Office of Information Governance and Privacy

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

U.S. Immigration and Customs Enforcement

January 19, 2021

Hart Wood
American Oversight
1030 15th St. NW, B255
Washington, DC 20005
Hart.wood@americanoversight.org

RE: AMERICAN OVERSIGHT v. U.S. DEPARTMENT OF HOMELAND SECURITY-1:21-cv-01171-TNM
ICE FOIA Case Number 2021-ICLI-00064
First Release

Dear Mr. Hart:

This letter is the first interim response to your client's Freedom of Information Act (FOIA) requests to U.S. Immigration and Customs Enforcement (ICE), dated July 16, 2021. Your FOIA request seeking records related to all final talking points prepared for Secretary Nielsen regarding the MPP and issues related to it, such as plans for lodging asylum seekers in Tijuana, plans for transporting migrants to and from Tijuana, expansion of the protocol to additional ports of entry, etc.

ICE has considered your request under the FOIA, 5 U.S.C. § 552.

A total of 638 pages of records were reviewed for this interim production. These 638 pages of records were located pursuant to a search of the Office of Enforcement and Removal Operations and the Office of the Principal Legal Advisor. After review of these documents, ICE has determined that 235 pages were deemed non-responsive and 103 pages were duplicative. The responsive 275 pages of records are attached and have been marked 2021-ICLI-00064 1 to 2021-ICLI-00064 275. Furthermore, 25 pages were sent for consultations to other agencies for their review and input.

ICE has applied FOIA Exemptions (b)(5), (b)(6), (b)(7)(C) and (b)(7)(E) to portions of the pages produced as described below.

FOIA Exemption 5 protects inter-agency or intra-agency deliberative process privilege, attorney work-product privilege, or attorney-client privilege information. Exemption 5 protects the integrity of the decision-making processes within the agency by exempting from mandatory disclosure opinions, conclusions, and recommendations included within inter-agency or intra-agency

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memoranda or letters. The release of this internal information would discourage the expression of candid opinions and inhibit the free and frank exchange of information among agency personnel.

FOIA Exemption 6 exempts from disclosure information in personnel or medical files and similar files the release of which would cause a clearly unwarranted invasion of personal privacy. This requires a balancing of the public's right to disclosure against the individual's right to privacy. The privacy interests of the individuals in the records you have requested outweigh any minimal public interest in disclosure of the information. Any private interest you may have in that information does not factor into the aforementioned balancing test.

FOIA Exemption 7(C) protects records or information compiled for law enforcement purposes when production of such could reasonably be expected to constitute an unwarranted invasion of personal privacy. This exemption takes particular note of the strong interests of individuals, whether they are suspects, witnesses, or investigators, in not being unwarrantably associated with alleged criminal activity. That interest extends to persons who are not only the subjects of the investigation, but those who may have their privacy invaded by having their identities and information about them revealed in connection with an investigation. Based upon the traditional recognition of strong privacy interests in law enforcement records, categorical withholding of information that identifies third parties in law enforcement records is ordinarily appropriate.

ICE has applied FOIA Exemption 7(E) to protect from disclosure internal agency case numbers contained within the document.

FOIA Exemption 7(E) protects records compiled for law enforcement purposes, the release of which would disclose techniques and/or procedures for law enforcement investigations or prosecutions or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law. I have determined that disclosure of certain law enforcement sensitive information contained within the responsive records could reasonably be expected to risk circumvention of the law. Additionally, the techniques and procedures at issue are not well known to the public.

If you have any questions about this letter, please contact Assistant United States Attorney Sean Michael Tepe at sean.tepe@usdoj.gov.

Sincerely,

KORRINA L STEWART
Digitally signed by KORRINA L STEWART
Date: 2022.01.19 11:32:33 -05'00'

Korrina Stewart
ICE Litigation Supervisor

Enclosure(s): 275 page(s)

cc: Sean Michael Tepe

AMERICAN OVERSIGHT

Assistant United States Attorney
sean.tepe@usdoj.gov

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Page 273

Withheld pursuant to exemption

(b)(5)

of the Freedom of Information and Privacy Act

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Page 274

Withheld pursuant to exemption

(b)(5)

of the Freedom of Information and Privacy Act

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Page 275

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(b)(5)

of the Freedom of Information and Privacy Act

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human misery every single day by exploiting people who are seeking a better life, deceiving them about our laws, and fueling everything from sexual slavery to the smuggling of illicit goods.

This chain of human misery is no more evident than with the tragic death of seven-year-old Jakelin Caal Maquin on December 8th. Her death has deeply affected the Border Patrol agents involved in her care. My heart goes out to her family and loved ones, and our entire Department mourns this tragedy.

What's more, the "caravans" headed toward our country highlight how out of control the situation has become. Working with our partners we have identified more than 600 criminals in the latest caravan flow, including individuals who have committed robberies, sexual assault, battery, and more. We can't let them sneak into our country. That's why we have a legal process—a front door—to do the right screening and vetting to keep Americans safe.

DHS Successes on Border and Immigration

At the President's direction, we have confronted this crisis head on. So for a moment, allow me to walk through some of the successes of the men and women of DHS in the past two years…

- We have championed a "**border wall system**," to include infrastructure, technology, and more personnel. We are building the first new border wall to go up in a decade, and expanding replacement wall. Let me be clear: WALLS WORK. And where we have them, we are blocking illegal aliens from getting into our country. We need more—MUCH more—from Congress. But if we don't get the resources, we will use every available option to ensure we can keep building.

- We have witnessed a dramatic uptick in total **apprehensions** at the southern border, including a 25 percent increase in just one year…

- We have implemented virtually every measure within our authority to end **"catch and release"** to keep as many illegal aliens as possible from being let go into our country…

- We have worked with the Pentagon to deploy **troops** to the southern border, which has helped us achieve tens of thousands of apprehensions and "turnbacks" of illegal aliens…

- We have dramatically increased referrals for **prosecution** of single adults illegally crossing the border, from 12 percent at the start of the Administration to nearly 50 percent today…

- We have launched a concerted effort to arrest **criminal aliens**, with a focus on targeting violent gang members, resulting in a more than 10 percent increase in ICE arrests and removals over the past year…and now 9 in 10 aliens arrested are either convicted criminals, have pending charges, are illegal reentrants, or are ICE fugitives…

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- We have worked tirelessly with the **Northern Triangle** countries to counter migrant smuggling, human trafficking, transnational criminals, and the drug trade closer to the source…

- We have stepped up efforts to **protect women and children** from being abused, kidnapped, sexually assaulted, and exploited upon their journey to our borders...

- We have doubled the number of **agreements with local law enforcement** for cooperation on immigration enforcement …

- We have ramped up efforts to combat the opioid epidemic and have seized thousands of pounds of **opioids**, including fentanyl …

- We are holding **recalcitrant countries** accountable when they refuse to take back their nationals after they have been ordered deported, reducing the number of uncooperative countries from 23 to nine today…

- …and much, much more.

These successes are a testament to our devoted workforce and their unbending commitment to the rule of law.

Calling on Congress to Act

But it's still not enough. We need Congress to act, or America's borders will never be fully secure.

In fact, until we deal with the poorly written and outdated laws that contribute to this problem, the situation will only get worse. Simply put, the laws aren't keeping up with the migrant flows.

The legal loopholes are obvious. Migrants and smugglers know about them. And they are using them to make a mockery of our immigration system.

First, migrants know that if they arrive with children, we can only detain them for days, and then we have to let them go. As a result, in the past five years we have seen a 620 percent increase in families apprehended at the border—and a spike in the number of "fake families."

Migrant adults are abusing children by using them as pawns to gain entry into America. This is unconscionable, and it needs to stop.

Second, migrants know that if they claim to be under the age of 18, they will also likely be let go. The result is a spike in fraudulent claims by adults saying they are children or teenagers.

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And third, as I will discuss shortly, there is the issue of asylum, with many, many illegal aliens falsely claiming fear of return to their home countries in order to stay—and staying for years before their claim is determined.

Taken together, these loopholes are nothing short of a disaster. Our system is breaking at the seams. And that is why I respectfully request, and will continue to ask, that Congress pass legislation to *CLOSE THESE LOOPHOLES*.

I stand ready to work with any Member of Congress who is serious about solutions.

An Announcement: The Migrant Protection Protocols

Despite Congressional inaction, we will not wait. We will not standby as the crisis worsens…as the numbers go up…as the drugs flow in…as crime seeps into our communities…as the human toll grows along the dangerous journey to our borders…and as smugglers and traffickers exploit our laws, the migrants themselves, and the generosity of the American people.

For nearly two years, we have been working to stop illegal entry while also standing by our commitment to protect people who are *actually* fleeing real persecution. Sadly, many migrants have been misled by smugglers that they can claim asylum if they are seeking jobs or to reunite with family members. But that's not how our laws work.

As I just noted, every year, tens of thousands of aliens cross our borders and falsely claim asylum. They say they are afraid to return home or they make claims that don't qualify. And U.S. courts ultimately find that the vast majority of them are not legitimate asylum-seekers. They are not fleeing persecution. And they must be returned home under our laws.

But by the time the courts have issued their orders, most of these illegal aliens have vanished within our country for good. They have escaped the law, undermined the system, and made it harder for us to actually help *real* asylum-seekers by flooding the system with false claims.

The bottom line is this: all too frequently, if they say the magic words, they get a free pass into America.

So today I am announcing historic measures to bring the situation under control.

Effective immediately, the United States will begin the process of invoking Section 235(b)(2)(C) of the Immigration and Nationality Act. Once implemented, individuals arriving in or entering the United States from Mexico—illegally or without proper documentation—may be returned to Mexico for the duration of their immigration proceedings.

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They will not be able to disappear into the United States. They will have to wait for approval to come into the United States. If they are granted asylum by a U.S. judge, they will be welcomed into America. If they are not, they will be removed to their home countries.

Let me be clear: we will undertake these steps consistent with our domestic and international legal obligations, including our humanitarian commitments.

We have notified the Mexican government of our intended actions. In response, Mexico has informed us they will commit to implement essential measures on their side of the border to facilitate this process by providing humanitarian assistance. They have announced that affected migrants will receive humanitarian visas to stay on Mexican soil, the ability to apply for work, and other protections while they await a U.S. legal determination.

In the coming days, we will discuss with Mexico ways to ensure the implementation of our decision in a way that is transparent, effective, and ensures a safe and orderly flow.

Moreover, as was announced by the United States and Mexico on December 18th, both countries are also committed to work on a comprehensive plan to reduce irregular migration across the region. This is something I have personally spent years pursuing behind the scenes. I have had dozens of meetings with leaders from the Northern Triangle, convened private sector executives, and put forth proposals to address the root causes of illegal migration.

We look forward to working with our Mexican partners to jointly address smuggling, trafficking, and illegal cross-border activity throughout Central America—once and for all.

I can't overstate the significance of these developments.

We are taking lawful, unilateral action to stop illegal entry *now*. Mexico is taking its own appropriate actions in response. And our two countries have committed to a major regional plan to solve the crisis.

I am sure you will have questions. And I look forward to answering them today.

But the credit for these bold actions belongs to the hardworking men and women who defend our territory every day. They will implement the the measures professionally, compassionately, and in coordination with our close Mexican partners.

These protocols will result in a significant decrease in illegal migration across our border, and importantly they will disincentive perilous journeys to the United States in the first place.

In the meantime, our foreign partners and international organizations are working hard to ensure migrants receive assistance closer to home. We've asked all countries in the region to increase their capacity for asylum so vulnerable populations can be assisted as soon as possible in their journey.

Conclusion

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This is not the end of the story. Once again, I still implore Congress to respond to the demands of the American people and close the immigration loopholes themselves which are the source of our present dilemma.

America is the most compassionate nation in the world and a beacon of hope for all who seek a better life. We can, and should, ensure that those aspiring to join our enduring republic can do so fairly, safely, and humanely…but not *illegally*. For that, we need your help.

I thank this Committee again for its leadership on these issues, and I look forward to your questions.

###

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From: (b)(6); (b)(7)(C)
Sent: Thu, 3 Jan 2019 22:58:36 +0000
To: (b)(6); (b)(7)(C)
Subject: FW: MPP regulation
Attachments: DRAFT Dec 24 Data Memo for Record.docx, Daily Immigration Update_12.24.18.pdf

I am good with (b)(6); (b)(7)(C) quest, I think our only discussion is who should sign the memo (b)(6); (b)(7)(C) would be my recommendation, she knows the data pull and could easily speak to the process if required to explain/testify

---

From: (b)(6); (b)(7)(C)
Sent: Thursday, January 3, 2019 5:29 PM
To: (b)(6); (b)(7)(C) (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>; #ERO CHIEFS OF STAFF <EROCHIEFSOFSTAFF@ice.dhs.gov> (b)(6); (b)(7)(C) @ice.dhs.gov>; Davis, Mike P <Mike.P.Davis@ice.dhs.gov> (b)(6); (b)(7)(C) @ice.dhs.gov>
Subject: RE: MPP regulation

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

Thank you again for your quick review of the relevant language in the draft MPP IFR. As you may recall, one of my questions was whether you had any opposition to including the attached December 24, 2018 "Senior Leadership Daily Immigration Report" in the administrative record (which would be subject to disclosure in litigation challenging the IFR). You indicated (b)(5) DHS OGC has concerns with (b)(5)

Please let me know, preferably this afternoon/evening if you would be comfortable having someone sign the memorandum. We wouldn't need it signed tonight (tomorrow, however, we would). I have no legal concerns with this approach, and it need not be a senior ERO official. It could just as easily be someone who pulled the data and provided it to the MCAT for inclusion in the report.

Thanks in advance,

(b)(6); (b)(7)(C)
Deputy Principal Legal Advisor for Enforcement and Litigation
Office of the Principal Legal Advisor
U.S. Immigration and Customs Enforcement
Desk: 202-732 (b)(6); (b)(7)(C)
Iphone: 202-500 (b)(6);
(b)(6); (b)(7)(C) @ice.dhs.gov

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From (b)(6); (b)(7)(C)
Sent: Thursday, January 3, 2019 11:41 AM
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>; #ERO CHIEFS OF STAFF <EROCHIEFSOFSTAFF@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: MPP regulation

10-4

(b)(6); (b)(7)(C)
ICE ERO

From (b)(6); (b)(7)(C) ce.dhs.gov>
Date: Thursday, Jan 03, 2019, 11:38
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>, #ERO CHIEFS OF STAFF <EROCHIEFSOFSTAFF@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: MPP regulation

Thanks so much, (b)(6); This was a big help. We will keep you updated as this moves forward.

(b)(6); (b)(7)(C)
Deputy Principal Legal Advisor for Enforcement and Litigation
Office of the Principal Legal Advisor
U.S. Immigration and Customs Enforcement
Desk: 202-732 (b)(6); (b)(7)(C)
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(b)(6); (b)(7)(C) @ice.dhs.gov

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From (b)(6); (b)(7)(C)
Sent: Thursday, January 3, 2019 9:56 AM
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>; #ERO CHIEFS OF STAFF <EROCHIEFSOFSTAFF@ice.dhs.gov>; (b)(6); (b)(7)(C) @ice.dhs.gov>; (b)(6); (b)(7)(C)

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(b)(6); (b)(7)(C) @ice.dhs.gov>
Subject: RE: MPP regulation

Good morning; attached is our response, please let us know if you have questions/concerns. We requested that you (b)(5) (see comment on doc). Thanks, (b)(6);

From: (b)(6); (b)(7)(C)
Sent: Thursday, January 3, 2019 8:53 AM
To: (b)(6); (b)(7)(C) @ice.dhs.gov>; (b)(6); (b)(7)(C) r@ice.dhs.gov>
Cc: (b)(6); (b)(7)(C) @ice.dhs.gov; (b)(6); (b)(7)(C)
<(b)(6); (b)(7)(C) ice.dhs.gov>; #ERO CHIEFS OF STAFF <EROCHIEFSOFSTAFF@ice.dhs.gov>; (b)(6);
(b)(6); (b)(7)(C) @ice.dhs.gov>; (b)(6); (b)(7)(C) acono@ice.dhs.gov>
Subject: RE: MPP regulation
Importance: High

ERO Colleagues-

Please work from this version. It includes some minor redlines based upon information provided by ERO Field Ops yesterday evening. With the new data provided, (b)(5) and need your position on i (b)(5)

Thanks,

(b)(6); (b)(7)(C)
Deputy Principal Legal Advisor for Enforcement and Litigation
Office of the Principal Legal Advisor
U.S. Immigration and Customs Enforcement
Desk: 202-732 (b)(6);
Iphone: 202-50 (b)(6);
(b)(6); (b)(7)(C) @ice.dhs.gov

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From: (b)(6); (b)(7)(C)
Sent: Wednesday, January 2, 2019 10:04 PM
To: (b)(6); (b)(7)(C) ice.dhs.gov>; (b)(6); (b)(7)(C)
(b)(6); (b)(7)(C) @ice.dhs.gov>
Cc: (b)(6); (b)(7)(C) @ice.dhs.gov>; (b)(6); (b)(7)(C)
(b)(6); (b)(7)(C) ce.dhs.gov>; #ERO CHIEFS OF STAFF <EROCHIEFSOFSTAFF@ice.dhs.gov>; (b)(6);
(b)(6); (b)(7)(C) @ice.dhs.gov; (b)(6); (b)(7)(C) @ice.dhs.gov>
Subject: RE: MPP regulation

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Thank you, all!

