
(b) (6), (b) (7)(C) (cell)

---

From: (b) (6), (b) (7)(C) (OCC)  
Sent: Saturday, December 16, 2017 3:01:52 PM  
To: (b) (6), (b) (7)(C) CHAVEZ, GLORIA I; COUREY, MARC BENNETT (OCC); PETERLIN, MEGHANN K  
Cc: MCALEENAN, KEVIN K  
Subject: RE: Update: UAC Options

ATTORNEY CLIENT PRIVILEGED  
ATTORNEY WORK PRODUCT

DELIBERATIVE

(b) (5)

(b) (5)

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

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

Dep. Assoc. Chief Counsel

Office of Chief Counsel

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

(desk)

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

Sent: Saturday, December 16, 2017 2:35 PM

To: CHAVEZ, GLORIA I

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

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

COUREY, MARC BENNETT (OCC)

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

(b) (6), (b) (7)(C) PETERLIN, MEGHANN K

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

Cc: MCALEENAN, KEVIN K

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

Subject: FW: Update: UAC Options

MCAT and OCC

Please review the attached. Need edits back by 9 pm tonight for C1 review.

Thanks.

V/R

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

---

From: MCALEENAN, KEVIN K

Sent: Saturday, December 16, 2017 6:33:33 PM

To: (b) (6), (b) (7)(C) PETERLIN, MEGHANN K

From: CHAVEZ, GLORIA I (b) (6), (b) (7)(C), (b) (7)(E)  
(b) (6), (b) (7)(C), (b) (7)(E)  
To: MCALEENAN, KEVIN K (b) (6), (b) (7)(C), (b) (7)(E)  
(b) (6), (b) (7)(C), (b) (7)(E)  
Cc:  
Bcc:  
Subject: FW: S1 Book and CPA Talking Points  
Date: Fri Dec 15 2017 13:06:14 EST  
Attachments: CPA Talking Points S1 DEC 13.pdf  
S1 Book.pdf

---

Commissioner – As discussed, see copy of what RGV presented to S1 during her visit to RGV. The 2nd document attached on slides 46-54 paints a real good picture of the operational tempo in RGV AOR.

GC

From: ORTIZ, RAUL L  
Sent: Friday, December 15, 2017 8:31 AM  
To: CHAVEZ, GLORIA I (b) (6), (b) (7)(C) HASTINGS, BRIAN S (b) (6), (b) (7)(C)  
(b) (6), (b) (7)(C)  
Subject: FW: S1 Book and CPA Talking Points

Here is the packet we used for S1.

---

From: (b) (6), (b) (7)(C)  
Sent: Wednesday, December 13, 2017 5:25:32 PM  
To: (b) (6), (b) (7)(C)  
(b) (6), (b) (7)(C)  
Cc: (b) (6), (b) (7)(C)  
Subject: S1 Book and CPA Talking Points

All,

---

Thank you for your support and timely submission of information for the “S1 Book”. The following was collected and consolidated as takeaway material for DHS and CBP leadership. Also attached are the CPA talking points for reference/archive.

S1 Book:

- RGV FY2018 Strategic Guidance
    - o Rio Grande Valley Chief Patrol Agent’s (CPA) Strategic Guidance is focused on executing the Presidential Executive Order 13767, Border Security and Immigration Enforcement Improvements.”
    - o The FY2018 Strategic Guidance provides the RGV workforce with the RGV CPA’s Vision, Mission, Priorities, and Actions for FY2018 and beyond.
  - RGV Activity Reports
    - o CPA Daily Briefing Book
    - o RGV Executive Summaries (FY13-17)
    - o Statistical Comparison Activity Report (SCAR)
    - o RGV Apprehensions Since Inauguration
    - o RGV Daily Apprehension Breakdown
    - o RGV Statistical and Historical Data Comparison
    - o Corridor Operational Statistical Snapshot
  - RGV CPA Static Displays
    - o “End of FY17” Apprehensions and Seizures
    - o “The Shift” 1993-2017
    - o Fiscal Year Comparisons of FMUA/UAC Apprehensions
    - o Chaotic Traffic in the RGV
    - o FMUA and UAC Fraud Cases
    - o RGV CPC Detainee Expenses/FY Comparison
-

- RGV Sector Intelligence Unit
  - o Briefing notes focused on “Impacts”
  
- RGV Initiatives and Issue Papers
  - o (b) (7)(E) Summary and Packet for Partners
  - o Operation Stonegarden Summary
  - o RGV Foreign Operations Branch (FOB) Summary
  - o (b) (6), (b) (7)(C), (b) (7)(E)
  - o Missing Migrant Program (MMP) Summary
  - o RGV Central Processing Center (CPC) Summary
  - o FMUA/UAC Fraud Collection Effort
  
- RGV Wall Project Executive Summary
  - o Wall/Fence/Border Technology Strategic Priorities

Thanks again for your help.

Respectfully,

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

Assistant Chief Patrol Agent

Law Enforcement Operational Programs

RGV Sector Border Patrol

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

For more information about RGV Sector please visit:

---

(b) (7)(E)

From: HASTINGS, BRIAN S (b) (6), (b) (7)(C), (b) (7)(E)  
(b) (6), (b) (7)(C), (b) (7)(E)  
To: BP Field Chiefs (b) (7)(E)  
(b) (7)(E)  
Cc: (b) (6), (b) (7)(C), (b) (7)(E)  
(b) (6), (b) (7)(C), (b) (7)(E)  
CHAVEZ, GLORIA I (b) (6), (b) (7)(C), (b) (7)(E)  
(b) (6), (b) (7)(C), (b) (7)(E)  
Bcc:  
Subject: FW: S1 Book and CPA Talking Points  
Date: Fri Dec 15 2017 09:58:14 EST  
Attachments: CPA Talking Points S1 DEC 13.pdf  
S1 Book.docx  
S1 Book.pdf

Chiefs,

Attached for your awareness and perhaps assistance in planning for future S-1 visits to your sectors are the RGV CPA Talking Points and the S1 Briefing Book that RGV put together for the S-1 visit this week.

RGV Leadership also put together some after action briefing bullets regarding the S-1 visit to RGV this week (Below). I wanted to share that feedback for your visibility.

S1 bullets-

- S1's second visit to RGV, first in role as Secretary, previously visited as the Chief of Staff for Secretary Kelly.
- S1 met with DHS Senior leadership from the components to include Office of Field Operations, Air Marine Operations, ICE both Homeland Security Investigations and Enforcement Removal Operations and Border Patrol leadership along with JTF-W Director. She received a briefing on the current trends effecting the flow in South Texas and received an operational snapshot of seven days in RGV Sector presented by Sector Intelligence. The briefings showcased the trends, challenges and need for Personnel/Technology and Infrastructure along the southwest border as well as the two different mission sets affecting the border environment to include the humanitarian mission associated



with family units and unaccompanied children and the flow of narcotics and alien traffic between the ports of entry, along the waterways and at the Ports of Entry. The briefings also focused on the second and third order effects of a chaotic border environment to include FTY's, deaths, assaults, tractor trailer loads and stash houses in the communities.

- S1 met with CBP component personnel and bargaining unit representatives and discussed issues related to new hires, attrition, professional development and location incentives etc....

- S1 met with Local/State and Federal partners and received an update on the current collaboration initiatives ongoing in South Texas to include the Texas Anti-Gang Initiative, Prosecution of suspects assaulting Border Patrol Agents and Task Force Operations.

- S1 concluded her meetings with a Senior level engagement with CBP leadership to include the Deputy Commissioner in which she stressed her priority to support the men and women of CBP with the right tools and resources to accomplish the mission and her expectation to address policy and legislative issues and asked for recommendations to focus on during her tenure.

- S1 toured the border and observed the areas with existing fencing and areas where proposed infrastructure is planned. She provided Fox News with a one on one interview on what she observed and what her priorities will be to include resourcing. She also had a press conference with local press and media outlets and reiterated her priority of enforcement and was supportive of the plan developed by the field.

Thanks to RGV for an outstanding job and for providing the after action bullets.

V/r,  
Brian

O: (b) (6), (b) (7)(C)

C:

---

From: CHAVEZ, GLORIA I (b) (6), (b) (7)(C), (b) (7)(E)

To:

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

(b) (6), (b) (7)(C), (b) (7)(E) PETERLIN, MEGHANN K (b) (6), (b) (7)(C), (b) (7)(E)

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

Cc:

Bcc:

Subject: RE: Talking Points

Date: Thu Dec 14 2017 17:38:44 EST

Attachments: Intel UAC Talking Points - MCAT 121417.docx  
S1 Talking Points 121417 - MCAT.docx

---

(b) (6), (b) (7)(C) Please review and advise. We can edit as necessary. I've also included our Intel Talking Points on UACs and FMUAs.

Let me know if you need any edits.

GC

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

Sent: Thursday, December 14, 2017 2:48 PM

To: CHAVEZ, GLORIA I (b) (6), (b) (7)(C) PETERLIN, MEGHANN K (b) (6), (b) (7)(C)

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

Cc: (b) (6), (b) (7)(C)

Subject: RE: Talking Points

And status check on this as well.

V/R

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

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

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From: CHAVEZ, GLORIA I

Sent: Tuesday, December 12, 2017 2:39 PM

To: PETERLIN, MEGHANN K (b) (6), (b) (7)(C)

Cc: (b) (6), (b) (7)(C)

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

Subject: RE: Talking Points

Meghann – Let me know when you have a draft ready and I can review and send you feedback. I met with the MCAT this morning and we have been looking into this FMUA issue further. We discussed the various aspects of the FMUA and explored the foundation and impact to all stakeholders; and we also verified to see if the two critical stakeholders impacting CBP (ERO & HHS) on the back end have the capacity to absorb any type of processing adjustment for this type of population (F MUAs).

(b) (5)

Let me know your thoughts or whether this is a viable path to consider?

GC

From: PETERLIN, MEGHANN K  
Sent: Tuesday, December 12, 2017 8:26 AM  
To: CHAVEZ, GLORIA I (b) (6), (b) (7)(C)  
Subject: FW: Talking Points

Good morning and Happy Tuesday!

(b) (6), (b) (7)(C) asked me to start an S1 decision memo based on the (b) (7)(E) Planning to work on it this morning. When it's ready, may I send it to you for review before sharing with the rest of the group?

Hope your day is off to a great start!

Meghann

From: CHAVEZ, GLORIA I  
Sent: Monday, December 11, 2017 6:54 PM  
To: FLANAGAN, PATRICK S (b) (6), (b) (7)(C)  
Cc: PETERLIN, MEGHANN K (b) (6), (b) (7)(C)  
Subject: RE: Talking Points

Absolutely (b) (6), (b) (7)(C) I'll have the staff work these tomorrow AM. If I gave any Qs, I'll reach out to you.

GC

Regards,  
Gloria I. Chavez  
Deputy Chief - LEOD/Operations  
U.S. Border Patrol Headquarters  
(b) (6), (b) (7)(C) (office)  
(b) (6), (b) (7)(C) (cell)

From: (b) (6), (b) (7)(C)  
Sent: Monday, December 11, 2017 3:28:41 PM  
To: CHAVEZ, GLORIA I  
Cc: PETERLIN, MEGHANN K  
Subject: Talking Points

Chief Chavez,

Could your staff generate talking points for engagement with HHS and DOD on collaborating to address the ongoing UAC housing needs.

Talking points could be used by S1 in her engagements with counterparts at HHS and DOD.

Let me know if you have any questions.

Thanks.

V/R

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

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

Customs and Border Protection

Department of Homeland Security

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

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---

From:

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

To:

MCALEENAN, KEVIN K (b) (6), (b) (7)(C), (b) (7)(E)

Cc:

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

Bcc:

Subject:

Close Out

Date:

Thu Dec 14 2017 16:43:28 EST

Attachments:

Email from C1 to S1 on CBP WH Meetings (CBP in the IC) (1).msg  
17-0031 McAleenan Memo re Designating U.S. Customs and Border Protectio....pdf  
2a POLICY Background 07 08 2016.pdf  
Draft email for Secretary Nielsen(13-December-2017)(3).docx  
FW: Blumenthal, et al. - Sensitive Locations (2).msg  
2017-COR-001313 Blumenthal et al RMH Response.docx  
2017-COR-01374 Blumenthal et al incoming.pdf  
McAleenan Confirmation hrg QFR Responses FINAL.PDF  
FW: OMB Final Settlement: \$14.8M Unspecified Offset Options (3).msg  
RE: APHIS Premium Pay Settlement Back Pay (4).msg  
S1 Talking Points on NVC (5).msg

Sir,

Decision points in your inbox:

- Budget pass back decision.

Correspondence items in your inbox:

- S1 Talking Points on NVC.
- Blumenthal et al response on Sensitive Locations.
- NEC IC Meeting Email to S1.
- NTEU Aphis Response

V/R

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

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

Customs and Border Protection

Department of Homeland Security

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

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---

From:

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

To:

Cc:

HUFFMAN, BENJAMINE C (b) (6), (b) (7)(C), (b) (7)(E)

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

HUDSON, RICHARD M (b) (6), (b) (7)(C), (b) (7)(E)

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

CHAVEZ,

GLORIA I (b) (6), (b) (7)(C), (b) (7)(E)

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

HASTINGS, BRIAN S (b) (6), (b) (7)(C), (b) (7)(E)

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

PETERLIN,

MEGHANN K (b) (6), (b) (7)(C), (b) (7)(E)

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

Bcc:

Subject:  
docx

RE: URGENT: For Review: S1 Action Memo re (b) (7)(E) DRAFT.

Date:

Thu Dec 14 2017 15:56:40 EST

Attachments:

S1 Action Memo re (b) (7)(E) DRAFT (FINAL) 121417.docx

All:

Attached is the draft that went forward. In the transmittal email, I stressed that the offices would appreciate a discussion with C1 prior to any decision being made.

Thanks!

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



From: (b) (6), (b) (7)(C)  
Sent: Thursday, December 14, 2017 3:05 PM  
To: (b) (6), (b) (7)(C)  
(b) (6), (b) (7)(C)  
Cc: (b) (6), (b) (7)(C) HUFFMAN,  
BENJAMINE C (b) (6), (b) (7)(C) HUDSON, RICHARD M (b) (6), (b) (7)(C)  
(b) (6), (b) (7)(C) CHAVEZ, GLORIA I (b) (6), (b) (7)(C)  
(b) (6), (b) (7)(C)  
(b) (6), (b) (7)(C) HASTINGS, BRIAN S (b) (6), (b) (7)(C)  
PETERLIN, MEGHANN K (b) (6), (b) (7)(C)  
Subject: RE: URGENT: For Review: S1 Action Memo re (b) (7)(E) DRAFT.docx

USBP comments.

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

(A)Associate Chief

U.S. Border Patrol Headquarters – Specialty Programs

(b) (6), (b) (7)(C) office  
cell

From: (b) (6), (b) (7)(C)(OCC)  
Sent: Thursday, December 14, 2017 2:45 PM  
To: (b) (6), (b) (7)(C)  
(b) (6), (b) (7)(C)  
Cc: (b) (6), (b) (7)(C) HUFFMAN,  
BENJAMINE C (b) (6), (b) (7)(C) HUDSON, RICHARD M (b) (6), (b) (7)(C)  
(b) (6), (b) (7)(C) CHAVEZ, GLORIA I (b) (6), (b) (7)(C)  
(b) (6), (b) (7)(C)  
(b) (6), (b) (7)(C) HASTINGS, BRIAN S (b) (6), (b) (7)(C)  
PETERLIN, MEGHANN K (b) (6), (b) (7)(C)  
Subject: RE: URGENT: For Review: S1 Action Memo re (b) (7)(E) DRAFT.docx

All,

(b) (5)

Thanks,

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

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

Attorney (Enforcement and Operations)

Office of Chief Counsel

U.S. Customs and Border Protection

Desk: (b) (6), (b) (7)(C)

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

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

Sent: Thursday, December 14, 2017 2:00 PM

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

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

Cc: (b) (6), (b) (7)(C)

BENJAMINE C

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

HUDSON, RICHARD M

HUFFMAN,

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

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

CHAVEZ, GLORIA I

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

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

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

HASTINGS, BRIAN S

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

PETERLIN, MEGHANN K

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

Subject: RE: URGENT: For Review: S1 Action Memo re

(b) (7)(E)

DRAFT.docx

All –

Thank you for your quick responses. I think we are very close. There is one comment from OCC that needs to be resolved and I believe it's directed to USBP. (The first one – 007 – is the latest version. The second – 005 – is the combined comments document.)

Although I've been trying to edit as I've been going along, I'd greatly appreciate it if you all could read it

over one more time to make sure it's a cohesive memo that is stating everything as you all would prefer.

Thanks! I'm going to try to grab some lunch, but I'll be back at my desk in a few if you have any questions.

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

From: (b) (6), (b) (7)(C)  
Sent: Thursday, December 14, 2017 12:55 PM  
To: (b) (6), (b) (7)(C)  
Cc: (b) (6), (b) (7)(C) HUFFMAN, BENJAMINE C (b) (6), (b) (7)(C) HUDSON, RICHARD M (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) CHAVEZ, GLORIA I (b) (6), (b) (7)(C)  
(b) (6), (b) (7)(C)  
(b) (6), (b) (7)(C)  
(b) (6), (b) (7)(C)  
(b) (6), (b) (7)(C) HASTINGS, BRIAN S  
(b) (6), (b) (7)(C) PETERLIN, MEGHANN K (b) (6), (b) (7)(C)  
(b) (6), (b) (7)(C)  
Subject: RE: URGENT: For Review: S1 Action Memo re (b) (7)(E) DRAFT.docx

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

Please see my additional comments.

Thank you,

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

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

(A)Associate Chief

U.S. Border Patrol Headquarters – Specialty Programs

(b) (6), (b) (7)(C) office  
cell

From: (b) (6), (b) (7)(C)  
Sent: Thursday, December 14, 2017 12:32 PM  
To: HASTINGS, BRIAN S (b) (6), (b) (7)(C) PETERLIN, MEGHANN K  
(b) (6), (b) (7)(C)  
Cc: (b) (6), (b) (7)(C)  
(b) (6), (b) (7)(C) HUFFMAN, BENJAMINE C (b) (6), (b) (7)(C)  
(b) (6), (b) (7)(C) HUDSON, RICHARD M (b) (6), (b) (7)(C)  
CHAVEZ, GLORIA I (b) (6), (b) (7)(C)  
(b) (6), (b) (7)(C)  
Subject: URGENT: For Review: S1 Action Memo re (b) (7)(E) DRAFT.docx

All:

Thank you all for you input. I've gone through and accepted all of the track changes/edits that appear to have been resolved. However, as you will note, there are still several issues that remain. For ease of review, I have highlighted my questions in yellow.

Given that we are now officially missed the deadline for this, I would appreciate your expedited review. If it's easier, I'm also willing to set up a conference call in the next hour or so.

Thanks!

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

From: (b) (6), (b) (7)(C)  
Sent: Thursday, December 14, 2017 11:27 AM  
To: HASTINGS, BRIAN S (b) (6), (b) (7)(C) PETERLIN, MEGHANN K  
(b) (6), (b) (7)(C)  
Cc: (b) (6), (b) (7)(C)  
(b) (6), (b) (7)(C) HUFFMAN, BENJAMINE C (b) (6), (b) (7)(C)  
(b) (6), (b) (7)(C) HUDSON, RICHARD M (b) (6), (b) (7)(C)  
CHAVEZ, GLORIA I (b) (6), (b) (7)(C)  
(b) (6), (b) (7)(C)  
Subject: RE: For Review: S1 Action Memo re (b) (7)(E) DRAFT.docx

Chief Hastings –

---

Thank you so much for the input. I greatly appreciate it.

(b) (5)

Thanks!

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

From: HASTINGS, BRIAN S

Sent: Thursday, December 14, 2017 10:15 AM

To: (b) (6), (b) (7)(C) PETERLIN, MEGHANN K (b) (6), (b) (7)(C)

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

Cc: (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) HUFFMAN, BENJAMINE C (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) HUDSON, RICHARD M (b) (6), (b) (7)(C)

CHAVEZ, GLORIA I (b) (6), (b) (7)(C)

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

Subject: FW: For Review: S1 Action Memo re (b) (7)(E) DRAFT.docx

Good Morning Meghann, (b) (6), (b) (7)(C)

(b) (5), (b) (7)(E)

Thank you for the additional time to review,

Brian

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

Sent: Thursday, December 14, 2017 8:23 AM

To: HASTINGS, BRIAN S (b) (6), (b) (7)(C)

Cc: (b) (6), (b) (7)(C)

Subject: FW: For Review: S1 Action Memo re (b) (7)(E) DRAFT.docx

Good morning Chief,

Please see Specialty Program comments. I am available to discuss.

Regards,

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

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

(A)Associate Chief

U.S. Border Patrol Headquarters – Specialty Programs

(b) (6), (b) (7)(C) office  
cell

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

Sent: Wednesday, December 13, 2017 5:44 PM

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

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

Subject: FW: For Review: S1 Action Memo re (b) (7)(E) DRAFT.docx

We have until tomorrow morning. Let us make this the priority first thing please!

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

(A)Associate Chief

U.S. Border Patrol Headquarters – Specialty Programs

(b) (6), (b) (7)(C) office  
cell

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

Sent: Wednesday, December 13, 2017 5:43 PM

---

To: (b) (6), (b) (7)(C)  
Subject: RE: For Review: S1 Action Memo re (b) (7)(E) DRAFT.docx

Yes, tomorrow morning it will be!!! Some of the comments need additional clarification from my UAC/FMUA group to ensure we are providing S1 with the correct consistent message to support USBP position. I truly appreciate the extension.

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

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

(A)Associate Chief

U.S. Border Patrol Headquarters – Specialty Programs

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

cell

From: (b) (6), (b) (7)(C)  
Sent: Wednesday, December 13, 2017 5:34 PM  
To: (b) (6), (b) (7)(C)  
Subject: RE: For Review: S1 Action Memo re (b) (7)(E) DRAFT.docx

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

The Front Office was expecting it tonight, but I pushed them off until tomorrow morning. Any chance you could get the feedback earlier than tomorrow afternoon? If it makes it any easier, Meghann worked with Chief Chavez to prepare the draft and Chief Huffman cleared it.

Thanks!

