U.S. Department of Homeland Security
500 12th St. SW; STOP 5009
Washington, DC 20546-5009

U.S. Immigration and Customs Enforcement

June 28, 2024

Hart W. Wood
American Oversight
1030 15th Street NW, B255
Washington, DC 20005
hart.wood@americanoversight.com

RE: American Oversight v. DHS, et al; 23-CV-1395
ICE FOIA Case Number 2023-ICLI-00022
Second Response Letter

Dear Mr. Wood:

This is the second response to your client's Freedom of Information Act (FOIA) requests to U.S. Immigration and Customs Enforcement (ICE) dated September 30, 2019. Your FOIA request seeks records pertaining to all email communications sent to or received by any employee or representative of any of the following entities or email address ending in the following: @fairus.org, @irli.org, @cis.org, @numbersusa.com, @theremebranceproject.org, @heritage.org, @vdare.com, kkobach@gmail.com, kris@kriskobach.com. Any email communications, handwritten communications, and/or calendar entries involving anyone with an email address ending in @who.eop.gov regarding Migrant Protection Protocols (MPP). It was requested that ICE search the records of the following: Mark Morgan, Tracy Short, Ronald Vitiello, Matthew Albence, Derek Benner, Thomas Blank, Chris Kelly, Jon Feere, Barbara Gonzalez, anyone serving in the capacity of White House Liaison or advisor. (including anyone with an email address ending in @who.eop.gov)

ICE has considered your request under the FOIA, 5 U.S.C. § 552, and processed 497 pages of potentially responsive documents. A search of the ICE emails located records that were potentially responsive to your request. For this production, ICE reviewed 497 pages of potentially responsive records. ICE determined that 46 pages were non-responsive, and 9 pages are duplicates. 110 pages have been sent for a consultation to Department of Homeland Security (DHS), White House, Department of State (DOS), Customs and Border Protection (CBP), Transportation Security Administration (TSA), Department of Justice (DOJ) and U.S. Citizenship and Immigration Services and will be supplementary released upon receipt. The remaining 332 pages have been Bates numbered 2023-ICLI-00022 330 through 2023-ICLI-00022 661. ICE has applied FOIA Exemptions (b)(5), (b)(6), (b)(7)(C), and (b)(7)(E) to portions of these pages as described below.

FOIA Exemption 5 protects inter-agency or intra-agency memorandums or letters which are not available by law to a party other than an agency in litigation with the agency. The deliberative process privilege protects the integrity of the deliberative or decision-making processes within the agency by exempting from mandatory disclosure opinions, conclusions, and recommendations

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included within inter-agency or intra-agency 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. The attorney work-product privilege protects documents and other memoranda prepared by an attorney in contemplation of litigation. The attorney-client privilege protects confidential communications between an attorney and his client relating to a legal matter for which the client has sought professional advice. It applies to facts divulged by a client to his attorney, and encompasses any opinions given by an attorney to his client based upon, and thus reflecting, those facts, as well as communications between attorneys that reflect client-supplied information. The attorney-client privilege is not limited to the context of litigation.

ICE has applied FOIA Exemptions 6 and 7(C) to protect from disclosure the names, e-mail addresses, and phone numbers of ICE and DHS employees contained within the documents, as well as the names, and other personally identifiable information of other individuals contained within the records.

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 and other law enforcement sensitive information contained within the documents.

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. ICE has 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.

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If you have any questions about this letter, please contact Assistant United States Attorney Dedra Curteman at dedra.curteman@usdoj.gov.

Sincerely,

Rolando Velasco
Supervisory Paralegal Specialist

Enclosure(s): 332 Pages

Cc w/encl.: Dedra Curteman
Assistant United States Attorney

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From: Gonzalez, Barbara M (b)(6),(b)(7)(C)
(b)(6),(b)(7)(C) GONZALEZ, B]
Sent: 1/13/2020 9:22:32 PM
To: (b)(6),(b)(7)(C)
Subject: RE: AD1 to participate on HT panel at Heritage Foundation

You're welcome.

Barbara M. Gonzalez
Assistant Director
U.S. Immigration and Customs Enforcement (ICE)
Office of Partnership and Engagement (OPE)
202.732.(b)(6),(b)(7)(C) office
(b)(6),(b)(7)(C) @ICE.DHS.gov

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From: (b)(6),(b)(7)(C) @ice.dhs.gov>
Sent: Monday, January 13, 2020 4:22 PM
To: Gonzalez, Barbara M (b)(6),(b)(7)(C) @ice.dhs.gov>
Subject: RE: AD1 to participate on HT panel at Heritage Foundation

Thanks!

(b)(6),(b)(7)(C)
Division Chief (Acting) | Internal Communications

desk: 202.732.(b)(6),(b)(7)(C) | cell: 202.425.(b)(6),(b)(7)(C)

From: Gonzalez, Barbara M (b)(6),(b)(7)(C) @ice.dhs.gov>
Date: Monday, Jan 13, 2020, 4:20 PM
To: (b)(6),(b)(7)(C) @ice.dhs.gov>
Subject: FW: AD1 to participate on HT panel at Heritage Foundation

FYSA - https://www.heritage.org/homeland-security/event/strengthening-the-us-response-human-trafficking.

Please let me know if you need anything else.

Barbara M. Gonzalez
Assistant Director

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U.S. Immigration and Customs Enforcement (ICE)
Office of Partnership and Engagement (OPE)
202.732.(b)(6),(b)(7)(C) ffice
(b)(6),(b)(7)(C) @ICE.DHS.gov

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From: Gonzalez, Barbara M
Sent: Friday, January 10, 2020 6:33 PM
To: Kelly, Christopher S <(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>; #HSI CHIEFS OF STAFF (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) @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: AD1 to participate on HT panel at Heritage Foundation

Good evening, Team:

I received additional details following a late afternoon conference call today regarding the upcoming human trafficking awareness panel that the boss will participate in.

(b)(5),(b)(6),(b)(7)(C)

(b)(5),(b)(6),(b)(7)(C)

POCs:

For media-related questions, (b)(6),(b)(7)(C) Heritage's Senior Comms lead can be reached at: (b)(6),(b)(7)(C) @heritage.org.

The event's location is as follows:

The Heritage Foundation
Lehrman Auditorium
214 Massachusetts Ave NE
Washington, DC
20002

Please let me know if you have any questions.

Barbara M. Gonzalez
Assistant Director
U.S. Immigration and Customs Enforcement (ICE)
Office of Partnership and Engagement (OPE)
202.732.(b)(6),(b)(7)(C) Office
(b)(6),(b)(7)(C) @ICE.DHS.gov

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From: Gonzalez, Barbara M [(b)(6),(b)(7)(C) (b)(6),(b)(7)(C) -GONZALEZ, B]
Sent: 1/13/2020 9:44:29 PM
To: (b)(6),(b)(7)(C) @heritage.org]
Subject: RE: great meeting

Thank you, (b)(6),(b)(7)(C) I appreciate it.

Regards,

Barbara M. Gonzalez
Assistant Director
U.S. Immigration and Customs Enforcement (ICE)
Office of Partnership and Engagement (OPE)
202.732(b)(6),(b)(7)(C)ffice
(b)(6),(b)(7)(C) @ICE.DHS.gov

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From: (b)(6),(b)(7)(C) @heritage.org>
Sent: Monday, January 13, 2020 4:43 PM
To: Gonzalez, Barbara M <(b)(6),(b)(7)(C) @ice.dhs.gov>
Subject: Re: great meeting

Thank you, Barbara!

We will send out the flow of show in its final form tomorrow morning. Thank you for joining the call and for sending ICE Director Albence's bio.

Best,

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

From: Gonzalez, Barbara M <(b)(6),(b)(7)(C) @ice.dhs.gov>
Sent: Monday, January 13, 2020 4:22 PM
To: (b)(6),(b)(7)(C) @heritage.org>
Subject: great meeting

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

Great conference call. I look forward to receiving the flow of show. Please let me know if you need anything else.

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Thank you,

Barbara M. Gonzalez
Assistant Director
U.S. Immigration and Customs Enforcement (ICE)
Office of Partnership and Engagement (OPE)
202.732.[redacted] Office
(b)(6),(b)(7)(C) @ICE.DHS.gov

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(b)(6),(b)(7)(C)
Senior Policy Analyst
The Heritage Foundation
214 Massachusetts Avenue, NE
Washington, DC 20002
202-548-[redacted]
heritage.org

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From: Gonzalez, Barbara M (b)(6),(b)(7)(C)
(b)(6),(b)(7)(C) -GONZALEZ, B]
Sent: 1/13/2020 10:05:04 PM
To: (b)(6),(b)(7)(C)
(b)(6),(b)(7)(C) @heritage.org]
CC: (b)(6),(b)(7)(C)
Subject: RE: Security for Director Albence

You're welcome.

Barbara M. Gonzalez
Assistant Director
U.S. Immigration and Customs Enforcement (ICE)
Office of Partnership and Engagement (OPE)
202.732.(b)(6),(b)(7)(C) Office
(b)(6),(b)(7)(C) @ICE.DHS.gov

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From: (b)(6),(b)(7)(C) @ice.dhs.gov>
Sent: Monday, January 13, 2020 5:05 PM
To: Gonzalez, Barbara M (b)(6),(b)(7)(C) @ice.dhs.gov> (b)(6),(b)(7)(C) @heritage.org>
Cc: (b)(6),(b)(7)(C) @ice.dhs.gov>
Subject: RE: Security for Director Albence

Thank you.

Sent with BlackBerry Work
(www.blackberry.com)

From: Gonzalez, Barbara M <(b)(6),(b)(7)(C) @ice.dhs.gov>
Date: Monday, Jan 13, 2020, 4:36 PM
To: (b)(6),(b)(7)(C) @heritage.org>
Cc: (b)(6),(b)(7)(C) @ice.dhs.gov> (b)(6),(b)(7)(C)
(b)(6),(b)(7)(C) @ice.dhs.gov>
Subject: Security for Director Albence

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

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I'm copying Supervisory Special Agent (b)(6),(b)(7)(C) ; who heads our director's security detail. Can you please give him the best POC for advance logistics for Wednesday's event for our boss?

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

This is for Wednesday's event at Heritage Foundation.

Thank you,

Barbara M. Gonzalez
Assistant Director
U.S. Immigration and Customs Enforcement (ICE)
Office of Partnership and Engagement (OPE)
202.732.(b)(6),(b)(7)(C) Office
(b)(6),(b)(7)(C)@ICE.DHS.gov

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From: Gonzalez, Barbara M (b)(6),(b)(7)(C) (b)(6),(b)(7)(C) GONZALEZ, B]
Sent: 1/13/2020 9:27:41 PM
To: (b)(6),(b)(7)(C) @heritage.org]
CC: (b)(6),(b)(7)(C) (b)(6),(b)(7)(C) @heritage.org]; (b)(6),(b)(7)(C) (b)(6),(b)(7)(C)
Subject: ICE director's BIO
Attachments: albence.pdf

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

Here is our director's bio. You can also view it here: https://www.ice.gov/leadership

Please let us know if you need anything else.

Thank you,

Barbara M. Gonzalez
Assistant Director
U.S. Immigration and Customs Enforcement (ICE)
Office of Partnership and Engagement (OPE)
202.732 (b)(6),(b)(7)(C) Office
(b)(6),(b)(7)(C) @ICE.DHS.gov

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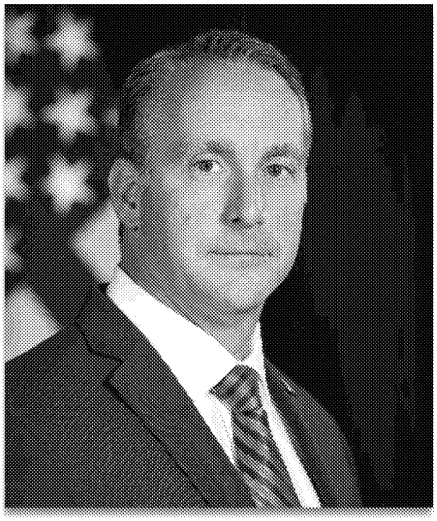
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BIOGRAPHY

U.S. Immigration and Customs Enforcement

Matthew T. Albence

Acting Director for U.S. Immigration and Customs Enforcement



Matthew T. Albence is the Acting Director for U.S. Immigration and Customs Enforcement (ICE).

As ICE's senior law enforcement official, Mr. Albence executes oversight of ICE's day-to-day operations and oversees a workforce of more than 20,000 officers, special agents, attorneys, and mission support professionals assigned to more than 400 domestic and international offices, with a budget of more than $7 billion.

Prior to his selection as Acting Director, Mr. Albence served as the agency's Deputy Director, selected for this position in August 2018 to lead the nation's vital immigration enforcement efforts. Prior to this assignment, Mr. Albence served as the agency's Executive Associate Director (EAD) for Enforcement and Removal Operations, leading ERO in its mission to identify, arrest, and remove aliens who present a danger to national security or are a risk to public safety, as well as those who enter the United States illegally or otherwise undermine the integrity of our immigration laws and our border control efforts. He was appointed EAD in February 2017. In this role, Mr. Albence led an organization of more than 7,600 employees assigned to 24 ERO field offices and 22 overseas locations.

Previously, Mr. Albence served as the Assistant Director for the ERO Enforcement Division where he was responsible for all ERO enforcement programs and initiatives.

As Acting Director Albence has 25 years of federal law enforcement experience, beginning his career in San Antonio as a Special Agent with the former U.S. Immigration & Naturalization Service (INS) in 1994. He was promoted in 1999 to Supervisory Special Agent, San Antonio. Mr. Albence's supervisory experience also includes positions Deputy Assistant District Director for Investigations, Chicago; Associate Special Agent in Charge, Chicago; Deputy Special Agent in Charge, Detroit; Unit Chief for the ICE Office of Investigations Training Academy, Glynco; TSA Deputy Special Agent in Charge of the South Central Regional Field Office and Deputy Assistant Director for the ERO Criminal Alien Division.

Mr. Albence received a B.S. in Justice and a M.S. in Administration of Justice. He is a member of the Senior Executive Service.

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REL0000023619.0001
DHS-(ICE)-19-1228-G-000009

From: Gonzalez, Barbara M (b)(6),(b)(7)(C)
(b)(6),(b)(7)(C) GONZALEZ, B]
Sent: 1/13/2020 9:22:59 PM
To: (b)(6),(b)(7)(C) @heritage.org]
Subject: great meeting

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

Great conference call. I look forward to receiving the flow of show. Please let me know if you need anything else.

Thank you,

Barbara M. Gonzalez
Assistant Director
U.S. Immigration and Customs Enforcement (ICE)
Office of Partnership and Engagement (OPE)
202.732.(b)(6),(b)(7)(C) Office
(b)(6),(b)(7)(C) @ICE.DHS.gov

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From: Gonzalez, Barbara M (b)(6),(b)(7)(C)
(b)(6),(b)(7)(C) GONZALEZ, B]
Sent: 1/13/2020 9:44:57 PM
To:
CC: (b)(6),(b)(7)(C)
Subject: FW: great meeting

FYSA- we will get the flow of show tomorrow from Heritage.

Barbara M. Gonzalez
Assistant Director
U.S. Immigration and Customs Enforcement (ICE)
Office of Partnership and Engagement (OPE)
202.732.(b)(6),(b)(7)(C) Office
(b)(6),(b)(7)(C)@ICE.DHS.gov

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From: (b)(6),(b)(7)(C)@heritage.org>
Sent: Monday, January 13, 2020 4:43 PM
To: Gonzalez, Barbara M <(b)(6),(b)(7)(C)@ice.dhs.gov>
Subject: Re: great meeting

Thank you, Barbara!

We will send out the flow of show in its final form tomorrow morning. Thank you for joining the call and for sending ICE Director Albence's bio.

Best,

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

From: Gonzalez, Barbara M <(b)(6),(b)(7)(C)@ice.dhs.gov>
Sent: Monday, January 13, 2020 4:22 PM
To: (b)(6),(b)(7)(C)@heritage.org>
Subject: great meeting

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

Great conference call. I look forward to receiving the flow of show. Please let me know if you need anything else.

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Thank you,

Barbara M. Gonzalez
Assistant Director
U.S. Immigration and Customs Enforcement (ICE)
Office of Partnership and Engagement (OPE)
202.732.(b)(6),(b)(7)(C) Office
(b)(6),(b)(7)(C)@ICE.DHS.gov

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(b)(6),(b)(7)(C)
Senior Policy Analyst
The Heritage Foundation
214 Massachusetts Avenue, NE
Washington, DC 20002
202-548-(b)(6),(b)(7)(C)
heritage.org

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From: Gonzalez, Barbara M [redacted]

Sent: [redacted] GONZALEZ, B]

To: [redacted]; [redacted] Kelly, Christopher S [redacted]

Subject: RE: AD1 to participate on HT panel at Heritage Foundation

Thanks, [redacted].

Barbara M. Gonzalez
Assistant Director
U.S. Immigration and Customs Enforcement (ICE)
Office of Partnership and Engagement (OPE)
202.732.[redacted] (office)
[redacted]@ICE.DHS.gov

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From: [redacted]@ice.dhs.gov>
Sent: Monday, January 13, 2020 6:05 PM
To: [redacted]@ice.dhs.gov>; [redacted]@ice.dhs.gov>; Gonzalez, Barbara M <[redacted]@ice.dhs.gov>; Kelly, Christopher S [redacted]@ice.dhs.gov>; [redacted]@ice.dhs.gov>; [redacted]@ice.dhs.gov>; [redacted]@ice.dhs.gov>; [redacted]@ice.dhs.gov>
Subject: RE: AD1 to participate on HT panel at Heritage Foundation

Will send through DD Staff but here is our final version with additions fo [redacted]

From: [redacted]@ice.dhs.gov>
Sent: Monday, January 13, 2020 2:09 PM
To: [redacted]@ice.dhs.gov>; [redacted]

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(b)(6),(b)(7)(C) @ice.dhs.gov>; Gonzalez, Barbara M < (b)(6),(b)(7)(C) @ice.dhs.gov>; Kelly, Christopher S (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: AD1 to participate on HT panel at Heritage Foundation

Thanks (b)(6),(b)(7)(C) Adding our speechwriter in case I'm at the WH without my phone when you send them.

(b)(6),(b)(7)(C)
Assistant Director (A)
ICE Office of Public Affairs | Department of Homeland Security
202-732-(b)(6),(b)(7)(C) desk) | 202-731-(b)(6),(b)(7)(C) (mobile)

From (b)(6),(b)(7)(C) @ice.dhs.gov>
Sent: Monday, January 13, 2020 2:03 PM
To (b)(6),(b)(7)(C) @ice.dhs.gov>; Gonzalez, Barbara M (b)(6),(b)(7)(C) @ice.dhs.gov>; Kelly, Christopher S < (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>
Subject: RE: AD1 to participate on HT panel at Heritage Foundation

Will do (b)(6),(b)(7)(C) will get you some points ASAP as you will need for his remarks then.

From: (b)(6),(b)(7)(C) @ice.dhs.gov>
Date: Monday, Jan 13, 2020, 2:01 PM
To: (b)(6),(b)(7)(C) @ice.dhs.gov>, Gonzalez, Barbara M < (b)(6),(b)(7)(C) @ice.dhs.gov>, Kelly, Christopher S < (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: AD1 to participate on HT panel at Heritage Foundation

Yes, please expand the TPs to include the additional info.

(b)(6),(b)(7)(C) @ice.dhs.gov
(o) 202-732-(b)(6),(b)(7)(C)
(c) 202-344-

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From: (b)(6),(b)(7)(C) @ice.dhs.gov>
Sent: Monday, January 13, 2020 1:58 PM
To: (b)(6),(b)(7)(C) @ice.dhs.gov>; Gonzalez, Barbara M < (b)(6),(b)(7)(C) @ice.dhs.gov>; Kelly, Christopher S < (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>
Subject: RE: AD1 to participate on HT panel at Heritage Foundation

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

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(b)(5),(b)(6),(b)(7)(C)

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

From: (b)(6),(b)(7)(C) @ice.dhs.gov>
Sent: Friday, January 10, 2020 6:49 PM
To: Gonzalez, Barbara M (b)(6),(b)(7)(C) @ice.dhs.gov>; Kelly, Christopher S (b)(6),(b)(7)(C) @ice.dhs.gov>; (b)(6),(b)(7)(C) @ice.dhs.gov>; #HSI CHIEFS OF STAFF (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) @ice.dhs.gov>; #ICE DD STAFF (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: AD1 to participate on HT panel at Heritage Foundation

HSI/OPA – AD1 will need more robust talking points and background info for this event. Please have them to us by 10am on Tuesday.

(b)(6),(b)(7)(C) @ice.dhs.gov
(o) 202-732
(c) 202-344

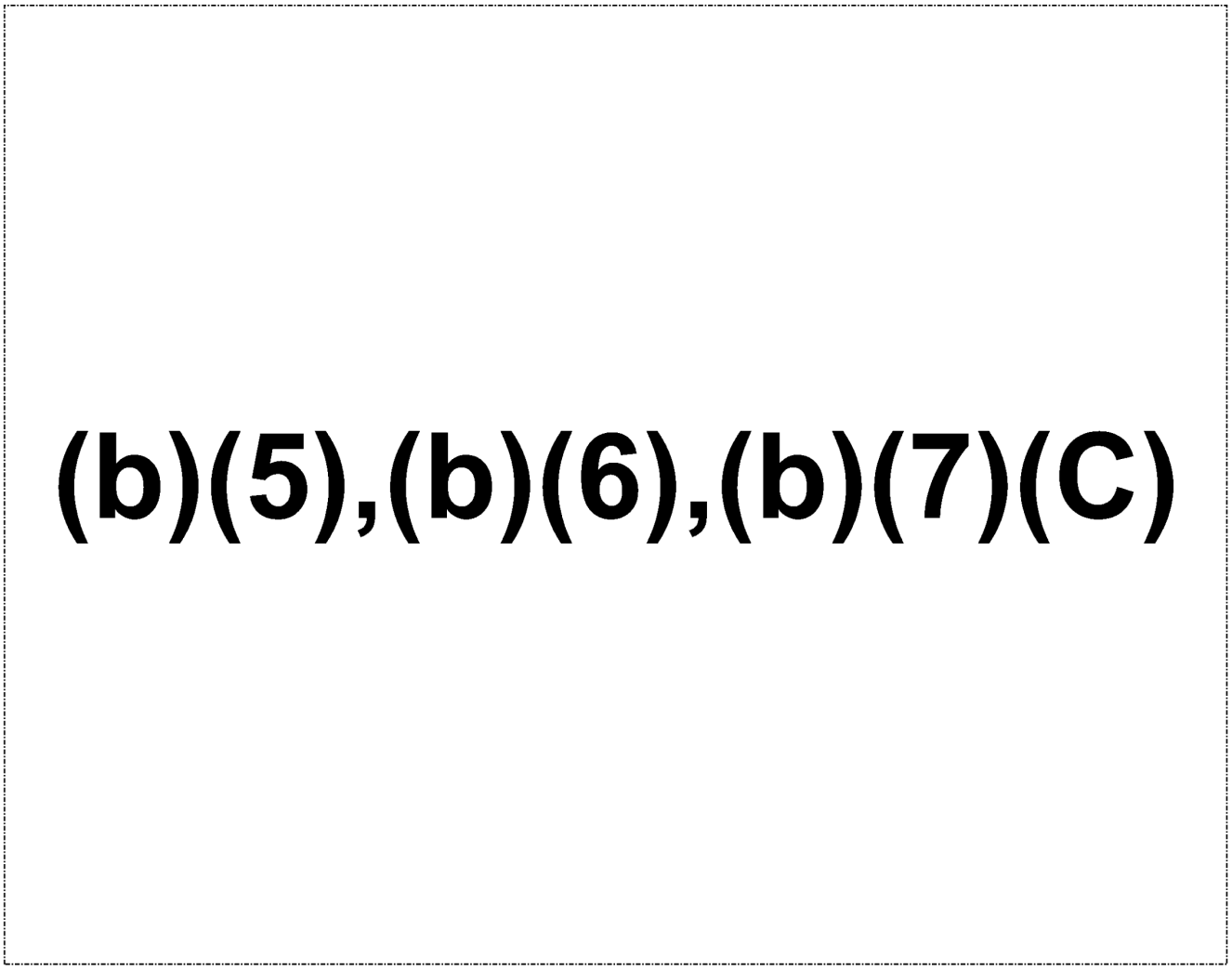
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From: Gonzalez, Barbara M
Sent: Friday, January 10, 2020 6:33 PM
To: Kelly, Christopher S (b)(6),(b)(7)(C) @ice.dhs.gov>; (b)(6),(b)(7)(C) (b)(6),(b)(7)(C) @ice.dhs.gov>; (b)(6),(b)(7)(C) @ice.dhs.gov>; #HSI CHIEFS OF STAFF (b)(6),(b)(7)(C) @ice.dhs.gov>; (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) @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: AD1 to participate on HT panel at Heritage Foundation

Good evening, Team:

(b)(5),(b)(6),(b)(7)(C)

AMERICAN OVERSIGHT



POCs:

For media-related questions (b)(6),(b)(7)(C) Heritage's Senior Comms lead can be reached at: (b)(6),(b)(7)(C) @heritage.org.

The event's location is as follows:

The Heritage Foundation
Lehrman Auditorium
214 Massachusetts Ave NE
Washington, DC
20002

Please let me know if you have any questions.

Barbara M. Gonzalez
Assistant Director
U.S. Immigration and Customs Enforcement (ICE)
Office of Partnership and Engagement (OPE)
202.732.(b)(6),(b)(7)(C) Office
(b)(6),(b)(7)(C) @ICE.DHS.gov

AMERICAN OVERSIGHT

REL0000023622
DHS-(ICE)-19-1228-G-000016

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AMERICAN OVERSIGHT

REL0000023622
DHS-(ICE)-19-1228-G-000017

From: Gonzalez, Barbara M [(b)(6),(b)(7)(C) (b)(6),(b)(7)(C) -GONZALEZ, B]
Sent: 1/14/2020 5:12:11 PM
To: (b)(6),(b)(7)(C) @heritage.org]
Subject: RE: great meeting

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

Any luck with the final flow of show?

Please advise.

Barbara M. Gonzalez
Assistant Director
U.S. Immigration and Customs Enforcement (ICE)
Office of Partnership and Engagement (OPE)
202.732.(b)(6),(b)(7)(C) Office
(b)(6),(b)(7)(C) @ICE.DHS.gov

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From: (b)(6),(b)(7)(C) @heritage.org>
Sent: Monday, January 13, 2020 4:43 PM
To: Gonzalez, Barbara M (b)(6),(b)(7)(C) @ice.dhs.gov>
Subject: Re: great meeting

Thank you, Barbara!

We will send out the flow of show in its final form tomorrow morning. Thank you for joining the call and for sending ICE Director Albence's bio.

Best,

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

From: Gonzalez, Barbara M < (b)(6),(b)(7)(C) @ice.dhs.gov>
Sent: Monday, January 13, 2020 4:22 PM
To: (b)(6),(b)(7)(C) @heritage.org>
Subject: great meeting

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

AMERICAN OVERSIGHT

Great conference call. I look forward to receiving the flow of show. Please let me know if you need anything else.

Thank you,

Barbara M. Gonzalez
Assistant Director
U.S. Immigration and Customs Enforcement (ICE)
Office of Partnership and Engagement (OPE)
202.732.(b)(6),(b)(7)(C) Office
(b)(6),(b)(7)(C) @ICE.DHS.gov

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(b)(6),(b)(7)(C)
Senior Policy Analyst
The Heritage Foundation
214 Massachusetts Avenue, NE
Washington, DC 20002
202-548-(b)(6),(b)(7)(C)
heritage.org

AMERICAN OVERSIGHT

REL0000023623
DHS-(ICE)-19-1228-G-000019

From: Gonzalez, Barbara M (b)(6),(b)(7)(C) (b)(6),(b)(7)(C) -GONZALEZ, B]
Sent: 1/14/2020 5:24:55 PM
To: (b)(6),(b)(7)(C) @heritage.org]
Subject: RE: Flow of show

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

Barbara M. Gonzalez
Assistant Director
U.S. Immigration and Customs Enforcement (ICE)
Office of Partnership and Engagement (OPE)
202.732.(b)(6),(b)(7)(C) Office
(b)(6),(b)(7)(C) @ICE.DHS.gov

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From: (b)(6),(b)(7)(C) @heritage.org>
Sent: Tuesday, January 14, 2020 12:24 PM
To: Gonzalez, Barbara M (b)(6),(b)(7)(C) @ice.dhs.gov>
Subject: Flow of show

Hi, Barbara!

Here is the flow of show, as promised. Thank you for your patience.

Best,

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

(b)(6),(b)(7)(C)
Senior Policy Analyst
The Heritage Foundation
214 Massachusetts Avenue, NE
Washington, DC 20002
202-548-(b)(6),(b)(7)(C)
heritage.org

AMERICAN OVERSIGHT

From: Gonzalez, Barbara M (b)(6),(b)(7)(C) (b)(6),(b)(7)(C) -GONZALEZ, B]
Sent: 1/14/2020 5:58:07 PM
To: (b)(6),(b)(7)(C) @heritage.org]
Subject: RE: Flow of show

Thank you.

Barbara M. Gonzalez
Assistant Director
U.S. Immigration and Customs Enforcement (ICE)
Office of Partnership and Engagement (OPE)
202.732.(b)(6),(b)(7)(C) Office
(b)(6),(b)(7)(C) @ICE.DHS.gov

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From: (b)(6),(b)(7)(C) @heritage.org>
Sent: Tuesday, January 14, 2020 12:56 PM
To: Gonzalez, Barbara M (b)(6),(b)(7)(C) @ice.dhs.gov>
Subject: Re: Flow of show

(b)(6),(b)(7)(C) Heritage's Vice President.

From: Gonzalez, Barbara M <(b)(6),(b)(7)(C) @ice.dhs.gov>
Sent: Tuesday, January 14, 2020 12:40:57 PM
To: (b)(6),(b)(7)(C) @heritage.org>
Subject: RE: Flow of show

Sorry, but who is (b)(6),(b)(7)(C)?

Barbara M. Gonzalez
Assistant Director
U.S. Immigration and Customs Enforcement (ICE)
Office of Partnership and Engagement (OPE)
202.732.(b)(6),(b)(7)(C) Office
(b)(6),(b)(7)(C) @ICE.DHS.gov

AMERICAN OVERSIGHT

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From: (b)(6),(b)(7)(C) @heritage.org>
Sent: Tuesday, January 14, 2020 12:24 PM
To: Gonzalez, Barbara M (b)(6),(b)(7)(C) @ice.dhs.gov>
Subject: Flow of show

Hi, Barbara!

Here is the flow of show, as promised. Thank you for your patience.

Best,

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

(b)(6),(b)(7)(C)
Senior Policy Analyst
The Heritage Foundation
214 Massachusetts Avenue, NE
Washington, DC 20002
202-548-(b)(6),(b)(7)(C)
heritage.org

(b)(6),(b)(7)(C)
Senior Policy Analyst
The Heritage Foundation
214 Massachusetts Avenue, NE
Washington, DC 20002
202-548-(b)(6),(b)(7)(C)
heritage.org

AMERICAN OVERSIGHT

From: Gonzalez, Barbara M (b)(6),(b)(7)(C) (b)(6),(b)(7)(C) GONZALEZ, B]
Sent: 6/4/2019 4:29:04 PM
To: (b)(6),(b)(7)(C)
CC: Kelly, Christopher S (b)(6),(b)(7)(C)
(b)(6),(b)(7)(C)
Subject: RE: Meeting request and voice question

Thank you. Can you please add Jon Feere to the invite too?

Barbara M. Gonzalez
Assistant Director
U.S. Immigration and Customs Enforcement (ICE)
Office of Partnership and Engagement (OPE)
202.732 (b)(6),(b)(7)(C) ffice)
(b)(6),(b)(7)(C) @ICE.DHS.gov

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From: (b)(6),(b)(7)(C)
Sent: Tuesday, June 4, 2019 12:28 PM
To: Gonzalez, Barbara M (b)(6),(b)(7)(C) @ice.dhs.gov>
Cc: Kelly, Christopher S < (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: Meeting request and voice question

Ok, and yes we can use the ERO Conference room

From: Gonzalez, Barbara M
Sent: Tuesday, June 4, 2019 12:27 PM
To: (b)(6),(b)(7)(C) @ice.dhs.gov>
Cc: Kelly, Christopher S < (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: Meeting request and voice question

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

They confirmed 2 pm. Can we please hold 2-3? Also, can we meet in the ERO conference room? Please advise.

AMERICAN OVERSIGHT

Thanks,

Barbara M. Gonzalez
Assistant Director
U.S. Immigration and Customs Enforcement (ICE)
Office of Partnership and Engagement (OPE)
202.732.(b)(6),(b)(7)(C) (Office)
(b)(6),(b)(7)(C)@ICE.DHS.gov

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From: (b)(6),(b)(7)(C)
Sent: Tuesday, June 4, 2019 8:41 AM
To: Gonzalez, Barbara M (b)(6),(b)(7)(C)@ice.dhs.gov>
Cc: Kelly, Christopher S <(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: Meeting request and voice question

Good morning Barbara

Ms. Asher is available from 1:00pm until 5:00. Please let me know what time you would like to schedule.

From: Asher, Nathalie R
Sent: Monday, June 3, 2019 5:58 PM
To: Gonzalez, Barbara M <(b)(6),(b)(7)(C)@ice.dhs.gov>
Cc: #ERO CHIEFS OF STAF(b)(6),(b)(7)(C)@ice.dhs.gov>; Kelly, Christopher S (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: Meeting request and voice question

Hi Barbara,

Happy to do that meet – (b)(6),(b)(7)(C) can work with you on a time that works on Friday afternoon.

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

From: Gonzalez, Barbara M
Sent: Monday, June 3, 2019 5:45 PM
To: Asher, Nathalie R (b)(6),(b)(7)(C)@ice.dhs.gov>
Cc: #ERO CHIEFS OF STAFF (b)(6),(b)(7)(C)@ice.dhs.gov>; Kelly, Christopher S <(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: Meeting request and voice question

Good afternoon, Nathalie:

AMERICAN OVERSIGHT

The Center for Immigration Studies (CIS) requested a meeting with you, AD1 and two of their board members - (b)(6),(b)(7)(C) (b)(6),(b)(7)(C) They've asked to meet you June 7, if possible. (b)(6),(b)(7)(C) are involved in producing constructive policy recommendations on immigration enforcement for CIS. They would like to discuss the problem of fugitives in particular. CoS Blank asked that you please handle the meeting, if you're available and suggested that AD1 swing by for 5 minutes, schedule permitting.

CIS also brought up the case of an illegal alien involved in the death of an FBI agent and fire marshal in 2017. I attached the previously cleared OPA statement and case background for reference.

I will work with the ERO Chiefs of Staff on the request.

Respectfully,

Barbara M. Gonzalez
Assistant Director
U.S. Immigration and Customs Enforcement (ICE)
Office of Partnership and Engagement (OPE)
202.732.(b)(6),(b)(7)(C) Office
(b)(6),(b)(7)(C) z@ICE.DHS.gov

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From: Blank, Thomas
Sent: Monday, June 3, 2019 3:33 PM
To: Gonzalez, Barbara M (b)(6),(b)(7)(C) @ice.dhs.gov>
Cc: Feere, Jon (b)(6),(b)(7)(C) @ice.dhs.gov>; Kelly, Christopher S (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>
Subject: RE: Meeting request and voice question

I agree. (b)(6),(b)(7)(C), if AD1 can drop by for five minutes to say hello that would be good.

Thomas Blank
Chief of Staff
U.S. Immigration and Customs Enforcement
U.S. Department of Homeland Security
202 732.(b)(6),(b)(7)(C)
Cell 202 591-(b)(6),(b)(7)(C)

From: Gonzalez, Barbara M
Sent: Monday, June 3, 2019 1:49 PM
To: Blank, Thomas (b)(6),(b)(7)(C) @ice.dhs.gov>
Cc: Feere, Jon (b)(6),(b)(7)(C) @ice.dhs.gov>; Kelly, Christopher S (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>
Subject: FW: Meeting request and voice question

Sir:

I recommend (b)(6),(b)(7)(C) for this request from the Center for Immigration Studies. Do you concur? Please advise.

Thanks,

Barbara M. Gonzalez
Assistant Director
U.S. Immigration and Customs Enforcement (ICE)
Office of Partnership and Engagement (OPE)
202.732.(b)(6),(b)(7)(C) Office
(b)(6),(b)(7)(C) @ICE.DHS.gov

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From: **(b)(6),(b)(7)(C)** @verizon.net>
Sent: Monday, June 3, 2019 11:34 AM
To: Gonzalez, Barbara M **(b)(6),(b)(7)(C)** @ice.dhs.gov>
Subject: Meeting request and voice question

Hi Barbara,
Hope you're well! I'm writing about 2 things:

1. Two of my board members are interested in meeting with Director Morgan and acting ERO Director Nathalie Asher, ideally on Friday afternoon, June 7, if possible. Sorry for the late notice. Their names are **(b)(6),(b)(7)(C)**, and they are involved in the Center's efforts to produce constructive policy recommendations for immigration enforcement. We would like to discuss the problem of fugitives in particular. I would attend, and I understand Jon Feere is also interested in the discussion.

2. Last Wednesday I participated in an event in Culpeper, VA. that included two women who recently lost family members in a highway fatality in the DC area, involving an illegal alien with a lengthy criminal history, **(b)(6),(b)(7)(C)** **(b)(6),(b)(7)(C)**, and at large, having met a relatively low bond set by an IJ. It's this case: https://wtop.com/montgomery-county/2018/07/no-criminal-charges-for-driver-who-killed-fbi-agent-fire-marshal-on-270/. I asked them if they had been in touch with VOICE, and they said they weren't aware of the office, so I'm sending them info, just a heads up. My unblderstanding is that CASA put up the money for the alien's release. I'm planning to write an article about the case, so if ICE has or made any statements about the case, I'd be interested.

Thanks so much, Regards, (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)
Director of Policy Studies
Center for Immigration Studies
(774)291.(b)(6),(b)(7)(C)

AMERICAN OVERSIGHT

(b)(6),(b)(7)(C) @cis.org
@(b)(6),(b)(7)(C) V_CIS

AMERICAN OVERSIGHT

REL0000023626
DHS-(ICE)-19-1228-G-000027

From: Gonzalez, Barbara M (b)(6),(b)(7)(C)
(b)(6),(b)(7)(C) GONZALEZ, B]
Sent: 1/14/2020 5:58:22 PM
To: (b)(6),(b)(7)(C) heritage.org]
Subject: RE: Flow of show

Thanks. Can you please share it when you receive it.

Barbara M. Gonzalez
Assistant Director
U.S. Immigration and Customs Enforcement (ICE)
Office of Partnership and Engagement (OPE)
202.732.(b)(6),(b)(7)(C) Office
(b)(6),(b)(7)(C) @ICE.DHS.gov

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From: (b)(6),(b)(7)(C) @heritage.org>
Sent: Tuesday, January 14, 2020 12:56 PM
To: Gonzalez, Barbara M (b)(6),(b)(7)(C) @ice.dhs.gov>
Subject: Re: Flow of show

I don't. Not yet.

From: Gonzalez, Barbara M <(b)(6),(b)(7)(C) ice.dhs.gov>
Sent: Tuesday, January 14, 2020 12:50:02 PM
To: (b)(6),(b)(7)(C) @heritage.org>
Subject: RE: Flow of show

Do you by chance have (b)(6),(b)(7)(C) bio?

Barbara M. Gonzalez
Assistant Director
U.S. Immigration and Customs Enforcement (ICE)
Office of Partnership and Engagement (OPE)
202.732.(b)(6),(b)(7)(C) Office
(b)(6),(b)(7)(C) @ICE.DHS.gov

AMERICAN OVERSIGHT

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From: (b)(6),(b)(7)(C) @heritage.org>
Sent: Tuesday, January 14, 2020 12:24 PM
To: Gonzalez, Barbara M (b)(6),(b)(7)(C) @ice.dhs.gov>
Subject: Flow of show

Hi, Barbara!

Here is the flow of show, as promised. Thank you for your patience.

Best,

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

(b)(6),(b)(7)(C)
Senior Policy Analyst
The Heritage Foundation
214 Massachusetts Avenue, NE
Washington, DC 20002
202-548-(b)(6),(b)(7)(C)
heritage.org

(b)(6),(b)(7)(C)
Senior Policy Analyst
The Heritage Foundation
214 Massachusetts Avenue, NE
Washington, DC 20002
202-548-(b)(6),(b)(7)(C)
heritage.org

AMERICAN OVERSIGHT

From: Gonzalez, Barbara M [redacted]
[redacted]-GONZALEZ, B]
Sent: 1/14/2020 6:36:56 PM
To: [redacted]
Kelly, Christopher S
[redacted]
Subject: RE: AD1 to participate on HT panel at Heritage Foundation

thanks

Barbara M. Gonzalez
Assistant Director
U.S. Immigration and Customs Enforcement (ICE)
Office of Partnership and Engagement (OPE)
202.732.[redacted] Office
[redacted]@ICE.DHS.gov

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From [redacted]@ice.dhs.gov>
Sent: Tuesday, January 14, 2020 1:37 PM
To: Gonzalez, Barbara M <[redacted]@ice.dhs.gov>; [redacted]@ice.dhs.gov>; [redacted]@ice.dhs.gov>; Kelly, Christopher S [redacted]@ice.dhs.gov>; [redacted]@ice.dhs.gov>; [redacted]@ice.dhs.gov>; [redacted]@ice.dhs.gov>; [redacted]@ice.dhs.gov>
Subject: RE: AD1 to participate on HT panel at Heritage Foundation

10-4, will get a quick summary on what our involvement was

From: Gonzalez, Barbara M [redacted]@ice.dhs.gov>
Date: Tuesday, Jan 14, 2020, 1:34 PM

AMERICAN OVERSIGHT

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>, Kelly, Christopher S <(b)(6),(b)(7)(C) @ice.dhs.gov>, (b)(6),(b)(7)(C) @ice.dhs.gov>, (b)(6),(b)(7)(C) @ice.dhs.gov>, (b)(6),(b)(7)(C) (b)(6),(b)(7)(C) @ice.dhs.gov>
Subject: RE: AD1 to participate on HT panel at Heritage Foundation

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

They just sent me this. It's not recent as they said. It mentions ICE but not HSI.

May 22, 2018 | Human Trafficking

AG Paxton's Office Teams Up with Local, Federal Law Enforcement to Arrest 13 People Involved in Organized Crime and Prostitution in Texas

Share This

1

Attorney General Ken Paxton today announced that his office collaborated with local and federal law enforcement on a seven-month investigation that culminated in the arrests of 13 people allegedly involved in prostitution and human trafficking in Texas.

The investigation began after the Georgetown Police Department and Attorney General Paxton's office received a complaint about illegal activity at a massage parlor in Georgetown. A broadened investigation turned up prostitution and organized criminal activity at a number of massage parlors and spas throughout the state.

Attorney General Paxton's office assisted the Georgetown and Round Rock police departments in arresting Guiqui Li, Lizhen Song, Yuexia Sun, and Zhihua Cui on prostitution charges. In addition, Xiaolin Yang, Yingbo Xu, and Jianhong Li were charged with aggravated promotion of prostitution.

The Bell County Organized Crime Unit coordinated the execution of seven search warrants at massage parlors in Temple, Killeen and Harker Heights, resulting in six arrests: Yajuan Song and Yan Huang were charged with prostitution; Yuhan Zhang was charged with aggravated promotion of prostitution. Xiao Xin Zhang, Qian Xinghua and Axia Sun face massage therapy owner violations.

The multi-agency law enforcement operation was led by the Georgetown and Round Rock police departments and included participation by the Cedar Park Police Department, Houston Police's Vice Unit and Human Trafficking Task Force, Killeen Police Department, Harker Heights Police Department, Temple Police Department, Bryan Police Department, U.S. Immigration and Customs Enforcement and the U.S. State Department.

And here are several news items covering the matter:

https://www.kvue.com/article/news/local/13-arrested-several-central-texas-massage-parlors-allegedly-behind-prostitution-human-trafficking/269-557137000

https://foxsanantonio.com/news/local/raids-on-massage-parlors-net-13-arrests-for-human-trafficking-prostitution

Barbara M. Gonzalez
Assistant Director
U.S. Immigration and Customs Enforcement (ICE)
Office of Partnership and Engagement (OPE)
202.732.(b)(6),(b)(7)(C) office
(b)(6),(b)(7)(C) @ICE.DHS.gov

AMERICAN OVERSIGHT

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From: (b)(6),(b)(7)(C) @ice.dhs.gov>
Sent: Tuesday, January 14, 2020 1:22 PM
To: Gonzalez, Barbara M (b)(6),(b)(7)(C) @ice.dhs.gov>; (b)(6),(b)(7)(C) @ice.dhs.gov>; (b)(6),(b)(7)(C) @ice.dhs.gov>; Kelly, Christopher S (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: AD1 to participate on HT panel at Heritage Foundation

I will check with Ops as well.

From: Gonzalez, Barbara M <(b)(6),(b)(7)(C) @ice.dhs.gov>
Date: Tuesday, Jan 14, 2020, 1:18 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>, Kelly, Christopher S <(b)(6),(b)(7)(C) @ice.dhs.gov>, (b)(6),(b)(7)(C) @ice.dhs.gov>, (b)(6),(b)(7)(C) @ice.dhs.gov>, (b)(6),(b)(7)(C) (b)(6),(b)(7)(C) @ice.dhs.gov>
Subject: RE: AD1 to participate on HT panel at Heritage Foundation

It was human trafficking and I believe it was recent. I will try to get more now from the DAG.

Barbara M. Gonzalez
Assistant Director
U.S. Immigration and Customs Enforcement (ICE)
Office of Partnership and Engagement (OPE)
202.732.(b)(6),(b)(7)(C) Office
(b)(6),(b)(7)(C) @ICE.DHS.gov

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From (b)(6),(b)(7)(C) @ice.dhs.gov>
Sent: Tuesday, January 14, 2020 1:17 PM
To: Gonzalez, Barbara M (b)(6),(b)(7)(C) @ice.dhs.gov>; (b)(6),(b)(7)(C) @ice.dhs.gov>; (b)(6),(b)(7)(C) @ice.dhs.gov>; Kelly, Christopher S (b)(6),(b)(7)(C) @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: AD1 to participate on HT panel at Heritage Foundation

Do you have anymore details? Was it human trafficking? Do you know timeframe?

From: Gonzalez, Barbara M <(b)(6),(b)(7)(C) @ice.dhs.gov>
Date: Tuesday, Jan 14, 2020, 1:15 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>, Kelly, Christopher S <(b)(6),(b)(7)(C) @ice.dhs.gov>, (b)(6),(b)(7)(C) @ice.dhs.gov>, (b)(6),(b)(7)(C) @ice.dhs.gov>, (b)(6),(b)(7)(C) (b)(6),(b)(7)(C) @ice.dhs.gov>
Subject: RE: AD1 to participate on HT panel at Heritage Foundation

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

The Texas AG's team said he was going to speak about a statewide Texas operation that HSI helped with. Does HSI have details on that? I didn't see it in the attached document.

Thanks,

Barbara M. Gonzalez
Assistant Director
U.S. Immigration and Customs Enforcement (ICE)
Office of Partnership and Engagement (OPE)
202.732.(b)(6),(b)(7)(C) Office
(b)(6),(b)(7)(C) @ICE.DHS.gov

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From: (b)(6),(b)(7)(C) @ice.dhs.gov>
Sent: Monday, January 13, 2020 6:05 PM
To (b)(6),(b)(7)(C) @ice.dhs.gov>; (b)(6),(b)(7)(C) (b)(6),(b)(7)(C) @ice.dhs.gov>; Gonzalez, Barbara M <(b)(6),(b)(7)(C) @ice.dhs.gov>; Kelly, Christopher S (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: AD1 to participate on HT panel at Heritage Foundation

Will send through DD Staff but here is our final version with additions for (b)(6),(b)(7)(C)

From: (b)(6),(b)(7)(C) @ice.dhs.gov>
Sent: Monday, January 13, 2020 2:09 PM
To: (b)(6),(b)(7)(C) @ice.dhs.gov>; (b)(6),(b)(7)(C) (b)(6),(b)(7)(C) @ice.dhs.gov>; Gonzalez, Barbara M (b)(6),(b)(7)(C) @ice.dhs.gov>; Kelly, Christopher S (b)(6),(b)(7)(C) @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: AD1 to participate on HT panel at Heritage Foundation

Thanks, (b)(6),(b)(7)(C) Adding our speechwriter in case I'm at the WH without my phone when you send them.

(b)(6),(b)(7)(C)
Assistant Director (A)
ICE Office of Public Affairs | Department of Homeland Security
202-732-(b)(6),(b)(7)(C) desk) | 202-731-(b)(6),(b)(7)(C) (mobile)

From: (b)(6),(b)(7)(C) @ice.dhs.gov>
Sent: Monday, January 13, 2020 2:03 PM
To: (b)(6),(b)(7)(C) @ice.dhs.gov>; Gonzalez, Barbara M (b)(6),(b)(7)(C) @ice.dhs.gov>; Kelly, Christopher S <(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: AD1 to participate on HT panel at Heritage Foundation

Will do (b)(6),(b)(7)(C) will get you some points ASAP as you will need for his remarks then.

From: (b)(6),(b)(7)(C) @ice.dhs.gov>
Date: Monday, Jan 13, 2020, 2:01 PM
To: (b)(6),(b)(7)(C) @ice.dhs.gov>, Gonzalez, Barbara M (b)(6),(b)(7)(C) @ice.dhs.gov>, Kelly, Christopher S (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: AD1 to participate on HT panel at Heritage Foundation

Yes, please expand the TPs to include the additional info.

(b)(6),(b)(7)(C) @ice.dhs.gov
(o) 202-732-(b)(6),(b)(7)(C)
(c) 202-344-(b)(6),(b)(7)(C)

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From: (b)(6),(b)(7)(C) @ice.dhs.gov>
Sent: Monday, January 13, 2020 1:58 PM
To: (b)(6),(b)(7)(C) @ice.dhs.gov>; Gonzalez, Barbara M (b)(6),(b)(7)(C) @ice.dhs.gov>; Kelly, Christopher S <(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: AD1 to participate on HT panel at Heritage Foundation

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

(b)(5)

(b)(5),(b)(6),(b)(7)(C)

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

From: (b)(6),(b)(7)(C) @ice.dhs.gov>
Sent: Friday, January 10, 2020 6:49 PM
To: Gonzalez, Barbara M <(b)(6),(b)(7)(C)@ice.dhs.gov>; Kelly, Christopher S (b)(6),(b)(7)(C) @ice.dhs.gov>; (b)(6),(b)(7)(C) @ice.dhs.gov>; #HSI CHIEFS OF STAFF <(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 DD STAFF <(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: AD1 to participate on HT panel at Heritage Foundation

HSI/OPA – AD1 will need more robust talking points and background info for this event. Please have them to us by 10am on Tuesday.

(b)(6),(b)(7)(C) @ice.dhs.gov
(o) 202-732-(b)(6),(b)(7)(C)
(c) 202-344-

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From: Gonzalez, Barbara M
Sent: Friday, January 10, 2020 6:33 PM
To: Kelly, Christopher S <(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>; #HSI CHIEFS OF STAFF (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>; (b)(6),(b)(7)(C) @ice.dhs.gov>
Subject: AD1 to participate on HT panel at Heritage Foundation

Good evening, Team:

I received additional details following a late afternoon conference call today regarding the upcoming human trafficking awareness panel that the boss will participate in.

Here is a brief synopsis:

(b)(5),(b)(6),(b)(7)(C)

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(b)(5),(b)(6),(b)(7)(C)

POCs:

For media-related questions (b)(6),(b)(7)(C), Heritage's Senior Comms lead can be reached at: (b)(6),(b)(7)(C)@heritage.org.

The event's location is as follows:

The Heritage Foundation
Lehrman Auditorium
214 Massachusetts Ave NE
Washington, DC
20002

Please let me know if you have any questions.

Barbara M. Gonzalez
Assistant Director
U.S. Immigration and Customs Enforcement (ICE)
Office of Partnership and Engagement (OPE)
202.732.(b)(6),(b)(7)(C) Office
(b)(6),(b)(7)(C)@ICE.DHS.gov

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REL0000023629
DHS-(ICE)-19-1228-G-000037

From: Gonzalez, Barbara M [/(b)(6),(b)(7)(C)
(b)(6),(b)(7)(C) -GONZALEZ, B]
Sent: 6/4/2019 5:59:57 PM
To: (b)(6),(b)(7)(C)
CC: #ERO CHIEFS OF STAFF (b)(6),(b)(7)(C)
(b)(6),(b)(7)(C) ; Kelly, Christopher S (b)(6),(b)(7)(C)
(b)(6),(b)(7)(C) Kelly, Chri];
(b)(6),(b)(7)(C)
Subject: RE: Meeting request and voice question

Yes, I will drill down on this and prepare a briefing document.

Barbara M. Gonzalez
Assistant Director
U.S. Immigration and Customs Enforcement (ICE)
Office of Partnership and Engagement (OPE)
202.732.(b)(6),(b)(7)(C) (Office)
(b)(6),(b)(7)(C) @ICE.DHS.gov

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From (b)(6),(b)(7)(C)
Sent: Tuesday, June 4, 2019 1:52 PM
To: Gonzalez, Barbara M (b)(6),(b)(7)(C) @ice.dhs.gov>
Cc: #ERO CHIEFS OF STAFF < (b)(7)(E) @ice.dhs.gov>; Kelly, Christopher S < (b)(6),(b)(7)(C) @ice.dhs.gov>;
(b)(7)(E) @ice.dhs.gov>
Subject: RE: Meeting request and voice question

Good afternoon, Barbara – would it be possible to get us more specifics on their desire to discuss "the problem of fugitives?" The more information, the better we can prepare NRA for the meeting. Thanks!

From: Gonzalez, Barbara M
Sent: Monday, June 3, 2019 5:45 PM
To: Asher, Nathalie R < (b)(6),(b)(7)(C) @ice.dhs.gov>
Cc: #ERO CHIEFS OF STAFF < (b)(7)(E) @ice.dhs.gov>; Kelly, Christopher S < (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: Meeting request and voice question

Good afternoon, Nathalie:

The Center for Immigration Studies (CIS) requested a meeting with you, AD1 and two of their board members – (b)(6),(b)(7)(C) (b)(6),(b)(7)(C) and (b)(6),(b)(7)(C) They've asked to meet you June 7, if possible. (b)(6),(b)(7)(C) and (b)(6),(b)(7)(C) are involved in producing

constructive policy recommendations on immigration enforcement for CIS. They would like to discuss the problem of fugitives in particular. CoS Blank asked that you please handle the meeting, if you're available and suggested that AD1 swing by for 5 minutes, schedule permitting.

CIS also brought up the case of an illegal alien involved in the death of an FBI agent and fire marshal in 2017. I attached the previously cleared OPA statement and case background for reference.

I will work with the ERO Chiefs of Staff on the request.

Respectfully,

Barbara M. Gonzalez
Assistant Director
U.S. Immigration and Customs Enforcement (ICE)
Office of Partnership and Engagement (OPE)
202.732.(b)(6),(b)(7)(C) Office
(b)(6),(b)(7)(C)@ICE.DHS.gov

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From: Blank, Thomas
Sent: Monday, June 3, 2019 3:33 PM
To: Gonzalez, Barbara M <(b)(6),(b)(7)(C)@ice.dhs.gov>
Cc: (b)(6),(b)(7)(C)@ice.dhs.gov>; Kelly, Christopher S <(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: Meeting request and voice question

I agree. (b)(6),(b)(7)(C) if AD1 can drop by for five minutes to say hello that would be good.

Thomas Blank
Chief of Staff
U.S. Immigration and Customs Enforcement
U.S. Department of Homeland Security
202 732-(b)(6),(b)(7)(C)
Cell 202 591-(b)(6),(b)(7)(C)

From: Gonzalez, Barbara M
Sent: Monday, June 3, 2019 1:49 PM
To: Blank, Thomas <(b)(6),(b)(7)(C)@ice.dhs.gov>
Cc: (b)(6),(b)(7)(C)@ice.dhs.gov>; Kelly, Christopher S <(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: FW: Meeting request and voice question

Sir:

I recommend EAD Asher for this request from the Center for Immigration Studies. Do you concur? Please advise.

Thanks,

Barbara M. Gonzalez
Assistant Director
U.S. Immigration and Customs Enforcement (ICE)
Office of Partnership and Engagement (OPE)
202.732.(b)(6),(b)(7)(C) Office
(b)(6),(b)(7)(C)@ICE.DHS.gov

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From: (b)(6),(b)(7)(C)@verizon.net>
Sent: Monday, June 3, 2019 11:34 AM
To: Gonzalez, Barbara M (b)(6),(b)(7)(C)@ice.dhs.gov>
Subject: Meeting request and voice question

Hi Barbara,
Hope you're well! I'm writing about 2 things:

1. Two of my board members are interested in meeting with Director Morgan and acting ERO Director Nathalie Asher, ideally on Friday afternoon, June 7, if possible. Sorry for the late notice. Their names are (b)(6),(b)(7)(C) and (b)(6),(b)(7)(C), and they are involved in the Center's efforts to produce constructive policy recommendations for immigration enforcement. We would like to discuss the problem of fugitives in particular. I would attend, and I understand Jon Feere is also interested in the discussion.

2. Last Wednesday I participated in an event in Culpeper, VA. that included two women who recently lost family members in a highway fatality in the DC area, involving an illegal alien with a lengthy criminal history, who is now an (b)(6),(b)(7)(C) and at large, having met a relatively low bond set by an IJ. It's this case: https://wtop.com/montgomery-county/2018/07/no-criminal-charges-for-driver-who-killed-fbi-agent-fire-marshal-on-270/. I asked them if they had been in touch with VOICE, and they said they weren't aware of the office, so I'm sending them info, just a heads up. My unblderstanding is that CASA put up the money for the alien's release. I'm planning to write an article about the case, so if ICE has or made any statements about the case, I'd be interested.

Thanks so much, Regards, (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)
Director of Policy Studies
Center for Immigration Studies
(774)291-(b)(6),(b)(7)(C)
(b)(6),(b)(7)(C)@cis.org
@(b)(6),(b)(7)(C) CIS

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REL0000023632
DHS-(ICE)-19-1228-G-000041

From: Gonzalez, Barbara M (b)(6),(b)(7)(C) (b)(6),(b)(7)(C) GONZALEZ, B]
Sent: 1/14/2020 11:10:51 PM
To: (b)(6),(b)(7)(C)
(b)(6),(b)(7)(C) Kelly, Christopher S
(b)(6),(b)(7)(C)
Subject: RE: AD1 to participate on HT panel at Heritage Foundation

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

Barbara M. Gonzalez
Assistant Director
U.S. Immigration and Customs Enforcement (ICE)
Office of Partnership and Engagement (OPE)
202.732.(b)(6),(b)(7)(C)
(b)(6),(b)(7)(C)@ICE.DHS.gov

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From: (b)(6),(b)(7)(C)@ice.dhs.gov>
Date: Tuesday, Jan 14, 2020, 5:45 PM
To: Gonzalez, Barbara M (b)(6),(b)(7)(C)@ice.dhs.gov>, (b)(6),(b)(7)(C)@ice.dhs.gov>, (b)(6),(b)(7)(C)@ice.dhs.gov>, Kelly, Christopher S (b)(6),(b)(7)(C)@ice.dhs.gov>, (b)(6),(b)(7)(C)r@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: AD1 to participate on HT panel at Heritage Foundation

HSI was not involved in this case, our office down there called the Texas AG's office and they don't know why we are on the press release as well. However, we are members of the ICAC which is managed by the Texas AG's office.

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From: Gonzalez, Barbara M <(b)(6),(b)(7)(C)@ice.dhs.gov>
Sent: Tuesday, January 14, 2020 1:35 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>; Kelly, Christopher S (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: AD1 to participate on HT panel at Heritage Foundation

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

They just sent me this. It's not recent as they said. It mentions ICE but not HSI.

May 22, 2018 | Human Trafficking

AG Paxton's Office Teams Up with Local, Federal Law Enforcement to Arrest 13 People Involved in Organized Crime and Prostitution in Texas

Share This
1

Attorney General Ken Paxton today announced that his office collaborated with local and federal law enforcement on a seven-month investigation that culminated in the arrests of 13 people allegedly involved in prostitution and human trafficking in Texas.

The investigation began after the Georgetown Police Department and Attorney General Paxton's office received a complaint about illegal activity at a massage parlor in Georgetown. A broadened investigation turned up prostitution and organized criminal activity at a number of massage parlors and spas throughout the state.

Attorney General Paxton's office assisted the Georgetown and Round Rock police departments in arresting Guiqui Li, Lizhen Song, Yuexia Sun, and Zhihua Cui on prostitution charges. In addition, Xiaolin Yang, Yingbo Xu, and Jianhong Li were charged with aggravated promotion of prostitution.

The Bell County Organized Crime Unit coordinated the execution of seven search warrants at massage parlors in Temple, Killeen and Harker Heights, resulting in six arrests: Yajuan Song and Yan Huang were charged with prostitution; Yuhan Zhang was charged with aggravated promotion of prostitution. Xiao Xin Zhang, Qian Xinghua and Axia Sun face massage therapy owner violations.

The multi-agency law enforcement operation was led by the Georgetown and Round Rock police departments and included participation by the Cedar Park Police Department, Houston Police's Vice Unit and Human Trafficking Task Force, Killeen Police Department, Harker Heights Police Department, Temple Police Department, Bryan Police Department, U.S. Immigration and Customs Enforcement and the U.S. State Department.

And here are several news items covering the matter:

https://www.kvue.com/article/news/local/13-arrested-several-central-texas-massage-parlors-allegedly-behind-prostitution-human-trafficking/269-557137000

https://foxsanantonio.com/news/local/raids-on-massage-parlors-net-13-arrests-for-human-trafficking-prostitution

Barbara M. Gonzalez
Assistant Director
U.S. Immigration and Customs Enforcement (ICE)
Office of Partnership and Engagement (OPE)
202.732.(b)(6),(b)(7)(C) Office
(b)(6),(b)(7)(C)@ICE.DHS.gov

AMERICAN OVERSIGHT

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From: (b)(6),(b)(7)(C) @ice.dhs.gov>
Sent: Tuesday, January 14, 2020 1:22 PM
To: Gonzalez, Barbara M (b)(6),(b)(7)(C) @ice.dhs.gov>; (b)(6),(b)(7)(C) @ice.dhs.gov>; (b)(6),(b)(7)(C) @ice.dhs.gov>; Kelly, Christopher S (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: AD1 to participate on HT panel at Heritage Foundation

I will check with Ops as well.

From: Gonzalez, Barbara M (b)(6),(b)(7)(C) @ice.dhs.gov>
Date: Tuesday, Jan 14, 2020, 1:18 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>, Kelly, Christopher S (b)(6),(b)(7)(C) @ice.dhs.gov>, (b)(6),(b)(7)(C) @ice.dhs.gov>, (b)(6),(b)(7)(C) @ice.dhs.gov>, (b)(6),(b)(7)(C) (b)(6),(b)(7)(C) @ice.dhs.gov>
Subject: RE: AD1 to participate on HT panel at Heritage Foundation

It was human trafficking and I believe it was recent. I will try to get more now from the DAG.

Barbara M. Gonzalez
Assistant Director
U.S. Immigration and Customs Enforcement (ICE)
Office of Partnership and Engagement (OPE)
202.732.(b)(6),(b)(7)(C) Office
(b)(6),(b)(7)(C) @ICE.DHS.gov

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From: (b)(6),(b)(7)(C) y@ice.dhs.gov>
Sent: Tuesday, January 14, 2020 1:17 PM
To: Gonzalez, Barbara M (b)(6),(b)(7)(C) @ice.dhs.gov>; (b)(6),(b)(7)(C) @ice.dhs.gov>; (b)(6),(b)(7)(C) @ice.dhs.gov>; Kelly, Christopher S

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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)
(b)(6),(b)(7)(C) @ice.dhs.gov>; (b)(6),(b)(7)(C) @ice.dhs.gov>
Subject: RE: AD1 to participate on HT panel at Heritage Foundation

Do you have anymore details? Was it human trafficking? Do you know timeframe?

From: Gonzalez, Barbara M (b)(6),(b)(7)(C) @ice.dhs.gov>
Date: Tuesday, Jan 14, 2020, 1:15 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>, Kelly, Christopher S <(b)(6),(b)(7)(C) @ice.dhs.gov>,
(b)(6),(b)(7)(C) @ice.dhs.gov>, (b)(6),(b)(7)(C) @ice.dhs.gov>, (b)(6),(b)(7)(C)
(b)(6),(b)(7)(C) @ice.dhs.gov>
Subject: RE: AD1 to participate on HT panel at Heritage Foundation

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

The Texas AG's team said he was going to speak about a statewide Texas operation that HSI helped with. Does HSI have details on that? I didn't see it in the attached document.

Thanks,

Barbara M. Gonzalez
Assistant Director
U.S. Immigration and Customs Enforcement (ICE)
Office of Partnership and Engagement (OPE)
202.732.(b)(6),(b)(7)(C) Office
(b)(6),(b)(7)(C) @ICE.DHS.gov

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From: (b)(6),(b)(7)(C) @ice.dhs.gov>
Sent: Monday, January 13, 2020 6:05 PM
To: (b)(6),(b)(7)(C) @ice.dhs.gov>; (b)(6),(b)(7)(C)
(b)(6),(b)(7)(C) @ice.dhs.gov>; Gonzalez, Barbara M <(b)(6),(b)(7)(C) @ice.dhs.gov>; Kelly, Christopher S
(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: AD1 to participate on HT panel at Heritage Foundation

Will send through DD Staff but here is our final version with additions for (b)(6),(b)(7)(C)

From: (b)(6),(b)(7)(C) @ice.dhs.gov>
Sent: Monday, January 13, 2020 2:09 PM
To: (b)(6),(b)(7)(C) @ice.dhs.gov>; (b)(6),(b)(7)(C)
(b)(6),(b)(7)(C) @ice.dhs.gov>; Gonzalez, Barbara M <(b)(6),(b)(7)(C) @ice.dhs.gov>; Kelly, Christopher S

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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)
(b)(6),(b)(7)(C) @ice.dhs.gov>; (b)(6),(b)(7)(C) @ice.dhs.gov>
Subject: RE: AD1 to participate on HT panel at Heritage Foundation

Thanks, (b)(6),(b)(7)(C). Adding our speechwriter in case I'm at the WH without my phone when you send them.

(b)(6),(b)(7)(C)
Assistant Director (A)
ICE Office of Public Affairs | Department of Homeland Security
202-732-(b)(6),(b)(7)(C) (desk) | 202-731-(b)(6),(b)(7)(C) (mobile)

From: (b)(6),(b)(7)(C) @ice.dhs.gov>
Sent: Monday, January 13, 2020 2:03 PM
To (b)(6),(b)(7)(C) @ice.dhs.gov>; Gonzalez, Barbara M
(b)(6),(b)(7)(C) @ice.dhs.gov>; Kelly, Christopher S (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: AD1 to participate on HT panel at Heritage Foundation

Will do (b)(6),(b)(7)(C) will get you some points ASAP as you will need for his remarks then.

From: (b)(6),(b)(7)(C) @ice.dhs.gov>
Date: Monday, Jan 13, 2020, 2:01 PM
To (b)(6),(b)(7)(C) @ice.dhs.gov>, Gonzalez, Barbara M (b)(6),(b)(7)(C) @ice.dhs.gov>, Kelly, Christopher S (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: AD1 to participate on HT panel at Heritage Foundation

Yes, please expand the TPs to include the additional info.