(b)(6); (b)(7)(C)
Executive Deputy Principal Legal Advisor
U.S. Immigration and Customs Enforcement
202.732.(b)(6); office) | 202.904.(b)(6); mobile)
(b)(6); (b)(7)(C)@ice.dhs.gov

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From: (b)(6); (b)(7)(C)@ice.dhs.gov>
Date: Wednesday, Jan 02, 2019, 10:02 PM
To: (b)(6); (b)(7)(C).dhs.gov>
Cc: (b)(6); (b)(7)(C).dhs.gov>, (b)(6); (b)(7)(C)@ice.dhs.gov>, #ERO CHIEFS OF STAFF <EROCHIEFSOFSTAFF@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: MPP regulation

(b)(6);

We will make it priority first thing in the am.

Thx!

Sent with BlackBerry Work
(www.blackberry.com)

From: (b)(6); (b)(7)(C)dhs.gov>
Date: Wednesday, Jan 02, 2019, 10:00 PM
To: (b)(6); (b)(7)(C).dhs.gov>
Cc: (b)(6); (b)(7)(C)@ice.dhs.gov>, (b)(6); (b)(7)(C)@ice.dhs.gov>, #ERO CHIEFS OF STAFF <EROCHIEFSOFSTAFF@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: MPP regulation

(b)(6); d team-

Following up on (b)(6); message below, attached is a clean draft of the MPP IFR with a number of comments for ERO, highlighted in yellow, on pages 17-21. Only a few are requests for information. The others are requests for documents to support factual assertions included in the draft IFR. We would also welcome ERO's quick review of the language in pages 17-21 generally.

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I can only apologize for the unreasonably short turnaround on this, but **we have been directed to get this back to DHS OGC by noon tomorrow. So, we would appreciate ERO's input and responses by 11am if at all possible**. I understand this is a priority for S1.

Thanks,

(b)(6); (b)(7)(C)
Deputy Principal Legal Advisor for Enforcement and Litigation
Office of the Principal Legal Advisor
U.S. Immigration and Customs Enforcement
Desk: 202-732-(b)(6); (b)(7)(C)
Iphone: 202-500-(b)(6);
(b)(6); (b)(7)(C) e.dhs.gov

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From: (b)(6); (b)(7)(C)
Sent: Wednesday, January 2, 2019 10:43 AM
To: (b)(6); (b)(7)(C) ice.dhs.gov>
Cc: (b)(6); (b)(7)(C) @ice.dhs.gov>; (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) @ice.dhs.gov>; (b)(6); (b)(7)(C) @ice.dhs.gov>; #ERO CHIEFS OF STAFF (b)(6); (b)(7)(C) ; (b)(6); (b)(7)(C) @ice.dhs.gov>
Subject: RE: MPP regulation

Thank (b)(6); (b)(7)(C) - adding the team and on standby to assist as needed.

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

From: (b)(6); (b)(7)(C)
Sent: Wednesday, January 2, 2019 9:19 AM
To: (b)(6); (b)(7)(C) ice.dhs.gov>
C (b)(6); (b)(7)(C) @ice.dhs.gov>; (b)(6); (b)(7)(C)
(b)(6); (b)(7)(C) @ice.dhs.gov>
Subject: MPP regulation

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

AMERICAN OVERSIGHT

(b)(5)

er

(b)(5) No action items for you at this point, but I wanted to give you a heads-up that we'd be bothering your team (more than usual) this morning.

Thanks,

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

(b)(6); (b)(7)(C)
Executive Deputy Principal Legal Advisor
U.S. Immigration and Customs Enforcement
202.732.(b)(6); (office) | 202.904.(b)(6); (mobile)
(b)(6); (b)(7)(C) @ice.dhs.gov

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Page 012

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(b)(5)

of the Freedom of Information and Privacy Act

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Senior Leadership
Daily Immigration Report

Data through: December 23, 2018
Compiled: December 24, 2018 @ 12:43

		Apprehensions/ Inadmissibles	21 Day Average	In Custody/Holding 12/24/18 6:45			CBP Processing Complete* 12/24/18 5:50
CBP Southwest Border Total	*UAC*	174	199	Tender Age	95	53 (Over 72 Hrs)	561
				13-17	633	280 (Over 72 Hrs)	
	AM (OFO Only)	4	3	0			0
	FMUA	1,069	1,207	4,912			1,686
	Single Adult	613	774	2,363			1,315
	Total	**1,860**	**2,183**	**8,003**			**3,562**

		Population In Care	Discharged	Funded/Online Beds	Occupancy Rate	Open (Online) Beds	Reserve Beds	Pending Placement
HHS	As of: 12/23/2018	14,002	499	16,051	87%	2,049	10	498
	Change from Previous Day	-148	+158	0	-0.9%	+148	0	-168

		Adult Removals	Adults Transferred	UAC Transferred	Pending Transport			Daily Adult Population	FMUA Population (FRC)	Alternative to Detention (ATD) Enrollment
ICE ERO	Number of Individuals	824	438	300	UAC	210		45,150	1,711	93,635
							Capacity:	43,324	~2,500	81,024
	Completion Date:	12/20/2018	12/20/2018	12/23/2018	FMUA	6	Percent Capacity:	**104%**	**68%**	**116%**
	Flights:	**8**	**4**	**N/A**						

Data is compiled daily by the CBP Migration Crisis Action Team (MCAT) using data provided by the respective offices of primary responsibility. Specific issues or emerging trends are addressed in the accompanying email. For questions or concerns with this report, please contact CBP-MCAT-TEAM@cbp.dhs.gov and a team member will contact the appropriate office.

*CBP Processing Complete: A Supervisor has signed off on the file and the alien is ready for either repatriation (Mexican nationals) or referral to ICE/ERO, U.S. Marshals (prosecution or HHS (UAC).

U.S. Customs and Border Protection

Administration for Children & Families Office of Refugee Resettlement

U.S. Immigration and Customs Enforcement

AMERICAN OVERSIGHT

Page 014

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Senior Leadership
Daily Immigration Report

Data through: December 23, 2018
Compiled: December 24, 2018 @ 12:43

		Apprehensions/ Inadmissibles	21 Day Average	In Custody/Holding 12/24/18 6:45			CBP Processing Complete* 12/24/18 5:50
CBP Southwest Border Total	*UAC*	174	199	Tender Age	95	53 (Over 72 Hrs)	561
				13-17	633	280 (Over 72 Hrs)	
	AM (OFO Only)	4	3	0			0
	FMUA	1,069	1,207	4,912			1,686
	Single Adult	613	774	2,363			1,315
	Total	**1,860**	**2,183**	**8,003**			**3,562**

		Population In Care	Discharged	Funded/Online Beds	Occupancy Rate	Open (Online) Beds	Reserve Beds	Pending Placement
HHS	As of: 12/23/2018	14,002	499	16,051	87%	2,049	10	498
	Change from Previous Day	-148	+158	0	-0.9%	+148	0	-168

		Adult Removals	Adults Transferred	UAC Transferred	Pending Transport			Daily Adult Population	FMUA Population (FRC)	Alternative to Detention (ATD) Enrollment
ICE ERO	Number of Individuals	824	438	300	UAC	210		45,150	1,711	93,635
							Capacity:	43,324	~2,500	81,024
	Completion Date:	12/20/2018	12/20/2018	12/23/2018	FMUA	6	Percent Capacity:	**104%**	**68%**	**116%**
	Flights:	**8**	**4**	**N/A**						

Data is compiled daily by the CBP Migration Crisis Action Team (MCAT) using data provided by the respective offices of primary responsibility. Specific issues or emerging trends are addressed in the accompanying email. For questions or concerns with this report, please contact CBP-MCAT-TEAM@cbp.dhs.gov and a team member will contact the appropriate office.

*CBP Processing Complete: A Supervisor has signed off on the file and the alien is ready for either repatriation (Mexican nationals) or referral to ICE/ERO, U.S. Marshals (prosecution or HHS (UAC).

U.S. Customs and Border Protection

Administration for Children & Families Office of Refugee Resettlement

U.S. Immigration and Customs Enforcement

AMERICAN OVERSIGHT

From: (b)(6); (b)(7)(C)
Sent: Fri, 21 Dec 2018 23:59:36 +0000
To: (b)(6); (b)(7)(C)
Cc: (b)(6); (b)(7)(C)
(b)(6); (b)(7)(C)
Subject: FW: SND working groups regarding "Port Court"
Attachments: FW: DHS-DOJ/EOIR RIM Court Facility Discussions, FW: Remain in Mexico - San Diego Planning

Matt,

(b)(6); had a call with (b)(6); his evening to (b)(5)
(b)(5) His summary of the call along with email traffic from that timeframe included in this message for your review.

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

From (b)(6); (b)(7)(C)
Sent: Friday, December 21, 2018 6:40 PM
To: (b)(6); (b)(7)(C) @ice.dhs.gov>
Subject: SND working groups regarding "Port Court"

Good evening

(b)(5)

In November 2018, San Diego workgroup partners from ERO, CBP, EOIR, USCIS worked on RIM problem solving – most specifically on matters related to conducting court hearings. The work group briefed the CBP Policy Executive Director on the potential use of an area of the POE where there is a sally port and modular buildings. I've attached a couple of emails that shows the traffic and information going between field and CBP (and ERO) HQ leaders regarding use of that area. Per R (b)(5)

(b)(5)

The CBP workgroup partner (who is introduced by the CBP Executive Director to the rest of the group in one of the messages) is (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) s an Assistant Port Director in SYS.

I've placed the emails below for ease of reading – they are also attachments. Safe to say CBP HQ was aware of these proposals (b)(6); (b)(7)(C)

AMERICAN OVERSIGHT

_____
Assistant Director
Field Operations
202(b)(6); (b)(7)(C)

From: (b)(6); (b)(7)(C)
Date: Wednesday, Nov 28, 2018, 4:21 PM
To: (b)(6); (b)(7)(C)
(b)(6); (b)(7)(C)
Cc: (b)(6); (b)(7)(C)
(b)(6); (b)(7)(C)
Subject: RE: Remain in Mexico - San Diego Planning

We also suggested (b)(5) vehicle lot. It would not be difficult to do and it would be away from (b)(5)

(b)(6); (b)(7)(C)
Field Office Director
U.S. Immigration & Customs Enforcement
San Diego, CA

From: (b)(6); (b)(7)(C)
Date: Wednesday, Nov 28, 2018, 1:00 PM
To: (b)(6); (b)(7)(C)
(b)(6); (b)(7)(C)
Cc: (b)(6); (b)(7)(C)
(b)(6); (b)(7)(C)
Subject: FW: Remain in Mexico - San Diego Planning

All,

Just ended the meeting that included EOIR, OFO, BP, CIS, Asylum and ICE. We all agreed to
(b)(6); (b)(7)(C)
(b)(6); (b)(7)(C)

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AMERICAN OVERSIGHT



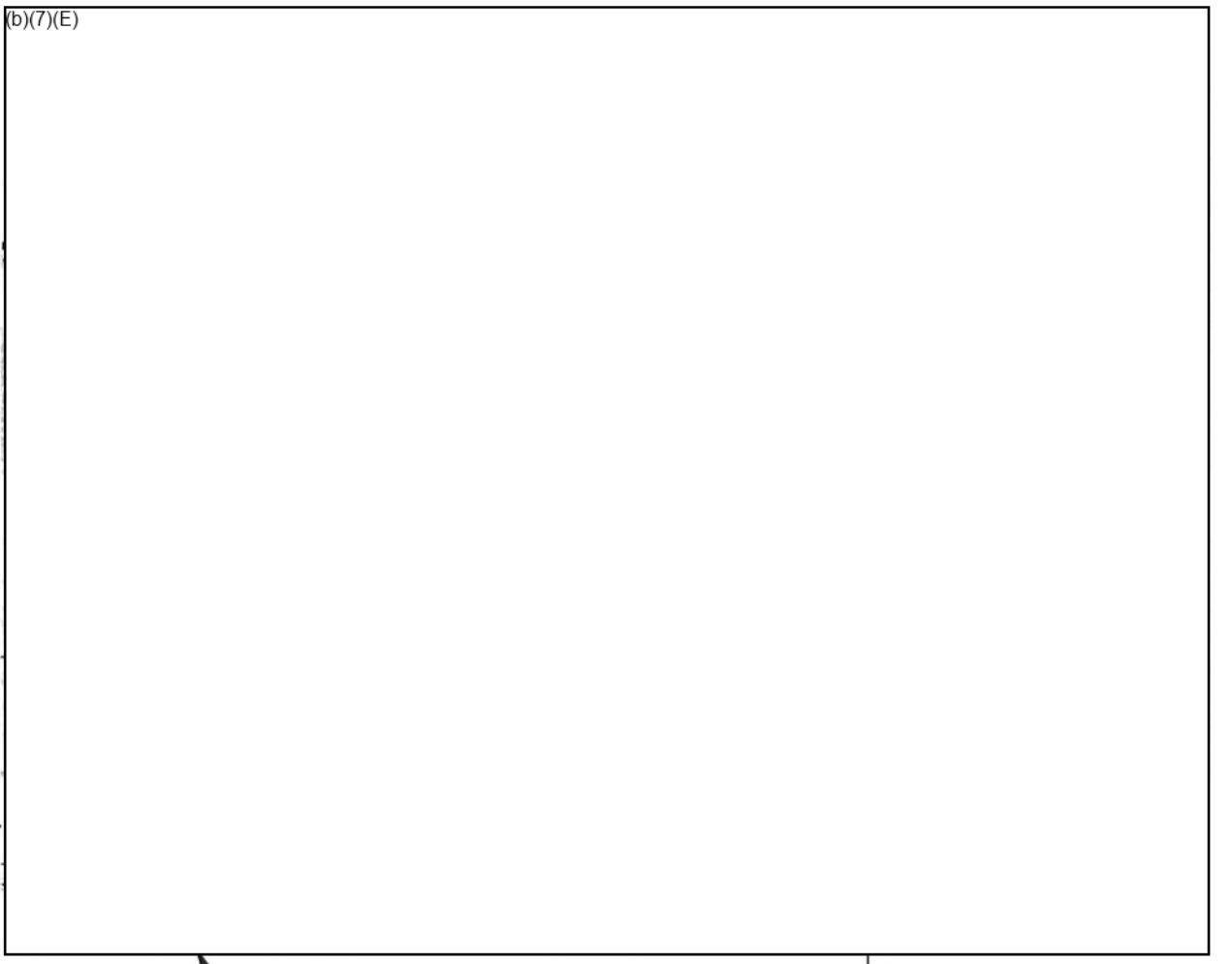
AMERICAN OVERSIGHT



AMERICAN OVERSIGHT

USA

(b)(7)(E)



Ped West

MEXICO

AMERICAN OVERSIGHT

(b)(7)(E)

AMERICAN OVERSIGHT

From: (b)(6); (b)(7)(C)
Sent: Fri, 21 Dec 2018 22:02:42 +0000
To: (b)(6); (b)(7)(C)
Subject: FW: Remain in Mexico - San Diego Planning

This is the message where we all agreed that the POE would be best.

(b)(6); (b)(7)(C)
Field Office Director
Immigration & Customs Enforcement
San Diego, CA

From: (b)(6); (b)(7)(C) (b)(6); (b)(7)(C)@ice.dhs.gov>
Date: Wednesday, Nov 28, 2018, 3:01 PM
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>
Subject: RE: Remain in Mexico - San Diego Planning

They could also use (b)(5) ….if there is a will there is a way!