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

From: (b) (6), (b) (7)(C)  
Sent: Wednesday, December 13, 2017 5:30 PM  
To: (b) (6), (b) (7)(C)  
Subject: FW: For Review: S1 Action Memo re (b) (7)(E) DRAFT.docx

---

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

I am awaiting for additional feedback from my team on this. May I have an extension and get it back to you tomorrow afternoon??

I would greatly appreciate it.

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

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

(A)Associate Chief

U.S. Border Patrol Headquarters – Specialty Programs

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

ell

From: PETERLIN, MEGHANN K

Sent: Wednesday, December 13, 2017 9:47 AM

To: HUFFMAN, BENJAMINE C (b) (6), (b) (7)(C)

Cc: CHAVEZ, GLORIA I (b) (6), (b) (7)(C) CHAVERS, MARTY P. (b) (6), (b) (7)(C)

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

Subject: For Review: S1 Action Memo re (b) (7)(E) DRAFT.docx

Hi Carry- Good morning! I hope you're well.

For your/USBP review, edits, and/or clearance, please- draft decision memo for the Secretary regarding the (b) (7)(E) Chief Chavez and I prepared this draft and would appreciate any additional edits or recommendations. OCC will review later today after we incorporate your comments, but we had several conversation with them prior to drafting so it should be tracking their concerns at least partly.

Glad to discuss if you have any questions.

Thank you much!

---



Meghann

Meghann K. Peterlin

Executive Director | Policy Directorate

Office of the Commissioner

U.S. Customs and Border Protection

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

cell)

---

From: CHAVEZ, GLORIA I (b) (6), (b) (7)(C), (b) (7)(E)  
(b) (6), (b) (7)(C), (b) (7)(E)  
To: (b) (6), (b) (7)(C), (b) (7)(E)  
MEGHANN K (b) (6), (b) (7)(C), (b) (7)(E)  
(b) (6), (b) (7)(C), (b) (7)(E)  
Cc:  
Bcc:  
Subject: FW: For Review: S1 Action Memo re (b) (7)(E) DRAFT.docx  
Date: Thu Dec 14 2017 12:36:34 EST  
Attachments: S1 Action Memo re (b) (7)(E) DRAFT (004) 121417.docx

Ladies – I have just returned from the EEOB meeting and have reviewed the latest comments on this document. Just from reviewing briefly, it looks like we have now moved on from a (b) (7)(E) (b) (7)(E) document.

NOTE: Regardless of what the program includes, the key thing that remains is that (b) (7)(E) (b) (7)(E)

Recommend OCC filter out carefully....

GC

From: (b) (6), (b) (7)(C)  
Sent: Thursday, December 14, 2017 11:27 AM  
To: HASTINGS, BRIAN S (b) (6), (b) (7)(C) PETERLIN, MEGHANN K  
(b) (6), (b) (7)(C)  
Cc: (b) (6), (b) (7)(C)  
(b) (6), (b) (7)(C) HUFFMAN, BENJAMINE C (b) (6), (b) (7)(C)  
(b) (6), (b) (7)(C) HUDSON, RICHARD M (b) (6), (b) (7)(C)  
CHAVEZ, GLORIA I (b) (6), (b) (7)(C)  
(b) (6), (b) (7)(C)

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

Subject: RE: For Review: S1 Action Memo re

(b) (7)(E)

DRAFT.docx

Chief Hastings –

Thank you so much for the input. I greatly appreciate it.

(b) (5)

Thanks!

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

From: HASTINGS, BRIAN S

Sent: Thursday, December 14, 2017 10:15 AM

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

PETERLIN, MEGHANN K

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

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

Cc:

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

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

HUFFMAN, BENJAMINE C

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

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

HUDSON, RICHARD M

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

CHAVEZ, GLORIA I

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

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

Subject: FW: For Review: S1 Action Memo re

(b) (7)(E)

DRAFT.docx

Good Morning Meghann

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

(b) (5)

Thank you for the additional time to review,

Brian

---

From: (b) (6), (b) (7)(C)  
Sent: Thursday, December 14, 2017 8:23 AM  
To: HASTINGS, BRIAN S (b) (6), (b) (7)(C)  
Cc: (b) (6), (b) (7)(C)  
Subject: FW: For Review: S1 Action Memo re (b) (7)(E) DRAFT.docx

Good morning Chief,

Please see Specialty Program comments. I am available to discuss.

Regards,

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

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

(A)Associate Chief

U.S. Border Patrol Headquarters – Specialty Programs

(b) (6), (b) (7)(C) office  
cell

From: (b) (6), (b) (7)(C)  
Sent: Wednesday, December 13, 2017 5:44 PM  
To: (b) (6), (b) (7)(C)  
Subject: FW: For Review: S1 Action Memo re (b) (7)(E) DRAFT.docx

We have until tomorrow morning. Let us make this the priority first thing please!

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

(A)Associate Chief

U.S. Border Patrol Headquarters – Specialty Programs

---

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

cell

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

Sent: Wednesday, December 13, 2017 5:43 PM

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

Subject: RE: For Review: S1 Action Memo re (b) (7)(E) DRAFT.docx

Yes, tomorrow morning it will be!!! Some of the comments need additional clarification from my UAC/FMUA group to ensure we are providing S1 with the correct consistent message to support USBP position. I truly appreciate the extension.

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

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

(A)Associate Chief

U.S. Border Patrol Headquarters – Specialty Programs

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

cell

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

Sent: Wednesday, December 13, 2017 5:34 PM

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

Subject: RE: For Review: S1 Action Memo re (b) (7)(E) DRAFT.docx

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

The Front Office was expecting it tonight, but I pushed them off until tomorrow morning. Any chance you could get the feedback earlier than tomorrow afternoon? If it makes it any easier, Meghann worked with Chief Chavez to prepare the draft and Chief Huffman cleared it.

Thanks!

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

---

From: (b) (6), (b) (7)(C)  
Sent: Wednesday, December 13, 2017 5:30 PM  
To: (b) (6), (b) (7)(C)  
Subject: FW: For Review: S1 Action Memo re (b) (7)(E) DRAFT.docx

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

I am awaiting for additional feedback from my team on this. May I have an extension and get it back to you tomorrow afternoon??

I would greatly appreciate it.

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

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

(A)Associate Chief

U.S. Border Patrol Headquarters – Specialty Programs

(b) (6), (b) (7)(C) office  
cell

From: PETERLIN, MEGHANN K  
Sent: Wednesday, December 13, 2017 9:47 AM  
To: HUFFMAN, BENJAMINE C (b) (6), (b) (7)(C)  
Cc: CHAVEZ, GLORIA I (b) (6), (b) (7)(C)  
(b) (6), (b) (7)(C)  
Subject: For Review: S1 Action Memo re (b) (7)(E) DRAFT.docx

Hi Carry- Good morning! I hope you're well.

For your/USBP review, edits, and/or clearance, please- draft decision memo for the Secretary regarding the (b) (7)(E) Chief Chavez and I prepared this draft and would appreciate any additional edits or recommendations. OCC will review later today after we incorporate your comments, but we had several conversation with them prior to drafting so it should be tracking their concerns at least partly.

---

Glad to discuss if you have any questions.

Thank you much!

Meghann

Meghann K. Peterlin

Executive Director | Policy Directorate

Office of the Commissioner

U.S. Customs and Border Protection

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

(cell)

---

From: (b) (6), (b) (7)(C), (b) (7)(E)  
To: CHAVEZ, GLORIA I (b) (6), (b) (7)(C), (b) (7)(E)  
(b) (6), (b) (7)(C), (b) (7)(E)  
Cc:  
Bcc:  
Subject: FW: NDAA and Border Metrics follow-up  
Date: Thu Dec 14 2017 10:05:01 EST  
Attachments: (b) (6), (b) (7)(C) v2.docx  
CWEmbed1.xlsx  
Appendix B Final (7 Dec 17).xlsx  
Appendix C COV Final(7 Dec 17).xlsx

---

Chief,

FYSA

From: (b) (6), (b) (7)(C)  
Sent: Thursday, December 14, 2017 7:42 AM  
To: (b) (6), (b) (7)(C) PPAAE (b) (7)(E)  
(b) (6)  
Cc: (b) (6), (b) (7)(C)  
Subject: RE: NDAA and Border Metrics follow-up

(b) (6)

The NDAA came back around and not all of the comments I provided to you on 7 Dec were incorporated. I have added them again to this version and I'm attaching two appendixes that did not get updated in this version.

Please let me know if you need anything else.

Thanks,

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

---



From: (b) (6), (b) (7)(C), (b) (7)(E)

To: CHAVEZ, GLORIA I (b) (6), (b) (7)(C), (b) (7)(E)  
(b) (6), (b) (7)(C), (b) (7)(E)

Cc: (b) (6), (b) (7)(C), (b) (7)(E) PETERLIN,  
MEGHANN K (b) (6), (b) (7)(C), (b) (7)(E)  
(b) (6), (b) (7)(C), (b) (7)(E)

Bcc:

Subject: RE: For Review: S1 Action Memo re (b) (7)(E) DRAFT.docx

Date: Thu Dec 14 2017 09:10:38 EST

Attachments: S1 Action Memo re (b) (7)(E) DRAFT (003) 121417 (OCC).docx

---

With the attachment...

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

Sent: Thursday, December 14, 2017 9:10 AM

To: CHAVEZ, GLORIA I (b) (6), (b) (7)(C)  
(b) (6), (b) (7)(C)

Cc: (b) (6), (b) (7)(C) PETERLIN, MEGHANN K (b) (6), (b) (7)(C)  
(b) (6), (b) (7)(C)

Subject: For Review: S1 Action Memo re (b) (7)(E) DRAFT.docx

Good morning, everyone!

OCC reviewed the document and there are a few questions in there that I can't answer. Could you provide an answer and/or language that I could insert?

No pressure or anything, but I hear that this memo was brought up in the 8:30 Front Office meeting and they are hoping to see it in the next few hours.

Happy Thursday!

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

---

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

Strategic Policy Advisor (Acting)

Policy Directorate

Customs and Border Protection

Department of Homeland Security

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

(c)

---

From: (b) (6), (b) (7)(C), (b) (7)(E)

To: MCALEENAN, KEVIN K (b) (6), (b) (7)(C), (b) (7)(E)

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

Bcc:

Subject: 13 DEC - DAILY WRAP

Date: Wed Dec 13 2017 17:40:49 EST

Attachments: Family Separation Complaint.pdf  
FW: APHIS Premium Pay Settlement Back Pay (2).msg  
FW: Blumenthal, et al. - Sensitive Locations (3).msg  
2017-COR-001313 Blumenthal et al RMH Response.docx  
2017-COR-01374 Blumenthal et al incoming.pdf  
McAleenan Confirmation hrg QFR Responses FINAL.PDF  
S1 Talking Points on NVC (4).msg

Sir,

Below is your daily wrap up for this evening, Wednesday, December 13, 2017.

Priorities Update / Daily Highlights:

- Awaiting further materials from ES on fulfilling a request from DHS via WH CoS for pictures of the current wall, prototypes, "and any visuals" that show the phases of construction

Your Inbox (by last incoming date):

Personal

- OCC Draft Response to NTEU President Reardon RE: APHIS Premium Pay Settlement Back Pay (Attached)

CBP-wide Messages

- N/A

#### Internal Clearance

- S1 Talking Points on NVC (Attached)
- Family Separation Statement (Complaint attached):

(b) (5)

#### Items pending w/ DHS:

- N/A

#### Action Requested

- Clearance on Sen. Blumenthal letter regarding Sensitive locations; a similar letter was drafted to respond to Sen. Grassley that the Department is tracking and would like cleared ASAP. (Blumenthal response attached along with QFRs)

#### Look Ahead:

- Dec 14:
    - o International Parental Child Abduction PCC, 10:30 – 12:00 – Chief Chavez will attend.
  - Dec 19:
    - o UAC Sub-PCC – Chief Chavez and XD Peterlin will attend.
  - Dec 20:
    - o SFC Staff will tour the NTC and receive an operational briefing focused on IPR and mail operations.
-

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

(A) Deputy Chief of Staff (Policy)

U.S. Customs & Border Protection

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

From: (b) (6), (b) (7)(C), (b) (7)(E)

To: MCALEENAN, KEVIN K (b) (6), (b) (7)(C), (b) (7)(E)  
(b) (6), (b) (7)(C), (b) (7)(E)

Cc:

Bcc:

Subject: FW: Developing a Statement re Complaint on Family Separation

Date: Wed Dec 13 2017 16:50:07 EST

Attachments: Family Separation Complaint.pdf

---

Sir,

Please let me know if you are good with the below statement.

V/R

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

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

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

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

Sent: Wednesday, December 13, 2017 4:49 PM

To: (b) (6), (b) (7)(C) PETERLIN, MEGHANN K (b) (6), (b) (7)(C)  
(b) (6), (b) (7)(C)  
(b) (6), (b) (7)(C)

Subject: FW: Developing a Statement re Complaint on Family Separation

---

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

Below is the draft Family Separation statement for your review. This statement used previously approved language as a base, but was tweaked to make apply to all of CBP instead of just USBP. It was approved by:

\*\*\*\*\* Brian Hastings – USBP

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

\*\*\*\*\* Pete Ladowicz – OCA

\*\*\*\*\* Tim Quinn – IPL

\*\*\*\*\* Meghann Peterlin – PD

(b) (5)

Thank you! Please let me know if you have any questions or concerns.

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

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

Strategic Policy Advisor (Acting)

Policy Directorate

---

Customs and Border Protection

Department of Homeland Security

(b) (6), (b) (7)(C) (w)  
(c)

From: PETERLIN, MEGHANN K

Sent: Wednesday, December 13, 2017 10:11 AM

To: (b) (6), (b) (7)(C)  
(b) (6), (b) (7)(C)  
(b) (6), (b) (7)(C) QUINN, TIMOTHY (b) (6), (b) (7)(C)  
(b) (6), (b) (7)(C) LADOWICZ, JOHN P (b) (6), (b) (7)(C)  
(b) (6), (b) (7)(C)  
(b) (6), (b) (7)(C) HUFFMAN, BENJAMINE C (b) (6), (b) (7)(C)  
(b) (6), (b) (7)(C)

Subject: Developing a Statement re Complaint on Family Separation

Hey all- Good morning!

We're getting questions from NGOs and media (nothing from the Hill yet, but it's certainly coming) regarding the Family Separation Complaint received yesterday. Attached for your reference.

We need to develop a statement so I wanted to circle up this fantastic group. From talking to several of you, sounds like we've made various statements in the past on this issue. So, seemed best to start by asking- if you have a statement your office has provided or used in the past on family separation, would you please send it along? We'll use that as the foundation to develop an updated statement and then share for your sign off.

Please let me know if you have any questions!

Thanks much,

Meghann

Meghann K. Peterlin

---



Executive Director | Policy Directorate

Office of the Commissioner

U.S. Customs and Border Protection

(b) (6), (b) (7)(C) desk)  
cell)

From: PETERLIN, MEGHANN K (b) (6), (b) (7)(C), (b) (7)(E)

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

To:

Cc:

(b) (6), (b) (7)(C), (b) (7)(E) CHAVEZ, GLORIA I (b) (6), (b) (7)(C), (b) (7)(E)  
(b) (6), (b) (7)(C), (b) (7)(E)

Bcc:

Subject: POE Separation? CRCL Complaint on Family Separation

Date: Wed Dec 13 2017 09:36:09 EST

Attachments: Family Separation Complaint.pdf

---

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

Going to cc you on a group email momentarily re the Family Separation complaint that we saw yesterday; we need to put together a statement for NGOs, media, and the Hill.

There are a few cases referencing separation at the POEs (complaint attached for reference). Do you happen to have any background on those cases (or, please feel free to direct me to someone else – know you're traveling!)? Looking into it for (b) (6), (b) (7)(C) not to include in the public statement.

Thanks much!

Meghann

---

From: CHAVEZ, GLORIA I (b) (6), (b) (7)(C), (b) (7)(E)  
(b) (6), (b) (7)(C), (b) (7)(E)  
To: PETERLIN, MEGHANN K (b) (6), (b) (7)(C), (b) (7)(E)  
(b) (6), (b) (7)(C), (b) (7)(E)  
Cc: [REDACTED]  
Bcc:  
Subject: RE: Talking Points  
Date: Wed Dec 13 2017 09:34:40 EST  
Attachments:

---

Yes – Send it to Chief Huffman for his review. He is designated by Chief Provost as the USBP POC for review of policy items for USBP. Let him know I've been working with you on it so he knows we research items already.

Thanks!

GC

From: PETERLIN, MEGHANN K  
Sent: Wednesday, December 13, 2017 9:14 AM  
To: CHAVEZ, GLORIA I (b) (6), (b) (7)(C)  
Cc: (b) (6), (b) (7)(C)  
(b) (6), (b) (7)(C)  
Subject: RE: Talking Points

Hi Gloria!

I forgot to ask- should we/do we need to cycle this draft through others in USBP? Glad to send forward before going to OCC if so.

Thanks much!

Meghann

---

From: CHAVEZ, GLORIA I  
Sent: Tuesday, December 12, 2017 9:04 PM  
To: PETERLIN, MEGHANN K (b) (6), (b) (7)(C)  
Cc: (b) (6), (b) (7)(C)  
(b) (6), (b) (7)(C)  
Subject: RE: Talking Points

Meghann – Please see my edits and comments to the document. Still would like to discuss a few of the options within the document offline. Let me know if you have Qs.

Thanks!

GC

From: PETERLIN, MEGHANN K  
Sent: Tuesday, December 12, 2017 5:13 PM  
To: CHAVEZ, GLORIA I (b) (6), (b) (7)(C)  
Cc: (b) (6), (b) (7)(C)  
(b) (6), (b) (7)(C)  
Subject: RE: Talking Points

Thank you! When you're/we're happy with it, I've asked OCC to be on standby to review too.

---

From: CHAVEZ, GLORIA I  
Sent: Tuesday, December 12, 2017 5:11:23 PM  
To: PETERLIN, MEGHANN K  
Cc: (b) (6), (b) (7)(C)  
Subject: RE: Talking Points

Meghann – I'm still reviewing and am at the "Considerations" section right now but need to verify a few items with USBP. I will send to you later tonight my final submission. But for now – take a look at the other section I've updated with my edits.

GC

From: PETERLIN, MEGHANN K

---

Sent: Tuesday, December 12, 2017 3:32 PM

To: CHAVEZ, GLORIA I (b) (6), (b) (7)(C)

Cc: (b) (6), (b) (7)(C)

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

Subject: RE: Talking Points

Hi Gloria!

As promised, draft decision memo attached for your chop; please feel free to edit away!

Meghann

From: CHAVEZ, GLORIA I

Sent: Tuesday, December 12, 2017 3:09 PM

To: PETERLIN, MEGHANN K (b) (6), (b) (7)(C)

Cc: (b) (6), (b) (7)(C)

Subject: RE: Talking Points

Sounds good. Just had to get those thoughts out there before they slipped away. They were recent post dialogue with the team.

GC

Regards,

Gloria I. Chavez

Deputy Chief - LEOD/Operations

U.S. Border Patrol Headquarters

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

(cell)

---

From: PETERLIN, MEGHANN K

Sent: Tuesday, December 12, 2017 12:06:27 PM

To: CHAVEZ, GLORIA I

Cc: (b) (6), (b) (7)(C)

Subject: RE: Talking Points

Thank you, Gloria. Let me incorporate your points below and then will get you my draft in a few!

---

From: CHAVEZ, GLORIA I  
Sent: Tuesday, December 12, 2017 2:39 PM  
To: PETERLIN, MEGHANN K (b) (6), (b) (7)(C)  
Cc: (b) (6), (b) (7)(C)  
Subject: RE: Talking Points

Meghann – Let me know when you have a draft ready and I can review and send you feedback. I met with the MCAT this morning and we have been looking into this FMUA issue further. We discussed the various aspects of the FMUA and explored the foundation and impact to all stakeholders; and we also verified to see if the two critical stakeholders impacting CBP (ERO & HHS) on the back end have the capacity to absorb any type of processing adjustment for this type of population (F MUAs).

(b) (5)

Let me know your thoughts or whether this is a viable path to consider?

GC

From: PETERLIN, MEGHANN K  
Sent: Tuesday, December 12, 2017 8:26 AM

---

To: CHAVEZ, GLORIA I (b) (6), (b) (7)(C)  
Subject: FW: Talking Points

Good morning and Happy Tuesday!

(b) (6), (b) (7)(C) asked me to start an S1 decision memo based on the (b) (7)(E)  
Planning to work on it this morning. When it's ready, may I send it to you for review before sharing with the rest of the group?

Hope your day is off to a great start!

Meghann

From: CHAVEZ, GLORIA I  
Sent: Monday, December 11, 2017 6:54 PM  
To: (b) (6), (b) (7)(C)  
Cc: PETERLIN, MEGHANN K (b) (6), (b) (7)(C)  
Subject: RE: Talking Points

Absolutely (b) (6), (b) (7)(C) I'll have the staff work these tomorrow AM. If I gave any Qs, I'll reach out to you.

GC

Regards,  
Gloria I. Chavez  
Deputy Chief - LEOD/Operations  
U.S. Border Patrol Headquarters  
(b) (6), (b) (7)(C) (office)  
(b) (6), (b) (7)(C) (cell)

---

From: (b) (6), (b) (7)(C)  
Sent: Monday, December 11, 2017 3:28:41 PM  
To: CHAVEZ, GLORIA I  
Cc: PETERLIN, MEGHANN K  
Subject: Talking Points

Chief Chavez,

---

Could your staff generate talking points for engagement with HHS and DOD on collaborating to address the ongoing UAC housing needs.

Talking points could be used by S1 in her engagements with counterparts at HHS and DOD.

Let me know if you have any questions.

Thanks.

V/R

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

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

Customs and Border Protection

Department of Homeland Security

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

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From: PETERLIN, MEGHANN K (b) (6), (b) (7)(C), (b) (7)(E)

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

To: CHAVEZ, GLORIA I (b) (6), (b) (7)(C), (b) (7)(E)

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

Cc:

Bcc:

Subject: RE: Talking Points

Date: Tue Dec 12 2017 23:13:10 EST

Attachments:

0800 it is!