(b)(6),(b)(7)(C)
(b)(6),(b)(7)(C) @ice.dhs.gov
(o) 202-732-(b)(6),(b)(7)(C)
(c) 202-344-

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From: (b)(6),(b)(7)(C) @ice.dhs.gov>
Sent: Monday, January 13, 2020 1:58 PM
To: (b)(6),(b)(7)(C) @ice.dhs.gov>; Gonzalez, Barbara M
(b)(6),(b)(7)(C) @ice.dhs.gov>; Kelly, Christopher S (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: AD1 to participate on HT panel at Heritage Foundation

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

I just took a look at the draft remarks for AS1 and this strategy is actually - DHS's *Strategy to Combat Human Trafficking, the Importation of Goods Produced with Forced Labor, and Child Sexual Exploitation*. (b)(5)

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(b)(5)

(b)(5) (b)(6),(b)(7)(C) (b)(5) We can try and get that pulled together as well if needed by end of day.

Matt

From: (b)(6),(b)(7)(C) @ice.dhs.gov>
Sent: Friday, January 10, 2020 6:49 PM
To: Gonzalez, Barbara M (b)(6),(b)(7)(C) @ice.dhs.gov>; Kelly, Christopher S (b)(6),(b)(7)(C) @ice.dhs.gov>; (b)(6),(b)(7)(C) @ice.dhs.gov>; #HSI CHIEFS OF STAFF (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 DD STAFF < (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: AD1 to participate on HT panel at Heritage Foundation

HSI/OPA – AD1 will need more robust talking points and background info for this event. Please have them to us by 10am on Tuesday.

(b)(6),(b)(7)(C) @ice.dhs.gov
(o) 202-732
(c) 202-344 (b)(6),(b)(7)(C)

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From: Gonzalez, Barbara M
Sent: Friday, January 10, 2020 6:33 PM
To: Kelly, Christopher S < (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>; #HSI CHIEFS OF STAFF (b)(7)(E) @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>; (b)(6),(b)(7)(C) @ice.dhs.gov>
Subject: AD1 to participate on HT panel at Heritage Foundation

Good evening, Team:

I received additional details following a late afternoon conference call today regarding the upcoming human trafficking awareness panel that the boss will participate in.

Here is a brief synopsis:

(b)(5),(b)(6),(b)(7)(C)

)

(b)(5),(b)(6),(b)(7)(C)

POCs:

For media-related questions, (b)(6),(b)(7)(C) Heritage's Senior Comms lead can be reached at: (b)(6),(b)(7)(C) @heritage.org.

The event's location is as follows:

The Heritage Foundation
Lehrman Auditorium
214 Massachusetts Ave NE
Washington, DC
20002

Please let me know if you have any questions.

Barbara M. Gonzalez
Assistant Director
U.S. Immigration and Customs Enforcement (ICE)
Office of Partnership and Engagement (OPE)
202.732.(b)(6),(b)(7)(C) Office
(b)(6),(b)(7)(C) @ICE.DHS.gov

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From: Gonzalez, Barbara M (b)(6),(b)(7)(C) GONZALEZ, B]
Sent: 1/15/2020 3:27:16 PM
To: (b)(6),(b)(7)(C) @heritage.org]
CC: (b)(6),(b)(7)(C)
Subject: clarification

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

Can you please clarify if Heritage is streaming the event on its website or if it's just C-Span?

Thank you,

Barbara M. Gonzalez
Assistant Director
U.S. Immigration and Customs Enforcement (ICE)
Office of Partnership and Engagement (OPE)
202.732.(b)(6),(b)(7)(C) Office)
(b)(6),(b)(7)(C) @ICE.DHS.gov

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From: Gonzalez, Barbara M (b)(6),(b)(7)(C) (b)(6),(b)(7)(C) -GONZALEZ, B]
Sent: 1/15/2020 3:57:33 PM
To: (b)(6),(b)(7)(C) (b)(6),(b)(7)(C) (b)(6),(b)(7)(C) @heritage.org]
Subject: RE: clarification

Thank you!!

Barbara M. Gonzalez
Assistant Director
U.S. Immigration and Customs Enforcement (ICE)
Office of Partnership and Engagement (OPE)
202.732.(b)(6),(b)(7)(C)
(b)(6),(b)(7)(C) @ICE.DHS.gov

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From: (b)(6),(b)(7)(C) @ice.dhs.gov>
Date: Wednesday, Jan 15, 2020, 10:45 AM
To: (b)(6),(b)(7)(C) @heritage.org>, Gonzalez, Barbara M <(b)(6),(b)(7)(C) @ice.dhs.gov>
Subject: RE: clarification

No worries. Thanks for double-checking!

(b)(6),(b)(7)(C)
Division Chief (Acting) | Internal Communications

desk: 202.732.(b)(6),(b)(7)(C) | cell: 202.425.(b)(6),(b)(7)(C)

From: (b)(6),(b)(7)(C) @heritage.org>
Date: Wednesday, Jan 15, 2020, 10:42 AM
To: (b)(6),(b)(7)(C) @ice.dhs.gov>, Gonzalez, Barbara M <(b)(6),(b)(7)(C) @ice.dhs.gov>
Subject: Re: clarification

Actually, just checked and CSPAN cancelled. My apologies for the miscommunication.

AMERICAN OVERSIGHT

From: (b)(6),(b)(7)(C) @ice.dhs.gov>
Sent: Wednesday, January 15, 2020 10:39:50 AM
To: (b)(6),(b)(7)(C) @heritage.org>; Gonzalez, Barbara M (b)(6),(b)(7)(C) @ice.dhs.gov>
Subject: RE: clarification

Oh, okay. I'm not seeing any link on their site or Twitter.

(b)(6),(b)(7)(C)
Division Chief (Acting) | Internal Communications

desk: 202.732.(b)(6),(b)(7)(C) | cell: 202.425.(b)(6),(b)(7)(C)

From: (b)(6),(b)(7)(C) @heritage.org>
Date: Wednesday, Jan 15, 2020, 10:34 AM
To: (b)(6),(b)(7)(C) @ice.dhs.gov>, Gonzalez, Barbara M <(b)(6),(b)(7)(C) @ice.dhs.gov>
Subject: Re: clarification

CSPAN will live stream, too.

From: (b)(6),(b)(7)(C) @ice.dhs.gov>
Sent: Wednesday, January 15, 2020 10:32:58 AM
To: (b)(6),(b)(7)(C) @heritage.org>; Gonzalez, Barbara M <(b)(6),(b)(7)(C) @ice.dhs.gov>
Subject: Re: clarification

Thank you. We needed to confirm Heritage is the only source for a live stream.
Thanks!

(b)(6),(b)(7)(C)
Division Chief | Strategic and Internal Communications

desk: 202.732.(b)(6),(b)(7)(C) | cell: 202.425.(b)(6),(b)(7)(C)

From: (b)(6),(b)(7)(C) @heritage.org>
Date: Wednesday, January 15, 2020 at 10:30 AM
To: "Gonzalez, Barbara M" (b)(6),(b)(7)(C) @ice.dhs.gov>
Cc: (b)(6),(b)(7)(C) @ice.dhs.gov>
Subject: Re: clarification

We are streaming live at Heritage at the same link people RSVPed to and CSPAN will be here, too.

From: Gonzalez, Barbara M (b)(6),(b)(7)(C) @ice.dhs.gov>
Sent: Wednesday, January 15, 2020 10:27:16 AM
To: (b)(6),(b)(7)(C) @heritage.org>
Cc: (b)(6),(b)(7)(C) @ice.dhs.gov>
Subject: clarification

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

Can you please clarify if Heritage is streaming the event on its website or if it's just C-Span?

AMERICAN OVERSIGHT

Thank you,

Barbara M. Gonzalez
Assistant Director
U.S. Immigration and Customs Enforcement (ICE)
Office of Partnership and Engagement (OPE)
202.732.(b)(6),(b)(7)(C) Office)
(b)(6),(b)(7)(C) @ICE.DHS.gov

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(b)(6),(b)(7)(C)
Senior Policy Analyst
The Heritage Foundation
214 Massachusetts Avenue, NE
Washington, DC 20002
202-548-(b)(6),(b)(7)(C)
heritage.org

(b)(6),(b)(7)(C)
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Washington, DC 20002
202-548-(b)(6),(b)(7)(C)
heritage.org

AMERICAN OVERSIGHT

REL0000023640
DHS-(ICE)-19-1228-G-000053

From: Gonzalez, Barbara M (b)(6),(b)(7)(C)
(b)(6),(b)(7)(C) -GONZALEZ, B]
Sent: 1/21/2020 3:45:10 PM
To: (b)(6),(b)(7)(C) @cis.org]
CC: (b)(6),(b)(7)(C)
(b)(6),(b)(7)(C)
Subject: RE: Visit to Residential Center

I hear you, but it is not an issue of us not wanting to do it, it is just our resources don't usually allow for short turnarounds.

Barbara M. Gonzalez
Assistant Director
U.S. Immigration and Customs Enforcement (ICE)
Office of Partnership and Engagement (OPE)
202.732(b)(6),(b)(7)(C)
(b)(6),(b)(7)(C) @ICE.DHS.gov

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From: (b)(6),(b)(7)(C) t@cis.org>
Date: Tuesday, Jan 21, 2020, 10:07 AM
To: Gonzalez, Barbara M (b)(6),(b)(7)(C) z@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)
(b)(6),(b)(7)(C) @ice.dhs.gov>
Subject: Re: Visit to Residential Center

Thank you! We have written about several other detention centers and unlike many media outlets do a fair assessment of the centers and have the background to understand what to ask and what to be looking at . . .

On Tue, Jan 21, 2020 at 9:30 AM Gonzalez, Barbara M <(b)(6),(b)(7)(C) @ice.dhs.gov> wrote:

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

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

We will do the best we can but tours are usually scheduled weeks in advance.

Thanks,

Barbara M. Gonzalez
Assistant Director

U.S. Immigration and Customs Enforcement (ICE)

Office of Partnership and Engagement (OPE)
202.732.(b)(6),(b)(7)(C)Office
(b)(6),(b)(7)(C)@ICE.DHS.gov

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From: (b)(6),(b)(7)(C)@ice.dhs.gov>
Sent: Monday, January 20, 2020 7:03 PM
To: (b)(6),(b)(7)(C)@cis.org>
Cc: Gonzalez, Barbara M <(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: Visit to Residential Center

I can check with ERO to see if they can accommodate. They don't usually conduct unscheduled tours. The tour (b)(6),(b)(7)(C) went on was a media tour for about 10 outlets toast summer.

I don't know if they can accommodate on such short notice, but I will check.

AMERICAN OVERSIGHT

We have a family facility at Dilley, Karnes. LaredoI has a detention center. He can call me if he has any questions.

Norma Estimbo-Graebener(Lacy)| Community Relations Officer |San Antonio Field Office

Office of Partnership and Engagement (OPE)

U.S Immigration and Customs Enforcement (ICE)

DHS | ICE |1777 NE Loop 410, (b)(6),(b)(7)(C) San Antonio, TX 78217

Desk: 210.283(b)(6),(b)(7)(C) iPhone: 210 389(b)(6),(b)(7)(C)

Serving San Antonio, Austin, Waco, Laredo, RGV

From: (b)(6),(b)(7)(C) @cis.org>

Date: Monday, Jan 20, 2020, 5:26 PM

To: (b)(6),(b)(7)(C) @ice.dhs.gov>

Cc: Gonzalez, Barbara M (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: Visit to Residential Center

We have the court visit scheduled; it is the residential center he would like to visit.

On Mon, Jan 20, 2020 at 5:55 PM Lacy, Norma E <(b)(6),(b)(7)(C) @ice.dhs.gov> wrote:

> He will need to contact EOIR if he wants access to courts. Please ask him to call me, my cell number is below.
>
> Norma Estimbo-Graebener(Lacy)| Community Relations Officer |San Antonio Field Office
>
> Office of Partnership and Engagement (OPE)

AMERICAN OVERSIGHT

U.S Immigration and Customs Enforcement (ICE)

DHS | ICE |1777 NE Loop 410, Suite 1500, San Antonio, TX 78217

Desk: 210.283[redacted] iPhone: 210 389[redacted]

Serving San Antonio, Austin, Waco, Laredo, RGV

From: (b)(6),(b)(7)(C) @cis.org>

Date: Monday, Jan 20, 2020, 4:51 PM

To: Gonzalez, Barbara M <(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) (b)(6),(b)(7)(C) @ice.dhs.gov>

Subject: Re: Visit to Residential Center

https://www.npr.org/2019/08/23/753836595/inside-a-family-detention-center-in-texas

But it is an ICE facility.

Hoping you can help,

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

On Mon, Jan 20, 2020 at 3:18 PM Gonzalez, Barbara M <(b)(6),(b)(7)(C) @ice.dhs.gov> wrote:

> Hi, (b)(6),(b)(7)(C)
>
> Happy New Year to you too! I am adding my colleagues here for clarification but it is my understanding that he needs to go to EOIR for access.
>
> (b)(6),(b)(7)(C)

AMERICAN OVERSIGHT

Can you please confirm?

Thanks,

Barbara M. Gonzalez
Assistant Director
U.S. Immigration and Customs Enforcement (ICE)
Office of Partnership and Engagement (OPE)
202.732 (b)(6),(b)(7)(C)
(b)(6),(b)(7)(C) @ICE.DHS.gov

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From (b)(6),(b)(7)(C) @cis.org>

Date: Sunday, Jan 19, 2020, 9:48 PM

To: Gonzalez, Barbara M (b)(6),(b)(7)(C) @ice.dhs.gov>

Subject: Visit to Residential Center

Barbara,

Happy New Year! I need a contact . . . (b)(6),(b)(7)(C) is heading down to the tent courts at the border on Tuesday. Could you tell me who to contact to get him access to a residential center - either at Dilley (preferable) or Laredo? He would want to come by on either Tuesday or Thursday of this week.

Thank you!!!!! Hope all is well!

AMERICAN OVERSIGHT

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

--

(b)(6),(b)(7)(C)
Director of Communications
Center for Immigration Studies
1629 K Street NW, (b)(6),(b)(7)(C)
Washington, DC 20006
(202) 466-(b)(6),(b)(7)(C) fax: (202) 466-(b)(7)(E)
(b)(6),(b)(7)(C)@cis.org www.cis.org

--

(b)(6),(b)(7)(C)
Director of Communications
Center for Immigration Studies
1629 K Street NW, (b)(6),(b)(7)(C)
Washington, DC 20006
(202) 466-(b)(6),(b)(7)(C) fax: (202) 466-(b)(7)(E)
(b)(6),(b)(7)(C)@cis.org www.cis.org

--

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Washington, DC 20006
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(b)(6),(b)(7)(C)@cis.org www.cis.org

--

(b)(6),(b)(7)(C)
Director of Communications
Center for Immigration Studies

AMERICAN OVERSIGHT

1629 K Street NW (b)(6),(b)(7)(C)
Washington, DC 20006
(202) 466-(b)(6),(b)(7)(C) fax: (202) 466(b)(6),(b)(7)(C)
(b)(6),(b)(7)(C)@cis.org www.cis.org

AMERICAN OVERSIGHT

From: Kelly, Christopher S [(b)(6),(b)(7)(C) (b)(6),(b)(7)(C) KELLY, CHRI]
Sent: 9/19/2019 7:08:46 PM
To: (b)(6),(b)(7)(C) [/o=ExchangeLabs/ou=Exchange Administrative Group (b)(6),(b)(7)(C)]
Subject: FW: EVENT: A conversation with USCIS Acting Director Ken Cuccinelli

(b)(5)

(b)(5)

From: Gonzalez, Barbara M <(b)(6),(b)(7)(C)@ice.dhs.gov>
Sent: Thursday, September 19, 2019 2:54 PM
To: Kelly, Christopher S <(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>
Subject: FW: EVENT: A conversation with USCIS Acting Director Ken Cuccinelli

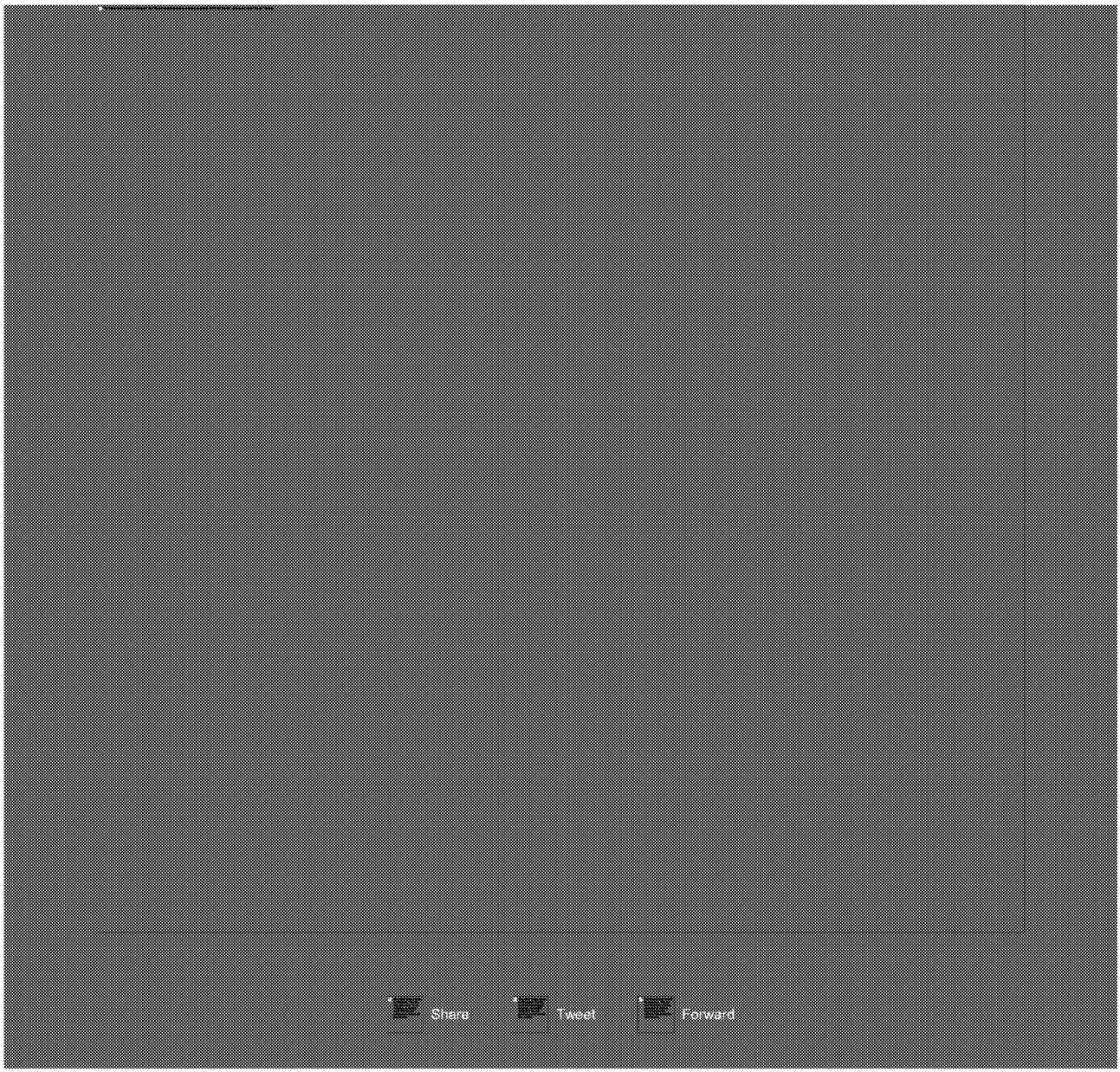
Flagging the below for your vis. Homan did this event last year. (b)(5)

Barbara M. Gonzalez
Assistant Director
U.S. Immigration and Customs Enforcement (ICE)
Office of Partnership and Engagement (OPE)
202.732.(b)(6),(b)(7)(C) Office
(b)(6),(b)(7)(C)@ICE.DHS.gov

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From: Center for Immigration Studies <(b)(7)(E)@cis.org>
Sent: Thursday, September 19, 2019 2:45 PM
To (b)(6),(b)(7)(C)@dhs.gov
Subject: EVENT: A conversation with USCIS Acting Director Ken Cuccinelli

AMERICAN OVERSIGHT



Immigration Challenges and Solutions

A conversation with

USCIS Acting Director Ken Cuccinelli

Washington, D.C. (September 19, 2019) – **Ken Cuccinelli**, Acting Director of U.S. Citizenship and Immigration Services, will be featured in

AMERICAN OVERSIGHT

REL0000023647
DHS-(ICE)-19-1228-G-000062

an Immigration Newsmaker conversation hosted by the Center for Immigration Studies on Thursday, September 26, at 1 p.m. at the National Press Club. Please RSVP to (b)(6),(b)(7)(C) via email if you would like to reserve a seat; media is given priority. In addition, the event will be streamed on Facebook Live.

Since taking his position as Acting Director of USCIS in June, Cuccinelli has moved quickly to ensure compliance with immigration laws on the books as well as to provide guidance to clarify current regulations and policies to asylum officers and others. He made headlines recently announcing new "public charge" regulations, clarifying the law for prospective immigrants on qualifying for lawful permanent residence (green cards). They may be inadmissible if they are likely to use U.S. welfare programs.

The conversation on Thursday, September 26, moderated by (b)(6),(b)(7)(C) the Center's executive director, will cover such topics as public charge, work permits, processing of asylum claims, backlogs, fees, fraud, and E-Verify.

When: Thursday, September 26, 2019, at 1:00 p.m.
Where: National Press Club, First Amendment Lounge, 529 14th St. NW, 13th Floor, Washington, D.C.

The Immigration Newsmaker series provides an opportunity for government agency heads, members of Congress, and other policymakers to discuss their priorities and explore the challenges they face. The events, held at the National Press Club, are seated, on-the-record conversations between the guest and a member of the CIS staff. See previous interviews here.

Visit Website

AMERICAN OVERSIGHT



AMERICAN OVERSIGHT

From: Kelly, Christopher S (b)(6),(b)(7)(C) (b)(6),(b)(7)(C) KELLY, CHRI]
Sent: 6/3/2019 10:57:43 PM
To: Albence, Matthew (b)(6),(b)(7)(C) (b)(6),(b)(7)(C) (b)(6),(b)(7)(C) (b)(6),(b)(7)(C)
Subject: FW: Meeting request and voice question
Attachments: RE: OPA ISSUE: Visa overstay arrested after involvement in car crash

Also FYSA.

PS—AD1 has a 1.5 hour meeting by himself with (b)(6),(b)(7)(C) and 8 people he brought with him. No read out as of yet, but obviously nobody other than AD1 to confirm what was said and how (other than the union).

Sent with BlackBerry Work
(www.blackberry.com)

From: Gonzalez, Barbara M <(b)(6),(b)(7)(C)@ice.dhs.gov>
Date: Monday, Jun 03, 2019, 5:45 PM
To: Asher, Nathalie R (b)(6),(b)(7)(C)@ice.dhs.gov>
Cc: #ERO CHIEFS OF STAFF <(b)(6),(b)(7)(C)@ice.dhs.gov>, Kelly, Christopher S (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: FW: Meeting request and voice question

Good afternoon, Nathalie:

The Center for Immigration Studies (CIS) requested a meeting with you, AD1 and two of their board members – (b)(6),(b)(7)(C) (b)(6),(b)(7)(C) They've asked to meet you June 7, if possible. (b)(6),(b)(7)(C) are involved in producing constructive policy recommendations on immigration enforcement for CIS. They would like to discuss the problem of fugitives in particular. CoS Blank asked that you please handle the meeting, if you're available and suggested that AD1 swing by for 5 minutes, schedule permitting.

CIS also brought up the case of an illegal alien involved in the death of an FBI agent and fire marshal in 2017. I attached the previously cleared OPA statement and case background for reference.

I will work with the ERO Chiefs of Staff on the request.

Respectfully,

Barbara M. Gonzalez
Assistant Director
U.S. Immigration and Customs Enforcement (ICE)
Office of Partnership and Engagement (OPE)
202.732.(b)(6),(b)(7)(C) Office
(b)(6),(b)(7)(C)z@ICE.DHS.gov

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From: Blank, Thomas
Sent: Monday, June 3, 2019 3:33 PM
To: Gonzalez, Barbara M (b)(6),(b)(7)(C)@ice.dhs.gov>
Cc: (b)(6),(b)(7)(C)@ice.dhs.gov>; Kelly, Christopher S <(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: Meeting request and voice question

I agree. (b)(6),(b)(7)(C), if AD1 can drop by for five minutes to say hello that would be good.

Thomas Blank
Chief of Staff
U.S. Immigration and Customs Enforcement
U.S. Department of Homeland Security
202 732(b)(6),(b)(7)(C)
Cell 202 591(b)(6),(b)(7)(C)

From: Gonzalez, Barbara M
Sent: Monday, June 3, 2019 1:49 PM
To: Blank, Thomas (b)(6),(b)(7)(C)k@ice.dhs.gov>
Cc: (b)(6),(b)(7)(C)@ice.dhs.gov>; Kelly, Christopher S (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: FW: Meeting request and voice question

Sir:

I recommend EAD(b)(6),(b)(7)(C) for this request from the Center for Immigration Studies. Do you concur? Please advise.

Thanks,

Barbara M. Gonzalez
Assistant Director
U.S. Immigration and Customs Enforcement (ICE)
Office of Partnership and Engagement (OPE)
202.732.(b)(6),(b)(7)(C)Office
(b)(6),(b)(7)(C)@ICE.DHS.gov

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AMERICAN OVERSIGHT

From: (b)(6),(b)(7)(C) @verizon.net>
Sent: Monday, June 3, 2019 11:34 AM
To: Gonzalez, Barbara M <(b)(6),(b)(7)(C) @ice.dhs.gov>
Subject: Meeting request and voice question

Hi Barbara,
Hope you're well! I'm writing about 2 things:

1. Two of my board members are interested in meeting with Director Morgan and acting ERO Director Nathalie Asher, ideally on Friday afternoon, June 7, if possible. Sorry for the late notice. Their names are (b)(6),(b)(7)(C) and they are involved in the Center's efforts to produce constructive policy recommendations for immigration enforcement. We would like to discuss the problem of fugitives in particular. I would attend, and I understand (b)(6),(b)(7)(C) is also interested in the discussion.

2. Last Wednesday I participated in an event in Culpeper, VA. that included two women who recently lost family members in a highway fatality in the DC area, involving an illegal alien with a lengthy criminal history, who is now an (b)(6),(b)(7)(C) and at large, having met a relatively low bond set by an IJ. It's this case: https://wtop.com/montgomery-county/2018/07/no-criminal-charges-for-driver-who-killed-fbi-agent-fire-marshal-on-270/. I asked them if they had been in touch with VOICE, and they said they weren't aware of the office, so I'm sending them info, just a heads up. My unblderstanding is that CASA put up the money for the alien's release. I'm planning to write an article about the case, so if ICE has or made any statements about the case, I'd be interested.

Thanks so much, Regards, (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)
Director of Policy Studies
Center for Immigration Studies
(774)291 (b)(6),(b)(7)(C)
(b)(6),(b)(7)(C) @cis.org
@ (b)(6),(b)(7)(C)

AMERICAN OVERSIGHT

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

Sent: 5/4/2018 1:23:54 PM

To: (b)(6),(b)(7)(C); #ICE OPA ERO Issue Paper (b)(6),(b)(7)(C)

CC: (b)(6),(b)(7)(C); (b)(6),(b)(7)(C) #ERO CHIEFS OF STAFF (b)(6),(b)(7)(C)

Subject: RE: OPA ISSUE: Visa overstay arrested after involvement in car crash

Clear, with edit.

(b)(6),(b)(7)(C)
Staff Officer-Office of Executive Associate Director
ICE-Enforcement and Removal Operations
500 12th Street, SW
Washington, D.C. 20536

202.732.(b)(6),(b)(7)(C) office
956.433.(b)(6),(b)(7)(C) cell

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From: (b)(6),(b)(7)(C)
Sent: Friday, May 4, 2018 9:10 AM
To: #ICE OPA ERO Issue Paper (b)(7)(E)@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>
Subject: OPA ISSUE: Visa overstay arrested after involvement in car crash

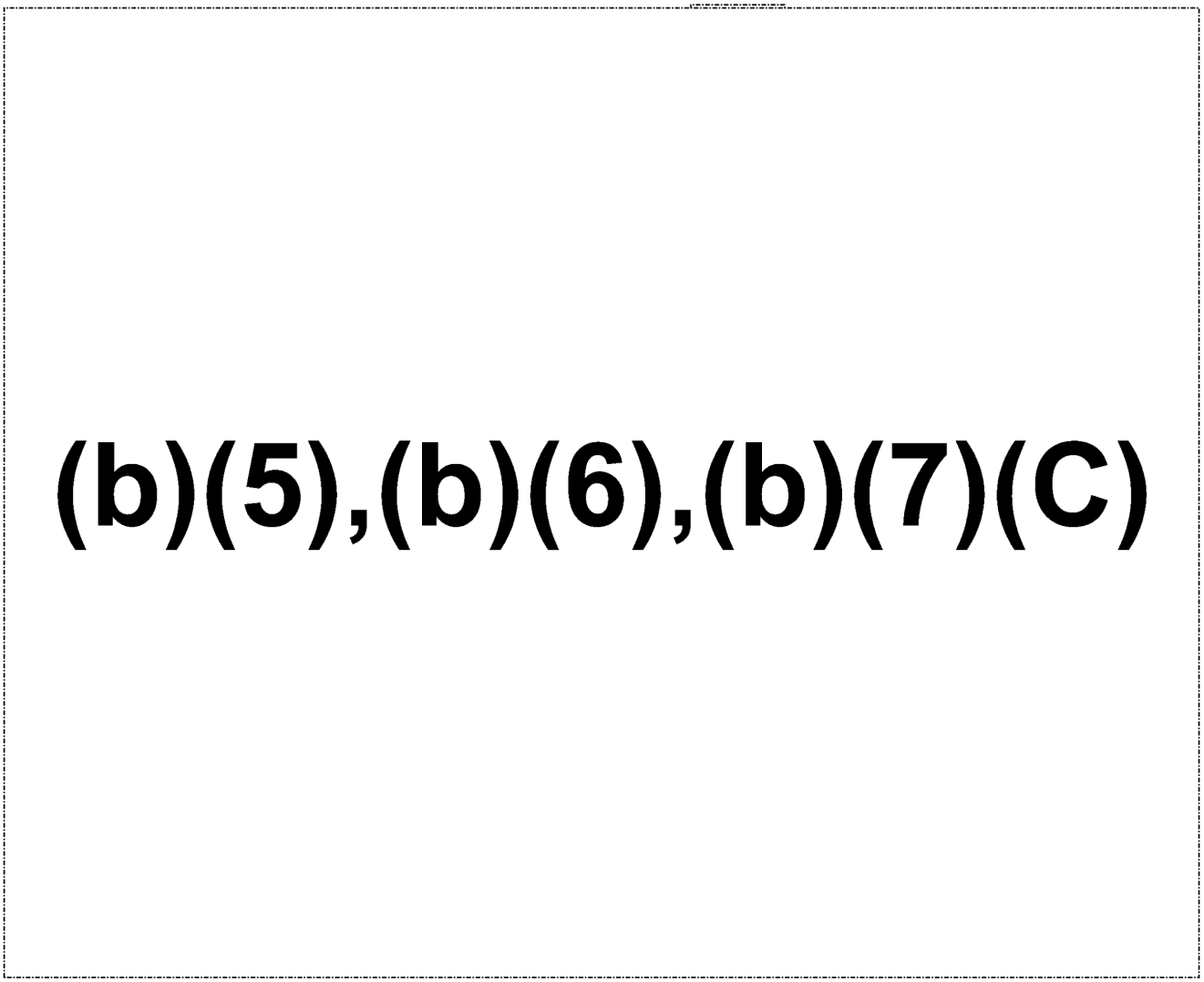
(b)(5),(b)(6),(b)(7)(C)

AMERICAN OVERSIGHT

(b)(5),(b)(6),(b)(7)(C)

AMERICAN OVERSIGHT

REL0000023648.0001
DHS-(ICE)-19-1228-G-000069



AMERICAN OVERSIGHT

REL0000023648.0001
DHS-(ICE)-19-1228-G-000070

From: Kelly, Christopher S (b)(6),(b)(7)(C) (b)(6),(b)(7)(C) KELLY, CHRI]
Sent: 7/8/2022 2:55:22 PM
To: (b)(6),(b)(7)(C)
Subject: FW: Meeting with OPLA

We are probably more the ones that should chat with them with ERO. You care if I reach out? You want to handle another way?

From: (b)(6),(b)(7)(C) @ice.dhs.gov>
Sent: Friday, July 8, 2022 10:31 AM
To: Kelly, Christopher S <(b)(6),(b)(7)(C) @ice.dhs.gov>
Subject: RE: Meeting with OPLA

Hey sir,

Checking that I am reading below correctly……are you planning to reach out to Heritage Foundation's (b)(6),(b)(7)(C) (b)(6),(b)(7)(C) Thanks, (b)(6),(b)(7)(C)

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

From: Kelly, Christopher S <(b)(6),(b)(7)(C) @ice.dhs.gov>
Sent: Thursday, July 7, 2022 3:48 PM
To: Loiacono, Adam V <(b)(6),(b)(7)(C) @ice.dhs.gov>; (b)(6),(b)(7)(C) @ice.dhs.gov>; Davis, Mike P (b)(6),(b)(7)(C) @ice.dhs.gov>
Cc: (b)(6),(b)(7)(C) @ice.dhs.gov>; Bible, Daniel <(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: Meeting with OPLA

(b)(5)

From: Loiacono, Adam V <(b)(6),(b)(7)(C) @ice.dhs.gov>
Sent: Thursday, July 7, 2022 3:46 PM
To: Kelly, Christopher S <(b)(6),(b)(7)(C) @ice.dhs.gov>; (b)(6),(b)(7)(C) @ice.dhs.gov>; Davis, Mike P (b)(6),(b)(7)(C) @ice.dhs.gov>
Cc: (b)(6),(b)(7)(C) @ice.dhs.gov>; Bible, Daniel <(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>; Loiacono, Adam V (b)(6),(b)(7)(C) @ice.dhs.gov>
Subject: RE: Meeting with OPLA

Since Mike is on leave, I will discuss with Kerry.

Chris Kelly-

I was thinking the same thing, which is why we added you here. This seems like a policy rather than legal issue.

Thanks,

Adam V. Loiacono

AMERICAN OVERSIGHT

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

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From: Kelly, Christopher S <(b)(6),(b)(7)(C) @ice.dhs.gov>
Sent: Thursday, July 7, 2022 2:34 PM
To: (b)(6),(b)(7)(C) @ice.dhs.gov>; Davis, Mike P (b)(6),(b)(7)(C) @ice.dhs.gov>
Cc: Loiacono, Adam V <(b)(6),(b)(7)(C) @ice.dhs.gov>; (b)(6),(b)(7)(C) @ice.dhs.gov>; Bible, Daniel <(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: Meeting with OPLA

(b)(5)

From: (b)(6),(b)(7)(C) @ice.dhs.gov>
Sent: Wednesday, July 6, 2022 9:36 AM
To: Davis, Mike P <(b)(6),(b)(7)(C) @ice.dhs.gov>
Cc: Loiacono, Adam V <(b)(6),(b)(7)(C) @ice.dhs.gov>; (b)(6),(b)(7)(C) @ice.dhs.gov>; Kelly, Christopher S (b)(6),(b)(7)(C) @ice.dhs.gov>; Bible, Daniel <(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: FW: Meeting with OPLA

Morning sir,

Please see below and attached. I just spoke with Adam L.

(b)(5),(b)(6),(b)(7)(C)

From: (b)(6),(b)(7)(C) @heritage.org>
Sent: Tuesday, July 5, 2022 3:06 PM
To: (b)(6),(b)(7)(C) @ice.dhs.gov>
Cc: (b)(6),(b)(7)(C) @ice.dhs.gov>
Subject: RE: Meeting with OPLA

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Thank you very much.

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

(b)(6),(b)(7)(C) Ph.D.
Senior Research Fellow in Anglo-American Relations
Davis Institute for National Security and Foreign Policy
The Heritage Foundation
214 Massachusetts Avenue, NE
Washington, DC 20002
202-608-(b)(6),(b)(7)(C)
(b)(6),(b)(7)(C) org

From: (b)(6),(b)(7)(C) @ice.dhs.gov>
Sent: Tuesday, July 5, 2022 3:04 PM
To: (b)(6),(b)(7)(C) @heritage.org>
Cc: (b)(6),(b)(7)(C) @ice.dhs.gov>
Subject: RE: Meeting with OPLA

Yes, sir, give me a day or so coordinate. (b)(6),(b)(7)(C)

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

From: (b)(6),(b)(7)(C) @heritage.org>
Sent: Tuesday, July 5, 2022 3:00 PM
To: (b)(6),(b)(7)(C) @ice.dhs.gov>
Cc: (b)(6),(b)(7)(C) @ice.dhs.gov>
Subject: Meeting with OPLA

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

Thanks again for meeting with us last week – hope you enjoyed the 4th of July holiday.

I wanted to ask if it would be possible for you to reach out to your colleagues in OPLA, so that we can arrange a private meeting with them to continue the discussion we began with you?

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

AMERICAN OVERSIGHT

(b)(6),(b)(7)(C) Ph.D.
Senior Research Fellow in Anglo-American Relations
Davis Institute for National Security and Foreign Policy
The Heritage Foundation
214 Massachusetts Avenue, NE
Washington, DC 20002
202-608-(b)(6),(b)(7)(C)
(b)(6),(b)(7)(C).org

AMERICAN OVERSIGHT

REL0000023649
DHS-(ICE)-19-1228-G-000074

From: Kelly, Christopher S (b)(6),(b)(7)(C) (b)(6),(b)(7)(C) KELLY, CHRI]
Sent: 10/3/2022 8:05:57 PM
To: (b)(6),(b)(7)(C)
Subject: FW: Thank You
Attachments: FINAL Letter to Sec Blinken and AG Garland re TRAP Act.pdf

Sent with BlackBerry Work
(www.blackberry.com)

From: (b)(6),(b)(7)(C) @ice.dhs.gov>
Date: Wednesday, Sep 21, 2022 at 6:02 PM
To: Kelly, Christopher S <(b)(6),(b)(7)(C) @ice.dhs.gov>
Cc: (b)(6),(b)(7)(C) @ice.dhs.gov>, Doyle, Kerry <(b)(6),(b)(7)(C) @ice.dhs.gov>, Padilla, Kenneth (b)(6),(b)(7)(C) @ice.dhs.gov>
Subject: FW: Thank You

Chris/all—FYI.
Thanks,
(b)(6),(b)(7)(C)

From: (b)(6),(b)(7)(C) @heritage.org>
Sent: Wednesday, September 21, 2022 5:55 PM
To: (b)(6),(b)(7)(C) @ice.dhs.gov>
Subject: Thank You

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

Thanks so much to you and all your colleagues for the meeting today – I know all my colleagues appreciate it as much as I do. We'll follow up with suggestions for training and information materials.

I attach the letter that a number of us sent to Sec. Blinken and AG Garland re Interpol abusers. I did not sign the letter – but I did write it! Feel free to use at your discretion.

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

(b)(6),(b)(7)(C), Ph.D.
Senior Research Fellow, Anglo-American Relations, Margaret Thatcher Center for Freedom
Davis Institute for National Security and Foreign Policy
The Heritage Foundation
214 Massachusetts Avenue, NE
Washington, DC 20002
202-608-(b)(6),(b)(7)(C)
(b)(6),(b)(7)(C) org

AMERICAN OVERSIGHT

From: Kelly, Christopher S (b)(6),(b)(7)(C)
(b)(6),(b)(7)(C) KELLY, CHRI]
Sent: 9/21/2022 10:55:59 PM
To:
CC: (b)(6),(b)(7)(C)
Subject: FW: Thank You
Attachments: FINAL Letter to Sec Blinken and AG Garland re TRAP Act.pdf

Sent with BlackBerry Work
(www.blackberry.com)

From: (b)(6),(b)(7)(C) @ice.dhs.gov>
Date: Wednesday, Sep 21, 2022 at 6:02 PM
To: Kelly, Christopher S <(b)(6),(b)(7)(C) @ice.dhs.gov>
Cc: (b)(6),(b)(7)(C) @ice.dhs.gov>, Doyle, Kerry (b)(6),(b)(7)(C) @ice.dhs.gov>, Padilla, Kenneth (b)(6),(b)(7)(C) @ice.dhs.gov>
Subject: FW: Thank You

Chris/all—FYI.
Thanks,
(b)(6),(b)(7)(C)

From: (b)(6),(b)(7)(C) @heritage.org>
Sent: Wednesday, September 21, 2022 5:55 PM
To: (b)(6),(b)(7)(C) @ice.dhs.gov>
Subject: Thank You

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

Thanks so much to you and all your colleagues for the meeting today – I know all my colleagues appreciate it as much as I do. We'll follow up with suggestions for training and information materials.

I attach the letter that a number of us sent to Sec. Blinken and AG Garland re Interpol abusers. I did not sign the letter – but I did write it! Feel free to use at your discretion.

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

(b)(6),(b)(7)(C) Ph.D.
Senior Research Fellow, Anglo-American Relations, Margaret Thatcher Center for Freedom
Davis Institute for National Security and Foreign Policy
The Heritage Foundation
214 Massachusetts Avenue, NE
Washington, DC 20002
202-608 (b)(6),(b)(7)(C)

AMERICAN OVERSIGHT

AMERICAN OVERSIGHT

REL0000023651
DHS-(ICE)-19-1228-G-000077

June 1, 2022

The Honorable Antony Blinken
Secretary of State
U.S. Department of State
2201 C Street NW
Washington, DC 20520

The Honorable Merrick Garland
Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue NW
Washington, DC 20530

Dear Secretary Blinken and Attorney General Garland,

On December 27, 2021, President Biden signed into law the National Defense Authorization Act for Fiscal Year 2022. Sec. 6503 of this Act requires the Department of Justice and the Department of State to produce a report on the political abuse of Interpol. This report is due to Congress by June 27, 2022.

We, the under-signed individuals and organizations, working with the assistance of Dr. (b)(6),(b)(7)(C) (b)(6),(b)(7)(C) of The Heritage Foundation, write to offer our assistance as you follow up on the report mandated by Sec. 6503 by informing you of the regimes we believe should be included in this report, and by providing, when necessary, open-source evidence behind our assessments.

We do not seek to limit the Administration's investigations, which may benefit from sources not available to us, nor do we wish to imply that only the regimes we name should be included in the report. But we do believe that the regimes we name must be included in any credible report on the political abuse of Interpol.

The following 16 regimes have already been censured for Interpol abuse by the State Department's Human Rights Reports: **Azerbaijan** (2020), **Belarus** (2021), **Benin** (2020), **Côte d'Ivoire** (2021), **Ecuador** (2021), **Guinea Bissau** (2021), **Iran** (2021) **Kazakhstan** (2020), **Montenegro** (2020 and 2021), **Nicaragua** (2020), **People's Republic of China** (2021), **Russia** (2020 and 2021), **Saudi Arabia** (2020 and 2021), **Tajikistan** (2020 and 2021), **Turkey** (2020 and 2021), and **Venezuela** (2021). The Section 6503 report should therefore condemn all of these regimes.

Though it is not named in the State Department's Reports, the United Arab Emirates is also a notorious abuser of Interpol. This abuse has tended to revolve around the UAE's use of Interpol to collect private debts, a form of abuse that is explicitly against Interpol's rules, and which, under those rules, is another form of political abuse. An April 2021 report on "Undue Influence: The UAE and Interpol" by Sir (b)(6),(b)(7)(C) (b)(6),(b)(7)(C), a former Director of Public Prosecutions of England and Wales, assembled copious evidence to prove that UAE was "notorious for its abuse of Interpol." We therefore expect the Section 6503 report will condemn the **United Arab Emirates**.

We are also concerned by prominent Interpol abuse from six regimes that have not achieved the notoriety of Russia, China, and Turkey, but which – from our own work with victims of abuse, and in the U.S. legal system – we believe have learned from the bad example of the most abusive regimes that Interpol abuse is both easy to commit and effective. These regimes include:

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DHS-(ICE)-19-1228-G-000078

Bahrain. The extradition by Serbia of dissident (b)(6),(b)(7)(C) on a Bahraini Red Notice in January 2022 drew widespread condemnation, including from the European Court of Human Rights. A February 2022 letter from the Bahrain Institute for Rights and Democracy, Fair Trials, and Human Rights Watch to Interpol Secretary General (b)(6),(b)(7)(C) summarized other examples from 2014 and 2018 of Bahrain's record of Interpol abuse.

Egypt. In 2018, Egypt sought and obtained a Red Notice on actor (b)(6),(b)(7)(C) a critic of Egyptian President Sisi. In the same year, a Red Notice against (b)(6),(b)(7)(C) was deleted by Interpol, which concluded the charges in the case were political. Investigations by journalists have uncovered many similar cases, all targeting the opponents of President Sisi. As far back as 2012, under the Morsi regime, Egypt sought to use Red Notices to target 15 individuals (one of them the son of then-U.S. Transportation Secretary (b)(6),(b)(7)(C)) from nongovernmental organizations that receive U.S. funding, whom the Egyptian government accused of illegally operating pro-democracy programs. This long history of Interpol abuse, under various regimes, deserves to be called out and condemned.

El Salvador. The Salvadorian state is one of the most prolific, and yet unrecognized, abusers of Interpol. El Salvador is responsible for over 16 percent of all the public Red Notices in the Interpol system, a suspiciously high figure that is second only to Russia. The Salvadorian regime has repeatedly tried to use Interpol to harass members of the previous regime, including ex-President Mauricio Funes and former Congressional leader (b)(6),(b)(7)(C) . The case of *Barahona v. Wilkinson* (2021) revealed that U.S. immigration courts use Red Notices to evade the probable cause standard. Salvadorian Red Notices in particular are frequently used in U.S. legal proceedings, such as in the case of (b)(6),(b)(7)(C) (b)(6),(b)(7)(C) . It is unlikely that any nation abuses Red Notices with more practical impact on the U.S. legal system than El Salvador.

Nigeria. Nigeria is a partial democracy where the rule of law is weak and corruption is endemic, if not pervasive. As a result, Nigeria has a track record as a high-profile abuser of Interpol. In 2018, corrupt Nigerian police officials, acting at the behest of a Nigerian business leader, published a Red Notice through Interpol on Polish Internet entrepreneur (b)(6),(b)(7)(C) accusing him of financial offenses. (b)(6),(b)(7)(C) fought back through the Nigerian court system, managed to win his case, and then convinced Interpol to delete the Red Notice. The next year, after Nigeria had lost a multi-billion-dollar arbitration judgment against engineering and project management firm Process and Industrial Developments, it purportedly sought Red Notices against two individuals linked with the firm, a ploy that had every appearance of being a politically abusive retaliation for its arbitration defeat.

Palestinian Authority (PA). The PA obtained membership in 2017 over the strenuous protests of the United States. The PA openly stated it sought admission to Interpol partly in order to pursue political opponents of Palestinian President Mahmoud Abbas, opponents whom the PA styled as thieves. By late 2018, the PA had already successfully abused Interpol by obtaining Red Notices on six individuals, one of whom was an associate of (b)(6),(b)(7)(C) one of Abbas's opponents. Interpol in 2019 turned down a request from the Authority to publish a Red Notice on (b)(6),(b)(7)(C) himself, on the grounds that it "was political or classified under the term of 'political rivalry' and as such it would not be eligible."

Uzbekistan. The Uzbek regime is a major abuser of Interpol in Central Asia. (b)(6),(b)(7)(C) was stopped in transit at an airport in Moscow on the basis of an Uzbek Red Notice requested in July 2016. She had previously been a correspondent for the German international radio service *Deutsche Welle* and fled Uzbekistan after covering the events of the Andjian massacre in 2005. She was subsequently granted (b)(6),(b)(7)(C) status in Sweden. Although she managed to avoid arrest, the Parliamentary Assembly of the Council of Europe found in 2017 that she remains at risk of arrest and extradition to Uzbekistan due to the Red Notice that has still not been deleted. Freedom House similarly campaigned in 2017 for the release of (b)(6),(b)(7)(C) , held in Ukraine on an Uzbek Red Notice.

AMERICAN OVERSIGHT

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DHS-(ICE)-19-1228-G-000079

We believe that ample grounds exist to condemn all six of these regimes in the Section 6503 report.

Finally, we would like to draw your attention to four nations that we believe – partly on the basis of public reports, but also from our own work in the U.S. legal system – are abusing Interpol. While publicly-available information is not sufficient to prove their culpability, we believe that these nations are indeed guilty, and that they should be investigated and condemned in the Sec. 6503 report.

India. The Indian authorities have come under repeated, if sporadic, public suspicion for Interpol abuse. (b)(6),(b)(7)(C) in the UK in 2000. During a family holiday in December 2015, however, he was arrested by the Portuguese police, based on a Red Notice that had been issued in 2012 at the request of India. The Red Notice was related to his alleged involvement in murder and terrorism offences committed when he was already living in the UK. The Red Notice was later cancelled by Interpol. India has also repeatedly tried to obtain a Red Notice against Islamic television evangelist (b)(6),(b)(7)(C) (b)(6),(b)(7)(C) Interpol has rejected these requests. While India is a democracy, it faces serious problems with corruption, and the evidence suggests that its authorities use Interpol to harass opponents.

Kuwait. The Kuwaiti authorities have recently been in the headlines because of their efforts to use an Interpol Red Notice to force (b)(6),(b)(7)(C) and (b)(6),(b)(7)(C), both regime critics, to return to Kuwait from Bosnia. This high-profile case is itself sufficient to raise broader concerns about the regime's abuse of Interpol.

Mexico. Mexico has successfully kept its abuse of Interpol out of the news. But on the basis of cases in the U.S. legal system, we have little doubt that Mexico is indeed an Interpol abuser. We know personally of two cases in which regime critics living in the U.S. were subject to Mexico Red Notices. While those of us working on these cases are bound by non-disclosure agreements, we would be happy to convey the substance of our concerns to you in private, and to seek the approval of our clients to reveal the names and the details of their cases to you.

Rwanda (b)(6),(b)(7)(C), the last head of presidential staff under Rwandan President Juvénal Habyarimana, was arrested in Germany in 2016 on the basis of a Rwandan Red Notice, in spite of the fact that he had not been charged by the International Criminal Tribunal for Rwanda. The German General Prosecutor's Office later cancelled the arrest warrant after a submission from the Ministry of Foreign Affairs stating that the Rwandan prosecution of (b)(6),(b)(7)(C) was likely to be politically influenced. Rwanda figures prominently in Freedom House's landmark 2021 report on transnational repression, though not as a named Interpol abuser. However, we believe that the Ruhigira case, combined with Rwanda's wider employment of the other instruments of transnational repression, constitute compelling evidence that Rwanda is indeed an Interpol abuser.

We look forward to continuing to work with you to expose, combat, and prevent Interpol abuse, which is part of the wider threat of transnational repression. We believe that Interpol serves important purposes, and that it can only fulfill these purposes if it lives up to its obligation to limit itself strictly to ordinary crime. We will be glad to assist you in fulfilling the requirements of Sec. 6503, and in opposing Interpol abuse more broadly, and thereby putting Interpol and its abusers on notice that the U.S. will not stand by as this abuse continues and grows in seriousness.

Sincerely,

(b)(6),(b)(7)(C), Freedom House
(b)(6),(b)(7)(C), Global Magnitsky Justice Campaign
(b)(6),(b)(7)(C), Estund Law

AMERICAN OVERSIGHT
2023-ICLI-00022 000409
REL0000023651.0001
DHS-(ICE)-19-1228-G-000080

(b)(6),(b)(7)(C) Grossman & Young
(b)(6),(b)(7)(C), The Sentry
(b)(6),(b)(7)(C) 5SAH
(b)(6),(b)(7)(C) r, Fair Trials
(b)(6),(b)(7)(C) Perseus Strategies

AMERICAN OVERSIGHT

REL0000023651.0001
DHS-(ICE)-19-1228-G-000081

From: Kelly, Christopher S [(b)(6),(b)(7)(C)
(b)(6),(b)(7)(C) KELLY, CHRI]
Sent: 7/8/2022 7:41:28 PM
To: (b)(6),(b)(7)(C) heritage.org
Subject: INTERPOL Red Notices

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

Nice to meet you virtually.

I understand you recently met with (b)(6),(b)(7)(C) regarding how ICE-ERO does and does not utilized Red Notices. I further understand that you had some questions regarding training, etc., in this space.

On the policy side, me and my time handle this issue at ICE. I'd be happy to meet to answer any further questions to the extent I can.

I'll be out of the office from 7/13-7/19, and will need some time to run internal traps for an external meeting on my end, so I'd suggest something the week of 7/25?

-Chris

Christopher S. Kelly
Deputy Assistant Director–Policy
Office of Regulatory Affairs and Policy
U.S. Immigration and Customs Enforcement
U.S. Department of Homeland Security
(b)(6),(b)(7)(C)@ice.dhs.gov
(o) (202) 732-
(c) (202) 489-(b)(6),(b)(7)(C)

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From: Kelly, Christopher S (b)(6),(b)(7)(C)
(b)(6),(b)(7)(C) -KELLY, CHRI]
Sent: 9/19/2019 8:55:20 PM
To: (b)(6),(b)(7)(C)
(b)(6),(b)(7)(C)
(b)(6),(b)(7)(C)
(b)(6),(b)(7)(C)
Subject: RE: EVENT: A conversation with USCIS Acting Director Ken Cuccinelli

I'm sure it was when he was acting director.

From: (b)(6),(b)(7)(C) @ice.dhs.gov>
Sent: Thursday, September 19, 2019 4:54 PM
To: Kelly, Christopher S < (b)(6),(b)(7)(C) @ice.dhs.gov>; (b)(6),(b)(7)(C)
(b)(6),(b)(7)(C) @ice.dhs.gov>
Subject: RE: EVENT: A conversation with USCIS Acting Director Ken Cuccinelli

Do we know how Homan's went? It'd at least be a better setting that the FAIR event thing. Agree, though, might be better ways. Including the continual monthly hits with cnn or somebody.

(b)(6),(b)(7)(C)
Deputy Chief of Staff
Immigration and Customs Enforcement
405.305 (b)(6),(b)(7)(C)

From: Kelly, Christopher S < (b)(6),(b)(7)(C) @ice.dhs.gov>
Date: Thursday, Sep 19, 2019, 3:08 PM
To: (b)(6),(b)(7)(C) @ice.dhs.gov>, (b)(6),(b)(7)(C)
(b)(6),(b)(7)(C) @ice.dhs.gov>
Subject: FW: EVENT: A conversation with USCIS Acting Director Ken Cuccinelli

(b)(5),(b)(6),(b)(7)(C)

From: Gonzalez, Barbara M < (b)(6),(b)(7)(C) @ice.dhs.gov>
Sent: Thursday, September 19, 2019 2:54 PM
To: Kelly, Christopher S < (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>
Subject: FW: EVENT: A conversation with USCIS Acting Director Ken Cuccinelli

Flagging the below for your vis. Homan did this event last year (b)(5)

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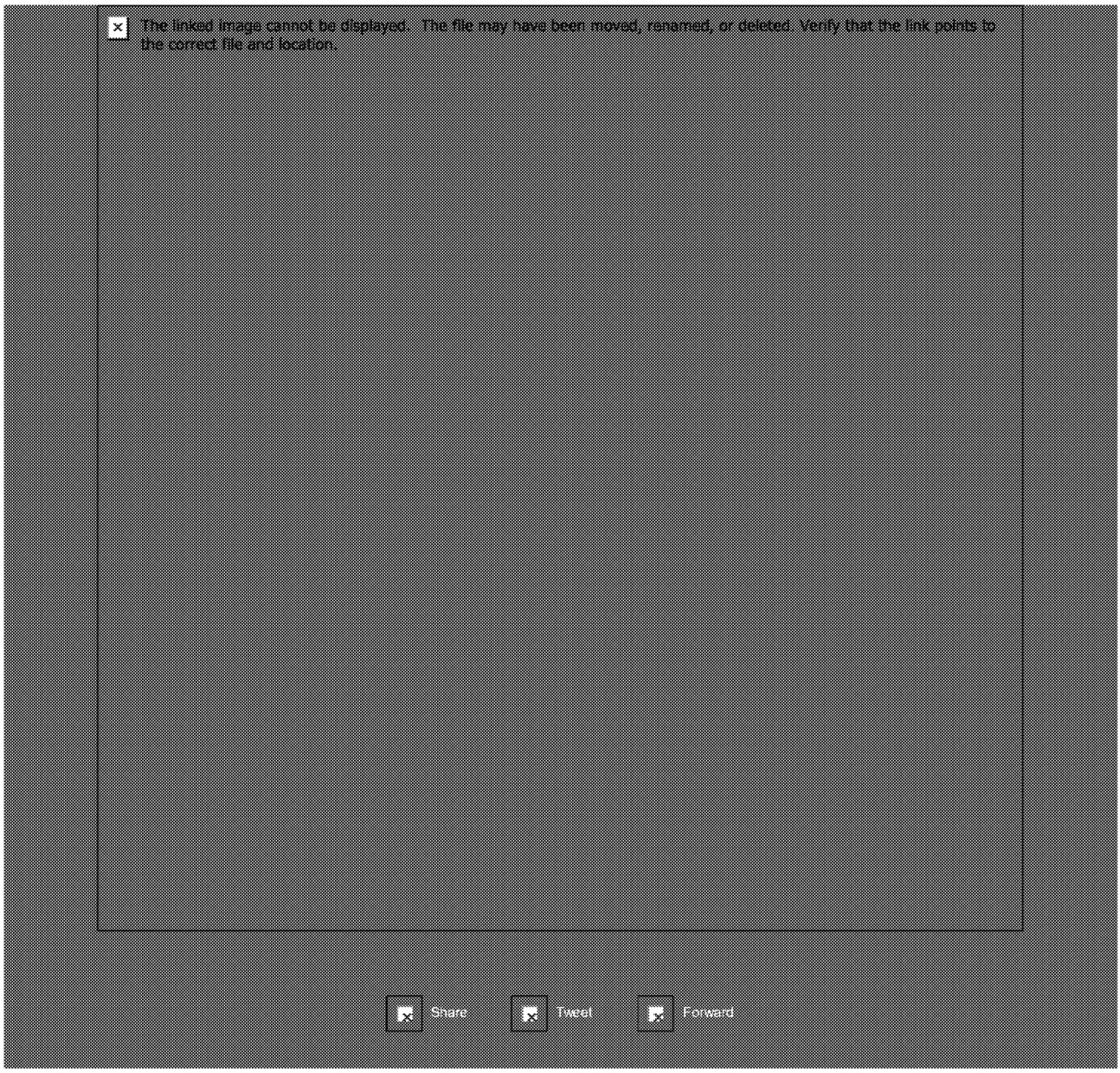
Barbara M. Gonzalez
Assistant Director
U.S. Immigration and Customs Enforcement (ICE)
Office of Partnership and Engagement (OPE)
202.732.(b)(6),(b)(7)(C) Office
(b)(6),(b)(7)(C)@ICE.DHS.gov

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From: Center for Immigration Studies (b)(6),(b)(7)(C)@cis.org>
Sent: Thursday, September 19, 2019 2:45 PM
To (b)(6),(b)(7)(C) @dhs.gov
Subject: EVENT: A conversation with USCIS Acting Director Ken Cuccinelli

AMERICAN OVERSIGHT

REL0000023653
DHS-(ICE)-19-1228-G-000084



Immigration Challenges and Solutions

A conversation with

USCIS Acting Director Ken Cuccinelli

Washington, D.C. (September 19, 2019) – **Ken Cuccinelli**, Acting Director of U.S. Citizenship and Immigration Services, will be featured in an Immigration Newsmaker conversation hosted by the Center for

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REL0000023653
DHS-(ICE)-19-1228-G-000085

Immigration Studies on Thursday, September 26, at 1 p.m. at the National Press Club. Please RSVP to (b)(6),(b)(7)(C) via email if you would like to reserve a seat; media is given priority. In addition, the event will be streamed on Facebook Live.

Since taking his position as Acting Director of USCIS in June, Cuccinelli has moved quickly to ensure compliance with immigration laws on the books as well as to provide guidance to clarify current regulations and policies to asylum officers and others. He made headlines recently announcing new "public charge" regulations, clarifying the law for prospective immigrants on qualifying for lawful permanent residence (green cards). They may be inadmissible if they are likely to use U.S. welfare programs.

The conversation on Thursday, September 26, moderated by (b)(6),(b)(7)(C), the Center's executive director, will cover such topics as public charge, work permits, processing of asylum claims, backlogs, fees, fraud, and E-Verify.

When: Thursday, September 26, 2019, at 1:00 p.m.
Where: National Press Club, First Amendment Lounge, 529 14th St. NW, 13th Floor, Washington, D.C.

The Immigration Newsmaker series provides an opportunity for government agency heads, members of Congress, and other policymakers to discuss their priorities and explore the challenges they face. The events, held at the National Press Club, are seated, on-the-record conversations between the guest and a member of the CIS staff. See previous interviews here.

Visit Website

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DHS-(ICE)-19-1228-G-000086



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REL0000023653
DHS-(ICE)-19-1228-G-000087

From: Kelly, Christopher S (b)(6),(b)(7)(C) (b)(6),(b)(7)(C) -KELLY, CHRI]
Sent: 7/11/2022 4:29:01 PM
To: (b)(6),(b)(7)(C) @heritage.org]
CC: Youngberg, Francey L (b)(6),(b)(7)(C) (b)(6),(b)(7)(C) -Youngberg,]; (b)(6),(b)(7)(C) (b)(6),(b)(7)(C)
Subject: RE: INTERPOL Red Notices

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

Sounds good.

I'm copying in Francie and (b)(6),(b)(7)(C) from our external engagement office.

-Chris

From: (b)(6),(b)(7)(C) heritage.org>
Sent: Monday, July 11, 2022 12:13 PM
To: Kelly, Christopher S (b)(6),(b)(7)(C) @ice.dhs.gov>
Subject: RE: INTERPOL Red Notices

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Chris,

Thank you. Let's look at the week of August 29-September 2, if that works for you.

If so, I'll check with the group and get back to you with a range of possibilities.

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

(b)(6),(b)(7)(C) Ph.D.
Senior Research Fellow in Anglo-American Relations
Davis Institute for National Security and Foreign Policy
The Heritage Foundation
214 Massachusetts Avenue, NE
Washington, DC 20002
202-608-(b)(6),(b)(7)(C)
heritage.org

From: Kelly, Christopher S (b)(6),(b)(7)(C) @ice.dhs.gov>
Sent: Monday, July 11, 2022 9:18 AM
To (b)(6),(b)(7)(C) @heritage.org>
Subject: RE: INTERPOL Red Notices

Ted:

AMERICAN OVERSIGHT

Assuming you mean the week of 8/15, I'll be out of the office that week. I'm here half of the next week (week of 8/22 through Wednesday). The following, final week of August is good.

From: (b)(6),(b)(7)(C) @heritage.org>
Sent: Friday, July 8, 2022 4:21 PM
To: Kelly, Christopher S <(b)(6),(b)(7)(C) @ice.dhs.gov>
Subject: RE: INTERPOL Red Notices

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Chris,

Many thanks for following up on this. Yes, I and a small group that I run are interested in learning more about this issue.

I very much appreciate you reaching out. I recently got married and am having a wedding party in late July, so if possible I'd like to push this to the 3rd week of August, if that works for you.

If so, I'll pull together the group, and we can settle on a date and time for a meeting at Heritage.

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

(b)(6),(b)(7)(C) Ph.D.
Senior Research Fellow in Anglo-American Relations
Davis Institute for National Security and Foreign Policy
The Heritage Foundation
214 Massachusetts Avenue, NE
Washington, DC 20002
202-608-(b)(6),(b)(7)(C)
heritage.org

From: Kelly, Christopher S (b)(6),(b)(7)(C) @ice.dhs.gov>
Sent: Friday, July 8, 2022 3:41 PM
To: (b)(6),(b)(7)(C) @heritage.org>
Subject: INTERPOL Red Notices

Ted:

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Christopher S. Kelly
Deputy Assistant Director–Policy

AMERICAN OVERSIGHT

Office of Regulatory Affairs and Policy
U.S. Immigration and Customs Enforcement
U.S. Department of Homeland Security
(b)(6),(b)(7)(C)@ice.dhs.gov
(o) (202) 732-
(c) (202) 489-(b)(6),(b)(7)(C)

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REL0000023655
DHS-(ICE)-19-1228-G-000090

From: Kelly, Christopher S (b)(6),(b)(7)(C) (b)(6),(b)(7)(C) -KELLY, CHRI]
Sent: 7/11/2022 4:35:15 PM
To: Youngberg, Francey L (b)(6),(b)(7)(C) (b)(6),(b)(7)(C) -Youngberg,]
Subject: RE: INTERPOL Red Notices

Yeah, I do know that. I'm really in the weeds today. Apologies.

From: Youngberg, Francey L <(b)(6),(b)(7)(C)@ice.dhs.gov>
Sent: Monday, July 11, 2022 12:31 PM
To: Kelly, Christopher S <(b)(6),(b)(7)(C)@ice.dhs.gov>
Subject: RE: INTERPOL Red Notices

It's Francey, BTW. 😊

Francey Lim Youngberg
Assistant Director
Department of Homeland Security/Immigration and Customs Enforcement
Office of Partnership and Engagement
(b)(6),(b)(7)(C)@ice.dhs.gov

From: Kelly, Christopher S <(b)(6),(b)(7)(C)@ice.dhs.gov>
Sent: Monday, July 11, 2022 12:29 PM
To: (b)(6),(b)(7)(C)@heritage.org>
Cc: Youngberg, Francey L <(b)(6),(b)(7)(C)@ice.dhs.gov>; (b)(6),(b)(7)(C)@ice.dhs.gov>
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Senior Research Fellow in Anglo-American Relations
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heritage.org

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To: (b)(6),(b)(7)(C)@heritage.org>
Subject: RE: INTERPOL Red Notices

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

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To: Kelly, Christopher S(b)(6),(b)(7)(C)@ice.dhs.gov>
Subject: RE: INTERPOL Red Notices

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The Heritage Foundation
214 Massachusetts Avenue, NE
Washington, DC 20002
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heritage.org

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Sent: Friday, July 8, 2022 3:41 PM
To: (b)(6),(b)(7)(C)@heritage.org>
Subject: INTERPOL Red Notices

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

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-Chris

Christopher S. Kelly
Deputy Assistant Director–Policy
Office of Regulatory Affairs and Policy
U.S. Immigration and Customs Enforcement
U.S. Department of Homeland Security
(b)(6),(b)(7)(C)y@ice.dhs.gov
(o) (202) 732
(c) (202) 489(b)(6),(b)(7)(C)

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AMERICAN OVERSIGHT

From: Kelly, Christopher S [(b)(6),(b)(7)(C) KELLY, CHRI]
Sent: 7/11/2022 4:37:07 PM
To: (b)(6),(b)(7)(C) @heritage.org]
CC: Youngberg, Francey L (b)(6),(b)(7)(C) (b)(6),(b)(7)(C) Youngberg,]; (b)(6),(b)(7)(C) (b)(6),(b)(7)(C)
Subject: RE: INTERPOL Red Notices

I'm typing too quickly today, so just correcting the spelling of Francey's name.

From: Kelly, Christopher S
Sent: Monday, July 11, 2022 12:29 PM
To: (b)(6),(b)(7)(C) @heritage.org>
Cc: Youngberg, Francey L (b)(6),(b)(7)(C) @ice.dhs.gov>; (b)(6),(b)(7)(C) @ice.dhs.gov>
Subject: RE: INTERPOL Red Notices

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

Sounds good.

I'm copying in Francie and (b)(6),(b)(7)(C) from our external engagement office.