From (b)(6); (b)(7)(C)
Sent: Wednesday, November 28, 2018 2:43 PM
To: (b)(6); (b)(7)(C) (b)(6); (b)(7)(C)@ice.dhs.gov>; (b)(6); (b)(7)(C)<(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>
Subject: RE: Remain in Mexico - San Diego Planning

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

Sent with BlackBerry Work
(www.blackberry.com)

From: Archambeault, Gregory J (b)(6); (b)(7)(C)@ice.dhs.gov>
Date: Wednesday, Nov 28, 2018, 4:21 PM
To: (b)(6); (b)(7)(C)ice.dhs.gov>; (b)(6); (b)(7)(C)e.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>
Subject: RE: Remain in Mexico - San Diego Planning

AMERICAN OVERSIGHT

We also suggested to OFO to put a trailer at the Otay Mesa Port if Entry in the commercial vehicle lot. It would not be difficult to do and it would be away from San Ysidro POE.

(b)(6); (b)(7)(C)
Field Office Director
U.S. Immigration & Customs Enforcement
San Diego, CA

From: (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) @ice.dhs.gov>
Date: Wednesday, Nov 28, 2018, 1:00 PM
To: (b)(6); (b)(7)(C) @ice.dhs.gov>, (b)(6); (b)(7)(C) @ice.dhs.gov>, (b)(6);
(b)(6); (b)(7)(C) @ice.dhs.gov>
C (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: FW: Remain in Mexico - San Diego Planning

All,

Just ended the meeting that included EOIR, OFO, BP, CIS, Asylum and ICE. We all agreed to

(b)(5)

EOIR is meeting later today with GSA and building management to discuss (b)(5)
(b)(5)

Although we discussed the many challenges with each plan, any real operational planning couldn't move forward until we know where hearings will take place.

We plan to meet again tomorrow.

(b)(6); (b)(7)(C)
Field Office Director
U.S. Immigration & Customs Enforcement
San Diego, CA

AMERICAN OVERSIGHT

From: (b)(6); (b)(7)(C)
Sent: Fri, 21 Dec 2018 22:02:42 +0000
To: (b)(6); (b)(7)(C)
Subject: FW: Remain in Mexico - San Diego Planning

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Field Office Director
Immigration & Customs Enforcement
San Diego, CA

From: (b)(6); (b)(7)(C) (b)(6); (b)(7)(C)@ice.dhs.gov>
Date: Wednesday, Nov 28, 2018, 3:01 PM
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>
Subject: RE: Remain in Mexico - San Diego Planning

They could also use the sally port or put a trailer in the parking lot……if there is a will there is a way!

From (b)(6); (b)(7)(C)
Sent: Wednesday, November 28, 2018 2:43 PM
To: Archambeault, Gregory J (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>
Subject: RE: Remain in Mexico - San Diego Planning

Thanks Greg.

Sent with BlackBerry Work
(www.blackberry.com)

From: (b)(6); (b)(7)(C) (b)(6); (b)(7)(C)@ice.dhs.gov>
Date: Wednesday, Nov 28, 2018, 4:21 PM
To: (b)(6); (b)(7)(C)@ice.dhs.gov>, (b)(6); (b)(7)(C)@ice.dhs.gov>, (b)(6); (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>
Subject: RE: Remain in Mexico - San Diego Planning

AMERICAN OVERSIGHT

We also suggested to (b)(5)
(b)(5)

(b)(6); (b)(7)(C)
Field Office Director
U.S. Immigration & Customs Enforcement
San Diego, CA

From: (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) @ice.dhs.gov>
Date: Wednesday, Nov 28, 2018, 1:00 PM
To: (b)(6); (b)(7)(C) @ice.dhs.gov> (b)(6); (b)(7)(C) @ice.dhs.gov>, (b)(6);
(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>
Subject: FW: Remain in Mexico - San Diego Planning

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(b)(5)

Although we discussed the many challenges with each plan, any real operational planning couldn't move forward until we know where hearings will take place.

We plan to meet again tomorrow.

(b)(6); (b)(7)(C)
Field Office Director
U.S. Immigration & Customs Enforcement
San Diego, CA

AMERICAN OVERSIGHT

From: (b)(6); (b)(7)(C)
Sent: Fri, 21 Dec 2018 22:00:26 +0000
To: (b)(6); (b)(7)(C)
Subject: FW: DHS-DOJ/EOIR RIM Court Facility Discussions
Attachments: IMG_5754.jpg, IMG_5755.jpg, IMG_5757.jpg, IMG_5758.jpg, IMG_5759.jpg, IMG_5760.jpg, IMG_5762.jpg, IMG_5763.jpg, IMG_5765.jpg, PedWest.pdf

(b)(6); (b)(7)(C)
Field Office Director
Immigration & Customs Enforcement
San Diego, CA

From: (b)(6); (b)(7)(C) (b)(6); (b)(7)(C)@ice.dhs.gov>
Date: Saturday, Dec 01, 2018, 10:07 AM
To: (b)(6); (b)(7)(C)@ice.dhs.gov>, PETERLIN, MEGHANN K <meghann.k.peterlin@cbp.dhs.gov>(b)(6); (b)(7)(C)@ice.dhs.gov>
Cc: MISENHELTER, JOSEPH <JOSEPH.MISENHELTER@CBP.DHS.GOV>, BLANCHARD-JR, KENNETH W <KENNETH.W.BLANCHARD-JR@CBP.DHS.GOV>, BOYD, VALERIE S <valerie.s.boyd@cbp.dhs.gov>, Gross, Paul E <Paul.E.Gross@ice.dhs.gov>, HAYES, BRADLEY F <bradley.f.hayes@cbp.dhs.gov>, BUTLER, AMY J <AMY.J.BUTLER@cbp.dhs.gov>(b)(6); (b)(7)(C)
(b)(6); (b)(7)(C)@ice.dhs.gov>(b)(6); (b)(7)(C)s.gov>(b)(6); (b)(7)(C)
(b)(6); (b)(7)(C)@ice.dhs.gov>
Subject: RE: DHS-DOJ/EOIR RIM Court Facility Discussions

The MexCon moved out of an eyeballed estimate of about 2000 sqft., and shared conference rooms. Also, a security company moved or is moving out (provided security for the construction site). There is one CBP person in an office in the trailer that is over seeing the construction project.
The construction company is in a separate trailer.
SYS at PedWest also has a sally port they could use (they used it to process Haitians during that crisis). There is also some open space (not sure who owns but looks available to put trailers on).

I've attached some photos.

(b)(6); (b)(7)(C)
Field Office Director
U.S. Immigration & Customs Enforcement
San Diego, CA

From: Jennings, David W <David.W.Jennings@ice.dhs.gov>
Date: Saturday, Dec 01, 2018, 9:57 AM

AMERICAN OVERSIGHT

Thanks, Meghann. Adding folks from ERO.

Sent with BlackBerry Work
(www.blackberry.com)

From: PETERLIN, MEGHANN K <meghann.k.peterlin@cbp.dhs.gov>
Date: Saturday, Dec 01, 2018, 10:36 AM
T (b)(6); (b)(7)(C) @ice.dhs.gov>
Cc: MISENHELTER, JOSEPH <JOSEPH.MISENHELTER@CBP.DHS.GOV>, BLANCHARD-JR, KENNETH W <KENNETH.W.BLANCHARD-JR@CBP.DHS.GOV>, BOYD, VALERIE S <valerie.s.boyd@cbp.dhs.gov>
Subject: FW: DHS-DOJ/EOIR RIM Court Facility Discussions

Hi (b)(6); (b)(7)(C) Good morning. I hope you're enjoying your Saturday so far!

I've cc-ed Joe Misenhelter in San Diego to this email. Wondered if you wouldn't mind please putting him/us in touch with your field folks who are reporting the available SYS space? Everyone I've talked to is firm that that there isn't any empty space at SYS.

Hoping we can get ICE and CBP connected directly on the ground, and ask them to come back with the agreed answer whether any space actually exists?

Joe for awareness, ICE reported this morning:

Space at POEs:

(b)(5)

Thank you much!
Meghann

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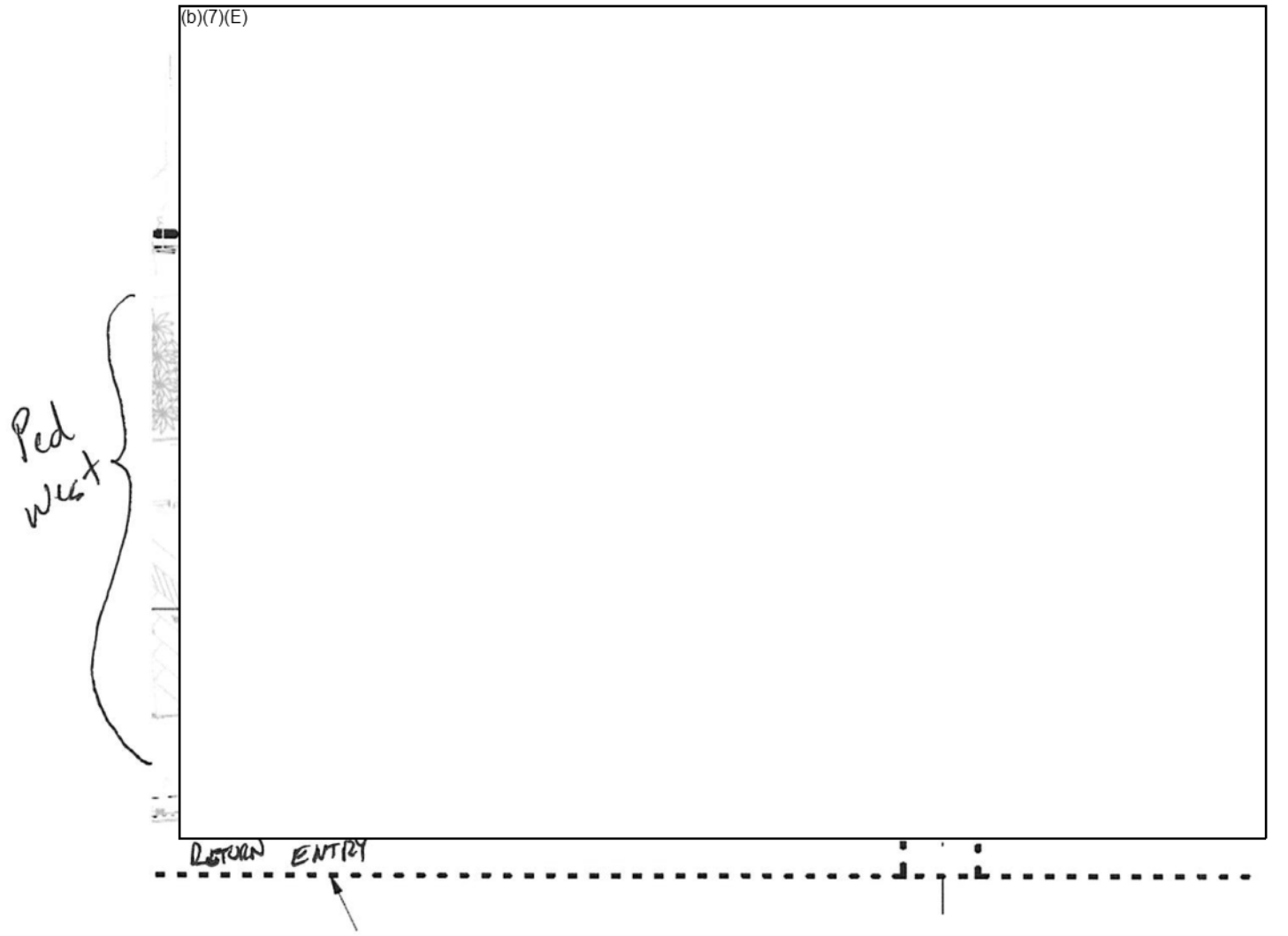


AMERICAN OVERSIGHT



AMERICAN OVERSIGHT

USA



MEXICO

AMERICAN OVERSIGHT

From: (b)(6); (b)(7)(C)
Sent: Thu, 20 Dec 2018 23:41:13 +0000
To: (b)(6); (b)(7)(C)
Subject: FW: SYS POE/MPP and ICE AirOps Update
Attachments: IMG_5762.jpg, IMG_5763.jpg, IMG_5764.jpg, IMG_5765.jpg, IMG_5754.jpg, IMG_5755.jpg, IMG_5757.jpg, IMG_5758.jpg, IMG_5759.jpg, IMG_5760.jpg, IMG_5761.jpg, PedWest.pdf

Suggested edits and additions

From (b)(6); (b)(7)(C)
Sent: Thursday, December 20, 2018 6:28 PM
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>
Subject: SYS POE/MPP and ICE AirOps Update

(b)(6); (b)(7)(C)
Per your request, please find below a summary of the concerns discussed today and attached the photos that Greg had sent of the SYS POE in November. I understand that the trailer may have been moved from this location.

Migrant Protection Protocol (MPP)
Given the recent roll out of MPP, ICE reexamined the operational planning options that the interagency has proposed and believes that to ensure a safe and successful implementation, DHS must consider

(b)(5)

Medical/Health Considerations

(b)(5)

Security/Transport Considerations

(b)(5)

AMERICAN OVERSIGHT

(b)(5)

Additional Fear Screening

(b)(5)

Separate Update Relating to Removals

ICE AirOps has been notified of routine yearly country closures during the holiday season for Guatemala, El Salvador and Honduras. ICE AirOps will continue coordinating with the field offices in effort to fill as many seats as possible this week due to the impending closures. We currently have flights scheduled into Guatemala and Honduras for December 26-28th. ICE AirOps will not conduct removal flights into the countries as referenced below:

Scheduled Closures:

- Guatemala will be closed on Friday, December 21, 2018 through Tuesday, December 25, 2018 and December 31, 2018 through January 1, 2019.
- El Salvador will be closed on Monday, December 24, 2018 through Tuesday, January 1, 2019.
- Honduras will be closed on Tuesday, December 25, 2018 and January 1, 2019.

(b)(6); (b)(7)(C)
Assistant Director
Office of Policy and Planning
U.S. Immigration and Customs Enforcement
(202) 732-(b)(6); (b)(7)(C) (office)
(202) 270- (cell)

From: (b)(6); (b)(7)(C)
Sent: Tuesday, November 27, 2018 6:03 PM
To: (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>
Subject: POE Trailer Photos

AMERICAN OVERSIGHT

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

Please find attached some photos of the trailer and surrounding area of PedWest which is perfect for EOIR to hold hearings. The trailer is about 2000 square feet with a couple of offices, additional conference rooms and restrooms. The Mexican Consulate and a construction security company were using it as temporary office space but this week are moving into the permanent port building so it will be available. I don't know if there are issues with the ongoing construction project with GSA but if the WH wants RIM to be successful then any plan can be changed/postponed to allow EOIR to use.

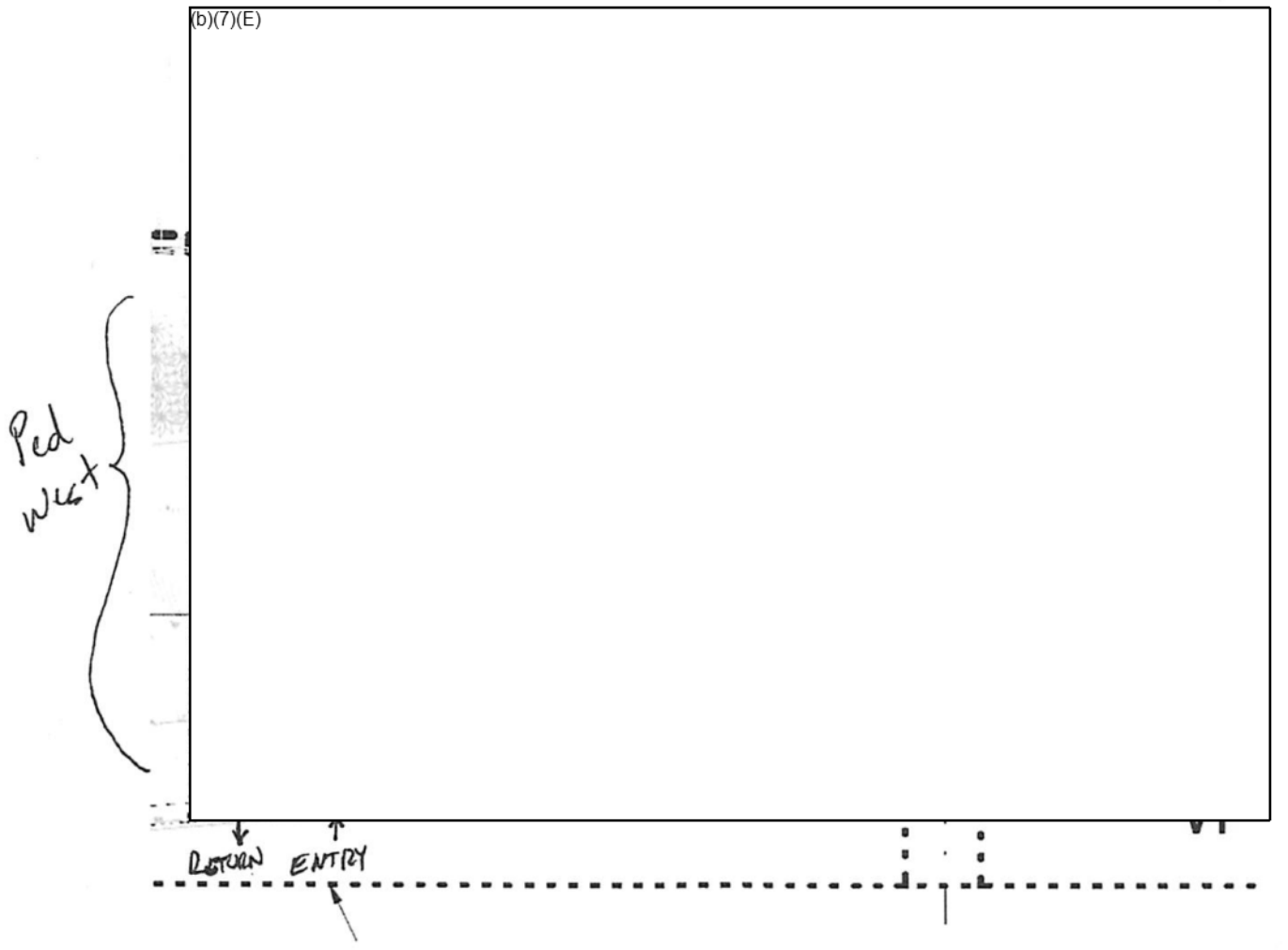
I've also included a drawing showing ease of access for entry into the US, to the courtroom and return to Mexico. There is a follow up meeting Wednesday at 11a so I'll find out what CBP might be doing to use this space since I brought it up yesterday afternoon with the Deputy DFO and she was going to look into it.