From: CHAVEZ, GLORIA I

Sent: Tuesday, December 12, 2017 9:10 PM

To: PETERLIN, MEGHANN K (b) (6), (b) (7)(C)

Cc: (b) (6), (b) (7)(C)

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

Subject: RE: Talking Points

I'm available early tomorrow Meghann; as I had planned on doing my Quarterly Quals with my firearm tomorrow morning in Manassas – so I will be driving out there in the AM. I'm in the office by 0730 AM, we could meet at 8AM if you are okay with that to go over the doc and explain what I'm thinking about with the ER process for FMUAs.

GC

From: PETERLIN, MEGHANN K

Sent: Tuesday, December 12, 2017 9:08 PM

To: CHAVEZ, GLORIA I (b) (6), (b) (7)(C)

Cc: (b) (6), (b) (7)(C)

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

Subject: RE: Talking Points

Thank you! I'll work through the edits this evening. Do you have a some time to catch up in the morning?

I'm in the office until noontime and then heading to DCA for Utah (in flight wifi already purchased, though, so I'll be online well into the evening!).

---

From: CHAVEZ, GLORIA I  
Sent: Tuesday, December 12, 2017 9:04:17 PM  
To: PETERLIN, MEGHANN K  
Cc: (b) (6), (b) (7)(C)  
Subject: RE: Talking Points

Meghann – Please see my edits and comments to the document. Still would like to discuss a few of the options within the document offline. Let me know if you have Qs.

Thanks!

GC

From: PETERLIN, MEGHANN K  
Sent: Tuesday, December 12, 2017 5:13 PM  
To: CHAVEZ, GLORIA I (b) (6), (b) (7)(C)  
Cc: (b) (6), (b) (7)(C)  
(b) (6), (b) (7)(C)  
Subject: RE: Talking Points

Thank you! When you're/we're happy with it, I've asked OCC to be on standby to review too.

---

From: CHAVEZ, GLORIA I  
Sent: Tuesday, December 12, 2017 5:11:23 PM  
To: PETERLIN, MEGHANN K  
Cc: (b) (6), (b) (7)(C)  
Subject: RE: Talking Points

Meghann – I'm still reviewing and am at the "Considerations" section right now but need to verify a few items with USBP. I will send to you later tonight my final submission. But for now – take a look at the other section I've updated with my edits.

---

GC

From: PETERLIN, MEGHANN K

Sent: Tuesday, December 12, 2017 3:32 PM

To: CHAVEZ, GLORIA I (b) (6), (b) (7)(C)

Cc: (b) (6), (b) (7)(C)

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

Subject: RE: Talking Points

Hi Gloria!

As promised, draft decision memo attached for your chop; please feel free to edit away!

Meghann

From: CHAVEZ, GLORIA I

Sent: Tuesday, December 12, 2017 3:09 PM

To: PETERLIN, MEGHANN K (b) (6), (b) (7)(C)

Cc: (b) (6), (b) (7)(C)

Subject: RE: Talking Points

Sounds good. Just had to get those thoughts out there before they slipped away. They were recent post dialogue with the team.

GC

Regards,

Gloria I. Chavez

Deputy Chief - LEOD/Operations

U.S. Border Patrol Headquarters

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

(cell)

---

From: PETERLIN, MEGHANN K

Sent: Tuesday, December 12, 2017 12:06:27 PM

To: CHAVEZ, GLORIA I

Cc: (b) (6), (b) (7)(C)

---

Subject: RE: Talking Points

Thank you, Gloria. Let me incorporate your points below and then will get you my draft in a few!

From: CHAVEZ, GLORIA I

Sent: Tuesday, December 12, 2017 2:39 PM

To: PETERLIN, MEGHANN K (b) (6), (b) (7)(C)

Cc: (b) (6), (b) (7)(C)

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

Subject: RE: Talking Points

Meghann – Let me know when you have a draft ready and I can review and send you feedback. I met with the MCAT this morning and we have been looking into this FMUA issue further. We discussed the various aspects of the FMUA and explored the foundation and impact to all stakeholders; and we also verified to see if the two critical stakeholders impacting CBP (ERO & HHS) on the back end have the capacity to absorb any type of processing adjustment for this type of population (FMUAs).

(b) (5)

Let me know your thoughts or whether this is a viable path to consider?

---

GC

From: PETERLIN, MEGHANN K  
Sent: Tuesday, December 12, 2017 8:26 AM  
To: CHAVEZ, GLORIA I (b) (6), (b) (7)(C)  
Subject: FW: Talking Points

Good morning and Happy Tuesday!

(b) (6), (b) (7)(C) asked me to start an S1 decision memo based on the (b) (7)(E) Planning to work on it this morning. When it's ready, may I send it to you for review before sharing with the rest of the group?

Hope your day is off to a great start!

Meghann

From: CHAVEZ, GLORIA I  
Sent: Monday, December 11, 2017 6:54 PM  
To: (b) (6), (b) (7)(C)  
Cc: PETERLIN, MEGHANN K (b) (6), (b) (7)(C)  
Subject: RE: Talking Points

Absolutely (b) (6), (b) (7)(C), I'll have the staff work these tomorrow AM. If I gave any Qs, I'll reach out to you.

GC

Regards,  
Gloria I. Chavez  
Deputy Chief - LEOD/Operations  
U.S. Border Patrol Headquarters  
(b) (6), (b) (7)(C) (office)  
(b) (6), (b) (7)(C) (cell)

---

From: (b) (6), (b) (7)(C)  
Sent: Monday, December 11, 2017 3:28:41 PM  
To: CHAVEZ, GLORIA I  
Cc: PETERLIN, MEGHANN K

---

Subject: Talking Points

Chief Chavez,

Could your staff generate talking points for engagement with HHS and DOD on collaborating to address the ongoing UAC housing needs.

Talking points could be used by S1 in her engagements with counterparts at HHS and DOD.

Let me know if you have any questions.

Thanks.

V/R

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

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

Customs and Border Protection

Department of Homeland Security

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

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---

From: (b) (6), (b) (7)(C), (b) (7)(E)

To: CHAVEZ, GLORIA I (b) (6), (b) (7)(C), (b) (7)(E)  
(b) (6), (b) (7)(C), (b) (7)(E)

Cc: HARRISON, DOUGLAS E (b) (6), (b) (7)(C), (b) (7)(E)  
(b) (6), (b) (7)(C), (b) (7)(E)

Bcc:

Subject: Assessment

Date: Tue Dec 12 2017 16:37:10 EST

Attachments: FMUA re-assessment 12-17..doc.doc

---

Chief Chavez,

(b) (5)

BLUF about the Initiative:

We are presenting all adults who are amenable to 8 U.S.C 1325 charges, as per the elements of the law listed below:

8 U.S. Code § 1325 - Improper entry by alien

(a) Improper time or place; avoidance of examination or inspection; misrepresentation and concealment of facts

Any alien who (1) enters or attempts to enter the United States at any time or place other than as designated by immigration officers, or (2) eludes examination or inspection by immigration officers, or (3) attempts to enter or obtains entry to the United States by a willfully false or misleading representation or the willful concealment of a material fact, shall, for the first commission of any such offense, be fined under title 18 or imprisoned not more than 6 months, or both, and, for a subsequent commission of any such offense, be fined under title 18, or imprisoned not more than 2 years, or both.

It is important to note that, (b) (7)(E)

---

(b) (7)(E)

Please let me know if you have any questions.

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

Acting Deputy Chief Patrol Agent

USBP, El Paso Sector

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

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

---



From:

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

To:

Cc:

(b) (6), (b) (7)(C), (b) (7)(E) CHAVEZ,  
GLORIA I (b) (6), (b) (7)(C), (b) (7)(E)  
(b) (6), (b) (7)(C), (b) (7)(E)

Bcc:

Subject: FW: CRCL Complaint on Family Separation

Date: Tue Dec 12 2017 09:08:36 EST

Attachments: Family Separation Complaint.pdf

Gents,

Chief Counsel will be joining the MCAT at 945 to discuss this Family Separation complaint and the  
(b) (7)(E)

They will be in the Conference room.

Sincerely,

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

U.S. Border Patrol Assistant Chief

LEOD Directorate/ Ops West Division

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

C

From: CHAVEZ, GLORIA I

Sent: Tuesday, December 12, 2017 8:39 AM

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

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

Subject: FW: CRCL Complaint on Family Separation

FYSA

Regards,  
Gloria I. Chavez  
Deputy Chief - LEOD/Operations  
U.S. Border Patrol Headquarters  
(b) (6), (b) (7)(C) (office)  
(b) (6), (b) (7)(C) (cell)

---

From: (b) (6), (b) (7)(C) (OCC)  
Sent: Tuesday, December 12, 2017 5:23:21 AM  
To: CHAVEZ, GLORIA I.; (b) (6), (b) (7)(C)  
Cc: (b) (6), (b) (7)(C)  
Subject: CRCL Complaint on Family Separation

Good morning,

(b) (5)

<https://www.americanimmigrationcouncil.org/advocacy/family-separation-at-the-border>

Thank you,

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

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

Attorney (Enforcement and Operations)

Office of Chief Counsel

U.S. Customs and Border Protection

Desk: (b) (6), (b) (7)(C)

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

---

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---

From: PETERLIN, MEGHANN K (b) (6), (b) (7)(C), (b) (7)(E)  
(b) (6), (b) (7)(C), (b) (7)(E)  
To: CHAVEZ, GLORIA I (b) (6), (b) (7)(C), (b) (7)(E)  
(b) (6), (b) (7)(C), (b) (7)(E)  
Cc:  
Bcc:  
Subject: RE: USBP (b) (7)(E) P Request  
Date: Sun Dec 10 2017 20:15:06 EST  
Attachments: (b) (7)(E) doc

---

Thank you, Gloria!

(b) (6), (b) (7)(C) Looks like (b) (6), (b) (7) at least was on the original transmission, but if it helps for easy locating, passing along the information C2 requested for the S1 briefing tomorrow.

Have a great night, everyone!

Meghann

From: CHAVEZ, GLORIA I  
Sent: Sunday, December 10, 2017 8:11 PM  
To: PETERLIN, MEGHANN K (b) (6), (b) (7)(C)  
Subject: FW: USBP (b) (7)(E) IP Request

Meghann - Here is the El Paso IP.

GC

Regards,  
Gloria I. Chavez  
Deputy Chief - LEOD/Operations  
U.S. Border Patrol Headquarters  
(b) (6), (b) (7)(C) (office)  
(b) (6), (b) (7)(C) (cell)

---

From: HASTINGS, BRIAN S

Sent: Thursday, November 30, 2017 11:15:17 AM

To: MCALEENAN, KEVIN K; VITIELLO, RONALD D (USBP)

Cc: PROVOST, CARLA (USBP); LUCK, SCOTT A (USBP); CHAVEZ, GLORIA I; HUFFMAN, BENJAMINE C; [REDACTED] (b) (6), (b) (7)(C)

[REDACTED] (b) (6), (b) (7)(C) HULL, AARON A; [REDACTED] (b) (6), (b) (7)(C)

Subject: RE: USBP [REDACTED] (b) (7)(E) IP Request

Commissioner, Deputy Commissioner, Chief,

Please see the attached [REDACTED] (b) (7)(E) Issue Paper along with the recommendations for the path forward.

V/r,

Brian Hastings

(a)Chief Operations LEOD

O: [REDACTED] (b) (6), (b) (7)(C)

C: [REDACTED]

From: [REDACTED] (b) (6), (b) (7)(C)

Sent: Monday, November 27, 2017 11:30 AM

To: HASTINGS, BRIAN S [REDACTED] (b) (6), (b) (7)(C) HULL, AARON A [REDACTED] (b) (6), (b) (7)(C)

[REDACTED] (b) (6), (b) (7)(C)

Cc: LUCK, SCOTT A (USBP) [REDACTED] (b) (6), (b) (7)(C) CHAVEZ, GLORIA I [REDACTED] (b) (6), (b) (7)(C)

[REDACTED] (b) (6), (b) (7)(C)

Subject: USBP [REDACTED] (b) (7)(E) IP Request

Importance: Hi

Good Morning Chief(s),

During C1's visit to EPT this past weekend for the funeral, he was briefed on [REDACTED] (b) (7)(E)

[REDACTED] (b) (7)(E) We are requesting an IP that covers the following issues w/ respect to [REDACTED] (b) (7)(E) as well as the overall process:

. How long has [REDACTED] (b) (7)(E) [REDACTED] (b) (7)(E)

· [REDACTED] (b) (7)(E)

- How many have been prosecuted thus far?
- Are there any other sectors that are engaged in these types of actions?
- Has OCC reviewed the current practice and provided an opinion either way?

If possible, the front office would like this IP by mid-week. Please let me know if you have any questions.

Thanks,

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

---

From: (b) (6), (b) (7)(C) (OCC) (b) (6), (b) (7)(C), (b) (7)(E)

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

To: MCALEENAN, KEVIN K (b) (6), (b) (7)(C), (b) (7)(E)

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

Cc:

Bcc:

Subject: FW: (b) (7)(E)

Date: Fri Dec 08 2017 17:00:04 EST

Attachments: RE: C1 Immigration Tasker(s) (1).msg  
C1 Questions.docx

Sir,

(b) (7)(E)

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

Office of the Commissioner

U.S. Customs and Border Protection

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

(cell)

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From: (b) (6), (b) (7)(C) (OCC)

Sent: Friday, December 08, 2017 2:23 PM

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

Cc: (b) (6), (b) (7)(C)

COUREY, MARC BENNETT (OCC)

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

Subject: RE: (b) (7)(E)

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

(b) (5)

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

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

Deputy Associate Chief Counsel

Enforcement and Operations

Office of the Chief Counsel

U.S. Customs and Border Protection

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

(cell)

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From: (b) (6), (b) (7)(C)(OCC)  
Sent: Monday, December 04, 2017 6:14 PM  
To: COUREY, MARC BENNETT (OCC) (b) (6), (b) (7)(C)  
(b) (6), (b) (7)(C)  
Cc: (b) (6), (b) (7)(C)  
Subject: RE: (b) (7)(E)

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

Thanks,

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

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From: (b) (6), (b) (7)(C)(OCC)  
Sent: Monday, November 27, 2017 10:49 AM  
To: COUREY, MARC BENNETT (OCC) (b) (6), (b) (7)(C)  
(b) (6), (b) (7)(C)  
Cc: (b) (6), (b) (7)(C)  
Subject: (b) (7)(E)

Bennett/

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

(b) (5)

Thanks in advance,

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

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

Office of the Commissioner

U.S. Customs and Border Protection

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

(cell)

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---

From: (b) (6), (b) (7)(C), (b) (7)(E)

To: CHAVEZ, GLORIA I (b) (6), (b) (7)(C), (b) (7)(E)  
(b) (6), (b) (7)(C), (b) (7)(E)

Cc:

Bcc:

Subject: Questions for ERO DFOD Atlanta detailed to the CAT for S1's visit with COS (b) (6), (b) (7)(C) to RGV with Chief Provost

Date: Fri Dec 08 2017 16:11:59 EST

Attachments: Report of the DHS Advisory Committee on Family Residential Centers..pdf

---

Chief and Deputy:

Here below are the questions you requested specifically for the FRCs from (b) (6), (b) (7)(C) he wrote in the majority of the responses- and I also found the attached DHS report published in 2016

1. Family Residential Centers (FRCs)

How many FRCs are there: 3- Three

Dilley; Karnes, Texas; and Berks, PA.

2. Where are the FRCs located specifically: In South Texas, Dilley, TX located in San Antonio, TX

Dilley FRC

300 El Rancho Way

Dilley, Texas 78017

Karnes County Residential Center

San Antonio Field Office

---

409 FM 1144

Karnes City, Texas 78118

Berks Family Residential Center

Philadelphia Field Office

1040 Berks Rd

Leesport, PA 19533

3. What is the capacity at each?

Dilley: Females and Children (b) (7)(E)

Karnes: Females and Children (b) (7)(E)

Berks: Males and Children (b) (7)(E)

4. How is the capacity today?

As of yesterday 12/07/2017: There are approximately 1,000 available beds; the challenge is that the family units with male heads of households can only be placed at the Berks FRC, which currently only has capacity to house (b) (7)(E) at a time, which is directly correlated to the size of a family unit.

How often does it change (capacity)? FRC capacity changes regularly as FMUAs are assigned to temporary residences as offered and facilitated by the Non-Governmental Offices (NGOs)

5. Are there any other locations for space to house FMUAs?

Not at this time, specifically for FMUAs.

---

Excerpts taken from DHS report dated Sept 2016 see attached:

Karnes County Residential Center. This facility, in Karnes City, Texas, is operated by the GEO Group – a private prison company. It has been a family detention center since August 2014. As of August 2016, it held (b) (7)(E) women and children, which is approximately its operating capacity. As of June 2016, ICE reported (b) (7)(E) at Karnes.

- South Texas Family Residential Center. This facility, in Dilley, Texas, is operated by Corrections Corporation of America; it opened in December 2014. It has a (b) (7)(E) bed capacity, but as of August 2016 held (b) (7)(E) women and children; in June 2015, ICE reported (b) (7)(E) at Dilley.

- Berks Family Residential Center. This facility, in Berks County, Pennsylvania, is owned and operated by Berks County. It originally opened in March 2001. In February 2013 the facility was moved to a new building, also operated by the county, reconfigured with original capacity for (b) (7)(E) but potential capacity for up to (b) (7)(E) and designed as a non-secure residential facility for children and their parents. It currently has a maximum capacity of (b) (7)(E) but as of August 2016, held (b) (7)(E) people. Fathers have in the past been detained at Berks, but it is our understanding that ICE currently is using the facility to detain only mothers and their children. We do not know how many ICE staff work at Berks.

ICE was unwilling to share with us information on the length of detainees' stays, but according to the federal government's public filings in the Flores litigation, looking at families initially booked into ICE's FRCs starting October 23, 2015 (that is, excluding any families taken into custody prior to that date), the statistics as of May 16, 2016 were:

- Total detainees over the 7-month period: 18,706.
- Average length of stay: 17.7 days for those still detained as of that date; 11.8 days for those no longer in detention.
- Over the entire population (both detained as of May 2016 and previously released):
  - a. 58% were released in 10 days or less.
  - b. 96% were released in 20 days or less.
  - c. 99% were released in 30 days or less.

The same filing also included snapshot-type information. Looking at the population detained on May 16, 2016:

---

- There were a total of 1,734 detainees.
- 44% at that point in time had so far been detained for 10 days or less.
- 88% at that point in time had been detained for 20 days or less.
- 94% at that point in time had been detained for 30 days or less.<sup>8</sup>

Respectfully,

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

U.S. Border Patrol Assistant Chief

Migrant Crisis Action Team (M-CAT)

Law Enforcement Operations Directorate/Operations West Division

U.S. Border Patrol Headquarters

Washington, D.C.

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

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

---

From: White, Jonathan (ACF)  
<jonathan.white@acf.hhs.gov>  
To: Homan, Thomas (b) (6), (b) (7)(C), (b) (7)(E)  
(b) (6), (b) (7)(C), (b) (7)(E)  
Cc: Lloyd, Scott (ACF)  
<scott.lloyd@acf.hhs.gov>; MCALEENAN, KEVIN K  
(b) (6), (b) (7)(C), (b) (7)(E)  
Bcc:  
Subject: Fwd: UAC referred subsequent to separations from FMUA  
Date: Mon Dec 04 2017 06:27:18 EST  
Attachments: UAC Separated from Parent Tracking Sheet FY18-secure.xlsx

---

Re-sending per Tom's request.

Jonathan White  
Commander, US Public Health Service  
Deputy Director for Children's Programs  
Office of Refugee Resettlement  
Administration for Children and Families  
Jonathan.White@acf.hhs.gov  
(b) (6)

Begin Forwarded Message:

From: "White, Jonathan (ACF)" <Jonathan.White@ACF.hhs.gov>  
Subject: UAC referred subsequent to separations from FMUA  
Date: 17 November 2017 16:30  
To: (b) (6), (b) (7)(C)  
Cc: (b) (6), (b) (7)(C) "Lloyd, Scott (ACF)" <Scott.Lloyd@acf.hhs.gov>

Kevin,

It was good speaking with you yesterday. Per your request, I am writing to provide details regarding the increase in referrals of UAC resulting from separation of children from parents in FMUA.

While a small number of referrals each month have been separation cases, generally as a result of criminal apprehensions of parents accompanying UAC, ORR has noticed a significant increase in recent months—both in raw numbers, and in particular as a proportion of total referrals. (See chart below.)

---

In the attached spreadsheet, details including specific names and A#s for separation referrals received in September and October may be found. This includes data on referring sectors. See “September” and “October” tabs. The spreadsheet is password-protected due to containing PII. password for the spreadsheet will follow in separate email.

As you can see from that data, minors separated by DHS from FMUA and declared UAC are often TAs (12 years of age and younger) and in a significant number of cases are very young (ages 1-5). These UAC require specialized licensed beds different under state licensure law from most licensed UAC beds, and the numbers of these very young UAC resulting from separations has on some dates resulted in shortfalls of available beds licensed for very young TAs. UAC referred through separation generally have longer length of care in ORR custody than other UAC.

If there are additional questions, please don’t hesitate to let me know.

2017

2018-YTD

Month/ Fiscal Year

# of total Referrals

# of Separations

% of separations to total referrals

# of total Referrals

# of Separations

% of separations to total referrals

October

7,420

60

0.8%

2,982

91

3.1%

---



November

7,844

27

0.3%

December

7,735

25

0.3%

January

4,367

17

0.4%

February

1,655

16

1.0%

---

March  
758  
20  
2.6%

April  
633  
10  
1.6%

May  
1,133  
23  
2.0%

June  
1,604  
26  
1.6%

---

July

2,268

44

1.9%

August

2,727

98

3.6%

September

2,750

79

2.9%

Total

40,894

445

1.1%

2982

91

3.1%

---

V/r,

Jonathan

Jonathan D. White

Commander, U.S. Public Health Service

Deputy Director for Children's Programs

Office of Refugee Resettlement

Administration for Children and Families

U.S. Department of Health and Human Services

330 C Street SW

(b) (6)

jonathan.white@acf.hhs.gov

---

From: (b) (6), (b) (7)(C), (b) (7)(E)

To: (b) (6), (b) (7)(C), (b) (7)(E) CHAVEZ,  
GLORIA I (b) (6), (b) (7)(C), (b) (7)(E)

Cc: (b) (6), (b) (7)(C), (b) (7)(E)  
HASTINGS, BRIAN S (b) (6), (b) (7)(C), (b) (7)(E)  
(b) (6), (b) (7)(C), (b) (7)(E)

Bcc:

Subject: RE: RGV Stats

Date: Sun Dec 03 2017 17:15:38 EST

Attachments: Ommaney Bay.docx  
Ommaney\_Bay.pdf

---

Attached is the CPC OPORD Ommaney Bay. The PDF is the signed cover sheet

---

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

Sent: Sunday, December 03, 2017 5:01 PM

To: CHAVEZ, GLORIA I

Cc: HASTINGS, BRIAN S; (b) (6), (b) (7)(C)

Subject: FW: RGV Stats

Chief,

Here are the latest stats on RGV Apprehensions. I will send the RGV CPC Operation Order with triggers after this email. If you need the longer version of the stats (b) (6), (b) (7)(C) can send them to you tomorrow.

