

**Presidential Briefing on the Border**  
**February 10, 2021**  
**2:00 PM**

**Overview**

- You will be meeting with the President and Secretary of State Blinken to share the latest information on the southwest border, the Department’s steps to reform border management, and options to address contingencies we concurrently face, such as increased apprehensions.

**Discussion Points**

(b) (5)

**Background**

**Recent Trends at the Southwest Border**

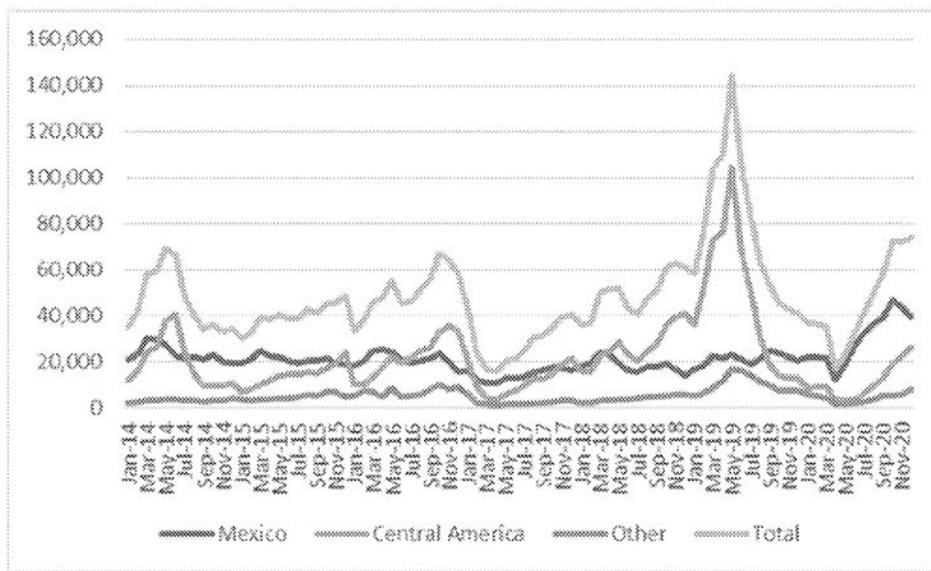
- **Border encounters are historically high and trending higher.**
  - So far in Fiscal Year 2021, we have already had about 340,000 encounters along the southwest border. This is more than double the number of encounters for the same period in Fiscal Year 2020. We are currently on pace to reach over 1,000,000 encounters at the southwest border this fiscal year.
  - Since hitting a low of about 17,000 encounters in April 2020 with the start of the pandemic, monthly encounters have generally increased each month since then, reaching about 76,000 in January 2021. The month of February is trending even higher and is on pace to reach 91,423 encounters—a 21% increase over January.
- **Border encounters, however, are somewhat skewed by high recidivism rates.**
  - Although recent encounter statistics accurately portray increased stress at land borders, they may overstate current downstream migration flows. This is due to sharply higher recidivism rates (repeat border crossing attempts by unique individuals) since March 2020, when the United States began “expelling” persons for COVID-19-related reasons pursuant to an order from the Centers for Disease Control and Prevention (CDC).
  - DHS estimates that the three-year recidivism rate for Mexican nationals increased from 35% between 2016 and 2020 to 54% over the last two quarters of FY 2020. For

individuals from the Northern Triangle, the recidivism rate rose even more sharply from 10% to 47%.

- **Mexican encounters have been back on the rise since March 2020.**

- Over the last several years, about 90% of encounters at the southwest border have involved nationals of four countries: Mexico, Guatemala, Honduras, and El Salvador.
- But the demographic shares of such populations have shifted over the years. For most of the last decade, we were seeing a general decrease among Mexican encounters and an increase in encounters involving nationals of Northern Triangle countries. But since March 2020, encounters of Mexican nationals have increased sharply.
- Of recent border encounters, approximately 60% are Mexican; 31% are Guatemalan, Honduran, or Salvadoran; and 9% are of another nationality.

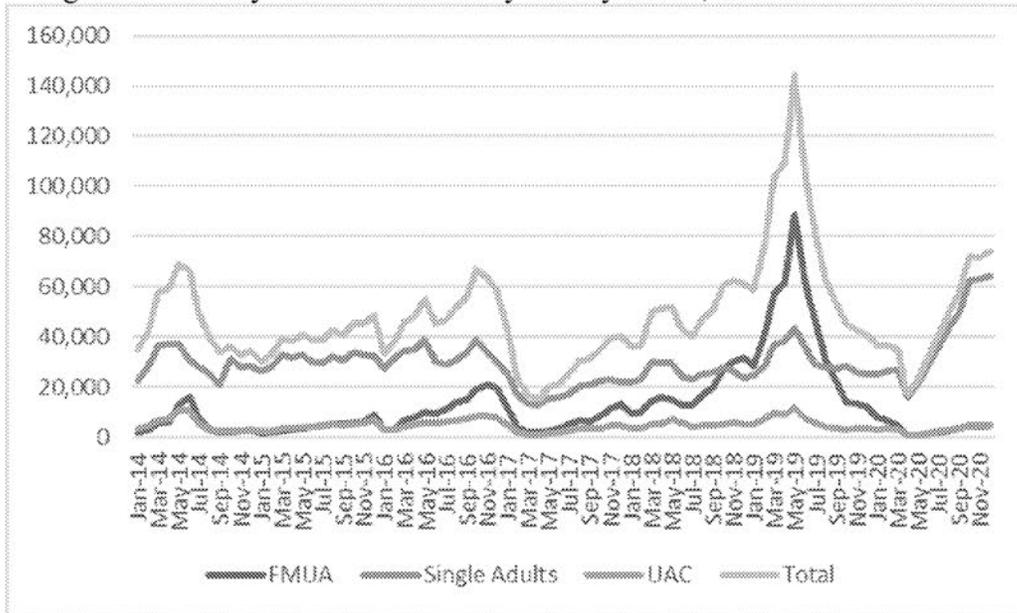
Figure 1: Monthly CBP Encounters by Selected Country, Jan. 2014 – Dec. 2020