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

Field Office Director
U.S. Immigration & Customs Enforcement
San Diego, California
(619) 436-(b)(6)

AMERICAN OVERSIGHT

USA



MEXICO

AMERICAN OVERSIGHT

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(b)(5)

of the Freedom of Information and Privacy Act

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Withheld pursuant to exemption

(b)(5)

of the Freedom of Information and Privacy Act

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From: (b)(6); (b)(7)(C)
Sent: Fri, 21 Dec 2018 15:07:04 +0000
To: ICE.Schedule (b)(6); (b)(7)(C) Albence, Matthew (b)(6); (b)(6); (b)(7)(C) (b)(6); (b)(7)(C)
Subject: MPP Implementation Call w/ S1
Attachments: 235(b)(2)(C) DHS-GOM Migrant Protection Protocol .docx, 235(b)(2)(C) DHS-GOM MPP LOCAL AGREEMENT ANNEX.DOCX, MPP Appendix 1.docx

Please join AD1 for his call with S1 on the MPP Implementation.

(b)(7)(E)

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AMERICAN OVERSIGHT

From: (b)(6); (b)(7)(C)
Sent: Fri, 28 Dec 2018 18:24:36 +0000
To: (b)(6); (b)(7)(C)
(b)(6);
Cc: (b)(6); (b)(7)(C)
Subject: MPP Notes

Good afternoon,

Notes from this afternoon's MPP call are below.

(b)(5)

Thanks,

(b)(6); (b)(7)(C)
Office of Policy and Planning
U.S. Immigration and Customs Enforcement
(202)732-(b)(6); (b)(7)(C) (office)
(202)304-(b)(6); (b)(7)(C) (cell)

AMERICAN OVERSIGHT

From: (b)(6); (b)(7)(C)
Sent: Thu, 3 Jan 2019 22:27:50 +0000
To: (b)(6); (b)(7)(C) ;Albence, Matthew (b)(6); (b)(7)(C)
(b)(6); Archambeault, Gregory J (b)(6); (b)(7)(C)
(b)(6); (b)(7)(C)
Cc: (b)(6); (b)(7)(C)
T;#ERO CHIEFS OF STAFF
Subject: MPP Working Group Readout

Good afternoon,

OPLA, ERO, and OPP participated in a working group meeting on MPP with CBP, USCIS, OGC, DHS Budget, DHS Policy, and DOS today. The meeting was very productive and we were able to work through a number of issues, but some issues still remain. Below is a brief summary of the meeting and next steps. There were a number of topics covered, so note the highlighted portions for ICE action or leadership visibility. CBP will update various documents based on edits/comments received and discussions today and will circulate back to Components for final review and clearance.

- Technical Agreement with Mexico
  (b)(5)
- Access to Counsel
  (b)(5)
- USC children
  (b)(5)
- Parole question

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- Security at the courthouse

(b)(5)

- Tear Sheet

(b)(5)

- ISS Access and Scheduling

(b)(5)

- Fingerprinting

(b)(5)

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- Reporting metrics

(b)(5)

- Field guidance and training

(b)(5)

- IFR

(b)(5)

- Build out Otay Mesa

(b)(5)

(b)(5)

Please let me know if there is additional information we can provide.

Thanks,

(b)(6); (b)(7)(C)
Office of Policy and Planning
U.S. Immigration and Customs Enforcement
(202)732-(b)(6); (b)(7)(C) office)
(202)304- cell)

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From: (b)(6); (b)(7)(C)
Sent: Sat, 22 Dec 2018 21:41:55 +0000
To: (b)(6); (b)(7)(C) ;Archambeault, Gregory J (b)(6); (b)(7)(C)
(b)(6); (b)(7)(C)
Cc: (b)(6); (b)(7)(C)
(b)(6); (b)(7)(C)
Subject: Notes from MPP Call

Good afternoon,

Notes from this afternoon's MPP call are below.

(b)(5)

There may be another call tomorrow, but will be determined later.

Please let me know if there is additional information I can provide.

Thanks,

(b)(6); (b)(7)(C)
Office of Policy and Planning
U.S. Immigration and Customs Enforcement
(202)732- (b)(6); (b)(7)(C) office)
(202)304- cell)

AMERICAN OVERSIGHT

From: (b)(6); (b)(7)(C)
Sent: Thu, 20 Dec 2018 16:17:59 +0000
To: (b)(6); (b)(7)(C)
(b)(6); (b)(7)(C)
(b)(6); (b)(7)(C)
Cc: (b)(6); (b)(7)(C)
Subject: RE: For Edits Draft DHS-GOM Local Transfer Agreement for 235(b)(2)(C)
Attachments: 235(b)(2)(C) DHS-GOM Transfer Agreement DRAFT (OCC Redline 12-19-18)(OPLA)_ICE(2).docx

Please use this one.

From (b)(6); (b)(7)(C)
Sent: Thursday, December 20, 2018 11:17 AM
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>; (b)(6); (b)(7)(C) @ice.dhs.gov>; (b)(6); (b)(7)(C)
(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>; (b)(6); (b)(7)(C) @ice.dhs.gov (b)(6); (b)(7)(C)
(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> (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>
Subject: RE: For Edits Draft DHS-GOM Local Transfer Agreement for 235(b)(2)(C)

Thanks (b)(6); (b)(7)(C) hecking wit (b)(6); (b)(7)(C)

From (b)(6); (b)(7)(C)
Sent: Thursday, December 20, 2018 11:16 AM
To (b)(6); (b)(7)(C) @ice.dhs.gov>; (b)(6); (b)(7)(C) ice.dhs.gov>; (b)(6);
(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>; (b)(6); (b)(7)(C) @ice.dhs.gov>; (b)(6); (b)(7)(C)
(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 (b)(6); (b)(7)(C) s@ice.dhs.gov> (b)(6); (b)(7)(C)
(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>
Subject: RE: For Edits Draft DHS-GOM Local Transfer Agreement for 235(b)(2)(C)

Thank you, (b)((b)(6); -The attached contains input from OPLA, ERO Field Ops and OPP. OPLA's comment were shared with CBP through lawyer's channels. As you can see, there are lots of edits/comments from the lawyers. I expect that we will see this again. Let me know if (b)(6); (b)(7)(as any concerns before I send it back. Thanks.

From (b)(6); (b)(7)(C)
Sent: Thursday, December 20, 2018 10:29 AM
To (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) s@ice.dhs.gov> (b)(6); (b)(7)(C) @ice.dhs.gov> (b)(6); (b)(7)(C)

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(b)(6); (b)(7)(C) @ice.dhs.gov>; (b)(6); (b)(7)(C) @ice.dhs.gov>; (b)(6); (b)(7)(C) @ice.dhs.gov>; (

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From: (b)(6); (b)(7)(C)
Sent: Thu, 20 Dec 2018 14:56:28 +0000
To: (b)(6); (b)(7)(C)
(b)(6); (b)(7)(C)
Cc: (b)(6); (b)(7)(C)
Subject: RE: For Edits Draft DHS-GOM Local Transfer Agreement for 235(b)(2)(C)
Attachments: 235(b)(2)(C) DHS-GOM Transfer Agreement DRAFT (OCC Redline 12-19-18)(OPLA).docx

For visibility attached contains OPLA's comments. ERO-please let me know if you have any additional comments/edits. Thank you.

From (b)(6); (b)(7)(C)
Sent: Thursday, December 20, 2018 9:24 AM
To (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>; (b)(6); (b)(7)(C) @ice.dhs.gov>; (b)(6); (b)(7)(C) (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> @ice.dhs.gov>; (b)(6); (b)(7)(C) (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>
Subject: RE: For Edits Draft DHS-GOM Local Transfer Agreement for 235(b)(2)(C)

Hi all,
Just a reminder of this tasking for review. I pushed the CBP deadline a bit to 10AM for ICE to have sufficient time to review, but we need to get back soon.

Thank you,
(b)(6); (b)(7)(C)

From (b)(6); (b)(7)(C)
Sent: Wednesday, December 19, 2018 6:34 PM
To: (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>; (b)(6); (b)(7)(C) @ice.dhs.gov> (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) ce.dhs.gov>; (b)(6); (b)(7)(C) @ice.dhs.gov> (b)(6); (b)(7)(C) (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>; (b)(6); (b)(7)(C) @ice.dhs.gov>
Cc: (b)(6); (b)(7)(C) ice.dhs.gov (b)(6); (b)(7)(C) e.dhs.gov>; (b)(6); (b)(7)(C) @ice.dhs.gov>
Subject: FW: For Edits Draft DHS-GOM Local Transfer Agreement for 235(b)(2)(C)
Importance: High

OPLA, ERO,
Please review the attached draft Section 235(b)(2)(C) agreement provided by CBP.

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From: (b)(6); (b)(7)(C)
Sent: Thu, 20 Dec 2018 21:56:06 +0000
To: (b)(6); (b)(7)(C) ;#ERO CHIEFS OF (b)(6); (b)(7)(C)
Cc: (b)(6); (b)(7)(C)
Subject: RE: Migration Protection Protocols - Time Sensitive

Thanks! I will clear with that change. I appreciate the quick review.

(b)(6); (b)(7)(C)
Deputy Principal Legal Advisor for Enforcement and Litigation
Office of the Principal Legal Advisor
U.S. Immigration and Customs Enforcement
Desk: 202-732-(b)(6);
Iphone: 202-50(b)(6);
(b)(6); (b)(7)(C) ice.dhs.gov

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From: (b)(6); (b)(7)(C)
Sent: Thursday, December 20, 2018 4:37 PM
To: (b)(6); (b)(7)(C) @ice.dhs.gov>(b)(6); (b)(7)(C)
(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>; #ERO CHIEFS OF STAFF <EROCHIEFSOFSTAFF@ice.dhs.gov>(b)(6);
(b)(6); (b)(7)(C) @ice.dhs.gov>;(b)(6); (b)(7)(C) ice.dhs.gov>;(b)(6);
(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>
Subject: RE: Migration Protection Protocols - Time Sensitive

Ma'am,

Please see below:

FY16 ADP: 34,376
FY17 ADP: 38,106
FY18 ADP: 42,188
FY19YTD ADP: 45,104 (as of 12/15/18)

Thanks,

AMERICAN OVERSIGHT

From: (b)(6); (b)(7)(C)
Sent: Thursday, December 20, 2018 4:31 PM
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>; #ERO CHIEFS OF STAFF <EROCHIEFSOFSTAFF@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>
Cc: (b)(6); (b)(7)(C) ice.dhs.gov>; (b)(6); (b)(7)(C) @ice.dhs.gov>
Subject: RE: Migration Protection Protocols - Time Sensitive

(b)(6); ly item for consideration would be that we use (b)(5)
(b)(5)

(b)(6); s/team - please provide those numbers to (b)(6); for review.

Thx -
(b)(6); (b)(7)(C)

Sent with BlackBerry Work
(www.blackberry.com)

From: (b)(6); (b)(7)(C) @ice.dhs.gov>
Date: Thursday, Dec 20, 2018, 4:07 PM
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>, #ERO CHIEFS OF STAFF <EROCHIEFSOFSTAFF@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>
Subject: Migration Protection Protocols - Time Sensitive

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

As part of the implementation of the Migration Protection Protocols announced by S1, we need to provide the following paragraph to DHS OGC as soon as possible this afternoon. Would you please confirm the accuracy of the language below:

(b)(5)

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(b)(5)

Thanks,

(b)(6); (b)(7)(C)
Deputy Principal Legal Advisor for Enforcement and Litigation
Office of the Principal Legal Advisor
U.S. Immigration and Customs Enforcement
Desk: 202-732-(b)(6);
Iphone: 202-500-(b)(6);
(b)(6); (b)(7)(C)@ice.dhs.gov

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From: (b)(6); (b)(7)(C)
Sent: Fri, 21 Dec 2018 21:43:06 +0000
To: (b)(6); (b)(7)(C)
Cc:
Subject: RE: MPP Fear Screening Process

Thanks!

(b)(6); (b)(7)(C)
Deputy Principal Legal Advisor for Enforcement and Litigation
Office of the Principal Legal Advisor
U.S. Immigration and Customs Enforcement
Desk: 202-732-(b)(6);
Iphone: 202-500-(b)(6);
(b)(6); (b)(7)(C) @ice.dhs.gov

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Fro (b)(6); (b)(7)(C)
Sent: Friday, December 21, 2018 4:43 PM
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) ce.dhs.gov> (b)(6); (b)(7)(C) @ice.dhs.gov>
Subject: RE: MPP Fear Screening Process

Sorry - cleared by ERO.

Sent with BlackBerry Work
(www.blackberry.com)

From (b)(6); (b)(7)(C) @ice.dhs.gov>
Date: Friday, Dec 21, 2018, 4:27 PM
To: (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)(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: MPP Fear Screening Process

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

I just wanted to confirm that (b)(6); review was the ERO clearance. If not, let me know. I would like to get this to OGC by 5pm if at all possible.

AMERICAN OVERSIGHT

Thanks,

(b)(6); (b)(7)(C)
Deputy Principal Legal Advisor for Enforcement and Litigation
Office of the Principal Legal Advisor
U.S. Immigration and Customs Enforcement
Desk: 202-732-(b)(6); (b)(7)(C)
Iphone: 202-500-(b)(6);
(b)(6); (b)(7)(C)@ice.dhs.gov

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From: (b)(6); (b)(7)(C)
Sent: Friday, December 21, 2018 2:14 PM
To: (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: MPP Fear Screening Process

Thanks (b)(6); I will pull the EARM language. Anyone else? Of course, even when I do send this back it will be heavily caveated.

(b)(6); (b)(7)(C)
Deputy Principal Legal Advisor for Enforcement and Litigation
Office of the Principal Legal Advisor
U.S. Immigration and Customs Enforcement
Desk: 202-732-(b)(6); (b)(7)(C)
Iphone: 202-500-(b)(6); (b)(7)(C)
(b)(6); (b)(7)(C)@ice.dhs.gov

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From: (b)(6); (b)(7)(C)
Sent: Friday, December 21, 2018 2:12 PM
To: (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>;

AMERICAN OVERSIGHT

(b)(6); (b)(7)(C) @ice.dhs.gov>(b)(6); (b)(7)(C) @ice.dhs.gov>
Subject: RE: MPP Fear Screening Process

Thanks (b)(6); since we don't yet have an understanding of our (ERO) role in the MPP process, my thoughts are very preliminary at this point. (b)(5)

(b)(5)

My only concern at this point, the rest of your document looks good. Thanks, (b)(6);

From (b)(6); (b)(7)(C)
Sent: Friday, December 21, 2018 1:22 PM
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>
(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: MPP Fear Screening Process
Importance: High

DELIBERATIVEATTORNEY WORK PRODUCT***ATTORNEY-CLIENT PRIVILEGED***

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

I need your assistance with regard to MPP (INA § 235(b)(2)(C)) implementation planning. Specifically,

(b)(5)

AMERICAN OVERSIGHT

(b)(5)

Of course, there are a number of placeholders. Please provide your input as soon as possible.