V/R

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

Associate Chief

---

Operations-East Division

Law Enforcement Operations Directorate

U.S. Border Patrol-Headquarters

1300 Pennsylvania Ave., NW

Washington, DC 20229

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

Mobile

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

Sent: Friday, December 1, 2017 7:46 AM

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

Subject: RGV Stats

Date

Apprehensions

Unprocessed

TIC

Processed

TIC

TOT-HHS/ERO

AverageTIC

FMUA

UAC

VP

11/24/17

471

903

31

---

353

53

256

37

215

90

103

11/25/17

520

847

36

434

62

322

45

150

96

190

11/26/17

339

676

37

566

62

391

48

120

61

---

137

11/27/17

380

589

29

556

70

406

49

117

83

200

11/28/17

358

504

26

435

61

420

42

107

83

215

11/29/17

517

583

22

428

---



48

343

33

160

126

221

11/30/17

486

722

27

366

52

334

35

190

103

208

November

12517

4379

2534

---

End of month numbers.

Total apps	12517
FMUA	4379
UAC	2534

October numbers were

Total	10670
FMUA	2982
UAC	1967

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

Assistant Chief

Ops East Sector

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

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

---

From: HULL, AARON A (b) (6), (b) (7)(C), (b) (7)(E)  
(b) (6), (b) (7)(C), (b) (7)(E)  
To: CHAVEZ, GLORIA I (b) (6), (b) (7)(C), (b) (7)(E)  
(b) (6), (b) (7)(C), (b) (7)(E)  
Cc:  
Bcc:  
Subject: FW: UPDATED: (b) (7)(E) Paper  
Date: Fri Dec 01 2017 20:05:54 EST  
Attachments: (b) (7)(E) INFORMATIONAL version.doc

---

As discussed.

Aaron A. Hull

Acting Chief

Law Enforcement Operations Directorate

U.S. Border Patrol

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

From: HASTINGS, BRIAN S  
Sent: Thursday, November 30, 2017 4:51 PM  
To: PROVOST, CARLA (USBP) (b) (6), (b) (7)(C)  
Cc: LUCK, SCOTT A (USBP) (b) (6), (b) (7)(C) HULL, AARON A (b) (6), (b) (7)(C)  
(b) (6), (b) (7)(C) HUFFMAN, BENJAMINE C (b) (6), (b) (7)(C)  
(b) (6), (b) (7)(C)  
Subject: FW: UPDATED: (b) (7)(E) Paper

Chief,

Please see the corrected, informational paper on the (b) (7)(E)

V/r,  
Brian

---

From: HULL, AARON A (b) (6), (b) (7)(C), (b) (7)(E)  
(b) (6), (b) (7)(C), (b) (7)(E)  
To: CHAVEZ, GLORIA I (b) (6), (b) (7)(C), (b) (7)(E)  
(b) (6), (b) (7)(C), (b) (7)(E)  
Cc:  
Bcc:  
Subject: FW: USBP (b) (7)(E) IP Request  
Date: Fri Dec 01 2017 20:05:21 EST  
Attachments: (b) (7)(E) doc

---

As discussed.

Aaron A. Hull

Acting Chief

Law Enforcement Operations Directorate

U.S. Border Patrol

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

From: HASTINGS, BRIAN S  
Sent: Thursday, November 30, 2017 2:15 PM  
To: MCALEENAN, KEVIN K (b) (6), (b) (7)(C) VITIELLO, RONALD D (USBP)  
(b) (6), (b) (7)(C)  
Cc: PROVOST, CARLA (USBP) (b) (6), (b) (7)(C) LUCK, SCOTT A (USBP)  
(b) (6), (b) (7)(C) CHAVEZ, GLORIA I (b) (6), (b) (7)(C)  
HUFFMAN, BENJAMINE C (b) (6), (b) (7)(C)  
(b) (6), (b) (7)(C)  
(b) (6), (b) (7)(C)  
Subject: RE: USBP (b) (7)(E) IP Request

Commissioner, Deputy Commissioner, Chief,

Please see the attached (b) (7)(E) Issue Paper along with the recommendations for the path forward.

---

V/r,

Brian Hastings

(a)Chief Operations LEOD

O: (b) (6), (b) (7)(C)

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

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

Sent: Monday, November 27, 2017 11:30 AM

To: HASTINGS, BRIAN S (b) (6), (b) (7)(C) HULL, AARON A (b) (6), (b) (7)(C)

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

Cc: LUCK, SCOTT A (USBP) (b) (6), (b) (7)(C) CHAVEZ, GLORIA I (b) (6), (b) (7)(C)

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

Subject: USBP (b) (7)(E) IP Request

Importance: High

Good Morning Chief(s),

During C1's visit to EPT this past weekend for the funeral, he was briefed on (b) (7)(E)

(b) (7)(E) We are requesting an IP that covers the following issues w/ respect to (b) (7)(E) as well as the overall process:

· How long has (b) (7)(E) (b) (7)(E)

· (b) (7)(E)

· How many have been prosecuted thus far?

· Are there any other sectors that are engaged in these types of actions?

· Has OCC reviewed the current practice and provided an opinion either way?

If possible, the front office would like this IP by mid-week. Please let me know if you have any questions.

Thanks,

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

---

From: CHAVEZ, GLORIA I (b) (6), (b) (7)(C), (b) (7)(E)  
(b) (6), (b) (7)(C), (b) (7)(E)  
To: QUINN, TIMOTHY (b) (6), (b) (7)(C), (b) (7)(E)  
(b) (6), (b) (7)(C), (b) (7)(E)  
Cc:  
Bcc:  
Subject: FW: DHS Seperating Families  
Date: Fri Dec 01 2017 11:47:27 EST  
Attachments:

---

FYSA

Regards,  
Gloria I. Chavez  
Deputy Chief - LEOD/Operations  
U.S. Border Patrol Headquarters  
(b) (6), (b) (7)(C) (office)  
(b) (6), (b) (7)(C) (cell)

---

From: (b) (6), (b) (7)(C) (OCC)  
Sent: Friday, December 01, 2017 8:41:21 AM  
To: CHAVEZ, GLORIA I  
Cc: (b) (6), (b) (7)(C)  
Subject: RE: DHS Seperating Families

(b) (5)

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

Attorney (Enforcement and Operations)

Office of Chief Counsel

U.S. Customs and Border Protection

Desk: (b) (6), (b) (7)(C)

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

---

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From: CHAVEZ, GLORIA I  
Sent: Friday, December 01, 2017 10:59 AM  
To: (b) (6), (b) (7)(C)  
Subject: FW: DHS Separating Families

FYSA – Here is the first version I had received. Keep me posted and let me know if you what's decided.

Thanks!

GC

From: (b) (6), (b) (7)(C)  
Sent: Friday, November 3, 2017 12:27 PM  
To: CHAVEZ, GLORIA I (b) (6), (b) (7)(C)  
Subject: RE: DHS Separating Families

Chief,

Per our discussion, please see attached Issue Paper outlining our proactive measures instituted towards Family Units. I'll be available via cell if you have any follow up questions.

CURRENT STATUS:

(b) (5)

---

(b) (5)

Respectfully,

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

From: CHAVEZ, GLORIA I  
Sent: Friday, November 03, 2017 10:21 AM  
To: (b) (6), (b) (7)(C)  
Subject: FW: DHS Separating Families

Chief – Please see the below based on our discussion. Please send us the IP that you submitted earlier this week.

---



GC

Regards,

Gloria I. Chavez

Deputy Chief – LEOD / Operations

U.S. Border Patrol Headquarters

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

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

From: HULL, AARON A

Sent: Friday, November 3, 2017 1:02 AM

To: CHAVEZ, GLORIA I (b) (6), (b) (7)(C)

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

Cc: (b) (6), (b) (7)(C)

LUCK, SCOTT A (USBP) (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) PROVOST, CARLA (USBP) (b) (6), (b) (7)(C)

Subject: RE: DHS Separating Families

Chief Chavez:

We got caught up with other issues since yesterday and are still pending this response to (b) (6), (b) (7)(C)  
Please confirm with EPT and respond to him directly tomorrow. Please copy me. This will be a good  
lead-in for us to follow up on the ERO and HHS contingency plans.

Thanks.

Aaron A. Hull

Acting Chief

Law Enforcement Operations Directorate

U.S. Border Patrol

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

From: HULL, AARON A

Sent: Wednesday, November 1, 2017 9:47 AM

---

To: CHAVEZ, GLORIA I (b) (6), (b) (7)(C)  
(b) (6), (b) (7)(C)  
Cc: (b) (6), (b) (7)(C) LUCK, SCOTT A (USBP) (b) (6), (b) (7)(C)  
(b) (6), (b) (7)(C) PROVOST, CARLA (USBP) (b) (6), (b) (7)(C)  
Subject: FW: DHS Separating Families

Chiefs:

Please see the inquiry below from Phil Miller and follow up with EPT to get further information for our response. We can combine this response with our ask for Phil about their surge capability and HHS ORR concerns.

Thanks.

Aaron A. Hull

Acting Chief

Law Enforcement Operations Directorate

U.S. Border Patrol

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

From: HULL, AARON A  
Sent: Wednesday, November 1, 2017 9:41 AM  
To: Miller, Philip T (b) (6), (b) (7)(C)@ice.dhs.gov>  
Subject: RE: DHS Separating Families

Phil:

We don't like to separate family units, but we will do so, if necessary. Let me get some further information from El Paso Sector.

Coincidentally, I was planning to follow up with you on some of the things that we discussed a few weeks ago. We are thinking about potential surge impacts to us, ERO, and HHS ORR.

I will follow up with El Paso Sector and get back to you.

---

Thanks.

Aaron A. Hull

Acting Chief

Law Enforcement Operations Directorate

U.S. Border Patrol

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

From: Miller, Philip T [mailto:(b) (6), (b) (7)(C)@ice.dhs.gov]  
Sent: Tuesday, October 31, 2017 10:41 PM  
To: HULL, AARON A (b) (6), (b) (7)(C)  
Subject: FW: DHS Separating Families

Aaron,

(b) (5)

Thanks,

Phil

Sent with BlackBerry Work  
(www.blackberry.com)

From: Asher, Nathalie R (b) (6), (b) (7)(C)@ice.dhs.gov>

Date: Tuesday, Oct 31, 2017, 21:58

To: Miller, Philip T (b) (6), (b) (7)(C)@ice.dhs.gov>

Subject: FW: DHS Separating Families

---

Hey Phil -

(b) (6), (b) (7)(C) from ELP re: BP and their enforcement actions on some of the inbound (b) (7)(E)  
(b) (7)(E)

See you tomorrow in lovely Newark..

NRA

From: Jennings, David W (b) (6), (b) (7)(C)@ice.dhs.gov>

Date: Tuesday, Oct 31, 2017, 9:45 PM

To: Asher, Nathalie R (b) (6), (b) (7)(C)@ice.dhs.gov>

Subject: FW: DHS Seperating Families

FYSA

One of the items I mentioned in our discussion about (b) (5)

Sent with BlackBerry Work  
(www.blackberry.com)

From: (b) (6), (b) (7)(C)@ice.dhs.gov>

Date: Tuesday, Oct 31, 2017, 18:28

To: (b) (6), (b) (7)(C)@ice.dhs.gov>, Jennings, David W (b) (6), (b) (7)(C)@ice.dhs.gov>

Subject: RE: DHS Seperating Families

---

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

Sent with BlackBerry Work  
(www.blackberry.com)

From: (b) (6), (b) (7)(C) @ice.dhs.gov>

Date: Tuesday, Oct 31, 2017, 8:27 PM

To: Jennings, David W (b) (6), (b) (7)(C) @ice.dhs.gov> (b) (6), (b) (7)(C)  
(b) (6), (b) (7)(C) @ice.dhs.gov>

Subject: FW: DHS Separating Families

Gentlemen -

FYSA, in case this gets launched up that way, you'll know of it.

(b) (5)

(b) (5) ... should there be any changes for the worse, I'll keep you in the loop.

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

From: (b) (6), (b) (7)(C) @ice.dhs.gov>

Date: Tuesday, Oct 31, 2017, 18:02

To: (b) (6), (b) (7)(C) @ice.dhs.gov>, (b) (6), (b) (7)(C) @ice.dhs.gov>,  
(b) (6), (b) (7)(C) @ice.dhs.gov>

---

Cc: (b) (6), (b) (7)(C) @ice.dhs.gov>, (b) (6), (b) (7)(C) @ice.dhs.gov>,  
(b) (6), (b) (7)(C) @ice.dhs.gov>, (b) (6), (b) (7)(C) @ice.dhs.gov>  
(b) (6), (b) (7)(C) @ice.dhs.gov>

Subject: RE: DHS Seperating Families

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

I'm sure that (b) (6), (b) (7)(C) is still driving. This was brought up previously at the (b) (6), (b) (7)(C) meeting as well, and we indicated that we would be willing (b) (5)

(b) (5)

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

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

Date: Tuesday, Oct 31, 2017, 17:30

To: (b) (6), (b) (7)(C) @ice.dhs.gov>, (b) (6), (b) (7)(C) @ice.dhs.gov>

Cc: (b) (6), (b) (7)(C) @ice.dhs.gov>, (b) (6), (b) (7)(C) @ice.dhs.gov>,  
(b) (6), (b) (7)(C) @ice.dhs.gov>, (b) (6), (b) (7)(C) @ice.dhs.gov>

Subject: DHS Seperating Families

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

(b) (5)

(b) (5)

Let me know at your earliest convenience.

Thank you and have a safe and Happy Halloween,

cid:image003.png@01D35268.22B3EE10

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

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\*\*\*SENSITIVE/PRIVILEGED\*\*\*PRE-DECISIONAL\*\*\*ATTORNEY WORK PRODUCT\*\*\*

---

From: PROVOST, CARLA (USBP) (b) (6), (b) (7)(C), (b) (7)(E)  
(b) (6), (b) (7)(C), (b) (7)(E)  
To: MCALEENAN, KEVIN K (b) (6), (b) (7)(C), (b) (7)(E)  
(b) (6), (b) (7)(C), (b) (7)(E)  
VITIELLO, RONALD D (USBP) (b) (6), (b) (7)(C), (b) (7)(E)  
Cc: (b) (6), (b) (7)(C), (b) (7)(E)  
(b) (6), (b) (7)(C), (b) (7)(E)  
(b) (6), (b) (7)(C), (b) (7)(E)  
LUCK, SCOTT A (USBP) (b) (6), (b) (7)(C), (b) (7)(E)  
(b) (6), (b) (7)(C), (b) (7)(E)  
HASTINGS, BRIAN S (b) (6), (b) (7)(C), (b) (7)(E)  
(b) (6), (b) (7)(C), (b) (7)(E)  
Bcc:  
Subject: FW: UPDATED: EPT Family Unit Paper  
Date: Thu Nov 30 2017 18:37:55 EST  
Attachments: (b) (7)(E) INFORMATIONAL version.doc

---

Commissioner and Deputy,

please see attached updated issue paper regarding the (b) (7)(E) Let me know if you have any questions/concerns.

thank you,  
Carla

---

From: HASTINGS, BRIAN S  
Sent: Thursday, November 30, 2017 4:51:24 PM  
To: PROVOST, CARLA (USBP)  
Cc: LUCK, SCOTT A (USBP); HULL, AARON A; HUFFMAN, BENJAMINE C: (b) (6), (b) (7)(C)  
(b) (6), (b) (7)(C)  
Subject: FW: UPDATED: (b) (7)(E) Paper

Chief,

Please see the corrected, informational paper on the (b) (7)(E)

V/r,  
Brian

---



From:

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

To:

HASTINGS, BRIAN S (b) (6), (b) (7)(C), (b) (7)(E)

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

Cc:

HULL, AARON A (b) (6), (b) (7)(C), (b) (7)(E)

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

Bcc:

Subject: RE: (b) (7)(E) Paper

Date: Thu Nov 30 2017 13:01:59 EST

Attachments: (b) (7)(E) doc

Chief-

Please see attached.

Regards,

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

Associate Chief

Law Enforcement Operations Directorate

Operations - East Corridor

U.S Border Patrol

1300 Pennsylvania Ave, N.W.

Washington, DC 20229

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

cellular

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

Sent: Thursday, November 30, 2017 12:53 PM

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

Subject: (b) (7)(E) Paper

Chief,

Please see attached with Chief Hull's edits incorporated.

Respectfully,

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

Assistant Chief | United States Border Patrol

Law Enforcement Operations Directorate | Operations West Division

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

---

From: CHAVEZ, GLORIA I (b) (6), (b) (7)(C), (b) (7)(E)  
(b) (6), (b) (7)(C), (b) (7)(E)  
To: HASTINGS, BRIAN S (b) (6), (b) (7)(C), (b) (7)(E)  
(b) (6), (b) (7)(C), (b) (7)(E)  
Cc: HULL, AARON A (b) (6), (b) (7)(C), (b) (7)(E)  
(b) (6), (b) (7)(C), (b) (7)(E) LUCK, SCOTT A  
(b) (6), (b) (7)(C), (b) (7)(E)  
Bcc:  
Subject: FW: USBP (b) (7)(E) IP Request  
Date: Mon Nov 27 2017 11:47:34 EST  
Attachments: FMUA OCA Paper\_final hack.doc

---

Chief Hastings – I've attached the IP we had received from EPT; however, we may need to update from our end. Also, I did an RFI to see if other sectors were engaged in similar operations, and NO others are doing this for USBP.

GC

From: (b) (6), (b) (7)(C)  
Sent: Monday, November 27, 2017 11:30 AM  
To: HASTINGS, BRIAN S (b) (6), (b) (7)(C) HULL, AARON A (b) (6), (b) (7)(C)  
(b) (6), (b) (7)(C)  
Cc: LUCK, SCOTT A (USBP) (b) (6), (b) (7)(C) CHAVEZ, GLORIA I (b) (6), (b) (7)(C)  
(b) (6), (b) (7)(C)  
Subject: USBP (b) (7)(E) IP Request  
Importance: High

Good Morning Chief(s),

During C1's visit to EPT this past weekend for the funeral, he was briefed on (b) (7)(E)  
(b) (7)(E) We are requesting  
an IP that covers the following issues w/ respect to (b) (7)(E) as well as the overall  
process:

- (b) (7)(E)
- (b) (7)(E)
- How many have been prosecuted thus far?

- Are there any other sectors that are engaged in these types of actions?
- Has OCC reviewed the current practice and provided an opinion either way?

If possible, the front office would like this IP by mid-week. Please let me know if you have any questions.

Thanks,

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

---

From: (b) (6), (b) (7)(C), (b) (7)(E)

To:

Cc: (b) (6), (b) (7)(C), (b) (7)(E)  
CHAVEZ, GLORIA I (b) (6), (b) (7)(C), (b) (7)(E)

Bcc:

Subject: FW: Policies on parent/child separations

Date: Tue Nov 21 2017 13:24:34 EST

Attachments: image001.jpg  
image002.jpg  
image003.jpg  
image004.jpg  
image005.jpg  
image006.jpg

Chief,

I want to respond to the below from (b) (6), (b) (7)(C) of Houston Chronicle but (b) (6), (b) (7)(C) is out and I want to make sure we have the right information.

1. What is CBP's current policies pertaining to family units, be it mothers/fathers/legal guardians apprehended with their minor children? Valid family units are processed as family units
2. Federal public defenders, defense attorneys, and nonprofits who work with child migrants are reporting what they say is an unprecedented increase in the separation of parents/legal guardians and their children after the adults are prosecuted for 1325s/1326s. They say the rise in prosecutions for parents/guardians traveling with their children and with no criminal/immigration history on the 1325 is particularly unusual and that they have not seen this occurring in such a widespread manner before.

When I spoke with assistant Border Patrol Chief (b) (6), (b) (7)(C) this summer he specifically said that CBP does not refer family units for criminal prosecution unless an adult in the group has a prior conviction.

Has CBP's policy on referring family units for prosecution changed? The policy has changed

Has CBP seen an increase in family separations as a result of criminal prosecutions? No, the policy remains the same.

3. In an Oct. 24 meeting arranged through Congressman Beto O' Rourke's office, Border Patrol agents told those in attendance, including the Federal Public Defender of the Western District of Texas, that the policy changed in July and that they are now prosecuting all family units.

(b) (6), (b) (7)(C) a CBP attorney, followed up in an email to participants the next day to clarify that it

was not a “blanket policy requiring the separation of family units.” She said a rise in separations is due to a rise in criminal prosecutions of family units, which, again, according to Chief (b) (6), (b) (7)(C) should not occur absent a prior conviction.

Does CBP currently have a new policy on prosecuting family units/ and/or separating them, in the Western District of Texas and/or elsewhere? Policy has not changed

4. I tracked some 20 cases where parents or legal guardians with no prior criminal or immigration histories were criminally prosecuted for the 1325 and separated from their children, who were put into ORR. They are stemming from the Western District of Texas as well as Yuma and San Diego. Can you please tell me where this policy is in effect and where it is not?

5. Can you please tell me what procedures CBP has in place to track children who have been separated from their children and ensure they remain connected with their parents and/or ensure possible reunification? On CBP’s end, what exactly occurs after a parent is referred for criminal prosecution and a child is referred to ORR? ??? That would be ORR, no?

6. Can you please tell me what CBP guidance exists as to when parents/guardians traveling with their children will be referred for prosecution, particularly those with no criminal/immigration history?