-Chris

From: @heritage.org>
Sent: Monday, July 11, 2022 12:13 PM
To: Kelly, Christopher S (b)(6),(b)(7)(C) @ice.dhs.gov>
Subject: RE: INTERPOL Red Notices

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Chris,

Thank you. Let's look at the week of August 29-September 2, if that works for you.

If so, I'll check with the group and get back to you with a range of possibilities.

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

(b)(6),(b)(7)(C) Ph.D.
Senior Research Fellow in Anglo-American Relations
Davis Institute for National Security and Foreign Policy
The Heritage Foundation
214 Massachusetts Avenue, NE
Washington, DC 20002
202-608 (b)(6),(b)(7)(C)
heritage.org

AMERICAN OVERSIGHT

From: Kelly, Christopher S <(b)(6),(b)(7)(C)@ice.dhs.gov>
Sent: Monday, July 11, 2022 9:18 AM
To: (b)(6),(b)(7)(C)@heritage.org>
Subject: RE: INTERPOL Red Notices

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

Assuming you mean the week of 8/15, I'll be out of the office that week. I'm here half of the next week (week of 8/22 through Wednesday). The following, final week of August is good.

From: (b)(6),(b)(7)(C)@heritage.org>
Sent: Friday, July 8, 2022 4:21 PM
To: Kelly, Christopher S <(b)(6),(b)(7)(C)@ice.dhs.gov>
Subject: RE: INTERPOL Red Notices

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Chris,

Many thanks for following up on this. Yes, I and a small group that I run are interested in learning more about this issue.

I very much appreciate you reaching out. I recently got married and am having a wedding party in late July, so if possible I'd like to push this to the 3rd week of August, if that works for you.

If so, I'll pull together the group, and we can settle on a date and time for a meeting at Heritage.

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

(b)(6),(b)(7)(C) Ph.D.
Senior Research Fellow in Anglo-American Relations
Davis Institute for National Security and Foreign Policy
The Heritage Foundation
214 Massachusetts Avenue, NE
Washington, DC 20002
202-608(b)(6),(b)(7)(C)
heritage.org

From: Kelly, Christopher S (b)(6),(b)(7)(C)@ice.dhs.gov>
Sent: Friday, July 8, 2022 3:41 PM
To: (b)(6),(b)(7)(C)@heritage.org>
Subject: INTERPOL Red Notices

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

Nice to meet you virtually.

I understand you recently met with (b)(6),(b)(7)(C) regarding how ICE-ERO does and does not utilized Red Notices. I further understand that you had some questions regarding training, etc., in this space.

On the policy side, me and my time handle this issue at ICE. I'd be happy to meet to answer any further questions to the extent I can.

AMERICAN OVERSIGHT

I'll be out of the office from 7/13-7/19, and will need some time to run internal traps for an external meeting on my end, so I'd suggest something the week of 7/25?

-Chris

Christopher S. Kelly
Deputy Assistant Director–Policy
Office of Regulatory Affairs and Policy
U.S. Immigration and Customs Enforcement
U.S. Department of Homeland Security
(b)(6),(b)(7)(C)@ice.dhs.gov
(o) (202) 732-
(c) (202) 489- (b)(6),(b)(7)(C)

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AMERICAN OVERSIGHT

From: Kelly, Christopher S [(b)(6),(b)(7)(C) (b)(6),(b)(7)(C) -KELLY, CHRI]
Sent: 7/11/2022 4:27:58 PM
To: Loiacono, Adam V [(b)(6),(b)(7)(C) (b)(6),(b)(7)(C) -Loiacono, A]; (b)(6),(b)(7)(C) (b)(6),(b)(7)(C) Cronen, C M; (b)(6),(b)(7)(C) Davis, Mike P
CC: (b)(6),(b)(7)(C) Davis, Mike]; (b)(6),(b)(7)(C) Bible, Daniel; (b)(6),(b)(7)(C) -Bible, Dani]; (b)(6),(b)(7)(C) (b)(6),(b)(7)(C) (b)(6),(b)(7)(C) [/o=ExchangeLabs/ou=Exchange Administrative Group (b)(6),(b)(7)(C)]; Doyle, Kerry (b)(6),(b)(7)(C) -Doyle, Kerr]; (b)(6),(b)(7)(C) (b)(6),(b)(7)(C) Bernacke, Michael V (b)(6),(b)(7)(C) -Bernacke, M]
Subject: RE: Meeting with OPLA

(b)(5),(b)(6),(b)(7)(C)

From: Loiacono, Adam (b)(6),(b)(7)(C) @ice.dhs.gov>
Sent: Monday, July 11, 2022 12:25 PM
To: (b)(6),(b)(7)(C) @ice.dhs.gov>; (b)(6),(b)(7)(C) @ice.dhs.gov>; Davis, Mike P (b)(6),(b)(7)(C) @ice.dhs.gov>
Cc: (b)(6),(b)(7)(C) @ice.dhs.gov>; Kelly, Christopher S (b)(6),(b)(7)(C) @ice.dhs.gov>; Bible, Daniel (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>; Doyle, Kerry (b)(6),(b)(7)(C) @ice.dhs.gov>; (b)(6),(b)(7)(C) (b)(6),(b)(7)(C) @ice.dhs.gov>; Loiacono, Adam V (b)(6),(b)(7)(C) @ice.dhs.gov>
Subject: RE: Meeting with OPLA

(b)(5),(b)(6),(b)(7)(C)

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

AMERICAN OVERSIGHT

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From: (b)(6),(b)(7)(C) @ice.dhs.gov>
Sent: Monday, July 11, 2022 11:32 AM
To: Loiacono, Adam V (b)(6),(b)(7)(C) @ice.dhs.gov>; (b)(6),(b)(7)(C) @ice.dhs.gov>; Davis, Mike P (b)(6),(b)(7)(C) @ice.dhs.gov>
Cc: (b)(6),(b)(7)(C) @ice.dhs.gov>; Kelly, Christopher S < (b)(6),(b)(7)(C) @ice.dhs.gov>; Bible, Daniel (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>; Doyle, Kerry (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: Meeting with OPLA

(b)(5),(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)
Assistant Director
Department of Homeland Security/Immigration and Customs Enforcement
Office of Partnership and Engagement
(b)(6),(b)(7)(C) @ice.dhs.gov

From (b)(6),(b)(7)(C) @ice.dhs.gov>
Sent: Monday, July 11, 2022 10:45 AM
To: (b)(6),(b)(7)(C) @ice.dhs.gov>; Davis, Mike P < (b)(6),(b)(7)(C) @ice.dhs.gov>
Cc: (b)(6),(b)(7)(C) @ice.dhs.gov>; Kelly, Christopher S < (b)(6),(b)(7)(C) @ice.dhs.gov>; Bible, Daniel < (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>; Doyle, Kerry (b)(6),(b)(7)(C) @ice.dhs.gov>; Loiacono, Adam V < (b)(6),(b)(7)(C) @ice.dhs.gov>
Subject: RE: Meeting with OPLA

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

AMERICAN OVERSIGHT

All-

(b)(5),(b)(6),(b)(7)(C)

Thanks,

Adam V. Loiacono
Deputy Principal Legal Advisor for Enforcement and Litigation
Office of the Principal Legal Advisor
U.S. Immigration and Customs Enforcement
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) @ice.dhs.gov>
Sent: Wednesday, July 6, 2022 9:36 AM
To: Davis, Mike P (b)(6),(b)(7)(C) @ice.dhs.gov>
Cc: Loiacono, Adam V (b)(6),(b)(7)(C) @ice.dhs.gov>; (b)(6),(b)(7)(C) @ice.dhs.gov>; Kelly, Christopher S (b)(6),(b)(7)(C) @ice.dhs.gov>; Bible, Daniel (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: FW: Meeting with OPLA

Morning sir,

Please see below and attached. I just spoke with Adam L.

(b)(5),(b)(6),(b)(7)(C)

(b)(5),(b)(6),(b)(7)(C)

From: (b)(6),(b)(7)(C) heritage.org>
Sent: Tuesday, July 5, 2022 3:06 PM
To: (b)(6),(b)(7)(C) @ice.dhs.gov>
Cc: (b)(6),(b)(7)(C) @ice.dhs.gov>
Subject: RE: Meeting with OPLA

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Thank you very much.

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

(b)(6),(b)(7)(C) Ph.D.
Senior Research Fellow in Anglo-American Relations
Davis Institute for National Security and Foreign Policy
The Heritage Foundation
214 Massachusetts Avenue, NE
Washington, DC 20002
202-608 (b)(6),(b)(7)(C)
heritage.org

From: (b)(6),(b)(7)(C) @ice.dhs.gov>
Sent: Tuesday, July 5, 2022 3:04 PM
To: (b)(6),(b)(7)(C) heritage.org>
Cc: (b)(6),(b)(7)(C) @ice.dhs.gov>
Subject: RE: Meeting with OPLA

Yes, sir, give me a day or so coordinate. (b)(6),(b)(7)(C)

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

From: (b)(6),(b)(7)(C) @heritage.org>
Sent: Tuesday, July 5, 2022 3:00 PM
To: (b)(6),(b)(7)(C) @ice.dhs.gov>
Cc: (b)(6),(b)(7)(C) @ice.dhs.gov>
Subject: Meeting with OPLA

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

Thanks again for meeting with us last week – hope you enjoyed the 4th of July holiday.

I wanted to ask if it would be possible for you to reach out to your colleagues in OPLA, so that we can arrange a private meeting with them to continue the discussion we began with you?

AMERICAN OVERSIGHT

Best,

(b)(6),(b)(7)(C) Ph.D.
Senior Research Fellow in Anglo-American Relations
Davis Institute for National Security and Foreign Policy
The Heritage Foundation
214 Massachusetts Avenue, NE
Washington, DC 20002
202-608
heritage.org

AMERICAN OVERSIGHT

REL0000023659
DHS-(ICE)-19-1228-G-000101

From: Kelly, Christopher S (b)(6),(b)(7)(C) (b)(6),(b)(7)(C) -KELLY, CHRI]
Sent: 7/8/2022 2:47:14 PM
To: (b)(6),(b)(7)(C) (b)(6),(b)(7)(C)
Subject: RE: Meeting with OPLA

Let me talk to (b)(6),(b)(7)(C) and circle back.

From: (b)(6),(b)(7)(C) @ice.dhs.gov>
Sent: Friday, July 8, 2022 10:31 AM
To: Kelly, Christopher S < (b)(6),(b)(7)(C) @ice.dhs.gov>
Subject: RE: Meeting with OPLA

Hey sir,

Checking that I am reading below correctly.....are you planning to reach out to Heritage Foundation's (b)(6),(b)(7)(C) (b)(6),(b)(7)(C) Thanks, (b)(6),(b)(7)(C)

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

From: Kelly, Christopher S < (b)(6),(b)(7)(C) @ice.dhs.gov>
Sent: Thursday, July 7, 2022 3:48 PM
To: Loiacono, Adam V (b)(6),(b)(7)(C) @ice.dhs.gov>; (b)(6),(b)(7)(C) @ice.dhs.gov>; Davis, Mike P (b)(6),(b)(7)(C) @ice.dhs.gov>
Cc: (b)(6),(b)(7)(C) @ice.dhs.gov>; Bible, Daniel < (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: Meeting with OPLA

We're definitely happy to engage with them. We do have things in the works here, and part of the problem on this front is misinformation about how we use these.

From: Loiacono, Adam V < (b)(6),(b)(7)(C) @ice.dhs.gov>
Sent: Thursday, July 7, 2022 3:46 PM
To: Kelly, Christopher S (b)(6),(b)(7)(C) @ice.dhs.gov>; (b)(6),(b)(7)(C) @ice.dhs.gov>; Davis, Mike P (b)(6),(b)(7)(C) @ice.dhs.gov>
Cc: (b)(6),(b)(7)(C) @ice.dhs.gov>; Bible, Daniel (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>; Loiacono, Adam V (b)(6),(b)(7)(C) @ice.dhs.gov>
Subject: RE: Meeting with OPLA

Since Mike is on leave, I will discuss with Kerry.

Chris Kelly-

I was thinking the same thing, which is why we added you here. This seems like a policy rather than legal issue.

Thanks,

Adam V. Loiacono
Deputy Principal Legal Advisor for Enforcement and Litigation

AMERICAN OVERSIGHT

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

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From: Kelly, Christopher S <(b)(6),(b)(7)(C) @ice.dhs.gov>
Sent: Thursday, July 7, 2022 2:34 PM
To: (b)(6),(b)(7)(C) @ice.dhs.gov>; Davis, Mike P (b)(6),(b)(7)(C) @ice.dhs.gov>
Cc: Loiacono, Adam V (b)(6),(b)(7)(C) @ice.dhs.gov>; (b)(6),(b)(7)(C) @ice.dhs.gov>; Bible, Daniel <(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: Meeting with OPLA

(b)(5)

From: (b)(6),(b)(7)(C) @ice.dhs.gov>
Sent: Wednesday, July 6, 2022 9:36 AM
To: Davis, Mike P <(b)(6),(b)(7)(C) @ice.dhs.gov>
Cc: Loiacono, Adam V <(b)(6),(b)(7)(C) @ice.dhs.gov>; (b)(6),(b)(7)(C) @ice.dhs.gov>; Kelly, Christopher S <(b)(6),(b)(7)(C) @ice.dhs.gov>; Bible, Daniel <(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: FW: Meeting with OPLA

Morning sir,

Please see below and attached. I just spoke with Adam L.

(b)(5),(b)(6),(b)(7)(C)

AMERICAN OVERSIGHT

From: (b)(6),(b)(7)(C) @heritage.org>
Sent: Tuesday, July 5, 2022 3:06 PM
To: (b)(6),(b)(7)(C) @ice.dhs.gov>
Cc: (b)(6),(b)(7)(C) @ice.dhs.gov>
Subject: RE: Meeting with OPLA

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Thank you very much.

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

(b)(6),(b)(7)(C) Ph.D.
Senior Research Fellow in Anglo-American Relations
Davis Institute for National Security and Foreign Policy
The Heritage Foundation
214 Massachusetts Avenue, NE
Washington, DC 20002
202-608 (b)(6),(b)(7)(C)
heritage.org

From: (b)(6),(b)(7)(C) @ice.dhs.gov>
Sent: Tuesday, July 5, 2022 3:04 PM
To: (b)(6),(b)(7)(C) @heritage.org>
Cc: (b)(6),(b)(7)(C) @ice.dhs.gov>
Subject: RE: Meeting with OPLA

Yes, sir, give me a day or so coordinate. (b)(6),(b)(7)(C)

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

From (b)(6),(b)(7)(C) @heritage.org>
Sent: Tuesday, July 5, 2022 3:00 PM
To: (b)(6),(b)(7)(C) @ice.dhs.gov>
Cc: (b)(6),(b)(7)(C) @ice.dhs.gov>
Subject: Meeting with OPLA

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

Thanks again for meeting with us last week – hope you enjoyed the 4th of July holiday.

I wanted to ask if it would be possible for you to reach out to your colleagues in OPLA, so that we can arrange a private meeting with them to continue the discussion we began with you?

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

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

AMERICAN OVERSIGHT

Senior Research Fellow in Anglo-American Relations
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202-608-(b)(6),(b)(7)(C)
heritage.org

AMERICAN OVERSIGHT

REL0000023660
DHS-(ICE)-19-1228-G-000105

From: Kelly, Christopher S (b)(6),(b)(7)(C)
(b)(6),(b)(7)(C) KELLY, CHRI]
Sent: 7/7/2022 6:34:14 PM
To: (b)(6),(b)(7)(C)
(b)(6),(b)(7)(C) Davis, Mike P
(b)(6),(b)(7)(C) Davis, Mike]
CC: Loiacono, Adam V (b)(6),(b)(7)(C)
(b)(6),(b)(7)(C)
(b)(6),(b)(7)(C) Bible, Daniel
(b)(6),(b)(7)(C)
(b)(6),(b)(7)(C)
Subject: RE: Meeting with OPLA

(b)(5)

From: (b)(6),(b)(7)(C) @ice.dhs.gov>
Sent: Wednesday, July 6, 2022 9:36 AM
To: Davis, Mike P <(b)(6),(b)(7)(C) @ice.dhs.gov>
Cc: Loiacono, Adam V <(b)(6),(b)(7)(C) @ice.dhs.gov>; (b)(6),(b)(7)(C) @ice.dhs.gov>; Kelly, Christopher S (b)(6),(b)(7)(C) @ice.dhs.gov>; Bible, Daniel <(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: FW: Meeting with OPLA

Morning sir,

Please see below and attached. I just spoke with Adam L.

(b)(5),(b)(6),(b)(7)(C)

AMERICAN OVERSIGHT

From: (b)(6),(b)(7)(C) @heritage.org>
Sent: Tuesday, July 5, 2022 3:06 PM
To: (b)(6),(b)(7)(C) @ice.dhs.gov>
Cc: (b)(6),(b)(7)(C) @ice.dhs.gov>
Subject: RE: Meeting with OPLA

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Thank you very much.

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

(b)(6),(b)(7)(C) Ph.D.
Senior Research Fellow in Anglo-American Relations
Davis Institute for National Security and Foreign Policy
The Heritage Foundation
214 Massachusetts Avenue, NE
Washington, DC 20002
202-608(b)(6),(b)(7)(C)
heritage.org

From: (b)(6),(b)(7)(C) @ice.dhs.gov>
Sent: Tuesday, July 5, 2022 3:04 PM
To: (b)(6),(b)(7)(C) @heritage.org>
Cc: (b)(6),(b)(7)(C) @ice.dhs.gov>
Subject: RE: Meeting with OPLA

Yes, sir, give me a day or so coordinate. (b)(6),(b)(7)(C)

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

From: (b)(6),(b)(7)(C) @heritage.org>
Sent: Tuesday, July 5, 2022 3:00 PM
To: (b)(6),(b)(7)(C) @ice.dhs.gov>
Cc: (b)(6),(b)(7)(C) @ice.dhs.gov>
Subject: Meeting with OPLA

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

Thanks again for meeting with us last week – hope you enjoyed the 4th of July holiday.

I wanted to ask if it would be possible for you to reach out to your colleagues in OPLA, so that we can arrange a private meeting with them to continue the discussion we began with you?

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

AMERICAN OVERSIGHT

(b)(6),(b)(7)(C), Ph.D.
Senior Research Fellow in Anglo-American Relations
Davis Institute for National Security and Foreign Policy
The Heritage Foundation
214 Massachusetts Avenue, NE
Washington, DC 20002
202-608-(b)(6),(b)(7)(C)
heritage.org

AMERICAN OVERSIGHT

REL0000023662
DHS-(ICE)-19-1228-G-000108

From: Kelly, Christopher S (b)(6),(b)(7)(C) (b)(6),(b)(7)(C) KELLY, CHRI]
Sent: 7/11/2022 3:06:17 PM
To: Loiacono, Adam V (b)(6),(b)(7)(C) (b)(6),(b)(7)(C)
CC: (b)(6),(b)(7)(C) ; Davis, Mike P (b)(6),(b)(7)(C) -Davis, Mike] (b)(6),(b)(7)(C) Bible, Daniel (b)(6),(b)(7)(C) (b)(6),(b)(7)(C) (b)(6),(b)(7)(C) Doyle, Kerry
Subject: RE: Meeting with OPLA

Good here.

I had done an initial reach out to (b)(6),(b)(7)(C) at HF, but happy to pass to (b)(6),(b)(7)(C) as well. Seems he's aiming for end of August.

From: Loiacono, Adam V [(b)(6),(b)(7)(C)@ice.dhs.gov>
Sent: Monday, July 11, 2022 10:45 AM
To: (b)(6),(b)(7)(C) @ice.dhs.gov>; Davis, Mike P [(b)(6),(b)(7)(C)@ice.dhs.gov>
Cc: (b)(6),(b)(7)(C) @ice.dhs.gov>; Kelly, Christopher S (b)(6),(b)(7)(C) @ice.dhs.gov>; Bible, Daniel <(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>; Doyle, Kerry (b)(6),(b)(7)(C) @ice.dhs.gov>; Loiacono, Adam V (b)(6),(b)(7)(C) @ice.dhs.gov>
Subject: RE: Meeting with OPLA

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

All-

(b)(5),(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C) /Chris-

Let me know if you disagree.

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

Is that something your shop could coordinate?

Thanks,

AMERICAN OVERSIGHT

Adam V. Loiacono
Deputy Principal Legal Advisor for Enforcement and Litigation
Office of the Principal Legal Advisor
U.S. Immigration and Customs Enforcement
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) @ice.dhs.gov>
Sent: Wednesday, July 6, 2022 9:36 AM
To: Davis, Mike P (b)(6),(b)(7)(C) @ice.dhs.gov>
Cc: Loiacono, Adam V (b)(6),(b)(7)(C) @ice.dhs.gov>; (b)(6),(b)(7)(C) @ice.dhs.gov>; Kelly, Christopher S (b)(6),(b)(7)(C) @ice.dhs.gov>; Bible, Daniel (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: FW: Meeting with OPLA

Morning sir,

Please see below and attached. I just spoke with Adam L.

(b)(5),(b)(6),(b)(7)(C)

From: (b)(6),(b)(7)(C) @heritage.org>
Sent: Tuesday, July 5, 2022 3:06 PM
To: (b)(6),(b)(7)(C) @ice.dhs.gov>
Cc: (b)(6),(b)(7)(C) @ice.dhs.gov>
Subject: RE: Meeting with OPLA

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Thank you very much.

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

(b)(6),(b)(7)(C), Ph.D.
Senior Research Fellow in Anglo-American Relations
Davis Institute for National Security and Foreign Policy
The Heritage Foundation
214 Massachusetts Avenue, NE
Washington, DC 20002
202-608-(b)(6),(b)(7)(C)
heritage.org

From: (b)(6),(b)(7)(C)@ice.dhs.gov>
Sent: Tuesday, July 5, 2022 3:04 PM
To: (b)(6),(b)(7)(C)@heritage.org>
Cc: (b)(6),(b)(7)(C)@ice.dhs.gov>
Subject: RE: Meeting with OPLA

Yes, sir, give me a day or so coordinate. (b)(6),(b)(7)(C)

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

From: (b)(6),(b)(7)(C)@heritage.org>
Sent: Tuesday, July 5, 2022 3:00 PM
To: (b)(6),(b)(7)(C)@ice.dhs.gov>
Cc: (b)(6),(b)(7)(C)@ice.dhs.gov>
Subject: Meeting with OPLA

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

Thanks again for meeting with us last week – hope you enjoyed the 4th of July holiday.

I wanted to ask if it would be possible for you to reach out to your colleagues in OPLA, so that we can arrange a private meeting with them to continue the discussion we began with you?

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

(b)(6),(b)(7)(C), Ph.D.
Senior Research Fellow in Anglo-American Relations
Davis Institute for National Security and Foreign Policy
The Heritage Foundation
214 Massachusetts Avenue, NE
Washington, DC 20002
202-608-(b)(6),(b)(7)(C)
heritage.org

AMERICAN OVERSIGHT

From: Kelly, Christopher S (b)(6),(b)(7)(C) (b)(6),(b)(7)(C) KELLY, CHRI]
Sent: 7/8/2022 3:18:54 PM
To: (b)(6),(b)(7)(C) (b)(6),(b)(7)(C)
Subject: RE: Meeting with OPLA

Hey, I spoke to (b)(6),(b)(7)(C) 'll reach out.

From: (b)(6),(b)(7)(C) @ice.dhs.gov>
Sent: Friday, July 8, 2022 10:31 AM
To: Kelly, Christopher S (b)(6),(b)(7)(C) @ice.dhs.gov>
Subject: RE: Meeting with OPLA

Hey sir,

Checking that I am reading below correctly.....are you planning to reach out to Heritage Foundation's (b)(6),(b)(7)(C) (b)(6),(b)(7)(C) ? Thanks, (b)(6),(b)(7)(C)

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

From: Kelly, Christopher S (b)(6),(b)(7)(C) y@ice.dhs.gov>
Sent: Thursday, July 7, 2022 3:48 PM
To: Loiacono, Adam V (b)(6),(b)(7)(C) @ice.dhs.gov>; (b)(6),(b)(7)(C) @ice.dhs.gov>; Davis, Mike P (b)(6),(b)(7)(C) @ice.dhs.gov>
Cc: (b)(6),(b)(7)(C) @ice.dhs.gov>; Bible, Daniel (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: Meeting with OPLA

(b)(5)

From: Loiacono, Adam V (b)(6),(b)(7)(C) @ice.dhs.gov>
Sent: Thursday, July 7, 2022 3:46 PM
To: Kelly, Christopher S (b)(6),(b)(7)(C) @ice.dhs.gov>; (b)(6),(b)(7)(C) @ice.dhs.gov>; Davis, Mike P (b)(6),(b)(7)(C) @ice.dhs.gov>
Cc: (b)(6),(b)(7)(C) @ice.dhs.gov>; Bible, Daniel (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>; Loiacono, Adam V (b)(6),(b)(7)(C) @ice.dhs.gov>
Subject: RE: Meeting with OPLA

Since (b)(6),(b)(7)(C) is on leave, I will discuss with (b)(6),(b)(7)(C)

Chris Kelly-

I was thinking the same thing, which is why we added you here. This seems like a policy rather than legal issue.

Thanks,

Adam V. Loiacono
Deputy Principal Legal Advisor for Enforcement and Litigation

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

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From: Kelly, Christopher S <(b)(6),(b)(7)(C)@ice.dhs.gov>
Sent: Thursday, July 7, 2022 2:34 PM
To: (b)(6),(b)(7)(C)@ice.dhs.gov>; Davis, Mike P <(b)(6),(b)(7)(C)@ice.dhs.gov>
Cc: Loiacono, Adam V <(b)(6),(b)(7)(C)@ice.dhs.gov>; (b)(6),(b)(7)(C)@ice.dhs.gov>; Bible, Daniel <(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: Meeting with OPLA

(b)(5)

From: (b)(6),(b)(7)(C)@ice.dhs.gov>
Sent: Wednesday, July 6, 2022 9:36 AM
To: Davis, Mike P <(b)(6),(b)(7)(C)@ice.dhs.gov>
Cc: Loiacono, Adam V <(b)(6),(b)(7)(C)@ice.dhs.gov>; (b)(6),(b)(7)(C)@ice.dhs.gov>; Kelly, Christopher S <(b)(6),(b)(7)(C)@ice.dhs.gov>; Bible, Daniel <(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: FW: Meeting with OPLA

Morning sir,

Please see below and attached. I just spoke with Adam L.

(b)(5),(b)(6),(b)(7)(C)

AMERICAN OVERSIGHT

From: (b)(6),(b)(7)(C) @heritage.org>
Sent: Tuesday, July 5, 2022 3:06 PM
To: (b)(6),(b)(7)(C) @ice.dhs.gov>
Cc: (b)(6),(b)(7)(C) @ice.dhs.gov>
Subject: RE: Meeting with OPLA

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Thank you very much.

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

(b)(6),(b)(7)(C), Ph.D.
Senior Research Fellow in Anglo-American Relations
Davis Institute for National Security and Foreign Policy
The Heritage Foundation
214 Massachusetts Avenue, NE
Washington, DC 20002
202-608-(b)(6),(b)(7)(C)
heritage.org

From: (b)(6),(b)(7)(C) @ice.dhs.gov>
Sent: Tuesday, July 5, 2022 3:04 PM
To: (b)(6),(b)(7)(C) @heritage.org>
Cc: (b)(6),(b)(7)(C) @ice.dhs.gov>
Subject: RE: Meeting with OPLA

Yes, sir, give me a day or so coordinate (b)(6),(b)(7)(C)

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

From: (b)(6),(b)(7)(C) @heritage.org>
Sent: Tuesday, July 5, 2022 3:00 PM
To: (b)(6),(b)(7)(C) @ice.dhs.gov>
Cc: (b)(6),(b)(7)(C) @ice.dhs.gov>
Subject: Meeting with OPLA

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

Thanks again for meeting with us last week – hope you enjoyed the 4th of July holiday.

I wanted to ask if it would be possible for you to reach out to your colleagues in OPLA, so that we can arrange a private meeting with them to continue the discussion we began with you?

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

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

AMERICAN OVERSIGHT

Senior Research Fellow in Anglo-American Relations
Davis Institute for National Security and Foreign Policy
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214 Massachusetts Avenue, NE
Washington, DC 20002
202-608-(b)(6),(b)(7)(C)
heritage.org

AMERICAN OVERSIGHT

REL0000023664
DHS-(ICE)-19-1228-G-000115

From: Kelly, Christopher S [redacted]

Sent: 1/19/2023 7:14:07 PM

To: [redacted]

Subject: RE: Thank You

I'd have OPE run it past OPLA before sending to us.

From: J[redacted]ice.dhs.gov>
Sent: Thursday, January 19, 2023 2:12 PM
To: Kelly, Christopher S <[redacted]y@ice.dhs.gov>
Subject: FW: Thank You

FYI below.

[redacted]

From [redacted]@ice.dhs.gov>
Sent: Thursday, January 19, 2023 2:03 PM
To: [redacted]@ice.dhs.gov>
Subject: RE: Thank You

[redacted]

Let me know.

Thanks,
[redacted]

From: [redacted]@ice.dhs.gov>
Sent: Thursday, January 19, 2023 12:36 PM
To: [redacted]@ice.dhs.gov>
Subject: FW: Thank You

[redacted]

AMERICAN OVERSIGHT

From: Kelly, Christopher S <(b)(6),(b)(7)(C)@ice.dhs.gov>
Sent: Wednesday, September 21, 2022 6:56 PM
To: (b)(6),(b)(7)(C)@ice.dhs.gov>
Cc: (b)(6),(b)(7)(C)@ice.dhs.gov>
Subject: FW: Thank You

Sent with BlackBerry Work
(www.blackberry.com)

From: (b)(6),(b)(7)(C)@ice.dhs.gov>
Date: Wednesday, Sep 21, 2022 at 6:02 PM
To: Kelly, Christopher S <(b)(6),(b)(7)(C)@ice.dhs.gov>
Cc: (b)(6),(b)(7)(C)@ice.dhs.gov>, Doyle, Kerry <(b)(6),(b)(7)(C)@ice.dhs.gov>, Padilla, Kenneth (b)(6),(b)(7)(C)@ice.dhs.gov>
Subject: FW: Thank You

Chris/all—FYI.
Thanks,
(b)(6),(b)(7)(C)

From: (b)(6),(b)(7)(C)@heritage.org>
Sent: Wednesday, September 21, 2022 5:55 PM
To: (b)(6),(b)(7)(C)@ice.dhs.gov>
Subject: Thank You

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

Thanks so much to you and all your colleagues for the meeting today – I know all my colleagues appreciate it as much as I do. We'll follow up with suggestions for training and information materials.

I attach the letter that a number of us sent to Sec. Blinken and AG Garland re Interpol abusers. I did not sign the letter – but I did write it! Feel free to use at your discretion.

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

(b)(6),(b)(7)(C) Ph.D.
Senior Research Fellow, Anglo-American Relations, Margaret Thatcher Center for Freedom
Davis Institute for National Security and Foreign Policy

The Heritage Foundation
214 Massachusetts Avenue, NE
Washington, DC 20002
202-608-(b)(6),(b)(7)(C)
heritage.org

AMERICAN OVERSIGHT

From: Asher, Nathalie R (b)(6),(b)(7)(C) (b)(6),(b)(7)(C) ASHER, NATH]
Sent: 4/2/2020 12:46:38 PM
To: Albence, Matthew (b)(6),(b)(7)(C) (b)(6),(b)(7)(C) Albence, Ma]
CC: Kelly, Christopher S (b)(6),(b)(7)(C) (b)(6),(b)(7)(C) (b)(6),(b)(7)(C) Benner, Derek N (b)(6),(b)(7)(C) (b)(6),(b)(7)(C) Benner, Der]
Subject: RE: Messaging

Agreed. We'll expand our response to reflect.

Good article from cis.org.....

https://cis.org/Arthur/Detainees-Are-Safer-ICE-Detention

From: Albence, Matthew <(b)(6),(b)(7)(C)@ice.dhs.gov>
Sent: Thursday, April 2, 2020 8:32 AM
To: Asher, Nathalie R (b)(6),(b)(7)(C)@ice.dhs.gov>
Cc: Kelly, Christopher S (b)(6),(b)(7)(C)@ice.dhs.gov>; (b)(6),(b)(7)(C) (b)(6),(b)(7)(C)@ice.dhs.gov>; Benner, Derek N (b)(6),(b)(7)(C)@ice.dhs.gov>
Subject: RE: Messaging

Forgot to include this.

keep the people in our custody safe."

[FL] As jails and prisons cut inmate populations, ICE detention centers remain crowded
Miami Herald [4/1/2020 7:06 PM, Monique O. Madan, FL] reports that over the past few weeks, local and state governments across the United States have reduced their jail and prison populations in an effort to prevent a coronavirus outbreak behind bars. But the same isn't true for immigration detention centers, which remain crowded as orders to isolate and quarantine sick detainees mount by the day, federal sources say. "One of the most critical steps you can take to immediately reduce the spread of COVID-19 is to utilize your public health and licensing authority to instruct federal immigration detention facilities, county and local jails to substantially reduce their detainee occupancy capacity," Amnesty International told governors nationwide in a letter last week. It continued: "Given the documented inadequacies of medical care and basic hygiene in immigration detention facilities, it is of vital importance for state public health authorities to address the state-wide risk posed by crowded immigration detention facilities." But the human rights organization's plea — along with widespread calls from immigration advocacy groups and civil rights organizations — remains unanswered, as U.S. Immigration and Customs Enforcement says it has no plans in making any changes to its detention center populations. While ICE has told the Miami Herald that there are no confirmed cases of coronavirus inside Florida detention centers as of Wednesday, detainees and family members of those inside say conditions are worsening by the day, with hundreds of inmates still in quarantine. The ICE public affairs office said the agency in general has conducted COVID-19 tests but wouldn't say how many and if there are still any pending results. "That isn't

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something we have to provide," said ICE spokeswoman Tamara Spicer, in an email. "We don't have data on the number of tests, but we're testing detainees and employees as appropriate per the CDC guidelines. And all persons arriving at an ICE facility are being screened."

Sent with BlackBerry Work
(www.blackberry.com)

From: Albence, Matthew (b)(6),(b)(7)(C) @ice.dhs.gov>
Date: Thursday, Apr 02, 2020, 8:31 AM
To: Asher, Nathalie R < (b)(6),(b)(7)(C) @ice.dhs.gov>
Cc: Kelly, Christopher S < (b)(6),(b)(7)(C) @ice.dhs.gov>, (b)(5)
(b)(6),(b)(7)(C) @ice.dhs.gov>, Benner, Derek N < (b)(6),(b)(7)(C) @ice.dhs.gov>
Subject: Messaging

(b)(5)

Sent with BlackBerry Work
(www.blackberry.com)

AMERICAN OVERSIGHT

From: Pham, Tony H (b)(6),(b)(7)(C) (b)(6),(b)(7)(C) PHAM, TONY]
Sent: 9/8/2020 2:47:03 PM
To: Davis, Mike P (b)(6),(b)(7)(C) (b)(6),(b)(7)(C) Davis, Mike]
CC: Benner, Derek N (b)(6),(b)(7)(C)]; Lucero, Enrique M (b)(6),(b)(7)(C) ; Perez, Nelson (OPLA) ; Loiacono, Adam V (b)(6),(b)(7)(C) (b)(6),(b)(7)(C) Loiacono, A]
Subject: RE: Notice of Appeal

Green light provided. Thank you Mike. Would like to support our sheriffs who support ICE.

Tony H. Pham
Senior Official Performing the Duties of the Director
U.S. Immigration and Customs Enforcement
U.S. Department of Homeland Security
(O) 202.732.
(M) 202.748. (b)(6),(b)(7)(C)
(b)(6),(b)(7)(C) @ice.dhs.gov

U.S. Immigration and Customs Enforcement

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From: Davis, Mike P <(b)(6),(b)(7)(C) @ice.dhs.gov>
Sent: Tuesday, September 8, 2020 10:46 AM
To: Pham, Tony H <(b)(6),(b)(7)(C) @ice.dhs.gov>
Cc: Benner, Derek N <(b)(6),(b)(7)(C) @ice.dhs.gov>; Lucero, Enrique M <(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>; Perez, Nelson (OPLA) (b)(6),(b)(7)(C) @ice.dhs.gov>; Loiacono, Adam V (b)(6),(b)(7)(C) @ice.dhs.gov>
Subject: FW: Notice of Appeal

Tony-

AMERICAN OVERSIGHT

(b)(5)

AMERICAN OVERSIGHT

REL0000023675
DHS-(ICE)-19-1228-G-000121

(b)(5)

Thank you for expressing your support for an ICE request that DOJ file an amicus brief in support of the counties' appeal. We will relay your position to OGC HQ.

Thanks,
Mike

AMERICAN OVERSIGHT

Michael P. Davis
Executive Deputy Principal Legal Advisor
Office of the 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: Nolan, Robert <(b)(6),(b)(7)(C)@cmcsheriff.net>
Sent: Thursday, August 27, 2020 12:13 PM
To: Gonzalez, Barbara M <(b)(6),(b)(7)(C)@ice.dhs.gov>; Davis, Mike P (b)(6),(b)(7)(C)@ice.dhs.gov>
Cc: (b)(6),(b)(7)(C)@sheriffs.org>; (b)(6),(b)(7)(C)@fairus.org>
Subject: FW: Notice of Appeal

Just wanted to advise every one of our intent to appeal Chief Judge Wolfson's dismissal of my complain on 7/29/2020. Had we been successful, it would allow me to continue working with I.C.E. under the 287(g) agreement. My County Counsel, (b)(6),(b)(7)(C) notified me this morning that the notice of appeal has been filed. I invite any and all support in my efforts to fight the restrictive State Directive that was issued to prohibit me from working with I.C.E.

I voluntarily entered into an agreement to support I.C.E.'s mission and keep the citizens of my county safe. The governor and his appointed Attorney General have wrongfully terminated that legal agreement and I want to fight this to the top! We were not even given the opportunity to have oral argument, it was brushed off and dismissed as a casual nuisance. Two months earlier the same Judge denied amicus curiae status for both National Sheriff's Association and The Immigration Reform Law Institute yet she allowed ACLU stating that they had met the discretionary factors to be designated as an Amicus Curiae in the case. Hopefully, we get a better chance to get justice in the Third Circuit of Appeals. Thank you all for the time and help that you have provided to me , the fight is not over and hopefully you can continue to provide assistance to me with this incredibly important issue. Sincerely,

Sheriff Bob Nolan
Cape May County Sheriff's Office
609-463-(b)(6),(b)(7)(C)
(b)(6),(b)(7)(C)@cmcsheriff.net

From: (b)(6),(b)(7)(C)@CO.CAPE-MAY.NJ.US>
Sent: Thursday, August 27, 2020 10:35 AM
To: Nolan, Robert (b)(6),(b)(7)(C)@cmcsheriff.net>; Freeholders (b)(7)(E)@CO.CAPE-MAY.NJ.US>
Cc: (b)(6),(b)(7)(C)@CO.CAPE-MAY.NJ.US>
Subject: Notice of Appeal

FYI – this morning I filed a Notice of Appeal to the Third Circuit Court of Appeals on behalf of Sheriff Nolan and the County. I will be filing a complaint on the state claim later today.

Ocean County also filed a notice of appeal and will be filing a state claim as well.

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

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From: njdefiling@njd.uscourts.gov <njdefiling@njd.uscourts.gov>
Sent: Thursday, August 27, 2020 10:23 AM
To: njdefiling@njd.uscourts.gov
Subject: Activity in Case 3:19-cv-18083-FLW-TJB OCEAN COUNTY BOARD OF CHOSEN FREEHOLDERS et al v. GREWAL et al Notice of Appeal (USCA)

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U.S. District Court

District of New Jersey [LIVE]

Notice of Electronic Filing

The following transaction was entered by LINDSAY, JEFFREY on 8/27/2020 at 10:22 AM EDT and filed on 8/27/2020

Case Name:	OCEAN COUNTY BOARD OF CHOSEN FREEHOLDERS et al v. GREWAL et al
Case Number:	3:19-cv-18083-FLW-TJB
Filer:	ROBERT A. NOLAN
WARNING: CASE CLOSED on 07/29/2020	
Document Number:	42

NOTICE OF APPEAL by ROBERT A. NOLAN. Filing fee $ 505, receipt number NJDC-11269056. The Clerk's Office hereby certifies the record and the docket sheet available through ECF to be the certified list in lieu of the record and/or the certified copy of the docket entries. Appeal Record due by 8/28/2020. (Attachments: # (1) Certificate of Service)(LINDSAY, JEFFREY)

Case Name:	NOLAN et al v. GREWAL et al
Case Number:	3:19-cv-18929-FLW-TJB
Filer:	ROBERT A. NOLAN
WARNING: CASE CLOSED on 11/07/2019	
Document Number:	10

NOTICE OF APPEAL by ROBERT A. NOLAN. Filing fee $ 505, receipt number NJDC-11269056. The Clerk's Office hereby certifies the record and the docket sheet available through ECF to be the certified list in lieu of the record and/or the certified copy of the docket entries. Appeal Record due by 8/28/2020. (Attachments: # (1) Certificate of Service)(LINDSAY, JEFFREY)

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3:19-cv-18083-FLW-TJB Notice has been electronically mailed to:

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CHRISTOPHER ALI KHATAMI ckhatami@bskb-law.com, jmorison@bskb-law.com, jsahradnik@bskb-law.com

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JEFFREY RYAN LINDSAY jeffrey.lindsay@co.cape-may.nj.us, mwagner@cooperlevenson.com, pamela.neville@co.cape-may.nj.us

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MICHAEL L. TESTA , JR mtestajr@basiletesta.com

MICHAEL RALPH SARNO michael.sarno@law.njoag.gov, ef-judpros@dol.lps.state.nj.us

PAUL J. BALDINI pjblaw729@yahoo.com

3:19-cv-18083-FLW-TJB Notice has been sent by regular U.S. Mail:

3:19-cv-18929-FLW-TJB Notice has been electronically mailed to:

DANIEL MICHAEL VANNELLA daniel.vannella@law.njoag.gov, ef-judpros@dol.lps.state.nj.us

JEFFREY RYAN LINDSAY jeffrey.lindsay@co.cape-may.nj.us, mwagner@cooperlevenson.com, pamela.neville@co.cape-may.nj.us

MICHAEL L. TESTA , JR mtestajr@basiletesta.com

MICHAEL RALPH SARNO michael.sarno@law.njoag.gov, ef-judpros@dol.lps.state.nj.us

3:19-cv-18929-FLW-TJB Notice has been sent by regular U.S. Mail:

The following document(s) are associated with this transaction:

Document description: Main Document
Original filename:n/a
Electronic document Stamp:
[STAMP dcecfStamp_ID=1046708974 [Date=8/27/2020] [FileNumber=14019459-0] [6858ef3c3ea9bceac8533c9c4eb157748a6b2d46d28c6c0739030362f823d36249628174507fe4904b40e8fb2db5cff75f3afdd6f8b4cdd85ec819d5c3a17dac]]
Document description: Certificate of Service
Original filename:n/a
Electronic document Stamp:
[STAMP dcecfStamp_ID=1046708974 [Date=8/27/2020] [FileNumber=14019459-

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1] [4ad8f0c4b2abf7d85e875c4702a7791ae70a287919328f85e01f5331090d964def
30193385a118c691d90de95579efd12a2ba42c966731c9a004b791847768eb]]

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REL0000023675
DHS-(ICE)-19-1228-G-000126

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

Sent: 12/11/2019 9:46:44 PM

To: (b)(6),(b)(7)(C) #ICE OPA ERO Issue

CC:

Subject: RE: UPDATE ICE OPA ISSUE: Question on Family Units

10-4 – thanks Joe.

From: (b)(6),(b)(7)(C) @ice.dhs.gov>
Sent: Wednesday, December 11, 2019 4:40 PM
To: Hughes, Paige D <(b)(6),(b)(7)(C) ice.dhs.gov>; #ICE OPA ERO Issue Paper (b)(7)(E) @ice.dhs.gov>
Cc: (b)(7)(E) @ice.dhs.gov>
Subject: RE: UPDATE ICE OPA ISSUE: Question on Family Units

Hi, Paige – I strongly recommend deferring her questions to EOIR. I know EOIR has family unit data for the accelerated docket in 10 cities along with UAC stats on it's website:

https://www.justice.gov/eoir/workload-and-adjudication-statistics

Unfortunately, we don't have a reliable way to report FAMU and UACs on our docket. Thanks

From: Hughes, Paige D (b)(6),(b)(7)(C) @ice.dhs.gov>
Sent: Wednesday, December 11, 2019 4:33 PM
To: #ICE OPA ERO Issue Paper (b)(7)(E) @ice.dhs.gov>
Cc: (b)(7)(E) @ice.dhs.gov>
Subject: UPDATE ICE OPA ISSUE: Question on Family Units

Good afternoon –

OPA ISSUE: The Center of Immigration Studies requested information on Family Units. Information below pulled from the ERO EOY report. I anticipate additional question on this topic stemming from the release today.

OPA RESPONSE: Overall, in FY 2019, there were approximately 76,000 UAC and 470,000 family unit members apprehended by USBP at the Southwest Border, a 52 percent increase for UAC and a 341 percent increase for family unit members from the previous fiscal year.

During the fiscal year ERO removed 5,702 aliens identified as family unit members based on USBP apprehension data from the initial surge in FY 2014 through the end of FY 2019, as well as 6,351 UAC. While this represents a 110 percent increase in removals of family unit members and a 14 percent increase in removals of UAC from FY2018 to FY 2019, it remains a small fraction of overall apprehensions for these populations.

Paige D. Hughes

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Director, Western Region Communications (Spokesperson)
U. S. Immigration and Customs Enforcement (ICE)
1(480) 392 (b)(6),(b)(7)(C)

From: (b)(6),(b)(7)(C) @verizon.net>
Sent: Wednesday, December 11, 2019 3:19 PM
To: ICEMedia (b)(6),(b)(7)(C) @ice.dhs.gov>
Subject: Question on enforcement and border crisis

Thanks for the press conference this afternoon with Matt Albence on the 2019 enforcement statistics.

I was in the queue for a question but you ran out of time. Here it is:

What is the total number (exact or approximate) of Family Unit members and UACs on ICE's docket? And, if you have it, how many have been issued final orders of removal?

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

(b)(6),(b)(7)(C)
Director of Policy Studies
Center for Immigration Studies
(774)291 (b)(6),(b)(7)(C)
(b)(6),(b)(7)(C) @cis.org
@ (b)(6),(b)(7)(C) CIS

AMERICAN OVERSIGHT

From: Gonzalez, Barbara M (b)(6),(b)(7)(C)
(b)(6),(b)(7)(C) E-GONZALEZ, B]
Sent: 6/3/2019 10:28:39 PM
To: Feere, Jon (b)(6),(b)(7)(C)
(b)(6),(b)(7)(C)
Subject: FW: Meeting request and voice question

FYSA

Barbara M. Gonzalez
Assistant Director
U.S. Immigration and Customs Enforcement (ICE)
Office of Partnership and Engagement (OPE)
202.732.(b)(6),(b)(7)(C) Office
(b)(6),(b)(7)(C) @ICE.DHS.gov

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From: Gonzalez, Barbara M
Sent: Monday, June 3, 2019 6:07 PM
To: (b)(6),(b)(7)(C) @verizon.net>
Subject: RE: Meeting request and voice question

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

We're trying to schedule the meeting for Friday afternoon with EAD Asher. I will have times tomorrow.

Also, I'm working on getting additional info on the case you referenced here.

Regards,

Barbara M. Gonzalez
Assistant Director
U.S. Immigration and Customs Enforcement (ICE)
Office of Partnership and Engagement (OPE)
202.732.(b)(6),(b)(7)(C) ffice
(b)(6),(b)(7)(C) @ICE.DHS.gov

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From: (b)(6),(b)(7)(C) @verizon.net>
Sent: Monday, June 3, 2019 11:34 AM
To: Gonzalez, Barbara M (b)(6),(b)(7)(C) @ice.dhs.gov>
Subject: Meeting request and voice question

Hi Barbara,
Hope you're well! I'm writing about 2 things:

1. Two of my board members are interested in meeting with Director Morgan and acting ERO Director Nathalie Asher, ideally on Friday afternoon, June 7, if possible. Sorry for the late notice. Their names are (b)(6),(b)(7)(C), and they are involved in the Center's efforts to produce constructive policy recommendations for immigration enforcement. We would like to discuss the problem of fugitives in particular. I would attend, and I understand Jon Feere is also interested in the discussion.

2. Last Wednesday I participated in an event in Culpeper, VA. that included two women who recently lost family members in a highway fatality in the DC area, involving an illegal alien with a lengthy criminal history, who is now an (b)(6),(b)(7)(C) and at large, having met a relatively low bond set by an IJ. It's this case: https://wtop.com/montgomery-county/2018/07/no-criminal-charges-for-driver-who-killed-fbi-agent-fire-marshal-on-270/. I asked them if they had been in touch with VOICE, and they said they weren't aware of the office, so I'm sending them info, just a heads up. My understanding is that CASA put up the money for the alien's release. I'm planning to write an article about the case, so if ICE has or made any statements about the case, I'd be interested.

Thanks so much, Regards, (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)
Director of Policy Studies
Center for Immigration Studies
(774)291-(b)(6),(b)(7)(C)
(b)(6),(b)(7)(C)@cis.org
@(b)(6),(b)(7)(C)_CIS

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From: (b)(6),(b)(7)(C)
Sent: 12/11/2019 9:04:56 PM
To: #ICE OPA ERO Issue Pape (b)(7)(E)
(b)(7)(E)
CC: (b)(6),(b)(7)(C)
Subject: ICE OPA ISSUE: Question on Family Units

Good afternoon –

OPA ISSUE: The Center of Immigration Studies requested information on Family Units. Information below pulled from the ERO EOY report. I anticipate additional question on this topic stemming from the release today.

OPA RESPONSE:
In FY 2019, USBP apprehensions of family units at the Southwest Border increased more than 340 percent compared to FY 2018.

In FY 2019, there were over 470,000 USBP apprehensions of members of family units and 37,906 initial book-ins to ICE's three Family Residential Centers6, while ICE directly released approximately 200,000 family unit members from its custody7 as a result of the high volume of CBP apprehensions during this time period. Due to the humanitarian crisis caused by the record number of family unit members arriving at the border, CBP was also forced to conduct direct releases of thousands of members of this population who were never turned over to ICE and are not represented in ICE's release data as a result.

Pursuant to the FSA and subsequent court interpretations, pre-final order children accompanied by their parents generally cannot be held in immigration detention for more than 20 days. As a result, few migrant families spend time in detention and most of those that do are quickly released into the interior of the United States where they may wait years for their court cases to conclude. As a result, very few members of this population have been removed from the country, even after receiving a final order of removal from a Department of Justice Executive Office for Immigration Review immigration judge.

Paige D. Hughes
Director, Western Region Communications (Spokesperson)
U. S. Immigration and Customs Enforcement (ICE)
1(480) 392-(b)(6),(b)(7)(C)

From: (b)(6),(b)(7)(C) @verizon.net>
Sent: Wednesday, December 11, 2019 3:19 PM
To: ICEMedia (b)(7)(E) @ice.dhs.gov>
Subject: Question on enforcement and border crisis

Thanks for the press conference this afternoon with Matt Albence on the 2019 enforcement statistics.

I was in the queue for a question but you ran out of time. Here it is:

AMERICAN OVERSIGHT

What is the total number (exact or approximate) of Family Unit members and UACs on ICE's docket? And, if you have it, how many have been issued final orders of removal?

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

(b)(6),(b)(7)(C)
Director of Policy Studies
Center for Immigration Studies
(774)291(b)(6),(b)(7)(C)
(b)(6),(b)(7)(C)@cis.org
@(b)(6),(b)(7)(C)_CIS

AMERICAN OVERSIGHT

REL0000023679
DHS-(ICE)-19-1228-G-000132

From: Johnson, Tae D (b)(6),(b)(7)(C) (b)(6),(b)(7)(C) -JOHNSON, TA]
Sent: 8/28/2020 9:20:51 PM
To: Loiacono, Adam V (b)(6),(b)(7)(C) ; Gonzalez, Barbara M (b)(6),(b)(7)(C) Lucero, Enrique M (b)(6),(b)(7)(C)]; (b)(6),(b)(7)(C) ; #ICE DD STAFF (b)(6),(b)(7)(C) #OPLA CHIEF OF STAFF (b)(6),(b)(7)(C) (b)(6),(b)(7)(C) ; #ERO CHIEFS OF STAFF (b)(6),(b)(7)(C)
CC: (b)(6),(b)(7)(C) Davis, Mike P (b)(6),(b)(7)(C) -Davis, Mike]; Berg, Peter B (b)(6),(b)(7)(C) ; Feere, Jon Feere, Jon] (b)(6),(b)(7)(C) (b)(6),(b)(7)(C) ; Loiacono, Adam V (b)(6),(b)(7)(C) Loiacono, A]
Subject: RE: Notice of Appeal

10-4, thanks Adam.

From: Loiacono, Adam V <(b)(6),(b)(7)(C)@ice.dhs.gov>
Date: Friday, Aug 28, 2020, 5:17 PM
To: Johnson, Tae D <(b)(6),(b)(7)(C)@ice.dhs.gov>, Gonzalez, Barbara M <(b)(6),(b)(7)(C)@ice.dhs.gov>, Lucero, Enrique M <(b)(6),(b)(7)(C)@ice.dhs.gov>, [redacted]@ice.dhs.gov>, #ICE DD (b)(6),(b)(7)(C)@ice.dhs.gov>, #OPLA CHIEF OF STAFF <(b)(6),(b)(7)(C)@ice.dhs.gov>, #ERO CHIEFS OF STAFF <(b)(6),(b)(7)(C)@ice.dhs.gov>, Davis, Mike P <(b)(6),(b)(7)(C)@ice.dhs.gov>, Berg, Peter B (b)(6),(b)(7)(C)@ice.dhs.gov>, Feere, Jon (b)(6),(b)(7)(C)@ice.dhs.gov>
Cc: (b)(6),(b)(7)(C)@ice.dhs.gov>, [redacted]@ice.dhs.gov>, Loiacono, Adam V <(b)(6),(b)(7)(C)@ice.dhs.gov>
Subject: RE: Notice of Appeal

Tae-

(b)(5)

Thanks,

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

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From: Johnson, Tae D <(b)(6),(b)(7)(C)n@ice.dhs.gov>
Sent: Friday, August 28, 2020 5:15 PM
To: Gonzalez, Barbara M (b)(6),(b)(7)(C)@ice.dhs.gov>; Lucero, Enrique M (b)(6),(b)(7)(C)@ice.dhs.gov>; (b)(6),(b)(7)(C)@ice.dhs.gov>; #ICE DD STAFF <(b)(6),(b)(7)(C)@ice.dhs.gov>; #OPLA CHIEF OF STAFF <(b)(6),(b)(7)(C)@ice.dhs.gov>; #ERO CHIEFS OF STAFF <(b)(6),(b)(7)(C)@ice.dhs.gov>; Davis, Mike P (b)(6),(b)(7)(C)@ice.dhs.gov>; Loiacono, Adam V <(b)(6),(b)(7)(C)@ice.dhs.gov>; Berg, Peter B <(b)(6),(b)(7)(C)@ice.dhs.gov>; Feere, (b)(6),(b)(7)(C)@ice.dhs.gov>
Cc: F(b)(6),(b)(7)(C)@ice.dhs.gov>; (b)(6),(b)(7)(C)@ice.dhs.gov>
Subject: RE: Notice of Appeal

Thanks Barbara. Very unfortunate decision.

From: Gonzalez, Barbara M (b)(6),(b)(7)(C)z@ice.dhs.gov>
Date: Friday, Aug 28, 2020, 4:54 PM
To: Lucero, Enrique M (b)(6),(b)(7)(C)@ice.dhs.gov>, Johnson, Tae D (b)(6),(b)(7)(C)@ice.dhs.gov>, (b)(6),(b)(7)(C)@ice.dhs.gov>, #ICE DD STAFF (b)(7)(E)@ice.dhs.gov>, #OPLA CHIEF OF STAFF (b)(7)(E)@ice.dhs.gov>, #ERO CHIEFS OF STAFF (b)(6),(b)(7)(C)@ice.dhs.gov>, Davis, Mike P (b)(7)(E)@ice.dhs.gov>, Loiacono, Adam V (b)(6),(b)(7)(C)@ice.dhs.gov>, Berg, Peter B <(b)(6),(b)(7)(C)ice.dhs.gov>, Feere, Jon (b)(6),(b)(7)(C)@ice.dhs.gov>
Cc: (b)(6),(b)(7)(C)@ice.dhs.gov>, (b)(6),(b)(7)(C)n@ice.dhs.gov>
Subject: FW: Notice of Appeal

FYSA -

Barbara M. Gonzalez
Assistant Director
U.S. Immigration and Customs Enforcement (ICE)
Office of Partnership and Engagement (OPE)
202.732(b)(6),(b)(7)(C)Office
(b)(6),(b)(7)(C)@ICE.DHS.gov

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From: Nolan, Robert (b)(6),(b)(7)(C)@cmcsheriff.net>
Sent: Thursday, August 27, 2020 12:13 PM
To: Gonzalez, Barbara M (b)(6),(b)(7)(C)@ice.dhs.gov>; Davis, Mike P <(b)(6),(b)(7)(C)@ice.dhs.gov>
Cc (b)(6),(b)(7)(C)@sheriffs.org>; (b)(6),(b)(7)(C)@fairus.org>
Subject: FW: Notice of Appeal

Just wanted to advise every one of our intent to appeal Chief Judge Wolfson's dismissal of my complain on 7/29/2020. Had we been successful, it would allow me to continue working with I.C.E. under the 287(g) agreement. My

County Counsel (b)(6),(b)(7)(C) notified me this morning that the notice of appeal has been filed. I invite any and all support in my efforts to fight the restrictive State Directive that was issued to prohibit me from working with I.C.E.

I voluntarily entered into an agreement to support I.C.E.'s mission and keep the citizens of my county safe. The governor and his appointed Attorney General have wrongfully terminated that legal agreement and I want to fight this to the top! We were not even given the opportunity to have oral argument, it was brushed off and dismissed as a casual nuisance. Two months earlier the same Judge denied amicus curiae status for both National Sheriff's Association and The Immigration Reform Law Institute yet she allowed ACLU stating that they had met the discretionary factors to be designated as an Amicus Curiae in the case. Hopefully, we get a better chance to get justice in the Third Circuit of Appeals. Thank you all for the time and help that you have provided to me , the fight is not over and hopefully you can continue to provide assistance to me with this incredibly important issue. Sincerely,

Sheriff Bob Nolan
Cape May County Sheriff's Office
609-463-(b)(6),(b)(7)(C)
(b)(6),(b)(7)(C)@cmcsheriff.net

From: (b)(6),(b)(7)(C)@CO.CAPE-MAY.NJ.US>
Sent: Thursday, August 27, 2020 10:35 AM
To: Nolan, Robert (b)(6),(b)(7)(C)@cmcsheriff.net>; Freeholders (b)(6),(b)(7)(C)@CO.CAPE-MAY.NJ.US>
Cc: (b)(6),(b)(7)(C)@CO.CAPE-MAY.NJ.US>
Subject: Notice of Appeal

FYI – this morning I filed a Notice of Appeal to the Third Circuit Court of Appeals on behalf of Sheriff Nolan and the County. I will be filing a complaint on the state claim later today.

Ocean County also filed a notice of appeal and will be filing a state claim as well.

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

From: njdefiling@njd.uscourts.gov <njdefiling@njd.uscourts.gov>
Sent: Thursday, August 27, 2020 10:23 AM
To: njdefiling@njd.uscourts.gov
Subject: Activity in Case 3:19-cv-18083-FLW-TJB OCEAN COUNTY BOARD OF CHOSEN FREEHOLDERS et al v. GREWAL et al Notice of Appeal (USCA)

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U.S. District Court

District of New Jersey [LIVE]

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Case Name:	OCEAN COUNTY BOARD OF CHOSEN FREEHOLDERS et al v. GREWAL et al
Case Number:	3:19-cv-18083-FLW-TJB
Filer:	ROBERT A. NOLAN
WARNING: CASE CLOSED on 07/29/2020	
Document Number:	42

NOTICE OF APPEAL by ROBERT A. NOLAN. Filing fee $ 505, receipt number NJDC-11269056. The Clerk's Office hereby certifies the record and the docket sheet available through ECF to be the certified list in lieu of the record and/or the certified copy of the docket entries. Appeal Record due by 8/28/2020. (Attachments: # (1) Certificate of Service)(LINDSAY, JEFFREY)

Case Name:	NOLAN et al v. GREWAL et al
Case Number:	3:19-cv-18929-FLW-TJB
Filer:	ROBERT A. NOLAN
WARNING: CASE CLOSED on 11/07/2019	
Document Number:	10

NOTICE OF APPEAL by ROBERT A. NOLAN. Filing fee $ 505, receipt number NJDC-11269056. The Clerk's Office hereby certifies the record and the docket sheet available through ECF to be the certified list in lieu of the record and/or the certified copy of the docket entries. Appeal Record due by 8/28/2020. (Attachments: # (1) Certificate of Service)(LINDSAY, JEFFREY)

3:19-cv-18083-FLW-TJB Notice has been electronically mailed to:

ARCHITH RAMKUMAR archith.ramkumar@usdoj.gov

CHRISTOPHER ALI KHATAMI ckhatami@bskb-law.com, jmorison@bskb-law.com, jsahradnik@bskb-law.com

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JEFFREY RYAN LINDSAY jeffrey.lindsay@co.cape-may.nj.us, mwagner@cooperlevenson.com, pamela.neville@co.cape-may.nj.us

JOHN MICHAEL MIANO miano@colosseumbuilders.com

KATHERINE ELIZA HAAS khaas@aclu-nj.org, courtfiling@aclu-nj.org

MICHAEL L. TESTA , JR mtestajr@basiletesta.com

MICHAEL RALPH SARNO michael.sarno@law.njoag.gov, ef-judpros@dol.lps.state.nj.us

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PAUL J. BALDINI pjblaw729@yahoo.com

3:19-cv-18083-FLW-TJB Notice has been sent by regular U.S. Mail:

3:19-cv-18929-FLW-TJB Notice has been electronically mailed to:

DANIEL MICHAEL VANNELLA daniel.vannella@law.njoag.gov, ef-judpros@dol.lps.state.nj.us

JEFFREY RYAN LINDSAY jeffrey.lindsay@co.cape-may.nj.us, mwagner@cooperlevenson.com, pamela.neville@co.cape-may.nj.us

MICHAEL L. TESTA , JR mtestajr@basiletesta.com

MICHAEL RALPH SARNO michael.sarno@law.njoag.gov, ef-judpros@dol.lps.state.nj.us

3:19-cv-18929-FLW-TJB Notice has been sent by regular U.S. Mail:

The following document(s) are associated with this transaction:

Document description: Main Document
Original filename:n/a
Electronic document Stamp:
[STAMP dcecfStamp_ID=1046708974 [Date=8/27/2020] [FileNumber=14019459-0] [6858ef3c3ea9bceac8533c9c4eb157748a6b2d46d28c6c0739030362f823d36249628174507fe4904b40e8fb2db5cff75f3afdd6f8b4cdd85ec819d5c3a17dac]]
Document description: Certificate of Service
Original filename:n/a
Electronic document Stamp:
[STAMP dcecfStamp_ID=1046708974 [Date=8/27/2020] [FileNumber=14019459-1] [4ad8f0c4b2abf7d85e875c4702a7791ae70a287919328f85e01f5331090d964def30193385a118c691d90de95579efd12a2ba42c966731c9a004b791847768eb]]

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From: (b)(6),(b)(7)(C) @heritage.org]
Sent: 10/21/2020 6:10:54 PM
To: (b)(6),(b)(7)(C) @heritage.org]
Subject: FW: President Trump and Joe Biden: Comparing Immigration Policies

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Good Afternoon-

Wanted to make sure you saw this new piece.

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

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From: Now Online (b)(7)(E) @heritage.org>
Sent: Wednesday, October 21, 2020 1:12 PM
To: (b)(6),(b)(7)(C) @heritage.org>
Subject: Now Online: President Trump and Joe Biden: Comparing Immigration Policies

President Trump and Joe Biden: Comparing Immigration Policies
http://report.heritage.org/bg3547
By Lora Ries
Backgrounder No. 3547
October 21, 2020

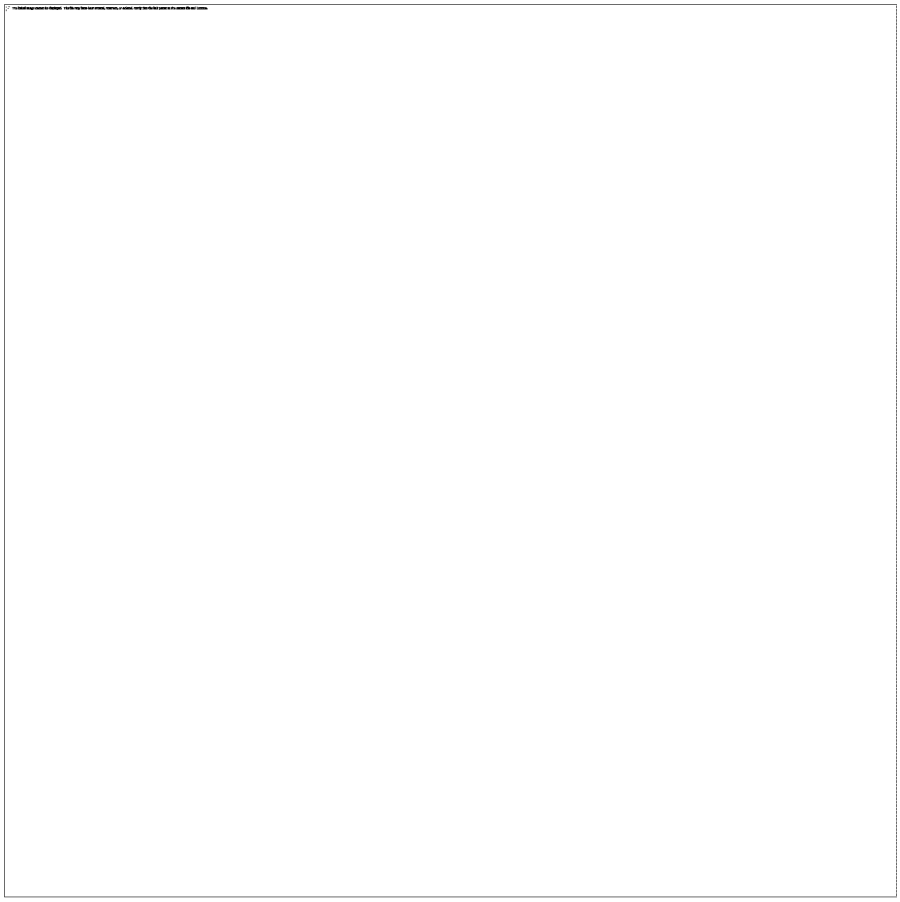
The contrast between President Trump and Biden's immigration policies is stark. In a second term, President Trump would pursue merit-based immigration reform with Congress, navigate rescinding DACA while negotiating an amnesty with Congress (for anywhere from 800,000 to up to 11 million illegal aliens), and continue to secure the border in the face of strong COVID-economy immigration push factors. If Biden were to become President, he would return to many of the same immigration policies in place during the Obama Administration. This would include protecting and expanding the DACA program, admitting at least 125,000 refugees annually, and seeking amnesty for 11 million illegal aliens.