Thanks,

DELIBERATIVEATTORNEY WORK PRODUCT***ATTORNEY-CLIENT PRIVILEGED***

(b)(6); (b)(7)(C)
Deputy Principal Legal Advisor for Enforcement and Litigation
Office of the Principal Legal Advisor
U.S. Immigration and Customs Enforcement
Desk: 202-732-(b)(6);
Iphone: 202-50-(b)(6);
(b)(6); (b)(7)(C) ice.dhs.gov

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AMERICAN OVERSIGHT

From: (b)(6); (b)(7)(C)
Sent: Fri, 21 Dec 2018 19:36:25 +0000
To: (b)(6); (b)(7)(C)
Cc: (b)(6); (b)(7)(C)
Subject: RE: MPP Fear Screening Process

Good point. That would need to be worked out, but need not be decided for this exercise.

(b)(6); (b)(7)(C)
Deputy Principal Legal Advisor for Enforcement and Litigation
Office of the Principal Legal Advisor
U.S. Immigration and Customs Enforcement
Desk: 202-732-(b)(6); (b)(7)(C)
Iphone: 202-500-(b)(6);
(b)(6); (b)(7)(C) @ice.dhs.gov

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From: (b)(6); (b)(7)(C)
Sent: Friday, December 21, 2018 2:27 PM
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>
Subject: RE: MPP Fear Screening Process

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

(b)(5)

(b)(6); (b)(7)(C)
Deputy Principal Legal Advisor for Field Legal Operations
Office of the Principal Legal Advisor
U.S. Immigration and Customs Enforcement
U.S. Department of Homeland Security
(202) 732-(b)(6);

"Every job is a self-portrait of the person who does it. Autograph your work with excellence."

AMERICAN OVERSIGHT



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From: (b)(6); (b)(7)(C)
Sent: Friday, December 21, 2018 2:14 PM
To (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: MPP Fear Screening Process

Thanks, (b)(6); (b)(7)(C) I will pull the EARM language. Anyone else? Of course, even when I do send this back it will be (b)(5)

(b)(6); (b)(7)(C)
Deputy Principal Legal Advisor for Enforcement and Litigation
Office of the Principal Legal Advisor
U.S. Immigration and Customs Enforcement
Desk: 202-732- (b)(6); (b)(7)(C)
Iphone: 202-500- (b)(6); (b)(7)(C)
(b)(6); (b)(7)(C) @ice.dhs.gov

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AMERICAN OVERSIGHT

From: (b)(6); (b)(7)(C)
Sent: Friday, December 21, 2018 2:12 PM
To: (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) ce.dhs.gov>
Subject: RE: MPP Fear Screening Process

Thanks (b)(6); ; since we don't yet have an understanding of our (ERO) role in the MPP process, my thoughts are very preliminary at this point (b)(5)

(b)(5)

My only concern at this point, the rest of your document looks good. Thanks (b)(6);

From (b)(6); (b)(7)(C)
Sent: Friday, December 21, 2018 1:22 PM
To (b)(6); (b)(7)(C) @ice.dhs.gov>; (b)(6); (b)(7)(C) e.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>
Subject: MPP Fear Screening Process
Importance: High

DELIBERATIVEATTORNEY WORK PRODUCT***ATTORNEY-CLIENT PRIVILEGED***

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

I need your assistance with regard to MPP (INA § 235(b)(2)(C)) implementation planning. Specifically,

(b)(5)

AMERICAN OVERSIGHT

(b)(5)

Of course, there are a number of placeholders. Please provide your input as soon as possible.

Thanks,

DELIBERATIVEATTORNEY WORK PRODUCT***ATTORNEY-CLIENT PRIVILEGED***

(b)(6); (b)(7)(C)
Deputy Principal Legal Advisor for Enforcement and Litigation
Office of the Principal Legal Advisor
U.S. Immigration and Customs Enforcement
Desk: 202-732-(b)(6); (b)(7)(C)

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Iphone: 202-500-3(b)(6);
(b)(6); (b)(7)(C) @ice.dhs.gov

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AMERICAN OVERSIGHT

From: (b)(6); (b)(7)(C)
Sent: Thu, 3 Jan 2019 22:29:21 +0000
To: (b)(6); (b)(7)(C)
Cc: (b)(6); (b)(7)(C) ERO CHIEFS OF STAFF; (b)(6); (b)(7)(C)
(b)(6); (b)(7)(C)
Subject: RE: MPP regulation
Attachments: DRAFT Dec 24 Data Memo for Record.docx, Daily Immigration Update_12.24.18.pdf

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

Thank you again for your quick review of the relevant language in the draft MPP IFR. As you may recall,

(b)(5)

Please let me know, preferably this afternoon/evening if you would be comfortable having someone sign the memorandum. We wouldn't need it signed tonight (tomorrow, however, we would). I have no legal concerns with this approach, and it need not be a senior ERO official. It could just as easily be someone who pulled the data and provided it to the MCAT for inclusion in the report.

Thanks in advance,

(b)(6); (b)(7)(C)
Deputy Principal Legal Advisor for Enforcement and Litigation
Office of the Principal Legal Advisor
U.S. Immigration and Customs Enforcement
Desk: 202-732- (b)(6);
Iphone: 202-5 (b)(6);
(b)(6); (b)(7)(C) @ice.dhs.gov

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From: (b)(6); (b)(7)(C)
Sent: Thursday, January 3, 2019 11:41 AM
To: (b)(6); (b)(7)(C) ce.dhs.gov>; (b)(6); (b)(7)(C) ice.dhs.gov>
Cc: (b)(6); (b)(7)(C) @ice.dhs.gov>; #ERO CHIEFS OF STAFF <EROCHIEFSOFSTAFF@ice.dhs.gov>; (b)(6); (b)(7)(C) ice.dhs.gov>; (b)(6); (b)(7)(C)

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(b)(6); (b)(7)(C) @ice.dhs.gov> (b)(6); (b)(7)(C) @ice.dhs.gov>
Subject: RE: MPP regulation

10-4

(b)(6); (b)(7)(C)
ICE ERO

From: (b)(6); (b)(7)(C) @ice.dhs.gov>
Date: Thursday, Jan 03, 2019, 11:38
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>, #ERO CHIEFS OF STAFF <EROCHIEFSOFSTAFF@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: MPP regulation

Thanks so much (b)(6); This was a big help. We will keep you updated as this moves forward.

(b)(6); (b)(7)(C)
Deputy Principal Legal Advisor for Enforcement and Litigation
Office of the Principal Legal Advisor
U.S. Immigration and Customs Enforcement
Desk: 202-732 (b)(6);
Iphone: 202-500 (b)(6);
(b)(6); (b)(7)(C) @ice.dhs.gov

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From: (b)(6); (b)(7)(C)
Sent: Thursday, January 3, 2019 9:56 AM
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>; #ERO CHIEFS OF STAFF <EROCHIEFSOFSTAFF@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: MPP regulation

Good morning; attached is our response, please let us know if you have questions/concerns. We requested that you (b)(5) (see comment on doc). Thanks (b)(6);

From: (b)(6); (b)(7)(C)
Sent: Thursday, January 3, 2019 8:53 AM

AMERICAN OVERSIGHT

To: (b)(6); (b)(7)(C) .dhs.gov>; (b)(6); (b)(7)(C) @ice.dhs.gov>
Cc: (b)(6); (b)(7)(C) @ice.dhs.gov> (b)(6); (b)(7)(C)
(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>; (b)(6); (b)(7)(C) @ice.dhs.gov>
Subject: RE: MPP regulation
Importance: High

ERO Colleagues-

Please work from this version. It includes some minor redlines based upon information provided by ERO Field Ops yesterday evening. With the new data provided, we are only missing two dates and need your position on including a few documents in the administrative record.

Thanks,

(b)(6); (b)(7)(C)
Deputy Principal Legal Advisor for Enforcement and Litigation
Office of the Principal Legal Advisor
U.S. Immigration and Customs Enforcement
Desk: 202-732-(b)(6); (b)(7)(C)
Iphone: 202-500-(b)(6);
(b)(6); (b)(7)(C) @ice.dhs.gov

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From: (b)(6); (b)(7)(C)
Sent: Wednesday, January 2, 2019 10:04 PM
To: (b)(6); (b)(7)(C) @ice.dhs.gov> (b)(6); (b)(7)(C)
(b)(6); (b)(7)(C) @ice.dhs.gov>
Cc: (b)(6); (b)(7)(C) @ice.dhs.gov>; (b)(6); (b)(7)(C)
(b)(6); (b)(7)(C) ice.dhs.gov>; #ERO CHIEFS OF STAFF <EROCHIEFSOFSTAFF@ice.dhs.gov>; (b)(6);
(b)(6); (b)(7)(C) @ice.dhs.gov>; (b)(6); (b)(7)(C) @ice.dhs.gov>
Subject: RE: MPP regulation

Thank you, all!

_____

(b)(6); (b)(7)(C)
Executive Deputy Principal Legal Advisor
U.S. Immigration and Customs Enforcement

AMERICAN OVERSIGHT

202.732.[redacted](office) | 202.904.[redacted]mobile)
[redacted]@ice.dhs.gov

Please note that this message may contain sensitive and/or legally privileged information (attorney work product, attorney-client communication, deliberative process, personally identifiable information, law enforcement sensitive, etc.) and should be handled accordingly.

From: [redacted]@ice.dhs.gov>
Date: Wednesday, Jan 02, 2019, 10:02 PM
To: [redacted]@ice.dhs.gov>
Cc: [redacted]@ice.dhs.gov>, [redacted]dhs.gov>, [redacted]@ice.dhs.gov>, [redacted]@ice.dhs.gov>, [redacted]@ice.dhs.gov>, [redacted]@ice.dhs.gov>, [redacted]@ice.dhs.gov>
Subject: RE: MPP regulation

[redacted] al,

We will make it priority first thing in the am.

Thx!

Sent with BlackBerry Work
(www.blackberry.com)

From: [redacted]@ice.dhs.gov>
Date: Wednesday, Jan 02, 2019, 10:00 PM
To: [redacted]@ice.dhs.gov>
Cc: [redacted]@ice.dhs.gov>, [redacted]@ice.dhs.gov>, [redacted]@ice.dhs.gov>, [redacted]@ice.dhs.gov>, [redacted]@ice.dhs.gov>, [redacted]@ice.dhs.gov>, [redacted]@ice.dhs.gov>
Subject: RE: MPP regulation

[redacted]eam-

Following up on [redacted]s message below, attached is a clean draft of the MPP IFR with a number of comments for ERO, highlighted in yellow, on pages 17-21. Only a few are requests for information. The [redacted](b)(5)

I can only apologize for the unreasonably short turnaround on this, but **we have been directed to get this back to DHS OGC by noon tomorrow. So, we would appreciate ERO's input and responses by 11am if at all possible**. I understand this is a priority for S1.

Thanks,

[redacted]

AMERICAN OVERSIGHT

Deputy Principal Legal Advisor for Enforcement and Litigation
Office of the Principal Legal Advisor
U.S. Immigration and Customs Enforcement
Desk: 202-732-(b)(6);
Iphone: 202-500-(b)(6);
(b)(6); (b)(7)(C) @ice.dhs.gov

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From: (b)(6); (b)(7)(C)
Sent: Wednesday, January 2, 2019 10:43 AM
To: (b)(6); (b)(7)(C) ice.dhs.gov>
Cc: (b)(6); (b)(7)(C) ice.dhs.gov>; (b)(6); (b)(7)(C)
(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> (b)(6); (b)(7)(C) @ice.dhs.gov>
Subject: RE: MPP regulation

Thank (b)(6); – adding the team and on standby to assist as needed.

(b)(6);

From: (b)(6); (b)(7)(C)
Sent: Wednesday, January 2, 2019 9:19 AM
To: (b)(6); (b)(7)(C) @ice.dhs.gov>
Cc: (b)(6); (b)(7)(C) @ice.dhs.gov>; (b)(6); (b)(7)(C)
(b)(6); (b)(7)(C) @ice.dhs.gov>
Subject: MPP regulation

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

(b)(5)

AMERICAN OVERSIGHT

I wanted to give you a heads-up that we'd be bothering your team (more than usual) this morning.

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

(b)(6); (b)(7)(C)
Executive Deputy Principal Legal Advisor
U.S. Immigration and Customs Enforcement
202.73(b)(6); (office) | 202.904(b)(6); (b)(7)(C) (mobile)
(b)(6); (b)(7)(C) @ice.dhs.gov

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AMERICAN OVERSIGHT

Page 196

Withheld pursuant to exemption

(b)(5)

of the Freedom of Information and Privacy Act

AMERICAN OVERSIGHT

Page 197

Withheld pursuant to exemption

(b)(5)

of the Freedom of Information and Privacy Act

AMERICAN OVERSIGHT

Page 198

Withheld pursuant to exemption

(b)(5)

of the Freedom of Information and Privacy Act

AMERICAN OVERSIGHT

Page 199

Withheld pursuant to exemption

(b)(5)

of the Freedom of Information and Privacy Act

AMERICAN OVERSIGHT

From: (b)(6); (b)(7)(C)
Sent: Thu, 3 Jan 2019 22:34:57 +0000
To: (b)(6); (b)(7)(C)
Cc: (b)(6); (b)(7)(C)
Subject: RE: MPP regulation

10-4; shouldn't be an issue, will meet with the team and get back to you

---

From: (b)(6); (b)(7)(C)
Sent: Thursday, January 3, 2019 5:29 PM
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) (b)(6); (b)(7)(C) .dhs.gov>; (b)(6); (b)(7)(C) @ice.dhs.gov>; (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) e.dhs.gov>; (b)(6); (b)(7)(C) @ice.dhs.gov>
Subject: RE: MPP regulation

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

Thank you again for your quick review of the relevant language in the draft MPP IFR. As you may recall, one of my questions was whether you had any opposition to including the attached December 24, 2018

(b)(5)

Thanks in advance,

(b)(6); (b)(7)(C)
Deputy Principal Legal Advisor for Enforcement and Litigation
Office of the Principal Legal Advisor
U.S. Immigration and Customs Enforcement
Desk: 202-732 (b)(6); (b)(7)(C)
Iphone: 202-500- (b)(6);
(b)(6); (b)(7)(C) @ice.dhs.gov

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AMERICAN OVERSIGHT

From (b)(6); (b)(7)(C)
Sent: Thursday, January 3, 2019 11:41 AM
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)
(b)(6); (b)(7)(C) @ice.dhs.gov>; (b)(6); (b)(7)(C) e.dhs.gov (b)(6); (b)(7)(C)
(b)(6); (b)(7)(C) ice.dhs.gov> (b)(6); (b)(7)(C) @ice.dhs.gov>
Subject: RE: MPP regulation

10-4

(b)(6); (b)(7)(C)
ICE ERO

From: (b)(6); (b)(7)(C) ice.dhs.gov>
Date: Thursday, Jan 03, 2019, 11:38
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)
(b)(6); (b)(7)(C) ce.dhs.gov> (b)(6); (b)(7)(C) .dhs.gov> (b)(6); (b)(7)(C)
(b)(6); (b)(7)(C) ice.dhs.gov> (b)(6); (b)(7)(C) @ice.dhs.gov>
Subject: RE: MPP regulation

Thanks so much, (b)(6); (b)(7)(C) This was a big help. We will keep you updated as this moves forward.