We don’t refer for prosecution without criminal or immigration history, correct, or are we starting to prosecute on the basis of human smuggling/child endangerment?

7. Advocates and lawyers for migrants say that this appears to be a de-facto family separation policy such as the administration proposed early this year, then said it wouldn’t do it barring extenuating circumstances. They say it is a strategy to bypass the Flores Agreement by mandating the detention of parents and necessitating the removal of their kids. Does the government believe the federal prosecution of parents with no criminal/immigration history allows it to sidestep Flores, which holds children should generally be with their parents when possible? Not responding to this one

From: (b) (6), (b) (7)(C)  
Sent: Tuesday, November 21, 2017 12:11 PM  
To: (b) (6), (b) (7)(C)  
Cc: CBP Media Relations <CBPMediaRelations@cbp.dhs.gov>  
Subject: RE: Policies on parent/child separations

Hi (b) (6), (b) (7)(C) understand you are busy with the tragic situation in El Paso, but the following questions pertain directly to CBP policies, and I would appreciate a response.

1. What is CBP’s current policies pertaining to family units, be it mothers/fathers/legal guardians apprehended with their minor children?

2. Federal public defenders, defense attorneys, and nonprofits who work with child migrants are reporting what they say is an unprecedented increase in the separation of parents/legal guardians and their children after the adults are prosecuted for 1325s/1326s. They say the rise in prosecutions for parents/guardians traveling with their children and with no criminal/immigration history on the 1325 is particularly unusual and that they have not seen this occurring in such a widespread manner before.

---

When I spoke with assistant Border Patrol Chief (b) (6), (b) (7)(C) this summer he specifically said that CBP does not refer family units for criminal prosecution unless an adult in the group has a prior conviction.

Has CBP's policy on referring family units for prosecution changed?

Has CBP seen an increase in family separations as a result of criminal prosecutions?

3. In an Oct. 24 meeting arranged through Congressman Beto O' Rourke's office, Border Patrol agents told those in attendance, including the Federal Public Defender of the Western District of Texas, that the policy changed in July and that they are now prosecuting all family units.

(b) (6), (b) (7)(C) a CBP attorney, followed up in an email to participants the next day to clarify that it was not a "blanket policy requiring the separation of family units." She said a rise in separations is due to a rise in criminal prosecutions of family units, which, again, according to Chief (b) (6), (b) (7)(C) should not occur absent a prior conviction.

Does CBP currently have a new policy on prosecuting family units/ and/or separating them, in the Western District of Texas and/or elsewhere?

4. I tracked some 20 cases where parents or legal guardians with no prior criminal or immigration histories were criminally prosecuted for the 1325 and separated from their children, who were put into ORR. They are stemming from the Western District of Texas as well as Yuma and San Diego. Can you please tell me where this policy is in effect and where it is not?

5. Can you please tell me what procedures CBP has in place to track children who have been separated from their children and ensure they remain connected with their parents and/or ensure possible reunification? On CBP's end, what exactly occurs after a parent is referred for criminal prosecution and a child is referred to ORR?

6. Can you please tell me what CBP guidance exists as to when parents/guardians traveling with their children will be referred for prosecution, particularly those with no criminal/immigration history.

7. Advocates and lawyers for migrants say that this appears to be a de-facto family separation policy such as the administration proposed early this year, then said it wouldn't do it barring extenuating circumstances. They say it is a strategy to bypass the Flores Agreement by mandating the detention of parents and necessitating the removal of their kids. Does the government believe the federal prosecution of parents with no criminal/immigration history allows it to sidestep Flores, which holds children should generally be with their parents when possible?

Thank you.

From: (b) (6), (b) (7)(C)  
Sent: Tuesday, November 21, 2017 11:07 AM  
To: (b) (6), (b) (7)(C)  
Cc: CBP Media Relations <CBPMediaRelations@cbp.dhs.gov>  
Subject: RE: Policies on parent/child separations

As I read this email again, I believe that you need to start the conversation with ORR and ICE, not with CBP

---

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

---

From: (b) (6), (b) (7)(C)  
Sent: Tuesday, November 21, 2017 11:56:16 AM  
To: (b) (6), (b) (7)(C)  
Cc: CBP Media Relations  
Subject: RE: Policies on parent/child separations

Thank you.

From: (b) (6), (b) (7)(C)  
Sent: Tuesday, November 21, 2017 10:55 AM  
To: (b) (6), (b) (7)(C)  
Cc: CBP Media Relations <CBPMediaRelations@cbp.dhs.gov>  
Subject: RE: Policies on parent/child separations

(b) (6), (b) (7)(C), I'm currently in El Paso, we'll get back to you as soon as we can.

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

---

From: (b) (6), (b) (7)(C)  
Sent: Tuesday, November 21, 2017 11:30:06 AM  
To: (b) (6), (b) (7)(C)  
Cc: CBP Media Relations  
Subject: RE: Policies on parent/child separations

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

Following up on this number of family separations request, and have a couple of questions.

1. What is CBP's current policies pertaining to family units, be it mothers/fathers/legal guardians apprehended with their minor children?
  2. Federal public defenders, defense attorneys, and nonprofits who work with child migrants are reporting what they say is an unprecedented increase in the separation of parents/legal guardians and their children after the adults are prosecuted for 1325s/1326s. They say the rise in prosecutions for parents/guardians traveling with their children and with no criminal/immigration history on the 1325 is particularly unusual and that they have not seen this occurring in such a widespread manner before.
-



When I spoke with assistant Border Patrol Chief (b) (6), (b) (7)(C) this summer he specifically said that CBP does not refer family units for criminal prosecution unless an adult in the group has a prior conviction.

Has this policy on referring family units for prosecution changed?

Has CBP seen an increase in family separations as a result of criminal prosecutions?

3. In an Oct. 24 meeting arranged through Congressman Beto O' Rourke's office, Border Patrol agents told those in attendance, including the Federal Public Defender of the Western District of Texas, that the policy changed in July and that they are now prosecuting all family units.

(b) (6), (b) (7)(C) a CBP attorney, followed up in an email to participants the next day to clarify that it was not a "blanket policy requiring the separation of family units." She said a rise in separations is due to a rise in criminal prosecutions of family units, which, again, according to Chief (b) (6), (b) (7)(C) should not occur absent a prior conviction.

Is there currently a new policy on prosecuting family units/ and/or separating them, in the Western District of Texas and/or elsewhere?

4. I tracked some 20 cases where parents or legal guardians with no prior criminal or immigration histories were criminally prosecuted for the 1325 and separated from their children, who were put into ORR. They are stemming from the Western District of Texas as well as Yuma and San Diego. Can you please tell me where this policy is in effect and where it is not?

5. Can you please tell me what procedures CBP has in place to track children who have been separated from their children and ensure they remain connected with their parents and/or ensure possible reunification? On CBP's end, what exactly occurs after a parent is referred for criminal prosecution and a child is referred to ORR?

6. Can you please tell me what CBP guidance exists as to when parents/guardians traveling with their children will be referred for prosecution, particularly those with no criminal/immigration history.

7. Advocates and lawyers for migrants say that this appears to be a de-facto family separation policy such as the administration proposed early this year, then said it wouldn't do it barring extenuating circumstances. They say it is a strategy to bypass the Flores Agreement by mandating the detention of parents and necessitating the removal of their kids. Does the government believe the federal prosecution of parents with no criminal/immigration history allows it to sidestep Flores, which holds children should generally be with their parents when possible?

If there is any more information you can provide on policies pertaining to family units and/or their prosecution I would greatly appreciate it.

Thank you so much and best,

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

---

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

Reporter

The Houston Chronicle Media Group

4747 Southwest Freeway

Houston, TX 77027

Houstonchronicle.com

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From: (b) (6), (b) (7)(C)  
Sent: Wednesday, November 15, 2017 2:29 PM  
To: (b) (6), (b) (7)(C)  
Cc: CBP Media Relations <CBPMediaRelations@cbp.dhs.gov>  
Subject: RE: Policies on parent/child separations

(b) (6), (b) (7)(C) did not say that we don't track, you made that assumption. Also I sent you last week a document that serves as a guide for transportation. We'll ask for that information but please also know that our apprehension numbers will be out soon and those numbers might have the answers you're looking for.

While we continue to work on this, I also recommend that you submit a FOIA for the process. That way you are covering all your bases.

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

From: (b) (6), (b) (7)(C)  
Sent: Wednesday, November 15, 2017 3:20 PM  
To: (b) (6), (b) (7)(C)  
Cc: CBP Media Relations <CBPMediaRelations@cbp.dhs.gov>  
Subject: RE: Policies on parent/child separations

---

Thanks (b) (6), (b) (7)(C) but ORR told me to ask CBP.

Does CBP have no mechanism to track the number of parent/child separations? That seems concerning. If it does, please provide me with number of separations per month per sector and reason for separation.

Can you also please tell me what guidance CBP offers agents in deciding when to separate parents and children. If there is no such guidance, please let me know.

Thank you!

From: (b) (6), (b) (7)(C)  
Sent: Wednesday, November 15, 2017 2:16 PM  
To: (b) (6), (b) (7)(C)  
Cc: CBP Media Relations <CBPMediaRelations@cbp.dhs.gov>  
Subject: RE: Policies on parent/child separations

You need to reach out to ORR for how many minors they have received during that timeframe, also, the apprehension numbers for CBP would be released soon.

VR

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

Southwest Border Branch Chief

Customs and Border Protection

Office of Public Affairs – Media Division

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

Mobile

---

Email: (b) (6), (b) (7)(C)

From: (b) (6), (b) (7)(C)  
Sent: Wednesday, November 15, 2017 2:31 PM  
To: (b) (6), (b) (7)(C)  
Cc: CBP Media Relations <CBPMediaRelations@cbp.dhs.gov>  
Subject: RE: Policies on parent/child separations

Good afternoon,

Has CBP has seen an increase in children who entered the country with parents and/or legal guardians but are being sent to ORR as unaccompanied since January 2017? What is that increase and in which sectors are they occurring?

Can you please provide me with the number of family separations (parent/guardian and minor child) per month between January 2017 and YTD, the referral office, and the reason for the separation, if given.

Can you also please tell me what guidance CBP offers agents in deciding when to separate parents and children.

Thanks so much!

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

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

Reporter

The Houston Chronicle Media Group

4747 Southwest Freeway

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Houston, TX 77027

Houstonchronicle.com

o | (b) (6), (b) (7)(C)  
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From: (b) (6), (b) (7)(C)  
Sent: Wednesday, November 08, 2017 11:08 AM  
To: (b) (6), (b) (7)(C)  
Subject: RE: Policies on parent/child separations

That's the latest one, that resides on our site.

VR

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

From: (b) (6), (b) (7)(C)  
Sent: Wednesday, November 08, 2017 11:24 AM  
To: (b) (6), (b) (7)(C)  
Subject: RE: Policies on parent/child separations

Thanks. That's a 2015 policy. Is that still what is operable?

From: (b) (6), (b) (7)(C)  
Sent: Wednesday, November 08, 2017 6:45 AM  
To: (b) (6), (b) (7)(C)  
Subject: RE: Policies on parent/child separations

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

the link below should address your questions.

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

VR

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

Southwest Border Branch Chief

Customs and Border Protection

Office of Public Affairs – Media Division

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

Mobile

Email:

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

Sent: Tuesday, November 07, 2017 4:05 PM

To: CBP Media Relations <CBPMediaRelations@cbp.dhs.gov>;

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

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

Subject: RE: Policies on parent/child separations

Good afternoon,

Just wanted to make sure you saw this request as well on current parent/child separation policies and procedures.

Thanks!

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

---

Sent: Monday, November 06, 2017 11:27 AM

To: 'CBPMediaRelations@cbp.dhs.gov' <CBPMediaRelations@cbp.dhs.gov>; (b) (6), (b) (7)(C)

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

Subject: Policies on parent/child separations

Good afternoon,

Can you please release to me any current policies/protocol/procedures on parent/child separations?

Many thanks,

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

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

Reporter

The Houston Chronicle Media Group

4747 Southwest Freeway

Houston, TX 77027

Houstonchronicle.com

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

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From: HULL, AARON A (b) (6), (b) (7)(C), (b) (7)(E)  
(b) (6), (b) (7)(C), (b) (7)(E)  
To: LUCK, SCOTT A (USBP)  
(b) (6), (b) (7)(C), (b) (7)(E) CHAVEZ,  
GLORIA I (b) (6), (b) (7)(C), (b) (7)(E)  
(b) (6), (b) (7)(C), (b) (7)(E)  
Cc:  
Bcc:  
Subject: RE: DHS Seperating Families  
Date: Sat Nov 18 2017 16:03:15 EST  
Attachments:

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Chief:

I was aware that we have been separating families in some locations. I see that I missed your call and will call you back.

Aaron

---

From: LUCK, SCOTT A (USBP)  
Sent: Saturday, November 18, 2017 1:34:12 PM  
To: CHAVEZ, GLORIA I; HULL, AARON A  
Subject: RE: DHS Seperating Families

I appears that both of you have known about this since November 3rd from (b) (6), (b) (7)(C) email. Why are we just hearing about it? Would like to discuss.

Thanks.

Scott A. Luck  
Acting Deputy Chief  
U.S. Border Patrol Headquarters  
1300 Pennsylvania Ave. NW  
Washington, D.C. 20229

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

Sent via iPhone

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From: CHAVEZ, GLORIA I  
Sent: Saturday, November 18, 2017 1:05:03 PM  
To: PROVOST, CARLA (USBP); LUCK, SCOTT A (USBP)  
Cc: HASTINGS, BRIAN S; HULL, AARON A

---



Subject: RE: DHS Separating Families

10-4 Chief, will message to EPT today.

GC

Regards,

Gloria I. Chavez

Deputy Chief – LEOD / Operations

U.S. Border Patrol Headquarters

(b) (6), (b) (7)(C) (office)  
(b) (6), (b) (7)(C) (cell)

From: PROVOST, CARLA (USBP)

Sent: Saturday, November 18, 2017 2:54 PM

To: CHAVEZ, GLORIA I (b) (6), (b) (7)(C); LUCK, SCOTT A (USBP) (b) (6), (b) (7)(C)  
(b) (6), (b) (7)(C)

Cc: HASTINGS, BRIAN S (b) (6), (b) (7)(C); HULL, AARON A (b) (6), (b) (7)(C)  
(b) (6), (b) (7)(C)

Subject: RE: DHS Separating Families

Let's stand down for now and I want a deep dive into the data.

---

From: CHAVEZ, GLORIA I

Sent: Saturday, November 18, 2017 2:15:31 PM

To: PROVOST, CARLA (USBP); LUCK, SCOTT A (USBP)

Cc: HASTINGS, BRIAN S; HULL, AARON A

Subject: FW: DHS Separating Families

Chief Provost – Based on our brief talk with you and Chief Luck yesterday afternoon, I found the original email with the IP that EPT provided after my discussion with them over the phone last week. I have not addressed this issue with (b) (6), (b) (7)(C) yet as requested by Chief Hull as we played phone tag for a while last week and then got sidetracked with the other ER and WANTAs issues. From reviewing the IP, a few items I noted:

(b) (7) (E)

Chief - Please see the attached document which explains how the process works. Let me know how you would like to proceed? If we need to let EPT to stand down until we can brief up to the Department, we can take care of this today; or use this as a pilot test and share the results with our DHS internal stakeholders.

GC

Regards,

---

Gloria I. Chavez  
Deputy Chief – LEOD / Operations  
U.S. Border Patrol Headquarters  
(b) (6), (b) (7)(C) (office)  
(b) (6), (b) (7)(C) (cell)

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

Sent: Friday, November 3, 2017 12:27 PM

To: CHAVEZ, GLORIA I (b) (6), (b) (7)(C)

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

Subject: RE: DHS Separating Families

Chief,

Per our discussion, please see attached Issue Paper outlining our proactive measures instituted towards Family Units. I'll be available via cell if you have any follow up questions.

CURRENT STATUS:

(b) (5)

Respectfully,

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

From: CHAVEZ, GLORIA I

---

Sent: Friday, November 03, 2017 10:21 AM

To: SCHNEIDER, JASON F (b) (6), (b) (7)(C)  
(b) (6), (b) (7)(C)

Subject: FW: DHS Separating Families

Chief – Please see the below based on our discussion. Please send us the IP that you submitted earlier this week.

GC

Regards,  
Gloria I. Chavez  
Deputy Chief – LEOD / Operations  
U.S. Border Patrol Headquarters  
(b) (6), (b) (7)(C) (office)  
(b) (6), (b) (7)(C) (cell)

From: HULL, AARON A

Sent: Friday, November 3, 2017 1:02 AM

To: CHAVEZ, GLORIA I (b) (6), (b) (7)(C)

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

Cc:

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

(b) (6), (b) (7)(C) LUCK, SCOTT A (USBP)

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

(b) (6), (b) (7)(C) PROVOST, CARLA (USBP)

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

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

Subject: RE: DHS Separating Families

Chief Chavez:

We got caught up with other issues since yesterday and are still pending this response to Phil Miller. Please confirm with EPT and respond to him directly tomorrow. Please copy me. This will be a good lead-in for us to follow up on the ERO and HHS contingency plans.

Thanks.

Aaron A. Hull  
Acting Chief  
Law Enforcement Operations Directorate  
U.S. Border Patrol  
(b) (6), (b) (7)(C)

From: HULL, AARON A

Sent: Wednesday, November 1, 2017 9:47 AM

To: CHAVEZ, GLORIA I (b) (6), (b) (7)(C)

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

Cc:

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

(b) (6), (b) (7)(C) LUCK, SCOTT A (USBP)

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

(b) (6), (b) (7)(C) PROVOST, CARLA (USBP)

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

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

Subject: FW: DHS Separating Families

Chiefs:

Please see the inquiry below from Phil Miller and follow up with EPT to get further information for our

response. We can combine this response with our ask for Phil about their surge capability and HHS ORR concerns.

Thanks.

Aaron A. Hull  
Acting Chief  
Law Enforcement Operations Directorate  
U.S. Border Patrol  
(b) (6), (b) (7)(C)

From: HULL, AARON A  
Sent: Wednesday, November 1, 2017 9:41 AM  
To: Miller, Philip T (b) (6), (b) (7)(C)@ice.dhs.gov<mailto:(b) (6), (b) (7)(C)@ice.dhs.gov>>  
Subject: RE: DHS Separating Families

Phil:

We don't like to separate family units, but we will do so, if necessary. Let me get some further information from El Paso Sector.

Coincidentally, I was planning to follow up with you on some of the things that we discussed a few weeks ago. We are thinking about potential surge impacts to us, ERO, and HHS ORR.

I will follow up with El Paso Sector and get back to you.

Thanks.

Aaron A. Hull  
Acting Chief  
Law Enforcement Operations Directorate  
U.S. Border Patrol  
(b) (6), (b) (7)(C)

From: Miller, Philip T [mailto:(b) (6), (b) (7)(C)@ice.dhs.gov]  
Sent: Tuesday, October 31, 2017 10:41 PM  
To: HULL, AARON A (b) (6), (b) (7)(C)  
Subject: FW: DHS Separating Families

Aaron,

(b) (5)

Thanks,  
Phil

Sent with BlackBerry Work  
(www.blackberry.com<http://www.blackberry.com>)  
From: Asher, Nathalie R (b) (6), (b) (7)(C)@ice.dhs.gov<mailto:(b) (6), (b) (7)(C)@ice.dhs.gov>>  
Date: Tuesday, Oct 31, 2017, 21:58  
To: Miller, Philip T (b) (6), (b) (7)(C)@ice.dhs.gov<mailto:(b) (6), (b) (7)(C)@ice.dhs.gov>>  
Subject: FW: DHS Separating Families

---

Hey Phil -

(b) (6), (b) (7)(C) from ELP re: BP and their enforcement actions on some of the inbound (b) (7)(E)  
(b) (7)(E)

See you tomorrow in lovely Newark..

NRA

From: Jennings, David W (b) (6), (b) (7)(C)@ice.dhs.gov<mailto:(b) (6), (b) (7)(C)@ice.dhs.gov>>  
Date: Tuesday, Oct 31, 2017, 9:45 PM  
To: Asher, Nathalie R (b) (6), (b) (7)(C)@ice.dhs.gov<mailto:(b) (6), (b) (7)(C)@ice.dhs.gov>>  
Subject: FW: DHS Separating Families

FYSA

One of the items I mentioned in our discussion (b) (5)

Sent with BlackBerry Work  
(www.blackberry.com<http://www.blackberry.com>)

From: (b) (6), (b) (7)(C)@ice.dhs.gov<mailto:(b) (6), (b) (7)(C)@ice.dhs.gov>>  
Date: Tuesday, Oct 31, 2017, 18:28  
To: (b) (6), (b) (7)(C)@ice.dhs.gov<mailto:(b) (6), (b) (7)(C)@ice.dhs.gov>>, Jennings, David W (b) (6), (b) (7)(C)@ice.dhs.gov<mailto:(b) (6), (b) (7)(C)@ice.dhs.gov>>  
Subject: RE: DHS Separating Families

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

Sent with BlackBerry Work  
(www.blackberry.com<http://www.blackberry.com>)  
From: (b) (6), (b) (7)(C)@ice.dhs.gov<mailto:(b) (6), (b) (7)(C)@ice.dhs.gov>>  
Date: Tuesday, Oct 31, 2017, 8:27 PM  
To: Jennings, David W (b) (6), (b) (7)(C)@ice.dhs.gov<mailto:(b) (6), (b) (7)(C)@ice.dhs.gov>>, (b) (6), (b) (7)(C)@ice.dhs.gov<mailto:(b) (6), (b) (7)(C)@ice.dhs.gov>>  
Subject: FW: DHS Separating Families

Gentlemen -

FYSA, in case this gets launched up that way, you'll know of it.

(b) (5)

So far, seems to be a local issue, however.... should there be any changes for the worse, I'll keep you in the loop.