Now Online

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From: The Heritage Foundation (b)(6),(b)(7)(C) @heritage.org]
Sent: 10/14/2020 6:35:30 PM
To: Feere, Jon (b)(6),(b)(7)(C)
(b)(6),(b)(7)(C)
Subject: 2020 Mandate for Leadership

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Dear Jon,

The Heritage Foundation is thrilled to present you with an electronic copy of our 2020 Mandate for Leadership. First published in January 1981, the Mandate for Leadership served as a conservative plan of action for the Reagan Administration. By the end of President Reagan's first year, he had implemented nearly half of its ideas. This first edition of the Mandate for Leadership appeared on the Washington Post's paperback bestseller list, and the Post called it "an action plan for turning the government toward the right as fast as possible."

Since 1981, Heritage has published five editions. The 2016 edition of Mandate for Leadership earned significant attention from the Trump Administration, which embraced 64 percent of its policy solutions.

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We hope that this edition is a helpful resource for you in continuing to advance conservative solutions in the Trump Administration. It is tailored to be as specific and actionable as possible. As always, please do not hesitate to reach out if we can ever be of assistance.

To learn more about the history of the Mandate, please watch this video.

Sincerely,

(b)(6),(b)(7)(C)
Senior Advisor, Executive Branch Relations
The Heritage Foundation



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From: (b)(6),(b)(7)(C) @heritage.org]
Sent: 5/19/2020 11:03:44 PM
To: Feere, Jon [(b)(6),(b)(7)(C)
(b)(6),(b)(7)(C) Feere, Jon]
Subject: The National Coronavirus Commission Releases Final Phase of Plan to Reopen America

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Dear Jon,

While the nation continues on its path to recovery from the coronavirus pandemic, the National Coronavirus Recovery Commission (NCRC) is providing actionable recommendations for all levels of policymakers to save both lives and livelihoods. As of today, the NCRC has developed 264

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recommendations to guide all phases of the nation's recovery. The NCRC is comprised of experts in health care, business, government, economics, disaster relief, human behavior, and more.

Today, the NCRC is announcing 76 new recommendations for the fifth and final phase of recovery: reducing the future risks of pandemics. Mitigation requires looking back at where big-government policies failed and providing solutions for governments at every level to better understand the scope of both their responsibility and accountability before the next crisis. We hope they serve as a roadmap for the country to better prepare for future events.

These detailed recommendations build upon the previous 188 recommendations released by the NCRC for the first four phases of recovery:

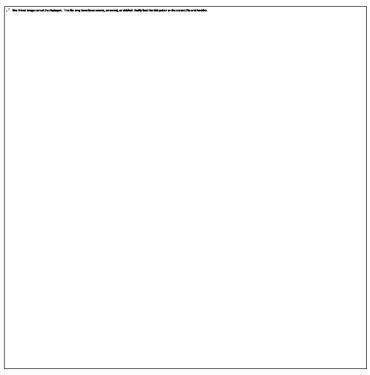
1. Return to a more normal level of business activity at the regional level based on scientific data.
2. Slow the spread of the coronavirus while expanding testing, reporting, and contact tracing.
3. Continue to build the science.
4. Establish U.S. leadership in economic recovery.

The NCRC is thrilled that policymakers across the country are implementing many of our recommendations. We are also thrilled with the reception of our work by the general public and are very grateful to all those who submitted comments and information to assist in this effort.

The American people are eager to return to a state of normalcy. The National Coronavirus Recovery Commission will continue to provide policymakers with the most actionable recommendations available to save American lives and livelihoods.

Sincerely,

(b)(6),(b)(7)(C)
President
The Heritage Foundation



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From: (b)(6),(b)(7)(C) @heritage.org]
Sent: 6/29/2020 8:00:45 PM
To: (b)(6),(b)(7)(C) @heritage.org]
Subject: Special Report: Assessing the Trump Administration's Immigration Policies
Attachments: SR233_0.pdf

Flag: Flag for follow up

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Good Afternoon,

Today The Heritage Foundation released a Special Report entitled *Assessing the Trump Administration's Immigration Policies* by Charles D. Stimson, Hans A. von Spakovsky, and Lora Ries. This comprehensive report discusses the major strides that the Trump Administration has taken to protect our borders and ensure that our immigration system better serves American interests. It also discusses actions that still can be taken, such as **ending the federal government's recognition of "birthright citizenship."**

Please do not hesitate to reach out if you'd like to discuss the report.

Take Care,
(b)(6),(b)(7)(C)

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SPECIAL REPORT
No. 233 | JUNE 29, 2020

Assessing the Trump Administration's Immigration Policies

Charles D. Stimson, Hans A. von Spakovsky, and Lora Ries

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The Heritage Foundation

Assessing the Trump Administration's Immigration Policies

Charles D. Stimson, Hans A. von Spakovsky, and Lora Ries

SPECIAL REPORT
No. 233 | JUNE 29, 2020

AMERICAN OVERSIGHT

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About the Authors

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This paper, in its entirety, can be found at **http://report.heritage.org/sr233**

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Nothing written here is to be construed as necessarily reflecting the views of The Heritage Foundation or as an attempt to aid or hinder the passage of any bill before Congress.

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Assessing the Trump Administration's Immigration Policies

Charles D. Stimson, Hans A. von Spakovsky, and Lora Ries

President Ronald Reagan is reported to have once said, "A nation that cannot control its borders is not a nation." During the past three decades, the U.S. has faced a mounting immigration problem as an increasingly larger number of aliens have come into the country illegally—straining government resources, imposing huge costs on taxpayers and state and local governments, and endangering national security, public safety, and the rule of law. A sovereign country with sound immigration policy controls who is allowed to come into the country, both temporarily and permanently, and selects future citizens, expecting them to become part of the cultural, intellectual, economic, and political body of the republic.

For centuries, the United States has welcomed millions of people from every corner of the globe to join the great mixing bowl of America. That open, welcoming attitude exists in the Trump Administration, as evidenced by the fact that the United States still lawfully admits over 1 million permanent resident immigrants per year, more than any other country.

Article I, Section 8, Clause 4 of the Constitution of the United States provides that Congress shall have the power to "establish an uniform Rule of Naturalization." As *The Heritage Guide to the Constitution* explains, few powers are more fundamental to sovereignty than control over immigration and the vesting of citizenship in aliens.[1]

Over decades, Congress has passed dozens of immigration and immigration-related laws. Each was designed to address a specific set of policy goals and perceived issues. As new issues arise in the public debate about immigration policy, Congress is tempted to take legislative action to address the issue.

In the past few decades, the national debate—and thus the congressional debate—has revolved around how best to enforce existing immigration laws,

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how best to stem the tide of illegal immigration, what we should do about the millions of illegal immigrants already residing here, and what changes should be made in our legal immigration system.[2] Many proponents of open borders have tried to extinguish the distinction between legal and illegal immigration.

Candidate Donald Trump ran for the presidency promising to enforce existing immigration laws and secure the border. That was a radical departure from the Obama Administration, which, as we chronicle, abused the authority given to the President—and arguably broke the law and violated the Constitution by issuing executive edicts to satisfy its policy preferences.[3]

Once he became the President, Donald Trump began to enforce immigration law *as written*, rolling back the extra-constitutional policies put in place by the Obama Administration, and reframed the debate by announcing a tectonic shift in how new immigrants would be chosen. The Trump Administration's immigration policies have been consistently challenged in the courts, including in the U.S. Supreme Court. The Administration has won many of those challenges, in large part because it was following the law and exercising its discretion accordingly, as we demonstrate.

This *Special Report* outlines most of the major immigration policy actions taken by the Trump Administration, and, when appropriate, contrasts them with previous Administrations. When read together, the actions taken by the Trump Administration have been bold and decisive. The Administration has made major strides in rolling back the bad policies of the Obama Administration, has enforced existing laws as written, and has attempted to modernize and rebalance the way we attract new citizens by transitioning from a family-based system to a merit-based system.

The Border Wall

If there were two words that Democrats and Republicans had to choose to encapsulate everything that is supposedly wrong and right, respectively, with Trump's immigration stance, both as a candidate and now as President, those words would be "the wall." These two simple words induce visceral cries of xenophobia from the left, and flag-saluting patriotism from the right. Trump rallies, when he was a candidate, and now as President, included chants of "Build That Wall." The wall became more than a campaign pledge; it formed the backbone of his "America First" campaign, and he rode that to victory in November 2016.

Congress Authorized a Border Wall Decades Ago. Building a wall was not controversial before Trump was elected. Congress passed the Secure Fence Act in 2006,[4] which authorized and partially funded over 700 miles

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of border fence along the U.S.–Mexican border. The Senate voted 80–19 in favor of the act, with former Democratic Senators Barack Obama (D–IL) and Hillary Clinton (D–NY), and current Democratic Senators Chuck Schumer (D–NY) and Dianne Feinstein (D–CA) voting for the act.

One decade earlier, Congress passed the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA).[5] One of the goals of that act was to improve security at the nation's borders. Section 102 of the IIRIRA directed the executive to undertake the construction of border infrastructure.[6] As originally enacted, Section 102(a) provided that the Attorney General "shall take such actions as may be necessary to install additional physical barriers and roads (including the removal of obstacles to detection of illegal entrants) in the vicinity of the United States border to deter illegal crossings in areas of high illegal entry into the United States."

Homeland Security Secretary Has Ability to Waive Laws to Secure the Border. Section 102(c) authorized the Attorney General to waive the provisions of the Endangered Species Act of 1973[7] and the National Environmental Policy Act of 1969[8] to the extent he "determine[d] necessary to ensure expeditious construction of the barriers and roads under this section."[9] In 2002, Congress created the Department of Homeland Security, and these functions were transferred to the Secretary of Homeland Security.[10]

According to a legal brief filed by the Justice Department (DOJ) in litigation involving challenges to Trump's border wall, the Secretary has issued waiver determinations under Section 102(c) on several occasions.[11] Several waiver determinations have been the subject of unsuccessful legal challenges.[12] The Trump Administration was sued for exercising two waiver determinations issued by the Secretary in 2017.

According to the government's brief in opposition, on July 26, 2017, the Secretary issued a Section 102(c) waiver of more than 30 laws "to ensure the expeditious construction of barriers" in the San Diego area.[13] The San Diego waiver identified two projects to be completed in the San Diego Sector to "further Border Patrol's ability to deter and prevent illegal crossings."

Second, on September 5, 2017, the Secretary issued a separate Section 102(c) waiver of various laws "to ensure the expeditious construction of barriers and roads" near Calexico, California, in the United States Border Patrol's El Centro Sector.[14]

National Emergency Declaration. After taking office, President Trump acted on his promise to build the wall—despite fierce political and legal resistance. Over time, it became obvious to the new Administration that the border wall had become more than a wall: To his opponents, it

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became a symbol of all that was wrong with Trump as President.

Congress, which has the power of the purse, refused to provide the funds necessary to continue building a border wall in accordance with laws they had passed. By late 2018 and early 2019, the situation at the border was becoming a humanitarian and security crisis. On January 8, 2019, President Trump delivered a prime-time address to the American people on the crisis at the southern border, explaining the reasons why he requested $5.7 billion for 234 miles of new border wall.[15]

Democrats in Congress resisted. On February 15, 2019, President Trump declared a national emergency and invoked the National Emergencies Act[16] as he signed a massive government spending bill. That bill provided only $1.5 billion for 55 miles of a border wall. As a result, President Trump noted that he had identified $8.1 billion of already appropriated funds that he would redirect to the border wall.[17]

As Trump predicted when he signed the spending bill, lawsuits challenging his actions were filed almost immediately. Plaintiffs in the lawsuits ran the gamut, from the Sierra Club[18] to the U.S. House of Representatives[19] to the state of California[20] to the County of El Paso.[21]

In May of 2019, the Sierra Club obtained a preliminary injunction from a California federal district court, which blocked the Trump Administration from diverting $2.5 billion of military construction money and spending it to build the wall. The Ninth Circuit Court of Appeals upheld the injunction. But the Supreme Court, by a vote of 5–4, granted a stay of the injunction, allowing the Administration to go forward with building the wall using the $2.5 billion, while the lower courts consider the underlying merits of the still-pending challenges.

The County of El Paso suffered a similar setback when the Fifth Circuit Court of Appeals stayed a preliminary injunction issued by a Texas federal district court, thus clearing the way (for the moment, anyway) for the government to use already appropriated military funds to build the border barrier.[22]

Progress So Far. The U.S.–Mexican border is approximately 2,000 miles long, 654 of which had a border barrier prior to the Trump Administration.[23] The Trump Administration's goal was to build 450 to 500 miles of new wall by the end of 2020. As of January 2020, the Administration had completed over 100 miles of new border barrier.[24] The Administration claims to be on track to build 400 to 450 miles of new wall by the end of 2020. It seems obvious that an effective physical barrier in geographically open areas of the border is a necessary component of any systematic effort to secure that border.

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Merit-Based Immigration

Arguably the most far-reaching and boldest aspect of the Trump Administration's immigration-reform platform is the proposal to base the selection of future immigrants on their skills and potential contribution to our economy. Moving from a family-based immigration system to a merit-based system would upend the status quo and move from a system in which non-citizens and lawful permanent residents select future American citizens based solely on familial ties—to a system in which we choose future American citizens based on the skill sets we need and their ability to contribute to our economy.[25]

This sounds radical, but it is not: Other countries have already implemented merit-based immigration systems. Those countries include Australia, Austria, Canada, the Czech Republic, Denmark, Germany, Hong Kong, Japan, New Zealand, Romania, South Korea, and the United Kingdom.[26]

In October 2017, less than one year into office, President Trump submitted a letter to the House and Senate, laying out his vision of how best to reform the immigration system in the United States.[27] Included in that letter was a section entitled "Merit-Based Immigration System," arguing for the need to transition from a family-based immigration system, which we currently have, to a merit-based system.[28]

The Administration's merit-based concept contained four main parts:

1. Ending family-based chain migration as it currently exists by limiting family-based green cards to immediate family members, and replacing it with a system based on merit, with a special emphasis on "skills and economic contributions" to the U.S. economy;

2. Establishing a point system for green cards;

3. Eliminating the "visa lottery" program,[29] which provides 50,000 immigrant visas annually to random individuals from countries with low rates of immigration to the United States; and

4. Limiting the number of refugees to "prevent the abuse of the generous U.S. Refugee Admissions Program and allow for effective assimilation of admitted refugees into the fabric of our society."[30]

Like with all recent immigration reform proposals, the call to fundamentally reform our immigration system into one that puts America first

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was aspirational, as there is, as a political reality, very little likelihood that bipartisan immigration legislation can pass both houses of Congress, no matter how commonsense the legislation might be.

The lack of political will in Congress, however, did not stop the Administration from pushing forward with its plans. On January 25, 2018, three months after sending the reform vision letter to Congress, the White House published the framework document on how it would implement its overall goals. In addition to proposing the legalization of all Deferred Action for Childhood Arrivals (DACA) recipients, the Administration proposed to "promote the nuclear family" by limiting family migration to "spouses and minor children only, thus ending chain migration." The changes would be applied prospectively so as not to harm those already in the queue.

The Administration's plan to shift to a predominately merit-based legal immigration system is noteworthy in one other respect: It does not lower, or raise, the number of legal immigrants allowed to come into the United States each year. Despite media fearmongering to the contrary, the Trump Administration has not lowered the number of legal immigrants admitted to the United States each year (over 1.1 million)—nor would a merit-based system. Rather, a merit-based system would radically shift the percentage of family-based lawful immigrants from a majority to a minority, while increasing the percentage of merit-based immigrants dramatically for the good of our economy. In sum, the Administration is proposing a rebalancing of the current numbers.

With respect to the visa-lottery program, the Administration proposed to eliminate it because it was "riddled with fraud and abuse and does not serve the national interest." Furthermore, the program selects individuals "at random"; it does not take into consideration "skills, merit or public safety."[31] By eliminating the lottery program, the Administration aimed to reallocate those 50,000 annual visas to reduce the family-based backlog and the high-skilled employment backlog.

The Heritage Foundation also proposed a shift to a merit-based immigration system. In our *Special Report* entitled "An Agenda for Immigration Reform,"[32] we laid out, in detail, the policy reasons why the shift makes sense, both economically and culturally.

Birth Tourism

Due to the federal government's misinterpretation of the Fourteenth Amendment, the executive branch classifies all individuals born in the United States as citizens—even if their parents are illegal aliens or are in

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the country legally but only temporarily as tourists, students, or to conduct business.[33] Due to this interpretation, an illegal "birth tourism" industry has grown over the decades.[34]

That started to change when, in 2019, the Trump DOJ filed the first-ever criminal indictments against 19 individuals for immigration fraud for operating birth tourism agencies, breaking up three big operations in Southern California that made millions of dollars bringing thousands of pregnant Chinese women to the U.S. for the sole purpose of securing U.S. citizenship for their children. A 20th individual, a lawyer, had already been sentenced to federal prison for helping material witnesses flee to China at the time of these indictments.[35]

According to the DOJ, the birth tourism operators not only engaged in immigration fraud, money laundering, tax evasion, marriage fraud, and identity theft, they also "defrauded property owners when leasing the apartments and houses" used as "maternity" or "birthing" houses for the Chinese nationals to reside in while they waited for their babies' due dates.[36] They coached Chinese women to apply for tourist visas and lie to the U.S. consulates in China by claiming they were only coming for two weeks. They were then told to wear "loose clothing to conceal their pregnancies" and "trick U.S. Customs at ports of entry."[37]

The clients included Chinese government officials, as well as others associated with Chinese Central Television, China Telecom, the Bank of China, the Public Security Bureau of the Beijing Municipal Government, and a government radio station. Assuming the allegations in the indictment are true, officials of the Chinese government were directly involved in fraudulently procuring birthright citizenship for their children in part to obtain "priority for jobs in the U.S. government," raising serious potential national security concerns.

The amount of money involved is staggering. A "You Win USA" bureau in Orange County used 20 apartments in Irvine to house its clients, charged each customer $40,000 to $80,000, and received $3 million in international wire transfers from China in just two years. The Star Baby Care operation in Los Angeles County bragged that it had brought more than 8,000 pregnant women to the U.S. A San Bernardino operation, USA Happy Baby Inc., charged its "VIP" customers as much as $100,000 each and used 14 different bank accounts to "receive more than $3.4 million in international wire transfers from China" in just two years, according to the DOJ.[38]

It was not until the Trump Administration that the DOJ finally started prosecuting this type of immigration fraud. One study estimates that "birth tourism results in 33,000 births to women on tourist visas annually," while "hundreds of thousands more are born to mothers who are illegal aliens or present on temporary visas."[39]

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To prevent birth tourism coming to the U.S., the White House announced on January 23, 2020, that beginning the following day, the State Department would no longer issue temporary visitor visas to aliens "travelling to the United States to secure automatic and permanent American citizenship for their children by giving birth on American soil."[40] The White House said this was necessary to "enhance public safety, national security, and the integrity of the immigration system," as well as to protect taxpayers from the "direct and downstream costs associated with birth tourism."[41]

The actual change in the State Department regulation applies to "B" visas for temporary visitors for pleasure —tourist visas. It provides that consular officers will deny visas to any alien who the officer has "reason to believe intends to travel" to the U.S. for "the primary purpose of obtaining U.S. citizenship for a child by giving birth in the United States." It provides an exception for aliens who can establish "a legitimate reason" for required medical treatment in the U.S., as long as they can establish that they have the "means and intent to pay for the medical treatment and all incidental expenses."[42]

All of these steps taken by the Trump Administration—both prosecuting the operators of birth tourism agencies who are committing immigration fraud and preventing aliens from entering the country for the sole intent of giving birth here to obtain U.S. citizenship for their children—are long overdue. As President Trump said, those who engage in these actions are "systematically exploit[ing] this loophole and unfairly" obtaining citizenship, avoiding "the scrutiny and procedures they would normally undergo if they became citizens through naturalization."[43]

Executive Office for Immigration Review

One of the chokepoints in the immigration system is the backlog of cases in immigration courts, which currently totals over 1.1 million cases. In 2010, there were only 262,742 cases in the backlog. No other court system in the United States, at the federal or state level, has the backlog that the immigration courts have.[44] To fix the backlog, there is only so much the Administration can do on its own without seeking legislation from Congress.[45]

But the Administration does have options to alleviate the problem, and the Trump Administration has taken several steps to drive down the backlog. Some of the changes involved the Executive Officer of Immigration Review (EOIR).[46] The EOIR developed a strategic caseload-reduction plan in 2017, which had five components:

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1. Increasing adjudicatory capacity,
2. Maximizing the use of available adjudicatory capacity,
3. Transforming the EOIR's institutional culture and infrastructure,
4. Enhancing partnerships with the Department of Homeland Security, and
5. Improving existing laws and policies.

Those changes, long overdue, also included reorganizing the EOIR itself and increasing fees to file an appeal.

Reorganizing the EOIR. On August 26, 2019, the Trump Administration published an interim rule in the *Federal Register* with the bland title "Organization of the Executive Office of Immigration Review."[47] The interim rule proposed minor clarifications and changes to the rules related to the Office of Policy, the Office of the General Counsel, and the Office of Legal Access Programs, updated the organizational chart, and provided more delegation of authority from the Attorney General to the EOIR director to efficiently dispose of cases.

The EOIR is a component of the DOJ, and its primary mission is to adjudicate immigration cases "fairly, expeditiously, and uniformly" and must apply the nation's immigration laws uniformly.[48] Before 2017, the EOIR contained eight components. Three were adjudicatory: the Chief Immigration Judge; the Board of Immigration Appeals (BIA); and the Office of the Chief Administrative Hearing Officer. Three were non-adjudicatory: the Office of General Counsel (OGC); the Office of Administration; and the Office of Information Technology. The remaining two components were the Office of the Director and the Office of the Deputy Director.

The director of EOIR is a career employee of the DOJ (not a political appointee) who oversees the seven other component heads of the EOIR.

In 2017, Attorney General Jeff Sessions added the Office of Policy to the EOIR to "assist in effectuating authorities given to the Director [by statute] including the authority to...issue operational instructions."[49] Before the Attorney General created the Office of Policy, the OGC handled—in addition to providing legal advice—several policy matters such as developing regulations. Under the new regulation, policy matters will be handled in the Office of Policy, legal matters in OGC. That only makes sense.

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Critics of the reorganization claim that the new organizational structure allows the director to decide cases not based on the law, but rather on policy. This is incorrect.

This concern arises out of a minor change to the way the BIA manages cases that it cannot decide within the time frame set by immigration regulations. Under the former system, the BIA chairman could assign delayed cases to himself, a vice chairman, or the Attorney General himself for expedited review. The new rule simply substitutes the director for the Attorney General because "due to his numerous other responsibilities and obligations, the Attorney General is not in a position to adjudicate any BIA appeal." Thus, the director adjudicates those cases on the Attorney General's behalf.

The director still retains the ability to elevate a case up to the Attorney General, but the chairman may not do so directly. Regardless, the director can only decide cases that the BIA could not timely resolve and that the chairman assigns to the director. This is not a situation, as critics argue, in which a political appointee is taking politically sensitive cases away from the judges because the director of the EOIR is a career employee of the DOJ.

Furthermore, the director has no power to arbitrarily assign cases to himself. He can only resolve cases that the BIA cannot resolve within the regulatory time frame: 90 days after briefs are filed or within 180 days of assignment to the BIA panel, plus a 60-day extension for "exigent circumstances." Thus, the director is not pulling politically sensitive cases in order to issue political judgments dressed up as judicial opinions, as critics suggest. Even if the director is making policy determinations, that is permissible. The Attorney General has substantial power to set immigration policy.[50]

The director wields the Attorney General's delegated authority—just as all immigration judges and BIA members do. Of course, the counterargument is that "issuing binding legal rulings is not policy; it's just interpreting the law." But that ignores the reality of the Immigration and Nationality Act (INA). Like so many laws that defer to executive agency expertise, the INA leaves so much up to the Attorney General that it is impossible to issue legal rulings and determinations without considering policy. Indeed, the law seems to specifically anticipate, even require, the Attorney General to make policy determinations.

In summation, these changes make the EOIR run more smoothly by clarifying the roles of the various offices. They speed resolution of delayed immigration appeals by giving them to the director, who has more time to spend on them than does the Attorney General. These are commonsense, good-governance changes, and much of the criticism of them is, at best, overblown or, at worst, divorced from reality.

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Strategic Caseload-Reduction Plan. In addition to reorganizing the EOIR, the DOJ announced a five-part plan to reduce the caseload.[51] The DOJ memorandum notes how the caseload has increased dramatically since fiscal year (FY) 2014 and that policy changes (under the Obama Administration) have "slowed down the adjudication of existing cases and incentivized further illegal immigration that led to new cases."[52]

The policy changes included the Deferred Action for Childhood Arrivals program (*supra*), the Obama Administration's "prosecutorial discretion" memo, and provisional waivers. The memorandum notes that "representatives of illegal aliens have purposely used tactics designed to delay the adjudication" of cases, highlighting the fact that between FYs 2006 and 2015, continuances in immigration courts increased *23 percent*. To make matters worse, as of 2012, "cases averaged four continuances," and each continuance "totaled 368 days per continuance."[53]

As a result of these dilatory tactics and policies designed, no doubt, to inure to the benefit of illegal aliens, not surprisingly, the productivity of immigration judges fell by 31 percent between FYs 2006 and 2015.[54] Immigration cases are not complicated compared to homicide, rape, and child abuse cases, yet those cases are adjudicated much faster than immigration cases. That makes no sense whatsoever.

In 2018, Attorney General Sessions tightened the rules for granting continuances by immigration judges. Under federal law,[55] immigration judges can grant a continuance if good cause is shown. But the good-cause standard, over the years, has become virtually meaningless, as judges were granting continuances for any reason whatsoever, further contributing to the clogged immigration docket.

On August 16, 2018, Sessions issued a written legal opinion in the *Matter of L-A-B-R* that clarified and tightened the good-cause standard. Going forward, although they must consider the multi-pronged factors set out in prior cases that are still binding on immigration courts, immigration judges should focus on two primary factors when considering a motion for a continuance:

1. The likelihood that the alien will be granted collateral relief, and

2. Whether the grant of relief would materially affect the outcome of the removal proceeding.[56]

Increasing Adjudicatory Capacity. The Trump Administration has increased the number of front-line immigration judges and, on two separate occasions, increased the number of members of the BIA, all with a goal to reduce the backlog.

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In addition to adding judges, the DOJ announced a plan to reduce the hiring process from a staggering 742 days to a more reasonable six to eight months. In 2017, there were 338 immigration judges, but by the second quarter of 2020, that number had increased to 489 immigration judges.[57]

On February 27, 2018, the EOIR published a rule in the *Federal Register* announcing that it is expanding the BIA by four members, from 17 to 21.[58] In March of this year, the EOIR published another rule, adding two additional members to the BIA, for a total of 23.[59]

Maximizing the Use of Available Adjudicatory Capacity. According to the EOIR memorandum, there are at least 100 courtrooms across the nation that are not being used on Fridays because of immigration judge alternate-work schedules.[60] Federal alternate-work schedules allow an employee to work an extra hour each day in week one and then Monday to Thursday in week two in order to take the second Friday off.

The Department decided that, with a massive case backlog, it makes no sense to have unused or "dark" courtrooms across the country. As a result, EOIR established a "no dark courtroom policy." That policy involved using retired immigration judges to conduct cases on Fridays; hiring new immigration judges for video teleconferencing hearings in the EOIR's Falls Church, Virginia, location; and creating a nationwide scheduling and docketing program to move cases to completion more efficiently.

Transforming the EOIR's Culture. Many courtrooms across the country have transitioned to electronic filing systems, including the federal courts. As of 2017, the immigration courts still had not. To modernize, the EOIR started the process of transitioning from a paper-based filing system to an electronic system. This not only makes sense but is a more efficient way of processing cases from beginning to end. On July 19, 2018, EOIR announced an electronic filing pilot program in San Diego.[61]

Another change was the deliberate decision to establish a culture of case completion. Changing a litigation culture is difficult, as the parties before a court, and the court itself (including court staff), become accustomed to doing things a certain way over time and are loathe to change. When a case, on average, takes *more than four years* to complete, the parties all operate on the assumption that a new case in the system should also take four years.

Pushing immigration judges to move cases to completion in a fair and orderly manner was a bold, but necessary step in the process of changing the culture of the immigration courts. In 2018, the department established a policy that immigration judges should complete 700 cases per year with less than a 15 percent remand rate from the BIA in order to earn a "satisfactory"

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grade on their annual performance evaluations. Judges who completed fewer than 560 cases per year would fall into the "unsatisfactory" category.

Judges who allow cases to drag on for years, for example, are not graded as well as judges who adjudicate cases efficiently and close them out appropriately. This departmental cultural change is ongoing and will take time to be fully implemented.

Enhancing DHS Partnership and Improving Laws and Policies. The final two components of the strategic caseload-reduction plan involve closer engagement and coordination with the Department of Homeland Security (DHS) to improve the immigration docket by managing the input of new cases and more efficiently monitoring cases that are delayed pending an adjudication before the United States Citizenship and Immigration Services (USCIS).

The EOIR also vowed to review existing regulation and policies "to determine changes that could streamline current immigration proceedings." That is a laudatory goal, but it is unclear what the EOIR has done to make progress in this area.

Finally, it has been 33 years since the federal government raised the fees associated with filing an appeal with the BIA. The low filing fees meant it cost virtually nothing to file an appeal. During the pendency of one's appeal, the applicant typically stays in the United States.

That changed on February 27, 2020, when the EOIR submitted to the *Federal Register* a notice of proposed rulemaking, increasing the filing fees for various appeals to the BIA.[62]

Public Charge Rule

On August 14, 2019, the DHS published a final rule amending regulations about how to determine whether an alien applying for admission or adjustment of status will be deemed inadmissible because the alien is likely to become a "public charge."[63] A "public charge" is an individual who is unable to support himself, and instead relies on public benefits such as welfare assistance. The public charge rule is a long-standing principle of U.S. immigration law, first implemented at the federal level in 1882.[64]

It is common sense—and a smart choice in the best interests of the country as a whole—to ensure that new, legal immigrants to our country are self-sufficient individuals who will be a net plus for our economy. In selecting new citizens, do we really want individuals who will immediately be reliant on the extensive and very expensive medical, housing, welfare, and other public assistance programs paid for by the American taxpayer at both the state and federal level?

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These programs are a major source of our economically dangerous (and risk-filled) trillion-dollar budget deficits, along with our massively growing public debt. Why would we want to bring in immigrants who will only add to that deficit and that debt?

The statute does not define "public charge" but leaves that up to the federal government, although it does specify that the DHS—"at a minimum"—shall consider an alien's age, health, family status, assets, resources, financial status, education, and skills.[65] As the DHS points out in its new rule, in a related immigration provision, Congress articulated our immigration policy that "aliens within the Nation's borders not depend on public resources to meet their needs, but rather rely on their own capabilities and the resources of their families, their sponsors, and private organizations."[66] This is intended to prevent damage to the economy and increased public debt, of course—but also to ensure that "the availability of public benefits not constitute an incentive for immigration to the United States."[67]

In the past, federal rules focused only on "the receipt of public cash assistance for income maintenance or institutionalization for long-term care at Government expense."[68] This definition essentially ignored the numerous other costly public benefits the government provides.[69]

The new rule defines the public charge requirement to reflect today's system of government benefits. In other words, it brings reality into the system. It defines "public charge" to include:

- Cash benefits for income maintenance;
- Non-cash benefits under the Supplemental Nutrition Assistance (SNAP) and food stamp programs;
- Most forms of Medicaid;
- Section 8 Housing Assistance under the Housing Choice Voucher Program;
- Section 8 Project Rental Assistance; and
- Certain other forms of subsidized housing.

In short, the rule insists that to become a permanent resident in the U.S. with eventual access to U.S. citizenship, to be admitted as a legal immigrant on a visa, to change your status and extend your stay, or to apply for

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citizenship when you are already legally in the country, an individual must not be reliant on, or likely to become reliant on, such welfare programs.

There are numerous exceptions in the new rule. For example, it does not apply to humanitarian-based immigration programs for refugees, asylum seekers, victims of sex-trafficking, or other special cases such as victims of qualifying criminal activity (including domestic violence). It does not apply to aliens who serve in the U.S. military or to pregnant women and aliens under the age of 21 who receive Medicaid benefits. It also will not apply to Medicaid benefits paid for emergency medical or school-based services (such as provided under the Individuals with Disabilities Education Act).

Additionally, if the DHS decides that an immigrant is not admissible because of the public charge rule, in limited circumstances, the DHS will offer the aliens the opportunity to post a public bond. The amount of the bond will vary depending on the alien's circumstances.

The new public charge rule became effective on February 24, 2020,[70] as a result of the U.S. Supreme Court staying (lifting) nationwide injunctions that had been issued by various federal courts preventing implementation of the rule. The stay will remain in effect while the cases are being litigated in the lower courts and any adverse decisions are appealed by the Trump Administration.[71]

Birthright Citizenship

One action not yet taken by the Trump Administration is ending the federal government's recognition of "birthright citizenship"—the mistaken believe that the Fourteenth Amendment requires that citizenship be granted to anyone born in the U.S. *even if their parents are aliens who are here illegally or legally present on visas as temporary visitors or tourists.* President Donald Trump said in an interview in October of 2018 and again in August of 2019 that he was considering ending birthright citizenship through an executive order or other action. To date, however, the Administration has not taken any steps to end this misinterpretation of the law.[72]

Those who believe that the Fourteenth Amendment requires universal birthright citizenship are ignoring the text and legislative history of the amendment, which was ratified in 1868 to extend citizenship to freed slaves and their children.[73] The Fourteenth Amendment does not say that all persons born in the U.S. are citizens. It says that "[a]ll persons born or naturalized in the United States *and subject to the jurisdiction thereof*" are citizens.[74] That second, critical, conditional phrase is conveniently ignored or misinterpreted by advocates of "birthright" citizenship.

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Critics of the President's possible action erroneously claim that anyone present in the United States has "subjected" himself "to the jurisdiction" of the United States, which would extend citizenship to the children of tourists, diplomats, and illegal aliens alike.

But that is not what that qualifying phrase means. Its original meaning refers to the political allegiance of an individual and the jurisdiction that a foreign government has over that individual. The fact that a tourist or illegal alien is subject to our laws and our courts if they violate our laws means they are subject to the territorial jurisdiction of the U.S. and can be prosecuted.—but it does not place them within the political "jurisdiction" of the United States as that phrase was defined by the framers of the Fourteenth Amendment.

The amendment was intended to give citizenship *only* to those who owed their allegiance to the United States and were, therefore, subject to its complete jurisdiction. Senator Lyman Trumbull (IL), a key figure in the adoption of the 14th Amendment, said that "subject to the jurisdiction" meant not owing allegiance to any other country.

Modern theorists do not seem to understand the distinction between partial, territorial jurisdiction, which subjects all aliens who enter the U.S. to the jurisdiction of our laws, and complete political jurisdiction, which requires allegiance to the government, too. Thus, while a German tourist could be prosecuted for violating a criminal statute while visiting our country, he could not be drafted if we had a military draft or otherwise be subjected to other requirements imposed on citizens, such as serving on a jury. If that German tourist has a baby while in the U.S., that child is a German citizen, and he owes no political allegiance to the U.S.

In the famous *Slaughter-House* cases of 1873, the Supreme Court stated that this qualifying phrase was intended to exclude "children of ministers, consuls, and citizens or subjects of foreign States born within the United States."[75] This was confirmed in 1884 in another case, *Elk vs. Wilkins*, in which citizenship was denied to an American Indian because he "owed immediate allegiance to" his tribe and not the United States.[76]

American Indians and their children did not become citizens until Congress passed the Indian Citizenship Act of 1924. There would have been no need to pass such legislation if the Fourteenth Amendment extended citizenship to every person born in America, no matter what the circumstances of their birth, and no matter the legal status of their parents.

Most legal arguments for universal birthright citizenship point to the Supreme Court's 1898 decision in *U.S. v. Wong Kim Ark*.[77] But that decision only stands for the very narrow proposition that children born of

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lawful, permanent residents are U.S. citizens. It says nothing about the children of illegal aliens or of tourists, students, and other aliens only temporarily present in this country being automatically considered U.S. citizens. Those children are considered citizens of the native countries of their parents, just like children born abroad to American parents are considered U.S. citizens.

Federal immigration law simply repeats the language of the amendment, including the phrase "subject to the jurisdiction thereof."[78] The federal government, starting with the Franklin Roosevelt Administration,[79] has erroneously interpreted that statute to provide passports and other benefits to anyone born in the United States, regardless of whether their parents were here illegally and regardless of whether the applicant met the requirement of being "subject to the jurisdiction" of the U.S.

Thus, the President has the authority to direct federal agencies to act in accordance with the original meaning of the Fourteenth Amendment and to issue passports and other government documents and benefits *only* to those individuals whose status as U.S. citizens meets this requirement.

Universal birthright citizenship acts as an incentive for illegal immigration, raises serious national security concerns, and imposes significant economic burdens on taxpayers.[80] The majority of nations around the world do not recognize birthright citizenship, and the U.S. does so based not upon the requirements of federal law or the Constitution, but upon an erroneous executive interpretation of the Constitution. That should be changed.

Deferred Action for Childhood Arrivals

In June 2012, President Barack Obama—without legal authority under any immigration statute or the approval of Congress—directed the Department of Homeland Security to establish the Deferred Action for Childhood Arrivals (DACA) program. Five years later, Attorney General Jeff Sessions said, when he announced the six-month wind down of the program on September 5, 2017, it was "an unconstitutional exercise of authority by the Executive Branch."[81] He was right.[82]

DACA provided a temporary promise—deferred action—that the DHS would not deport illegal aliens who arrived in the U.S. before their sixteenth birthday, had resided continuously in the U.S. since June 15, 2007, and were under the age of 31 as of June 2012. This administrative amnesty was for two years, although it could be renewed. It also provided government benefits such as work authorizations. The DACA program covered a staggering 700,000 illegal aliens.[83]

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The Obama Administration tried to expand the program in 2014 by adjusting the original entry date back to January 1, 2010, and removing the age maximum of 31. At the same time, the Administration tried to establish a new, similar administrative amnesty, the Deferred Action for Parents of Americans and Lawful Permanent Residents (DAPA). DAPA would have provided the same types of benefits as DACA for illegal aliens who were the parents of minors who were U.S. citizens or lawful permanent residents.

However, Texas and 25 other states sued to stop DAPA and the expansion of the DACA and obtained a nationwide injunction that stopped both the implementation of the DAPA program and the DACA expansion.[84] As the Fifth Circuit Court of Appeals said, federal immigration law establishes an "intricate system of immigration classifications and employment eligibility" and "does not grant the Secretary [of Homeland Security] discretion to grant deferred action and lawful presence on a class-wide basis to 4.3 million otherwise removable aliens."[85] The court also noted that Congress had repeatedly declined to enact legislation "closely resembl[ing] DACA and DAPA."[86]

After the Trump Administration announced that it was ending DACA, numerous lawsuits were filed and the plaintiffs were successful in obtaining preliminary nationwide injunctions keeping the program in place.[87] The Trump Administration filed interlocutory appeals and that consolidated litigation ended up before the U.S. Supreme Court.[88]

The Solicitor General, on behalf of the United States, argued that the rescission of DACA was not reviewable by the courts under the Administrative Procedure Act (APA), which governs rulemaking by federal agencies, because decisions on whether to enforce federal law—here, federal immigration law—is committed to agency discretion.[89] In any event, the government argued that the rescission was lawful because it was beyond the authority of the executive branch to decline on this scale to enforce a law adopted by Congress, and the DHS could not impose such a general amnesty with government benefits without "express statutory authorization."[90]

As the government summarized:

> These cases concern the Executive Branch's authority to revoke a discretionary policy of nonenforcement that is sanctioning an ongoing violation of federal immigration law by nearly 700,000 aliens. At best, DACA is legally questionable; at worst, it is illegal. Either way, DACA is similar to, if not materially indistinguishable from, the policies—including an expansion of DACA itself—that the Fifth Circuit previously held were contrary to federal immigration law in a decision that this Court affirmed by an equally divided vote. In the face of

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those decisions, DHS reasonably determined—based on both legal concerns and enforcement priorities—that it no longer wished to retain DACA.[91]

On June 18, 2020, however, in a legally unsound decision, a five-justice majority held that the DHS's decision to end the program was "arbitrary and capricious" under the Administrative Procedure Act because the DHS did not give "adequate" reasons for its actions. Spirited dissents were filed, including by Justices Samuel Alito and Clarence Thomas, disagreeing that any further justification needed to be provided by the DHS. Alito said that DACA was "unlawful from the start, and that alone is sufficient to justify its termination." Thomas wrote that this litigation "could—and should—have ended with a determination that [former Attorney General Jeff Sessions's] legal conclusion [that DACA was unconstitutional] was correct." The Court remanded the case to the lower courts to give DHS an opportunity to further explain its reasons for terminating the program.[92]

The Trump Administration's decision to end DACA was the correct decision since President Obama did not have the constitutional or statutory authority to implement a general amnesty program or to provide government benefits to illegal aliens. Providing such an amnesty simply attracts even more illegal immigration—and does not solve the myriad enforcement problems we have along our borders and in the interior of the country.

Moreover, we should not be rewarding law breaking, incentivizing criminal behavior, or providing benefits and preferential treatment to illegal aliens ahead of legal immigrants who have followed the rules to come to the United States and become citizens.

Travel Restrictions

In 2017, President Donald Trump issued a series of executive orders and a proclamation[93] seeking to improve vetting procedures for aliens travelling to the U.S., and to identify shortcomings in the information needed to assess the national security threats posed by those aliens. After an extensive and in-depth review of all threats posed by individuals from foreign countries by the DHS and the State Department, the President restricted entry from eight countries—Chad (later removed from the list), Iran, Iraq, Libya, North Korea, Syria, Venezuela, and Yemen—that were state sponsors of terrorism, provided safe havens for terrorists, or provided insufficient information to U.S. authorities, although there were exemptions for permanent resident aliens and case-by-case waivers under certain circumstances for alien travelers (such as undue hardship).

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The President acted pursuant to 8 U.S.C. § 1182(f), which gives him the authority to "suspend the entry of all aliens or any class of aliens...or impose on the entry of aliens any restrictions he may deem to be appropriate" when he determines that their entry "would be detrimental to the interests of the United States." The proclamation provides that the DHS will assess, on a continuing basis, whether those entry restrictions should be modified and report to the President every 180 days.[94]

Numerous nationwide injunctions were issued by lower federal courts against the proclamation and executive orders, claiming the President was acting beyond his authority or had an improper motive—a supposed "bias" against Muslims. However, in 2018, the U.S. Supreme Court dissolved those injunctions, holding that the President had lawfully exercised the broad discretion granted to him under § 1182(f) to suspend the entry of aliens into the country.[95]

Chief Justice John Roberts, writing for the majority, stated that through the "comprehensive evaluation of every single country's compliance with the information and risk assessment baseline" established by the DHS to determine the "deficiencies in the practices" of foreign governments, the President "undoubtedly fulfilled" the requirement in the statute that he determine if the entry of covered aliens would be "detrimental" to the interests of the country and our national security.[96] Furthermore, Roberts continued, the plaintiffs' demand that the courts inquire "into the persuasiveness of the President's justifications" was "inconsistent with the broad statutory text and the deference traditionally accorded the President in this sphere."[97]

These entry restrictions remain in place. Based on the recommendation of DHS Acting Secretary Chad Wolf, on January 31, 2020, the President imposed restrictions on the entry of aliens from six additional countries that "failed to meet a series of security criteria": Burma, Eritrea, Kyrgyzstan, Nigeria, Sudan, and Tanzania.[98]

Beginning January 31, 2020, President Trump issued a new series of presidential proclamations suspending the entry of aliens from countries posing a risk of transmitting COVID-19 or coronavirus because of the threat to "the security of our transportation system and infrastructure and the national security."[99] The initial proclamation applied to China, where the virus originated, except for travelers from Hong Kong and Macau. Iran was added on February 29; 26 countries in Europe were added on March 11; and the United Kingdom and Ireland were added on March 14.[100]

These proclamations apply to aliens who were "physically present" in the affected countries "during the 14-day period preceding their entry or attempted entry into the United States" and do not apply to U.S. citizens.

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The U.S. also reached an agreement with Mexico and Canada to limit non-essential travel across their borders.[101]

All of these proclamations cite the President's authority to suspend the entry of aliens under the same immigration provision, 8 U.S.C. § 1182(f), that the Supreme Court upheld in *Trump v. Hawaii*. Under the Public Health Service Act of 1944, the President is also given extensive authority to quarantine or suspend the entry of aliens into the country "to prevent the introduction, transmission, or spread of communicable diseases from foreign countries into the States."[102] No legal actions have yet been filed to try to stop these entry restrictions.

Sanctuary Jurisdictions

Sanctuary jurisdictions are cities, counties, and states that refuse to cooperate with federal enforcement of immigration laws and, in some cases, actually attempt to *obstruct* federal enforcement.

Federal immigration law provides that state and local jurisdictions "may not prohibit, or in any way restrict, any government entity or official from sending to, or receiving from, [federal immigration officers] information regarding the citizenship or immigration status, lawful or unlawful, of any individual."[103] In other words, local jurisdictions cannot forbid their law enforcement officials, such as county sheriffs, from sending notice to the DHS that an illegal alien has been arrested or detained, or requesting information about the immigration status of an individual arrested for a local crime.

After this provision was passed in 1996, the City of New York sued, claiming that it violated the Tenth Amendment since it attempted to force the city to enforce federal immigration law. However, the Second Circuit Court of Appeals held that the statute did not violate the Constitution because the federal government was not forcing "state and local governments to enact or administer any federal regulatory program. Nor has it affirmatively conscripted states, localities, or their employees into the federal government's service." Instead, Congress was only prohibiting local governments from "directly restricting the voluntary exchange of immigration information with the INS [Immigration and Naturalization Service]." Any other holding would allow "states and localities to engage in passive resistance that frustrates federal programs," which is exactly what has happened with the sanctuary movement.[104]

In addition to prohibiting notifying the federal government of the arrest of illegal aliens, many sanctuary jurisdictions refuse to honor detainer warrants issued by the DHS asking local law enforcement officials to notify DHS

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as early as possible (at least 48 hours) before they release a deportable illegal alien so the alien can be picked up by immigration agents.[105] Instead, these sanctuary jurisdictions release these convicted criminals to enable them to avoid deportation and removal from the country.

Thus, sanctuary jurisdictions create sanctuaries for criminals—endangering the residents of their communities. The DHS has been issuing shocking reports, at the direction of the President, on the numerous, serious crimes committed by such aliens after sanctuary jurisdictions ignored detainer warrants and released them back into local communities.[106]

Sometimes, these actions step over the line from noncooperation to active obstruction. In 2019, a federal grand jury indicted a state court judge and her bailiff in Massachusetts for obstruction of justice for helping an illegal alien charged with a local crime slip out the back door of the courtroom to avoid handing him over to an immigration agent with a valid detainer warrant the judge knew was waiting to take custody of the alien.[107]

In order to stop "the immeasurable harm" caused by sanctuary jurisdictions, President Trump issued an executive order on January 25, 2017, directing the Attorney General and the Secretary of Homeland Security to "ensure that jurisdictions that willfully refuse to comply with 8 U.S.C. §1373 (sanctuary jurisdictions) are not eligible to receive Federal grants."[108] The word "grants" and the specific inclusion of the Attorney General and the Secretary meant that the President was referring to the type of discretionary grant programs administered by the DOJ and DHS that local jurisdictions must apply for, not federal entitlement programs and funds such as Medicaid or the Highway Trust Fund or any other executive department.

On May 22, 2017, Attorney General Jeff Sessions issued a memorandum implementing the President's executive order.[109] Sessions instructed all the "grant-making components" within the DOJ to cut off any grants to sanctuary jurisdictions. The memorandum outlined that any city or county applying for a DOJ grant "administered by the Office of Justice Programs and the Office of Community Oriented Policing Services" that requires the applicant to certify compliance with all federal laws would not be eligible for a grant if it is a sanctuary jurisdiction. A sanctuary jurisdiction was defined as any city or county that refused to comply with 8 U.S.C. § 1373, to provide advance notice of the release of criminal aliens, and to give federal immigration agents access to local jails.

The DOJ began applying this directive to the Edward Byrne Memorial Justice Assistance Grant Program, in which the department awards grants to improve state and local law enforcement operations. Almost immediately,

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litigation ensued to stop the withholding of grants to sanctuary jurisdictions, including Chicago, which challenged the legality of the directive and sought an injunction. A nationwide preliminary injunction was issued by a federal district court in Illinois that was upheld by the Seventh Circuit Court of Appeals in 2018 (although it was later limited to Illinois).[110] The injunction included preventing the government from requiring cities like Chicago that receive Byrne grants to send advance notice to federal authorities of the release date of criminal illegal aliens and to allow federal agents access to local correctional facilities to be able to interview incarcerated aliens, although it did not grant an injunction against the information-sharing requirement of Section 1373.[111]

On the other hand, the Second Circuit Court of Appeals has ruled that the DOJ can apply all three of these conditions to applicants for Byrne funds. It threw out an injunction issued by a federal district court in New York that had been granted as to all three conditions to New York, Connecticut, New Jersey, Washington, DC, Massachusetts, Virginia, Rhode Island, and New York City.[112]

The court held that the statutory language governing Byrne grants that requires applicants to certify compliance with all federal laws was broad enough to require compliance with the information-exchange requirements of Section 1373. Furthermore, the advance notice requirement was well within the statute's authorization that the attorney general can decide "what data, records and information a Byrne grant recipient must maintain and report" to the federal government. Finally, the requirement to allow federal agents' access to incarcerated criminal aliens is also within the authority of the Attorney General because the Byrne statute allows "appropriate coordination with affected agencies" and DHS is obviously an affected agency.[113]

Due to the conflicting opinions of the courts of appeal, which have not yet been resolved by the U.S. Supreme Court, the DOJ is able to enforce the conditions against sanctuary jurisdictions in some parts of the country but not others. The website at the department that gives an overview of the Byrne grant program provides up-to-date information on the status of the applicable conditions depending on a jurisdiction's geographic location.[114]

In a move similar to the withholding of grants to sanctuary jurisdictions, the DHS has suspended enrollment of New York residents in the "Trusted Traveler Programs" (such as Global Entry) administered by the DHS. In a letter to the New York Department of Motor Vehicle (DMV), Acting DHS Secretary Chad Wolf informed the state that because of its passage of a state law, the Driver's License Access and Privacy Act, that limited access

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of the DHS to Department of Motor Vehicles driver's license and vehicle registration information, the DHS no longer had the information it needs to fully vet and check the backgrounds of New York residents applying to the program.[115]

The intent of this new law was to limit the DHS's access to information about aliens who are residents of the state—since New York is one of the states that provides driver's licenses to aliens in the country illegally. But this law, as Secretary Wolf said, prohibited the DHS from obtaining "important data used in law enforcement, trade, travel, and homeland security...[to] investigate and build cases against terrorists, and criminals who commit child sexual exploitation, human trafficking, and financial crimes."[116] New York filed a lawsuit in February arguing the move was unconstitutional.[117]

All of these sanctuary policies and laws like New York's DMV law are shortsighted and unwise. They create sanctuaries for criminals and limit the ability of federal law enforcement to protect national security and the safety of the public and the nation. They give aliens who are in the country illegally *greater rights and protections than U.S. citizens*, and they obstruct enforcement of federal immigration and criminal laws.

Temporary Protected Status

Temporary Protected Status (TPS) is a humanitarian form of protection designed to permit aliens to remain temporarily in the U.S. after a natural disaster, ongoing armed conflict, or extraordinary and temporary conditions occur in their home country. Like so many aspects of U.S. immigration law, what was intended when Congress enacted the provision and what the program has become are two very different things. TPS became seemingly permanent for nationals of several countries during previous Administrations. In addition, an unauthorized practice of country re-designations developed, expanding the population of aliens eligible for the relief.

The Trump Administration has worked to return TPS to its original intent, consistent with the law. Section 244 of the INA states that the Secretary of Homeland Security may grant an alien TPS in the U.S. and shall not remove the alien during the period in which such status is in effect. It also requires the Secretary to grant the alien the prize benefit of employment authorization, along with an "employment authorized" endorsement or work permit.[118]

The Secretary of Homeland Security, after consulting with other appropriate federal agencies, is charged with designating a foreign country, or part of such country, for TPS if the Secretary finds one of three categories:

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1. An ongoing armed conflict within the country and, due to such conflict, requiring the return of aliens who are nationals of that country would pose a serious threat to their personal safety;

2. There has been an earthquake, flood, drought, epidemic, or other environmental disaster in the country, resulting in a substantial, but temporary, disruption of living conditions in the area affected; the country is temporarily unable to adequately handle the return of its nationals; and the country has officially requested designation; or

3. There exist extraordinary and temporary conditions in the country that prevent nationals of the country from returning in safety, unless the Secretary finds that permitting the aliens to remain temporarily in the U.S. is contrary to the national interest of the United States.[119]

An initial period of a country designation lasts from six to 18 months.[120] At least 60 days before the end of the designation period, the Secretary of Homeland Security, in consultation with relevant agencies, must review the country conditions and determine whether the conditions for the designation continue to exist. If the Secretary determines a country no longer meets the conditions for designation, the Secretary shall terminate the TPS designation.[121] If the Secretary determines the country conditions of the designation continue to be met, the Secretary extends the TPS designation for six, 12, or 18 months.[122]

As of January 2017, 10 countries had TPS designations:[123] El Salvador, Haiti, Honduras, Nepal, Nicaragua, Somalia, South Sudan, Sudan, Syria, and Yemen. The majority of these 10 countries had designations, extensions, and re-designations for at least 10 years.[124] The countries with the most egregious violations of the TPS "temporary" principle are Honduras and Nicaragua, which were first designated by former Attorney General Janet Reno for devastation they experienced from Hurricane Mitch in 1998.[125] These and other TPS countries have successfully lobbied past and current Administrations for extensions—showing their reliance on the benefit to boost their own economy, both in not having to receive their nationals back into their own weak economies, and more important, the remittances the TPS beneficiaries send back to their families in the home country. This was not the purpose of TPS.

Somalia has had a longer TPS designation than Honduras and Nicaragua; it was first designated in 1991.[126] While the country conditions and basis for Somalia's designation and many extensions are very different from those of Honduras and Nicaragua, the sense of "temporary" ended long ago with respect to Somalia.

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The Trump Administration sought to terminate TPS designations for countries that no longer had conditions warranting the designation. The Secretary of DHS, in consultation with the Secretary of State, decided to terminate TPS for six of the 10 countries: El Salvador, Haiti, Honduras, Nepal, Nicaragua, and Sudan.[127]

Opponents sued the DHS and the President, seeking to enjoin the USCIS from terminating the TPS status and employment authorization for the nationals with TPS from all six countries. Despite express statutory language that states that "[t]here is no judicial review of any determination of the [Secretary of Homeland Security] with respect to the designation, or termination or extension of a designation, of a foreign state," district courts not only reviewed the plaintiffs' cases, but they enjoined the USCIS from terminating TPS and employment authorization.[128] While cases await judicial decisions on the merits, the USCIS continues to provide the TPS beneficiaries from these countries with the benefit and employment authorization.[129]

The Trump Administration has extended TPS for four countries: Somalia, South Sudan, Syria, and Yemen. The Secretary of Homeland Security did not, however, "re-designate" any of the countries. Past Administrations have developed a practice of re-designating TPS for various countries. A re-designation moves the date by which a foreign national must have been physically present in the U.S. to be eligible for TPS. Because the new date is more recent, a re-designation expands the population of eligible aliens who may apply for TPS.

Problems with Re-designation. There are two issues with this past practice. First, it departs from the intent of TPS. The humanitarian temporary relief was meant to protect those who happen to be in the U.S. *when* bad conditions strike their home countries, and it would be either dangerous to return the aliens or the country is not in a condition to accept return of its nationals. By expanding the eligibility period to include aliens who came to the U.S. *after* armed conflict, a natural disaster, or extraordinary and temporary conditions occur, the protection becomes like group asylum. The difference, however, is that an alien did not have to establish an individual fear of persecution.

Second, the term "re-designation" is nowhere to be found in Section 244 of the INA. Under the TPS section of the law, only designations, extensions, and terminations are described. The past practice of re-designating countries for TPS is *not* authorized.

The Trump Administration correctly terminated TPS for countries that no longer meet the conditions for their designation. The most obvious examples of Nicaragua and Honduras—past extensions of TPS for 18 years and 19

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years, respectively, after Hurricane Mitch—were abusive and departed from the purpose of TPS. The lawsuits brought against the Administration for the terminations should be dismissed because the law affirmatively states there is to be no judicial review of the Secretary's determination.

Southwest Border Crisis

A number of designed loopholes and benefits in U.S. immigration law have both been a pull factor for mass migration to our southern border and have been exploited—converging into a perfect storm of consistent, significant increases in illegal entries along our border, with recent historic spikes in volume. To understand what the Trump Administration faced on the southwest border and why the Administration made so many immigration changes, it is important to know some of the background.

Flores, a case initially about detention standards for an unaccompanied illegal alien minor turned into a 1985 class action lawsuit that launched more than a 33-year court process, resulting in a far-more expansive policy regarding when a minor alien had to be released from detention and who would be given custody.[130] Despite a 1993 U.S. Supreme Court ruling in favor of the INS,[131] then-INS Commissioner Doris Meissner signed the *Flores* settlement agreement in 1997, making unnecessary concessions on behalf of the government.[132] Under the agreement, the government must release minor aliens "without unnecessary delay" to the minor's parents, legal guardians, other adult relatives, or other individual designated by the parent/guardian, who is in the United States.[133]

Two California Members of Congress, Senator Dianne Feinstein (D–CA) and Representative Zoe Lofgren (D–CA), attempted to codify provisions of the *Flores* agreement in the Unaccompanied Alien Child Protection Act (UACPA), which they introduced each Congress, starting in 2000.[134] The UACPA went further than even the *Flores* agreement.

It would have:

- Created a right to both a guardian ad litem and access to counsel for unaccompanied alien children (UACs);
- Expanded protections for alien minors, using the rarely used Special Immigrant Juvenile (SIJ) program; and
- Created the category of UACs in "asylum and refugee-like circumstances."[135]

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The stated intent of the bill's sponsors was to protect alien minors, but the bill lowered the bar for UACs to receive immigration benefits and services—providing easily foreseeable consequences that parents would intentionally send their children unaccompanied across the border in the hopes of gaining a family foothold in the U.S.

In 2002, a new government bureaucracy for UACs and refugees was created by the Homeland Security Act (HSA), the Office of Refugee Resettlement (ORR) in the Department of Health and Human Services (HHS), adding to the already fragmented immigration bureaucracy across federal agencies. The HSA transferred functions from the INS to the ORR, including making placement determinations for all UACs in federal custody by reason of their immigration status, implementing policies with respect to the care and placement of UACs, and ensuring qualified and independent legal counsel is timely appointed to represent the interests of each child.[136]

After several failed attempts to pass the UACPA through both chambers of Congress, former Representative Howard Berman (D–CA) folded UAC protections into the Trafficking Victims Protection Reauthorization Act of 2008 (TVPRA), which became law—and recklessly changed the course of U.S. immigration.

The law distinguishes between UACs from contiguous countries and those from elsewhere. It provides for the return of UACs to their contiguous home countries.[137] For UACs from non-contiguous countries, however, the law requires they be placed in removal proceedings, be eligible for relief from removal, provided access to counsel[138] and child advocates,[139] and expands eligibility for asylum.[140] The TVPRA also amended the SIJ section of the INA to both accelerate and ease the application process for a green card.[141]

Predictably, the number of unaccompanied alien minors coming to the U.S. subsequently ballooned, as shown in Chart 1.

Providing special privileges for aliens apprehended from non-contiguous countries resulted, predictably, in a significant jump in volume of non-contiguous country nationals at our southern border, as shown in Chart 2, particularly from El Salvador, Guatemala, and Honduras.

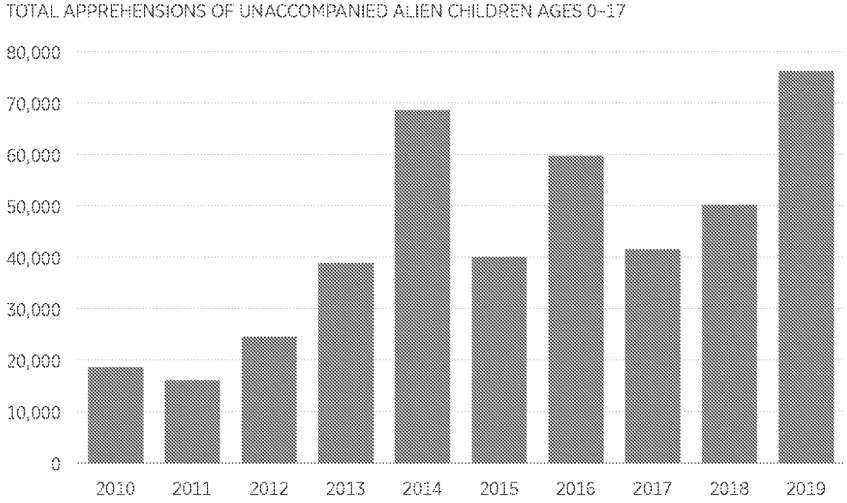
The number of SIJ applications also grew significantly for the same reason, as shown in Chart 3.[142]

The *Flores* Settlement became an even more powerful incentive for illegal immigration in 2015, when Dolly Gee, an Obama-appointed federal district judge in California, ordered the Obama Administration to release detained minors and their mothers because she found that the *Flores* detention standards were not being met in Texas. This expanded the scope of *Flores* by adding *accompanied* minors to operations that previously covered

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CHART 1

Unaccompanied Alien Children Reach Record Levels



SOURCE: U.S. Border Patrol, "Total Unaccompanied Alien Children (0–17 Years Old) Apprehensions by Month," https://www.cbp.gov/sites/default/files/assets/documents/2020-Jan/U.S.%20Border%20Patrol%20Total%20Monthly%20UAC%20Apprehensions%20by%20Sector%20%28FY%202010%20-%20FY%202019%29_0.pdf (accessed June 24, 2020).

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only unaccompanied minors.[143] It also meant that family units with a child would be ordered released from detention. Judge Gee went further, interpreting the *Flores* settlement language "without unnecessary delay" to mean no more than 20 days of detention was allowed.[144] Because removal proceedings cannot be completed within 20 days, Immigration and Customs Enforcement released UACs and family units from detention into American communities to comply with the new *Flores* order, resulting in a "catch and release" posture.

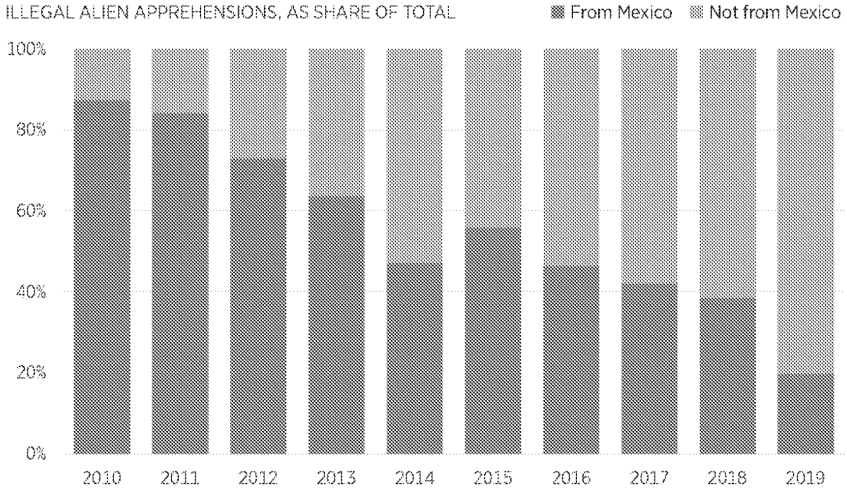
Not surprisingly, the number of family units—and *claimed* family units—coming to the southwest border soared, as shown in Chart 4.

In addition to knowing that claiming they are a family unit would lead to their likely release into the U.S., aliens know that claiming asylum at the border due to a fear of "persecution" is a way to enter and remain in the country. An asylum application also comes with a very valuable employment authorization document (EAD), which allows an alien to be employed 180 days after an asylum application is filed.[145]

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CHART 2

Most Illegal Aliens Originate from Outside Mexico



SOURCE: U.S. Border Patrol, "Total Illegal Alien Apprehensions by Fiscal Year," https://www.cbp.gov/sites/default/files/assets/documents/2020-Jan/U.S.%20Border%20Patrol%20Total%20Monthly%20Family%20Unit%20Apprehensions%20by%20Sector%20%28FY%202013%20-%20FY%202019%29_0.pdf (accessed June 24, 2020).

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Aliens have exploited the asylum process in explosive numbers over the past decade, as shown in Charts 5 and 6. Asylum applicants crossing our southern border most commonly claim a fear of persecution "on account of membership in a particular social group," associated with domestic violence,[146] or gang or criminal violence.[147]

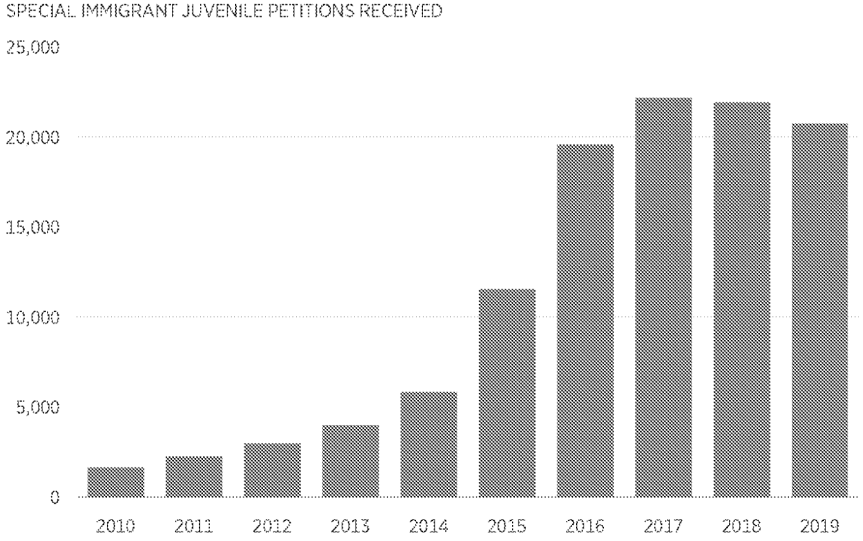
Faced with mounting, unprecedented numbers of invalid claims—a clear abuse of the asylum process—as well as fraudulent family units and other aliens taking advantage of the court's misinterpretation of the *Flores* settlement, the Trump Administration implored Congress to legislatively close these obvious loopholes.[148]

Members of Congress, however, have been either incapable or uninterested in passing such immigration legislation. As such, the Trump Administration made several changes via regulatory, policy, and operational means with the goal of returning immigration benefits to their original intent and decreasing fraud.

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CHART 3

Immigrant Juvenile Petitions Surge



SOURCE: U.S. Citizenship and Immigration Services, "Number of I-360 Petitions for Special Immigrant with a Classification of Special Immigrant Juvenile (SIJ) by Fiscal Year, Quarter and Case Status Fiscal Year 2010–2019," https://www.uscis.gov/sites/default/files/USCIS/Resources/Reports%20and%20Studies/Immigration%20Forms%20Data/Adjustment%20of%20Status/I360_sij_performancedata_fy2019_qtr4.pdf (accessed June 24, 2020).