(b)(6); (b)(7)(C)
Deputy Principal Legal Advisor for Enforcement and Litigation
Office of the Principal Legal Advisor
U.S. Immigration and Customs Enforcement
Desk: 202-732-(b)(6);
Iphone: 202-500-(b)(6);
(b)(6); (b)(7)(C) ice.dhs.gov

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From (b)(6); (b)(7)(C)
Sent: Thursday, January 3, 2019 9:56 AM
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)
(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: MPP regulation

AMERICAN OVERSIGHT

Good morning; attached is our response, please let us know if you have questions/concerns. We requested that you (b)(5)
(see comment on doc). Thanks (b)(6);

From (b)(6); (b)(7)(C)
Sent: Thursday, January 3, 2019 8:53 AM
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) (b)(6); (b)(7)(C) @ice.dhs.gov>; (b)(6); (b)(7)(C) dhs.gov>; (b)(6); (b)(7)(C)
(b)(6); (b)(7)(C) ice.dhs.gov>; (b)(6); (b)(7)(C) @ice.dhs.gov>
Subject: RE: MPP regulation
Importance: High

ERO Colleagues-

Please work from this version. It includes some minor redlines based upon information provided by ERO Field Ops yesterday evening. With the new data provided, we are only missing (b)(5) and need your position on (b)(5)

Thanks,

(b)(6); (b)(7)(C)
Deputy Principal Legal Advisor for Enforcement and Litigation
Office of the Principal Legal Advisor
U.S. Immigration and Customs Enforcement
Desk: 202-732 (b)(6);
Iphone: 202-5 (b)(6);
(b)(6); (b)(7)(C) @ice.dhs.gov

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From (b)(6); (b)(7)(C)
Sent: Wednesday, January 2, 2019 10:04 PM
To: (b)(6); (b)(7)(C) @ice.dhs.gov>; (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) @ice.dhs.gov>
Cc (b)(6); (b)(7)(C) ice.dhs.gov>; (b)(6); (b)(7)(C) (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>; (b)(6); (b)(7)(C) ce.dhs.gov>
Subject: RE: MPP regulation

Thank you, all!

AMERICAN OVERSIGHT

(b)(6); (b)(7)(C)
Executive Deputy Principal Legal Advisor
U.S. Immigration and Customs Enforcement
202.732.(b)(6); (b)(7)(C) office) | 202.904.(b)(6); (b)(7)(C) (mobile)
(b)(6); (b)(7)(C)@ice.dhs.gov

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From: (b)(6); (b)(7)(C)@ice.dhs.gov>
Date: Wednesday, Jan 02, 2019, 10:02 PM
To: (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>, (b)(6); (b)(7)(C)@ice.dhs.gov>
Subject: RE: MPP regulation

(b)(6); (b)(7)(C) t al,

We will make it priority first thing in the am.

Thx!

Sent with BlackBerry Work
(www.blackberry.com)

From: (b)(6); (b)(7)(C)@ice.dhs.gov>
Date: Wednesday, Jan 02, 2019, 10:00 PM
To: (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>, (b)(6); (b)(7)(C)@ice.dhs.gov>
Subject: RE: MPP regulation

(b)(6); (b)(7)(C) and team-

Following up on (b)(6); message below, attached is a clean draft of the MPP IFR with a number of comments for ERO, highlighted in yellow, on pages 17-21. Only a few are requests for information. The others are requests for documents to support factual assertions included in the draft IFR. We would also welcome ERO's quick review of the language in pages 17-21 generally.

AMERICAN OVERSIGHT

I can only apologize for the unreasonably short turnaround on this, but **we have been directed to get this back to DHS OGC by noon tomorrow. So, we would appreciate ERO's input and responses by 11am if at all possible**. I understand this is a priority for S1.

Thanks,

(b)(6); (b)(7)(C)
Deputy Principal Legal Advisor for Enforcement and Litigation
Office of the Principal Legal Advisor
U.S. Immigration and Customs Enforcement
Desk: 202-732-(b)(6); (b)(7)(C)
Iphone: 202-500-(b)(6); (b)(7)(C)
(b)(6); (b)(7)(C)@ice.dhs.gov

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From: (b)(6); (b)(7)(C)
Sent: Wednesday, January 2, 2019 10:43 AM
To: (b)(6); (b)(7)(C)@ice.dhs.gov>
Cc: (b)(6); (b)(7)(C)@ice.dhs.gov>; (b)(6); (b)(7)(C)
(b)(6); (b)(7)(C)@ice.dhs.gov>; (b)(6); (b)(7)(C)@ice.dhs.gov>; #ERO CHIEFS OF STAFF (b)(6); (b)(7)(C)@ice.dhs.gov>; (b)(6); (b)(7)(C)@ice.dhs.gov>
Subject: RE: MPP regulation

Thank (b)(6); (b)(7)(C) adding the team and on standby to assist as needed.

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

From: (b)(6); (b)(7)(C)
Sent: Wednesday, January 2, 2019 9:19 AM
To: (b)(6); (b)(7)(C)ce.dhs.gov>
Cc: (b)(6); (b)(7)(C)ice.dhs.gov>; (b)(6); (b)(7)(C)
(b)(6); (b)(7)(C)e.dhs.gov>
Subject: MPP regulation

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

AMERICAN OVERSIGHT

(b)(5)

Thanks,

(b)(6);

_____

(b)(6); (b)(7)(C)
Executive Deputy Principal Legal Advisor
U.S. Immigration and Customs Enforcement
202.73(b)(6); (office) | 202.9(b)(6); nobile)
(b)(6); (b)(7)(C)

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AMERICAN OVERSIGHT

From: (b)(6); (b)(7)(C)
Sent: Thu, 3 Jan 2019 23:27:17 +0000
To: (b)(6); (b)(7)(C)
Cc: (b)(6); (b)(7)(C)
(b)(6); (b)(7)(C)
Subject: RE: MPP regulation

Good evening (b)(6); we are good with completing the memo, we will take care of it in the morning and send it over to you. Take care (b)(6);

From (b)(6); (b)(7)(C)
Sent: Thursday, January 3, 2019 5:29 PM
To (b)(6); (b)(7)(C) dhs.gov>; (b)(6); (b)(7)(C) @ice.dhs.gov>
Cc: (b)(6); (b)(7)(C) @ice.dhs.gov (b)(6); (b)(7)(C)
(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>; (b)(6); (b)(7)(C) @ice.dhs.gov>
Subject: RE: MPP regulation

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

Thank you again for your quick review of the relevant language in the draft MPP IFR. As you may recall,

(b)(5)

Thanks in advance,

(b)(6); (b)(7)(C)
Deputy Principal Legal Advisor for Enforcement and Litigation
Office of the Principal Legal Advisor
U.S. Immigration and Customs Enforcement
Desk: 202-732 (b)(6);
Iphone: 202-5 (b)(6);
(b)(6); (b)(7)(C) ice.dhs.gov

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From (b)(6); (b)(7)(C)
Sent: Thursday, January 3, 2019 11:41 AM
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) (b)(6); (b)(7)(C) ice.dhs.gov>; (b)(6); (b)(7)(C) dhs.gov>; (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) ce.dhs.gov>; (b)(6); (b)(7)(C) @ice.dhs.gov>
Subject: RE: MPP regulation

10-4

(b)(6); (b)(7)(C)
ICE ERO

From: (b)(6); (b)(7)(C) @ice.dhs.gov>
Date: Thursday, Jan 03, 2019, 11:38
To (b)(6); (b)(7)(C) .dhs.gov>; (b)(6); (b)(7)(C) @ice.dhs.gov>
Cc: (b)(6); (b)(7)(C) @ice.dhs.gov; (b)(6); (b)(7)(C) (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>; (b)(6); (b)(7)(C) @ice.dhs.gov>
Subject: RE: MPP regulation

Thanks so much (b)(6); This was a big help. We will keep you updated as this moves forward.

(b)(6); (b)(7)(C)
Deputy Principal Legal Advisor for Enforcement and Litigation
Office of the Principal Legal Advisor
U.S. Immigration and Customs Enforcement
Desk: 202-732- (b)(6); (b)(7)(C)
Iphone: 202-500- (b)(6); (b)(7)(C)
(b)(6); (b)(7)(C) @ice.dhs.gov

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From (b)(6); (b)(7)(C)
Sent: Thursday, January 3, 2019 9:56 AM
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) (b)(6); (b)(7)(C) @ice.dhs.gov>; (b)(6); (b)(7)(C) n@ice.dhs.gov>; (b)(6); (b)(7)(C)

AMERICAN OVERSIGHT

(b)(6); (b)(7)(C) @ice.dhs.gov>
Subject: RE: MPP regulation

Good morning; attached is our response, please let us know if you have questions/concerns. We (b)(5) (see comment on doc). Thanks, Dave

---

From: (b)(6); (b)(7)(C)
Sent: Thursday, January 3, 2019 8:53 AM
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>; (b)(6); (b)(7)(C) @ice.dhs.gov>
Subject: RE: MPP regulation
Importance: High

ERO Colleagues-

Please work from this version. It includes some minor redlines based upon information provided by ERO Field Ops yesterday evening. With the new data provided, (b)(5) (b)(5)

Thanks,

(b)(6); (b)(7)(C)
Deputy Principal Legal Advisor for Enforcement and Litigation
Office of the Principal Legal Advisor
U.S. Immigration and Customs Enforcement
Desk: 202-732-(b)(6); (b)(7)(C)
Iphone: 202-500-(b)(6); (b)(7)(C)
(b)(6); (b)(7)(C) @ice.dhs.gov

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From: (b)(6); (b)(7)(C)
Sent: Wednesday, January 2, 2019 10:04 PM
To: (b)(6); (b)(7)(C) e.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) dhs.gov>; (b)(6); (b)(7)(C) @ice.dhs.gov>; (b)(6); (b)(7)(C) @ice.dhs.gov>
Subject: RE: MPP regulation

AMERICAN OVERSIGHT

Thank you, all!

(b)(6); (b)(7)(C)
Executive Deputy Principal Legal Advisor
U.S. Immigration and Customs Enforcement
202.732.(b)(6); (office) | 202.904.(b)(6); mobile)
(b)(6); (b)(7)(C)@ice.dhs.gov

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From: (b)(6); (b)(7)(C)@ice.dhs.gov>
Date: Wednesday, Jan 02, 2019, 10:02 PM
To: (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>, (b)(6); (b)(7)(C)@ice.dhs.gov>
Subject: RE: MPP regulation

(b)(6); (b)(7)(C) et al,

We will make it priority first thing in the am.

Thx!

Sent with BlackBerry Work
(www.blackberry.com)

From: (b)(6); (b)(7)(C)@ice.dhs.gov>
Date: Wednesday, Jan 02, 2019, 10:00 PM
To: (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>, (b)(6); (b)(7)(C)@ice.dhs.gov>
Subject: RE: MPP regulation

(b)(6); (b)(7)(C) team-

Following up on (b)(6); (b)(7)(C) message below, attached is a clean draft of the MPP IFR with a number of comments for ERO, highlighted in yellow, on pages 17-21. Only a few are requests for information. The (b)(5)

AMERICAN OVERSIGHT

I can only apologize for the unreasonably short turnaround on this, but **we have been directed to get this back to DHS OGC by noon tomorrow. So, we would appreciate ERO's input and responses by 11am if at all possible**. I understand this is a priority for S1.

Thanks,

(b)(6); (b)(7)(C)
Deputy Principal Legal Advisor for Enforcement and Litigation
Office of the Principal Legal Advisor
U.S. Immigration and Customs Enforcement
Desk: 202-732-(b)(6);
Iphone: 202-500-(b)(6)
(b)(6); (b)(7)(C)@ice.dhs.gov

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From: (b)(6); (b)(7)(C)
Sent: Wednesday, January 2, 2019 10:43 AM
To: (b)(6); (b)(7)(C)@ice.dhs.gov>
Cc: (b)(6); (b)(7)(C)@ice.dhs.gov>; (b)(6); (b)(7)(C)
(b)(6); (b)(7)(C)@ice.dhs.gov (b)(6); (b)(7)(C)e.dhs.gov>; (b)(6); (b)(7)(C)
(b)(6); (b)(7)(C)@ice.dhs.gov (b)(6); (b)(7)(C)ice.dhs.gov>
Subject: RE: MPP regulation

Than(b)(6); – adding the team and on standby to assist as needed.

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

From: (b)(6); (b)(7)(C)
Sent: Wednesday, January 2, 2019 9:19 AM
To: (b)(6); (b)(7)(C)ice.dhs.gov>
Cc: (b)(6); (b)(7)(C)@ice.dhs.gov> (b)(6); (b)(7)(C)
(b)(6); (b)(7)(C)@ice.dhs.gov>
Subject: MPP regulation

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

AMERICAN OVERSIGHT

(b)(5)

Thanks,

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

Executive Deputy Principal Legal Advisor
U.S. Immigration and Customs Enforcement
202.732.(b)(6); office) | 202.904.(b)(6); (mobile)
(b)(6); (b)(7)(C) ice.dhs.gov

Please note that this message may contain sensitive and/or legally privileged information (attorney work product, attorney-client communication, deliberative process, personally identifiable information, law enforcement sensitive, etc.) and should be handled accordingly.

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Page 212

Withheld pursuant to exemption

(b)(5)

of the Freedom of Information and Privacy Act

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Page 213

Withheld pursuant to exemption

(b)(5)

of the Freedom of Information and Privacy Act

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Withheld pursuant to exemption

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of the Freedom of Information and Privacy Act

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of the Freedom of Information and Privacy Act

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of the Freedom of Information and Privacy Act

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Withheld pursuant to exemption

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of the Freedom of Information and Privacy Act

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Withheld pursuant to exemption

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Withheld pursuant to exemption

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of the Freedom of Information and Privacy Act

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of the Freedom of Information and Privacy Act

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Withheld pursuant to exemption

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Withheld pursuant to exemption

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of the Freedom of Information and Privacy Act

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Withheld pursuant to exemption

(b)(5)

of the Freedom of Information and Privacy Act

AMERICAN OVERSIGHT

Page 243

Withheld pursuant to exemption

(b)(5)

of the Freedom of Information and Privacy Act

AMERICAN OVERSIGHT

From: (b)(6); (b)(7)(C)
Sent: Mon, 24 Dec 2018 21:36:07 +0000
To: (b)(6); (b)(7)(C)
Subject: RE: Notes from MPP Call

Thanks

From (b)(6); (b)(7)(C)
Sent: Monday, December 24, 2018 4:22 PM
To: (b)(6); (b)(7)(C) @ice.dhs.gov>; (b)(6); (b)(7)(C) ce.dhs.gov>
Subject: FW: Notes from MPP Call

Sent with BlackBerry Work
(www.blackberry.com)

From: (b)(6); (b)(7)(C) @ice.dhs.gov>
Date: Monday, Dec 24, 2018, 16:17
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>; (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) dhs.gov>; (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) @ice.dhs.gov>
Subject: Notes from MPP Call

Good afternoon,

There was a short call today with only a few updates. Please see below.

(b)(5)

The next call will be on Wednesday.

Thanks and Merry Christmas!
(b)(6); (b)(7)(C)

AMERICAN OVERSIGHT

AMERICAN OVERSIGHT

From: (b)(6); (b)(7)(C)
Sent: Thu, 20 Dec 2018 23:34:54 +0000
To: (b)(6); (b)(7)(C)
Subject: RE: SYS POE/MPP and ICE AirOps Update

Give me a few for some suggested grammatical adjustments

From (b)(6); (b)(7)(C)
Sent: Thursday, December 20, 2018 6:33 PM
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>
Subject: RE: SYS POE/MPP and ICE AirOps Update

This looks great to me – if no one else chimes in, I'll kick over to (b)(6); (b)(7)(C) o bless for (b)(5)

Thanks again (b)(6); (b)(7)(C)

From (b)(6); (b)(7)(C)
Sent: Thursday, December 20, 2018 6:28 PM
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>
Subject: SYS POE/MPP and ICE AirOps Update

(b)(6); (b)(7)(C)
Per your request, please find below a summary of the concerns discussed today and attached the photos that Greg had sent of the SYS POE in November. I understand that the trailer may have been moved from this location.

Migrant Protection Protocol (MPP)

(b)(5)

Medical/Health Considerations

(b)(5)

AMERICAN OVERSIGHT

Security/Transport Considerations

(b)(5)

Additional Fear Screening

(b)(5)

Separate Update Relating to Removals

(b)(5)

(b)(6); (b)(7)(C)
Assistant Director
Office of Policy and Planning
U.S. Immigration and Customs Enforcement
(202) 732 (b)(6); (b)(7)(C) (office)
(202) 270 (cell)

From: (b)(6); (b)(7)(C)
Sent: Tuesday, November 27, 2018 6:03 PM
To: (b)(6); (b)(7)(C) ice.dhs.gov>

AMERICAN OVERSIGHT

Cc (b)(6); (b)(7)(C) @ice.dhs.gov>; (b)(6); (b)(7)(C)
(b)(6); (b)(7)(C) @ice.dhs.gov>; (b)(6); (b)(7)(C) @ice.dhs.gov>
Subject: POE Trailer Photos

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

Please find attached some photos of the trailer and surrounding area of PedWest which is perfect for EOIR to hold hearings. The trailer is about 2000 square feet with a couple of offices, additional conference rooms and restrooms. The Mexican Consulate and a construction security company were using it as temporary office space but this week are moving into the permanent port building so it will be available. I don't know if there are issues with the ongoing construction project with GSA but if the WH wants RIM to be successful then any plan can be changed/postponed to allow EOIR to use.