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

---

From: (b) (6), (b) (7)(C) @ice.dhs.gov<mailto:(b) (6), (b) (7)(C)@ice.dhs.gov>>  
Date: Tuesday, Oct 31, 2017, 18:02  
To: (b) (6), (b) (7)(C) @ice.dhs.gov<mailto:(b) (6), (b) (7)(C)@ice.dhs.gov>>, (b) (6), (b) (7)(C) @ice.dhs.gov<mailto:(b) (6), (b) (7)(C)@ice.dhs.gov>>, (b) (6), (b) (7)(C) @ice.dhs.gov<mailto:(b) (6), (b) (7)(C)@ice.dhs.gov>>  
Cc: (b) (6), (b) (7)(C) @ice.dhs.gov<mailto:(b) (6), (b) (7)(C)@ice.dhs.gov>>, (b) (6), (b) (7)(C) @ice.dhs.gov<mailto:(b) (6), (b) (7)(C)@ice.dhs.gov>>, (b) (6), (b) (7)(C) @ice.dhs.gov<mailto:(b) (6), (b) (7)(C)@ice.dhs.gov>>, (b) (6), (b) (7)(C) @ice.dhs.gov<mailto:(b) (6), (b) (7)(C)@ice.dhs.gov>>  
Subject: RE: DHS Separating Families

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

I'm sure that (b) (6), (b) (7)(C) is still driving. This was brought up previously at the (b) (6), (b) (7)(C) meeting as well, and we indicated that we would be willing to work with ORR if and when such things occurred.

One of the NGOs had indicated that our Juvenile Coordinators had been helpful in cases like these, but, I'm thinking (b) (5)  
(b) (5) We can speak to when the parent is in our custody, but, while they are remanded to the USM and housed by BOP, we've little control over them.

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

From: (b) (6), (b) (7)(C) @ice.dhs.gov<mailto:(b) (6), (b) (7)(C)@ice.dhs.gov>>  
Date: Tuesday, Oct 31, 2017, 17:30  
To: (b) (6), (b) (7)(C) @ice.dhs.gov<mailto:(b) (6), (b) (7)(C)@ice.dhs.gov>>, (b) (6), (b) (7)(C) @ice.dhs.gov<mailto:(b) (6), (b) (7)(C)@ice.dhs.gov>>  
Cc: (b) (6), (b) (7)(C) @ice.dhs.gov<mailto:(b) (6), (b) (7)(C)@ice.dhs.gov>>, (b) (6), (b) (7)(C) @ice.dhs.gov<mailto:(b) (6), (b) (7)(C)@ice.dhs.gov>>, (b) (6), (b) (7)(C) @ice.dhs.gov<mailto:(b) (6), (b) (7)(C)@ice.dhs.gov>>, (b) (6), (b) (7)(C) @ice.dhs.gov<mailto:(b) (6), (b) (7)(C)@ice.dhs.gov>>  
Subject: DHS Separating Families

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

(b) (5)

[cid:image003.png@01D35268.22B3EE10]

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

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\*\*\*SENSITIVE/PRIVILEGED\*\*\*PRE-DECISIONAL\*\*\*ATTORNEY WORK PRODUCT\*\*\*

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From: PROVOST, CARLA (USBP) (b) (6), (b) (7)(C), (b) (7)(E)  
(b) (6), (b) (7)(C), (b) (7)(E)  
To: MCALEENAN, KEVIN K (b) (6), (b) (7)(C), (b) (7)(E)  
(b) (6), (b) (7)(C), (b) (7)(E)  
Cc:  
Bcc:  
Subject: RE: DHS Seperating Families  
Date: Sat Nov 18 2017 15:22:22 EST  
Attachments:

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Correction Sir. Scott informed me it was just Chief Chavez, though He discussed with Chief Hull the fact that he tasked it to her and did not follow up.

---

From: PROVOST, CARLA (USBP)  
Sent: Saturday, November 18, 2017 3:17:37 PM  
To: MCALEENAN, KEVIN K  
Subject: RE: DHS Seperating Families

As did Chief CHAVEZ. Chief Luck is addressing it with both of them.

---

From: MCALEENAN, KEVIN K  
Sent: Saturday, November 18, 2017 3:13:42 PM  
To: PROVOST, CARLA (USBP)  
Subject: FW: DHS Seperating Families

It looks like Chief Hull had this almost 3 weeks ago.

---

From: PROVOST, CARLA (USBP)  
Sent: Saturday, November 18, 2017 2:58:30 PM  
To: MCALEENAN, KEVIN K  
Cc: (b) (6), (b) (7)(C) LUCK, SCOTT A (USBP)  
Subject: FW: DHS Seperating Families

Commissioner,

---



When we left you yesterday evening Chief Chavez mentioned to us that (b) (7)(E)  
(b) (7)(E) I asked her for further information and received the  
below and attached just now.

(b) (7)(E)

VR,  
Carla

---

From: CHAVEZ, GLORIA I  
Sent: Saturday, November 18, 2017 2:15:31 PM  
To: PROVOST, CARLA (USBP); LUCK, SCOTT A (USBP)  
Cc: HASTINGS, BRIAN S; HULL, AARON A  
Subject: FW: DHS Separating Families

Chief Provost – Based on our brief talk with you and Chief Luck yesterday afternoon, I found the original email with the IP that EPT provided after my discussion with them over the phone last week. I have not addressed this issue with Phil Miller yet as requested by Chief Hull as we played phone tag for a while last week and then got sidetracked with the other ER and WA/NTAs issues. From reviewing the IP, a few items I noted:

(b) (7)(E)

Chief - Please see the attached document which explains how the process works. Let me know how you would like to proceed? If we need to let EPT to stand down until we can brief up to the Department, we can take care of this today; or use this as a pilot test and share the results with our DHS internal stakeholders.

---

GC

Regards,

Gloria I. Chavez

Deputy Chief – LEOD / Operations

U.S. Border Patrol Headquarters

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

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

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

Sent: Friday, November 3, 2017 12:27 PM

To: CHAVEZ, GLORIA I (b) (6), (b) (7)(C)

Subject: RE: DHS Separating Families

Chief,

Per our discussion, please see attached Issue Paper outlining our proactive measures instituted towards Family Units. I'll be available via cell if you have any follow up questions.

CURRENT STATUS:

(b) (5)

---

(b) (5)

Respectfully,

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

From: CHAVEZ, GLORIA I  
Sent: Friday, November 03, 2017 10:21 AM  
To: (b) (6), (b) (7)(C)  
Subject: FW: DHS Separating Families

Chief – Please see the below based on our discussion. Please send us the IP that you submitted earlier this week.

GC

Regards,

Gloria I. Chavez

Deputy Chief – LEOD / Operations

U.S. Border Patrol Headquarters

---

(b) (6), (b) (7)(C) (office)  
(b) (6), (b) (7)(C) (cell)

From: HULL, AARON A  
Sent: Friday, November 3, 2017 1:02 AM

To: CHAVEZ, GLORIA I (b) (6), (b) (7)(C)  
(b) (6), (b) (7)(C)

Cc: (b) (6), (b) (7)(C) LUCK, SCOTT A (USBP) (b) (6), (b) (7)(C)  
(b) (6), (b) (7)(C) PROVOST, CARLA (USBP) (b) (6), (b) (7)(C)

Subject: RE: DHS Separating Families

Chief Chavez:

We got caught up with other issues since yesterday and are still pending this response to Phil Miller. Please confirm with EPT and respond to him directly tomorrow. Please copy me. This will be a good lead-in for us to follow up on the ERO and HHS contingency plans.

Thanks.

Aaron A. Hull

Acting Chief

Law Enforcement Operations Directorate

U.S. Border Patrol

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

From: HULL, AARON A  
Sent: Wednesday, November 1, 2017 9:47 AM

To: CHAVEZ, GLORIA I (b) (6), (b) (7)(C)  
(b) (6), (b) (7)(C)

Cc: (b) (6), (b) (7)(C) LUCK, SCOTT A (USBP) (b) (6), (b) (7)(C)  
(b) (6), (b) (7)(C) PROVOST, CARLA (USBP) (b) (6), (b) (7)(C)

Subject: FW: DHS Separating Families

Chiefs:

---

Please see the inquiry below from Phil Miller and follow up with EPT to get further information for our response. We can combine this response with our ask for Phil about their surge capability and HHS ORR concerns.

Thanks.

Aaron A. Hull

Acting Chief

Law Enforcement Operations Directorate

U.S. Border Patrol

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

From: HULL, AARON A

Sent: Wednesday, November 1, 2017 9:41 AM

To: Miller, Philip T (b) (6), (b) (7)(C)@ice.dhs.gov>

Subject: RE: DHS Separating Families

Phil:

We don't like to separate family units, but we will do so, if necessary. Let me get some further information from El Paso Sector.

Coincidentally, I was planning to follow up with you on some of the things that we discussed a few weeks ago. We are thinking about potential surge impacts to us, ERO, and HHS ORR.

I will follow up with El Paso Sector and get back to you.

Thanks.

Aaron A. Hull

Acting Chief

Law Enforcement Operations Directorate

---

U.S. Border Patrol

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

From: Miller, Philip T [mailto:(b) (6), (b) (7)(C)@ice.dhs.gov]

Sent: Tuesday, October 31, 2017 10:41 PM

To: HULL, AARON A (b) (6), (b) (7)(C)

Subject: FW: DHS Separating Families

Aaron,

(b) (5), (b) (7)(E)

Thanks,

Phil

Sent with BlackBerry Work  
(www.blackberry.com)

From: Asher, Nathalie R (b) (6), (b) (7)(C)@ice.dhs.gov>

Date: Tuesday, Oct 31, 2017, 21:58

To: Miller, Philip T (b) (6), (b) (7)(C)@ice.dhs.gov>

Subject: FW: DHS Separating Families

Hey Phil -

(b) (6), (b) (7)(C) from ELP re: BP and their enforcement actions on some of the inbound (b) (7)(E)  
(b) (7)(E)

See you tomorrow in lovely Newark..

---

NRA

From: Jennings, David W (b) (6), (b) (7)(C)@ice.dhs.gov>

Date: Tuesday, Oct 31, 2017, 9:45 PM

To: Asher, Nathalie R (b) (6), (b) (7)(C)@ice.dhs.gov>

Subject: FW: DHS Seperating Families

FYSA

One of the items I mentioned in our discussion about (b) (7)(E)

Sent with BlackBerry Work  
(www.blackberry.com)

From: (b) (6), (b) (7)(C)@ice.dhs.gov>

Date: Tuesday, Oct 31, 2017, 18:28

To: (b) (6), (b) (7)(C)@ice.dhs.gov>, Jennings, David W (b) (6), (b) (7)(C)@ice.dhs.gov>

Subject: RE: DHS Seperating Families

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

Sent with BlackBerry Work  
(www.blackberry.com)

From: (b) (6), (b) (7)(C)@ice.dhs.gov>

Date: Tuesday, Oct 31, 2017, 8:27 PM

---

To: Jennings, David W (b) (6), (b) (7)(C)@ice.dhs.gov>, (b) (6), (b) (7)(C)  
(b) (6), (b) (7)(C)@ice.dhs.gov>

Subject: FW: DHS Seperating Families

Gentlemen -

FYSA, in case this gets launched up that way, you'll know of it.

(b) (5)

So far, seems to be a local issue, however.... should there be any changes for the worse, I'll keep you in the loop.

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

From: (b) (6), (b) (7)(C)@ice.dhs.gov>

Date: Tuesday, Oct 31, 2017, 18:02

To: (b) (6), (b) (7)(C)@ice.dhs.gov>, (b) (6), (b) (7)(C)@ice.dhs.gov>,  
(b) (6), (b) (7)(C)@ice.dhs.gov>

Cc: (b) (6), (b) (7)(C)@ice.dhs.gov> (b) (6), (b) (7)(C)@ice.dhs.gov>,  
(b) (6), (b) (7)(C)@ice.dhs.gov>, (b) (6), (b) (7)(C)  
(b) (6), (b) (7)(C)@ice.dhs.gov>

Subject: RE: DHS Seperating Families

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

---



I'm sure that (b) (6), (b) (7)(C) is still driving. This was brought up previously at the (b) (6), (b) (7)(C) meeting as well, and we indicated that we would be willing to work with ORR if and when such things occurred.

One of the NGOs had indicated that our Juvenile Coordinators had been helpful in cases like these, but,

(b) (5)

(b) (5) We can speak to when the parent is in our custody, but, while they are remanded to the USM and housed by BOP, we've little control over them.

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

From: (b) (6), (b) (7)(C) @ice.dhs.gov>

Date: Tuesday, Oct 31, 2017, 17:30

To: (b) (6), (b) (7)(C) @ice.dhs.gov>, (b) (6), (b) (7)(C) @ice.dhs.gov>

Cc: (b) (6), (b) (7)(C) @ice.dhs.gov>, (b) (6), (b) (7)(C) @ice.dhs.gov>, (b) (6), (b) (7)(C) @ice.dhs.gov>, (b) (6), (b) (7)(C) @ice.dhs.gov>

Subject: DHS Separating Families

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

(b) (5)

cid:image003.png@01D35268.22B3EE10

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

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\*\*\*SENSITIVE/PRIVILEGED\*\*\*PRE-DECISIONAL\*\*\*ATTORNEY WORK PRODUCT\*\*\*

---

From: (b) (6), (b) (7)(C), (b) (7)(E)  
To: CHAVEZ, GLORIA I (b) (6), (b) (7)(C), (b) (7)(E)  
Cc: (b) (6), (b) (7)(C), (b) (7)(E)  
Bcc:  
Subject: RE: (b) (7)(E)  
Date: Thu Nov 16 2017 17:22:32 EST  
Attachments:

---

Thank you, Chief.

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

DC- LEOPD

(b) (6), (b) (7)(C) office)  
iPhone)

From: CHAVEZ, GLORIA I  
Sent: Thursday, November 16, 2017 10:09 AM  
To: (b) (6), (b) (7)(C)  
Cc: PADILLA, MANUEL JR (b) (6), (b) (7)(C)  
Subject: RE: (b) (7)(E)

(b) (6), (b) (7)(C) Please see the attached and below synopsis that El Paso had shared with me recently.

GC

CURRENT STATUS:

(b) (5)

---

(b) (5)

From: (b) (6), (b) (7)(C)  
Sent: Thursday, November 16, 2017 10:58 AM  
To: CHAVEZ, GLORIA I (b) (6), (b) (7)(C)  
Cc: PADILLA, MANUEL JR (b) (6), (b) (7)(C)  
Subject: (b) (7)(E)

Chief CHAVEZ,  
Good morning. On behalf of CPA PADILLA, would you send us the IP from El Paso Sector re:  
(b) (7)(E)

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

---

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

DC-RGV

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

From: CHAVEZ, GLORIA I (b) (6), (b) (7)(C), (b) (7)(E)  
(b) (6), (b) (7)(C), (b) (7)(E)  
To:  
Cc: PADILLA, MANUEL JR (b) (6), (b) (7)(C), (b) (7)(E)  
(b) (6), (b) (7)(C), (b) (7)(E)  
Bcc:  
Subject: FW: RGV Operational Update  
Date: Mon Nov 13 2017 09:23:05 EST  
Attachments: Daily Briefing Book 11-12-17.pdf  
RGV Detention Dashboard v7.3 BB (Group Email).pdf

---

(b) (6), (b) (7)(C) FYSA only – Based on our discussion this morning. Thank you for providing some of the details below.

GC

Regards,

Gloria I. Chavez

Deputy Chief – LEOD / Operations

U.S. Border Patrol Headquarters

(b) (6), (b) (7)(C) office)  
(b) (6), (b) (7)(C) cell)

From: CHAVEZ, GLORIA I  
Sent: Monday, November 13, 2017 8:43 AM  
To: PROVOST, CARLA (USBP) (b) (6), (b) (7)(C) LUCK, SCOTT A (USBP)  
(b) (6), (b) (7)(C) HUFFMAN, BENJAMINE C (b) (6), (b) (7)(C)  
(b) (6), (b) (7)(C) HULL, AARON A (b) (6), (b) (7)(C)  
Cc: (b) (6), (b) (7)(C)  
(b) (6), (b) (7)(C)  
Subject: RGV Operational Update

---

Chief: Good morning. I have attached the RGV reports for your review.

A few key items of note as an RGV update this morning.

1). ERO over the weekend sustained a steady pace of pickups and transfers out of the CPC. For example:

Friday, November 10th - 388 transfers

Saturday, November 11th - 348 transfers

Sunday, November 12th - 334 transfers

This kept our TIC time at a steady state than usual on weekends.

2). The high #s that are slowing us down a bit are the single adult males (Honduran and Guatemalan) that are being processed at CPC and housed at the Harlingen station as they await ERO removal via flights. This weekend USBP-HQ engaged ERO-HQ about increasing the # of flights to reduce this fraction of the population. For example: RGV has 158 single males in holding w/53 of them over 72 hours. We expect a flight today Monday and/or using other ERO space to get them out of USBP custody.

3). Family Units are NOT an issue in RGV as ERO has been steadily moving them out. However, I will note that RGV informed us that ERO requested that all FMUAs be processed as WA/NTAs and it appears upon ERO acquiring custody of them, FMUAs are being released.

4). UACs are NOT an issue in RGV as HHS/ORR has more than enough space to hold UACs. This population is being moved out and placed pretty quickly.

Will keep you updated if we run into a non-manageable situation. For now, RGV is steady state.

GC

Regards,

Gloria I. Chavez

Deputy Chief – LEOD / Operations

U.S. Border Patrol Headquarters

---

(b) (6), (b) (7)(C) (office)  
(cell)

---



From: HULL, AARON A (b) (6), (b) (7)(C), (b) (7)(E)

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

Cc:

Bcc:

Subject: RE: Field Guidance on FMUA

Date: Fri Oct 27 2017 10:21:10 EDT

Attachments:

---

Thanks.

Aaron A. Hull

Acting Chief

Law Enforcement Operations Directorate

U.S. Border Patrol

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

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

Sent: Friday, October 27, 2017 9:37 AM

To: LUCK, SCOTT A (USBP) (b) (6), (b) (7)(C) HULL, AARON A (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) CHAVEZ, GLORIA I (b) (6), (b) (7)(C)

Cc: HUFFMAN, BENJAMINE C (b) (6), (b) (7)(C)

Subject: FW: Field Guidance on FMUA

All:

Attached is the AAR on the El Paso Sector NGO meeting on prosecutions that was the subject of discussion yesterday morning.

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

---

From: (b) (6), (b) (7)(C)  
Sent: Tuesday, October 24, 2017 5:35:25 PM  
To: (b) (6), (b) (7)(C) (OCC)  
Cc: (b) (6), (b) (7)(C)  
Subject: RE: Field Guidance on FMUA

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

Can you please send us the list of attendees?

Another consideration for the message...If we state that there was a miscommunication we should state what the miscommunication was. I will give you and (b) (6), (b) (7)(C) a call in the morning.

Thank you,

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

Assistant Chief Patrol Agent

El Paso Sector

Strategic Planning & Coordination Office

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

iPhone

From: (b) (6), (b) (7)(C)  
Sent: Tuesday, October 24, 2017 3:19 PM  
To: (b) (6), (b) (7)(C)  
Cc: (b) (6), (b) (7)(C)

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

Subject: RE: Field Guidance on FMUA

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

I agree with you that the message needs to be short. I will forward any other considerations that the staff may make after reading your initial draft below.

---

Thank you for your support.

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

Assistant Chief Patrol Agent

El Paso Sector

Strategic Planning & Coordination Office

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

iPhone: (b) (6), (b) (7)(C)

From: (b) (6), (b) (7)(C) (OCC)

Sent: Tuesday, October 24, 2017 3:06 PM

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

Cc: (b) (6), (b) (7)(C)  
(b) (6), (b) (7)(C)

Subject: RE: Field Guidance on FMUA

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

(b) (5)

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

From: (b) (6), (b) (7)(C)  
Sent: Tuesday, October 24, 2017 2:29 PM  
To: (b) (6), (b) (7)(C)  
Cc: (b) (6), (b) (7)(C)  
Subject: FW: Field Guidance on FMUA  
Importance: High

Below is the guidance that was provided to the Texas PAICs for (b) (7)(E)  
Attached is the email that went to the NM PAICs. In both cases, the emails were formulated base on agreements and coordination with each respective AUSA Office. Please let me know if you require additional information.

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

Assistant Chief Patrol Agent

El Paso Sector

Strategic Planning & Coordination Office

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

iPhone: (b) (6), (b) (7)(C)

From: (b) (6), (b) (7)(C)  
Sent: Tuesday, October 24, 2017 2:01 PM  
To: (b) (6), (b) (7)(C)  
Cc: (b) (6), (b) (7)(C)  
Subject: FW: Field Guidance on FMUA  
Importance: High

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

As requested, for OCC's request for clarification from today's meeting, notice that this was put out to EPT PAIC's in July.

Effective immediately, in Texas, the following steps will be followed when family groups are encountered in Western District of Texas.

---

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



The best practice for subjects arrested during the day should be to immediately collect the information needed to present the case and call the duty

attorney as soon as the information is available.

For those subjects arrested in the late evening or very early morning, it is not unreasonable to wait until business hours to contact the attorney.

o It should not be common practice for the processing agents to contact the attorney in the middle of the night for a disposition request that could wait a matter of a few hours.

In addition, (b) (6), (b) (7)(C) s working on AAR from today's meeting for review by COB/tomorrow morning for PAO.

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

Assistant Chief Patrol Agent

United States Border Patrol

El Paso Sector

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

Govt iPhone

---

From: (b) (6), (b) (7)(C)  
Sent: Tuesday, October 24, 2017 1:18 PM  
To: (b) (6), (b) (7)(C)  
Subject: FW: Field Guidance on FMUA

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

Below is the guidance that I was inferring to at the meeting. This guidance was sent out to the field by (A)ACPA (b) (6), (b) (7)(C) on July 10, 2017.

From: (b) (6), (b) (7)(C)  
Sent: Monday, July 10, 2017 2:16 PM  
To: EPT-PAIC (b) (6), (b) (7)(C), (b) (7)(E)  
Cc: EPT-LEOD

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

Subject: Field Guidance on FMUA

Good Afternoon,

Texas Stations, we are now clear to begin the process below.

Effective immediately, the following steps must be followed when family groups are encountered in Western District of Texas.

(b) (7)(E)

---

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

With the probable increase in calls to the AUSA, it was requested that discretion be used when deciding to call the duty attorney. Every effort should be made to call the attorneys during or close to normal business hours.

