

**Office of Field Operations  
Operations Directorate  
March 20, 2020**

**Southwest Border Implementation of CDC Order, *Suspending Introduction of Persons from a Country where Communicable Disease Exists***

**Executive Summary:**

U.S. Customs and Border Protection (CBP) is supporting the U.S. Government's response to SARS-CoV-2 and the disease it causes, named "coronavirus disease 2019" (abbreviated "COVID-19"), which has since spread to 118 countries and regions worldwide. The Director of the Centers for Disease Control and Prevention (CDC) has determined to use his authority under Section 362 of the Public Health Service Act, 42 U.S.C. § 265, to prohibit the introduction of certain persons into the United States who, due to the existence of COVID-19 in countries or places from which persons are traveling, create an increase in the serious danger of the introduction of such disease into the United States. The CDC Director has further asked, in CDC's *Order Suspending Introduction Of Persons From A Country Where A Communicable Disease Exists* (March 20, 2020), scheduled to be published in the Federal Register on March 24, 2020 (the CDC Order), that CBP aid in the enforcement of this order, pursuant to 42 U.S.C. § 268(b).

**Scope of Order:**

- The CDC order applies to all aliens seeking to enter the United States, on or after the date of the order, without proper travel documents or otherwise subject to travel restrictions at land POEs, or between the POEs, coming from or transiting through Canada or Mexico (regardless of their country of origin), who are encountered at or approaching a POE.
- Based on training, experience, physical observation, technology, questioning and other considerations, if a CBP officer believes that it is more likely than not that a person is an alien seeking to enter the United States without a proper visa or travel document, is otherwise subject to travel restrictions, coming from or transiting through Canada or Mexico (regardless of their country of origin), the CBP officer shall apply the CDC order to the alien in accordance with the procedures below.

Exceptions:

- The CDC order does not apply to individual aliens who a CBP officer determines, with approval from a supervisor, should be excepted based on the totality of the circumstances, including consideration of significant law enforcement, officer and public safety, humanitarian, or public health interests. If this exception is applied, then CBP will process the person in accordance with ordinary procedures but with sufficient safeguards for personnel.
- Aliens who affirmatively and plausibly claim a reasonable fear of torture in the country to which they will be sent will be segregated and referred to U.S. Citizenship and Immigration Services for assessment.

**Implementation at Ports of Entry:*****Southern Border Ports of Entry***

- CBP personnel working at southern border ports of entry will take the following actions:
  - Coordinate with the Government of Mexico to control flow of travelers approaching U.S. border and streamline the return of aliens.
    - Lift restrictions to current repatriation agreements to allow for 24/7 return of aliens.
  - Suspend or reduce routine queue management procedures at the limit line for those who appear to lack proper travel documents, as well as those subject to Presidential Proclamations pursuant to INA 212(f).
  - Screen individuals at pre-primary when operationally feasible.
  - Permit entry into POEs by travelers who appear to have proper travel documents and who are not otherwise subject to travel restrictions.
  - Limit the number of open vehicle primary lanes, as appropriate, to maintain operational control of all travelers seeking entry to the United States.
  - CBP officers will actively deter and prevent, as authorized under the use of force policy or temporary amendment of the use of force policy, the illegal entry of any subject into the United States.
    - CBP will utilize appropriate force protection and minimize potential exposure during operations involving national interest trade/travel.
- Leverage health interview procedures for CBP apprehensions to expedite repatriation of aliens subject to the CDC Order.
- With regard to aliens governed by the CDC order who enter a POE notwithstanding the above security measures, such as bypassing pedestrian lanes and entering the United States in a vehicle, the CDC order expulsion procedures apply consistent with guidance.
- If an alien enrolled in MPP has a case reset by EOIR, the alien appearing at the POE for their scheduled hearing will be provided an updated Notice of Hearing and a tear sheet with instructions detailing the date and time to appear for their new hearing. ICE will furnish these updated notices to OFO for delivery to the aliens at the port, and with respect to aliens who do not appear, OFO will annotate the notice to indicate that the alien did not appear, and sign and return each of those notices to ICE for next steps in immigration court.

***Secondary Processing***

- Curtail or limit administrative processing and return refusals foreign as quickly as possible to reduce potential exposure.
- Aliens who affirmatively and plausibly claim a reasonable fear of torture in the country to which they will be sent will be segregated and referred to U.S. Citizenship and Immigration Services for assessment.
- If the CBP officer determines, with approval from a supervisor, that an alien should be excepted based on the totality of the circumstances.
  - This may include coordination on a case-by-case basis with ICE/ERO and CDC.
- Suspend COMPEX.

***Return to Mexico:***

(b) (7)(E) the return of the following aliens:

- Nationals of Mexico and Northern Triangle countries (El Salvador, Honduras, and Guatemala) whose travel is suspended under Title 42. They should be processed under the CDC order instead of through the Migrant Protection Protocols

#### *Other Expulsions*

- Upon encountering an alien subject to the CDC order who cannot be returned to Mexico, you should coordinate with ICE/ERO and determine if the alien should be excepted from the CDC order.
  - This includes placement in any available removal pathway, such as the Humanitarian Asylum Review Process (HARP) or Migrant Protection Protocol (MPP)

#### *Outbound Operations*

- Outbound operations will be conducted in order to:
  - meet mission priorities
  - as an extra measure to ensure informative compliance

#### Physical Security and Port Hardening

- Increase outbound operations limiting non-essential travel to Mexico to prevent significant backlogs in CBP primary.
- Coordination with Border Patrol to ensure situational awareness of the locations that will be closed or have hours modified.
- Ensure all available port hardening equipment is deployed or obtained in an expeditious manner.
- Work in conjunction with Border Patrol to establish local security patrols off of the FIS grounds where applicable.
- Strategically place OFO marked vehicles to serve as a deterrent and provide the appropriate professional branding of our agency.

#### Public Affairs and CMO Messaging

- Create public messaging via local media to assist in advising the public on the new requirements.
- Create outreach to public/stakeholder strategy.
- Frequent outreach to our commercial and traveler stakeholders. DHS OPA messaging is critical to ensure consistency; field offices should then have the flexibility to engage locally.

#### Personnel Considerations

- Continue to practice social distancing, flexible scheduling/leave practices, engagement with NTEU, situational/episodic telework, etc.