I've also included a drawing showing ease of access for entry into the US, to the courtroom and return to Mexico. There is a follow up meeting Wednesday at 11a so I'll find out what CBP might be doing to use this space since I brought it up yesterday afternoon with the Deputy DFO and she was going to look into it.

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

Field Office Director
U.S. Immigration & Customs Enforcement
San Diego, California
(619) 43(b)(6);
(b)(7)(C)

AMERICAN OVERSIGHT

From: (b)(6); (b)(7)(C)
Sent: Fri, 21 Dec 2018 14:23:49 +0000
To: (b)(6); (b)(7)(C)
Subject: RE: SYS POE/MPP and ICE AirOps Update
Attachments: Gate from POE entry to staging area_1.jpg, Entrance to walkway from staging area to sallyport_2.jpg, Secured walkway from staging to sallyport_3.jpg, Sallyport2_4.jpg, Sallyport1_4.jpg, Secured area from sallyport to trailer_5.jpg, Entrance to trailer in secured area_6.jpg, Trailer in secure area_7.jpg, SYS POE.pdf

Looks good; what I did was rename the pictures with a sequence that walks the viewer thru the process, I also put the sequence on the map so it more clearly shows what the pictures represent. Let me know what you think

---

From (b)(6); (b)(7)(C)
Sent: Friday, December 21, 2018 8:40 AM
To (b)(6); (b)(7)(C) ice.dhs.gov>
Subject: FW: SYS POE/MPP and ICE AirOps Update

At AD1's request, please find below a summary of the concerns discussed yesterday and the

(b)(5)

Attached are photos of a trailer (approx. 2,000 sq. ft) that until recently was located on the grounds of the POE. Also included are photos of the surrounding area of PedWest, where EOIR could also hold hearings.

Also attached is a drawing (PedWest.pdf) illustrating ease of access for entry into the POE, to the area where trailers could be reestablished to hold hearings and the direct path of return to Mexico.

Given the recent roll out of the Migrant Protection Protocol (MPP), ICE reexamined the

(b)(5)

Top line areas of concern include:

AMERICAN OVERSIGHT

Medical/Health Considerations

(b)(5)

Security/Transport Considerations

(b)(5)

Additional Fear Screening

(b)(5)

Separate Update Relating to Removals to the Northern Triangle During the Holiday Season

(b)(5)

AMERICAN OVERSIGHT

From: (b)(6); (b)(7)(C)
Sent: Fri, 21 Dec 2018 15:21:56 +0000
To: (b)(6); (b)(7)(C)
Cc:
Subject: RE: SYS POE/MPP and ICE AirOps Update

Thanks (b)(6); (b)(7)(C) we are good with your comments

(b)(6); (b)(7)(C)
ICE ERO

From: (b)(6); (b)(7)(C) @ice.dhs.gov>
Date: Friday, Dec 21, 2018, 10:15
To: (b)(6); (b)(7)(C) @ice.dhs.gov>
C (b)(6); (b)(7)(C) @ice.dhs.gov>, (b)(6); (b)(7)(C) @ice.dhs.gov>
Subject: RE: SYS POE/MPP and ICE AirOps Update

A few thoughts before sending to (b)(6); (b)(7)(Any issues?

From: (b)(6); (b)(7)(C)
Sent: Friday, December 21, 2018 9:41 AM
To (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>
Subject: SYS POE/MPP and ICE AirOps Update

(b)(6);

Before we flip to (b)(6); for his review, appreciate you take a look at the draft that covers what AD1 wanted highlighted for AS2's awareness/consideration.

Thx,
NRA

At AD1's request, please find below a summary of the concerns discussed yesterday and the

(b)(5)

Attached are photos of a trailer (approx. 2,000 sq. ft) that until recently was located on the grounds of the POE. Also included are photos of the surrounding area of PedWest, where EOIR could also hold hearings.

AMERICAN OVERSIGHT

Also attached is a drawing (PedWest.pdf) illustrating ease of access for entry into the POE, to the area where trailers could be reestablished to hold hearings and the direct path of return to Mexico.

Given the recent roll out of the Migrant Protection Protocol (MPP), ICE reexamined the

(b)(5)

It's also noteworthy that during her testimony before Congress yesterday, S1 noted that DHS would prefer a port court.

Top line areas of concern include:

Medical/Health Considerations

(b)(5)

Security/Transport Considerations

(b)(5)

AMERICAN OVERSIGHT

eliminates these transportation concerns as aliens can be walked to and from courts in a secure environment without entering into the U.S.

Additional Fear Screening

(b)(5)

Potential Due Process Challenges

(b)(5)

Given the above concerns, it is imperative that DHS re-examine whether existing, move-in ready space at the SYS POE can be utilized for the initial implementation of MPP.

Separate Update Relating to Removals to the Northern Triangle During the Holiday Season

ICE AirOps has been notified of routine yearly country closures during the holiday season for Guatemala, El Salvador and Honduras. ICE AirOps will continue coordinating with the field offices in effort to fill as many seats as possible this week due to the impending closures. We currently have flights scheduled into Guatemala and Honduras for December 26-28th. ICE AirOps will not conduct removal flights into these countries on the following dates:

Scheduled Closures:

- Guatemala will be closed on Friday, December 21, 2018 through Tuesday, December 25, 2018 and December 31, 2018 through January 1, 2019.
- El Salvador will be closed on Monday, December 24, 2018 through Tuesday, January 1, 2019.
- Honduras will be closed on Tuesday, December 25, 2018 and January 1, 2019.

AMERICAN OVERSIGHT

From: (b)(6); (b)(7)(C)
Sent: Fri, 21 Dec 2018 15:42:04 +0000
To: (b)(6); (b)(7)(C)
Cc:
Subject: RE: SYS POE/MPP and ICE AirOps Update
Attachments: Gate from POE entry to staging area_1.jpg, Sallyport2_4.jpg, Entrance to trailer in secured area_6.jpg, Entrance to walkway from staging area to sallyport_2.jpg, Sallyport1_4.jpg, Trailer in secure area_7.jpg, Secured walkway from staging to sallyport_3.jpg, Secured area from sallyport to trailer_5.jpg, SYS POE.PDF, ERO SYS POE-MPP Concerns.docx

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

Please see the attached.

Thanks,

From: (b)(6); (b)(7)(C)
Sent: Friday, December 21, 2018 10:25 AM
To: (b)(6); (b)(7)(C)
(b)(6); (b)(7)(C)
Cc: (b)(6); (b)(7)(C)
(b)(6); (b)(7)(C)
Subject: RE: SYS POE/MPP and ICE AirOps Update

(b)(6); (b)(7)(C) is putting together a clean doc and will send it over

From (b)(6); (b)(7)(C)
Sent: Friday, December 21, 2018 10:25 AM
To: (b)(6); (b)(7)(C)
Cc: (b)(6); (b)(7)(C)
(b)(6); (b)(7)(C)
Subject: RE: SYS POE/MPP and ICE AirOps Update

Perfect. You want me to circulate this to (b)(6); (b)(7)(C) or was (b)(6); (b)(7)(C) going to do it? I'm happy to do so if that's easier for you all.

From: (b)(6); (b)(7)(C)
Sent: Friday, December 21, 2018 10:22 AM
To: (b)(6); (b)(7)(C)
(b)(6); (b)(7)(C)
Cc: (b)(6); (b)(7)(C)
(b)(6); (b)(7)(C)
Subject: RE: SYS POE/MPP and ICE AirOps Update

Thanks (b)(6); (b)(7)(C) we are good with your comments

AMERICAN OVERSIGHT

(b)(6); (b)(7)(C)
ICE ERO

From: (b)(6); (b)(7)(C) @ice.dhs.gov>
Date: Friday, Dec 21, 2018, 10:15
To: (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>
Subject: RE: SYS POE/MPP and ICE AirOps Update

A few thoughts before sending to (b)(6); (b)(7)(C) issues?

From: (b)(6); (b)(7)(C)
Sent: Friday, December 21, 2018 9:41 AM
To: (b)(6); (b)(7)(C) @ice.dhs.gov>
C (b)(6); (b)(7)(C) hs.gov> (b)(6); (b)(7)(C) @ice.dhs.gov>
Subject: SYS POE/MPP and ICE AirOps Update

(b)(6);

Before we flip to (b)(6); or his review, appreciate you take a look at the draft that covers what AD1 wanted highlighted for AS2's awareness/consideration.

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

At AD1's request, please find below a summary of the concerns discussed yesterday and the attached photos of the SYS POE that we received in November. Noteworthy to mention is that

(b)(5)

Attached are photos of a trailer (approx. 2,000 sq. ft) that until recently was located on the grounds of the POE. Also included are photos of the surrounding area of PedWest, where EOIR could also hold hearings.

Also attached is a drawing (PedWest.pdf) illustrating ease of access for entry into the POE, to the area where trailers could be reestablished to hold hearings and the direct path of return to Mexico.

(b)(5)

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(b)(5)

Top line areas of concern include:

Medical/Health Considerations

(b)(5)

Security/Transport Considerations

(b)(5)

Additional Fear Screening

(b)(5)

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(b)(5)

Separate Update Relating to Removals to the Northern Triangle During the Holiday Season

ICE AirOps has been notified of routine yearly country closures during the holiday season for Guatemala, El Salvador and Honduras. ICE AirOps will continue coordinating with the field offices in effort to fill as many seats as possible this week due to the impending closures. We currently have flights scheduled into Guatemala and Honduras for December 26-28th. ICE AirOps will not conduct removal flights into these countries on the following dates:

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- Honduras will be closed on Tuesday, December 25, 2018 and January 1, 2019.

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ERO Summary of Concerns
SYS POE/MPP

Overview

The summary below addresses ERO concerns as it relates to SYS POE/MPP process. Please see the photos within the accompanying email of SYS POE that we received in November. Noteworthy to mention is that we learned from FOD San Diego following our discussion that the trailer has since been removed from this location (date unknown). We nevertheless maintain that establishing port court at the SYS POE is far more practical and efficient than utilizing the non-detained court located in downtown San Diego for a host of reasons, the main concerns listed below.

The attached are photos of a trailer (approx. 2,000 sq. ft) that until recently was located on the grounds of the POE. Also included are photos of the surrounding area of PedWest, where EOIR could also hold hearings.

We've also attached is a drawing (PedWest.pdf) illustrating ease of access for entry into the POE, to the area where trailers could be reestablished to hold hearings and the direct path of return to Mexico.

Given the recent roll out of the Migrant Protection Protocol (MPP), ICE reexamined the

(b)(5)

It's also noteworthy that during her testimony before Congress yesterday, S1 noted that DHS would prefer a port court.

Medical/Health Considerations

(b)(5)

AMERICAN OVERSIGHT

(b)(5)

Security/Transport Considerations

(b)(5)

Additional Fear Screening

(b)(5)

at

Potential Due Process Challenges

(b)(5)

Separate Update Relating to Removals to the Northern Triangle During the Holiday Season

(b)(5)

AMERICAN OVERSIGHT

currently have flights scheduled into Guatemala and Honduras for December 26-28th. ICE AirOps will not conduct removal flights into these countries on the following dates:

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- El Salvador will be closed on Monday, December 24, 2018 through Tuesday, January 1, 2019.
- Honduras will be closed on Tuesday, December 25, 2018 and January 1, 2019.

AMERICAN OVERSIGHT

Secretary
U.S. Department of Homeland Security
Washington, DC 20528

Homeland Security

January 25, 2019

ACTION

MEMORANDUM FOR: L. Francis Cissna
Director
U.S. Citizenship and Immigration Services

Kevin K. McAleenan
Commissioner
U.S. Customs and Border Protection

Ronald D. Vitiello
Deputy Director and Senior Official Performing the Duties of Director
U.S. Immigration and Customs Enforcement

FROM: Kirstjen M. Nielsen
Secretary

SUBJECT: Policy Guidance for Implementation of the Migrant Protection Protocols

On December 20, 2018, I announced that the Department of Homeland Security (DHS), consistent with the Migrant Protection Protocols (MPP), will begin implementation of Section 235(b)(2)(C) of the Immigration and Nationality Act (INA) on a large-scale basis to address the migration crisis along our southern border. In 1996, Congress added Section 235(b)(2)(C) to the INA. This statutory authority allows the Secretary of Homeland Security to return certain applicants for admission to the contiguous country from which they are arriving on land (whether or not at a designated port of entry) pending removal proceedings under Section 240 of the INA. Consistent with the MPP, citizens and nationals of countries other than Mexico ("third-country nationals") arriving in the United States by land from Mexico—illegally or without proper documentation—may be returned to Mexico pursuant to Section 235(b)(2)(C) for the duration of their Section 240 removal proceedings.

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Section 235(b)(2)(C) and the MPP

The United States issued the following statement on December 20, 2018, regarding implementation of the Migrant Protection Protocols:

> [T]he United States will begin the process of implementing Section 235(b)(2)(C) . . . with respect to non-Mexican nationals who may be arriving on land (whether or not at a designated port of entry) seeking to enter the United States from Mexico illegally or without proper documentation. Such implementation will be done consistent with applicable domestic and international legal obligations. Individuals subject to this action may return to the United States as necessary and appropriate to attend their immigration court proceedings.
>
> The United States understands that, according to the Mexican law of migration, the Government of Mexico will afford such individuals all legal and procedural protection[s] provided for under applicable domestic and international law. That includes applicable international human rights law and obligations as a party to the 1951 Convention relating to the Status of Refugees (and its 1967 Protocol) and the Convention Against Torture.
>
> The United States further recognizes that Mexico is implementing its own, sovereign, migrant protection protocols providing humanitarian support for and humanitarian visas to migrants.
>
> The United States proposes a joint effort with the Government of Mexico to develop a comprehensive regional plan in consultation with foreign partners to address irregular migration, smuggling, and trafficking with the goal of promoting human rights, economic development, and security.[1]

The Government of Mexico, in response, issued a statement on December 20, 2018. That statement provides, in part, as follows:

> 1. For humanitarian reasons, [the Government of Mexico] will authorize the temporary entrance of certain foreign individuals coming from the United States who entered that country at a port of entry or who were detained between ports of entry, have been interviewed by U.S. immigration authorities, and have received a notice to appear before an immigration judge. This is based on current Mexican legislation and the international commitments Mexico has signed, such as the Convention Relating to the Status of Refugees, its Protocol, and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, among others.

---

[1] Letter from Chargé d'Affaires John S. Creamer to Sr. Jesús Seade, Subsecretaría para América del Norte, Secretaría de Relaciones Exteriores (Dec. 20, 2018).

AMERICAN OVERSIGHT

2. It will allow foreigners who have received a notice to appear to request admission into Mexican territory for humanitarian reasons at locations designated for the international transit of individuals and to remain in national territory. This would be a "stay for humanitarian reasons" and they would be able to enter and leave national territory multiple times.

3. It will ensure that foreigners who have received their notice to appear have all the rights and freedoms recognized in the Constitution, the international treaties to which Mexico is a party, and its Migration Law. They will be entitled to equal treatment with no discrimination whatsoever and due respect will be paid to their human rights. They will also have the opportunity to apply for a work permit for paid employment, which will allow them to meet their basic needs.

4. It will ensure that the measures taken by each government are coordinated at a technical and operational level in order to put mechanisms in place that allow migrants who have receive[d] a notice to appear before a U.S. immigration judge have access without interference to information and legal services, and to prevent fraud and abuse.[2]

Prosecutorial Discretion and *Non-Refoulement* in the Context of the MPP

In exercising their prosecutorial discretion regarding whether to place an alien arriving by land from Mexico in Section 240 removal proceedings (rather than another applicable proceeding pursuant to the INA), and, if doing so, whether to return the alien to the contiguous country from which he or she is arriving pursuant to Section 235(b)(2)(C), DHS officials should act consistent with the *non-refoulement* principles contained in Article 33 of the 1951 Convention Relating to the Status of Refugees[3] (1951 Convention) and Article 3 of the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT).[4] Specifically, a third-country national should not be involuntarily returned to Mexico pursuant to Section 235(b)(2)(C) of the INA if the alien would more likely than not be persecuted on account of race, religion, nationality, membership in a particular social group, or political opinion (unless such alien has engaged in criminal, persecutory, or terrorist activity described in Section 241(b)(3)(B) of the

---

[2] Secretaría de Relaciones Exteriores, *Position of Mexico on the Decision of the U.S. Government to Invoke Section 235(b)(2)(C) of its Immigration and Nationality Act* (Dec. 20, 2018).

[3] The United States is not a party to the 1951 Convention but is a party to the 1967 Protocol Relating to the Status of Refugees, which incorporates Articles 2 to 34 of the 1951 Convention. Article 33 of the 1951 Convention provides that: "[n]o Contracting State shall expel or return ('*refouler*') a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion."