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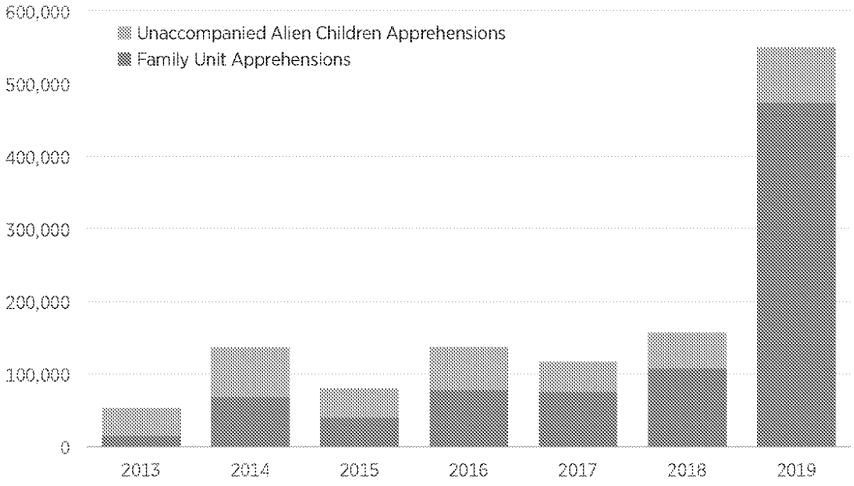
Zero Tolerance. To address the rising numbers of family units apprehended at the border and to increase the consequences for dangerous illegal crossings,[149] President Trump issued a memorandum on April 6, 2018, directing cabinet departments to apply all resources and tools to end the practice of "catch and release."[150] The same day, then–Attorney General Jeff Sessions issued a memo directing each United States Attorney's Office along the Southwest Border to immediately adopt a zero-tolerance policy for all immigration offenses referred for prosecution.[151]

By detaining and prosecuting a parent from a family unit for illegal entry, the minors in the family unit had to be referred to HHS. Opponents of these criminal prosecutions berated the Administration and labeled the policy as intentional "family separation."[152] Then–DHS Secretary Kirstjen Nielsen explained that when American parents are prosecuted and detained for a crime, their child does not go to jail with them. So, too, are alien children separated from their parents when those parents are prosecuted for a crime,

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CHART 4

Family Apprehensions Spike at Southwest Border



NOTE: A Family Unit represents the total number of individuals (either a child under 18 years old, parent, or legal guardian) apprehended with a family member by the U.S. Border Patrol.

SOURCES:

- U.S. Border Patrol, "Total Family Unit Apprehensions By Month," https://www.cbp.gov/sites/default/files/assets/documents/2020-Jan/U.S.%20Border%20Patrol%20Total%20Monthly%20Family%20Unit%20Apprehensions%20by%20Sector%20%28FY%202013%20-%20FY%202019%29_1.pdf (accessed June 24, 2020).
- U.S. Border Patrol, "Total Unaccompanied Alien Children (0–17 Years Old) Apprehensions by Month," https://www.cbp.gov/sites/default/files/assets/documents/2020-Jan/U.S.%20Border%20Patrol%20Total%20Monthly%20UAC%20Apprehensions%20by%20Sector%20%28FY%202010%20-%20 FY%202019%29_0.pdf (accessed June 24, 2020).

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she explained.[153] Nevertheless, President Trump signed another executive order two months later, ending family separation in favor of family detention during criminal prosecution or immigration proceedings.[154]

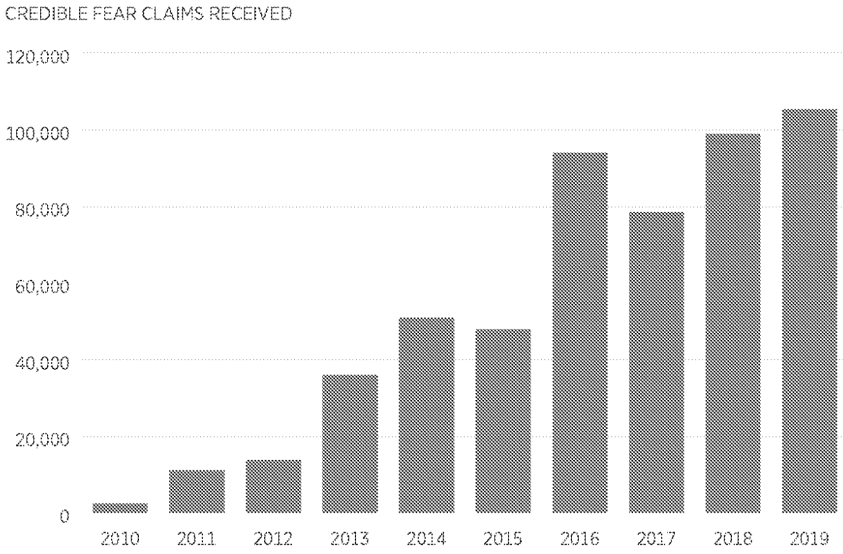
Last In, First Out. To curb the rapid growth of the affirmative asylum backlog, the USCIS announced in January 2018 that it was returning to a Last In, First Out (LIFO) approach.[155] At that point, the agency faced "a crisis-level backlog" of 311,000 pending asylum cases, an increase of *more than 1,750 percent* in five years, and the rate of new asylum applications had more than tripled.[156] This volume made the asylum system almost unmanageable and increasingly vulnerable to fraud and abuse.[157]

Aliens looking to game the system knew that, with the overwhelming backlog, if they filed an asylum application, it would not be processed within 180 days,

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CHART 5

Credible Fear Claims Have Risen Steadily



SOURCE: U.S. Citizenship and Immigration Services, "Immigration and Citizenship Data," https://www.uscis.gov/tools/reports-studies/immigration-forms-data?topic_id=All&field_native_doc_issue_date_value%5Bvalue%5D%5Bmonth%5D=&field_native_doc_issue_date_value_1%5Bvalue%5D%5Byear%5D=&combined=credible%20fear%20fiscal%20year&items_per_page=10 (accessed June 24, 2020).

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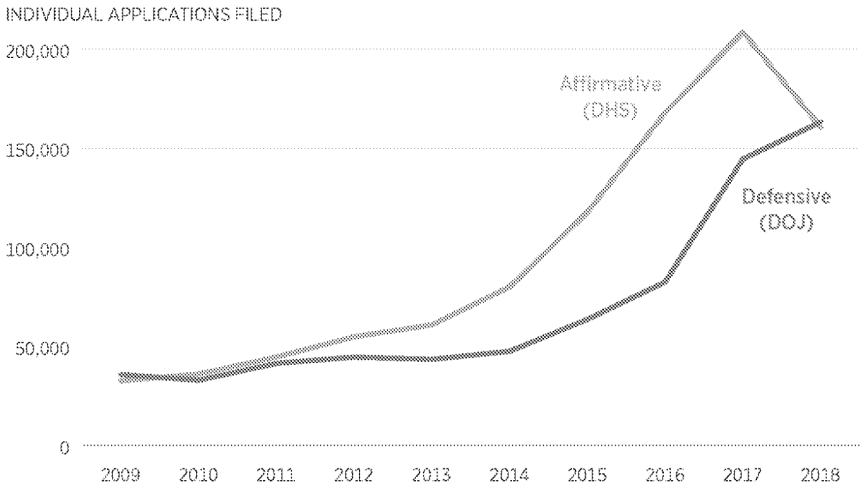
thereby garnering them a work authorization card.[158] Returning to a LIFO approach meant the USCIS would schedule interview appointments for newer cases ahead of older cases. This would prevent the newer cases from hitting the 180-day mark, which would act as a deterrent to fraudulent asylum filings. By August 2018, the USCIS saw a 30 percent decrease in new asylum applications.[159]

Matter of A-B-. In June 2018, the DOJ confronted the run-away volume of asylum claims. It addressed the expansion of asylum claims to include victims of domestic violence in an alien's home country. In a 2014 asylum appeal, *Matter of A-R-C-G-*, the BIA found the respondent, a victim of domestic abuse in Guatemala, to be a member of a particular social group subject to persecution "composed of married women in Guatemala who are unable to leave their relationship."[160] Domestic violence is a common claim of persecution in asylum applications by Central Americans,[161] but with this BIA precedent decision, asylum applicants were given a more likely chance at having their application granted.

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CHART 6

Asylum Applications Have Increased



SOURCE: U.S. Department of State, "Report to Congress on Proposed Refugee Admissions for FY 2020," https://www.state.gov/reports/report-to-congress-on-proposed-refugee-admissions-for-fy-2020/ (accessed June 24, 2020).

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Attorney General Jeff Sessions directed the BIA to refer the 2014 case to him for his review. He sought briefing from the parties and any interested *amici* on whether, and under what circumstances, being a victim of private criminal activity constitutes a cognizable "particular social group" for purposes of an application for asylum.[162] In *Matter of A-B-*, the Attorney General overruled *Matter of A-R-C-G-*, holding that the BIA wrongly decided the case and should not have issued it as a precedential decision.[163]

Of note, the Attorney General held that the mere fact that a country may have problems effectively policing certain crimes or that certain populations are more likely to be victims of crime cannot of itself establish an asylum claim.[164] Regarding membership in a particular social group, the Attorney General ruled that to be cognizable, a particular social group must exist independently of the harm asserted in an application for asylum.[165]

Opponents of *Matter of A-B-* successfully sought an injunction to prevent application of the USCIS's *Matter of A-B-* guidance in Credible Fear interviews.[166]

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Matter of L-E-A-. In July 2019, Attorney General William Barr issued a decision on whether a family forms the basis of a cognizable social group under the asylum statute. The alien in that case claimed that he was persecuted by a criminal gang on account of his father's family, which owned a store targeted by a local drug cartel.[167]

The Attorney General held that the BIA improperly recognized the alien's family as a "particular social group" for purposes of qualifying for asylum. "The fact that a criminal group—such as a drug cartel, gang, or guerrilla force—targets a group of people does not, standing alone, transform those people into a particular social group," the Attorney General stated.[168] He cited *Matter of S-E-G-*, in which the BIA concluded that respondents who feared harm from their refusal to join MS-13 were not a particular social group; they were "not in a substantially different situation from anyone [else] who has crossed the gang, or who is perceived to be a threat to the gang's interests."[169]

Opponents of Matter of L-E-A- filed suit against the DOJ and DHS, challenging implementation of the Attorney General's decision in the U.S. District Court for the District of Columbia.[170] The case is pending.

Border Patrol Credible-Fear Pilot. One incentive for illegal immigration across our southern border has been the high rate of "credible fear" findings by USCIS officers. Aliens know that, when apprehended by the Border Patrol, if they claim they fear returning to their home country, they will likely be permitted into the U.S. to file an asylum application.[171] The large gap between the USCIS findings of credible fear and subsequent asylum application grants by DOJ immigration judges has been a point of contention during the Trump Administration. Of the more than 94,000 credible-fear interviews conducted in FY 2019, credible fear was found in *79 percent* of the cases.[172] Over the past 12 years, however, after more complete hearings, immigration judges have only granted asylum in 11 percent to 37 percent of the cases, depending on the year.[173]

To inject a different group of adjudicators (with more front-line experience) into the credible-fear interview process, the DHS ran a pilot program with Border Patrol agents supplementing USCIS asylum officers in conducting credible-fear interviews at the border.[174] USCIS asylum staff trained small groups of Border Patrol agents and a USCIS supervisor to review the Border Patrol agents' decisions.[175] Opponents of this pilot program have sued the DHS under the Freedom of Information Act to compel the department to release records about the program.[176] The case is pending.

Safe Third Country. A number of exceptions to asylum eligibility exist in U.S. law that have infrequently been applied in the past. One is the concept

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of a safe third country. Section 208(a)(2)(A) of the INA states that an alien shall not be eligible for asylum in the U.S. if the Secretary of Homeland Security determines the alien may be removed, pursuant to a bilateral or multilateral agreement, to a country (other than the alien's home country) where the alien would not face persecution and would have access to a full and fair asylum procedure or equivalent temporary protection.[177]

Because aliens travel through other countries before applying for asylum in their destination country, the natural question is why did they not seek protection in the first safe country they entered? Asylum is about *safety*, not a preferred destination. With the caravans of aliens departing Central America and traveling through multiple countries, including Mexico, on their way to the U.S., the Trump Administration decided to apply the safe third country rule.

In July 2019, the DOJ and the DHS published a joint interim final rule to provide that, with limited exceptions, an alien who enters or attempts to enter the U.S. across the southern border after failing to apply for protection in a third country through which the alien transited that is outside the alien's country of citizenship, nationality, or last lawful habitual residence, is ineligible for asylum.[178] The Safe Third Country rule was written to also require asylum officers and immigration judges to apply this new bar on asylum eligibility when administering the credible-fear screening process.[179]

Predictably, opponents of the safe third country rule immediately sued the Administration, seeking an injunction against its implementation.[180] Two federal district court judges handed down opposite rulings. Washington, DC, Judge Timothy J. Kelly let the rule stand, stating, "[T]he plaintiffs before me here are not asylum seekers" and therefore, did not sufficiently support their claim that they would be irreparably harmed.[181]

California Judge Jon Tigar, however, imposed a nationwide injunction against the Administration's use of its new rule.[182] The Ninth Circuit Court of Appeals upheld the injunction as it applied to jurisdictions within the Ninth Circuit, but overturned the nationwide injunction.[183] After Judge Tigar granted a second nationwide injunction,[184] the U.S. Supreme Court granted the government's application to stay that injunction, pending disposition of the case on the merits.[185]

Internal Relocation. A second rarely used aspect of asylum law is internal relocation. The question is whether, despite an alien's fear of persecution, the alien could be safely relocated to another area of the alien's home country?[186] As discussed above, high among the asylum claims from the Northern Triangle countries have been claims of private violence. The State Department country reports indicated that such violence is *not* prevalent

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throughout the Northern Triangle countries.[187] Because asylum officers were rarely finding that asylum applicants could internally relocate, the acting USCIS director issued guidance to asylum officers, reminding them to consider internal relocation while adjudicating asylum applications.[188] This is common sense for most claims of fear of criminal violence, including domestic abuse.

Limiting Extra Asylum Process for UACs. In May 2019, the USCIS issued a memo to asylum officers regarding UACs seeking asylum under TVPRA procedures.[189] The memo reversed a 2013 policy,[190] which had permitted the USCIS to rely on a prior UAC determination made by ICE or Customs and Border Protection (CBP) in order to assert initial jurisdiction over UAC asylum applications. The new policy requires asylum officers to resume making the determination whether a UAC continued to meet the statutory definition of a UAC on the date of filing for asylum.[191]

Asylum applicants who submitted their filing after turning 18 or after reunifying with a parent or legal guardian could be rejected for consideration by the USCIS, and instead have their asylum application referred to an immigration judge for initial jurisdiction, similar to adult asylum applicants who had been encountered by CBP or ICE.[192] The policy change also meant that the former UACs would have to file their asylum application within one year of arriving in the U.S., just as non-UACs do.[193]

Opponents of the policy change filed a class-action lawsuit against the DHS, seeking an injunction. A federal district court in Maryland enjoined the USCIS from applying the May 2019 memo.[194] The court further ordered the USCIS to retract any adverse decisions already rendered in cases in which the 2019 UAC memorandum had been applied, and to re-evaluate those cases applying the May 28, 2013, UAC memorandum.[195] In accordance with the court's order, the USCIS is reviewing all asylum applications in which the USCIS determined that it did not have jurisdiction under the 2019 UAC memorandum.[196]

New Credible-Fear Lesson Plan. The USCIS also revised its lesson plan for asylum officers in April 2019 to address the high percentage of credible-fear findings.[197] The new language emphasizes country conditions, internal relocation, and clarifies standards to be used.[198]

Opponents sued DHS and DOJ officials, requesting that the USCIS be enjoined from using the new lesson plan.[199] The federal district court in the District of Columbia ordered that the case be stayed, pending the D.C. Circuit Court of Appeal's decision in *Grace v. Whitaker*, regarding the USCIS' *Matter of A-B-* asylum officer guidance, because the credible-fear lesson plan case contains substantially similar questions of law as those in *Grace*.[200]

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Proposed USCIS Asylum Fee. The USCIS examines its immigration application fees in biannual fee studies and periodically changes its fees using a proposed rulemaking and comment period to ensure recovery of the full cost of adjudicating applications and petitions.[201] The USCIS has not previously charged a fee for asylum applications.[202] Rather, the cost of adjudicating such applications is subsidized in other benefit application fees.[203] Credible-fear asylum adjudications are also exempt from a fee.[204] These are but two of several immigration benefits that have fee waivers or exemptions. In its 2019/2020 fee study, the USCIS estimated it would lose *$1.49 billion* in forgone revenue from fee waivers and fee exemptions if it did not change its waiver policy.[205]

The sheer volume and backlog of asylum applications led the USCIS to propose, for the first time, a $50 fee for asylum applications filed with the USCIS.[206] It estimated that the cost of adjudicating Form I-589 is approximately $366.[207] The agency, however, determined that a $50 fee would alleviate the pressure on the immigration benefit system, mitigate the proposed fee increase of other immigration benefit requests, was in line with U.S. international treaty obligations under the 1951 U.N. Convention Relating to the Status of Refugees and the 1967 U.N. Protocol Relating to the Status of Refugees, and was in line with other countries' asylum fees as well.[208]

While it is significant that the USCIS is proposing to charge an asylum application fee for the first time, the $50 fee is inadequate, given the actual adjudication cost, the high volume of applications, and the exemptions for related applications such as credible-fear and UAC asylum applications. The USCIS should consider increasing the asylum fee in future fee studies or provide an explanation for why other applicants should be subsidizing these claims—particularly those claims that are determined to be fraudulent or invalid.

Asylum-Related Work Authorization Changes. As explained above, obtaining work authorization (an EAD) is a very valuable benefit associated with filing asylum applications—and is a common motive behind fraudulent asylum applications. The Trump Administration has made and proposed a number of EAD reforms to prevent asylum abuse.

The USCIS published a final rule in June 2020 that governs asylum applications, interviews, and eligibility for employment authorization based on a pending asylum application.[209] The rule makes several changes, including:

- Extending the waiting period from 180 days to 365 days before an asylum applicant can apply for and receive an EAD;

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- Barring employment authorization for aliens who, absent good cause, entered or attempted to enter the U.S. unlawfully;

- Excluding aliens who fail to file for asylum within one year of their last entry, unless and until an asylum officer or immigration judge determines that an exception to the statutory one-year filing requirement applies;[210]

- Excluding aliens whose asylum applications have been denied by an asylum officer or an immigration judge during the 365-day waiting period or before the request for initial employment authorization has been adjudicated;

- Excluding aliens who have been convicted of: (1) any aggravated felony; (2) a particularly serious crime; or (3) a serious non-political crime outside the U.S.;

- Revising when employment authorization terminates, based on when an asylum application or appeal is denied;

- Denying employment authorization for delays caused by the asylum seeker if not resolved by the date the application for employment authorization is filed;

- Clarifying that the time period of employment authorization is discretionary and proposing that any EAD, whether initial or renewal, will not exceed two-year increments; and

- Limiting eligibility for aliens paroled into the country after establishing a credible fear or reasonable fear of persecution or torture.[211]

The DHS has additional EAD rules in the pipeline, according to the Office of Management and Budget's Unified Agenda of Regulatory Actions. One such rule would "strengthen DHS's ability to effectively administer its parole and employment authorization authorities in support of DHS's statutory obligation to ensure the prompt removal of inadmissible or deportable aliens from the United States, in keeping with current immigration enforcement priorities."[212]

Another unpublished DHS rule listed in the Unified Agenda would "eliminate eligibility for employment authorization for certain aliens who have

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final orders of removal but are temporarily released from custody on an order of supervision with limited exceptions."[213]

Congress Will Not Fix What It Broke. Members of Congress and activist judges have sown the seeds of a chaotic and dangerous southwest border with reckless legislation for unaccompanied alien children and overreaching court orders that misinterpret the law and gut detention authority of immigration officials. This combination has resulted in a historic volume of illegal immigration across our border, leading the President to declare a national emergency.[214] Not only was Congress unwilling to close the very immigration loopholes it created, but many Members of Congress long *denied* there was any crisis at the border that needed to be addressed.[215]

The Trump Administration understandably made necessary immigration changes through regulatory, policy, and operational means. Unfortunately, opponents have sought to enjoin nearly every change the Administration has made—with the intention of delaying those changes and frustrating the process through years of litigation. The Administration has had mixed success in having the preliminary injunctions lifted while the cases are pending final decisions.

Migrant Protection Protocols. One of the problems with a "catch-and-release" immigration policy is that it encourages aliens to claim asylum when they are caught to avoid being sent back across the border, even when those claims are invalid, since it allows them to stay here while their claims are being evaluated. To compound matters, many aliens do not even show up for their hearings, but instead disappear into the vast expanse of the country.

Bogus asylum claims are common. In fact, the DOJ reports that in 2017, 2018, 2019, and the first quarter of 2020, only about *20 percent* of asylum claims were found to be valid.[216] All of these invalid asylum claims slowed down the processing and review of legitimate asylum claims of those fleeing true persecution in their native countries.

To address this problem, the Trump Administration implemented a new directive in 2019, the Migrant Protection Protocols (MPP), otherwise known as the "Remain-in-Mexico" policy.[217] The Administration acted lawfully, pursuant to the authority granted under a provision of federal law ignored by prior Administrations. In particular, 8 U.S.C. § 1225(b)(2) specifies that in the case of immigrants who arrive "on land (whether or not at a designated port of arrival) from a foreign territory contiguous to the United States," they can be returned "to that territory" while their claims for asylum are pending.[218]

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Under the MPP, "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" are returned to Mexico while their asylum claim is being evaluated.[219] The MPP contains an exemption for unaccompanied minors and aliens who "would more likely than not" be subject to persecution in Mexico on account of their race, religion, nationality, membership in a particular social group, or political opinion.[220]

The MPP was issued only after successful negotiations with Mexico, which issued a statement on December 20, 2018, authorizing—for "humanitarian reasons"—the temporary entrance of aliens who were detained in the U.S. "and have received a notice to appear before an immigration judge."[221]

The MPP has been highly successful. In the 13 months it has been in effect, 60,000 aliens seeking asylum were returned to Mexico to await disposition of their claims.[222] Despite its success—or perhaps because of its success—litigation ensued to stop the policy. A federal district court issued a preliminary injunction against the MPP, an injunction upheld by the Ninth Circuit Court of Appeals but only for the border states within the jurisdiction of the Ninth Circuit, California and Arizona (not Texas and New Mexico).[223]

However, on March 11, 2020, the U.S. Supreme Court issued an order granting an emergency request for a stay of the preliminary injunction filed by the DOJ. The stay will remain in effect until the case is appealed on the merits to the Supreme Court and there is a final disposition of the case.[224]

This is a necessary and important policy. As the DHS says, the MPP "will discourage individuals from attempting illegal entry and making false claims to stay in the U.S., and allow more resources to be dedicated to individuals who legitimately qualify for asylum."[225] And it stops smugglers and traffickers from using false asylum claims to entice "migrants to undertake the dangerous journey north where on the route migrants report high rates of abuse, violence, and sexual assault," allowing the smuggling cartels to "turn human misery into profit."[226]

DNA Testing of Family Units. One of the problems encountered by the DHS has been groups of illegal aliens caught at the southern border making false claims that they are "families" in order to exploit loopholes in federal immigration laws and unwise court decisions that allow actual families to stay in the U.S. indefinitely while awaiting protracted immigration court proceedings, avoiding detention and deportation back to their native countries.

Then–Acting DHS Secretary Kevin McAleenan reported in August 2019 that in the first nine months of FY 2019, there had been a *469 percent*

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increase in the number of "family units" apprehended along the southwest border between ports of entry over FY 2018. By June 2019, almost 400,000 family units had been caught.[227] This "influx of family units has led to CBP facilities operating at unprecedented and unstainable capacity."[228]

As Gregory Nevano, DHS Assistant Director of Investigative Programs, told a Senate committee on June 26, 2019:

> Human smugglers are currently capitalizing on the trend of fraudulent families crossing the border... The cartels and human smugglers are well versed in our inability to detain family units for the length of time necessary for their cases to be decided, in large part due to the *Flores* Settlement Agreement and judicial decisions that interpret it. By falsely claiming to be a legal family unit, migrants avoid detention and/or prosecution and are subsequently released after being processed in an expedited fashion.[229]

Almost all of these smugglers work for the dangerous and brutal Mexican drug cartels and often beat, assault, rob, and rape the individuals they are smuggling across the border.

As one would expect, many of these aliens never show up for their scheduled immigration hearings because they know they have no legal right to be in the country. They just disappear into the anonymity of the heartland after they are processed and released by the Border Patrol.

Since being part of a family is essentially a "Get-Out-of-Detention-Free" card, it should come as no surprise that a lot of fraud is apparently occurring. Nevano told the Senate committee that between mid-April and June 21, 2019, DHS teams of special agents sent to the southwest border identified 316 fake family units when they detected fraudulent documents being used by the aliens.

To prove beyond any doubt that fraud was happening, the DHS initiated a pilot DNA testing program in El Paso and McAllen, Texas, that ran from May 6 to May 10, 2019. The DHS tested 84 alleged family units (with their consent) during those four days: 16 turned out not to be related by blood. In other words, almost 20 percent of these supposed families were frauds.[230]

Nevano also related that Border Patrol agents said other "families" who were not selected for testing "voluntarily came forward and admitted they were part of a fraudulent family, as they heard/witnessed that DNA testing was being conducted."[231]

The second pilot DNA testing program identified 79 fake families out of 522 family units (15.13 percent). The DHS had identified 6,000 aliens who fraudulently claimed to be members of a family by August 2019.[232]

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In fact, DHS has evidence that aliens and human smugglers are "renting"—and even *buying*—children to get into the country. Nevano said the DHS caught a 51-year old Honduran who admitted that the infant child he initially claimed was his son was actually purchased from the birth mother for the equivalent of $84. The Honduran had been previously deported two separate times in 2006 and 2013.

The DOJ finalized a new regulation, effective April 8, 2020, requiring DNA samples from all individuals who are arrested, facing charges, or convicted in U.S. courts, including aliens who are detained by federal authorities. This removed a prior regulation that allowed the secretary of the DHS to exempt certain detained aliens from DNA sampling.[233]

The loopholes in our immigration system—which Congress refuses to fix—are being exploited in a way that is not only dangerous to our security, but also for those who want to come into our country, albeit illegally. They are, sadly, abused, exploited, and even killed by human smugglers. DNA testing on alleged family units is a necessary component of any enforcement plan to minimize fraud at the border and the human suffering caused by the cartels that are intimately involved in the smuggling of aliens across the border.

Refugees

During the last year of the Obama Administration (FY 2017), the U.S. had the highest annual ceiling (110,000) of refugee admissions in more than 20 years.[234] This was concerning, especially given the large number of refugees fleeing the armed conflict in Syria, the difficulty of vetting the backgrounds of individuals from a war-torn area, and the rapidly growing asylum application backlog.

The Trump Administration quickly paused the U.S. Refugee Admissions Program (USRAP), lowered the FY 2017 admissions ceiling, and requested a security assessment of the program. The Administration subsequently faced a crisis on the southwest border with record numbers of aliens attempting to enter the U.S. by also claiming a fear of persecution. To address the ballooning claims of credible fear made at the southwest border and the increasing asylum application backlog, the President continued to lower the annual refugee admissions ceilings to shift resources to those legitimately seeking protection at our border. He also issued an executive order in September 2019 to ensure that states and localities are consulted before refugees are resettled in their communities.[235]

Refugee Admissions Ceiling. The INA authorizes the President, after consultation with Congress, to set the number of refugees who may be

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admitted each fiscal year.[236] This number is a ceiling rather than a floor, but the number of actual admissions has historically tracked closely with the ceiling most years.

The Obama Administration justified setting the high number due to the Syrian civil war and large numbers of refugees in the Middle East and around the globe. Senior leaders in the FBI and Intelligence Community, however, had publicly stated that terrorists were infiltrating refugee populations traveling to Europe and noted there was inadequate information on Syrians, or those claiming to be from Syria, to safely vet them and detect terrorists among refugee groups.[237] Opponents of the Obama Administration's decision, including then-candidate Trump, expressed security concerns over the rush to bring in large numbers of Syrians with insufficient information.

Because the State Department's Bureau of Population, Refugees, and Migration and the USCIS typically view the annual ceiling as their admissions target, they prioritized processing refugee cases in FY 2017 to attempt to meet the ceiling.[238] The USCIS pulled asylum officers from other asylum casework to instead adjudicate refugee cases for FYs 2016 and 2017.[239] The asylum backlog grew larger as a result.

To illustrate the point, consider the following: At the end of FY 2012, the pending affirmative asylum caseload was approximately 15,000 cases;[240] by the end of January 2016, the pending affirmative asylum caseload was 133,710 cases[241]—and it reached 233,389 cases by the end of January 2017.[242] This was a direct result of Obama's policies.

When President Trump came into office, he directed a strategic pause of our refugee program operations to assess the program's security. On January 27, 2017, Trump issued Executive Order No. 13769, "Protecting the Nation from Foreign Terrorist Entry into the U.S." In it, he suspended the USRAP for 120 days, pending a review of the procedures for screening refugee applicants.[243] After 120 days, the executive order directed the Secretary of State to resume USRAP admissions only for nationals of countries for which the Secretary of State, the Secretary of Homeland Security, and the Director of National Intelligence jointly determined that such additional procedures were "adequate to ensure the security and welfare of the United States."[244]

President Trump also proclaimed in Executive Order No. 13769 that the continued admission of Syrian refugees was detrimental to U.S. interests, and suspended Syrian refugee admissions until the USRAP was reformed to ensure such admissions were consistent with the national interest.[245] He further proclaimed that the entry of more than 50,000 refugees in FY 2017 would be detrimental to the interests of the United States.[246] Because

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opponents of Executive Order No. 13769 sued to delay implementation, President Trump revoked the January order and replaced it with a similar one in March 2017.[247]

Following that executive order, the State Department, DHS, and theIntelligence Community identified additional screening methods, identification tools, and anti-fraud measures to ensure that refugee applicants did not pose a threat to the security and welfare of the United States.[248] President Trump ended the USRAP suspension via an October 24, 2017, executive order, but directed the State Department and the DHS to continue to assess and address any risks posed by refugees.[249]

One overdue anti-fraud action undertaken by the USCIS involved resettled refugees who subsequently request a Refugee Travel Document (RTD) back to the native countries that were supposedly persecuting them—raising questions about the credibility of their refugee status.[250] A person with refugee or asylum status who wishes to travel outside the U.S. needs an RTD to return to the United States.[251] A sufficient number of RTD requests were from refugees seeking to travel back to their native countries, causing the USCIS to investigate these types of requests.

If a refugee voluntarily re-avails himself of the protection of his feared country, he may lose his refugee status under the law.[252] The USCIS should consistently and broadly investigate this and other types of refugee fraud. In addition, the USCIS should report such fraud to the State Department and the United Nations High Commissioner for Refugees (UNHCR), which are both upstream in the refugee admissions process, to bring more integrity to the program.[253] Refugee status is likely the most revered immigration benefit this country confers. The U.S. should ensure that those who apply for, and those who have received, refugee status have *bona fide* claims.

As the numbers of aliens arriving at our southwest border claiming asylum rose in FYs 2018 and 2019, the Trump Administration lowered the refugee admissions ceilings each corresponding fiscal year, as well as in FY 2020. For FY 2018, the Trump Administration set the ceiling at 45,000.[254] In setting that number, the Administration stated: "[I]t is important, when considering our nation's humanitarian response[,] to consider not only refugee resettlement, but also the work being done and the challenges confronted in providing asylum to tens of thousands of refugees who are already in the United States, many of whom have first made those claims upon arrival at the border or soon after crossing into the United States."[255]

For FY 2019, the Trump Administration set the refugee admissions ceiling at 30,000.[256] For FY 2020, it was set at 18,000.[257] For both years, the Administration emphasized the growing volume of credible-fear claims

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and asylum applications, two humanitarian benefits that also involve adjudicating persecution claims.[258] In its FY 2020 report to Congress, the State Department cited the UNHCR statistic that the U.S. led the world in new asylum applications in calendar years 2017 and 2018.[259]

> These new cases simply added to the lengthy backlog of pending claims, undermining the integrity of the asylum system. They delay the grant of asylum to individuals who are legitimately fleeing persecution and have valid claims. Further, such delays are a pull factor for illegal immigration. By providing protection from removal, they create an incentive for those without lawful status to enter and remain in the United States. Asylum applicants also may obtain employment authorization after their asylum applications have been pending for six months, creating an incentive to file frivolous or fraudulent asylum applications.[260]

The Obama Administration used asylum officers to work on refugee cases because of the high resettlement ceiling. In contrast, USCIS under the Trump Administration shifted some refugee officers to work on the asylum backlog.[261]

The Trump Administration has received strong and repeated criticism for lowering the annual refugee admissions ceilings. Such critics, however, view the USRAP in isolation, rather than as one part of the humanitarian immigration equation—let alone one subpart of the U.S.'s generous overall immigration system. In addition to resettling an average of 75,000 refugees a year, the U.S. annually:

- Grants asylum to approximately 26,000 aliens;
- Provides lawful permanent resident status (green cards) to 1.1 million immigrants;
- Admits 182 million temporary visitors; and
- Naturalizes 700,000 new U.S. citizens.[262]

Critics of the current refugee admissions numbers do not discuss these other statistics or the fact that the U.S. provides, by far, the largest number of immigration benefits *in the world*.[263]

The decision of the Obama Administration to prioritize refugee admissions over asylum applications resulted in serious, negative consequences

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for the affirmative asylum case backlog. Those consequences have been compounded by record numbers of credible-fear claims at our southwest border, as well as asylum applications. It is important to note that asylum applicants must prove the same elements to establish the legitimacy of a claim of fear of persecution as refugee applicants.

The difference between the two is this: Asylum applicants are already inside the U.S.; refugee applicants are abroad. Furthermore, credible-fear claims must be considered immediately, because the aliens asserting these claims are in detention. Given these operational realities and the crisis numbers the DHS has faced at our southwest border the past few years, it makes sense that the Trump Administration prioritized domestic cases involving claims of persecution over cases involving such claims made overseas by aliens who had many other countries to which they could apply for asylum, including the entire European Union.

States and Localities. In addition to lowering the annual refugee admission ceiling year after year, President Trump placed a spotlight on the effects that U.S. refugee resettlement has on states and localities. The law requires HHS's Office of Refugee and Resettlement to consult with state and local government officials regarding refugee resettlement in the community. The purpose of the consultations is to:

> (1) ensure a refugee is not initially placed or resettled in an area highly impacted by the presence of refugees or comparable populations, unless the refugee has an immediate family member residing in that area;
> (2) provide a mechanism for regular meetings between voluntary agencies' local affiliates and representatives of State and local governments to plan and coordinate, in advance of their arrival, the appropriate placement of refugees among the various States and localities; and
> (3) take into account:
>
> (a) the proportion of refugees and comparable entrants in the population in the area;
> (b) the availability of employment opportunities, affordable housing, and public and private resources (including educational, health care, and mental health services) for refugees in the area;
> (c) the likelihood of refugees placed in the area becoming self-sufficient and free from long-term dependence on public assistance; and
> (d) the secondary migration of refugees to and from the area that is likely to occur.[264]

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In reality, those consultations occurred inconsistently, and states have complained about their limited ability to participate in resettlement planning.[265] President Trump's September 2019 executive order re-enforced the consultation requirement upon resettlement agencies.[266] In it, he stated that "[c]lose cooperation with State and local governments ensures that refugees are resettled in communities that are eager and equipped to support their successful integration into American society and the labor force."[267] He further required express communication by a state or locality with HHS and the State Department, indicating its consent to resettle refugees prior to the placement of refugees in that jurisdiction.[268]

Most states consented to resettlements in writing.[269] Texas Governor Greg Abbott (R), however, announced that the State of Texas would opt out of resettling refugees for FY 2020.[270] Texas has consistently resettled one of the largest groups of refugees each year.[271] In addition, Texas has been on the front line of the southwest border crisis. In his letter to U.S. Secretary of State Mike Pompeo, Governor Abbott voiced his position, writing that Texas had already been forced to "deal with disproportionate migration issues" due to federal inaction to fix a broken immigration system.[272] He added that "state and nonprofit organizations have a responsibility to dedicate available resources to those who are already here, including refugees, migrants, and the homeless—indeed, all Texans."[273]

The State Department sought to make its grant funding to resettlement agencies contingent upon the executive order's required consent by states. Predictably, however, refugee resettlement agencies sued the Administration and were granted a preliminary injunction against implementation of the executive order and the State Department's funding contingency.[274] Given the clear statutory requirement that states and localities be consulted prior to resettlement, the DOJ decided to appeal the issue, and that appeal is pending before the Fourth Circuit Court of Appeals.[275]

The refugee statutes grant the President broad authority to set the yearly refugee admissions ceilings. At the same time, the law upholds states' interest in their willingness and ability to resettle and assimilate refugee populations within their jurisdictions. President Trump has managed to take the middle ground between federal and states' rights. Faced with historic asylum application numbers due to the southwest border crisis, he has reasonably prioritized adjudicating asylum claims made at our front door over those made overseas. The Administration has also given the states a stronger voice in whether and where refugees resettle within their jurisdictions.

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Parole Programs

Under the heading of "Temporary Admission of Nonimmigrants," the INA provides that the Secretary of Homeland Security may, in his discretion, *temporarily* parole into the United States any alien applying for admission under such conditions as the Secretary may prescribe, and *only on a case-by-case basis for urgent humanitarian reasons or significant public benefit.*[276] Such a parole shall not be regarded as an admission of the alien into the U.S., and *when the purpose* of such parole, in the opinion of the Secretary of Homeland Security, *has been served, the alien shall immediately return* or be returned to the custody from which he was paroled and thereafter, he shall continue *to be treated as* any other *applicant for admission* to the United States.[277]

The classic scenario for parole in the immigration context is when an alien needs emergency surgery in the U.S. and does not have time to obtain a visa from the State Department ahead of time.[278]

Like many other parts of the INA, however, parole has been turned into something very different—and much more expansive—than originally intended. Past Administrations have used parole as a loophole to help groups or classes of aliens enter and remain in the U.S.—essentially acting as end runs around other sections of the INA that prohibit their admission. This systemic and deliberate abuse of parole defies Section 212(d)(5)(A) of the INA in that it is not case-by-case, for urgent humanitarian reasons or significant public benefit, or temporary.

When President Trump came into office,[279] the following programs were just *some* of the major parole programs that were available:

- The Central American Minor Refugee/Parole Program,
- The Cuban Family Reunification Parole Program,
- The Filipino World War II Veterans Parole Program,
- The Haitian Family Reunification Parole Program,
- The International Entrepreneur Parole, and
- Parole in Place.

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In a January 25, 2017, executive order, President Trump wrote, "It is the policy of the executive branch to end the abuse of parole...provisions currently used to prevent the lawful removal of removable aliens."[280] He directed the Secretary of Homeland Security to "immediately take all appropriate action to ensure that the parole provisions...are not illegally exploited to prevent the removal of otherwise removable aliens." The executive order added that the Secretary "shall take appropriate action to ensure that parole authority...is exercised only on a case-by-case basis in accordance with the plain language of the statute, and in all circumstances only when an individual demonstrates urgent humanitarian reasons or a significant public benefit derived from such parole."

Despite this clear and unambiguous directive, the Administration has been unable to end group parole programs quickly or easily, due to constituencies and interest groups for each program advocating for their continuation.

International Entrepreneurs Parole. The INA provides dozens of types of immigration benefits, including temporary and permanent benefits for investors, businesspeople, highly skilled aliens, and intracompany transferees. Because entrepreneurs did not fit the qualifications for those benefit types, the Obama Administration created yet another benefit avenue by publishing a final rule with a mere three days left in the Administration.[281]

The rule states that the DHS may use its parole authority to grant a period of authorized stay, on a case-by-case basis, to foreign entrepreneurs who "demonstrate that their stay in the United States would provide a significant public benefit through their business venture and that they merit a favorable exercise of discretion."[282] Under the rule, entrepreneurs granted parole are eligible to work only for their start-up business. The spouses and children of the foreign entrepreneur may also apply for parole and spouses may apply for work authorization.[283]

During the Trump Administration, the DHS published a delay of the rule's effective date from the original July 17, 2017, to March 14, 2018, to provide public comment on the DHS' proposal to rescind the rule pursuant to President Trump's executive order.[284] Opponents of the rule's delay sued, and on December 1, 2017, the U.S. District Court for the District of Columbia vacated the delay rule.[285] The USCIS implemented the Obama rule, in compliance with the court order.

On May 29, 2018, the DHS published a proposed rule to remove the prior final international-entrepreneur rule, stating it represents an overly broad interpretation of parole authority, lacks sufficient protections for U.S. workers and investors, and is not the appropriate vehicle for attracting and

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retaining international entrepreneurs.[286] The DHS has not yet published the final rule.

Central American Minor Refugee/Parole Program. During the Obama Administration, in November 2014, the U.S. State Department and the DHS announced, via a fact sheet, the creation of a Central American In-Country Refugee/Parole Program in El Salvador, Guatemala, and Honduras "to provide a safe, legal, and orderly alternative to the dangerous journey that some children" were taking to the United States.[287] This Central American Minor (CAM) program allowed parents who were lawfully present in the U.S., though not a lawful permanent resident or U.S. citizen (and therefore not eligible to file an immigrant visa petition for the family member), to request access to the U.S. Refugee Admissions Program for their under-21, unmarried children still in one of those three countries.

The program went further. Believe it or not, children found ineligible for refugee admission, "but still at risk of harm," would be considered for parole into the U.S. to be reunited with a parent in the United States.[288] The Obama Administration expanded the parole program in July 2016, again through a press release, to add a child's over-21 and/or married siblings; biological parent, regardless of whether married to the U.S.-based parent; and caregivers related to the child or U.S.-based parent.[289]

Not only did this parole program clearly abuse the statutory language of parole, but the manner the Obama Administration created the program was an obvious violation of the Administrative Procedure Act. Using press releases to both create this dual refugee/parole program and to expand it provided no notice or opportunity for comments in the rulemaking process. This is similar to how the Obama Administration created the DACA and DAPA programs—by memo, without statutory authority or compliance with the notice and comment requirements of the APA.

The Trump Administration published a notice in the *Federal Register*, announcing termination of the CAM Parole program in August 2017.[290] Opponents of the termination filed suit. A U.S. district judge dismissed the plaintiffs' APA challenge to the DHS' termination of the CAM Parole Program going forward.[291] However, the court held that the DHS acted arbitrarily and capriciously when it failed to consider and address the "serious reliance interests" of participants who were conditionally approved for parole when the DHS mass-rescinded those approvals.[292] The parties reached a settlement agreement and jointly requested the court to convert the partial preliminary injunction into a permanent injunction.[293] Pursuant to the settlement agreement, the USCIS reopened and continued processing the CAM parole cases of individuals who had received a conditional parole

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approval notice that the USCIS rescinded in 2017, following the program's termination.[294]

Haitian Family Reunification Parole Program. The USCIS created the Haitian Family Reunification Parole program via notice in the *Federal Register* in December 2014.[295] With the exception of "immediate relatives" of U.S. citizens (spouse, parent, and unmarried children under 21 years of age), the number of family-based immigrant visas that are available in any given year is limited by statute.[296] These statutory limits have resulted in family members having to wait in their home countries for years before they may join the U.S. citizen or lawful permanent resident family member in the U.S. who petitioned for them.

The Obama Administration decided that Haitians should be treated better than aliens in most other countries and be permitted to "wait" inside the U.S. for their immigrant visa (green card) to become available for up to *two years* after being paroled into the country. The USCIS justified the program as "expedit[ing] family reunification through safe, legal, and orderly channels of migration to the United States, increas[ing] existing avenues for legal migration from Haiti, and help[ing] Haiti continue to recover from the devastation and damage suffered in the January 12, 2010, earthquake."[297]

Under the Trump Administration, however, the USCIS announced in August 2019 that it would end the Haitian parole program.[298] The USCIS terminated the program through a lengthy wind down, using a form update.[299]

Filipino World War II Veterans Parole Program. In May 2016, the USCIS published a notice in the *Federal Register* to implement a parole program for certain Filipinos.[300] Like the Haitian Family Reunification Parole Program, this offered certain beneficiaries of approved family-based immigrant visa petitions an opportunity to request parole to come to the U.S. to "wait for" their immigrant visa numbers to become available. Due to annual country caps and oversubscription of Filipino family visa petitions, the Philippines has the longest wait time for family-based immigrant visas—up to 20 years.[301]

The notice explained that as many as 26,000 of the 260,000 Filipino soldiers enlisted to fight for the United States during World War II became U.S. citizens.[302] In 2016, an estimated 2,000 to 6,000 Filipino American World War II veterans were still alive in the United States, "many of whom greatly desire[d] to have their family members in the United States during their final days."[303]

At the same time that the USCIS announced it would end the Haitian Family Reunification Parole program, it also announced the termination of the Filipino World War II Veterans Parole program.[304] Like the Haitian

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program, the Filipino program was terminated through a lengthy wind down process.[305]

Parole in Place. In November 2013, the USCIS created, via a policy memorandum, a parole program for illegal aliens who are family members of U.S. military members and veterans, and who are already in the United States.[306] The memo justified the illegal alien parole program, stating:

> [T]here is concern within [the Defense Department] that some active members of the U.S. Armed Services, individuals serving in the Selected Reserve of the Ready Reserve, and individuals who have previously served in the U.S. Armed Forces or Selected Reserve of the Ready Reserve face stress and anxiety because of the immigration status of their family members in the United States.... Similarly, our veterans, who have served and sacrificed for our nation, can face stress and anxiety because of the immigration status of their family members in the United States.[307]

Because the illegal alien family members were already in the U.S., they did not meet the statutory requirements of parole under Section 212(d)(5) of the INA. This did not prevent the Obama Administration from further abusing the law. The parole memo cited a Clinton Administration INS General Counsel opinion and stated that "[a]lthough it is most frequently used to permit an alien who is outside the United States to come into U.S. territory, parole may also be granted to aliens who are already physically present in the U.S. without inspection or admission. This latter use of parole is sometimes called 'parole in place.'"[308]

In line with President Trump's executive order, the Administration has considered ending military parole in place. It has yet to do so, however.

H-1B Visas

The term "H-1B" visa refers to Section 101(a)(15)(H)(i)(b) of the INA, which defines the temporary visa for an alien coming to the U.S. to perform services in a specialty occupation or as a fashion model. The INA defines "specialty occupation" as an occupation that requires: (1) theoretical and practical application of a body of highly specialized knowledge; and (2) attainment of a bachelor's or higher degree in the specific specialty (or its equivalent) as a minimum for entry into the occupation in the United States.[309]

H-1B visas became very popular among employers, starting in the 1990s high-tech boom. High-tech companies successfully lobbied for the

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"American Competitiveness in the Twenty-First Century Act of 2000," which temporarily increased the American worker protection cap from 65,000 visas annually to as high as 195,000 H-1B visas annually for multiple years.[310] The annual cap eventually returned to 65,000, but demand from high-tech companies has not subsided.[311] Because employers apply for far more H-1B visas than are available each year, the USCIS administers a lottery to treat the employer petitioners fairly.[312]

The first 20,000 petitions filed on behalf of beneficiaries with a U.S. master's degree or higher are exempt from the cap.[313] Additionally, H-1B workers who are petitioned for or employed at an institution of higher education or its affiliated or related nonprofit entities, a nonprofit research organization, or a government research organization are not subject to the 65,000 cap.[314]

American high-tech workers have complained about the H-1B program, contending that employers use the visas to pay lower wages for foreign workers instead of American workers.[315] Employers argue that they pay the prevailing wage to H-1B visa employees. Some American high-tech workers have reported that they were not only replaced by H-1B foreign workers—but that they had to train their foreign replacements.[316]

Then-candidate Trump pledged to end abuse of the H-1B program used to import foreign workers to replace American workers for lower pay.[317]

Buy American and Hire American. In April 2017, President Trump signed the "Buy American and Hire American" executive order.[318] The Buy American portion of Executive Order No. 13788 emphasized compliance with Buy American laws, which "require, or provide a preference for, the purchase or acquisition of goods, products, or materials produced in the United States, including iron, steel, and manufactured goods."[319] The Hire American portion of the Executive Order addressed immigration, specifically the H-1B visa program.

The Executive Order states: "[T]o create higher wages and employment rates for workers in the United States, and to protect their economic interests, it shall be the policy of the executive branch to rigorously enforce and administer the laws governing entry into the United States of workers from abroad."[320] The President directed several cabinet members to propose new rules and issue new guidance "to protect the interests of United States workers in the administration of our immigration system, including through the prevention of fraud or abuse."[321] He further requested reforms to help ensure that H-1B visas are awarded to the most-skilled or highest-paid petition beneficiaries "to promote the proper functioning of the H-1B visa program."[322]

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The Trump Administration made moderate policy, regulatory, and operational changes to the H-1B program before the onset of COVID-19. In June 2020, the President announced additional H-1B reforms to prioritize getting Americans back to work following the sudden historic COVID-related unemployment and to combat fraud in the program.

Rescinding the Deference Memo. The USCIS amended prior policy memos to enhance the integrity of the immigration system and to protect the interests of U.S. workers. In October 2017, it published a new memo to ensure H-1B petitioners meet the burden of proof when applying for extensions of their visa petitions. The USCIS rescinded an April 2004 memo, which had directed adjudicators to defer to prior determinations of eligibility when adjudicating petition extensions involving the same parties and underlying facts as the initial petition, except in certain limited circumstances.[323]

The USCIS explained that the fundamental issue with the April 2004 memorandum was that it appeared to place the burden on the USCIS to assess whether the underlying facts in the extension request remained the same as the original petition.[324] The 2017 memo reminded adjudicators that the burden of proof in establishing eligibility is, *at all times*, on the petitioner, even for extension requests. Further, the 2017 memo stated that because adjudicators viewed the 2004 memo as creating a default position of deference to the eligibility finding of the initial petition, the old memo may have had the effect of limiting the ability of adjudicators to conduct a thorough review of the facts and assessment of eligibility in each case.

This likely had the "unintended consequence of officers' not discovering material errors in prior adjudications," according to the 2017 memo.[325] The new memo re-asserted that adjudicators must, in all cases, thoroughly review the petition and supporting evidence to determine eligibility for the benefit sought, including nonimmigrant petition extensions. The USCIS explained that "[w]hile adjudicators may, of course, reach the same conclusion as in a prior decision, they are not compelled to do so as a default starting point."[326]

Contracts and Itineraries Memo. In February 2018, the USCIS issued an H-1B policy memorandum regarding workers employed at one or more third-party worksites.[327] In the H-1B context, employers frequently use a third-party arrangement business model to petition for foreign workers. In these arrangements, the petitioner is not the high-tech company in which the alien beneficiary ultimately works, but rather a service company that petitions for many aliens and then places the alien workers at the service company's clients' locations.

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The USCIS explained in its 2018 memorandum that it had encountered significant employer violations in the third-party model, including paying less than the required wage, "benching" employees (not paying workers the required wage while they wait for projects or work), and having employees perform non-specialty occupation jobs.[328] To protect the wages and working conditions of both U.S. and H-1B nonimmigrant workers, and to prevent fraud and abuse, the USCIS provided clarifying guidance regarding the contracts and itineraries that petitioners must submit in third-party worksite cases.

The USCIS stated that when an alien beneficiary will be placed at one or more third-party worksites, the visa petitioner must demonstrate that it has "specific and non-speculative qualifying assignments in a specialty occupation for the alien beneficiary for the entire time requested on the petition."[329] The memo explained that additional corroborating evidence, such as contracts and work orders, may substantiate a petitioner's claim of actual work in a specialty occupation for third-party, off-site arrangements.[330] The USCIS added that as "the relationship between the petitioner and beneficiary becomes more attenuated through intermediary contractors, vendors, or brokers, there is a greater need for the petitioner to specifically trace how it will maintain an employer–employee relationship with the beneficiary."[331] "Evaluating the chain of contracts and/or legal agreements between the petitioner and the ultimate third-party worksite may help USCIS to determine whether the requisite employer–employee relationship exists and/or will exist," the agency explained to adjudicators and the public.[332]

With respect to specialty occupation services that will be performed in more than one location, the USCIS stated that the prior itinerary memo's "allowance of general statements, as opposed to exact dates and places of employment, had been incorrectly interpreted by some adjudicators, and some members of the general public, as excusing the petitioner from having to submit an itinerary."[333] Accordingly, the agency reiterated that immigration regulations require petitioners to file an itinerary with a petition, which must include the dates and locations of the services to be provided.[334]

Opponents sued the USCIS over the Contract and Itineraries Memo,[335] resulting in a settlement agreement and the USCIS subsequently rescinded the memo and provided new guidance in June 2020.[336] Despite the memo rescission, the Trump Administration has sought to combat H-1B abuse and fraud, and protect both U.S. workers and foreign workers. To further those goals, the USCIS also created an H-1B Fraud Reporting site.

Reporting H-1B Fraud. In announcing the fraud reporting site, the USCIS explained that the H-1B visa program:

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> [S]hould help U.S. companies recruit highly-skilled aliens when there is a shortage of qualified workers in the country. Yet, too many American workers who are as qualified, willing, and deserving to work in these fields have been ignored or unfairly disadvantaged. Employers who abuse the H-1B visa program may negatively affect U.S. workers, decreasing wages and opportunities as they import more foreign workers.[337]

Common examples of H-1B fraud include:

The H-1B worker is not paid the wage certified on the Labor Certification Application (LCA) made to the Department of Labor;

- A wage disparity between H-1B workers and other workers performing the same or similar duties, particularly to the detriment of U.S. workers;
- The H-1B worker is not performing the duties specified in the H-1B petition;
- The H-1B worker has less experience than U.S. workers in similar positions in the same company; and
- The H-1B worker is not working in the intended location as certified on the LCA.[338]

Administration Site Visits. The USCIS also changed its prioritization in investigating H-1B sites. Allowing administration site visits of H-1B locations is a requirement that employers and foreign workers must comply with to use the H-1B visa program.[339] Under the Obama Administration, the agency had been using a random site-visit approach. The Trump Administration changed to a smarter, targeted site-visit approach to focus resources where fraud and H-1B program abuse is more likely to occur, including:

- H-1B-dependent employers (those with a high ratio of H-1B workers as compared to U.S. workers);
- Cases in which the USCIS cannot validate the employer's basic business information through commercially available data; and
- Employers petitioning for H-1B workers who work off-site at another company or organization's location.[340]

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Department of Justice Anti-Discrimination Cooperation. In May 2018, the USCIS and the DOJ issued a memorandum of understanding that expanded their cooperation "to better detect and eliminate fraud, abuse, and discrimination by employers bringing foreign visa workers to the United States."[341] In 2017, the DOJ's Civil Rights Division started the "Protecting U.S. Workers Initiative, which is aimed at targeting, investigating, and taking enforcement actions against companies that discriminate against U.S. workers in favor of foreign visa workers."[342] The Civil Rights Division's Immigrant and Employee Rights Section is responsible for enforcing the INA's anti-discrimination statute, which prohibits citizenship status and national origin discrimination in hiring, firing, or recruitment or referral for a fee.[343]

Providing More H-1B Data to the Public. To be more transparent about the H-1B Program, the USCIS under the Trump Administration has provided much more data to the public, including gender and country of origin data and an employer data hub. The new gender and country data confirmed what was long suspected about the H-1B program: H-1B petitions are dominated by aliens from India and China, and males receive many more petitions than females. In FY 2019, for example, India had almost 314,000 H-1B petitions, or 74.5 percent of all petitions.[344] Of that amount, 78.4 percent of the petitions were males.[345] China placed second, but far behind India. China received nearly 50,000 petitions, or 11.8 percent of the total.[346]

The data hub allows the public to search for H-1B petitioners by fiscal year (back to FY 2009), North American Industry Classification System (NAICS) code,[347] employer name, city, state, or ZIP code.[348] This gives the public the ability to calculate approval and denial rates and to review which employers are using the H-1B program.[349]

Prioritizing Advanced Degrees. To be consistent with the intent of the H-1B program that beneficiaries are truly occupying a "specialty occupation," the Trump Administration decided to prioritize beneficiaries with a master's degree or higher. The USCIS published a final rule in January 2019 that reversed the order by which the USCIS selects H-1B petitions under the H-1B regular cap and the advanced degree exemption.[350] Under the new rule, the USCIS first selects H-1B petitions submitted on behalf of all beneficiaries, including those who may be eligible for the advanced degree exemption.[351] The USCIS then selects a number projected to reach the advanced degree exemption from the remaining eligible petitions.[352] The purpose in changing the order in which the USCIS selects these allocations was to increase the number of petitions for beneficiaries with a master's or higher degree from a U.S. institution of higher education.

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Electronic Registration. The second part of the January 2019 rule sought to improve the operational management of the H-1B petition and lottery system. Prior to the new rule, all petitioners would send complete paper applications to the USCIS with their application fee. The size of each paper petition is usually measured in pounds, due to the significant number of supporting evidentiary documents needed to prove eligibility for the visa. Each spring, truckloads of petitions would arrive at the USCIS service centers, where pallets of petitions would fill rooms to the ceiling. The USCIS would then operate the lottery, selecting enough petitions to reach the cap, and reject and return filing fees for all unselected cap-subject petitions. It was a burdensome process for both petitioners, many of whom are not selected, and for the USCIS.

The new rule required petitioners seeking H-1B visas to first register electronically with the USCIS.[353] The USCIS would run the lottery, considering only those who had properly registered. Then those petitioners that were selected from the lottery would be required to submit their complete petitions. This change was designed to ease the burden on both petitioners and the USCIS.[354] While this new electronic registration was announced in the January 2019 rule, the agency explained that the new process would not begin until the following fiscal year to allow for system testing. The USCIS did use the new electronic registration and lottery in March 2020.[355]

While the strong language of the Buy American and Hire American Executive Order directed the Administration to bring more integrity to, and combat fraud in, the H-1B visa program, the regulatory, policy, and operational changes that were made before the COVID-19 pandemic were more moderate than bold. The historic unemployment caused by the coronavirus and stay-at-home orders generated additional presidential proclamations to get Americans back to work.

On June 22, 2020, the President issued Proclamation 10052, "Suspending Entry of Aliens who Present a Risk to the U.S. Labor Market Following the Coronavirus Outbreak."[356] In it, he suspended entry of various temporary labor categories, including new H-1B visa holders and their accompanying family members, for six months to prioritize employment opportunities for Americans during the coronavirus recovery.[357] The President also directed the Secretaries of Labor and Homeland Security to issue regulations to ensure aliens with H-1B visas do not disadvantage U.S. workers and to restore integrity to the H-1B program.[358]

The proposed H-1B changes include: issuing H-1Bs to the highest paying 85,000 jobs rather than using a random lottery; requiring that the minimum pay be at least 50 percent of the local prevailing wage; requiring employers to

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increase H-1B visa holders' salaries after two years; measuring for displacement of American workers by H-1B employees; and the Labor Department investigating complaints of companies abusing the visa program.[359]

It is critical that the Administration bring more integrity to the H-1B Program to meet the intent of the program and to allow U.S. workers with specialized skills an opportunity to perform specialty occupation jobs—particularly following the effects of the coronavirus on the U.S. job market.

Conclusion

President Ronald Reagan is attributed to have once said, "A nation that cannot control its borders is not a nation." That sentiment is certainly correct. A country cannot remain an independent, sovereign nation if it is unable or unwilling to control its borders. A sovereign country with sound immigration policy controls who is allowed to come into the country, both temporarily and permanently, and selects future citizens, expecting them to become part of the cultural, intellectual, economic, and political body of the republic. This truth has not been lost on many Americans, who elected Donald Trump in 2016, in part, to fix a broken immigration system.

During the past three decades, the U.S. has faced a mounting immigration problem as an increasingly larger number of aliens have come into the country illegally, straining government resources, imposing huge costs on taxpayers and state and local governments, and endangering national security, public safety, and the rule of law.

The Constitution gives Congress plenary authority over naturalization. Congress has passed a series of complex laws governing immigration. They have delegated substantial authority to the President and the executive branch to make immigration decisions, including implementation and enforcement of immigration law. The President also has substantial, independent constitutional authority, and the duty, as commander in chief to protect the national security of the country, including at our borders.

There has been a reluctance by some prior Administrations, including the Obama Administration, to fully enforce the law. And Congress has failed to act to close some of the legislative loopholes that they created and they know are being taken advantage of by those who want to get into the country illegally.

President Trump was elected, in part, based on his promise to finally enforce federal immigration law, including securing the border, and to bring the growing problem of illegal immigration under control. He has tried to fulfill that promise from almost his first day in office through numerous

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executive orders and directives to the key cabinet agencies like the DHS and the DOJ.

But change is difficult, even if that change is a pivot back to enforcing the law as written. Those wedded to the status quo and in favor of lax enforcement have much to lose—so they have sued the Administration at virtually every turn, even when the President was clearly acting within the statutory authority granted to him by Congress.

Numerous federal judges, particularly at the district court level, have issued nationwide injunctions not justified by the law, acting more like legislators who disagree with the President's policy decisions than judges enforcing the law. Most of these injunctions have been lifted or modified when those cases have reached the Supreme Court. But the President's attempts to solve these problems have often been successfully stymied and slowed down, endangering the nation and our legal immigration system—and providing even more incentives for illegal immigration.

This resistance has also stemmed from the push by those who support open borders and nonenforcement of our immigration laws and who want to extinguish the difference between legal and illegal immigration. To silence opposition, they resort to name-calling rather than engaging in a serious debate over immigration policy.

As we have outlined in this paper, despite immense resistance, the Trump Administration has made substantial progress reforming U.S. immigration policy and recommitting to enforcing the laws as passed by Congress. Those changes, many of which are well-known by the American people, were long overdue. Reforming government practices at the state or federal level is hard, as entrenched bureaucracies get accustomed to doing things a certain way and recoil at change. But the Administration forged ahead and over time, its hard work will make our immigration system function better for America and Americans.

Some of these changes are common sense, like making sure that courtrooms are used on Fridays, using DNA testing to disprove fraudulent claims of "family" status, or replacing porous, dilapidated border barriers with secure, effective modern walls and fencing. Others were long overdue, such as recommitting ourselves to the public-charge principle, rescinding unconstitutional executive actions like DACA, banning entry of people from countries that are terrorist havens and whose backgrounds cannot be vetted, and cutting off federal dollars to sanctuary cities that obstruct federal law. Others are transformational and forward thinking, such as pivoting from an outdated 20th-century family-based immigration system to a 21st-century merit-based immigration system that will benefit the country.

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There is so much more work that needs to be done in the area of immigration law and policy. Most of the remaining work, such as fixing legislative loopholes, falls squarely in Congress's lap. Congress, however, has proven unable or unwilling to pass commonsense immigration legislation, so for now, all the action is in the executive branch.

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Endnotes

1. See David F. Forte and Matthew Spalding, eds., *The Heritage Guide to the Constitution* (Washington, DC: The Heritage Foundation, 2005), p. 139. Throughout this *Special Report*, when referring to those people who are here in the country illegally, we use the term that Congress and the U.S. Supreme Court use: illegal alien. See also Hans von Spakovsky, "'Undocumented Immigrant' Is a Made-Up Term That Ignores the Law," The Daily Signal, July 30, 2018, https://www.dailysignal.com/2018/07/30/undocumented-immigrant-is-a-made-up-term-that-ignores-the-law/ (accessed May 27, 2020).
2. See, generally, James Carafano, John Malcolm, and Jack Spencer, eds., "An Agenda for American Immigration Reform," Heritage Foundation *Special Report* No. 210, February 20, 2019, https://www.heritage.org/immigration/report/agenda-american-immigration-reform.
3. See John Malcolm, "President Obama's Executive Action on Immigration Sets a Dangerous Precedent," Heritage Foundation *Issue Brief* No. 4313, December 5, 2014, https://www.heritage.org/immigration/report/president-obamas-executive-action-immigration-sets-dangerous-precedent.
4. Secure Fence Act of 2006, Public Law 109–367.
5. Illegal Immigration Reform and Immigrant Responsibility Act of 1996, Public Law 104–208.
6. Ibid., title I, § 102.
7. 16 U.S. Code § 1531 et seq.
8. 42 U.S. Code § 4321 et seq.
9. See Illegal Immigration Reform and Immigrant Responsibility Act of 1996, § 102(c).
10. See Homeland Security Act of 2002, Public Law 107–296. See also 6 U.S. Code §§ 251, 291, and 8 U.S.C. § 1103(a)(1) and (5). Section 102 of the IIRIRA was subsequently amended to refer to the Secretary of Homeland Security. See 8 U.S.C. § 1103 note.
11. See *Animal Legal Defense Fund v. Department of Homeland Security*, Brief for the Federal Respondents in Opposition, October 2018, pp. 5–6, https://www.supremecourt.gov/DocketPDF/18/18-247/68385/20181029180420793_18-247%20-%20Animal%20Legal%20Defense%20Fund.pdf (accessed May 28, 2020). See also *Federal Register*, Vol. 70, No. 183 (September 22, 2005), pp. 55622–55623; *Federal Register*, Vol. 72, No. 12 (January 19, 2005), pp. 2535–2536; *Federal Register*, Vol. 72, No. 207 (October 26, 2007), p. 60870; and *Federal Register*, Vol. 73, No. 68 (April 8, 2008), pp. 19077 and 19078.
12. See *County of El Paso v. Chertoff*, No. 08-CA-196 (W.D. Tex. Sept. 11, 2008), cert. denied, 557 U.S. 915 (2009); *Save Our Heritage Org. v. Gonzalez*, 533 F. Supp. 2d 58 (D.D.C. 2008); *Defenders of Wildlife v. Chertoff*, 527 F. Supp. 2d 119 (D.D.C. 2007), cert. denied, 554 U.S. 918 (2008); and *Sierra Club v. Ashcroft*, No. 04-cv-272 (S.D. Cal. Dec. 13, 2005).
13. *Federal Register* Vol. 82, No. 147 (August 2, 2017), pp. 35984–34985 (San Diego Waiver). The waiver set forth specific findings that a specified area in the United States Border Patrol's San Diego Sector is "an area of high illegal entry" and that there is a present "need to construct physical barriers and roads...in the vicinity of the border...to deter illegal crossings" in that area. Ibid. at 35,985.
14. See *Federal Register* Vol. 82, No. 175 (September 12, 2017), pp. 42829–42931 (Calexico Waiver). The waiver set forth specific findings that a specified area in the El Centro Sector is an area of "high illegal entry," and that there is "a need to construct physical barriers and roads in the vicinity of the border...to deter illegal crossings" in that area. The Calexico Waiver identified one project to be completed in furtherance of this goal: the replacement of existing primary fencing—which, like the fencing in San Diego, had been constructed in the 1990s using the outdated landing-mat style—and improvements to the existing patrol road within the project area. Ibid. As with the San Diego Waiver, the Calexico Waiver set forth specific findings that, "to ensure the expeditious construction of the barriers and roads" in the project area, "it [wa]s necessary" for the Secretary to waive specific laws under the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, § 102(c).
15. See Donald Trump, "Trump Transcript: President Trump's Full Speech on Immigration," January 8, 2019, https://abc11.com/politics/trump-transcript-President-trumps-full-speech-on-immigration/5039534/ (accessed May 28, 2020).
16. See Donald Trump, "Presidential Proclamation on Declaring a National Emergency Concerning the Southern Border of the United States," Presidential Proclamation 9844, February 15, 2019, https://www.whitehouse.gov/Presidential-actions/Presidential-proclamation-declaring-national-emergency-concerning-southern-border-united-states/ (accessed May 28, 2020).
17. See Hans von Spakovsky, "Trump Forced to Declare Emergency Because of Congressional Apathy, Negligence, and Incompetence," Heritage Foundation *Commentary*, February 19, 2019, https://www.heritage.org/homeland-security/commentary/trump-forced-declare-emergency-because-congressional-apathy-negligence.
18. *Sierra Club v. Donald Trump*, 140 S.Ct 1 (2019).
19. *United States House of Representatives v. Steven T. Mnuchin*, 379 F. Supp. 3d 8 (2019).
20. *State of California v. Trump*, 379 F.Supp.3d 928 (N.D. Cal. 2019).
21. *El Paso County, Texas v. Trump*, 407 F.Supp.3d 655 (W.D. TX 2019).
22. *El Paso County, Texas v. Trump*, Case No. 19-151144 (5th Cir. Jan. 8, 2020).