- The best practice for subjects arrested during the day should be to immediately collect the information needed to present the case and call the duty attorney as soon as the information is available.
- For those subjects arrested in the late evening or very early morning, it is not unreasonable to wait until business hours to contact the attorney.
- It should not be common practice for the processing agents to contact the attorney in the middle of the night for a disposition request that could wait a matter of a few hours.

We all understand that we operate 24/7; however; there are several agencies contacting these attorneys for a variety of cases that need immediate attention. It is also understood that should there be a more complex case that needs attention, or if guidance is needed regarding a case, there should be no hesitation to contact the duty attorney.

Please contact me if further clarification is needed.

Thank You,

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

(A)Assistant Chief Patrol Agent

International/Foreign Operations, Prosecutions, Asset Forfeiture

United States Border Patrol - El Paso Sector

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

iPhone: (b) (6), (b) (7)(C)

---

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

Sent: Friday, July 07, 2017 3:21 PM

To: EPT-PAIC

Cc: EPT-LEOD

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

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

Subject: RE: Field Guidance on FMUA

Alcon,

Please stand-by on this. We will have more info on this next week. For now stand down with no action required. Thank you.

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

(A)Division Chief of Operations

El Paso Sector

Ofc: (b) (6), (b) (7)(C)

Cell:

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---

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

Sent: Friday, July 07, 2017 2:57:21 PM

To: EPT-PAIC

Cc: EPT-LEOD:

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

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

Subject: Field Guidance on FMUA

PAIC's/DPAICs,

This is FYSA to the New Mexico Station and currently will only apply to the Texas Stations.

EPT Prosecutions has been meeting with the AUSA to discuss and clarify several topics. One of those topics dealt with the handling of

(b) (7)(E)

(b) (7)(E)

What they have requested is that the duty attorney be contacted for

(b) (7)(E)



(b) (7)(E)

Effective immediately, the following steps must be followed when family groups are encountered in Western District of Texas.

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

With the probable increase in calls to the AUSA, it was requested that discretion be used when deciding to call the duty attorney. Every effort should be made to call the attorneys during or close to normal business hours.

- The best practice for subjects arrested during the day should be to immediately collect the information needed to present the case and call the duty attorney as soon as the information is available.
- For those subjects arrested in the late evening or very early morning, it is not unreasonable to wait until business hours to contact the attorney.
- It should not be common practice for the processing agents to contact the attorney in the middle of the night for a disposition request that could wait a matter of a few hours.

We all understand that we operate 24/7; however; there are several agencies contacting these attorneys for a variety of cases that need immediate attention. It is also understood that should there be a more complex case that needs attention, or if guidance is needed regarding a case, there should be no hesitation to contact the duty attorney.

If you have any questions or concerns please advise. Please contact me or (A)ACPA (b) (6), (b) (7)(C) if further clarification is needed.

---

Thank You,

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

(A)Division Chief of Operations

El Paso Sector

Ofc: (b) (6), (b) (7)(C)

Cell: [REDACTED]

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---

From: (b) (6), (b) (7)(C), (b) (7)(E)  
To: CHAVEZ, GLORIA I (b) (6), (b) (7)(C), (b) (7)(E)  
Cc: (b) (6), (b) (7)(C), (b) (7)(E)  
Bcc:  
Subject: FW: Office of Congressman Beto O'Rourke: Meeting Request Follow Up  
Date: Thu Oct 26 2017 08:49:33 EDT  
Attachments: Civil Society ICE Meeting Questions October 2017.pdf  
FW: Field Guidance on FMUA (2).msg  
FW: October 26, 2017, 9:00am MDT, quarterly meeting with U.S. Attorney in NM (1).msg  
msg  
FW: Field Guidance on FMUA (3).msg

---

Chief,

FYSA below. Apparently a meeting between EPT Prosecutions and NGO did not turn out well. This is all the info I have right now.

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

From (b) (6), (b) (7)(C)  
Sent: Thursday, October 26, 2017 8:34 AM  
To: (b) (6), (b) (7)(C)  
Subject: FW: Office of Congressman Beto O'Rourke: Meeting Request Follow Up

FYSA

From (b) (6), (b) (7)(C)  
Sent: Tuesday, October 24, 2017 8:01 PM  
To: (b) (6), (b) (7)(C)  
Cc:  
Subject: FW: Office of Congressman Beto O'Rourke: Meeting Request Follow Up

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

---

FYSA

Please see email string below regarding a meeting EPT Prosecutions attended today. We (our shop) were not given any visibility on this meeting until it ended bad today.

I am still waiting on an AAR which I will forward to you once I get it. I am not fully aware the extent of what was said in the meeting. I am being told (b) (6), (b) (7)(C) from O'Rourke's office was present as well as NGOs.

I will send you a couple of emails to give you a better idea of what seems to be the issue. All I know at this point is it had something to do with family separations and what BP's policies are.

Let me know if you have any questions.

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

---

From: (b) (6), (b) (7)(C)  
Sent: Tuesday, October 24, 2017 4:14:04 PM  
To: (b) (6), (b) (7)(C)  
Subject: FW: Office of Congressman Beto O'Rourke: Meeting Request Follow Up

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

Assistant Chief Patrol Agent

El Paso Sector

Strategic Planning & Coordination Office

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

iPhone: (b) (6), (b) (7)(C)

From: (b) (6), (b) (7)(C)  
Sent: Tuesday, October 24, 2017 1:06 PM  
To: (b) (6), (b) (7)(C)  
Subject: FW: Office of Congressman Beto O'Rourke: Meeting Request Follow Up  
Importance: High

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

Assistant Chief Patrol Agent

United States Border Patrol

El Paso Sector

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

Govt iPhone

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

Sent: Monday, October 23, 2017 6:41 AM

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

Subject: FW: Office of Congressman Beto O'Rourke: Meeting Request Follow Up

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

Assistant Chief Patrol Agent

United States Border Patrol

El Paso Sector

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

Govt iPhone

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

Sent: Monday, October 23, 2017 6:22 AM

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

Subject: FW: Office of Congressman Beto O'Rourke: Meeting Request Follow Up

Sir,

---

Anything in this??

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

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

Sent: Tuesday, October 17, 2017 7:01 PM

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

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

Subject: FW: Office of Congressman Beto O'Rourke: Meeting Request Follow Up

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

Congressman O'Rourke's office contacted us requesting a meeting with a Border Interfaith Coalition (stakeholders). The meeting has been set up for October 24, 2017, 10:00am at the El Paso Community Foundation. I asked for a list of attendees and a list of questions from O'Rourke's office. I received the list of questions late yesterday and am still waiting on the list of attendees. Our A/FOD reviewed the questions (attached) and has asked me to reach out to you to see if your office would like to send a representative (b) (6), (b) (7)(C) our DFODs, OFO, HSI, the ICE Community Relations Officer and I plan to be at the meeting. In addition, I will be reaching out to our OPLA office as well. Thank you for your consideration.

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

Assistant Field Office Director

ERO El Paso Field Office

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

(cell)

(b) (6), (b) (7)(C) @ice.dhs.gov

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

Sent: Thursday, October 12, 2017 11:24 AM

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

Cc:

Subject: FW: Office of Congressman Beto O'Rourke: Meeting Request Follow Up

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

Congressman O'Rourke's office contacted us requesting a meeting with a Border Interfaith Coalition (stakeholders). The meeting has been set up for October 24, 2017, 10:00am at the El Paso Community Foundation. I asked for a list of attendees and a list of questions from O'Rourke's office. I received the list of questions late yesterday and am still waiting on the list of attendees. Our A/FOD reviewed the questions (attached) and has asked me to reach out to you to see if your offices would like to send a representative. (b) (6), (b) (7)(C) our DFODs, the ICE Community Relations Officer and I plan to be at the meeting. In addition, I will be reaching out to our OPLA office as well. Thank you for your consideration.

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

Assistant Field Office Director

ERO El Paso Field Office

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

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

(b) (6), (b) (7)(C) @ice.dhs.gov

From: (b) (6)

Sent: Friday, September 22, 2017 3:45 PM

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

Subject: Office of Congressman Beto O'Rourke: Meeting Request Follow Up

Hi (b) (6), (b) (7)(C) As a follow up from our conversation, I am respectfully requesting a meeting with the ERO leadership at the El Paso Field Office, on behalf of Border Interfaith including immigration attorneys, advocates, and pastors that serve in our community.

Per your request, I will facilitate the questions and confirmation of attendees. Please provide available dates that will work with your team. I will work to coordinate the location at the El Paso Community Foundation Room located at 303 N. Oregon, El Paso, Texas 79901. Does this location work well with you?

Please feel free to reach me with any questions or concerns at (b) (6)

Thank you,

---

(b) (6) | Binational Affairs

Congressman Beto O'Rourke

303 North Oregon Street, Suite 210

El Paso, Texas 79901

Office (b) (6)

FAX: (b) (6)

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From: CHAVEZ, GLORIA I (b) (6), (b) (7)(C), (b) (7)(E)

To:

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

Cc:

Bcc:

Subject: FW: ERO transfer numbers for 11/11/16

Date: Tue Oct 10 2017 11:33:50 EDT

Attachments: Daily Briefing Book 11-12-2016.pdf

FYSA

Regards,

Gloria I. Chavez

Deputy Chief – LEOD / Operations

U.S. Border Patrol Headquarters

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

(cell)

From: CHAVEZ, GLORIA I

Sent: Saturday, November 12, 2016 12:36 PM

To: MCALEENAN, KEVIN K (b) (6), (b) (7)(C) MORGAN, MARK A (USBP)

(b) (6), (b) (7)(C) Owen, Todd C (AC OFO) (b) (6), (b) (7)(C)

Subject: RE: ERO transfer numbers for 11/11/16

Deputy - You are correct in your assessment. I noticed the same "stacking up" yesterday evening. I contacted the RGV (b) (7)(E) folks last night and they said they had experienced an outage but it was already being addressed. This morning I saw the numbers high on the unprocessed aliens and checked with the sector again. The outage expanded to two other stations Weslaco (24 hours) and Brownsville (6 hours down). As of mid-morning, all outage issues have been corrected and they are back up and running. RGV seems confident that they would catch up today.

I've attached the RGV Daily. We apprehended 884 last night. We have in custody 2392 sector-wide. We have a high number of unprocessed aliens (1512). I've already talked with (b) (6), (b) (7)(C) at ERO and expressed priority for Ursula transfers once we get the processing caught up, we will need ERO to pick up and transfer out.

If it changes, I'll make sure to loop in this group with updates.

GC

Gloria I. Chavez  
Deputy Chief - Law Enforcement Operations  
U.S. Border Patrol Headquarters  
Washington D.C.

(b) (6), (b) (7)(C) (office)  
(b) (6), (b) (7)(C) (cell)

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From: MCALEENAN, KEVIN K  
Sent: Saturday, November 12, 2016 9:06:08 AM  
To: CHAVEZ, GLORIA I; MORGAN, MARK A (USBP); Owen, Todd C (AC OFO)  
Subject: RE: ERO transfer numbers for 11/11/16

Gloria,  
Looks like we lost ground in RGV with the custody numbers. Am I tracking correctly?

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From: CHAVEZ, GLORIA I  
Sent: Saturday, November 12, 2016 11:13:36 AM  
To: MORGAN, MARK A (USBP); Owen, Todd C (AC OFO)  
Cc: MCALEENAN, KEVIN K  
Subject: FW: ERO transfer numbers for 11/11/16

Chief Morgan and EAC Owen: Below is the list of yesterday pickups / transfers by ERO.

Note: The San Antonio Office covers RGV and the South Texas POEs ; the Phoenix Office covers Tucson and Yuma Sectors and AZ POEs.

See below.

GC

Gloria I. Chavez  
Deputy Chief - Law Enforcement Operations  
U.S. Border Patrol Headquarters  
Washington D.C.

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

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

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From: (b) (6), (b) (7)(C)  
Sent: Saturday, November 12, 2016 8:01:31 AM  
To: CHAVEZ, GLORIA I  
Cc: (b) (6), (b) (7)(C)  
Subject: ERO transfer numbers for 11/11/16

Good morning Gloria,

Here are the numbers from yesterday.

San Diego:

28 FAMU subjects from SYS  
45 Haitian females from SYS  
58 Non-Haitians from SYS  
30 Non-Haitians from CAX  
50 Haitians transferred out

San Antonio:

48 males transferred out  
157 females transferred out  
446 FAMU subjects transferred out

El Paso:

141 males transferred out  
59 females transferred out  
247 FAMU subjects transferred out

Phoenix:

36 males transferred out  
11 females transferred out  
69 FAMU subjects transferred out

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

---

From: (b) (6), (b) (7)(C), (b) (7)(E)  
To: CHAVEZ, GLORIA I (b) (6), (b) (7)(C), (b) (7)(E)  
(b) (6), (b) (7)(C), (b) (7)(E)  
Cc:  
Bcc:  
Subject: FW: Senate Judiciary Committee UAC/MS-13 hearing June 21st  
Date: Mon Aug 07 2017 14:43:55 EDT  
Attachments: B1 Congressional Testimony June 2017.docx  
C1 Response Draft.docx  
S1 DHS Oversight QFRs.docx  
USBP Processing Guidance (FOUO-LES) v2.docx

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Here are two papers we used recently. One for testimony and the other to answer to allegations of catch and release.

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

From (b) (6), (b) (7)(C)  
Sent: Wednesday, June 28, 2017 7:42 AM  
To: CHAVEZ, GLORIA I (b) (6), (b) (7)(C)  
Subject: FW: Senate Judiciary Committee UAC/MS-13 hearing June 21st

See below.

From (b) (6), (b) (7)(C)  
Sent: Wednesday, June 7, 2017 12:20 PM  
To: (b) (6), (b) (7)(C)  
Subject: RE: Senate Judiciary Committee UAC/MS-13 hearing June 21st

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

I just realized a typo on my part.....should be 14 yoa not 12 for photo and print. I changed it below and in the attachment!

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

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

Sent: Wednesday, June 7, 2017 8:30 AM

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

Subject: FW: Senate Judiciary Committee UAC/MS-13 hearing June 21st

Importance: High

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

I have attached the document with answers/bullets for Q2 and Q4. Additionally, I have pasted it below in the body of this message.

The processing of the IA UAC is explained from point of apprehension to point of placement for a full understanding of the entire process. The catch and release is also explained but I would like to reaffirm (in agreement with (b) (6), (b) (7)(C)) that we do not catch and release and should not be using that terminology. We look at each case independently and only release for humanitarian, medical or significant public benefit.....if you require additional information please let me know.

UAC processing information for B1 to explain.

1. Encounter –

- Identification begins upon apprehensions (determine alienage, nationality, age, accompanied status).
- The field interview alerts agents to age and medical issues.
- Separation of UAC from adults occurs if operationally feasible.

2. Intake –

- Intake represents the first electronically recorded and trackable action.
- UAC are assessed to determine their vulnerabilities, at-risk status, and any health issues. Accommodations are made based on the agent's observations and UAC statements (per PREA and TEDS).
- Observed vulnerabilities or issues are documented using the (b) (7)(E)
- UAC are always prioritized for processing.

3. Processing –

- An event is created (b) (7)(E) this includes recording the basic apprehension information and biographical information.
-

- Depending on age, a UACs biometric information (fingerprints and photograph) are taken (14 and under).
- Holding cell selection is also made and entered.
- Consulate notifications made.

#### 4. TVPRA Screening –

- TVPRA screening requirements are accomplished using the CBP-93 Unaccompanied Alien Child Screening Addendum.
- Determination by the agents if the UAC is able to make an independent decision to withdraw application for admission (MEX and Canada only).
- Credible Fear Determination made and recorded using CBP-93.
- Human Trafficking Determination made and recorded using CBP-93. ICE/HSI notified if a victim of Human Trafficking.

#### 5. File Completion –

- Issuance of a WA/NTA for all non-contiguous UAC and eligible MEX/CAN UAC.
- Charging documents served.

#### 6. Placement –

- Placement request submitted (b) (7)(E) to the ORR UC interface.
- Includes gang affiliation and ability to request secure placement.
- Once placement at a HHS/ORR shelter is arranged notification is provided electronically to USBP.
- Transportation arranged either via ICE/ERO or USBP.
- Transfers to ORR should occur within 72 hours of UAC determination.

Talking points to address the agents (union officials) reporting that we are in catch-and-release mode.

- USBP does not conduct catch and release, which it views as the systematic and routine release of detainees into the United States.
  - The February 20, 2017, memorandum from Secretary Kelly titled Implementing the President's Border Security and Immigration Enforcement Improvements Policies specifically outlined the policies regarding the apprehension and detention of aliens. In the memorandum the Secretary provided discretionary parole authority pursuant to 212(d)(5) of the INA, on a case-by-case basis for urgent humanitarian reasons or significant public benefit.
  - To the extent that USBP may release detainees from USBP custody directly into the United States, they are limited to those instances where the release is for humanitarian, medical, or significant public benefit.
-

· In accordance with the Secretary's memo, these releases are made on a case-by-case basis and require the approval of the Chief Patrol Agent.

· Since February 21, 2017 thru June 4, 2017, of the 45,892 USBP arrests only 34 detainees have been released from USBP custody on their own-recognizance. In all cases the aliens were issued a Notice to Appear for an appearance before an Immigration Judge.

Thank you,

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

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

Sent: Tuesday, June 6, 2017 10:37 AM

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

Cc: (b) (6), (b) (7)(C) CHAVEZ, GLORIA I (b) (6), (b) (7)(C)

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

Subject: Senate Judiciary Committee UAC/MS-13 hearing June 21st

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

Please see questions 2 and 4 for action. Chief Chavez has already provided the data for the first question and Intel will work the MS-13 piece. We need to have this submitted no later than June 14, 2017.

Thanks,

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

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

Acting Deputy Chief, Programs

Law Enforcement Operations Directorate

U.S. Border Patrol HQ

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

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

From: HULL, AARON A

---

Sent: Monday, June 5, 2017 7:58 PM

To: CHAVEZ, GLORIA I (b) (6), (b) (7)(C)

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

Cc: HUFFMAN, BENJAMINE C (b) (6), (b) (7)(C) LUCK, SCOTT A (USBP)

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

Subject: FW: Senate Judiciary Committee UAC/MS-13 hearing June 21st

Chiefs:

Please note the request below to prepare Chief Provost for an upcoming hearing on June 21st. Chief Chavez has already provided recent OR stats. I have attached her e-mail from today.

Please provide the following:

1. Select and coordinate an appropriate cutoff date to get updated OR numbers for her hearing.
2. Prepare concise UAC processing information for her to explain it.
3. Have Intel coordinate/prepare MS-13 identification and processing talking points. Note the "cracks" portion of the inquiry.
4. Talking points to address the agents (union officials) reporting that we are in catch-and-release mode. A high-level response is probably better here, because bashing the union is not going to be appropriate.

Like our other recent products, clear and concise is needed.

Please have these collated and ready for submission by COB Wednesday, June 14th. This gives us over a week. That allows time to make any adjustments and have it in her hands to study and be ready for any pre-briefings with OCA.

Thanks.

Aaron A. Hull

Acting Chief

Law Enforcement Operations Directorate

U.S. Border Patrol

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

From: PROVOST, CARLA (USBP)

Sent: Monday, June 5, 2017 1:51 PM

To: HULL, AARON A (b) (6), (b) (7)(C) HUFFMAN, BENJAMINE C (b) (6), (b) (7)(C)  
(b) (6), (b) (7)(C)

Cc: LUCK, SCOTT A (b) (6), (b) (7)(C)

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

Subject: FW: Senate Judiciary Committee UAC/MS-13 hearing June 21st

Team,

Looks like I'm testifying again in another two weeks....see below. Please make sure once we get through this week's testimony we start preparing for this.....

Thanks,

Carla

Carla L. Provost

Acting Chief

USBP

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

From: PROVOST, CARLA (USBP)

Sent: Monday, June 5, 2017 1:49 PM

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

Cc: (b) (6), (b) (7)(C) LUCK, SCOTT A (USBP) (b) (6), (b) (7)(C)  
(b) (6), (b) (7)(C)

Subject: RE: Senate Judiciary Committee UAC/MS-13 hearing June 21st

10-4.....hopefully this is the last one for a little while! J I feel pretty comfortable that we have answers for all of the concerns on our end and a lot of this will focus on ICE and HHS.

---

Carla L. Provost

Acting Chief

USBP

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

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

Sent: Monday, June 5, 2017 1:42 PM

To: PROVOST, CARLA (USBP)

Cc:

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

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

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

LUCK, SCOTT A (USBP)

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

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

Subject: Senate Judiciary Committee UAC/MS-13 hearing June 21st

Chief,

Follow up from this am. I spoke with (b) (6), (b) (7)(C) about our witness and you have the rose. The Full Senate Judiciary Committee (Chairman Grassley) will hold the hearing to identify "cracks" in the process. Specifically, the Senate Judiciary Committee is holding a hearing on June 21st regarding processing of UACs and identification of MS-13 gang members and where cracks are identified in the process.

The other agencies testifying are:

DOJ – Witness: Acting Assistant Attorney General Kenneth Blanco, Criminal Division

HHS ORR – Witness: Scott Lloyd, Director Office of Refugee Resettlement

ICE – Witness: TBD (ICE initially put forward Greg Navarro, Deputy Assistant Director, however, OLA and ICE are working through this)

When I spoke with Senate Judiciary staff they indicated that there are a number of Members that will have questions about the information the whistleblower exposed. In addition, per our earlier discussion, he mentioned to me that there have been a number of BP agents contacting staff on the committee stating that catch and release is continuing. There may be questions during the hearing focused on this as well.

(b) (6), (b) (7)(C) team has the lead for this hearing and will be working with your team to prepare materials and prep sessions.

I will reach out to the Senate Judiciary Committee and OLA to let them know you will be our witness.

---

Senate Judiciary Staff will probably want to have a phone call with you in the next week to discuss the hearing.

Thank you

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

---

From: (b) (6), (b) (7)(C), (b) (7)(E)  
To: CHAVEZ, GLORIA I (b) (6), (b) (7)(C), (b) (7)(E)  
(b) (6), (b) (7)(C), (b) (7)(E)  
Cc:  
Bcc:  
Subject: FW: Previous Responses by USBP Regarding Release of Aliens  
Date: Wed Jun 28 2017 07:43:45 EDT  
Attachments: C1 Response Draft.docx  
S1 DHS Oversight QFRs.docx  
USBP Processing Guidance (FOUO-LES) v2.docx

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Another.