[4] Article 3 of the CAT states, "No State Party shall expel, return ('*refouler*') or extradite a person to another State where there are substantial grounds for believing that he would be in danger of being subjected to torture." *See also* Foreign Affairs Reform and Restructuring Act of 1998 (FARRA), Pub. L. No. 105-277, Div. G, Title XXII, § 2242(a) (8 U.S.C. § 1231 note) ("It shall be the policy of the United States not to expel, extradite, or otherwise effect the involuntary return of any person to a country in which there are substantial grounds for believing the person would be in danger of being subjected to torture, regardless of whether the person is physically present in the United States.").

AMERICAN OVERSIGHT

INA), or would more likely than not be tortured, if so returned pending removal proceedings. The United States expects that the Government of Mexico will comply with the commitments articulated in its statement of December 20, 2018.

U.S. Citizenship and Immigration Services, U.S. Customs and Border Protection, and U.S. Immigration and Customs Enforcement will issue appropriate internal procedural guidance to carry out the policy set forth in this memorandum.[5]

This memorandum is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

[5] A DHS immigration officer, when processing an alien for Section 235(b)(2)(C), should refer to USCIS any alien who has expressed a fear of return to Mexico for a *non-refoulement* assessment by an asylum officer.

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Policy Number: 11088.1
FEA Number: 306-112-002b

Office of the Director

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

U.S. Immigration and Customs Enforcement

February 12, 2019

MEMORANDUM FOR: Executive Associate Directors
Principal Legal Advisor

FROM: Ronald D. Vitiello
Deputy Director and
Senior Official Performing the Duties of the Director

SUBJECT: Implementation of the Migrant Protection Protocols

On January 25, 2019, Secretary Nielsen issued a memorandum entitled *Policy Guidance for Implementation of the Migrant Protection Protocols*, in which she provided guidance for the implementation of the Migrant Protection Protocols (MPP) announced on December 20, 2018, an arrangement between the United States and Mexico to address the migration crisis along our southern border. Pursuant to the Secretary's direction, this memorandum provides guidance to U.S. Immigration and Customs Enforcement (ICE) about its role in the implementation of the MPP.

Section 235(b)(2)(C) of the Immigration and Nationality Act (INA) allows the Department of Homeland Security (DHS), in its discretion, with regard to certain aliens who are "arriving on land (whether or not at a designated port of arrival) from a foreign territory contiguous to the United States, . . . [to] return the alien[s] to that territory pending a proceeding under [INA] section 240." Consistent with the MPP, third-country nationals (i.e., aliens who are not citizens or nationals of Mexico) who are arriving in the United States by land from Mexico may be returned to Mexico pursuant to INA section 235(b)(2)(C) for the duration of their INA section 240 removal proceedings. DHS will not use the INA section 235(b)(2)(C) process in the cases of unaccompanied alien children, aliens placed into the expedited removal (ER) process of INA section 235(b)(1), and other aliens determined, in the exercise of discretion, not to be appropriate for such processing (which may include certain aliens with criminal histories, individuals determined to be of interest to either Mexico or the United States, and lawful permanent residents of the United States).

The direct placement of an alien into INA section 240 removal proceedings (and, in DHS's discretion, returning the alien to Mexico pursuant to INA section 235(b)(2)(C) pending those proceedings) is a separate and distinct process from ER. Processing determinations, including whether to place an alien into ER or INA section 240 proceedings (and, as applicable, to return an alien placed into INA section 240 proceedings to Mexico under INA section 235(b)(2)(C) as

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part of MPP), or to apply another processing disposition, will be made by U.S. Customs and Border Protection (CBP), in CBP's enforcement discretion.

MPP implementation began at the San Ysidro port of entry on or about January 28, 2019, and it is intended that MPP implementation will expand eventually across the southern border. In support of MPP, ICE Enforcement and Removal Operations (ERO) will provide appropriate transportation when necessary, for aliens returned to Mexico under the MPP, from the designated port of entry to the court facility for the scheduled removal hearings before an immigration judge and back to the port of entry for return to Mexico by CBP after such hearings. ERO also will be responsible for effectuating removal orders entered against aliens previously processed under INA section 235(b)(2)(C), including post-removal order detention. ICE attorneys will represent DHS in the related removal proceedings pursuant to 6 U.S.C. § 252(c).

As instructed by the Secretary, in exercising prosecutorial discretion concerning the potential return of third-country nationals to Mexico under INA section 235(b)(2)(C), DHS officials should act consistently with the *non-refoulement* principles contained in Article 33 of the 1951 Convention Relating to the Status of Refugees and Article 3 of the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Specifically, a third-country national who affirmatively states a fear of return to Mexico (including while in the United States to attend a removal hearing) should not be involuntarily returned under INA section 235(b)(2)(C) if the alien would more likely than not be persecuted on account of race, religion, nationality, membership in a particular social group, or political opinion (unless described in INA section 241(b)(3)(B) as having engaged in certain criminal, persecutory, or terrorist activity), or would more likely than not be tortured, if so returned pending removal proceedings. *Non-refoulement* assessments will be made by U.S. Citizenship and Immigration Services (USCIS) asylum in accordance with guidance issued by the Director of USCIS.

Within ten (10) days after this memorandum, relevant ICE program offices are directed to issue further guidance to ensure that MPP is implemented in accordance with the Secretary's memorandum, this memorandum, and policy guidance and procedures, in accordance with applicable law.

This document provides internal ICE policy guidance, which may be modified, rescinded, or superseded at any time without notice. This memorandum is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person. Likewise, no limitations are placed by this guidance on the otherwise lawful enforcement or litigative prerogatives of DHS.

Attachment:
DHS Secretary Memorandum, *Policy Guidance for Implementation of Migrant Protection Protocols*, dated January 25, 2019.

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Enforcement and Removal Operations

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

U.S. Immigration and Customs Enforcement

February 12, 2019

MEMORANDUM FOR: Field Office Directors
Enforcement and Removal Operations

FROM: Nathalie R. Asher
Acting Executive Associate Director

SUBJECT: Migrant Protection Protocols Guidance

Purpose

This memorandum provides operational guidance to impacted Enforcement and Removal Operations (ERO) field offices to ensure that the Migrant Protection Protocols (MPP) are implemented in accordance with applicable law, the Secretary's January 25, 2019, memorandum, *Policy Guidance for Implementation of the Migrant Protection Protocols*, Acting Director Vitiello's February 12, 2019, memorandum of the same title, and other applicable policies and procedures.

Background

On January 25, 2019, Secretary Nielsen issued a memorandum entitled *Policy Guidance for Implementation of the Migrant Protection Protocols*, in which she provided guidance for the implementation of the MPP, an arrangement between the United States and Mexico to address the migration crisis along our southern border announced on December 20, 2018. Thereafter, on February 12, 2019, Deputy Director and Senior Official Performing the Duties of the Director Vitiello issued U.S. Immigration and Customs Enforcement (ICE) Policy Memorandum 11088.1, *Implementation of the Migrant Protection Protocols*, announcing that operational implementation of MPP began at the San Ysidro port of entry on or about January 28, 2019, and directing that ICE program offices issue further guidance to ensure that the MPP is implemented in accordance with the Secretary's memorandum, applicable law, and policy guidance and procedures.

Discussion

Under section 235(b)(2)(C) of the Immigration and Nationality Act (INA), the U.S. Department of Homeland Security (DHS) may, in its discretion, with regard to certain applicants for admission who are "arriving on land (whether or not at a designated port of arrival) from a foreign territory contiguous to the United States, . . . return the alien[s] to that territory pending a proceeding under [INA section] 240."

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return the alien to Mexico pending removal proceedings pursuant to section 235(b)(2)(C) of the INA, as detailed in ICE Policy Memorandum 11088.1. Aliens processed under the MPP will be issued a Notice to Appear (NTA) by CBP and returned by CBP to Mexico to await their removal proceedings.

Aliens returned to Mexico under the MPP pursuant to section 235(b)(2)(C) of the INA will be required to report to a designated POE on their scheduled hearing dates and will be paroled into the United States by CBP for purposes of their hearings. As further explained in the next section, CBP will then transfer the aliens to ERO custody for transportation to designated Executive Office for Immigration Review (EOIR) court locations for their hearings.

If the alien is granted relief or protection from removal by the immigration judge or is ordered removed from the United States, and appeal is not reserved by either party, the alien will be processed in accordance with standard procedures applicable to final order cases. If the immigration judge continues proceedings or enters an order upon which either party reserves appeal, ERO will transport the alien back to the POE, whereupon CBP officers will take custody of the alien to return the alien to Mexico to await further proceedings.

MPP implementation began at the San Ysidro port of entry (POE) on or about January 28, 2019, and it is intended that MPP implementation will expand to additional locations along the southern border. This memorandum provides general procedural guidance applicable to ERO personnel in the implementation of the MPP. Field Office Directors should each assign a lead POC for MPP issues arising within their AORs and issue local operational guidance applicable to their individual areas of responsibility as the MPP is phased in.

Hearing Transportation and Custody

Before returning an alien to Mexico under the MPP to await his or her removal proceedings, CBP will provide the alien instructions explaining when and to which POE to report to attend his or her hearing. On the day of the hearing, an alien returned to Mexico under the MPP will arrive at the POE at the time designated—generally, a time sufficient to allow for CBP processing, pre-hearing consultation with counsel (if applicable), and timely appearance at hearings. Once CBP conducts POE processing (including verification of identity and a brief medical screening), for hearings set at immigration courts located in the interior of the United States, CBP will parole the alien into ICE's custody under INA section 212(d)(5)(A), and ERO will maintain physical custody of the alien during transportation of the alien from the POE to the designated immigration court location, making appropriate use of contract support and complying with applicable requirements concerning the transportation of aliens.

In cases in which ICE performs that transportation function between the POE and an inland immigration court, the alien is detained in ICE custody as an arriving alien.[1] ERO should coordinate locally with CBP officials at POEs where the MPP has been implemented, so that the

[1] Aliens participating in the MPP who CBP initially encounters at a POE are "arriving aliens" within the meaning of 8 C.F.R. §§ 1.2 and 1001.1(q) (defining "arriving alien" to include "an applicant for admission coming … into the United States at a port-of-entry"). Moreover, on their hearing dates before an immigration judge, aliens who CBP initially encountered *between* the POEs will come *to* a POE to attend their hearings, placing them within the "arriving alien" definition, as well.

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daily volume of MPP cases can be monitored and any transportation needs may be properly met. ERO should also coordinate locally with EOIR concerning security arrangements at the immigration court location. While EOIR is responsible for security inside the courtroom, and ERO should generally defer to immigration judges' wishes concerning their presence in the courtroom, DHS is ultimately responsible for maintaining custody of the alien. If an alien is ordered released by an immigration judge, ERO should coordinate closely with the ICE Office of the Principal Legal Advisor (OPLA) regarding how to proceed with the case. After an alien's removal hearing is over, ERO will transport him or her back to the POE for return to Mexico or to retrieve property, as applicable. If the alien has received a final grant of relief or an administratively final order of removal, ERO will coordinate with CBP and make appropriate custody determinations.

Access to Counsel

Section 240(b)(4)(A) of the INA provides that an alien in removal proceedings before an immigration judge "shall have the privilege of being represented, at no expense to the Government, by counsel of the alien's choosing who is authorized to practice in such proceedings." Similarly, section 292 provides that "[i]n any removal proceedings . . . the person concerned shall have the privilege of being represented (at no expense to the Government) by such counsel . . . as he shall choose." Accordingly, in order to facilitate access to counsel for aliens subject to return to Mexico under the MPP who will be transported to their immigration court hearings by ERO, ERO will depart from the POE with the alien at a time sufficient to ensure arrival at the immigration court not later than one hour before his or her scheduled hearing time in order to afford the alien the opportunity to meet in-person with his or her legal representative.

Non-Refoulement Considerations

In accordance with Secretary Nielsen's January 25, 2019, memorandum, DHS should implement the MPP consistent with the *non-refoulement* principles contained in Article 33 of the 1951 Convention Relating to the Status of Refugees (1951 Convention) and Article 3 of the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT). Specifically, an alien should not be involuntarily returned to Mexico under the MPP if the alien would more likely than not be persecuted on account of race, religion, nationality, membership in a particular social group, or political opinion (unless such alien has engaged in criminal, persecutory, or terrorist activity described in section 241(b)(3)(B) of the INA), or would more likely than not be tortured, if so returned pending removal proceedings.

If an alien subject to the MPP affirmatively states to an ERO officer that he or she has a fear of persecution or torture *in Mexico*, or a fear of return *to Mexico*, at any point while in ERO custody, ERO will notify CBP of the alien's affirmative statement so that CBP officials at the POE may refer the alien to a U.S. Citizenship and Immigration Services (USCIS) asylum officer for screening before any return to Mexico to assess whether it is more likely than not that the alien will face persecution or torture if returned to Mexico in accordance with guidance issued by the Director of USCIS.

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If USCIS assesses that such an alien is more likely than not to face persecution or torture in Mexico, ERO will determine whether the alien may be maintained in custody or paroled, or if another disposition is appropriate. Such an alien may not be subject to expedited removal; however, and may not be returned to Mexico to await further proceedings.[2]

Recordkeeping and Reporting

MPP aliens booked in and out of ICE custody must be appropriately documented in the Enforce Alien Detention Module (EADM) and monitored per a final Form I-216, *Record of Person and Property Transfer*. For MPP aliens booked into ICE custody, the comment "out to court pursuant to MPP," must be added to the comments section of EADM.

EADM records for MPP aliens booked out of ICE custody will need to reflect the appropriate court dispositions. Comments in EADM should reflect "MPP, Returned to the POE for Future Hearing;" "MPP, Granted Relief, Released from Custody;" "MPP, Claimed Fear of Mexico, returned to the POE;" or "MPP, Ordered Removed," or similar comments indicating an MPP disposition as appropriate.

Disclaimers

Except as specifically provided in relation to the MPP, existing policies and procedures for processing and removing aliens remain unchanged. That applies to record-keeping responsibilities as well as removal authority and responsibility. The MPP does not change ERO's removal operations, and removable aliens will be processed in accordance with standard practices and procedures.

This document is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person. Likewise, this guidance places no limitations on the otherwise lawful enforcement or litigative prerogatives of DHS.

[2] In MPP cases where an immigration judge grants withholding or deferral of removal *to Mexico* and appeal is reserved, ERO should confer with OPLA about appropriate next steps prior to any return under INA section 235(b)(2)(C).

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From: ERO Taskings
Sent: Wed, 13 Feb 2019 20:41:37 +0000
Subject: Implementation of Migrant Protection Protocols
Attachments: ERO EAD MPP Implementation Memo_FINAL.pdf

The following message is sent on behalf of (b)(6); (b)(7)(C) ***cting Executive Associate Director for Enforcement and Removal Operations:***

To: Field Office Directors

Subject: Implementation of Migrant Protection Protocols

On January 25, 2019, Secretary Nielsen issued a memorandum entitled *Policy Guidance for Implementation of the Migrant Protection Protocols*, in which she provided guidance for the implementation of the Migrant Protection Protocols (MPP) to address the migration crisis along our southern border. Under MPP, certain aliens illegally entering or seeking admission to the United States from Mexico may be returned to Mexico pending the duration of their immigration proceedings.

On February 12, 2019, U.S. Immigration and Customs Enforcement (ICE) Policy Memorandum 11088.1, *Implementation of the Migrant Protection Protocols,* was issued by Deputy Director and Senior Official Performing the Duties of the Director Vitiello, providing agency policy guidance for implementation of the MPP. Under MPP, Enforcement and Removal Operations (ERO) is responsible for providing transportation of aliens from a port of entry to their court hearing, when necessary, and the Office of Principal Legal Advisor (OPLA) is responsible for representing DHS in immigration proceedings.

In accordance with the ICE Policy Memorandum, I am providing the attached memorandum to provide further guidance for ERO's implementation efforts. ERO is responsible for the transportation of aliens to their court hearings when the hearings take place outside of a port of entry, ensuring proper documentation and recordkeeping, and reporting to U.S. Customs and Border Protection (CBP) any affirmative statements by an alien while in ERO custody claiming fear of return to Mexico or fear of persecution or torture in Mexico.

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MPP is being implemented incrementally along the southwest border. ERO field offices will be contacted by Headquarters to initiate implementation efforts, which will require outreach to local CBP, U.S. Citizenship and Immigration Services, and the Executive Office for Immigration Review counterparts to develop local procedures consistent with this memo.

If you have questions, please direct them through your respective Domestic Operations Deputy Assistant Director.

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