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23. See Government Accountability Office, *Southwest Border Security: Additional Actions Needed to Better Assess Fencing's Contributions to Operations and Provide Guidance for Identifying Capability Gaps*, February 2017, p. 1, https://webcache.googleusercontent.com/search?q=cache:Ao17PAxwmYkJ:https://www.gao.gov/assets/690/682838.pdf+&cd=5&hl=en&ct=clnk&gl=us&client=firefox-b-1-d (accessed May 28, 2020).
24. See statement by Acting DHS Secretary Chad Wolf in Quinn Owen, "Trump Administration Announces Completion of 100 Miles of Border Wall Construction," ABC News, January 10, 2020, https://abcnews.go.com/Politics/trump-administration-announces-completion-100-miles-border-wall/story?id=68200934 (accessed May 28, 2020).
25. As shown in the previously mentioned Heritage Foundation *Special Report* on immigration, based on FY 2017 numbers, the United States admitted 1.127 million people into the country. Of those, 748,746 (66 percent) were family-sponsored and immediate relatives of U.S. citizens. Employment-based preferences were 137,855 or 12.2 percent of admissions. Moving to a merit-based immigration system would flip those numbers, so that two-thirds of admissions would be based on specific skills and other economic benefits to the United States. Family-based immigration would remain but be focused on a narrower class of *immediate* family members—and represent a much smaller percentage of total admissions. See Carafano et al., eds., "An Agenda for American Immigration Reform," p. 3.
26. Ibid., pp. 3–4. As highlighted in our report.
27. See Donald Trump, "Letter to House and Senate Leaders & Immigration Principles and Policies," October 8, 2017, https://www.whitehouse.gov/briefings-statements/President-donald-j-trumps-letter-house-senate-leaders-immigration-principles-policies/ (accessed May 28, 2020).
28. The idea of a merit-based immigration system in the United States was not a new idea. Two months before the Administration sent the letter to Congress outlining its principles and policies, Senators Tom Cotton (R–AR) and David Purdue (R–GA) introduced the RAISE Act, which, among other things, advocated for a merit-based immigration system. See news release, "Cotton and Purdue Introduce the Reforming American Immigration for a Strong Economy Act," Office of Tom Cotton, August 2, 2017, https://www.cotton.senate.gov/?p=press_release&id=765 (accessed May 28, 2020).
29. The actual name of the program is the Diversity Immigrant Visa Program. See U.S. Department of State, "Diversity Visa Program: Entry," https://travel.state.gov/content/travel/en/us-visas/immigrate/diversity-visa-program-entry.html (accessed May 28, 2020).
30. See Trump, "Letter to House and Senate Leaders & Immigration Principles and Policies."
31. Ibid.
32. James Carafano, John Malcolm, and Jack Spencer, eds., "An Agenda for Immigration Reform," Heritage Foundation *Special Report* No. 210, February 20, 2019, https://www.heritage.org/sites/default/files/2019-02/SR210_0.pdf. With respect to a merit-based system, the authors wrote,

    > Congress should modify the family preference system and move to a new merit-based system of immigration. This shift from family-based to merit-based immigration would prioritize economically and fiscally beneficial immigration and better serve the national interest.
    >
    > Such a system should be designed in a way that recognizes that the market is the best and most objective way to identify those who will benefit the economy. This starts with requiring immigrants to have an offer of employment or financial means of self-support before entering the country. The government would not be picking winners and losers among industries, job categories, or immigrants. The offer of employment is an objective market signal. If there were more requests for green cards than were available, Congress could consider a limited points system that again would place emphasis on the market. Another approach would be to implement an auction system whereby employers would pay for the permits of the immigrant labor they need.
    >
    > For example, a company's offered compensation to the immigrant would have significant priority, as compensation provides objective evidence of market demand. Other heavily weighted factors could include financial resources and assets, educational achievement, professional credentials, job experience, and fluency in English. These factors, while not perfect or completely objective measures, are designed to focus on reasonable measures of economic and fiscal impact that avoid government micromanagement and burdening American taxpayers with higher levels of government welfare assistance.
    >
    > One way to ensure that merit-based green card candidates are indeed working or otherwise providing significant benefit to the U.S. would be to make their legal permanent residence conditional for the first several years. In order to transition from a conditional lawful permanent resident (LPR) to full LPR status, immigrants should be required to maintain employment for most of the conditional period even though they would be allowed to switch jobs. The total period of time required to hold a green card before becoming a citizen—five years— would remain unchanged, but a requirement that the holder not be a public charge before becoming a U.S. citizen could be added.
33. See Amy Swearer, "The Original Meaning of the Citizenship Clause and What the Clause Means Today," Heritage Foundation *Legal Memorandum* No. 243, May 14, 2019, https://www.heritage.org/sites/default/files/2019-05/LM-243.pdf.
34. Ibid. See also Hans von Spakovsky, "Birthright Citizenship: A Fundamental Misunderstanding of the 14th Amendment," Heritage Foundation *Commentary*, October 30, 2018, https://www.heritage.org/immigration/commentary/birthright-citizenship-fundamental-misunderstanding-the-14th-amendment.

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36. News release, "Federal Prosecutors Unseal Indictments Naming 19 People Linked to Chinese 'Birth Tourism' Schemes that Helped Thousands of Aliens Give Birth in U.S. to Secure Birthright Citizenship for Their Children."
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40. News release, "Statement from the Press Secretary Regarding Birth Tourism Visa Regulation Rule Change," White House, January 23, 2020, https://www.whitehouse.gov/briefings-statements/statement-press-secretary-regarding-birth-tourism-visa-regulation-rule-change/ (accessed May 29, 2020).
41. Ibid.
42. *Federal Register* Vol. 85, No. 16 (January 24, 2020), pp. 4219–4225.
43. News release, "President Donald J. Trump Is Taking Action to End Birth Tourism, Protect National Security, and Curb the Abuse of Public Resources," White House, January 23, 2020, https://www.whitehouse.gov/briefings-statements/president-donald-j-trump-taking-action-end-birth-tourism-protect-national-security-curb-abuse-public-resources/ (accessed May 29, 2020).
44. As of February 2020, the backlog is over 1.1 million cases. See "Immigration Court Backlog Tool," TRAC Immigration, https://trac.syr.edu/phptools/immigration/court_backlog/ (accessed April 6, 2020). The Executive Office of Immigration Review's "Workload and Adjudication Statistics" shows that through December 2019, there were 1,066,563 pending cases. See Executive Office of Immigration Review, "Workload and Adjudication Statistics," https://www.justice.gov/eoir/file/1242166/download (accessed April 6, 2020).
45. Heritage Foundation authors have written two research papers arguing that the Administration should give Immigration Judges Summary Judgment Authority to dispose of cases—and the ability to dismiss meritless cases on the pleadings. Furthermore, one paper pointed out the fact that immigration judges are the only judges at the state or federal level who do not have contempt authority—even though Congress passed a statute 23 years ago giving immigration judges contempt authority (but delegated to the Attorney General the task of writing the implementing rule). No Attorney General has written the contempt rule. (A draft rule was written during the Clinton Administration [*Federal Register*, Vol. 63, No. 12 (January 20, 1998) pp. 2901–2911], but not finalized.) Heritage has called on the Attorney General to write the rule in accordance with the statute, or, in the alternative, for Congress to pass a stand-alone statute giving immigration judges contempt authority—bypassing the Attorney General. Our research suggests that if immigration judges had summary judgment authority and the ability to dismiss cases on meritless pleadings, the current caseload would decrease by approximately *60 percent*. See Charles Stimson and GianCarlo Canaparo, "Expanding the Toolkit: Giving Immigration Judges Authority to Summarily Dismiss Meritless Cases," Heritage Foundation *Legal Memorandum* No. 247, July 18, 2019, https://www.heritage.org/sites/default/files/2019-08/LM247.pdf. See also Charles Stimson and GianCarlo Canaparo, "Authority Delayed Is Authority Denied: Giving Immigration Judges Contempt Authority," Heritage Foundation *Legal Memorandum* No. 249, August 8, 2019, https://www.heritage.org/sites/default/files/2019-08/LM249.pdf.
46. The Executive Office of Immigration Review is a component of the DOJ. According to the DOJ website, the mission of the EOIR is "to adjudicate immigration cases by fairly, expeditiously, and uniformly interpreting and administering the Nation's immigration laws. Under delegated authority from the Attorney General, EOIR conducts immigration court proceedings, appellate reviews, and administrative hearings." See U.S. Department of Justice, "About the Office," Executive Office of Immigration Review, https://www.justice.gov/eoir/about-office (accessed May 29, 2020).
47. See *Federal Register*, Vol. 84, No. 165 (August 26, 2019), and Charles Stimson and GianCarlo Canaparo, "Reorganizing This Immigration Office Isn't a 'Power Grab.' It's Common Sense," Heritage Foundation *Commentary*, September 12, 2019, https://www.heritage.org/immigration/commentary/reorganizing-immigration-office-isnt-power-grab-its-common-sense.
48. See U.S. Department of Justice, "About the Office."
49. *Federal Register*, Vol. 84, No. 165 (August 26, 2019).
50. See Immigration and Nationality Act, 8 U.S. Code § 1103(a)(1) (2009). The Attorney General can shape immigration policy by issuing binding rulings on legal questions. It provides: "The Secretary of Homeland Security shall be charged with the administration and enforcement of this chapter.... *Provided, however,* that determination and ruling by the Attorney General with respect to all questions of law shall be controlling" (emphasis added).
51. See U.S. Department of Justice, "Backgrounder on EOIR Strategic Caseload Reduction Plan," December 6, 2017, https://www.justice.gov/opa/press-release/file/1016066/download (accessed May 29, 2020).
52. Ibid.

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53. Ibid.
54. See U.S. Government Accountability Office Report, *Immigration Courts: Action Needed To Reduce Backlog and Address Longstanding Management and Operational Challenges*, GAO–17–438, June 2017, https://www.gao.gov/assets/690/685022.pdf (accessed May 2, 2020).
55. See 8 Code of Federal Regulations, § 1003.29 (1992).
56. 27 I.& N. Dec 405 (U.S. Atty.Gen.) Interim Decision 3933, 2018 WL 3955559.
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60. See James R. McHentry III, "No Dark Courtrooms," U.S. Department of Justice, memo, March 29, 2019, https://www.justice.gov/eoir/file/1149286/download (accessed June 17, 2020).
61. News release, "EOIR Launches Electronic Filing Pilot Project," U.S. Department of Justice, July 19, 2018, https://www.justice.gov/eoir/pr/eoir-launches-electronic-filing-pilot-program (accessed June 17, 2020).
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65. 8 U.S. Code § 1182(a)(4)(B)(i) (2013).
66. *Federal Register*, Vol. 84, No. 157 (August 14, 2019), p. 41294.
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121. Ibid., § 244(b)(3)(B).
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128. See U.S. Citizenship and Immigration Services, "Immigration and Nationality Act," § 244(b)(5), https://www.uscis.gov/legal-resources/immigration-and-nationality-act (accessed June 1, 2020). U.S. District Court Judge Edward Chen enjoined USCIS from terminating TPS for beneficiaries from El Salvador, Haiti, Nicaragua, and Sudan in *Ramos v. Nielsen*, 18-cv-01554 (N.D. Cal). See U.S. Citizenship and Immigration Services, "Temporary Protected Status: Alerts," https://www.uscis.gov/humanitarian/temporary-protected-status (accessed April 9, 2020). The same district court agreed to the stipulated agreement in *Bhattarai v. Nielsen*, No. 19-cv-731 (N.D. Cal) that USCIS would extend TPS benefits and work authorization for beneficiaries from Honduras and Nepal, pending appeal of the *Ramos* injunction. See U.S. Citizenship and Immigrations Service, "Update on *Bhattari v. Nielsen*," https://www.uscis.gov/humanitarian/temporary-protected-status/update-bhattarai-v-nielsen (accessed April 9, 2020). On April 11, 2019, in *Saget v. Trump*, No. 18-cv-01599 (E.D.N.Y.), the U.S. District Court for the Eastern District of New York also enjoined the termination of TPS for Haiti, pending a final decision on the merits of the case. See U.S. Citizenship and Immigration Services, "Temporary Protected Status: Alerts."
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135. Unaccompanied Alien Child Protection Act, H.R. 1904.
136. Homeland Security Act of 2002, Public Law 107–296, § 462(b).
137. William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (TVPRA), Public Law 110–457, § 235(a)(2).
138. Ibid., § 235(a)(5)(D).
139. Ibid., § 235(c)(6).
140. Section 235(d)(7) of the TVPRA waives the safe third country and one-year application bars. It also gives initial jurisdiction of UAC asylum applications to asylum officers rather than immigration judges. The effect of this is to give UACs an additional opportunity for review of the asylum application.
141. Section 235(d) of the TVPRA requires adjudication of an SIJ application within 180 days and waives several grounds of inadmissibility: public charge, labor certification, presence without admission or parole, misrepresentation, stowaways, immigrants without documentation, and unlawful presence in excess of 180 days. It also provides assistance to SIJs, including federal reimbursement to states.
142. The SIJ classification was established by Congress in 1990 to provide a pathway to legal status for children in the U.S. foster care system who required court intervention to protect them from parental abuse, abandonment, or neglect. The U.S. Citizenship and Immigration Services (USCIS) noted in 2019 that "the SIJ classification has increasingly been sought by juvenile and young adult immigrants solely for the purposes of obtaining lawful immigration status and not due to abuse, neglect or abandonment by their parents." News release, "USCIS Clarifies Special Immigrant Juvenile Classification to Better Ensure Victims of Abuse, Neglect and Abandonment Receive Protection," U.S. Citizenship and Immigration Services, October 15, 2019, https://www.uscis.gov/news/uscis-clarifies-special-immigrant-juvenile-classification-better-ensure-victims-abuse-neglect-and-abandonment-receive-protection (accessed April 7, 2020). The USCIS issued three Administrative Appeals Office–adopted decisions and reopened a comment period for an SIJ rule to realign the SIJ classification with congressional intent and address shortcomings in the regulations that threaten the integrity of the SIJ program. Ibid.
143. *Flores v. Johnson*, 212 F. Supp. 3d 864, 871-73 (C.D. Cal. 2015). In 2016, a three-judge panel of the Ninth Circuit Court of Appeals reaffirmed that *Flores* applies to all children, regardless of whether they are accompanied. *Flores v. Lynch*, 828 F.3d 898 (9th Cir. 2016).
144. *Flores v. Lynch*, 212 F. Supp. 3d 907, 914 (C.D. Cal. 2015).
145. Doris Meissner, Faye Hipsman, and T. Alexander Aleinikoff, "The U.S. Asylum System in Crisis: Charting a Way Forward," Migration Policy Institute, September 2018, p. 4, https://www.migrationpolicy.org/research/us-asylum-system-crisis-charting-way-forward (accessed March 31, 2020).
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147. Meissner, Hipsman, and Aleinikoff, "The U.S. Asylum System in Crisis," pp. 18–19.
148. Jamie Dupree, "White House Demands Congress Act on Illegal Immigration Loopholes," April 2, 2018, https://www.wpxi.com/news/politics/white-house-demands-congress-act-on-illegal-immigration-loopholes/725835769/ (accessed April 1, 2020).
149. Department of Homeland Security, "Memorandum for the Secretary," April 23, 2018, pp. 1–2, https://www.documentcloud.org/documents/4936568-FOIA-9-23-Family-Separation-Memo.html (accessed March 31, 2020).
150. *Federal Register*, Vol. 83, No. 72 (April 13, 2018), pp. 16179–16181. Citing his January 25, 2017, executive order, "Border Security and Immigration Enforcement Improvements," in which he sought an end to the "catch and release" practice, the President stated more needed to be done "to enforce our laws and to protect our country from the dangers of releasing detained aliens into our communities while their immigration claims are pending." See Trump, "Enhancing Public Safety in the Interior of the United States."

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151. U.S. Department of Justice, "Memorandum for Federal Prosecutors Along the Southwest Border," Office of the Attorney General, April 6, 2018, https://www.justice.gov/opa/press-release/file/1049751/download (accessed March 31, 2020). Section 1325(a) of Title 8 of the U.S. Code reads: "Any alien who (1) enters or attempts to enter the United States at any time or place other than as designated by immigration officers, or (2) eludes examination or inspection by immigration officers, or (3) attempts to enter or obtains entry to the United States by a willfully false or misleading representation or the willful concealment of a material fact, shall, for the first commission of any such offense, be fined under [T]itle 18 or imprisoned not more than 6 months, or both, and, for a subsequent commission of any such offense, be fined under [T]itle 18, or imprisoned not more than 2 years, or both."
152. Zolan Kanno-Youngs and Michael D. Shear, "Homeland Security Chief Spars with Democrats over Splitting Migrant Families," *The New York Times*, March 6, 2019, https://www.nytimes.com/2019/03/06/us/politics/kirstjen-nielsen-house-homeland-security-committee-testimony.html (accessed March 31, 2020).
153. Aaron Blake, "Kirstjen Nielsen's Mighty Struggle to Explain Separating Families at the Border, Annotated," *The Washington Post*, June 19, 2018, https://www.washingtonpost.com/news/the-fix/wp/2018/06/19/kirstjen-nielsen-tries-to-explain-separating-families-at-the-border-annotated/ (accessed March 31, 2020).
154. Donald Trump, "Affording Congress an Opportunity to Address Family Separation," June 20, 2018, Executive Order 13841, https://www.whitehouse.gov/Presidential-actions/affording-congress-opportunity-address-family-separation/ (accessed March 31, 2020). The President also instructed the Attorney General to promptly file a request with the U.S. District Court for the Central District of California to modify the *Flores* settlement agreement in a manner that would permit DHS to detain alien families together throughout the pendency of criminal proceedings for improper entry or any immigration proceedings. Ibid., § 3(e).
155. News release, "USCIS to Take Action to Address Asylum Backlog," U.S. Citizenship and Immigration Services, January 31, 2018, https://www.uscis.gov/news/news-releases/uscis-take-action-address-asylum-backlog (accessed March 31, 2020).
156. Ibid.
157. Ibid.
158. Ibid. See also, Meissner, Hipsman, and Aleinikoff, "The U.S. Asylum System in Crisis," p. 9, stating that the "high and growing level of EAD grants" suggest that, "as [asylum] processing times have grown, so too have incentives to file claims as a means of obtaining work authorization and protection from deportation, without a sound underlying claim to humanitarian protection."
159. U.S. Citizenship and Immigration Services, "USCIS Asylum Division Quarterly Stakeholder Meeting," August 7, 2018, p. 6, https://www.uscis.gov/sites/default/files/USCIS/Outreach/Notes%20from%20Previous%20Engagements/PED_StakeholderPrivateAgenda_08072018Meeting.pdf (accessed March 31, 2020). In May 2019, the USCIS still reported a 30 percent decrease in affirmative asylum receipts. U.S. Citizenship and Immigrations Services, "USCIS Asylum Division Quarterly Meeting," May 20, 2019, pp. 2–3, https://www.uscis.gov/sites/default/files/USCIS/Outreach/Notes%20from%20Previous%20Engagements/PED_AsylumStakeholderMeetingQA_05202019.pdf (accessed March 31, 2020).
160. *Matter of A-R-C-G-*, 26 I&N Dec. 388 (BIA 2014).
161. Meissner, Hipsman, and Aleinikoff, "The U.S. Asylum System in Crisis," p. 19.
162. *Matter of A-B-*, 27 I&N Dec. 316 (A.G. 2018).
163. Ibid.
164. Ibid.
165. Ibid.
166. Following the Attorney General's decision, the USCIS issued guidance to its asylum officers to instruct application of the decision in its varying types of benefit interviews. U.S. Department of Homeland Security, "Guidance for Processing Reasonable Fear, Credible Fear, Asylum, and Refugee Claims in Accordance with Matter of A-B-," U.S. Citizenship and Immigration *Appeals Policy Memorandum*, July 11, 2018 https://www.uscis.gov/sites/default/files/USCIS/Laws/Memoranda/2018/2018-06-18-PM-602-0162-USCIS-Memorandum-Matter-of-A-B.pdf (accessed April 1, 2020). U.S. District Court Judge Emmet Sullivan enjoined the USCIS from applying its guidelines to credible-fear interviews. *Grace v. Whitaker*, 344 F. Supp. 3d 96 (D.D.C. 2018). The USCIS and DOJ subsequently issued revised guidance, via e-mail, to align with the court order. See American Immigration Lawyers Association, "USCIS Released Updated Guidance in Light of Court Order in *Grace v. Whitaker*," December 19, 2018, https://www.aila.org/infonet/uscis-updated-guidance-grace-v-whitaker (accessed June 1, 2020), and American Immigration Lawyers Association, "EIOR Releases Memo Establishing Interim Policy and Procedures for Compliance with Court Order in *Grace v. Whitaker*," December 19, 2018, https://www.aila.org/infonet/eoir-interim-policy-compliance-grace-v-whitaker (accessed June 1, 2020).
167. *Matter of L-E-A-*, 27 I&N Dec. 581 (A.G. 2019).
168. Ibid., p. 582.
169. *Matter of S-E-G-*, 24 I&N Dec. 579, pp. 586–587 (BIA 2008).
170. *Matter of L-E-A- and SAP v. Barr*, Clinic Legal, https://cliniclegal.org/resources/asylum-and-refugee-law/matter-l-e-and-sap-v-barr (accessed April 6, 2020).

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171. Kirstjen Nielsen, testimony before the Committee on the Judiciary, U.S. House of Representatives, December 20, 2018, https://www.dhs.gov/news/2018/12/20/written-testimony-dhs-secretary-nielsen-house-committee-judiciary-hearing-titled (accessed April 2, 2020). In her testimony, DHS Secretary Nielsen noted that "[n]early half of the cases completed by DOJ in FY 2018 involving aliens from the Northern Triangle countries of El Salvador, Guatemala, and Honduras who had a positive credible fear failed to file an asylum application with the immigration judge or failed to appear at all."
172. U.S. Department of Homeland Security, "Credible Fear Workload Report Summary: FY2019 Total Caseload," U.S. Citizenship and Immigration Services January 14, 2020, https://www.uscis.gov/sites/default/files/USCIS/Outreach/Notes%20from%20Previous%20Engagements/Credible_Fear_Stats_FY19.pdf (accessed April 2, 2020).
173. U.S. Department of Justice, "Adjudication Statistics," Executive Office for Immigration Review, October 23, 2019, https://www.justice.gov/eoir/page/file/1062976/download (accessed April 2, 2020).
174. Camilo Montoya-Galvez, "Border Patrol Agents Now Screening Migrants for 'Credible Fear' Under Controversial Pilot Program," CBS News, September 20, 2019, https://www.cbsnews.com/news/us-border-patrol-cbp-agents-now-screening-migrant-families-for-credible-fear-under-controversial-pilot-program/ (accessed April 2, 2020).
175. Ibid.
176. News release, "FOIA Lawsuit Demands Information About CBP Officers' Role in Credible Fear Interview Process," American Immigration Council, October 2, 2019, https://www.americanimmigrationcouncil.org/litigation/foia-lawsuit-demands-information-about-cbp-officers-role-credible-fear-interview-process (accessed April 2, 2020).
177. 8 U.S. Code § 1158(a)(2)(A) (2008).
178. *Federal Register*, Vol. 84, No. 136 (July 16, 20199), pp. 33829–33845, https://www.federalregister.gov/documents/2019/07/16/2019-15246/asylum-eligibility-and-procedural-modifications (accessed April 3, 2020).
179. Ibid. The new bar established by this rule does not apply to withholding or deferral of removal proceedings. Aliens who fail to apply for protection in a third country of transit may continue to apply for withholding of removal under the INA and deferral of removal under regulations implementing U.S. obligations under Article 3 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. See United Nations, "Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment," Office of the High Commissioner, December 10, 1984, https://www.ohchr.org/EN/ProfessionalInterest/Pages/CAT.aspx (accessed June 1, 2020).
180. One case was filed in San Francisco (*East Bay Sanctuary Covenant v. Barr*, No. 19-04073) and one in Washington, D.C. (*CAIR Coalition v. Trump*, No. 19-2117).
181. Miriam Jordan and Zolan Kanno-Youngs, "Trump's Latest Attempt to Bar Asylum Seekers is Blocked After a Day of Dual Rulings," *The New York Times*, July 24, 2019, https://www.nytimes.com/2019/07/24/us/asylum-ruling-tro.html?searchResultPosition=1 (accessed April 3, 2020).
182. Vishnu Kannan, "Court Grants Preliminary Injunction in Challenge to Asylum Ban," Lawfare, July 24, 2019, https://www.lawfareblog.com/court-grants-preliminary-injunction-challenge-asylum-ban (accessed April 3, 2020), and *East Bay Sanctuary Covenant v. Barr*, No. 19-04073, https://assets.documentcloud.org/documents/6213167/7-24-19-East-Bay-Sanctuary-Asylum-TRO.pdf (accessed April 3, 2020).
183. *East Bay Sanctuary Covenant v. Barr*, ___ F.3d. ___ (9th Cir. 2019), http://cdn.ca9.uscourts.gov/datastore/general/2019/08/16/19-16487o.pdf (accessed April 3, 2020).
184. News release, "East Bay v. Barr: Order Granting Motion to Restore Nationwide Scope of Injunction," American Civil Liberties Union, September 11, 2019, https://www.aclu.org/legal-document/east-bay-v-barr-order-granting-motion-restore-nationwide-scope-injunction (accessed April 3, 2020).
185. *Barr v. East Bay Sanctuary Covenant*, 588 U.S. _____ (2019), https://www.supremecourt.gov/opinions/18pdf/19a230_k53l.pdf (accessed April 3, 2020).
186. 8 Code of Federal Regulations § 208.13(b)(3) (2019) states:

    > [A]djudicators should consider, but are not limited to considering, whether the applicant would face other serious harm in the place of suggested relocation; any ongoing civil strife within the country; administrative, economic, or judicial infrastructure; geographical limitations; and social and cultural constraints, such as age, gender, health, and social and familial ties. Those factors may, or may not, be relevant, depending on all the circumstances of the case, and are not necessarily determinative of whether it would be reasonable for the applicant to relocate.
    >
    > (i) In cases in which the applicant has not established past persecution, the applicant shall bear the burden of establishing that it would not be reasonable for him or her to relocate, unless the persecution is by a government or is government-sponsored.
    >
    > (ii) In cases in which the persecutor is a government or is government-sponsored, or the applicant has established persecution in the past, it shall be presumed that internal relocation would not be reasonable, unless the Service establishes by a preponderance of the evidence that, under all the circumstances, it would be reasonable for the applicant to relocate.

187. News release, "Asylum and Internal Relocation Guidance," U.S. Citizenship and Immigration Services, July 26, 2019, https://www.uscis.gov/news/news-releases/asylum-and-internal-relocation-guidance (accessed April 3, 2020).

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188. Ibid.
189. News release, "USCIS Asylum Memo: Updated Procedures for Asylum Applications Filed by Unaccompanied Alien Children," May 31, 2019, https://www.lexisnexis.com/LegalNewsRoom/immigration/b/insidenews/posts/uscis-asylum-memo-updated-procedures-for-asylum-applications-filed-by-unaccompanied-alien-children-may-31-2019 (accessed April 3, 2020).
190. U.S. Citizenship for Immigration Services, "Updated Procedures for Determination of Initial Jurisdiction over Asylum Applications Filed by Unaccompanied Alien Children," Memorandum, May 28, 2013, https://www.uscis.gov/sites/default/files/USCIS/Humanitarian/Refugees%20%26%20Asylum/Asylum/Minor%20Children%20Applying%20for%20Asylum%20By%20Themselves/determ-juris-asylum-app-file-unaccompanied-alien-children.pdf (accessed April 6, 2020).
191. U.S. Citizenship and Immigration Services, "Updated Procedures for Asylum Applications Filed by Unaccompanied Alien Children," Memorandum, May 31, 2019, https://www.lexisnexis.com/LegalNewsRoom/immigration/b/insidenews/posts/uscis-asylum-memo-updated-procedures-for-asylum-applications-filed-by-unaccompanied-alien-children-may-31-2019 (accessed April 6, 2020).
192. Ibid.
193. Ibid.
194. *J.O.P. v. U.S. Dept. of Homeland Security, et. al.*, Case GHJ19-1944 (S.D. MD), https://www.uscis.gov/sites/default/files/USCIS/Humanitarian/J.O.P._v._U.S._Dept._of_Homeland_Security_et._al._Civil_Action_819-cv-01944.pdf (accessed April 3, 2020).
195. Ibid.
196. Ibid.
197. U.S. Citizenship and Immigrations Services, "USCIS Asylum Division Quarterly Meeting," p. 4.
198. The lesson plan included standards to be used while the *Grace v. Whitaker* injunction is in place and standards to be used if the injunction is lifted. See *Grace v. Whitaker*, *supra* note 154, and American Immigration Lawyers Association, "Updated Credible Fear Lesson Plans Comparison Chart," May 30, 2019, https://www.aila.org/infonet/updated-credible-fear-lesson-plans-comparison (accessed April 6, 2020). The lesson plan also analyzes *INS v. Cardoza-Fonseca*, 480 U.S. 421 (1987), implying that the well-founded fear threshold may actually be higher than 10 percent because facts in that case were unusual.
199. News release, "IRAP & RAICES File Challenge to Trump Administration's Latest Attack on Asylum Seekers," International Refugee Assistance Project, July 1, 2019, https://refugeerights.org/irap-and-raices-file-challenge/ (accessed April 6, 2020).
200. *Kiakombua v. McAleenan*, Case 19-01872 (D.D.C. 2019).
201. News release, "USCIS Proposes to Adjust Fees to Meet Operational Needs," U.S. Citizenship and Immigration Services, November 8, 2019, https://www.uscis.gov/news/news-releases/uscis-proposes-adjust-fees-meet-operational-needs (accessed April 6, 2020).
202. *Federal Register*, Vol. 84, No. 220 (November 14, 2009), pp. 62280–62371.
203. Ibid.
204. Ibid., p. 62293.
205. Ibid., p. 62298.
206. Ibid., p. 62318.
207. Ibid.
208. Ibid., pp. 62318–62319. The USCIS did not propose a filing fee for UACs in removal proceedings who file an asylum application.
209. *Federal Register*, Vol. 85 (June 26, 2020), pp. 38532-38628, https://www.federalregister.gov/documents/2020/06/26/2020-13544/asylum-application-interview-and-employment-authorization-for-applicants (accessed June 26, 2020).
210. Because the one-year asylum application filing deadline does not apply to UACs, the rule does not propose to exclude UACs from an EAD based on the one-year filing deadline.
211. *Federal Register*, Vol. 85, pp. 38626-38628.
212. U.S. Office of Management and Budget, "Agency Rule List: Fall 2019," Office of Information and Regulatory Affairs, https://www.reginfo.gov/public/do/eAgendaViewRule?pubId=201910&RIN=1615-AC47 (accessed April 7, 2020).
213. Ibid. In his June 22, 2020, Proclamation, President Trump directed the Secretary of Homeland Security "to prevent certain aliens who have final orders of removal; who are inadmissible or deportable from the United States; or who have been arrested for, charged with, or convicted of a criminal offense in the United States, from obtaining eligibility to work in the United States." Donald Trump, "Presidential Proclamation Suspending Entry of Aliens who Present a Risk to the U.S. Labor Market Following the Coronavirus Outbreak," Presidential Proclamation 10052, June 22, 2020, https://www.whitehouse.gov/presidential-actions/proclamation-suspending-entry-aliens-present-risk-u-s-labor-market-following-coronavirus-outbreak/ (accessed June 24, 2020).
214. White House, "Presidential Proclamation on Declaring a National Emergency Concerning the Southern Border of the United States," Presidential Proclamation 9844, February 15, 2019, https://www.whitehouse.gov/Presidential-actions/Presidential-proclamation-declaring-national-emergency-concerning-southern-border-united-states/ (accessed April 8, 2020).

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216. U.S. Dept. of Justice, "Asylum Decision Rates, Adjudication Statistics," Executive Office for Immigration Review, January 23, 2020, https://www.justice.gov/eoir/page/file/1248491/download (accessed June 8, 2020).
217. Kirstjen M. Nielsen, "Policy Guidance for Implementation of the Migrant Protection Protocols," U.S. Department of Homeland Security Memorandum, January 25, 2019, https://www.dhs.gov/sites/default/files/publications/19_0129_OPA_migrant-protection-protocols-policy-guidance.pdf (accessed June 1, 2020).
218. Section 235(b)(2)(C) was added to the Immigration and Nationality Act in 1996.
219. Nielsen, "Policy Guidance for Implementation of the Migrant Protection Protocols."
220. U.S. Department of Homeland Security, "Migrant Protection Protocols Guidance, Enforcement and Removal Operations," February 12, 2019, https://www.ice.gov/sites/default/files/documents/Fact%20sheet/2019/ERO-MPP-Implementation-Memo.pdf (accessed June 8, 2020).
221. Nielsen, "Policy Guidance for Implementation of the Migrant Protection Protocols," p. 2.
222. Robert Barnes, "Supreme Court Says Trump administration May Continue 'Remain in Mexico' Policy for Asylum Seekers," *The Washington Post*, March 11, 2020, https://www.washingtonpost.com/politics/courts_law/supreme-court-trump-remain-in-mexico/2020/03/11/7abd4b9c-62d7-11ea-acca-80c22bbee96f_story.html (accessed June 1, 2020).
223. *Innovation Law Lab v. Wolf*, 951 F.3d 1073 (9th Cir. Feb. 28, 2020).
224. *Wolf v. Innovation Law Lab*, 140 S.Ct 1564 (Mem) (March 11, 2020).
225. News release, "Migrant Protection Protocols," U.S. Department of Homeland Security, January 24, 2019, https://www.dhs.gov/news/2019/01/24/migrant-protection-protocols (accessed June 1, 2020).
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227. News release, "Acting Secretary of Homeland Security Kevin K. McAleenan on the DHS–HHS Federal Rule on Flores Agreement," U.S. Department of Homeland Security, August 21, 2019, https://www.dhs.gov/news/2019/08/21/acting-secretary-mcaleenan-dhs-hhs-federal-rule-flores-agreement (accessed June 1, 2020).
228. Brian S. Hastings and Randy Howe, "The Exploitation of Migrants Through Smuggling, Trafficking, and Involuntary Servitude," testimony before the Committee on Homeland Security and Governmental Affairs, U.S. Senate, June 26, 2019, p. 2, https://www.hsgac.senate.gov/imo/media/doc/Testimony-Hastings%20and%20Howe-2019-06-26.pdf (accessed June 1, 2020).
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231. Ibid.
232. News release, "Acting Secretary of Homeland Security Kevin K. McAleenan on the DHS–HHS Federal Rule on Flores Agreement."
233. *Federal Register*, Vol. 85, No. 46 (March 9, 2020), pp. 13483–13493.
234. Nahal Toosi and Seung Min Kim, "Obama Raises Refugee Goal to 110,000, Infuriating GOP," *Politico*, September 13, 2016, https://www.politico.com/story/2016/09/obama-refugees-228134 (accessed April 10, 2020).
235. Donald Trump, "Executive Order on Enhancing State and Local Involvement in Refugee Resettlement," Executive Order 13888, September 26, 2019, https://www.whitehouse.gov/presidential-actions/executive-order-enhancing-state-local-involvement-refugee-resettlement/ (accessed June 1, 2020).
236. Immigration and Nationality Act, § 207(a). A "refugee" is defined as "any person who is outside any country of such person's nationality or, in the case of a person having no nationality, is outside any country in which such person last habitually resided, and who is unable or unwilling to return to, and is unable or unwilling to avail himself or herself of the protection of, that country because of persecution or a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion." Immigration and Nationality Act, § 101(a)(42).
237. Julian Hattem, "FBI Chief: 'Gaps' Remain in Screening Syrian Refugees," *The Hill*, October 8, 2015, https://thehill.com/policy/national-security/256399-gaps-persist-for-screening-syrian-refugees-officials-say (accessed April 10, 2020).
238. Phillip Connor and Jens Manuel Krogstad, "U.S. on Track to Reach Obama Administration's Goal of Resettling 110,000 Refugees this Year," Pew Research Center, January 20, 2017, https://www.pewresearch.org/fact-tank/2017/01/20/u-s-on-track-to-reach-obama-administrations-goal-of-resettling-110000-refugees-this-year/ (accessed April 10, 2020).
239. U.S. Department of State, *Proposed Refugee Admissions for Fiscal Year 2018*, Bureau of Population, Refugees, and Migration, October 4, 2017, p. 4, https://www.state.gov/wp-content/uploads/2018/12/Proposed-Refugee-Admissions-for-Fiscal-Year-2018.pdf (accessed April 13, 2020).

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240. Ibid. Affirmative asylum applications are those filed by aliens, at their own initiation, with the USCIS. Defensive asylum applications are those filed with an immigration court by aliens *after* they have been placed in removal proceedings. The application is a "defense" to removal.
241. U.S. Citizenship and Immigration Services, Asylum Office Workload: January 2016," January 2016, https://www.uscis.gov/sites/default/files/USCIS/Outreach/Upcoming%20National%20Engagements/AffirmativeAsylumStatisticsJanuary2016.pdf (accessed April 13, 2020).
242. U.S. Citizenship and Immigration Services, "Asylum Office Workload: January 2017," January 2017, https://www.uscis.gov/sites/default/files/USCIS/Outreach/PED-Affirmative_Asylum_Statistics_-_January_2017.pdf (accessed April 13, 2020).
243. Donald Trump, "Protecting the Nation from Foreign Terrorist Entry into the United States," Executive Order 13769, January 27, 2017, § 5(a), https://www.whitehouse.gov/Presidential-actions/executive-order-protecting-nation-foreign-terrorist-entry-united-states/ (accessed April 13, 2020).
244. Ibid.
245. Ibid., § 5(c).
246. Ibid., § 5(d). The State Department resettled 53,716 refugees in FY 2017. Refugee Processing Center, "Refugee Admissions by Region: Fiscal Year 1975 Through January 31, 2020," https://www.wrapsnet.org/documents/Refugee%20Admissions%20by%20Region%20since%201975%20as%20of%201-31-20.pdf (accessed April 13, 2020).
247. Trump, "Protecting the Nation from Foreign Terrorist Entry into the United States," Executive Order 13780, § 1(i).
248. U.S. Department of State, *Proposed Refugee Admissions for Fiscal Year 2018*, p. 16.
249. Donald Trump, "Resuming the United States Refugee Admissions Program with Enhanced Vetting Capabilities," Executive Order 13815, October 24, 2017, § 3, https://www.whitehouse.gov/Presidential-actions/Presidential-executive-order-resuming-united-states-refugee-admissions-program-enhanced-vetting-capabilities/ (accessed April 14, 2020).
250. U.S. Department of State, *Proposed Refugee Admissions for Fiscal Year 2018*, p. 16.
251. U.S. Citizenship and Immigration Services, "How Do I Get a Refugee Travel Document?" https://www.uscis.gov/sites/default/files/USCIS/Resources/D4en.pdf (accessed April 17, 2020).
252. Immigration and Nationality Act, § 207(c)(4).
253. See Lora Ries, "The Current State of the U.S. Refugee Program," testimony before the Subcommittee on Immigration and Citizenship, Committee on the Judiciary, U.S. House of Representatives, February 27, 2020, pp. 3–4, https://docs.house.gov/meetings/JU/JU01/20200227/110569/HHRG-116-JU01-Wstate-RiesL-20200227.pdf (accessed April 13, 2020).
254. U.S. Department of State, *Proposed Refugee Admissions for Fiscal Year 2018*, p. 6.
255. Ibid., p. 3.
256. *Federal Register*, Vol. 83, No. 212 (November 1, 2018), pp. 55091–55092. The President specified that applicants from Cuba; Eurasia and the Baltics; Iraq; Honduras; Guatemala; and El Salvador may, if otherwise qualified, be considered refugees for the purpose of admission to the United States within their countries of nationality or habitual residence. Ibid. See also U.S. Department of State, "Proposed Refugee Admissions for Fiscal Year 2019," Bureau of Population, Refugees, and Migration, September 17, 2018, https://www.state.gov/wp-content/uploads/2018/12/Proposed-Refugee-Admissions-for-Fiscal-Year-2019.pdf (accessed April 14, 2020).
257. *Federal Register*, Vol. 84, No. 220 (November 29, 2019), pp. 65903–65905.
258. The USCIS provides many forms of humanitarian immigration relief, including refugee status, asylum, credible fear findings, Temporary Protected Status, parole, deferred action, visas for human trafficking victims, visas for other criminal victims, and more. A credible fear claim is the initial step an illegal alien makes at or between a port of entry if they fear return to their home country. When Congress created "expedited removal" in the 1996 Illegal Immigration Reform and Immigrant Responsibility Act (Public Law 104–208) to accelerate removing illegal aliens at the border, Congress created the credible fear step in the expedited removal process to protect aliens with *bona fide* fear from being removed. The USCIS administers credible fear claims. If approved, the alien is placed in regular removal proceedings to appear before an immigration judge, where the alien should file an asylum application and have their persecution claim decided on the merits.
259. U.S. Department of State, *Report to Congress on Proposed Refugee Admissions for FY 2020*, Bureau of Population, Refugees, and Migration, November 4, 2019, https://www.state.gov/reports/report-to-congress-on-proposed-refugee-admissions-for-fy-2020/ (accessed April 14, 2020).
260. Ibid.
261. Ibid.
262. U.S. Department of Homeland Security, "Yearbook of Immigration Statistics 2018," https://www.dhs.gov/immigration-statistics/yearbook/2018 (accessed April 17, 2020).
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266. Donald Trump, "Enhancing State and Local Involvement in Refugee Resettlement," Executive Order 13888, September 26, 2019, https://www.whitehouse.gov/Presidential-actions/executive-order-enhancing-state-local-involvement-refugee-resettlement/ (accessed April 15, 2020).
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269. U.S. Department of State, "State and Local Consents Under Executive Order 13888," Bureau of Population, Refugees, and Migration, https://www.state.gov/state-and-local-consents-under-executive-order-13888/ (accessed April 15, 2020).
270. Julián Aguilar, "Abbott Tells Trump Administration Texas Won't Participate in Refugee Resettlement," *The Texas Tribune*, January 10, 2020, https://www.texastribune.org/2020/01/10/abbott-tells-trump-administration-texas-wont-resettle-refugees/ (accessed April 15, 2020).
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272. Ibid.
273. Ibid.
274. *HIAS, Inc. v. Trump*, Civil No. PJM 19-3346 (D. Md. Jan. 15, 2020).
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277. Ibid (emphasis added).
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279. President Obama ended both the Cuban Medical Professional Parole Program and the "Wet Foot/Dry Foot" policy for Cuban migrants on January 12, 2017, as part of the U.S.–Cuba agreement to restore bilateral relations. U.S. Department of Homeland Security, "Changes to Parole and Expedited Removal Policies Affecting Cuban Nationals," January 12, 2017, https://www.dhs.gov/sites/default/files/publications/DHS%20Fact%20Sheet%20FINAL.pdf (accessed April 16, 2020).
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282. Ibid.
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288. Ibid.
289. News release, "U.S. Expands Initiatives to Address Central American Migration Challenges," U.S. Department of Homeland Security, July 26, 2016, https://www.dhs.gov/news/2016/07/26/us-expands-initiatives-address-central-american-migration-challenges (accessed April 16, 2020).
290. *Federal Register*, Vol. 82, No. 157 (August 16, 2017), pp. 389926–38927. The termination notice did not terminate the CAM portion of the program, though CAM was later terminated as part of the U.S. government review of the U.S. Refugee Admissions Program for FY 2018. See U.S. Citizenship and Immigration Services, "In-Country Refugee/Parole Processing for Minors in Honduras, El Salvador and Guatemala (Central American Minors—CAM)," at https://www.uscis.gov/CAM (accessed April 16, 2020).
291. See *S.A. v. Trump*, 18-cv-03539 (N.D. Cal. 2018).
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AMERICAN OVERSIGHT

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294. U.S. Citizenship and Immigration Services, "In-Country Refugee/Parole Processing for Minors in Honduras, El Salvador and Guatemala."
295. *Federal Register*, Vol. 79, No. 243 (December 18, 2014), pp. 75581–75583.
296. See Immigration and Nationality Act, §§ 201(b)(2)(A)(i), 201(c), 202(a), and 203.
297. Ibid.
298. News release, "USCIS to End Certain Categorical Parole Programs," U.S. Citizenship and Immigration Services, August 2, 2019, https://www.uscis.gov/news/news-releases/uscis-end-certain-categorical-parole-programs (accessed April 15, 2020).
299. The USCIS stated it would not terminate any program until it completed required administrative changes to Form I-131, Application for Travel Document, and the form was approved for public use. Ibid.
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301. The State Department is currently processing Filipino visa petitions for married sons and daughters of U.S. citizens and siblings of adult U.S. citizens filed in May of 2000. U.S. Department of State, "Visa Bulletin for April 2020," Bureau of Consular Affairs, https://travel.state.gov/content/travel/en/legal/visa-law0/visa-bulletin/2020/visa-bulletin-for-april-2020.html (accessed April 16, 2020).
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343. Immigration and Nationality Act, § 274B.
344. U.S. Citizenship and Immigration Services, "Immigration and Citizenship Data," https://www.uscis.gov/sites/default/files/USCIS/Resources/Reports%20and%20Studies/H-1B/h-1b-petitions-by-gender-country-of-birth-fy2019.pdf (accessed April 20, 2020).
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The Heritage Foundation
214 Massachusetts Ave., NE | Washington, DC 20002
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From: (b)(6),(b)(7)(C) @heritage.org]
Sent: 7/29/2020 8:03:38 PM
To: (b)(6),(b)(7)(C) @heritage.org]
Subject: Heritage Experts Respond to Administration Renewing Eligibility for DACA Recipients

Flag: Follow up

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Good Afternoon,

I wanted to draw your attention to the below statement and this op-ed on the decision to continue DACA while undertaking a review. I add that both the statement and op-ed encourage future administration actions, such as **ending the unconstitutional practice of birthright citizenship.**

Please feel free to reach out with any questions or concerns.

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

Heritage Experts Respond to Administration Renewing Eligibility for DACA Recipients
July 28, 2020
https://www.heritage.org/press/heritage-experts-respond-administration-renewing-eligibility-daca-recipients

WASHINGTON – Heritage's Lora Ries, senior research fellow for homeland security, and Mike Howell, senior advisor for executive branch relations, released the following response Wednesday to the Trump administration's move to extend eligibility for current DACA recipients while the administration formulates its response to the recent Supreme Court ruling on its rescinding of the program:

> "Amnesty for illegal immigrants only begets more illegal immigration, increases the stress on America's incredibly generous immigration system, and undermines the rule of law.
>
> "President Trump acted correctly to undo the unconstitutional overreach of the Obama administration in implementing the DACA amnesty program. However, due to the Supreme Court's poorly decided ruling overturning that action, albeit perhaps only temporarily, the program remains intact.
>
> "Unfortunately, the administration has announced a plan to extend DACA benefits by a year for hundreds of thousands of DACA recipients while the administration responds to the court's decision. Although the administration will exclude any new beneficiaries from this illegal amnesty program, conservatives are right to be disappointed that DACA continues to live on.
>
> "The administration should not only seek to end DACA outright, but should maintain its strong stance on immigration enforcement. That means no new applications or renewals of DACA eligibility. Additionally, the president should take action to end the practice of granting birthright citizenship to the children of illegal aliens, significantly increase interior enforcement, and enact policies that end the practice of sanctuary cities.
>
> "Instead of focusing on actions that legitimize DACA, the administration should be laser-focused on the Supreme Court's guidance and making an ironclad case for the president's ability to end this amnesty program and restore common sense to America's immigration system."

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(b)(6),(b)(7)(C)
Senior Advisor, Executive Branch Relations
The Heritage Foundation
214 Massachusetts Avenue, NE
Washington, DC 20002
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heritage.org

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From: (b)(6),(b)(7)(C) @cis.org]
Sent: 8/8/2020 10:16:16 PM
To: (b)(6),(b)(7)(C) @ice.dhs.gov
CC: Feere, Jon (b)(6),(b)(7)(C)
(b)(6),(b)(7)(C) Feere, Jon]
Subject: Two requests

Flag: Flag for follow up

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

Congratulations on the new position!! I hope you can help me with these two requests:

1. Ball Salim Ahmed Ball, 24, of Herndon, was taken into custody and charged with second-degree murder a week after 29-year-old Maryam Ali Mohammed Al Jaberi was found dead.

Can you please provide me the accused immigration status?? https://wtop.com/fairfax-county/2020/06/man-charged-with-murder-of-reston-woman-in-her-home/

2. Ibraham Elkahlil Bouaichi, who was indicted last year on rape, strangulation and abduction charges, has been arrested for killing his accusor. He tracked her down and killed her when he was released due to Covid concerns. The woman was a native of Venezuela and did not have family in the United States, according to The Associated Press.

Can you please provide me the accused immigration status??
https://apnews.com/3f95ef01dbe3c515c630bd6998b53aa0

--

(b)(6),(b)(7)(C)
Director of Communications
Center for Immigration Studies
1629 K Street NW, Suite 600
Washington, DC 20006
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From: Gonzalez, Barbara M (b)(6),(b)(7)(C) (b)(6),(b)(7)(C) GONZALEZ, B]
Sent: 6/13/2019 12:31:26 PM
To: Feere, Jon (b)(6),(b)(7)(C) (b)(6),(b)(7)(C) Feere, Jon]
CC: (b)(6),(b)(7)(C)
Subject: FW: (b)(6),(b)(7)(C),(b)(3)

FYSA

Barbara M. Gonzalez
Assistant Director
U.S. Immigration and Customs Enforcement (ICE)
Office of Partnership and Engagement (OPE)
202.732.(b)(6),(b)(7)(C)
(b)(6),(b)(7)(C)@ICE.DHS.gov

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From: Gonzalez, Barbara M <(b)(6),(b)(7)(C)@ice.dhs.gov>
Date: Thursday, Jun 13, 2019, 8:26 AM
To: (b)(6),(b)(7)(C)@verizon.net>
Subject: RE: (b)(6),(b)(7)(C),(b)(3)

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

(b)(6),(b)(7)(C),(b)(3)

Happy to chat more if you have further questions.

Thanks,

Barbara M. Gonzalez

AMERICAN OVERSIGHT

Assistant Director
U.S. Immigration and Customs Enforcement (ICE)
Office of Partnership and Engagement (OPE)
202.732.[redacted]
[redacted]@ICE.DHS.gov

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From: [redacted]@verizon.net>
Date: Wednesday, Jun 12, 2019, 9:59 PM
To: Gonzalez, Barbara M [redacted]@ice.dhs.gov>
Subject: FW: [redacted]

HI Barbara,
Would it be appropriate for him to call VOICE (see below). If so, I'll send him the info and let him take the lead (or his son). Thanks [redacted]

[redacted]
Director of Policy Studies
Center for Immigration Studies
(774)291-[redacted]
[redacted]@cis.org
@J[redacted]CIS

From: [redacted]@aol.com>
Sent: Wednesday, June 12, 2019 6:56 PM
To: [redacted]@cis.org
Subject: [redacted]

Ms. [redacted]

[redacted]

(b)(6),(b)(7)(C),(b)(3)

I appreciate any response,

(b)(6),(b)(7)(C)
Clayton, CA
510-56 (b)(6),(b)(7)(C)

Sent from my iPad

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From: (b)(6),(b)(7)(C)
Sent: 1/13/2021 8:30:06 PM
To: Feere, Jon (b)(6),(b)(7)(C)
(b)(6),(b)(7)(C) -Feere, Jon]
Subject: FW: National Board Pilot Program

(b)(6),(b)(7)(C)
Senior Advisor to the Director
U.S. Immigration and Customs Enforcement
Department of Homeland Security
Cell: 202-73 (b)(6),(b)(7)(C)

From: (b)(6),(b)(7)(C) @cis.org>
Sent: Wednesday, January 13, 2021 3:23 PM
To: (b)(6),(b)(7)(C) @ice.dhs.gov>
Subject: RE: National Board Pilot Program

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

Thank you and ICE for the kind offer. I would be able to diligently fulfill my fiduciary duty in this position, but I believe that my ability to do so would be called into question by others. In addition, if I were to take this position, I would be unable to comment publicly on the listed programs.

Given these facts, I respectfully—and reluctantly—would like to decline this offer. I am honored to be asked, however.

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

Sent from Mail for Windows 10

From (b)(6),(b)(7)(C)
Sent: Wednesday, January 13, 2021 2:37 PM
To: (b)(6),(b)(7)(C) cis.org
Subject: National Board Pilot Program

Hello (b)(6),(b)(7)(C)
As discussed. Please send me your contact info and a bio. I'll be in touch shortly.

(b)(6),(b)(7)(C)
Senior Advisor to the Director
U.S. Immigration and Customs Enforcement
Department of Homeland Security
Cell: 202-731 (b)(6),(b)(7)(C)

AMERICAN OVERSIGHT

From the Appropriations Law (https://rules.house.gov/sites/democrats.rules.house.gov/files/BILLS-116HR133SA-RCP-116-68.pdf):
"For necessary expenses of the Office of the Secretary and for executive management for Federal assistance through grants, contracts, cooperative agreements, and other activities, $25,000,000, which shall be transferred to the Federal Emergency Management Agency, of which $20,000,000 shall be for targeted violence and terrorism prevention grants and of which $5,000,000 shall be for an Alternatives to Detention Case Management pilot program, to remain available until September 30, 2022: *Provided,* That the amounts made available for the pilot program shall be awarded to nonprofit organizations and local governments and administered by a National Board, which shall be chaired by the Officer for Civil Rights and Civil Liberties, for the purposes of providing case management services, including but not limited to: mental health services; human and sex trafficking screening; legal orientation programs; cultural orientation programs; connections to social services; and for individuals who will be removed, reintegration services: *Provided further*, That such services shall be provided to each individual enrolled into the U.S. Immigration and Customs Enforcement Alternatives to Detention program in the geographic areas served by the pilot program: *Provided further*, That any such individual may opt out of receiving such services after providing written informed consent: *Provided further*, That not to exceed $350,000 shall be for the administrative costs of the Department of Homeland Security for the pilot program."

From the Joint Explanatory Statement (https://docs.house.gov/billsthisweek/20201221/BILLS-116RCP68-JES-DIVISION-F.pdf):
"ATD and Case Management Services.-The agreement provides $440,122,000 for ATD, a net increase of $86,181,000 above the request, including the following adjustments: a reduction of $1,815,000 for personnel cost adjustments; a reduction of $22,004,000 associated with proposed hiring; an increase of $85,000,000 to expand the program; and an increase of $25,000,000 to expand participation in case management services provided by non-governmental organizations and community partners.

"In recognition of ICE's significant lack of referral approvals for enrollment into existing case management services provided by non-governmental organizations and community partners, the agreement includes funding through the Office of Civil Rights and Civil Liberties (OCRCL) within the Office of the Secretary and Executive Management for a case management services grant pilot program to be executed by nonprofit organizations and local communities. With the grants expertise support of the Federal Emergency Management Agency (FEMA), the pilot will be managed by a national board, similar to the Emergency Food and Shelter program, and chaired by the Officer for Civil Rights and Civil Liberties. Not later than 60 days after the date of enactment of this Act, OCRCL shall brief the Committees on:

(1) progress toward establishing a national board with experience in executing federal grant funding and providing the relevant case management services;
(2) the planned requirements and assessment criteria for making grant awards;
(3) the locations in which the pilot will operate; and
(4) the planned metrics for evaluating the program.

"At the completion of the program, OCR CL shall provide a report to the Committees with recommendations for providing A TD case management services. Not later than 60 days after the date of enactment of this Act, ICE, in collaboration with OCRCL and the Privacy Office, is directed to develop a process for complying with the requirements and intent of the case management pilot program. ICE shall ensure that any individual released from ICE custody on parole, bond, or into the A TD program who resides in an area covered by the pilot program is made aware of these case management services and is referred for services unless they formally decline such services in writing. ICE shall also provide relevant contact and case file information for such individuals to the grantee servicing the area where such individuals reside. These requirements shall also apply for anyone residing in such area who is enrolled in the ATD program as of the date of enactment of this Act.

AMERICAN OVERSIGHT

"ICE shall provide information describing this process to FEMA, the national board responsible for administering the pilot grant program, and each grant recipient. To ensure compliance with congressional intent, FEMA, ICE, OCRCL, and the Privacy Office are directed to jointly brief the Committees on this process prior to its execution. In any area not actively served by the pilot program, ICE shall continue to use its resources to provide case management services."

AMERICAN OVERSIGHT

REL0000023695
DHS-(ICE)-19-1228-G-000234

From: Asher, Nathalie R (b)(6),(b)(7)(C) (b)(6),(b)(7)(C) ASHER, NATH]
Sent: 6/4/2019 8:44:46 PM
To: Albence, Matthew (b)(6),(b)(7)(C) (b)(6),(b)(7)(C) Albence, Ma]
Subject: RE: Need help with something

Sorry - checking

Sent with BlackBerry Work
(www.blackberry.com)

From: Albence, Matthew (b)(6),(b)(7)(C) @ice.dhs.gov>
Date: Tuesday, Jun 04, 2019, 4:44 PM
To: Asher, Nathalie R (b)(6),(b)(7)(C) @ice.dhs.gov>
Subject: FW: Need help with something

Has Buffalo answered this?

Sent with BlackBerry Work
(www.blackberry.com)

From: Albence, Matthew < (b)(6),(b)(7)(C) @ice.dhs.gov>
Date: Saturday, Jun 01, 2019, 7:04 AM
To: Asher, Nathalie R < (b)(6),(b)(7)(C) @ice.dhs.gov>
Subject: RE: Need help with something

So when they have an alien that needs to be interviewed, what do they do? Or if they get a SC hit?

Sent with BlackBerry Work
(www.blackberry.com)

From: Asher, Nathalie R (b)(6),(b)(7)(C) @ice.dhs.gov>
Date: Friday, May 31, 2019, 9:58 PM
To: Albence, Matthew (b)(6),(b)(7)(C) @ice.dhs.gov>
Subject: RE: Need help with something

Buffalo screens the jail population via Justice Exchange and Secure Communities. Buffalo has no direct contact with staff at the jail. They do not receive any calls from this department on any ICE cases.

FOD (b)(6),(b)(7)(C) does have a working relationship with Sheriff and they have spoken in the past. However, the Sheriff won't honor ICE detainers, unless it's accompanied by a judicial warrant.

Sent with BlackBerry Work
(www.blackberry.com)

AMERICAN OVERSIGHT

From: Albence, Matthew <(b)(6),(b)(7)(C)@ice.dhs.gov>
Date: Friday, May 31, 2019, 8:25 PM
To: Asher, Nathalie R <(b)(6),(b)(7)(C)@ice.dhs.gov>
Subject: RE: Need help with something

No CAP?

Sent with BlackBerry Work
(www.blackberry.com)

From: Asher, Nathalie R <(b)(6),(b)(7)(C)@ice.dhs.gov>
Date: Friday, May 31, 2019, 8:02 PM
To: Albence, Matthew <(b)(6),(b)(7)(C)@ice.dhs.gov>
Subject: RE: Need help with something

ERO Buffalo reports they do not have any real interaction with Wayne County. This is the LEA that kicked out ICE detainees in 2016 with an existing IGSA in place when the NYS AG issued his guidance about not honoring ICE detainers. This LEA was placed on the DDOR as uncooperative in the past.

From: Albence, Matthew
Sent: Friday, May 31, 2019 6:12 PM
To: Asher, Nathalie R <(b)(6),(b)(7)(C)@ice.dhs.gov>
Subject: FW: Need help with something

Forgot to send this last week. Can you have field ops check w the FOD to see the level OPLA cooperation from this LEA? Thanks!

Sent with BlackBerry Work
(www.blackberry.com)

From: (b)(6),(b)(7)(C)@verizon.net>
Date: Thursday, May 23, 2019, 1:35 PM
To: Albence, Matthew <(b)(6),(b)(7)(C)@ice.dhs.gov>
Subject: RE: Need help with something

Wayne County NY. Thanks, you're the best! (b)(6),(b)(7)(C)

Sent from AOL Mobile Mail

On Thursday, May 23, 2019 Albence, Matthew <(b)(6),(b)(7)(C)@ice.dhs.gov> wrote:

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

AMERICAN OVERSIGHT

Just send me the county name and I'll run it down. No worries!

Matt

Sent with BlackBerry Work
(www.blackberry.com)

From: (b)(6),(b)(7)(C) @verizon.net>

Date: Thursday, May 23, 2019, 11:45 AM

To: Albence, Matthew (b)(6),(b)(7)(C) ice.dhs.gov>

Subject: Need help with something

Hi Matt,

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

Director of Policy Studies

Center for Immigration Studies

(774)291 (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C) @cis.org

@ (b)(6),(b)(7)(C) _CIS

AMERICAN OVERSIGHT

From: Asher, Nathalie R (b)(6),(b)(7)(C) (b)(6),(b)(7)(C) ASHER, NATH]
Sent: 6/4/2019 9:28:55 PM
To: Albence, Matthew (b)(6),(b)(7)(C) (b)(6),(b)(7)(C) -Albence, Ma]
Subject: RE: Need help with something

Buffalo reports they are permitted to enter the jail for interviews but they won't hold anyone on a detainer.

For CAP, they only have one or two cases a year.

For a SC hit, if they called them and said they were on their way to interview the subject, they wouldn't hold on to alien unless he was detained on their charges.

From: Albence, Matthew
Sent: Tuesday, June 4, 2019 4:44 PM
To: Asher, Nathalie R (b)(6),(b)(7)(C) @ice.dhs.gov>
Subject: FW: Need help with something

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Sent with BlackBerry Work
(www.blackberry.com)

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Date: Saturday, Jun 01, 2019, 7:04 AM
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AMERICAN OVERSIGHT

Sent with BlackBerry Work
(www.blackberry.com)

From: Albence, Matthew <(b)(6),(b)(7)(C)@ice.dhs.gov>
Date: Friday, May 31, 2019, 8:25 PM
To: Asher, Nathalie (b)(6),(b)(7)(C)ice.dhs.gov>
Subject: RE: Need help with something

No CAP?

Sent with BlackBerry Work
(www.blackberry.com)

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To: Albence, Matthew (b)(6),(b)(7)(C)@ice.dhs.gov>
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To: Asher, Nathalie R <(b)(6),(b)(7)(C)@ice.dhs.gov>
Subject: FW: Need help with something

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From: (b)(6),(b)(7)(C)@verizon.net>
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To: Albence, Matthew (b)(6),(b)(7)(C)@ice.dhs.gov>
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AMERICAN OVERSIGHT

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Just send me the county name and I'll run it down. No worries!

Matt

Sent with BlackBerry Work
(www.blackberry.com)

From: (b)(6),(b)(7)(C) @verizon.net>

Date: Thursday, May 23, 2019, 11:45 AM

To: Albence, Matthew <(b)(6),(b)(7)(C) @ice.dhs.gov>

Subject: Need help with something

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

Director of Policy Studies

Center for Immigration Studies

(774)291-(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)@cis.org

@(b)(6),(b)(7)(C)_CIS

AMERICAN OVERSIGHT

From: (b)(6),(b)(7)(C) @verizon.net]
Sent: 7/3/2019 5:17:23 PM
To: Albence, Matthew (b)(6),(b)(7)(C)
(b)(6),(b)(7)(C) Albence, Ma]
Subject: RE: Need help with something

Thanks so much, Matt. That is exactly what I need. He's staying on the naughty list. Best, (b)(6),(b)(7)(C)

From: Albence, Matthew (b)(6),(b)(7)(C) @ice.dhs.gov>
Sent: Monday, July 1, 2019 9:11 AM
To: (b)(6),(b)(7)(C) @verizon.net>
Subject: RE: Need help with something

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

So sorry for taking so long to get back with you. Per the FOD, he does have a working relationship with the Sheriff. However, the Sheriff won't honor detainers unless accompanied by a judicial warrant, and his office has no direct contact with his staff nor do they receive any calls from the SO on cases with ICE interest.

Let me know if this is what you needed. Thanks and sorry again.

Matt

From: (b)(6),(b)(7)(C) @verizon.net>
Sent: Friday, May 31, 2019 2:20 PM
To: Albence, Matthew <(b)(6),(b)(7)(C) @ice.dhs.gov>
Subject: RE: Need help with something

Hi Matt, just wondering , anything on Wayne County NY cooperation? Thanks, (b)(6),(b)(7)(C)

From: Albence, Matthew (b)(6),(b)(7)(C) @ice.dhs.gov>
Sent: Thursday, May 23, 2019 12:28 PM
To (b)(6),(b)(7)(C) @verizon.net>
Subject: RE: Need help with something

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

Just send me the county name and I'll run it down. No worries!

Matt

Sent with BlackBerry Work
(www.blackberry.com)

From: (b)(6),(b)(7)(C) @verizon.net>
Date: Thursday, May 23, 2019, 11:45 AM
To: Albence, Matthew (b)(6),(b)(7)(C) @ice.dhs.gov>
Subject: Need help with something

AMERICAN OVERSIGHT

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(b)(6),(b)(7)(C)
Director of Policy Studies
Center for Immigration Studies
(774)291-(b)(6),(b)(7)(C)
(b)(6),(b)(7)(C)@cis.org
@(b)(6),(b)(7)(C)CIS

AMERICAN OVERSIGHT

REL0000023699
DHS-(ICE)-19-1228-G-000242

From: (b)(6),(b)(7)(C)
Sent: 10/2/2019 9:25:08 PM
To: Albence, Matthew (b)(6),(b)(7)(C)
(b)(6),(b)(7)(C) Albence, Ma]
Subject: RE: Invitation to Heritage Honors Gala (Oct. 22)

Shall I check, sir?

(b)(6),(b)(7)(C)
202-344 (b)(6),(b)(7)(C)

From: Albence, Matthew (b)(6),(b)(7)(C) @ice.dhs.gov>
Date: Wednesday, Oct 02, 2019, 5:05 PM
To: (b)(6),(b)(7)(C) @ice.dhs.gov>
Subject: RE: Invitation to Heritage Honors Gala (Oct. 22)

(b)(5)

From: (b)(6),(b)(7)(C) @ice.dhs.gov>
Sent: Wednesday, October 2, 2019 5:05 PM
To: Albence, Matthew (b)(6),(b)(7)(C) @ice.dhs.gov>
Subject: RE: Invitation to Heritage Honors Gala (Oct. 22)

(b)(5) Let me know how you'd like me to RSVP.

(b)(6),(b)(7)(C)
202-344 (b)(6),(b)(7)(C)

From: Albence, Matthew < (b)(6),(b)(7)(C) @ice.dhs.gov>
Date: Wednesday, Oct 02, 2019, 5:00 PM
To: (b)(6),(b)(7)(C) @ice.dhs.gov>
Subject: FW: Invitation to Heritage Honors Gala (Oct. 22)

Hmmm

Sent with BlackBerry Work
(www.blackberry.com)

From: (b)(6),(b)(7)(C) @heritage.org>
Date: Wednesday, Oct 02, 2019, 4:36 PM
To: Albence, Matthew < (b)(6),(b)(7)(C) @ice.dhs.gov>
Subject: RE: Invitation to Heritage Honors Gala (Oct. 22)

Acting Director Albence-

AMERICAN OVERSIGHT

Hope all is well. Just wanted to follow up with you and let you know that this event is being headlined by Vice President Pence and we will have several cabinet and agency heads in attendance. We'd love to have you join. In the DHS space, we will have (b)(6),(b)(7)(C) and are working through clearance with the Acting Secretary and several other political appointees. Tom Homan is also going to be there, at least for an earlier panel.

Would love to have you join!

You are welcome to bring a guest and can register online at www.heritagehonors.org with the invite code GALASG.