From (b) (6), (b) (7)(C)  
Sent: Wednesday, July 27, 2016 8:29 AM  
To: PROVOST, CARLA (OPR) (b) (6), (b) (7)(C)  
Cc: (b) (6), (b) (7)(C)  
Subject: Previous Responses by USBP Regarding Release of Aliens

Good Morning Chief,

On behalf of Associate Chief (b) (6), (b) (7)(C) attached are the previous answers generated by the USBP in response to assertions by Judicial Watch and the BP Union that USBP has been releasing aliens indiscriminately.

For your quick reference, below is the text taken from the response given to C1:

Who's giving the agents the order to release the illegal aliens?

Current field guidance requires that agents process all illegal aliens consistent with the requirements specified by the Consequence Delivery System. The USBP has not changed its position regarding custody redetermination, however; there are several instances encountered at the field level where after initial processing is complete, all records checks are reviewed, and the unique individual circumstances surrounding the alien and the arrest are analyzed, that the alien may be released from USBP custody, either with or without the initiation of administrative immigration enforcement proceedings. These instances may occur when agents encounter illegal aliens who do not fall within the Secretary's Enforcement Priorities, (b) (7)(E) or when prosecutorial discretion or humanitarian release is warranted. Family Unit Aliens (FMUA) are the most frequent of these instances due in part to ICE/ERO's inability to detain FMUA as well as compliance with the Flores settlement, which limits the amount of time that an alien child (whether unaccompanied or

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accompanied) can be detained.

At what locations is this occurring?

- This is occurring at U.S. Border Patrol locations nationwide.

Are illegal aliens being given a Notice to Appear?

- Upon encounter, all illegal aliens are transported to the nearest USBP facility where records checks are completed on their biometric and biographic information. Following the completion of record checks, agents process all subjects in accordance with national policy as defined by the Enforcement Priorities issued by Secretary Johnson on November 20, 2014.

- Issuance of a Notice to Appear (NTA) is only one of many available options. The appropriate enforcement decision involves careful consideration of multiple factors. These include the individual circumstances surrounding the alien and his/her arrest, past immigration and criminal history, applicable policies, and the availability of immigration detention resources. The Expedited Removal (ER) process has played a key role in our efforts to achieve a low-risk border environment. Whenever feasible, (b) (7)(E) In a vast majority of cases, illegal aliens who do not meet Enforcement Priorities, are remanded to ICE for custody determination. In some instances, (b) (7)(E) with ICE may result in aliens released from USBP custody with an issued NTA and hearing date before an immigration judge.

Do you have an estimate of how many have been released?

Unofficial USBP statistics of aliens released directly from USBP custody:

- DACA (2012) – 18 aliens (October 1, 2015 to April 16, 2016)
- Prosecutorial Discretion – 1,982 aliens (October 1, 2015 to April 16, 2016)
- NTA – 1,074 aliens (October 1, 2015 to March 31, 2016)

Is anyone tracking how many have been released due to this policy?

- Statistics are maintained at USBP Headquarters.

Thank you,

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

Assistant Chief

Specialty Programs

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

(BB)

---

From:

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

To:

(b) (6), (b) (7)(C), (b) (7)(E) CHAVEZ, GLORIA  
(b) (6), (b) (7)(C), (b) (7)(E)

(b) (6), (b) (7)(C), (b) (7)(E) LUCK,  
SCOTT A (USBP) (b) (6), (b) (7)(C), (b) (7)(E)  
(b) (6), (b) (7)(C), (b) (7)(E)

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

ORTIZ, RAUL L (b) (6), (b) (7)(C), (b) (7)(E)

(b) (6), (b) (7)(C), (b) (7)(E) PADILLA,

MANUEL JR (b) (6), (b) (7)(C), (b) (7)(E)

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

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



Cc:

Bcc:

Subject: RGV Daily Briefing Book 6-13-17

Date: Wed Jun 14 2017 07:33:38 EDT

Attachments: Daily Briefing Book 6-13-17.pdf  
image002.png

ALCON,

Attached is the RGV Daily Briefing Book for June 13, 2017.

Regards,

RGV OPCEN

RGV Sector Daily Activity Report

Date of Report: June 14, 2017

Daily SIR Summary

No. of Reports: 5

(b) (7)(E)

Incident Type – Rescue

Falfurrias Station

On June 13, 2017, at approximately 9:00 p.m., agents assigned to the Falfurrias, Texas Border Patrol Checkpoint arrested an adult male Mexican national attempting to smuggle eight adult illegal aliens in

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the cargo area of a rented U-Haul truck. The driver was in possession of the key to the lock of the cargo compartment at the time of the subject's discovery. The subjects were not in distress and declined any further medical attention. DISPOSITION: The case was processed as a 1 on 8 Smuggling Case and referred to the Rio Grande Valley (RGV) Prosecutions North Office. The subjects will be processed for removal proceedings and the vehicle utilized in the smuggling attempt was seized as per RGV Asset Forfeiture Office guidelines. NOTIFICATIONS: RGV PAO, RGV FOB RGV MMI

SIR# (b) (7)(E) Incident Type – Rescue

McAllen Station

On June 13, 2017, at approximately 5:11 p.m., the Rio Grande Valley Sector Operations Center (RGV OPCEN) received a 911 call from the Government of Mexico (b) (7)(E) regarding a family unit claiming to be lost in the McAllen, Texas Border Patrol Station (b) (7)(E) area of responsibility. Information was relayed to (b) (7)(E) and agents were dispatched to the vicinity of the last known landmark provided by the subjects. At approximately 7:30 p.m., agents encountered an adult female and her child, both Salvadoran nationals, near Penitas, Texas. The subjects appeared and claimed to be in good health and were cleared for travel by an (b) (7)(E) EMT. DISPOSITION:

The subjects will be processed for removal. NOTIFICATIONS: RGV PAO, RGV FOB

SIR# (b) (7)(E) Incident Type – Non-Employee Injury / Death

McAllen Station

On June 13, 2017, at approximately 7:15 a.m., agents assigned to the McAllen, Texas Border Patrol Station apprehended an adult male Salvadoran national near Hidalgo, Texas. The subject was transported to the McAllen Station and evaluated by medical staff for pain to his left foot. The subject was taken to the McAllen Medical Center in McAllen, Texas for medical evaluation and admitted shortly after for a possible left foot fracture. DISPOSITION: The subject will be processed for removal once he is medically cleared for travel and detention. NOTIFICATIONS: RGV PAO, RGV FOB

SIR# (b) (7)(E) Incident Type – Significant Arrest / Detention

McAllen Station

On June 12, 2017, at approximately 9:28 p.m., agents assigned to the McAllen, Texas Border Patrol Station apprehended an adult male Mexican national near McAllen, Texas. During processing, record checks revealed that the subject had been arrested by the Pearl River County, Mississippi Sheriff's Department and convicted of a Sex Offense (Child-Fondling). DISPOSITION: The subject's Prior Order of Removal will be reinstated and referred to the Rio Grande Valley Sector Prosecutions Office. NOTIFICATIONS: RGV PAO, RGV FOB

SIR# (b) (7)(E) Incident Type – Non-Employee Injury / Death

Kingsville Station

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On June 13, 2017, at approximately 12:25 a.m., an agent assigned to the Kingsville, Texas Border Patrol Station unintentionally struck an illegal alien with his marked service vehicle during a bailout that occurred near Riviera, Texas. The subject (driver) was evaluated by Emergency Medical Services and subsequently transported to the Christus Spohn Hospital Kleberg in Kingsville, Texas for further medical evaluation. DISPOSITION: The subject was medically cleared for travel / detention with no significant injuries. His prior order of removal will be reinstated and referred to the Rio Grande Valley Prosecutions North Office for a Criminal Alien Smuggling Case. The vehicle utilized in the smuggling attempt was seized as per the RGV Asset Forfeiture Office guidelines. NOTIFICATION: RGV PAO, RGV CIT, CBP OPR, RGV FOB

Air Branch June 13, 2017 – (b) (7)(E)

Daily Totals:

12	Sorties
8	Launches

(b) (7)(E)

29	Apprehensions
4	Turn-backs
12	Got-a-ways
0	Lbs. of Illegal Drugs
0	Vehicles
0	Arrests

Significant Incidents:

\*Uvalde aircraft (b) (7)(E) that was assigned to the RGV AOR provided (b) (7)(E) of air support in the Falfurrias AOR. They reported no support requests and no claimed results.

\*There were no significant incidents to report for today’s date.

BROWNSVILLE MARINE UNIT  
PORT ISABEL, TEXAS (0600 – 1400)

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On June 13, 2017 during the 0600 - 1400 shift, (b) (6), (b) (7)(C), (b) (7)(E) for maintenance. Agents conducted didactic Tactical Team Member (TTM) training in preparation for TTM re certification tomorrow. (b) (6), (b) (7)(C), (b) (7)(E) No significant incidents.

(b) (7)(E)

BROWNSVILLE MARINE UNIT  
PORT ISABEL, TEXAS (1800 – 0200)

(b) (6), (b) (7)(C), (b) (7)(E) and responded to request for assistances from HSI. A low flying aircraft had been detected and conducted an air drop approximately 8 miles north of Brownsville. Six (6) bundles weighing 264.85 kilograms was recovered and seized. There were no arrests and the contraband was TOT HSI.

(b) (7)(E) pending due server maintenance.

SBPA (b) (6), (b) (7)(C) RGV OPCEN

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From:

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

To:

(b) (6), (b) (7)(C), (b) (7)(E) CHAVEZ, GLORIA

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

(b) (6), (b) (7)(C), (b) (7)(E) HUFFMAN,

BENJAMINE C

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

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

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

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

LUCK, SCOTT A (USBP)

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

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

ORTIZ, RAUL L

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

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

PADILLA,

MANUEL JR

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

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

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



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



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



Cc:

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

Bcc:  
Subject: RGV Daily Briefing Book 10-28-2016 (Amended)  
Date: Mon Jun 05 2017 16:04:31 EDT  
Attachments: Daily Briefing Book 10-28-2016.pdf

ALCON,

Attached is the RGV Daily Briefing Book for October 28, 2016. The CPA Report on the narrative of the email has been amended.

Regards,

RGV OPCEN

Apprehensions:

RGV:	928	19,987 (52%) vs. (FYTD16); OTM: 753
TCA:	169	5,288 (4%)
LRT:	106	2,970 (9%)
DRT:	43	1,826 (12%)

Yesterday's OUAC Apprehensions: 162

FY17 YTD 3,330 vs. FY16 YTD 2,471 (34.76%)

FY17 MTD 3,370 vs. FY16 MTD 2,471 (34.76%)

In Custody: 490 (305 processed / 185 unprocessed)

Yesterday's FMUA Apprehensions: 381

FY17 YTD 7,580 vs. FY16 YTD 3,681 (105.92%)

FY17 MTD 7,580 vs. FY16 MTD 3,681 (105.92%)

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In Custody: 1,195 (715 processed / 480 unprocessed)

Yesterday's Gotaways: 93

(b) (7)(E)

A large black rectangular redaction box covering the text in the block.

Detention:

Holding:	2,535
Processed:	1,288
Unprocessed:	1,247
TOT ERO:	569
Average Holding:	40 hours

Files Processed: (633 RGV / 309 VP) = 942

SDC: 66

ELC: 235

Yesterday's Entries: 1,143 (48% vs. SDFY16)

Yesterday's Narcotic Seizures: 8 events of Marijuana totaling 1,840 lbs. / 1 event of Methamphetamine totaling .82 lbs.

Marijuana Seizures (FYTD17): 20,302 vs. 29,990 (-32% vs. FYTD16)

Methamphetamine (FYTD17): 118.43 vs. 1.38 (8,506% vs. FYTD16)

Yesterday's Deaths: 1

(FYTD17) 10 vs. (FYTD16) 6

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(b) (7)(E)

## RGV Sector Daily Activity Report

Date of Report: October 27, 2016

### Daily SIR Summary

No. of Reports: 6

(b) (7)(E)

Incident Type – Significant Arrest / Detention

Reporting Station: Weslaco Station

On October 26, 2016, at approximately 3:30 p.m., agents assigned to the McAllen, Texas Border Patrol Station apprehended an adult male Salvadoran national near McAllen, Texas. The subject was subsequently transported to the Weslaco, Texas Border Patrol Station for processing. During processing, record checks indicated the subject is an active (b) (7)(E) member. Record checks revealed that the subject has two prior arrest in El Salvador, one for sexual assault and for extortion. No disposition for both arrests were found. DISPOSITION: The subject will be processed as an Expedited Removal and will be referred to the Rio Grande Valley Sector Prosecutions Office. NOTIFICATIONS: Collateral Intel Agent, RGV PAO, RGV GIU, HSI

(b) (7)(E)

Incident Type – Discovery of Deceased Person

Reporting Station: Falfurrias Station

On October 26, 2016, at approximately 11:30 a.m., the Falfurrias, Texas Border Patrol Station with the assistance of the Brooks County Sheriff's Office (BCSO) discovered skeletal remains near Falfurrias, Texas. A Mexican Passport and Birth Certificate were discovered alongside the remains. Justice of the Peace (JP) (b) (6), (b) (7)(C) was contacted and responded to the scene. While awaiting the JP's arrival, a camera crew from KSAT Channel 12 in San Antonio, Texas, arrived on scene and began to film. The news crew had accompanied BCSO in a ride along at the time of the discovery. At no time were agents interviewed. At approximately 12:06 p.m., JP (b) (6), (b) (7)(C) arrived on scene and pronounced the subject deceased. A (b) (7)(E) report will be generated. DISPOSITION: The skeletal remains were transported to the medical examiner's office in Laredo, Texas. NOTIFICATIONS: RGV PAO, RGV FOB

(b) (7)(E)

Incident Type – Non-Employee Injury

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Reporting Station: McAllen Station

On October 27, 2016, at approximately 7:20 a.m., agents assigned to the McAllen, Texas Border Patrol Station apprehended an adult male Mexican national near Havana, Texas. During the arrest, the subject claimed to have a broken left leg and was transported by Air Evacuation to the McAllen Medical Center in McAllen, Texas for medical evaluation. The subject was admitted to the hospital for surgery and will remain in the hospital for approximately three days. DISPOSITION: The subject will be processed accordingly once medically cleared. NOTIFICATIONS: RGV PAO, RGV FOB

(b) (7)(E) Incident Type – Rescue

Reporting Station: Falfurrias Station

On October 27, 2016, at approximately 4:45 p.m., agents assigned to the Falfurrias, Texas Border Patrol Station (b) (7)(E) received a 911 call from the Brooks County Sheriff's Office concerning five subjects who were lost in the brush (b) (7)(E). Agents were dispatched to the vicinity of the last known geographical coordinates and were able to locate the lost subjects. The subjects were offered medical attention, but declined. A (b) (7)(E) report will be generated. DISPOSITION: The subjects will be processed for removal proceedings. NOTIFICATIONS: RGV PAO, RGV FOB

(b) (7)(E) Incident Type – Technology Disruption

Reporting Station: Kingsville Station

On October 27, 2016, at approximately 6:20 p.m., the Kingsville Border Patrol Checkpoint (b) (7)(E) experienced a technology disruption. (b) (6), (b) (7)(E) management reported that they are experiencing trouble with the phone lines. DISPOSITION: The appropriate notifications have been made and the CBP Technology Service Desk generated remedy ticket (b) (7)(E)

NOTIFICATIONS: RGV PAO

(b) (7)(E) Incident Type – Employee Assault / Use of Force

Reporting Station: (b) (7)(E) Station

On October 27, 2016, at approximately 7:50 p.m., an agent assigned to the McAllen, Texas Border Patrol Station was assaulted by an adult male Guatemalan national in Havana, Texas. During the arrest, the subject attempted to strike the agent with a closed fist. The agent used the minimal force necessary to effect the arrest and take the subject into custody without further incident. The subject was offered but declined medical assistance. An Issue Paper is forthcoming. DISPOSITION: All proper investigative agencies were notified and appropriate measures have been taken to ensure the subject is not released prior to being interviewed. NOTIFICATIONS: RGV PAO, RGV FOB, RGV CIT, CBP OPR, FBI TFO, HSI

October 27, 2016 - (b) (7)(E) Air Branch

Daily Totals:

12 Launches

(b) (7)(E)

89 Apprehensions

0 Turn-backs

8 Got-a-ways

0 Illegal Drugs

2 Vehicles

5 Arrests

#### Significant Incidents:

(b) (7)(E) responded to a call near the (b) (7)(E) in Hidalgo with (b) (7)(E) agents and spotted a truck driving away from the area. (b) (7)(E) talked agents in to the location and the subjects bailed out. 6 aliens were apprehended and 1 vehicle seized.

(b) (7)(E) provided (b) (7)(E) in HRL that resulted in 5 arrests, and 1 vehicle seizure.

\*Uvalde (b) (7)(E) and assisted (b) (7)(E) agents with 2 groups, first group by (b) (7)(E) resulting in 3 apps and 4 GA's. Second group was (b) (7)(E) by the (b) (7)(E) checkpoint area resulting in 3 GA's.

(b) (7)(E) responded to a Hidalgo S.O. call, to search for a subject that had bailed out from a single vehicle rollover on (b) (7)(E) with negative results.

October 27, 2016 – (b) (7)(E)

#### Daily Totals:

2 Sorties

(b) (7)(E)

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24	Apprehensions
0	Turn-backs
0	Got-a-ways
0	Illegal Drugs
1	Vehicles
1	Arrests

Significant Incidents:

\*Nothing to report.

BROWNSVILLE MARINE UNIT

PORT ISABEL, TEXAS

0700-1500

On October 27, 2016 during the 0700-1500 shift, (b) (7)(E) of the SPI and Port Mansfield AOR. 01 contact was made with a rec vessel. A low flying aircraft was spotted near the Port Mansfield airport. AMOC was contacted and the aircraft was deemed to be local traffic.

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

BROWNSVILLE MARINE UNIT  
PORT ISABEL, TEXAS  
1600-2400

On October 27, 2016, during the 1600-2400 shift, (b) (7)(E) within local AOR - no targets or incidents.

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

SBPA (b) (6), (b) (7)(C) RGV OPCEN

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From: HULL, AARON A (b) (6), (b) (7)(C), (b) (7)(E)  
(b) (6), (b) (7)(C), (b) (7)(E)  
To: (b) (6), (b) (7)(C), (b) (7)(E)  
Cc: (b) (6), (b) (7)(C), (b) (7)(E) CHAVEZ,  
GLORIA I (b) (6), (b) (7)(C), (b) (7)(E)  
(b) (6), (b) (7)(C), (b) (7)(E)  
Bcc:  
Subject: FW: Criminal Consequence Initiative  
Date: Tue May 09 2017 12:46:08 EDT  
Attachments: CCI (05-05-2017).doc

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

As discussed, here is an example of the type of increased consequence application that is possible when the tempo is not as high.

Aaron A. Hull

Acting Chief

Law Enforcement Operations Directorate

U.S. Border Patrol

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

From (b) (6), (b) (7)(C)  
Sent: Friday, May 5, 2017 2:33 PM  
To: CHAVEZ, GLORIA I (b) (6), (b) (7)(C)  
Cc: PORVAZNIK, ANTHONY J (b) (6), (b) (7)(C) HULL, AARON A  
(b) (6), (b) (7)(C)  
Subject: Criminal Consequence Initiative

Chief Chavez,

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I hope that this email finds you well.

Attached and embedded is background on the (b) (7)(E) that was implemented in the Yuma Sector on Monday, May 1, 2017. To date, we have placed 4 illegal aliens into proceedings that were presented and sentenced to an average of 15 days incarceration. This is significant as this severe penalty is for first time illegal alien entrants (w/o prior immigration or criminal), consistent with Attorney General Session's April 11, 2017 memorandum entitled: Renewed Commitment to Criminal Immigration Enforcement, directing harsh penalties for immigration violations.

On Monday, May 8, 2017, we will begin a (b) (7)(E) in Yuma Sector's border (b) (7)(E) (b) (7)(E) in California. Although, arrests are minimal in these border zones, this will be significant as these illegal aliens will be brought back to Arizona and presented to the same Federal Magistrate that is issuing judgement on the above cases.

Chief, as this becomes publicized w/in the illicit networks operating south of our AOR, we anticipate displacement and deflection of illicit activity (albeit minimal numbers) to neighboring sectors or to other sectors along the southwest border.

Read below.

Yuma Sector

Implementation of (b) (7)(E)

Issue:

On April 11, 2017, U.S. Attorney General Jefferson B. Sessions released a memorandum affirming his commitment to prosecuting criminal immigration violations. One of the priorities included the prosecution of illegal aliens who have entered the U.S. for the first time or have no previous adjudicated immigration history. In coordination with the newly established Border Security Coordinators (BSC) from the U.S. Attorney's Office (USAO), southwest border states have been tasked with bringing this initiative to fruition.

Background:

\*On April 19, 2017, Yuma Sector (YUM) staff met with District of Arizona, USAO BSC (b) (6), (b) (7)(C) to discuss the path forward to implement prosecution of first time entry aliens within the YUM area of responsibility (AOR).

\*The intent of this initiative is three fold. First, it will apply a specific consequence to individuals by sentencing them to a number of days in jail. Secondly, it will act as a general deterrent to all who may be contemplating illegal entry. Lastly, it will take the commodity (the aliens being smuggled) from the illicit Transnational Criminal Organizations (TCO) out of the smuggling cycle and reduce their ability to

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profit by projecting a low-profit, high risk environment.

\*On May 1, 2017, District of Arizona Acting U.S. Attorney Betsy Strange authorized the implementation of the (b) (7)(E) to prosecute first time entry illegal aliens apprehended inside the YUM AOR within the State of Arizona.

\*Limitations are as follows:

(b) (7)(E)

\*Beginning May 8, 2017, in the spirit of the Attorney General's memorandum, the Southern District of California, USAO will implement a pilot program to prosecute first time illegal entrants within YUM zones (b) (7)(E) that are in the State of California. This pilot program will be established in this area due to the current operational tempo as the Southern District USAO reviews its current prosecutorial guidelines for criminal immigration violations.

\*Limitations are as follows:

(b) (7)(E)

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

(A) Deputy Chief Patrol Agent

Yuma Sector

United States Border Patrol

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

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