(b)(6),(b)(7)(C)
Senior Advisor, Executive Branch Relations
The Heritage Foundation
214 Massachusetts Avenue, NE
Washington, DC 20002
202-608 (b)(6),(b)(7)(C)
heritage.org

From: (b)(6),(b)(7)(C)
Sent: Friday, September 6, 2019 11:32 AM
To: (b)(6),(b)(7)(C) @heritage.org>
Subject: Invitation to Heritage Honors Gala (Oct. 22)

Good Morning,

The Heritage Foundation cordially invites you and a guest to our first annual Heritage Foundation Honors Gala on Tuesday, October 22, 2019 from 6:00-8:30 p.m. This black tie affair will be held at the Marriott Marquis and will celebrate the unique American values that unite us as a country and pay tribute to Heritage's extraordinary founder, (b)(6),(b)(7)(C) (b)(6),(b)(7)(C)

You can register online at www.heritagehonors.org with the invite code GALASG. This invitation is non-transferrable.

Hope to see you there,
(b)(6),(b)(7)(C)

AMERICAN OVERSIGHT

From: (b)(6),(b)(7)(C)
Sent: 11/26/2019 10:54:29 PM
To: Albence, Matthew [(b)(6),(b)(7)(C) (b)(6),(b)(7)(C) Albence, Ma]
CC: Robbins, Timothy S [(b)(6),(b)(7)(C) (b)(6),(b)(7)(C) Robbins, Ti]; Archambeault, Gregory [(b)(6),(b)(7)(C) -Archambeaul]
Subject: RE: Interview consent forms in jails
Attachments: Homan California Declaration DRAFT 3-6-18 PM (clean w source comments).docx

(b)(5),(b)(6),(b)(7)(C)

From: Albence, Matthew <(b)(6),(b)(7)(C) @ice.dhs.gov>
Sent: Tuesday, November 26, 2019 5:50 PM
To: (b)(6),(b)(7)(C) @ice.dhs.gov>
Cc: Robbins, Timothy S <(b)(6),(b)(7)(C) @ice.dhs.gov>; Archambeault, Gregory J <(b)(6),(b)(7)(C) @ice.dhs.gov>
Subject: RE: Interview consent forms in jails

Ok. I know we tracked for awhile-pretty sure OPLA included the number in its filing. I will look to see what I have

From: (b)(6),(b)(7)(C) @ice.dhs.gov>
Sent: Tuesday, November 26, 2019 5:35 PM
To: Albence, Matthew <(b)(6),(b)(7)(C) ice.dhs.gov>
Cc: Robbins, Timothy S <(b)(6),(b)(7)(C) @ice.dhs.gov>; Archambeault, Gregory J <(b)(6),(b)(7)(C) @ice.dhs.gov>
Subject: RE: Interview consent forms in jails

(b)(5),(b)(6),(b)(7)(C)

From: Albence, Matthew <(b)(6),(b)(7)(C) @ice.dhs.gov>
Sent: Tuesday, November 26, 2019 4:22 PM
To: (b)(6),(b)(7)(C) @ice.dhs.gov>
Cc: Robbins, Timothy S <(b)(6),(b)(7)(C) @ice.dhs.gov>; Archambeault, Gregory J <(b)(6),(b)(7)(C) @ice.dhs.gov>
Subject: FW: Interview consent forms in jails

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

(b)(5)

From: (b)(6),(b)(7)(C) @verizon.net>
Sent: Tuesday, November 26, 2019 2:28 PM
To: Albence, Matthew <(b)(6),(b)(7)(C) ice.dhs.gov>
Subject: Interview consent forms in jails

AMERICAN OVERSIGHT

Hi Matt,
Hope you're well. Question – has ICE developed any information, stats, or anything illustrating the effect of these state and local requirements that prohibit ICE officers from speaking to an alien in custody without the alien signing a consent form? I'm asking now because on Monday I'm testifying up in Mass against a bill that would impose this requirement, but I'm also interested for future reference. It's something I've thought about trying to find a way to quantify or illustrate the effect, but not sure how to go about it.

If ICE has developed information on this, could you share it, if not, can I obtain it through FOIA, and if not does anyone on your staff have any ideas how to address this?

Hope you have a Happy Thanksgiving, and thanks (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)
Director of Policy Studies
Center for Immigration Studies
(774)291(b)(6),(b)(7)(C)
(b)(6),(b)(7)(C)@cis.org
@(b)(6),(b)(7)(C)CIS

AMERICAN OVERSIGHT

REL0000023703
DHS-(ICE)-19-1228-G-000246

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

THE UNITED STATES OF AMERICA,

Plaintiff,

v.

THE STATE OF CALIFORNIA; EDMUND GERALD BROWN, JR., Governor of California, in his Official Capacity; and XAVIER BECERRA, Attorney General of California, in his Official Capacity,

Defendants.

Case No. XX-cv-XXXX

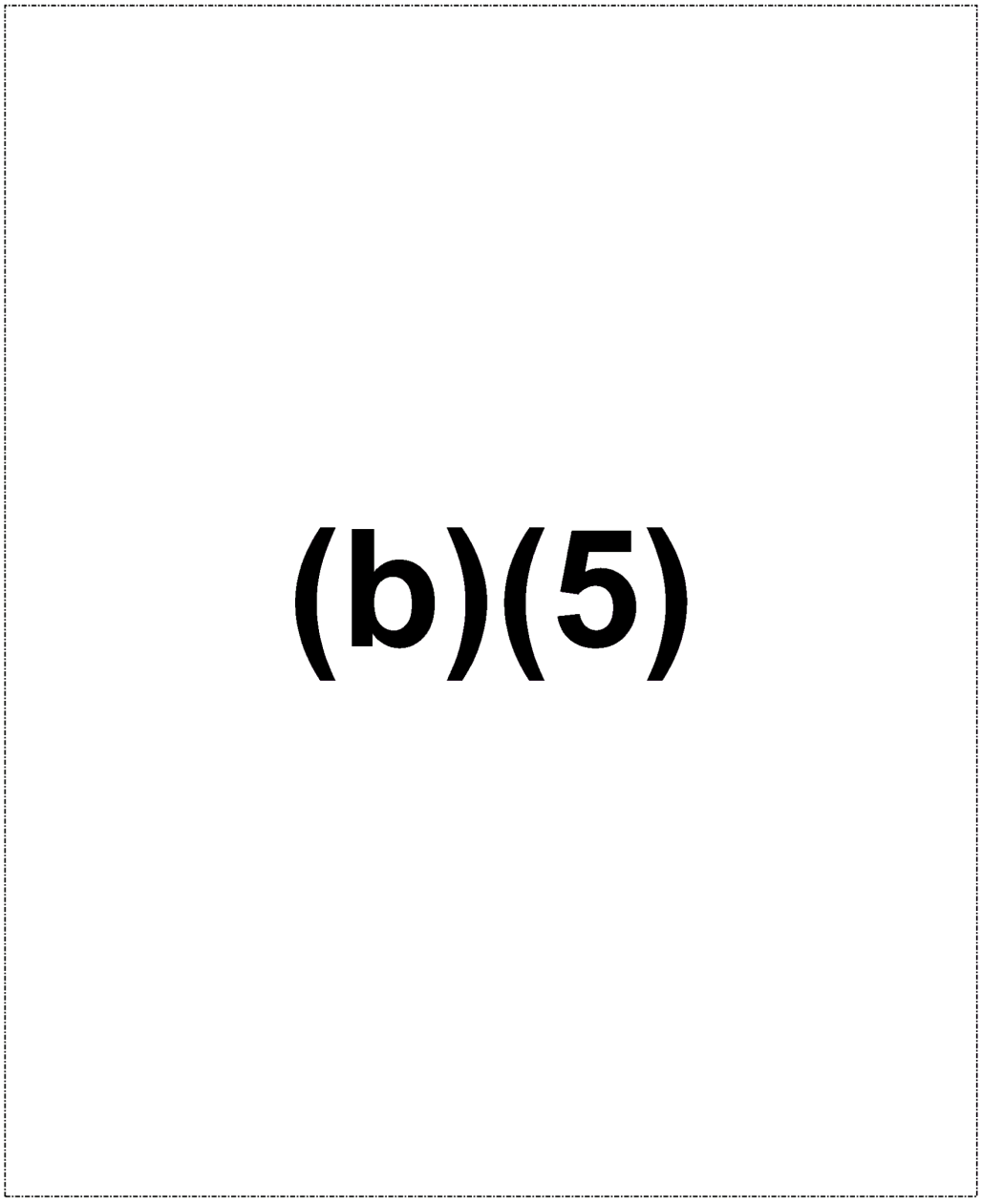
DECLARATION OF THOMAS D. HOMAN

(b)(5)

Commented [ICE-OPLA1]: (b)(5),(b)(6),(b)(7)(C) (b)(5)

AMERICAN OVERSIGHT

REL0000023703.0001
DHS-(ICE)-19-1228-G-000247



AMERICAN OVERSIGHT

REL0000023703.0001
DHS-(ICE)-19-1228-G-000248

(b)(5)

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Commented [ICE-OPLA3]:

(b)(5)

AMERICAN OVERSIGHT

REL0000023703.0001
DHS-(ICE)-19-1228-G-000249

(b)(5)

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AMERICAN OVERSIGHT

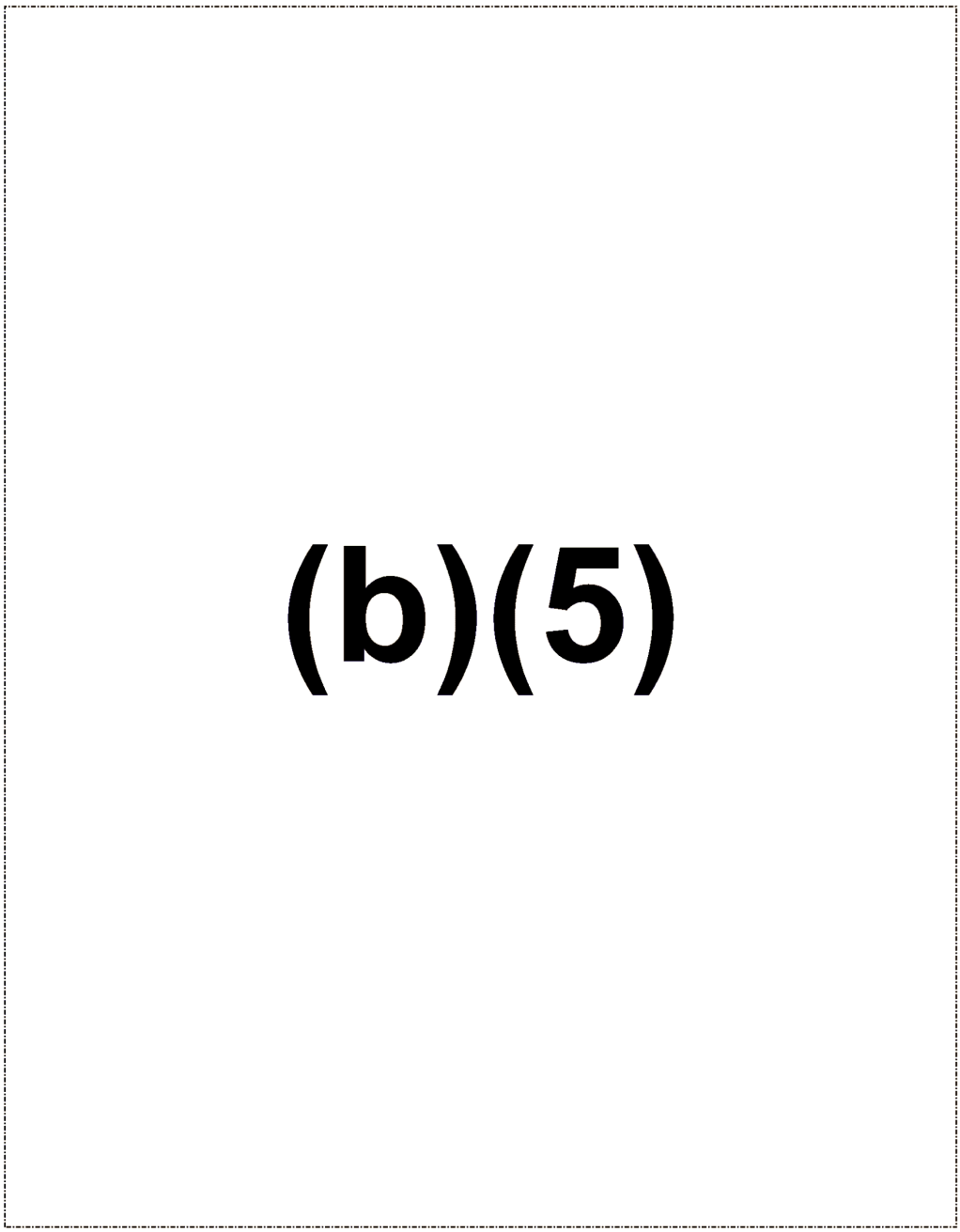
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AMERICAN OVERSIGHT

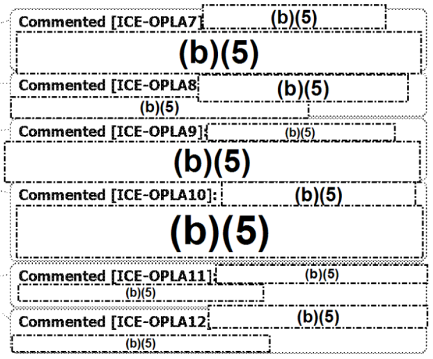
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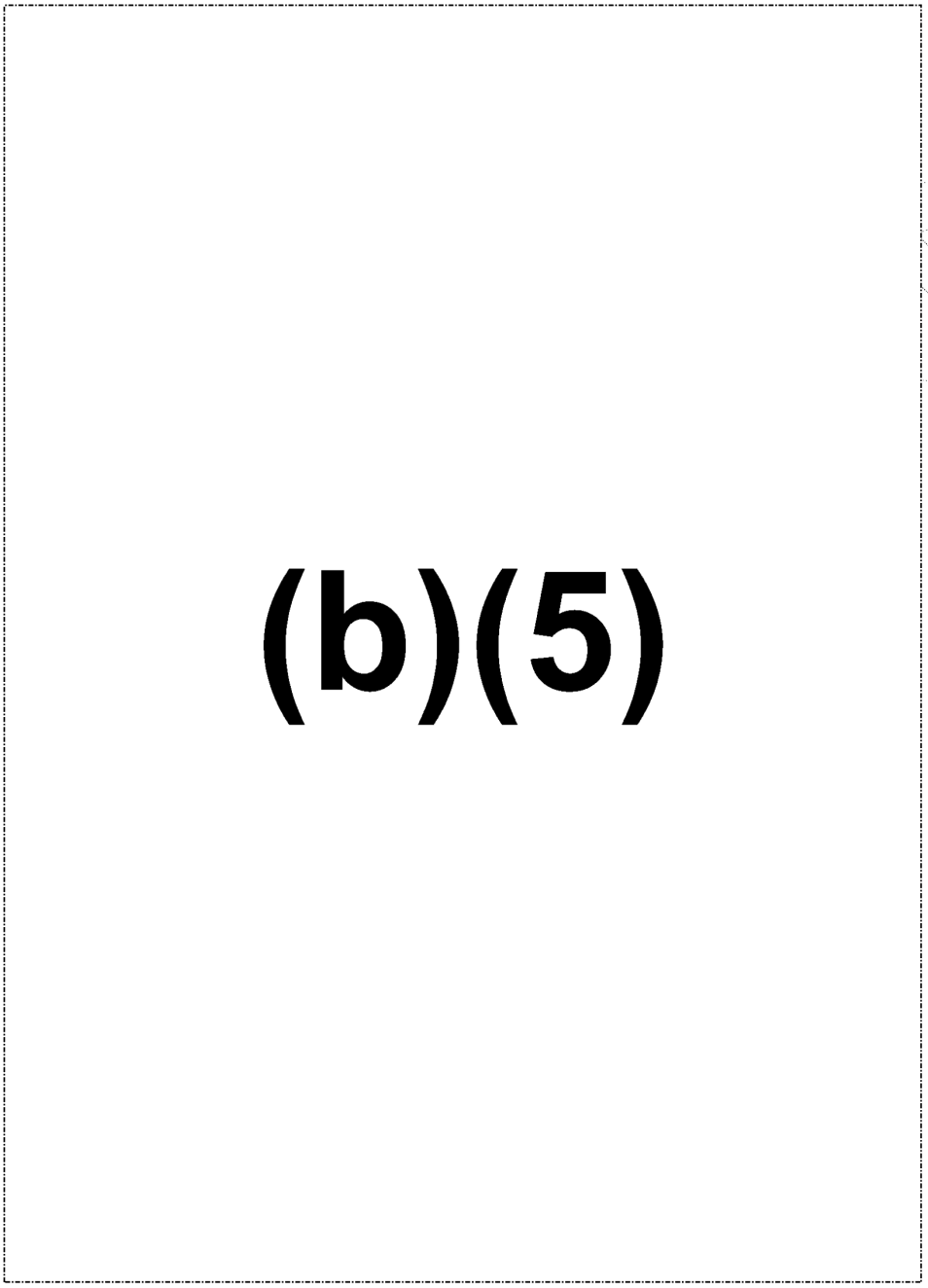
AMERICAN OVERSIGHT

REL0000023703.0001
DHS-(ICE)-19-1228-G-000252

(b)(5)



AMERICAN OVERSIGHT



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AMERICAN OVERSIGHT

REL0000023703.0001
DHS-(ICE)-19-1228-G-000254

(b)(5)

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AMERICAN OVERSIGHT

REL0000023703.0001
DHS-(ICE)-19-1228-G-000255

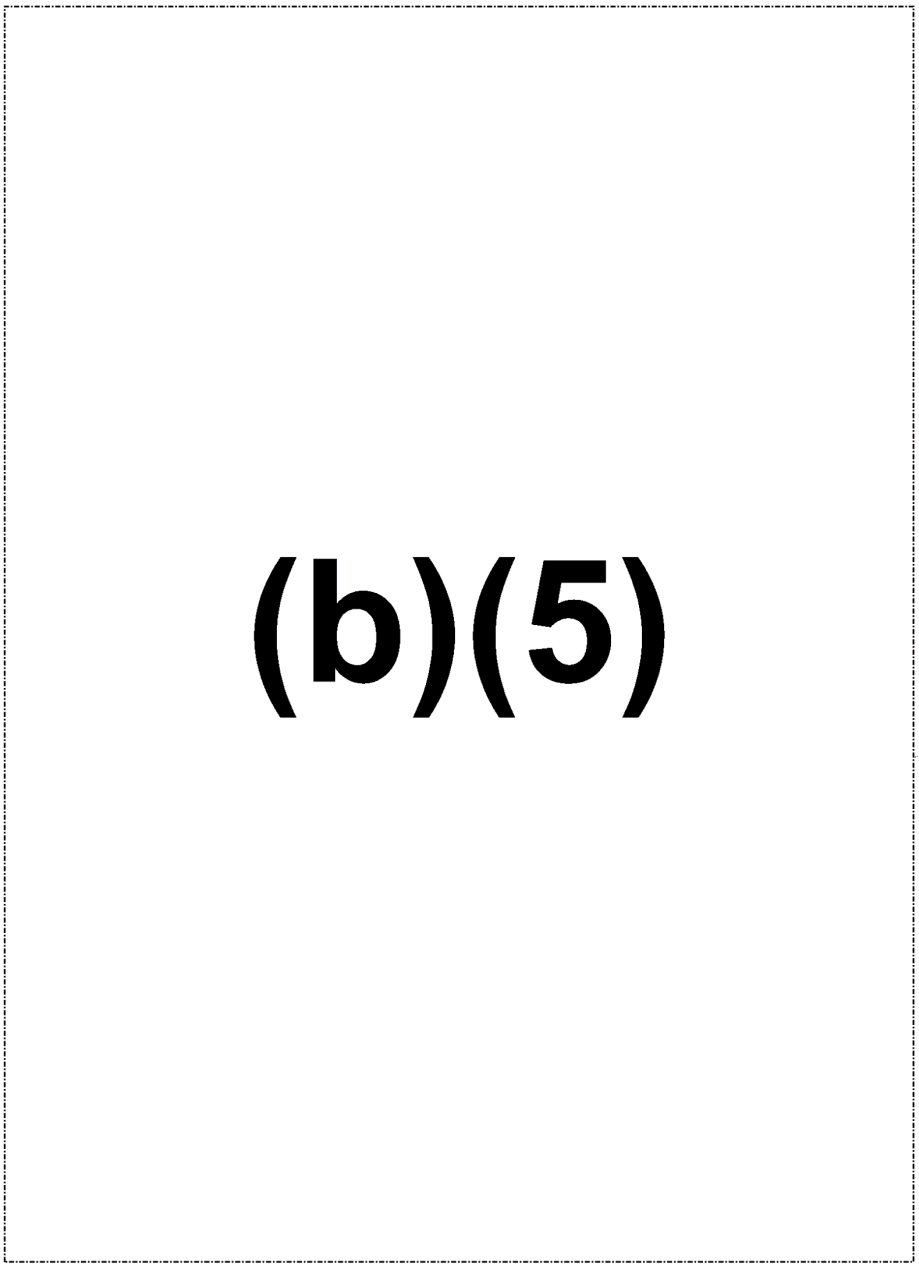
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AMERICAN OVERSIGHT

REL0000023703.0001
DHS-(ICE)-19-1228-G-000256



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AMERICAN OVERSIGHT

REL0000023703.0001
DHS-(ICE)-19-1228-G-000257

(b)(5)

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AMERICAN OVERSIGHT

REL0000023703.0001
DHS-(ICE)-19-1228-G-000258

(b)(5)

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AMERICAN OVERSIGHT

REL0000023703.0001
DHS-(ICE)-19-1228-G-000259

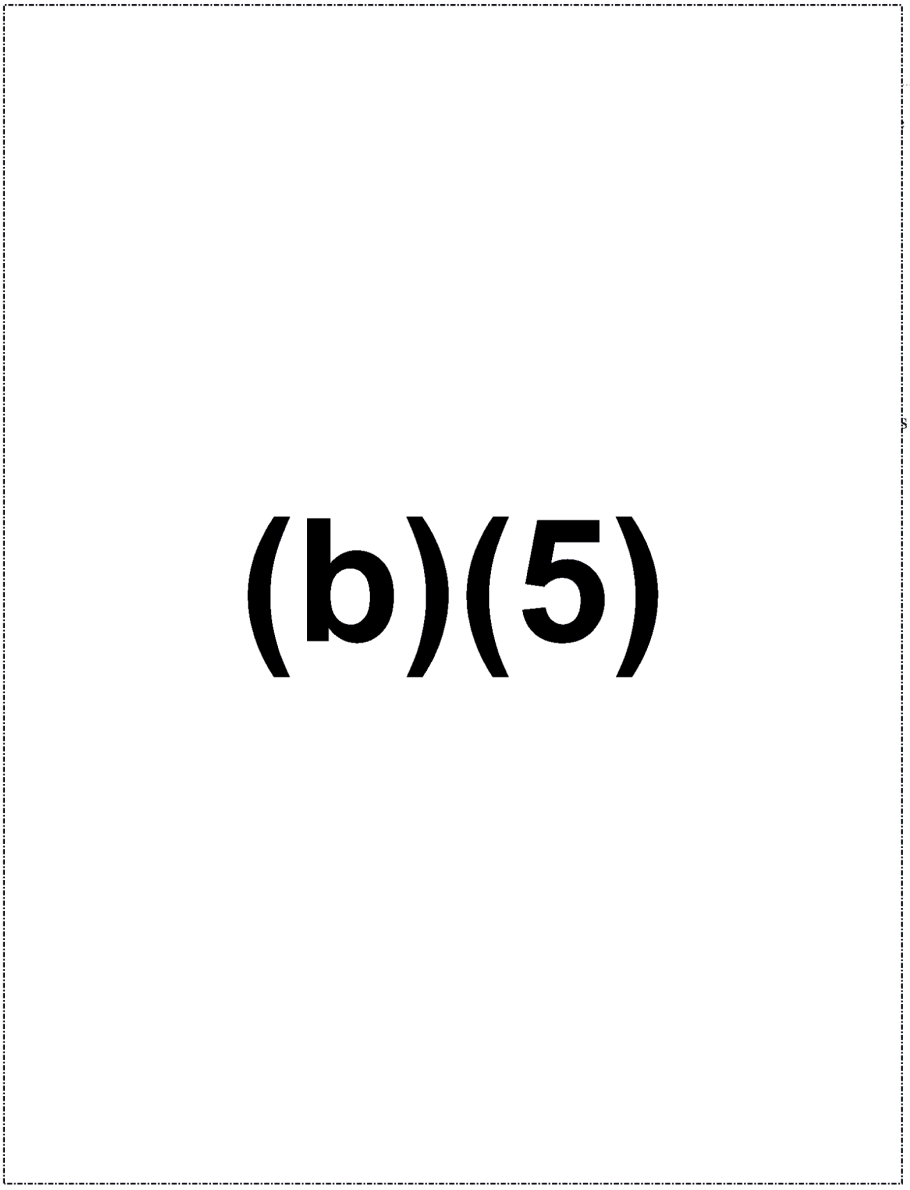
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Commented [ICE-OPLA27]: (b)(5)
(b)(5)

AMERICAN OVERSIGHT

REL0000023703.0001
DHS-(ICE)-19-1228-G-000260



Commented [ICE-OPLA28]: (b)(5),(b)(6),(b)(7)(C)
(b)(5),(b)(6),(b)(7)(C)

AMERICAN OVERSIGHT

REL0000023703.0001
DHS-(ICE)-19-1228-G-000261

(b)(5)

Commented [ICE-OPLA29]: (b)(5),(b)(6),(b)(7)(C)
(b)(5),(b)(6),(b)(7)(C)

(b)(5)

AMERICAN OVERSIGHT

REL0000023703.0001
DHS-(ICE)-19-1228-G-000262

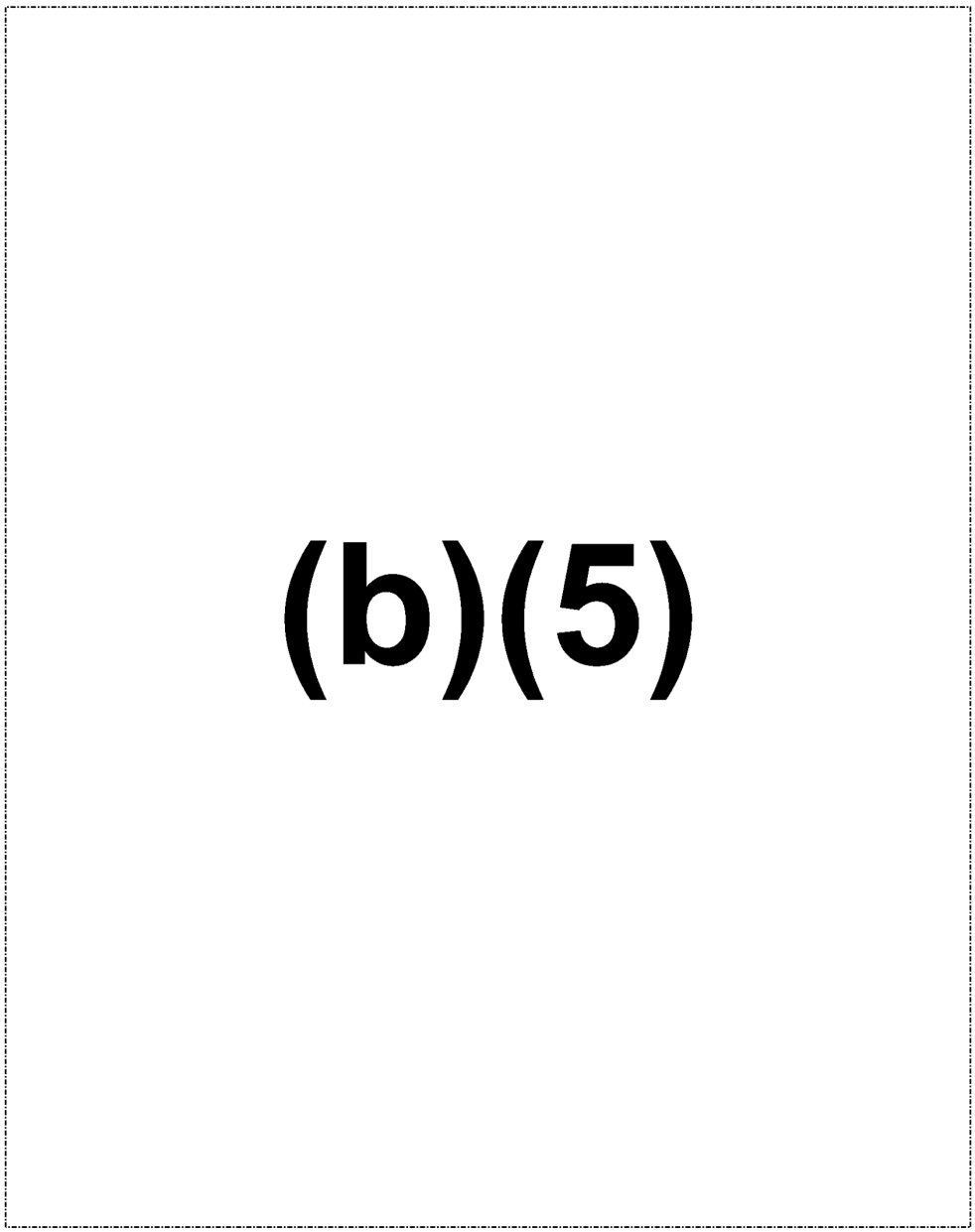
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AMERICAN OVERSIGHT

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AMERICAN OVERSIGHT

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DHS-(ICE)-19-1228-G-000264

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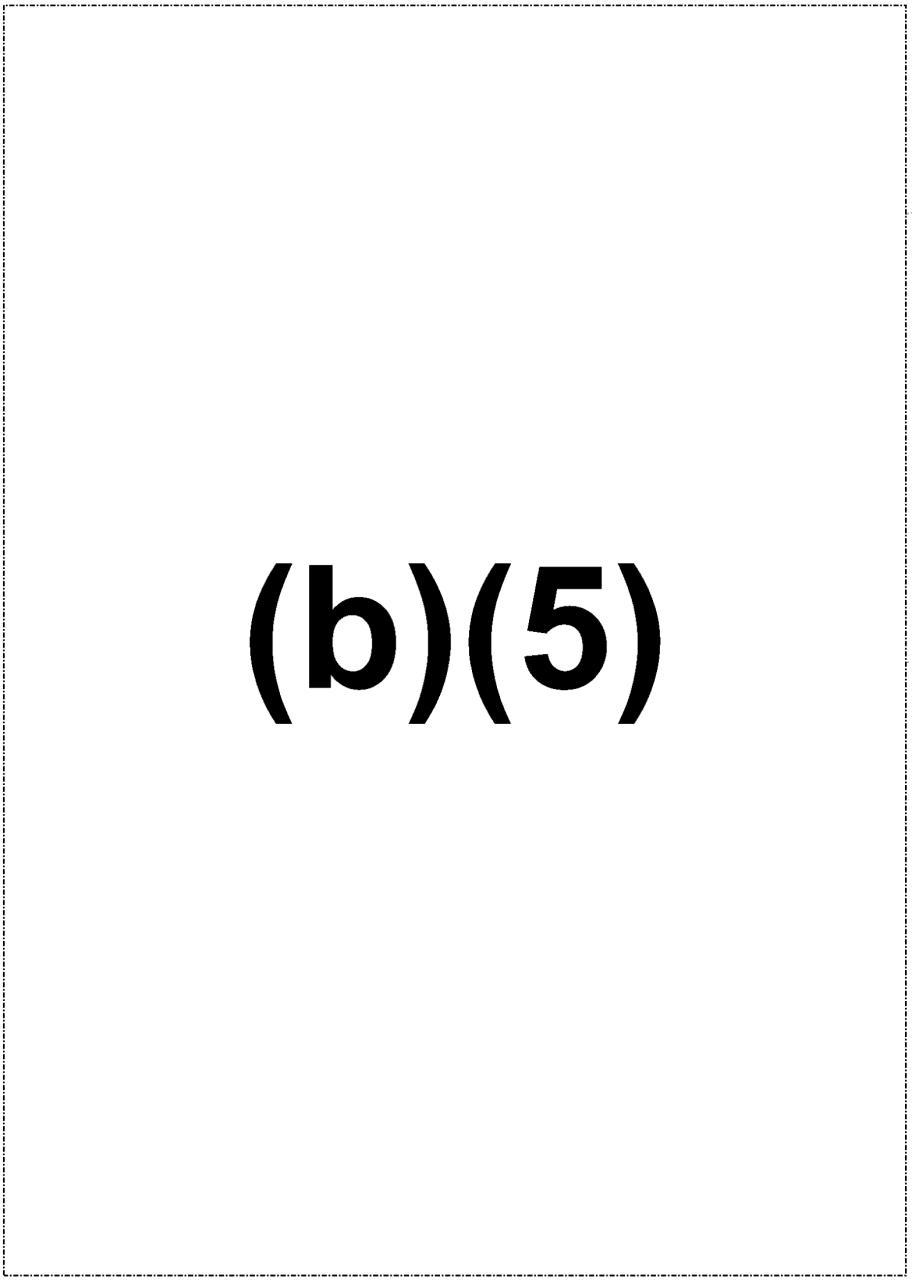
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AMERICAN OVERSIGHT

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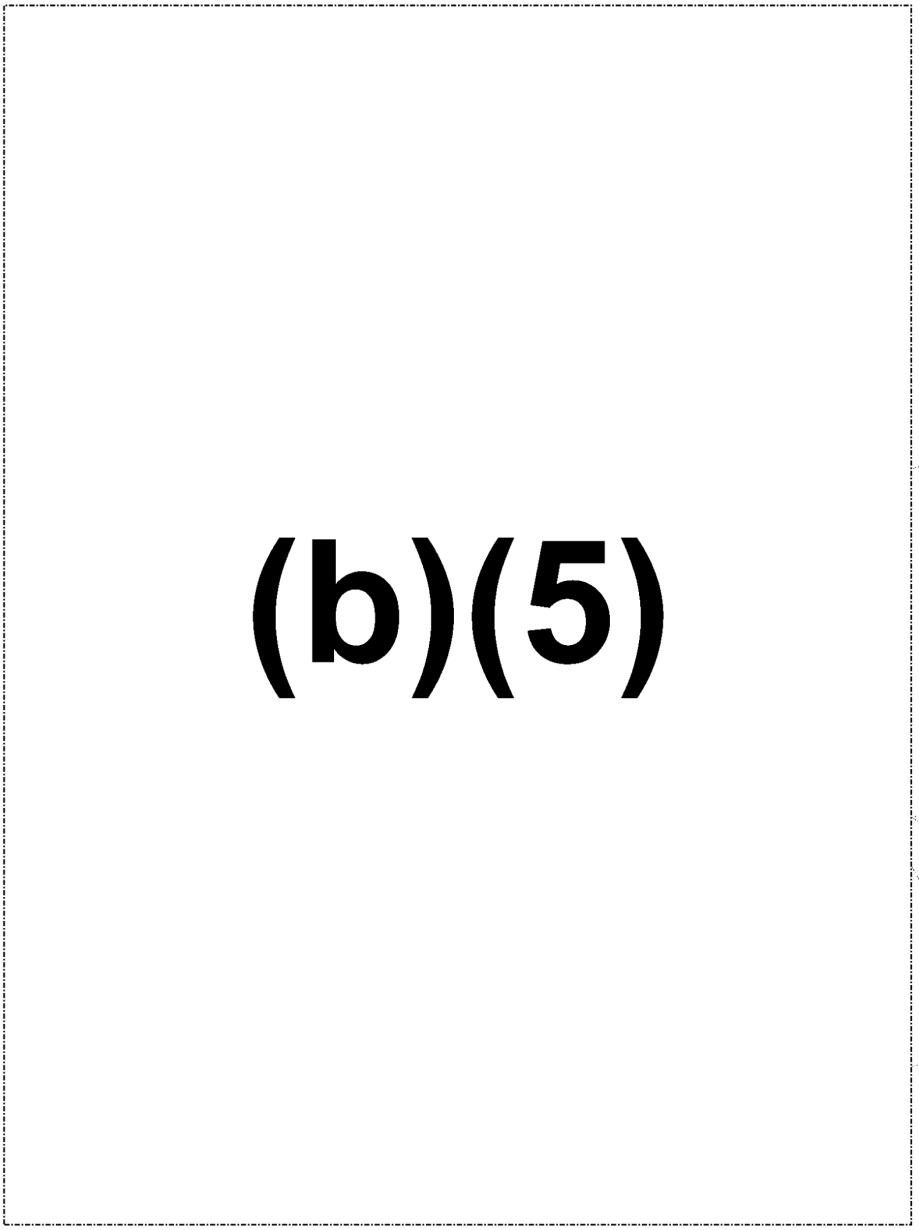


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AMERICAN OVERSIGHT

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DHS-(ICE)-19-1228-G-000266



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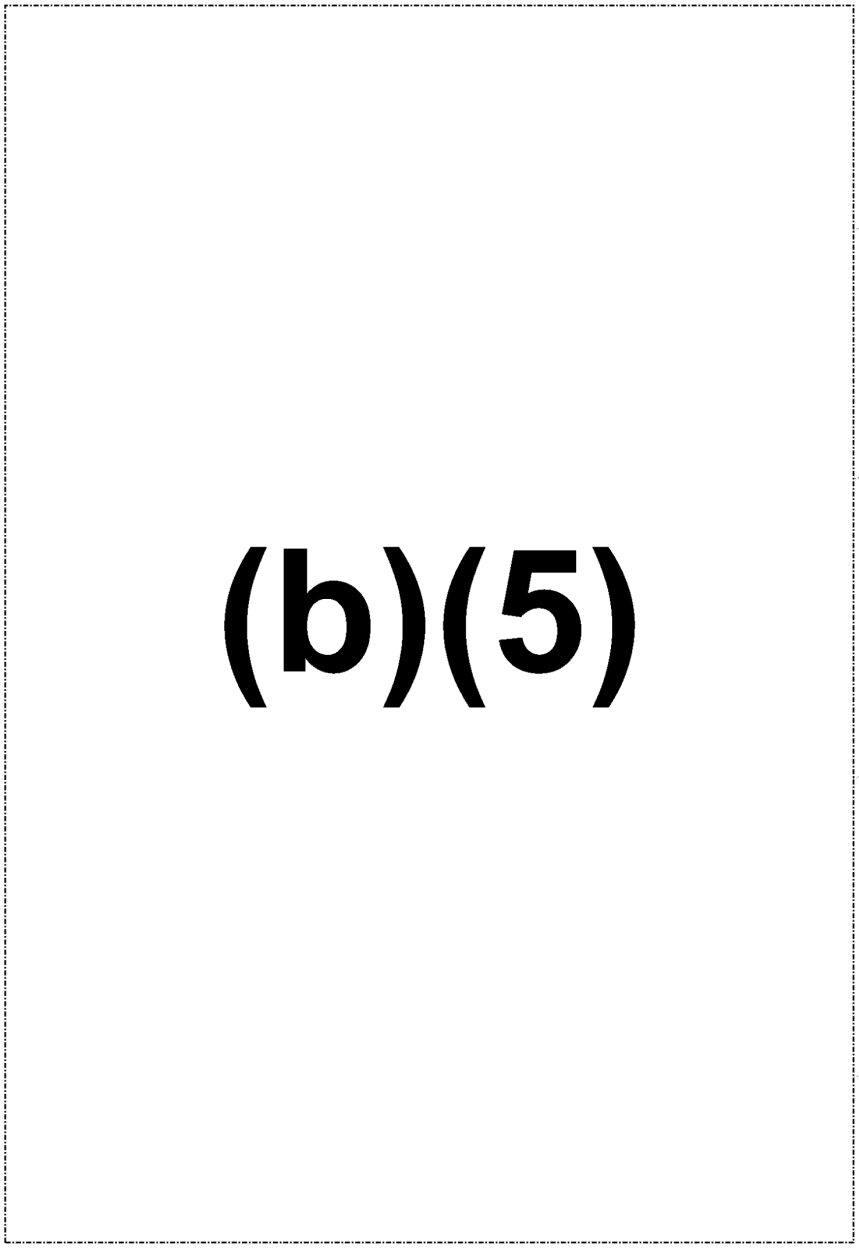
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AMERICAN OVERSIGHT

REL0000023703.0001
DHS-(ICE)-19-1228-G-000267



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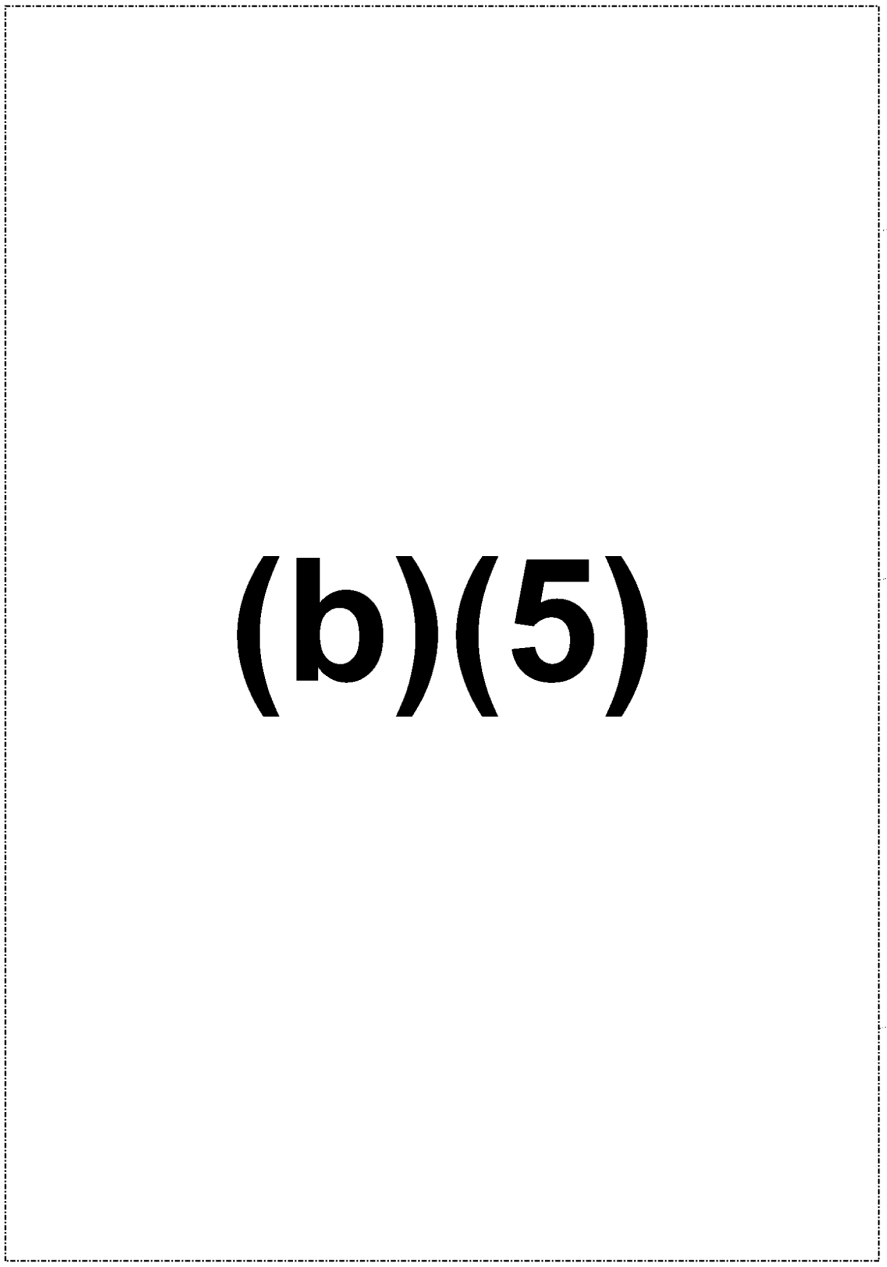
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AMERICAN OVERSIGHT

REL0000023703.0001
DHS-(ICE)-19-1228-G-000268



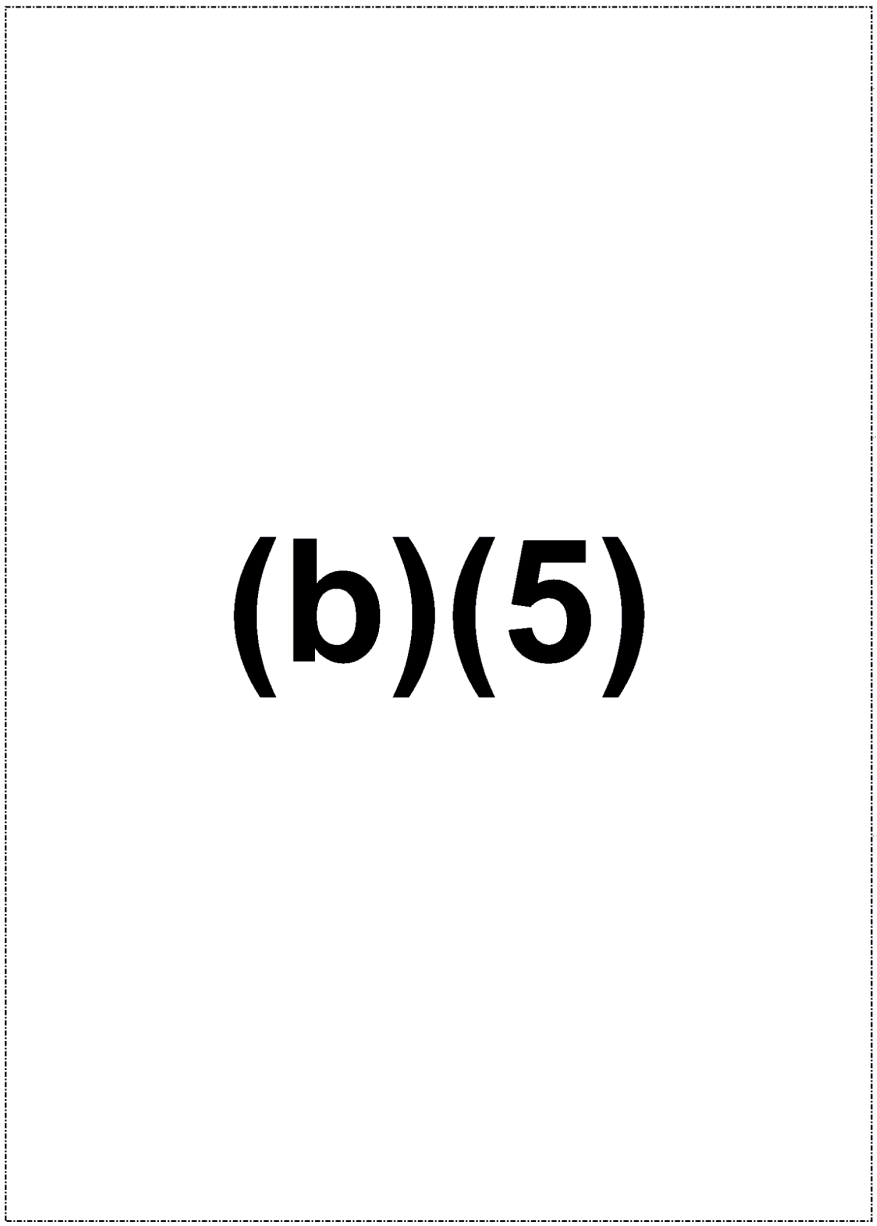
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DHS-(ICE)-19-1228-G-000269



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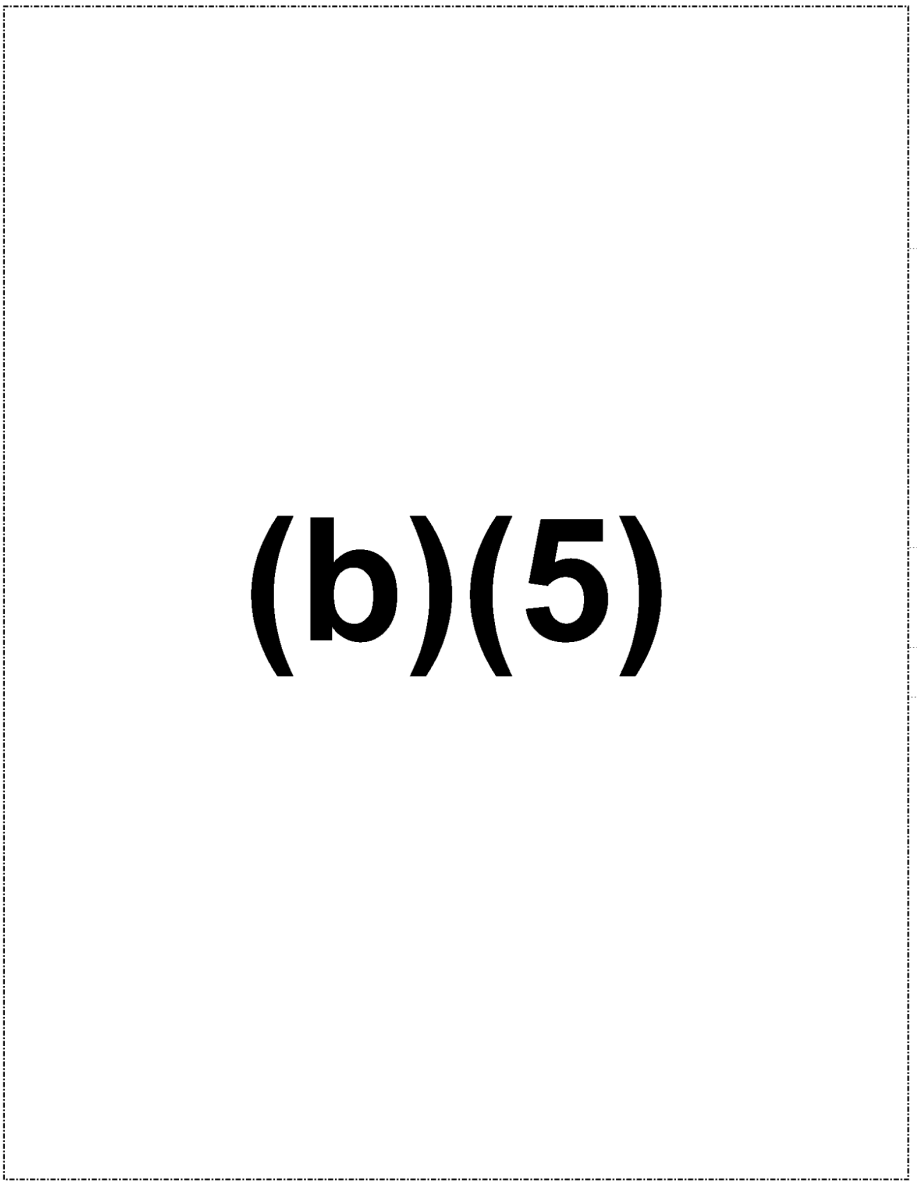
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DHS-(ICE)-19-1228-G-000270

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AMERICAN OVERSIGHT

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AMERICAN OVERSIGHT

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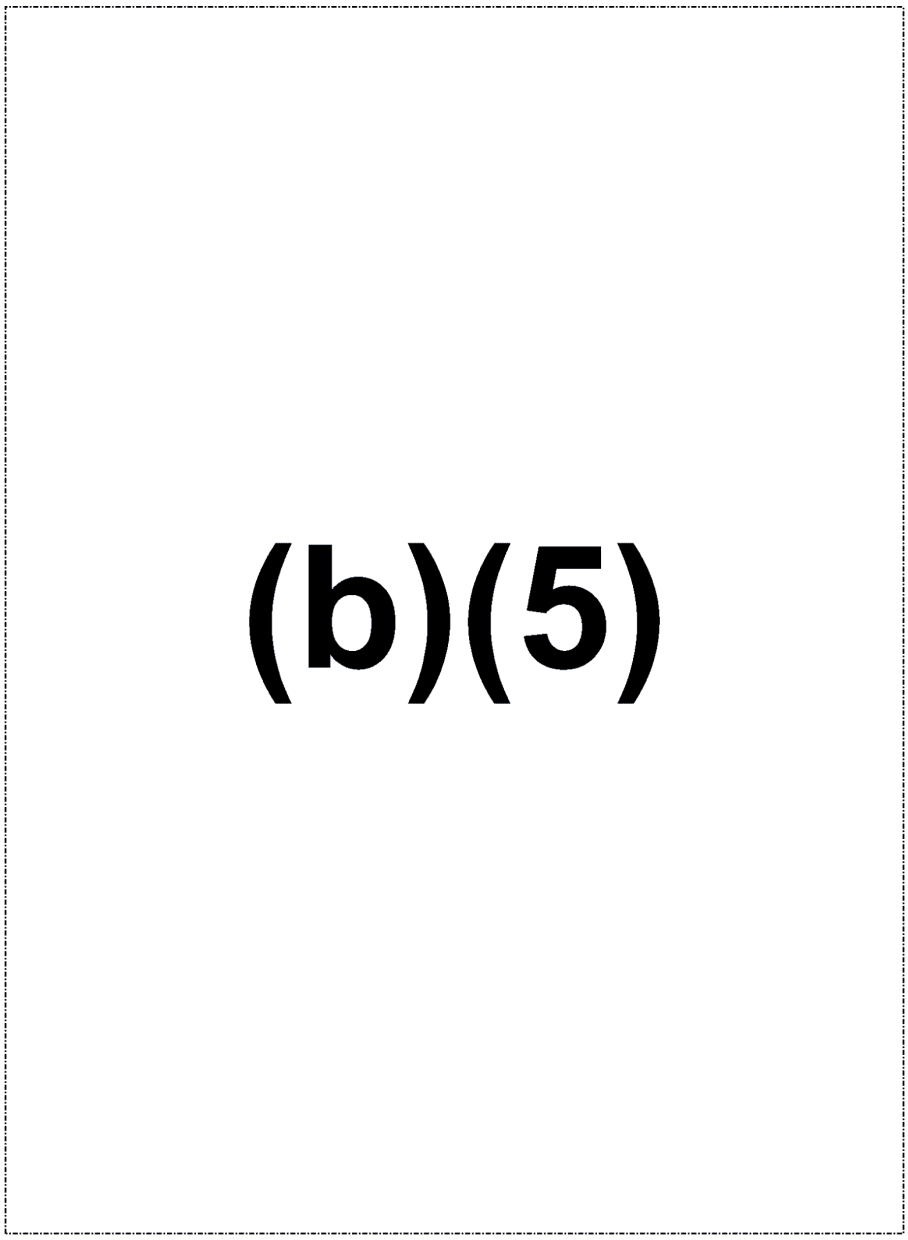
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AMERICAN OVERSIGHT

REL0000023703.0001
DHS-(ICE)-19-1228-G-000273



AMERICAN OVERSIGHT

REL0000023703.0001
DHS-(ICE)-19-1228-G-000274

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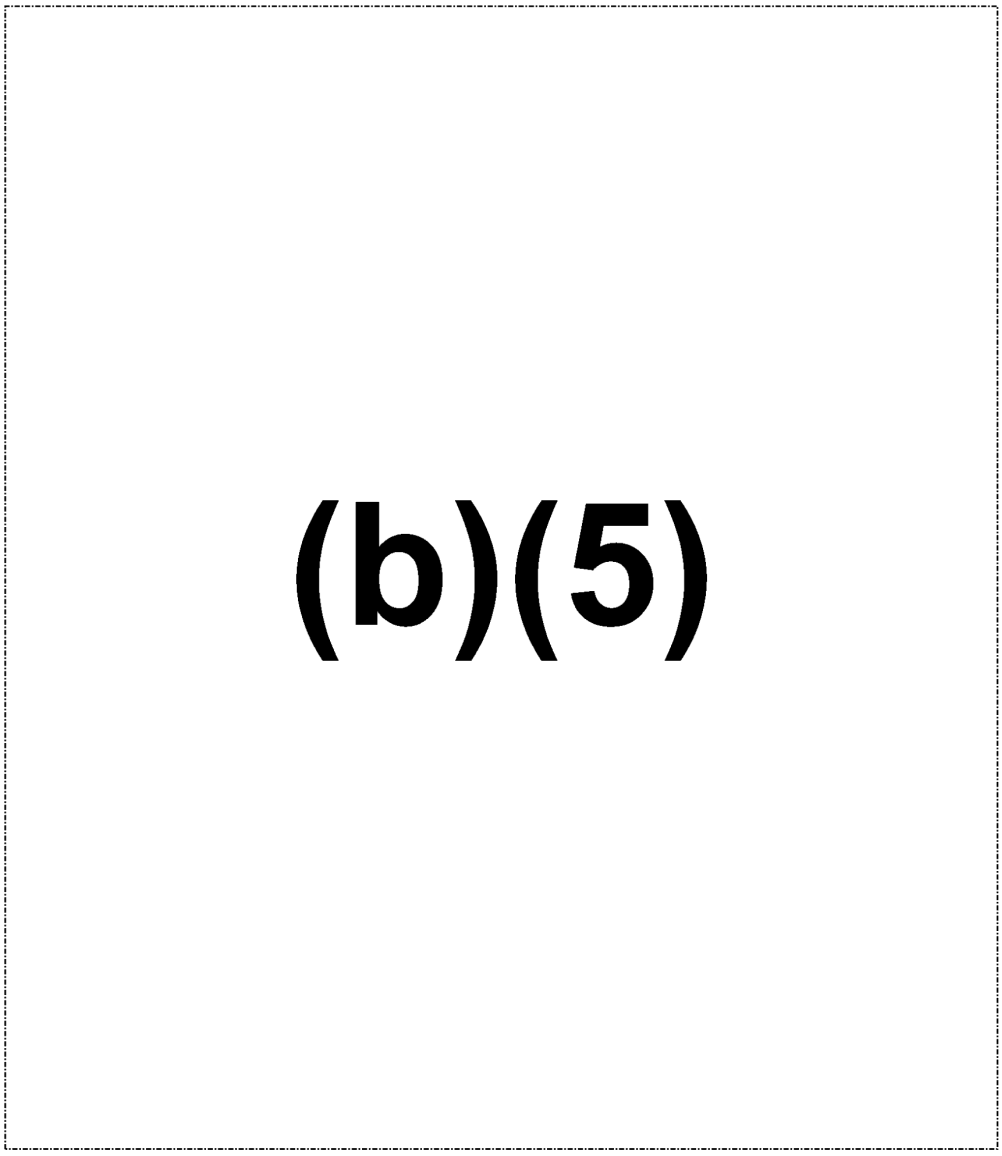
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DHS-(ICE)-19-1228-G-000276



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REL0000023703.0001
DHS-(ICE)-19-1228-G-000277

(b)(5)

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DHS-(ICE)-19-1228-G-000278

(b)(5)

Commented [ICE-OPLA63]: (b)(5)
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DHS-(ICE)-19-1228-G-000279

(b)(5)

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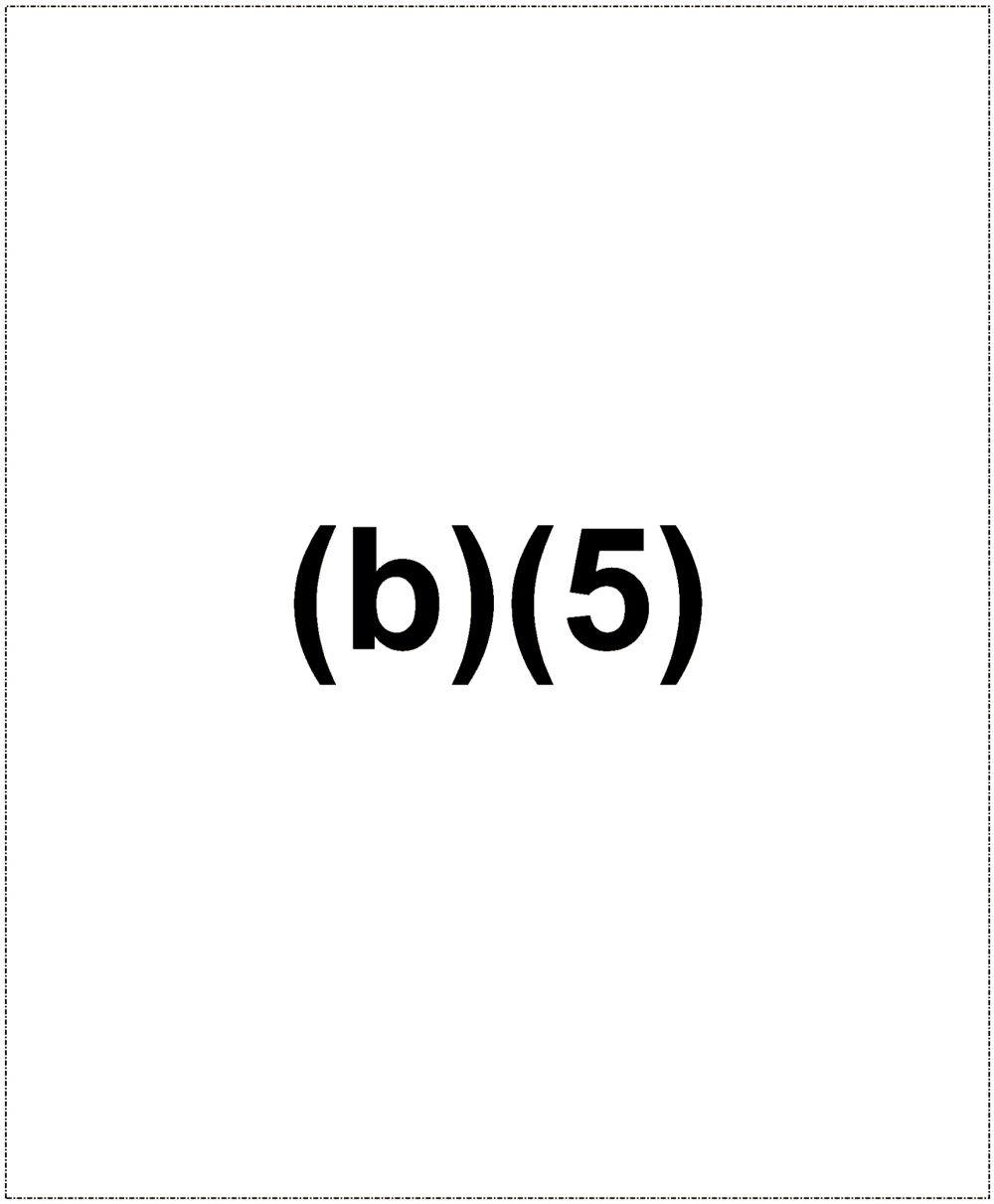
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DHS-(ICE)-19-1228-G-000281



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REL0000023703.0001
DHS-(ICE)-19-1228-G-000282

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REL0000023703.0001
DHS-(ICE)-19-1228-G-000283

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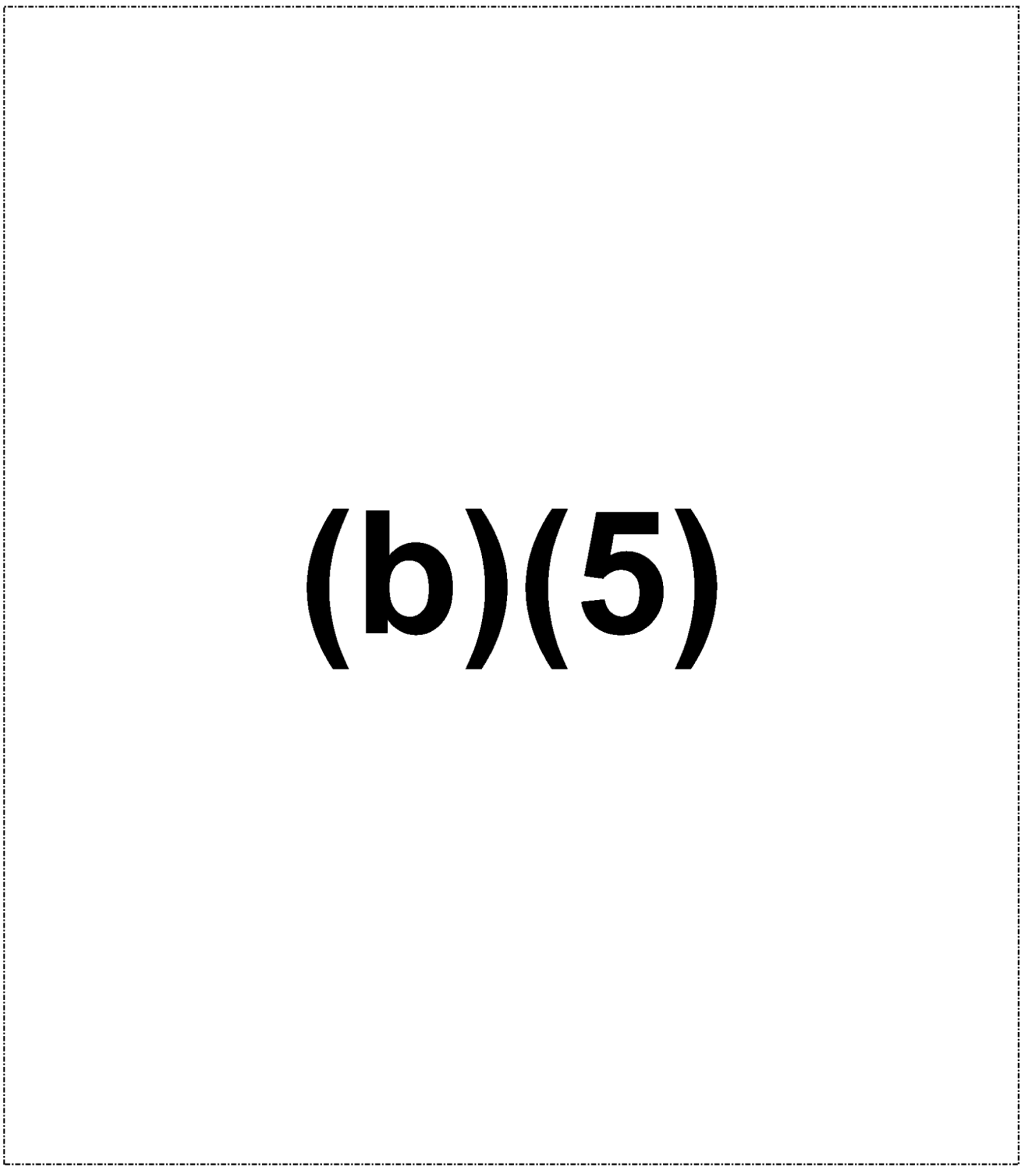
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2023-ICLI-00022 000613

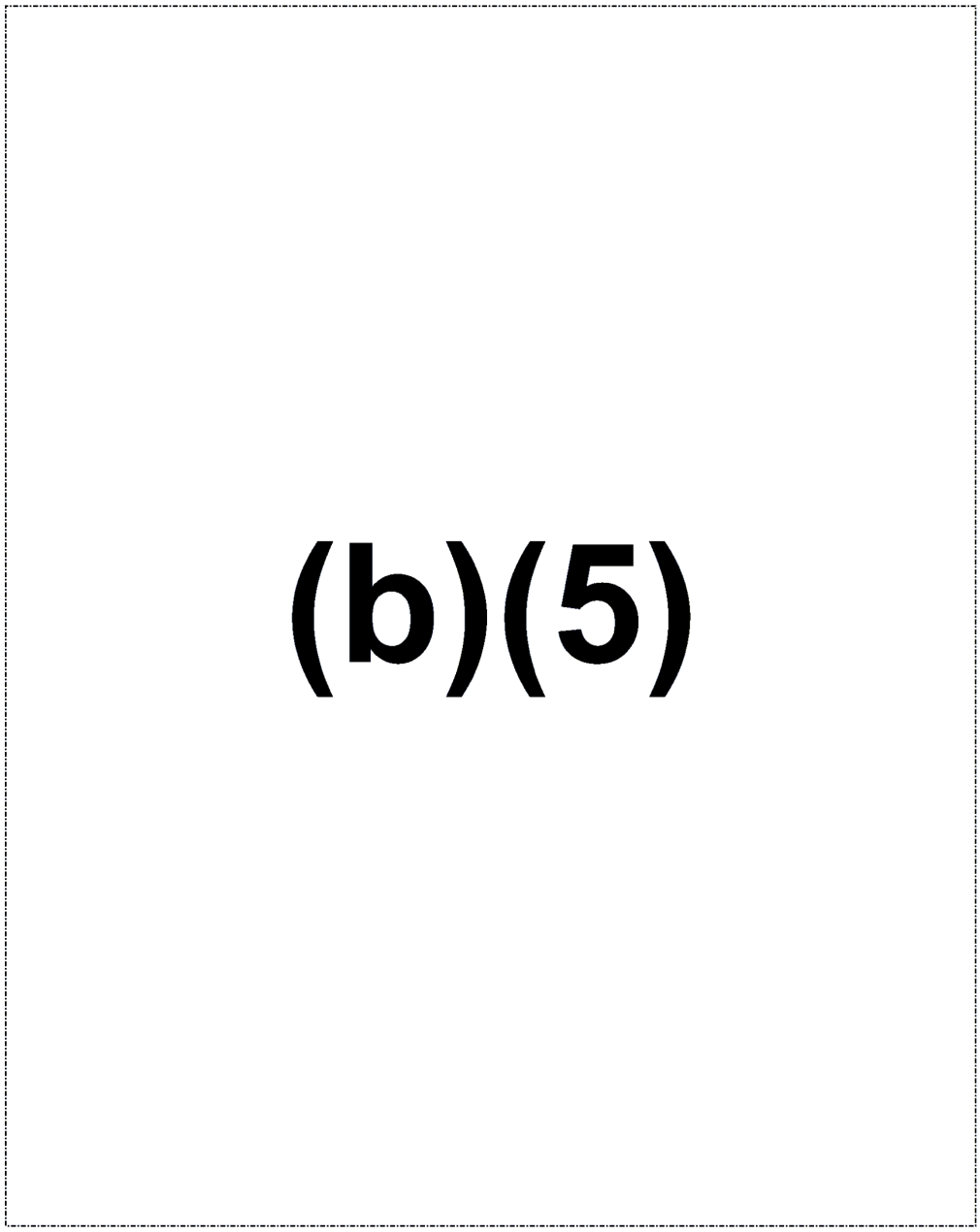
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DHS-(ICE)-19-1228-G-000284



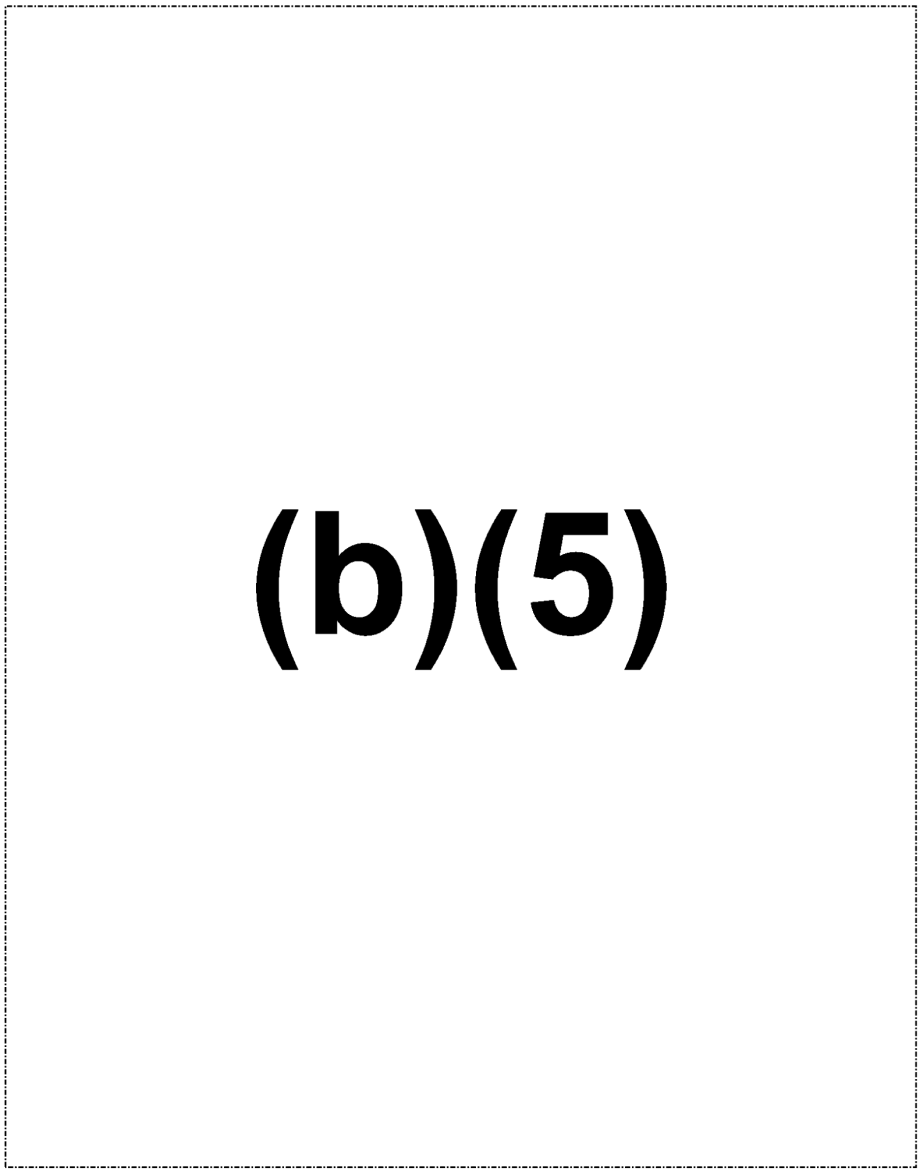
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REL0000023703.0001
DHS-(ICE)-19-1228-G-000285



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REL0000023703.0001
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AMERICAN OVERSIGHT

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DHS-(ICE)-19-1228-G-000287

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REL0000023703.0001
DHS-(ICE)-19-1228-G-000288

(b)(5)

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AMERICAN OVERSIGHT

REL0000023703.0001
DHS-(ICE)-19-1228-G-000289

(b)(5)

Thomas D. Homan
Deputy Director and Senior Official Performing the Duties of the Director
U.S. Immigration and Customs Enforcement
U.S. Department of Homeland Security
Top of Form

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REL0000023703.0001
DHS-(ICE)-19-1228-G-000290

From: (b)(6),(b)(7)(C)
Sent: 1/10/2020 11:46:39 PM
To: Albence, Matthew (b)(6),(b)(7)(C)
(b)(6),(b)(7)(C) Albence, Ma]
CC: Kelly, Christopher S (b)(6),(b)(7)(C)
(b)(6),(b)(7)(C)
Subject: RE: AD1 to participate on HT panel at Heritage Foundation

We'll get them.

(b)(6),(b)(7)(C) @ice.dhs.gov
(o) 202-732-
(c) 202-344- (b)(6),(b)(7)(C)

WARNING: **This document is UNCLASSIFIED//FOR OFFICIAL USE ONLY (U//FOUO).** It contains information that may be exempt from public release under the Freedom of Information Act (5 U.S.C. 552). It is to be controlled, stored, handled, transmitted, distributed, and disposed of in accordance with DHS policy relating to FOUO information and is not to be released to the public or other personnel who do not have a valid "need-to-know" without prior approval of an authorized DHS official. **No portion of this report should be furnished to the media, either in written or verbal form.**

From: Albence, Matthew
Sent: Friday, January 10, 2020 6:46 PM
To: (b)(6),(b)(7)(C) ice.dhs.gov>
Cc: Kelly, Christopher S <(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: AD1 to participate on HT panel at Heritage Foundation

I'm good. Just probably need some more robust talking points

Sent with BlackBerry Work
(www.blackberry.com)

From (b)(6),(b)(7)(C) @ice.dhs.gov>
Date: Friday, Jan 10, 2020, 6:39 PM
To: Albence, Matthew (b)(6),(b)(7)(C) @ice.dhs.gov>
Cc: Kelly, Christopher S (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: FW: AD1 to participate on HT panel at Heritage Foundation

Heads up, boss.

The Heritage event will be open to the press and potentially live streamed on CSPAN.

The event has also been advertised on social media via Twitter. The program will be live-streamed via Heritage.org and it appears that CSPAN has expressed an interest in streaming the event as well. The media is

AMERICAN OVERSIGHT

invited to attend and will be permitted to ask questions. If we would like to request otherwise, which I don't recommend, we can check with Heritage (Defer to ICE OPA).

(b)(6),(b)(7)(C) @ice.dhs.gov
(o) 202-732-(b)(6),(b)(7)(C)
(c) 202-344-

WARNING: **This document is UNCLASSIFIED//FOR OFFICIAL USE ONLY (U//FOUO).** It contains information that may be exempt from public release under the Freedom of Information Act (5 U.S.C. 552). It is to be controlled, stored, handled, transmitted, distributed, and disposed of in accordance with DHS policy relating to FOUO information and is not to be released to the public or other personnel who do not have a valid "need-to-know" without prior approval of an authorized DHS official. **No portion of this report should be furnished to the media, either in written or verbal form.**

From: Gonzalez, Barbara M
Sent: Friday, January 10, 2020 6:33 PM
To: Kelly, Christopher S (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>; #HSI CHIEFS OF STAFF (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>; (b)(6),(b)(7)(C) @ice.dhs.gov>
Subject: AD1 to participate on HT panel at Heritage Foundation

Good evening, Team:

I received additional details following a late afternoon conference call today regarding the upcoming human trafficking awareness panel that the boss will participate in.

Here is a brief synopsis:

(b)(5),(b)(6),(b)(7)(C)

(b)(5),(b)(6),(b)(7)(C)

POCs:

For media-related questions, (b)(6),(b)(7)(C) Heritage's Senior Comms lead can be reached at: (b)(6),(b)(7)(C)@heritage.org.

The event's location is as follows:

The Heritage Foundation
Lehrman Auditorium
214 Massachusetts Ave NE
Washington, DC
20002

Please let me know if you have any questions.

Barbara M. Gonzalez
Assistant Director
U.S. Immigration and Customs Enforcement (ICE)
Office of Partnership and Engagement (OPE)
202.732.(b)(6),(b)(7)(C) Office
(b)(6),(b)(7)(C)@ICE.DHS.gov

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AMERICAN OVERSIGHT

From: Asher, Nathalie R (b)(6),(b)(7)(C) (b)(6),(b)(7)(C) ASHER, NATH]
Sent: 5/31/2019 10:13:17 PM
To: Albence, Matthew (b)(6),(b)(7)(C) (b)(6),(b)(7)(C) Albence, Ma]
Subject: RE: Need help with something

10/4

From: Albence, Matthew
Sent: Friday, May 31, 2019 6:12 PM
To: Asher, Nathalie R (b)(6),(b)(7)(C) @ice.dhs.gov>
Subject: FW: Need help with something

Forgot to send this last week. Can you have field ops check w the FOD to see the level OPLA cooperation from this LEA? Thanks!

Sent with BlackBerry Work
(www.blackberry.com)

From: (b)(6),(b)(7)(C) @verizon.net>
Date: Thursday, May 23, 2019, 1:35 PM
To: Albence, Matthew < (b)(6),(b)(7)(C) @ice.dhs.gov>
Subject: RE: Need help with something

Wayne County NY. Thanks, you're the best! (b)(6),(b)(7)(C)

Sent from AOL Mobile Mail

On Thursday, May 23, 2019 Albence, Matthew < (b)(6),(b)(7)(C) @ice.dhs.gov> wrote:

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

Just send me the county name and I'll run it down. No worries!

Matt

Sent with BlackBerry Work
(www.blackberry.com)

From: (b)(6),(b)(7)(C) @verizon.net>

Date: Thursday, May 23, 2019, 11:45 AM

AMERICAN OVERSIGHT

To: Albence, Matthew <(b)(6),(b)(7)(C)@ice.dhs.gov>

Subject: Need help with something

Hi Matt,

Hope you're well. I always really appreciated your willingness to answer my questions in the past, but now that you're such a big shot I'm sure you don't have time. Could you please direct me to the right person to confirm whether or not a certain county is actually cooperating with ICE in a satisfactory way? I have a sheriff who wants to be taken off my map, and want to verify. Who can help with that, Tom Blank or someone else in ERO? Thanks, (b)(6),(b)(7)(C)

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

Director of Policy Studies

Center for Immigration Studies

(774)291(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)@cis.org

@(b)(6),(b)(7)(C)V_CIS

AMERICAN OVERSIGHT

From: (b)(6),(b)(7)(C) @verizon.net]
Sent: 1/15/2020 10:41:07 PM
To: Albence, Matthew (b)(6),(b)(7)(C)
(b)(6),(b)(7)(C) Albence, Ma]
Subject: FW: Interview Invitation

Hi Matt,
I just wanted to follow up on this to see if you'd like to be a guest in our Immigration Newsmaker series. Hope you can do it! Best (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)
Director of Policy Studies
Center for Immigration Studies
(774)291 (b)(6),(b)(7)(C)
(b)(6),(b)(7)(C) cis.org
@ (b)(6),(b)(7)(C) _CIS

From: (b)(6),(b)(7)(C) verizon.net>
Sent: Monday, December 23, 2019 11:15 AM
To: 'Albence, Matthew' (b)(6),(b)(7)(C) @ice.dhs.gov>
Subject: Interview Invitation

Hi Matt,
Hope you're well! I am writing to see if you would like to be our guest for an interview in our monthly Immigration Newsmaker series. It's an on-camera, on the record, one-on-one conversation that lasts about an hour, held at the National Press Club. C-Span usually broadcasts them. We can be flexible on dates to accommodate your schedule, but also try to pick dates and times that are best for news coverage. The audience is mainly reporters, but also congressional staff and other policy people around town. We are now looking to schedule people in the first couple months of the new year. Here is a list of the ones we have done in the past: https://cis.org/Immigration-Newsmaker.

If you'd like to do it, please let me know whom on your staff we should work with to schedule a date.

Merry Christmas and hope to see you in the New Year! Best, (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)
Director of Policy Studies
Center for Immigration Studies
(774)291 (b)(6),(b)(7)(C)
(b)(6),(b)(7)(C) cis.org
@ (b)(6),(b)(7)(C) _CIS

AMERICAN OVERSIGHT

From: (b)(6),(b)(7)(C) @heritage.org]
Sent: 7/9/2020 10:55:09 PM
To: Albence, Matthew (b)(6),(b)(7)(C) (b)(6),(b)(7)(C) Albence, Ma]
Subject: I applaud you

CAUTION: This email originated from outside of DHS. DO NOT click links or open attachments unless you recognize and/or trust the sender. Contact ICE SOC SPAM with questions or concerns.

Dear Matthew,

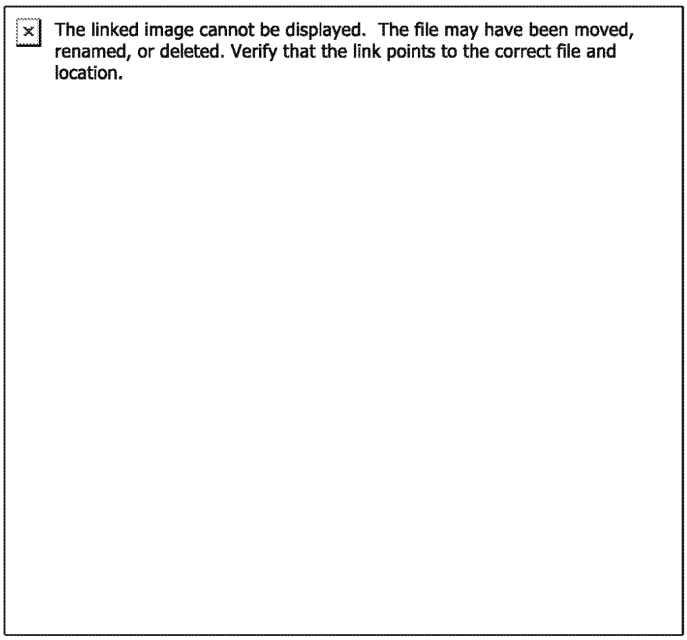
I want to applaud you for taking a stand as a #ProudAmerican over Independence Day weekend, and for continuing to take a stand for your country.

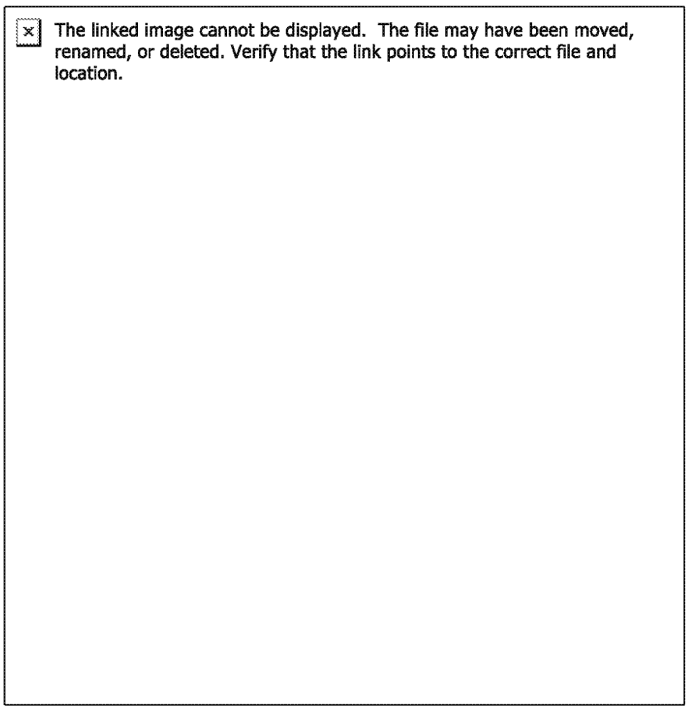
By sharing with the world via social media why you are proud to be an American, you spread the truth about our exceptional country to your friends and family and helped to reach nearly 19 million people with that truth. You also helped ensure that #ProudAmerican content was shared more than 43 million times across various online platforms, making patriotism go viral. It has been a privilege to stand alongside you and fellow patriots.

Below is just a snapshot of the results of the #ProudAmerican campaign – and the many wonderful ways that people celebrated the Fourth of July by reminding their community of what a blessing it is to be an American.

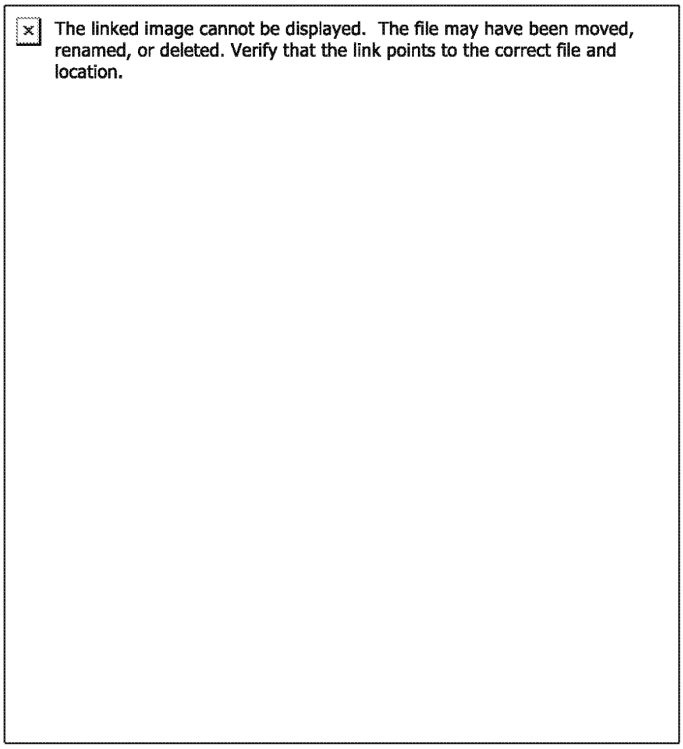
The linked image cannot be displayed. The file may have been moved, renamed, or deleted. Verify that the link points to the correct file and location.

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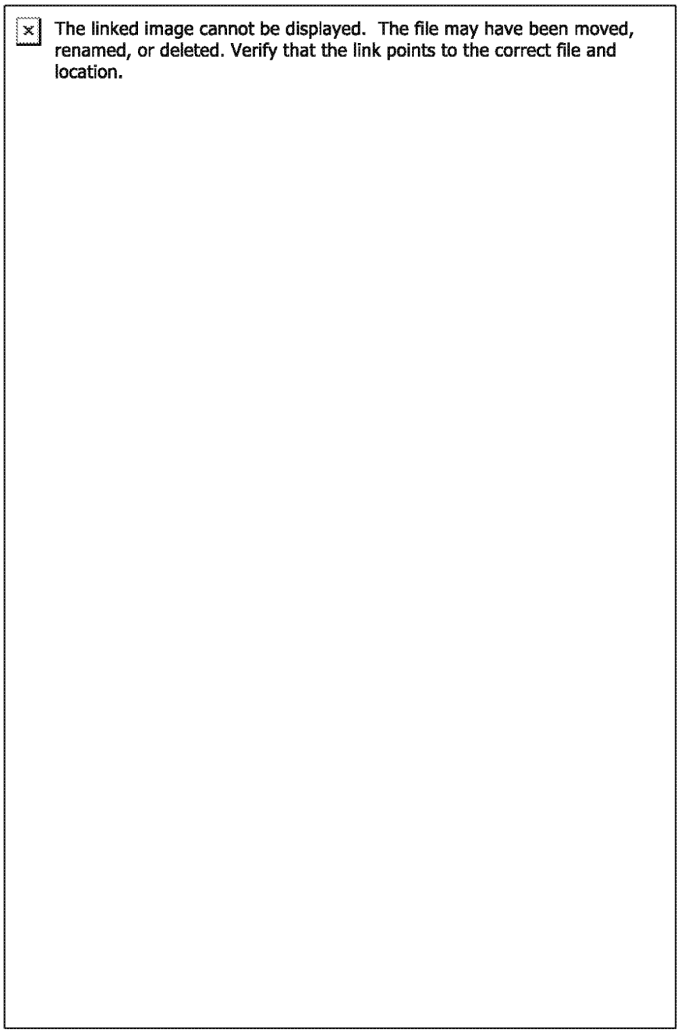




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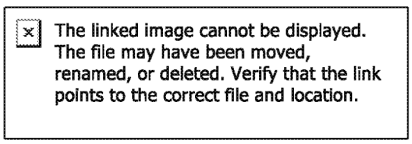


I invite you to continue spreading the #ProudAmerican campaign by sharing year-round why it is right to take pride in our country. You can do this in conversation with friends, family, and neighbors; through social media posts with the #ProudAmerican hashtag; or by writing a letter to the editor of your favorite news outlet.

The more the left tries to disparage our nation with a false narrative of shame, the louder we need to be. Let's speak the truth about the many ways that America has been a blessing both to her citizens and to the free world. Together, we can ensure that true patriotism triumphs.

All the best,

(b)(6),(b)(7)(C)
Heritage Foundation, President



AMERICAN OVERSIGHT

The Heritage Foundation | 214 Massachusetts Avenue, NE | Washington, D.C. 20002 | (800) 546-2843

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From: Albence, Matthew (b)(6),(b)(7)(C) (b)(6),(b)(7)(C) ALBENCE, MA]
Sent: 5/31/2019 6:21:23 PM
To: (b)(6),(b)(7)(C) verizon.net]
Subject: RE: Need help with something

Let me check. Sorry

Sent with BlackBerry Work
(www.blackberry.com)

From: (b)(6),(b)(7)(C) verizon.net>
Date: Friday, May 31, 2019, 2:20 PM
To: Albence, Matthew (b)(6),(b)(7)(C) @ice.dhs.gov>
Subject: RE: Need help with something

Hi Matt, just wondering , anything on Wayne County NY cooperation? Thanks (b)(6),(b)(7)(C)

From: Albence, Matthew (b)(6),(b)(7)(C) @ice.dhs.gov>
Sent: Thursday, May 23, 2019 12:28 PM
To: (b)(6),(b)(7)(C) @verizon.net>
Subject: RE: Need help with something

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

Just send me the county name and I'll run it down. No worries!

Matt

Sent with BlackBerry Work
(www.blackberry.com)

From: (b)(6),(b)(7)(C) verizon.net>
Date: Thursday, May 23, 2019, 11:45 AM
To: Albence, Matthew <(b)(6),(b)(7)(C) @ice.dhs.gov>
Subject: Need help with something

Hi Matt,
Hope you're well. I always really appreciated your willingness to answer my questions in the past, but now that you're such a big shot I'm sure you don't have time. Could you please direct me to the right person to confirm whether or not a certain county is actually cooperating with ICE in a satisfactory way? I have a sheriff who wants to be taken off my map, and want to verify. Who can help with that, Tom Blank or someone else in ERO? Thanks, (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)
Director of Policy Studies
Center for Immigration Studies
(774)291 (b)(6),(b)(7)(C)

AMERICAN OVERSIGHT

[redacted]@cis.org
@[redacted]IS

AMERICAN OVERSIGHT

REL0000023709
DHS-(ICE)-19-1228-G-000303

From: Albence, Matthew (b)(6),(b)(7)(C)
(b)(6),(b)(7)(C) LBENCE, MA]
Sent: 11/26/2019 10:54:25 PM
To: (b)(6),(b)(7)(C)
CC: Archambeault, Gregory J (b)(6),(b)(7)(C)
(b)(6),(b)(7)(C) Marin, David A
Subject: RE: Interview consent forms in jails

It would've been a couple of locations in SFO AOR.

From: Robbins, Timothy S (b)(6),(b)(7)(C) @ice.dhs.gov>
Sent: Tuesday, November 26, 2019 5:53 PM
To: (b)(6),(b)(7)(C) @ice.dhs.gov>; Albence, Matthew (b)(6),(b)(7)(C) ice.dhs.gov>
Cc: Archambeault, Gregory J (b)(6),(b)(7)(C) @ice.dhs.gov>; Marin, David A (b)(6),(b)(7)(C) @ice.dhs.gov>
Subject: RE: Interview consent forms in jails

I don't think we tracked this...adding Dave Marin just in case I am missing something.

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(www.blackberry.com)

From: (b)(6),(b)(7)(C) @ice.dhs.gov>
Date: Tuesday, Nov 26, 2019, 5:35 PM
To: Albence, Matthew (b)(6),(b)(7)(C) @ice.dhs.gov>
Cc: Robbins, Timothy S (b)(6),(b)(7)(C) @ice.dhs.gov>, Archambeault, Gregory J (b)(6),(b)(7)(C) @ice.dhs.gov>
Subject: RE: Interview consent forms in jails

(b)(5),(b)(6),(b)(7)(C)

From: Albence, Matthew (b)(6),(b)(7)(C) @ice.dhs.gov>
Sent: Tuesday, November 26, 2019 4:22 PM
To: (b)(6),(b)(7)(C) @ice.dhs.gov>
Cc: Robbins, Timothy S (b)(6),(b)(7)(C) @ice.dhs.gov>; Archambeault, Gregory J
(b)(6),(b)(7)(C) @ice.dhs.gov>
Subject: FW: Interview consent forms in jails

Joe:

(b)(5)

From: (b)(6),(b)(7)(C) verizon.net>
Sent: Tuesday, November 26, 2019 2:28 PM

AMERICAN OVERSIGHT

To: Albence, Matthew <(b)(6),(b)(7)(C) @ice.dhs.gov>
Subject: Interview consent forms in jails

Hi Matt,
Hope you're well. Question – has ICE developed any information, stats, or anything illustrating the effect of these state and local requirements that prohibit ICE officers from speaking to an alien in custody without the alien signing a consent form? I'm asking now because on Monday I'm testifying up in Mass against a bill that would impose this requirement, but I'm also interested for future reference. It's something I've thought about trying to find a way to quantify or illustrate the effect, but not sure how to go about it.

If ICE has developed information on this, could you share it, if not, can I obtain it through FOIA, and if not does anyone on your staff have any ideas how to address this?

Hope you have a Happy Thanksgiving, and thanks, (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)
Director of Policy Studies
Center for Immigration Studies
(774)291-(b)(6),(b)(7)(C)
(b)(6),(b)(7)(C)@cis.org
@(b)(6),(b)(7)(C)V_CIS

AMERICAN OVERSIGHT

From: Albence, Matthew [(b)(6),(b)(7)(C)
(b)(6),(b)(7)(C) ALBENCE, MA]
Sent: 11/28/2019 2:28:49 PM
To: (b)(6),(b)(7)(C) verizon.net]
Subject: RE: Interview consent forms in jails

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

Unfortunately, we don't really have anything-we tried to collect this data in CA a year or so ago but after the first couple days the jails no longer let us in. I can tell you anecdotally that during those few days there were several (many?) that declined our requests to be interviewed.

I can also tell you that in New York-before they became a sanctuary-we had an office in Riker's Island and we were able to access the inmates, but even then there was the requirement to obtain permission and the aliens often declined to speak with our officers.

Sorry I don't have more for you. Hope you have a great thanksgiving!

Matt

Sent with BlackBerry Work
(www.blackberry.com)

From: (b)(6),(b)(7)(C) @verizon.net>
Date: Tuesday, Nov 26, 2019, 2:27 PM
To: Albence, Matthew <(b)(6),(b)(7)(C) @ice.dhs.gov>
Subject: Interview consent forms in jails

Hi Matt,
Hope you're well. Question – has ICE developed any information, stats, or anything illustrating the effect of these state and local requirements that prohibit ICE officers from speaking to an alien in custody without the alien signing a consent form? I'm asking now because on Monday I'm testifying up in Mass against a bill that would impose this requirement, but I'm also interested for future reference. It's something I've thought about trying to find a way to quantify or illustrate the effect, but not sure how to go about it.

If ICE has developed information on this, could you share it, if not, can I obtain it through FOIA, and if not does anyone on your staff have any ideas how to address this?

Hope you have a Happy Thanksgiving, and thanks, (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)
Director of Policy Studies
Center for Immigration Studies
(774)291(b)(6),(b)(7)(C)
(b)(6),(b)(7)(C) @cis.org
@(b)(6),(b)(7)(C) V_CIS

AMERICAN OVERSIGHT

From: Albence, Matthew (b)(6),(b)(7)(C)
(b)(6),(b)(7)(C) ALBENCE, MA]
Sent: 1/15/2020 10:28:13 PM
To: (b)(6),(b)(7)(C)
Subject: RE: Sorry we missed you at Strengthening the U.S. Response to Human Trafficking

Well I didn't RSVP so…

From: (b)(6),(b)(7)(C) @ice.dhs.gov>
Sent: Wednesday, January 15, 2020 5:27 PM
To: Albence, Matthew (b)(6),(b)(7)(C) @ice.dhs.gov>
Subject: Re: Sorry we missed you at Strengthening the U.S. Response to Human Trafficking

oh brother.

Slightly embarrassing for them.

From: Albence, Matthew (b)(6),(b)(7)(C) @ice.dhs.gov>
Sent: Wednesday, January 15, 2020 5:25 PM
To: (b)(6),(b)(7)(C) @ice.dhs.gov>
Subject: FW: Sorry we missed you at Strengthening the U.S. Response to Human Trafficking

lolol

From: Heritage Public Programs (b)(7)(E) @Heritage.org>
Sent: Wednesday, January 15, 2020 5:24 PM
To: Albence, Matthew (b)(6),(b)(7)(C) @ice.dhs.gov>
Subject: Sorry we missed you at Strengthening the U.S. Response to Human Trafficking



AMERICAN OVERSIGHT

Matthew,

We missed you at *Strengthening the U.S. Response to Human Trafficking*. We're sorry that you couldn't attend and hope to see you at future events!

Watch the Recorded Video

Check out resources related to this event:

- **Combating Human Trafficking in Asia Requires U.S. Leadership**
- **The Case for Reforming the Trafficking in Persons Report**



214 Massachusetts Avenue, NE | Washington, D.C. 20002 | (800) 546-2843

You are subscribed to Heritage Foundation e-mails as (b)(6),(b)(7)(C) @ice.dhs.gov. If you want to change your e-mail preferences, please click here to update your subscription.

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From: ICE.Scheduler (b)(7)(E) (b)(7)(E)
Sent: 1/9/2020 3:52:41 AM
To: ICE.Scheduler (b)(7)(E) (b)(7)(E); Albence, Matthew (b)(6),(b)(7)(C) -Albence, Ma]; Kelly, Christopher S (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: Public Rollout of the DHS Human Trafficking Strategy
Attachments: AD1 to participate on HT panel at Heritage Foundation
Location: Heritage Foundation: Allison Auditorium, 214 Massachusetts Ave NE, Washington, DC

Start: 1/15/2020 5:00:00 PM
End: 1/15/2020 6:30:00 PM
Show Time As: Busy

Required Attendees: Albence, Matthew; Kelly, Christopher S (b)(6),(b)(7)(C)

Public rollout of the DHS Human Trafficking Strategy: https://www.heritage.org/homeland-security/event/strengthening-the-us-response-human-trafficking?mkt_tok=eyJpIjoiTWpOa09HTm1PVFkzWkRjdyIsInQiOiIrKzA4ODUxVDNoWTc1cnJFSTQ5VEI1Y0k4eDNkaWpmcFJyUmFiZjB6OWVsZWcyb2NcL1lFXC9Kc1dPYm5ma1wvVkp2WVB3dVdLNjBBZGtcL2xYd0VDalF0MGc9PSJ9

Event is from 12pm to 1:30pm.

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From: Kelly, Christopher S [redacted]
[redacted]-KELLY, CHRI]
Sent: 6/3/2019 10:57:43 PM
To: Albence, Matthew [redacted]
[redacted]
Subject: FW: Meeting request and voice question
Attachments: RE: OPA ISSUE: Visa overstay arrested after involvement in car crash

Also FYSA.

PS—AD1 has a 1.5 hour meeting by himself with [redacted] and 8 people he brought with him. No read out as of yet, but obviously nobody other than AD1 to confirm what was said and how (other than the union).

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(www.blackberry.com)

From: Gonzalez, Barbara M [redacted]ice.dhs.gov>
Date: Monday, Jun 03, 2019, 5:45 PM
To: Asher, Nathalie R [redacted]@ice.dhs.gov>
Cc: #ERO CHIEFS OF STAFF [redacted]@ice.dhs.gov>, Kelly, Christopher S [redacted]@ice.dhs.gov>, [redacted]@ice.dhs.gov>, [redacted]@ice.dhs.gov>, [redacted]@ice.dhs.gov>
Subject: FW: Meeting request and voice question

Good afternoon, Nathalie:

The Center for Immigration Studies (CIS) requested a meeting with you, AD1 and two of their board members [redacted] [redacted]. They've asked to meet you June 7, if possible [redacted] and [redacted] are involved in producing constructive policy recommendations on immigration enforcement for CIS. They would like to discuss the problem of fugitives in particular. CoS Blank asked that you please handle the meeting, if you're available and suggested that AD1 swing by for 5 minutes, schedule permitting.

CIS also brought up the case of an illegal alien involved in the death of an FBI agent and fire marshal in 2017. I attached the previously cleared OPA statement and case background for reference.

I will work with the ERO Chiefs of Staff on the request.

Respectfully,

Barbara M. Gonzalez
Assistant Director
U.S. Immigration and Customs Enforcement (ICE)
Office of Partnership and Engagement (OPE)
202.732.[redacted]ffice
[redacted]@ICE.DHS.gov

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From: Blank, Thomas
Sent: Monday, June 3, 2019 3:33 PM
To: Gonzalez, Barbara M <(b)(6),(b)(7)(C)@ice.dhs.gov>
Cc: (b)(6),(b)(7)(C)@ice.dhs.gov>; Kelly, Christopher S (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: Meeting request and voice question

I agree. (b)(6),(b)(7)(C) if AD1 can drop by for five minutes to say hello that would be good.

Thomas Blank
Chief of Staff
U.S. Immigration and Customs Enforcement
U.S. Department of Homeland Security
202 732-(b)(6),(b)(7)(C)
Cell 202 591-(b)(6),(b)(7)(C)

From: Gonzalez, Barbara M
Sent: Monday, June 3, 2019 1:49 PM
To: Blank, Thomas <(b)(6),(b)(7)(C)@ice.dhs.gov>
Cc: (b)(6),(b)(7)(C)@ice.dhs.gov>; Kelly, Christopher S (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: FW: Meeting request and voice question

Sir:

I recommend (b)(6),(b)(7)(C) for this request from the Center for Immigration Studies. Do you concur? Please advise.

Thanks,

Barbara M. Gonzalez
Assistant Director
U.S. Immigration and Customs Enforcement (ICE)
Office of Partnership and Engagement (OPE)
202.732.(b)(6),(b)(7)(C) Office
(b)(6),(b)(7)(C)@ICE.DHS.gov

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From: (b)(6),(b)(7)(C) @verizon.net>
Sent: Monday, June 3, 2019 11:34 AM
To: Gonzalez, Barbara M <(b)(6),(b)(7)(C) @ice.dhs.gov>
Subject: Meeting request and voice question

Hi Barbara,
Hope you're well! I'm writing about 2 things:

1. Two of my board members are interested in meeting with Director Morgan and acting ERO Director Nathalie Asher, ideally on Friday afternoon, June 7, if possible. Sorry for the late notice. Their names are (b)(6),(b)(7)(C) and they are involved in the Center's efforts to produce constructive policy recommendations for immigration enforcement. We would like to discuss the problem of fugitives in particular. I would attend, and I understand Jon Feere is also interested in the discussion.

2. Last Wednesday I participated in an event in Culpeper, VA. that included two women who recently lost family members in a highway fatality in the DC area, involving an illegal alien with a lengthy criminal history, who is now an (b)(6),(b)(7)(C) and at large, having met a relatively low bond set by an IJ. It's this case: https://wtop.com/montgomery-county/2018/07/no-criminal-charges-for-driver-who-killed-fbi-agent-fire-marshal-on-270/. I asked them if they had been in touch with VOICE, and they said they weren't aware of the office, so I'm sending them info, just a heads up. My unblderstanding is that CASA put up the money for the alien's release. I'm planning to write an article about the case, so if ICE has or made any statements about the case, I'd be interested.

Thanks so much, Regards, (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)
Director of Policy Studies
Center for Immigration Studies
(774)291 (b)(6),(b)(7)(C)
(b)(6),(b)(7)(C) @cis.org
@ (b)(6),(b)(7)(C) CIS

AMERICAN OVERSIGHT

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

Sent: 5/4/2018 1:23:54 PM

To: (b)(6),(b)(7)(C); #ICE OPA ERO Issue Paper (b)(6),(b)(7)(C)

CC: (b)(6),(b)(7)(C); (b)(6),(b)(7)(C); #ERO CHIEFS OF STAFF (b)(6),(b)(7)(C)

Subject: RE: OPA ISSUE: Visa overstay arrested after involvement in car crash

Clear, with edit.

(b)(6),(b)(7)(C)
Staff Officer-Office of Executive Associate Director
ICE-Enforcement and Removal Operations
500 12th Street, SW
Washington, D.C. 20536

202.732.(b)(6),(b)(7)(C) office
956.433.(b)(6),(b)(7)(C) cell

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From: (b)(6),(b)(7)(C)
Sent: Friday, May 4, 2018 9:10 AM
To: #ICE OPA ERO Issue Paper <(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)h@ice.dhs.gov>
Subject: OPA ISSUE: Visa overstay arrested after involvement in car crash

(b)(5),(b)(6),(b)(7)(C)

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(b)(5),(b)(6),(b)(7)(C)

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REL0000023714.0001
DHS-(ICE)-19-1228-G-000314

(b)(5),(b)(6),(b)(7)(C)

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REL0000023714.0001
DHS-(ICE)-19-1228-G-000315

From: Blank, Thomas (b)(6),(b)(7)(C) (b)(6),(b)(7)(C) BLANK, THOM]
Sent: 6/7/2019 1:19:29 AM
To: (b)(6),(b)(7)(C)
Subject: RE: Meeting request and voice question

Send it to me. I will force clearance. We are dying on a hill we should never die on.

Sent with BlackBerry Work
(www.blackberry.com)

From: (b)(6),(b)(7)(C) @ice.dhs.gov>
Date: Thursday, Jun 06, 2019, 9:17 PM
To: Blank, Thomas <(b)(6),(b)(7)(C) @ice.dhs.gov>
Subject: RE: Meeting request and voice question

Barbara submitted her document timely. AD1 is supposedly just stopping by for 5 minutes so ERO's submission is not really for him, but we still wanted to provide it just in case he decides to actually partake in the meeting.

The ConOps is not ready. I can send it to you if you want but it should be reviewed by OCIO and OCFO due to it having technology and resource implications.

From: Blank, Thomas
Sent: Thursday, June 6, 2019 9:13 PM
To: (b)(6),(b)(7)(C) @ice.dhs.gov>
Subject: RE: Meeting request and voice question

This is really late. Where is the VTC Conops?

Sent with BlackBerry Work
(www.blackberry.com)

From: (b)(6),(b)(7)(C) @ice.dhs.gov>
Date: Thursday, Jun 06, 2019, 9:11 PM
To: (b)(6),(b)(7)(C) t@ice.dhs.gov>
Cc: Kelly, Christopher S <(b)(6),(b)(7)(C) @ice.dhs.gov>, Seguin, Debbie <(b)(6),(b)(7)(C) @ice.dhs.gov>, Blank, Thomas (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 <(b)(7)(E) @ice.dhs.gov>
Subject: RE: Meeting request and voice question

Good evening – please excuse the delay and confusion. No edits to OPE's document but we have included an ERO Fug Ops overview document. Thanks

---

From: Simon, Joseph D
Sent: Thursday, June 6, 2019 2:21 PM
To: (b)(6),(b)(7)(C) t@ice.dhs.gov>
Cc: Kelly, Christopher S <(b)(6),(b)(7)(C) @ice.dhs.gov>; Seguin, Debbie (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)

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(b)(6),(b)(7)(C) @ice.dhs.gov>; #ERO CHIEFS OF STAFF <(b)(7)(E) @ice.dhs.gov>
Subject: RE: Meeting request and voice question

ERO will have edits and will send shortly. Thanks

Sent with BlackBerry Work
(www.blackberry.com)

From: (b)(6),(b)(7)(C) @ice.dhs.gov>
Date: Thursday, Jun 06, 2019, 14:16
Cc: Kelly, Christopher S <(b)(6),(b)(7)(C) @ice.dhs.gov>, (b)(6),(b)(7)(C) @ice.dhs.gov>, Seguin, Debbie (b)(6),(b)(7)(C) @ice.dhs.gov>, Blank, Thomas (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: Meeting request and voice question

The attached cleared for me to get in front of AD1?

Thanks!

(b)(6),(b)(7)(C)
Executive Assistant, Office of the Director
U.S. Immigration and Customs Enforcement
(D) 202-732-
(C) 202-819- (b)(6),(b)(7)(C)

From: Gonzalez, Barbara M
Sent: Thursday, June 6, 2019 1:09 PM
To: (b)(6),(b)(7)(C) @ice.dhs.gov>
Cc: Kelly, Christopher S <(b)(6),(b)(7)(C) ice.dhs.gov>; (b)(6),(b)(7)(C) @ice.dhs.gov>; Seguin, Debbie <(b)(6),(b)(7)(C) @ice.dhs.gov>; Blank, Thomas <(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: Meeting request and voice question

Hi, Becky:

Here is the briefing document I drafted for (b)(6),(b)(7)(C). Please let me know if this helps. If you need me to pull a few things from it for AD1, I can do that too.

Please let me know.

Thanks,

Barbara M. Gonzalez
Assistant Director
U.S. Immigration and Customs Enforcement (ICE)
Office of Partnership and Engagement (OPE)
202.732.(b)(6),(b)(7)(C) ffice
(b)(6),(b)(7)(C) @ICE.DHS.gov

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From: (b)(6),(b)(7)(C)
Sent: Thursday, June 6, 2019 11:17 AM
To: Gonzalez, Barbara M <(b)(6),(b)(7)(C)@ice.dhs.gov>
Cc: Kelly, Christopher S (b)(6),(b)(7)(C)@ice.dhs.gov>; (b)(6),(b)(7)(C)@ice.dhs.gov>; Seguin, Debbie <(b)(6),(b)(7)(C)@ice.dhs.gov>; Blank, Thomas <(b)(6),(b)(7)(C)@ice.dhs.gov>
Subject: RE: Meeting request and voice question

Hi Barbara,

Would you mind pulling together a few quick bullets on this meeting tomorrow for the Director to review before popping in. I have him scheduled to pop in around 2.

Thank you!

(b)(6),(b)(7)(C)
Executive Assistant, Office of the Director
U.S. Immigration and Customs Enforcement
(D) 202-732-(b)(6),(b)(7)(C)
(C) 202-819-

From: Gonzalez, Barbara M
Sent: Wednesday, June 5, 2019 9:32 AM
To: (b)(6),(b)(7)(C)@ice.dhs.gov>
Cc: Kelly, Christopher S <(b)(6),(b)(7)(C)@ice.dhs.gov>; (b)(6),(b)(7)(C)@ice.dhs.gov>; Seguin, Debbie <(b)(6),(b)(7)(C)@ice.dhs.gov>; Blank, Thomas <Thomas.Blank@ice.dhs.gov>
Subject: RE: Meeting request and voice question

You're welcome.

Barbara M. Gonzalez
Assistant Director
U.S. Immigration and Customs Enforcement (ICE)
Office of Partnership and Engagement (OPE)
202.732.(b)(6),(b)(7)(C) Office)
(b)(6),(b)(7)(C)@ICE.DHS.gov

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From: (b)(6),(b)(7)(C)
Sent: Wednesday, June 5, 2019 9:17 AM
To: Gonzalez, Barbara M (b)(6),(b)(7)(C)@ice.dhs.gov>
Cc: Kelly, Christopher S (b)(6),(b)(7)(C)@ice.dhs.gov>; (b)(6),(b)(7)(C)@ice.dhs.gov>; Seguin, Debbie (b)(6),(b)(7)(C)@ice.dhs.gov>; Blank, Thomas (b)(6),(b)(7)(C)@ice.dhs.gov>
Subject: RE: Meeting request and voice question

Ok, thank you

(b)(6),(b)(7)(C)
Executive Assistant, Office of the Director
U.S. Immigration and Customs Enforcement
(D) 202-732-(b)(6),(b)(7)(C)
(C) 202-819-

From: Gonzalez, Barbara M
Sent: Wednesday, June 5, 2019 8:54 AM
To (b)(6),(b)(7)(C)@ice.dhs.gov>
Cc: Kelly, Christopher S <(b)(6),(b)(7)(C)@ice.dhs.gov; (b)(6),(b)(7)(C)@ice.dhs.gov>; Seguin, Debbie (b)(6),(b)(7)(C)@ice.dhs.gov>; Blank, Thoma (b)(6),(b)(7)(C)@ice.dhs.gov>
Subject: RE: Meeting request and voice question

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

I defer to you and his schedule. The meeting will be one hour.

Thanks,

Barbara M. Gonzalez
Assistant Director
U.S. Immigration and Customs Enforcement (ICE)
Office of Partnership and Engagement (OPE)
202.732.(b)(6),(b)(7)(C)
(b)(6),(b)(7)(C)@ICE.DHS.gov

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From: (b)(6),(b)(7)(C)@ice.dhs.gov>
Date: Tuesday, Jun 04, 2019, 3:39 PM
To: Gonzalez, Barbara M <(b)(6),(b)(7)(C)@ice.dhs.gov>
Cc: Kelly, Christopher S (b)(6),(b)(7)(C)@ice.dhs.gov>, (b)(6),(b)(7)(C)@ice.dhs.gov>, Seguin, Debbie (b)(6),(b)(7)(C)@ice.dhs.gov>, Blank, Thomas <(b)(6),(b)(7)(C)@ice.dhs.gov>
Subject: RE: Meeting request and voice question

Barbara,

AD1 is available to pop in on Friday. Just let me know what time he should stop in.

AMERICAN OVERSIGHT

Thanks!

(b)(6),(b)(7)(C)
Executive Assistant, Office of the Director
U.S. Immigration and Customs Enforcement
(D) 202-732-(b)(6),(b)(7)(C)
(C) 202-819-(b)(6),(b)(7)(C)

From: Gonzalez, Barbara M
Sent: Tuesday, June 4, 2019 2:17 PM
To: Hott, Becky L <Becky.L.Hott@ice.dhs.gov>
Cc: Kelly, Christopher S <Christopher.S.Kelly@ice.dhs.gov>; Simon, Joseph D <Joseph.D.Simon@ice.dhs.gov>
Subject: RE: Meeting request and voice question

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

The meeting with (b)(6),(b)(7)(C) is set for Friday at 2 in the ERO conference located at 11069. Please let us know if AD1 will stop by to say hi.

Thanks,

Barbara M. Gonzalez
Assistant Director
U.S. Immigration and Customs Enforcement (ICE)
Office of Partnership and Engagement (OPE)
202.732-(b)(6),(b)(7)(C) Office)
(b)(6),(b)(7)(C)@ICE.DHS.gov

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From: (b)(6),(b)(7)(C)
Sent: Monday, June 3, 2019 7:20 PM
To: Gonzalez, Barbara M (b)(6),(b)(7)(C)@ice.dhs.gov>
Cc: Kelly, Christopher S (b)(6),(b)(7)(C)@ice.dhs.gov>
Subject: RE: Meeting request and voice question

Ok, just let me know what I can do.

Thank you!

(b)(6),(b)(7)(C)
Executive Assistant
Office of the Director
U. S. Immigration and Customs Enforcement
202-732-(b)(6),(b)(7)(C)

AMERICAN OVERSIGHT

From: Gonzalez, Barbara M <(b)(6),(b)(7)(C)@ice.dhs.gov>
Date: Monday, Jun 03, 2019, 5:53 PM
To: (b)(6),(b)(7)(C)@ice.dhs.gov>
Cc: Kelly, Christopher S <(b)(6),(b)(7)(C)@ice.dhs.gov>
Subject: FW: Meeting request and voice question

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

I'll keep you posted on this. It's still being coordinated internally and we've yet to flush dates.

Thanks,

Barbara M. Gonzalez
Assistant Director
U.S. Immigration and Customs Enforcement (ICE)
Office of Partnership and Engagement (OPE)
202.732.(b)(6),(b)(7)(C) Office
(b)(6),(b)(7)(C)@ICE.DHS.gov

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From: Blank, Thomas
Sent: Monday, June 3, 2019 3:33 PM
To: Gonzalez, Barbara M <(b)(6),(b)(7)(C)@ice.dhs.gov>
Cc: (b)(6),(b)(7)(C)@ice.dhs.gov>; Kelly, Christopher S <(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: Meeting request and voice question

I agree. (b)(6),(b)(7)(C) f AD1 can drop by for five minutes to say hello that would be good.

Thomas Blank
Chief of Staff
U.S. Immigration and Customs Enforcement
U.S. Department of Homeland Security
202 732-(b)(6),(b)(7)(C)
Cell 202 591-(b)(6),(b)(7)(C)

From: Gonzalez, Barbara M
Sent: Monday, June 3, 2019 1:49 PM
To: Blank, Thomas (b)(6),(b)(7)(C)@ice.dhs.gov>
Cc: Feere, Jon <(b)(6),(b)(7)(C)@ice.dhs.gov>; Kelly, Christopher S (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)

AMERICAN OVERSIGHT

(b)(6),(b)(7)(C) @ice.dhs.gov>
Subject: FW: Meeting request and voice question

Sir:

I recommend (b)(6),(b)(7)(C) for this request from the Center for Immigration Studies. Do you concur? Please advise.

Thanks,

Barbara M. Gonzalez
Assistant Director
U.S. Immigration and Customs Enforcement (ICE)
Office of Partnership and Engagement (OPE)
202.732.(b)(6),(b)(7)(C) Office
(b)(6),(b)(7)(C) @ICE.DHS.gov

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From: (b)(6),(b)(7)(C) @verizon.net>
Sent: Monday, June 3, 2019 11:34 AM
To: Gonzalez, Barbara M (b)(6),(b)(7)(C) @ice.dhs.gov>
Subject: Meeting request and voice question

Hi Barbara,
Hope you're well! I'm writing about 2 things:

1. Two of my board members are interested in meeting with Director Morgan and acting ERO Director Nathalie Asher, ideally on Friday afternoon, June 7, if possible. Sorry for the late notice. Their names are (b)(6),(b)(7)(C) and (b)(6),(b)(7)(C) and they are involved in the Center's efforts to produce constructive policy recommendations for immigration enforcement. We would like to discuss the problem of fugitives in particular. I would attend, and I understand (b)(6),(b)(7)(C) is also interested in the discussion.

2. Last Wednesday I participated in an event in Culpeper, VA. that included two women who recently lost family members in a highway fatality in the DC area, involving an illegal alien with a lengthy criminal history, who is now an (b)(6),(b)(7)(C) and at large, having met a relatively low bond set by an IJ. It's this case: https://wtop.com/montgomery-county/2018/07/no-criminal-charges-for-driver-who-killed-fbi-agent-fire-marshal-on-270/. I asked them if they had been in touch with VOICE, and they said they weren't aware of the office, so I'm sending them info, just a heads up. My unblderstanding is that CASA put up the money for the alien's release. I'm planning to write an article about the case, so if ICE has or made any statements about the case, I'd be interested.

Thanks so much, Regards (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)
Director of Policy Studies

AMERICAN OVERSIGHT

Center for Immigration Studies
(774)291-(b)(6),(b)(7)(C)
(b)(6),(b)(7)(C)@cis.org
@(b)(6),(b)(7)(C)CIS

AMERICAN OVERSIGHT

REL0000023821
DHS-(ICE)-19-1228-G-000323

From: Blank, Thomas [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (b)(6),(b)(7)(C)
Sent: 6/7/2019 1:12:58 AM
To: (b)(6),(b)(7)(C)
Subject: RE: Meeting request and voice question

This is really late. Where is the VTC Conops?

Sent with BlackBerry Work
(www.blackberry.com)

From: (b)(6),(b)(7)(C) @ice.dhs.gov>
Date: Thursday, Jun 06, 2019, 9:11 PM
To: (b)(6),(b)(7)(C) @ice.dhs.gov>
Cc: Kelly, Christopher S (b)(6),(b)(7)(C) @ice.dhs.gov>, Seguin, Debbie (b)(6),(b)(7)(C) @ice.dhs.gov>, Blank, Thomas (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 (b)(7)(E) @ice.dhs.gov>
Subject: RE: Meeting request and voice question

Good evening – please excuse the delay and confusion. No edits to OPE's document but we have included an ERO Fug Ops overview document. Thanks

---

From: (b)(6),(b)(7)(C)
Sent: Thursday, June 6, 2019 2:21 PM
To: (b)(6),(b)(7)(C) @ice.dhs.gov>
Cc: Kelly, Christopher S (b)(6),(b)(7)(C) @ice.dhs.gov>; Seguin, Debbie (b)(6),(b)(7)(C) @ice.dhs.gov>; Blank, Thomas (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 (b)(7)(E) @ice.dhs.gov>
Subject: RE: Meeting request and voice question

ERO will have edits and will send shortly. Thanks

Sent with BlackBerry Work
(www.blackberry.com)

From: (b)(6),(b)(7)(C) @ice.dhs.gov>
Date: Thursday, Jun 06, 2019, 14:16
Cc: Kelly, Christopher S (b)(6),(b)(7)(C) @ice.dhs.gov>; (b)(6),(b)(7)(C) @ice.dhs.gov>, Seguin, Debbie
(b)(6),(b)(7)(C) @ice.dhs.gov>, Blank, Thomas (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: Meeting request and voice question

The attached cleared for me to get in front of AD1?

Thanks!

(b)(6),(b)(7)(C)
Executive Assistant, Office of the Director
U.S. Immigration and Customs Enforcement

AMERICAN OVERSIGHT

(D) 202-732- (b)(6),(b)(7)(C)
(C) 202-819-

From: Gonzalez, Barbara M
Sent: Thursday, June 6, 2019 1:09 PM
To: (b)(6),(b)(7)(C) @ice.dhs.gov>
Cc: Kelly, Christopher S < (b)(6),(b)(7)(C) @ice.dhs.gov>; (b)(6),(b)(7)(C) @ice.dhs.gov>; Seguin, Debbie < (b)(6),(b)(7)(C) @ice.dhs.gov>; Blank, Thomas (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: Meeting request and voice question

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

Here is the briefing document I drafted for (b)(6),(b)(7)(C) Please let me know if this helps. If you need me to pull a few things from it for AD1, I can do that too.

Please let me know.

Thanks,

Barbara M. Gonzalez
Assistant Director
U.S. Immigration and Customs Enforcement (ICE)
Office of Partnership and Engagement (OPE)
202.732 (b)(6),(b)(7)(C) Office
(b)(6),(b)(7)(C) @ICE.DHS.gov

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From: (b)(6),(b)(7)(C)
Sent: Thursday, June 6, 2019 11:17 AM
To: Gonzalez, Barbara M (b)(6),(b)(7)(C) @ice.dhs.gov>
Cc: Kelly, Christopher S (b)(6),(b)(7)(C) @ice.dhs.gov>; (b)(6),(b)(7)(C) @ice.dhs.gov>; Seguin, Debbie (b)(6),(b)(7)(C) @ice.dhs.gov>; Blank, Thomas (b)(6),(b)(7)(C) @ice.dhs.gov>
Subject: RE: Meeting request and voice question

Hi Barbara,

Would you mind pulling together a few quick bullets on this meeting tomorrow for the Director to review before popping in. I have him scheduled to pop in around 2.

Thank you!

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

AMERICAN OVERSIGHT

Executive Assistant, Office of the Director
U.S. Immigration and Customs Enforcement
(D) 202-732-(b)(6),(b)(7)(C)
(C) 202-819-(b)(6),(b)(7)(C)

From: Gonzalez, Barbara M
Sent: Wednesday, June 5, 2019 9:32 AM
To: (b)(6),(b)(7)(C)@ice.dhs.gov>
Cc: Kelly, Christopher S <(b)(6),(b)(7)(C)@ice.dhs.gov>; (b)(6),(b)(7)(C)@ice.dhs.gov>; Seguin, Debbie (b)(6),(b)(7)(C)@ice.dhs.gov>; Blank, Thomas (b)(6),(b)(7)(C)@ice.dhs.gov>
Subject: RE: Meeting request and voice question

You're welcome.

Barbara M. Gonzalez
Assistant Director
U.S. Immigration and Customs Enforcement (ICE)
Office of Partnership and Engagement (OPE)
202.732-(b)(6),(b)(7)(C)-Office)
(b)(6),(b)(7)(C)@ICE.DHS.gov

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From: (b)(6),(b)(7)(C)
Sent: Wednesday, June 5, 2019 9:17 AM
To: Gonzalez, Barbara M <(b)(6),(b)(7)(C)@ice.dhs.gov>
Cc: Kelly, Christopher S <(b)(6),(b)(7)(C)@ice.dhs.gov>; (b)(6),(b)(7)(C)@ice.dhs.gov>; Seguin, Debbie (b)(6),(b)(7)(C)@ice.dhs.gov>; Blank, Thomas <(b)(6),(b)(7)(C)@ice.dhs.gov>
Subject: RE: Meeting request and voice question

Ok, thank you

(b)(6),(b)(7)(C)
Executive Assistant, Office of the Director
U.S. Immigration and Customs Enforcement
(D) 202-732-(b)(6),(b)(7)(C)
(C) 202-819-(b)(6),(b)(7)(C)

From: Gonzalez, Barbara M
Sent: Wednesday, June 5, 2019 8:54 AM
To: (b)(6),(b)(7)(C)@ice.dhs.gov>
Cc: Kelly, Christopher S <(b)(6),(b)(7)(C)@ice.dhs.gov>; (b)(6),(b)(7)(C)@ice.dhs.gov>; Seguin, Debbie (b)(6),(b)(7)(C)@ice.dhs.gov>; Blank, Thomas <(b)(6),(b)(7)(C)@ice.dhs.gov>
Subject: RE: Meeting request and voice question

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

I defer to you and his schedule. The meeting will be one hour.

Thanks,

Barbara M. Gonzalez
Assistant Director
U.S. Immigration and Customs Enforcement (ICE)
Office of Partnership and Engagement (OPE)
202.732.(b)(6),(b)(7)(C)
(b)(6),(b)(7)(C)@ICE.DHS.gov

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To: Gonzalez, Barbara M (b)(6),(b)(7)(C)@ice.dhs.gov>
Cc: Kelly, Christopher S <(b)(6),(b)(7)(C)@ice.dhs.gov>; (b)(6),(b)(7)(C)@ice.dhs.gov>, Seguin, Debbie (b)(6),(b)(7)(C)h@ice.dhs.gov>, Blank, Thomas <(b)(6),(b)(7)(C)@ice.dhs.gov>
Subject: RE: Meeting request and voice question

Barbara,

AD1 is available to pop in on Friday. Just let me know what time he should stop in.

Thanks!

(b)(6),(b)(7)(C)
Executive Assistant, Office of the Director
U.S. Immigration and Customs Enforcement
(D) 202-732-(b)(6),(b)(7)(C)
(C) 202-819-

From: Gonzalez, Barbara M
Sent: Tuesday, June 4, 2019 2:17 PM
To: (b)(6),(b)(7)(C)@ice.dhs.gov>
Cc: Kelly, Christopher S <(b)(6),(b)(7)(C)@ice.dhs.gov>; (b)(6),(b)(7)(C)@ice.dhs.gov>
Subject: RE: Meeting request and voice question

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

The meeting with (b)(6),(b)(7)(C) is set for Friday at 2 in the ERO conference located at 11069. Please let us know if AD1 will stop by to say hi.

Thanks,

Barbara M. Gonzalez

AMERICAN OVERSIGHT

Assistant Director
U.S. Immigration and Customs Enforcement (ICE)
Office of Partnership and Engagement (OPE)
202.732.(b)(6),(b)(7)(C) (Office)
(b)(6),(b)(7)(C) @ICE.DHS.gov

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From: (b)(6),(b)(7)(C)
Sent: Monday, June 3, 2019 7:20 PM
To: Gonzalez, Barbara M <(b)(6),(b)(7)(C)@ice.dhs.gov>
Cc: Kelly, Christopher S (b)(6),(b)(7)(C)@ice.dhs.gov>
Subject: RE: Meeting request and voice question

Ok, just let me know what I can do.

Thank you!

(b)(6),(b)(7)(C)
Executive Assistant
Office of the Director
U. S. Immigration and Customs Enforcement
202-732-(b)(6),(b)(7)(C)

From: Gonzalez, Barbara M <(b)(6),(b)(7)(C)@ice.dhs.gov>
Date: Monday, Jun 03, 2019, 5:53 PM
To: (b)(6),(b)(7)(C)@ice.dhs.gov>
Cc: Kelly, Christopher S (b)(6),(b)(7)(C)@ice.dhs.gov>
Subject: FW: Meeting request and voice question

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

I'll keep you posted on this. It's still being coordinated internally and we've yet to flush dates.

Thanks,

Barbara M. Gonzalez
Assistant Director
U.S. Immigration and Customs Enforcement (ICE)
Office of Partnership and Engagement (OPE)
202.732(b)(6),(b)(7)(C) Office
(b)(6),(b)(7)(C) @ICE.DHS.gov

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Sent: Monday, June 3, 2019 3:33 PM
To: Gonzalez, Barbara M (b)(6),(b)(7)(C) @ice.dhs.gov>
Cc: (b)(6),(b)(7)(C) @ice.dhs.gov>; Kelly, Christopher S (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: Meeting request and voice question

I agree. (b)(6),(b)(7)(C) if AD1 can drop by for five minutes to say hello that would be good.

Thomas Blank
Chief of Staff
U.S. Immigration and Customs Enforcement
U.S. Department of Homeland Security
202 732 (b)(6),(b)(7)(C)
Cell 202 591-6 (b)(6),(b)(7)(C)

From: Gonzalez, Barbara M
Sent: Monday, June 3, 2019 1:49 PM
To: Blank, Thomas (b)(6),(b)(7)(C) @ice.dhs.gov>
Cc: (b)(6),(b)(7)(C) @ice.dhs.gov>; Kelly, Christopher S (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: FW: Meeting request and voice question

Sir:

I recommend (b)(6),(b)(7)(C) for this request from the Center for Immigration Studies. Do you concur? Please advise.

Thanks,

Barbara M. Gonzalez
Assistant Director
U.S. Immigration and Customs Enforcement (ICE)
Office of Partnership and Engagement (OPE)
202.732 (b)(6),(b)(7)(C) ffice
(b)(6),(b)(7)(C) @ICE.DHS.gov

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AMERICAN OVERSIGHT

From: (b)(6),(b)(7)(C) verizon.net>
Sent: Monday, June 3, 2019 11:34 AM
To: Gonzalez, Barbara M < (b)(6),(b)(7)(C) @ice.dhs.gov>
Subject: Meeting request and voice question

Hi Barbara,
Hope you're well! I'm writing about 2 things:

1. Two of my board members are interested in meeting with Director Morgan and acting ERO Director Nathalie Asher, ideally on Friday afternoon, June 7, if possible. Sorry for the late notice. Their names are (b)(6),(b)(7)(C) and (b)(6),(b)(7)(C) and they are involved in the Center's efforts to produce constructive policy recommendations for immigration enforcement. We would like to discuss the problem of fugitives in particular. I would attend, and I understand (b)(6),(b)(7)(C) (b)(6),(b)(7)(C) is also interested in the discussion.

2. Last Wednesday I participated in an event in Culpeper, VA. that included two women who recently lost family members in a highway fatality in the DC area, involving an illegal alien with a lengthy criminal history, who is now an (b)(6),(b)(7)(C) and at large, having met a relatively low bond set by an IJ. It's this case: https://wtop.com/montgomery-county/2018/07/no-criminal-charges-for-driver-who-killed-fbi-agent-fire-marshal-on-270/. I asked them if they had been in touch with VOICE, and they said they weren't aware of the office, so I'm sending them info, just a heads up. My unblderstanding is that CASA put up the money for the alien's release. I'm planning to write an article about the case, so if ICE has or made any statements about the case, I'd be interested.

Thanks so much, Regards, (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)
Director of Policy Studies
Center for Immigration Studies
(774)291 (b)(6),(b)(7)(C)
(b)(6),(b)(7)(C) @cis.org
@ (b)(6),(b)(7)(C) CIS

AMERICAN OVERSIGHT

From: (b)(6),(b)(7)(C) @numbersusa.com]
Sent: Mon 6/24/2019 6:34:14 PM (UTC)
To: Short, Trac (b)(6),(b)(7)(C) @ice.dhs.gov]
Subject: HR 3401

Tracy,

(b)(5)

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

(b)(6),(b)(7)(C)
Chief of Staff, Government Relations
NumbersUSA
(b)(6),(b)(7)(C) @numbersusa.com

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AMERICAN OVERSIGHT

From: (b)(6),(b)(7)(C) @numbersusa.com]
Sent: Sun 7/28/2019 4:28:34 PM (UTC)
To: Short, Tracy (b)(6),(b)(7)(C) @ice.dhs.gov]
Subject: Re: Senior Advisor for Custody Management
Attachment: IMG952726002.jpg

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

On Sun, Jul 28, 2019, 12:27 PM Short, Tracy <(b)(6),(b)(7)(C) @ice.dhs.gov> wrote:

That's news to me.

From: (b)(6),(b)(7)(C) @numbersusa.com>
Date: Sunday, Jul 28, 2019, 10:29 AM
To: Short, Tracy (b)(6),(b)(7)(C) @ice.dhs.gov>
Subject: Senior Advisor for Custody Management

Tracy,
We're hearing (b)(6),(b)(7)(C) is being brought back in. Is that true?

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

AMERICAN OVERSIGHT