- **The current surge differs considerably from prior surges in other ways as well.**

- Recently, migration surges have been mainly driven by increased flows of family units and unaccompanied minors from the Northern Triangle. The current surge, however, is primarily driven by single adults from Mexico. In the first three months of FY 2021, single adults comprised the majority of encounters at 87 percent, followed by families at 6 percent, and unaccompanied minors at 7 percent.
- That said, in recent weeks, families and unaccompanied children have comprised an increasing share of daily encounters. Encounters of unaccompanied children have been steadily increasing since mid-January; over the last week, we have encountered a daily average of 315 such children. Family encounters have also been increasing in recent weeks. Family encounters have increased from a daily average in the mid-100s per day to a daily average of 517 over the last week and a daily high of 679 on January 31.

Figure 2: Monthly CBP Encounters by Family Status, Jan. 2014 – Dec. 2020



**DRIVERS OF MIGRATION**

- Migrants continue to cite historic push/pull factors as their reasons for migrating. However, natural disasters and the COVID-19 pandemic have had a profound negative impact on the economies of migrant source countries, and recovery may take years. The relatively stronger U.S. economy will likely drive increased flows of migrants from these countries to the United States for some time. Partly enabled by transnational organized crime networks, such flows may increase further throughout fiscal year (FY) 2021 as economic opportunities emerge and migrant perceptions of U.S. immigration policies shift.
- The primary push/pull factors cited by migrants are:
  - Economic opportunities;
  - Regional and political instability;
  - Institutional corruption;
  - Climate change and natural disasters;
  - Fear of violence;
  - Educational opportunities;
  - Desire for family reunification;
  - Perceptions of favorable U.S. immigration policies; and
  - Religious and sexual orientation persecution.
- As noted above, recent natural disasters in Central America will likely exacerbate migration flows as migrants seek economic opportunities and flee humanitarian crisis. In November 2020, two Category 4 hurricanes made landfall in Guatemala, Nicaragua, Honduras, and

other neighboring Central American countries. The full impact of the damage from these hurricanes remains unknown; however, flooding, mudslides, and scores of fatalities, compounded by a surge in COVID-19 infections, have left Central American countries facing large-scale humanitarian disasters.

- Moreover, the COVID-19 pandemic continues to strain Mexico’s healthcare resources. Mexico has the third highest death toll, highest positivity rates, and remains amongst the lowest OECD members in testing totals. Hospital occupancy rates remain high nationwide and hospital capacity in Mexico City and the State of Mexico—home to 20 percent of Mexico’s population—remains extremely stressed. Oxygen tanks are running low and Mexico is struggling to procure enough vaccines due to manufacturing delays, postponing its mass vaccination campaign until this summer.

### CURRENT BORDER PROCESSES & CAPACITY CONSTRAINTS

- Processing at U.S. land borders remain subject to COVID-19 related restrictions on travel. Generally, entry through land ports is restricted to all but U.S. citizens, lawful permanent residents, and noncitizens engaged in “essential travel.” Under a CDC order issued on March 20, 2020, other individuals, including asylum seekers, have largely been prevented from entering or presenting asylum claims at the border. Those encountered after crossing between the ports of entry have been subject to “expulsion” under the CDC order, either to Mexico or their country of origin depending on the person’s nationality.
- Based on the current arrangement with Mexico, the United States may use the CDC authority to expel Mexican, Guatemalan, Honduran, and Salvadoran nationals to Mexico by land (without testing). Individuals of other nationalities are not subject to CDC expulsion to Mexico but may be subject to expulsion to their home country. If not, such individuals are allowed into the United States and are processed under general immigration authorities—either expedited removal or removal proceedings in immigration court.
- Nationals from the Northern Triangle cannot generally be expelled under Title 42 back to their home countries. Currently, each of the Northern Triangle countries requires the testing of passengers before accepting the return of its nationals. But under the current CDC order, expulsions are not authorized for individuals who have been tested and are shown to be negative for COVID-19. The combination of these two factors thus currently prevents the expulsion of individuals directly back to Guatemala, Honduras, and El Salvador. In sum, individuals from the Northern Triangle may be expelled to Mexico but not to their home country.
- Processing capacity largely depends on the type of individual encountered at the border.
  - **Single adults.** There are few capacity constraints for single adults. There is currently enough capacity to process and detain those single adults who cannot be expelled. Unless expelled, they are transferred to ICE where they are tested and generally processed under expedited removal procedures.
  - **Unaccompanied children.** Unaccompanied children are currently ineligible for expulsion. Such children are required to be transferred to the Office of Refugee Resettlement (ORR) at the Department of Health and Human Services (HHS) for

processing and eventual placement with a sponsor in the United States. Such children are tested and generally quarantined by non-governmental shelter facilities operating under contract through HHS/ORR.

- **Families.** Families who cannot be expelled present difficult logistical challenges for the Department. Due to COVID-19-related transportation and family detention capacity constraints, CBP can currently transfer about 50 individuals in family units to ICE for processing through ICE’s family detention facilities each day. Individuals encountered in excess of that number (who cannot otherwise be expelled) are generally released by the Border Patrol to local shelter NGOs. However, whether processed by ICE or released by the Border Patrol, all such individuals are now being enrolled into alternative-to-detention (ATD) programs by ICE contractors. Individuals processed by ICE are tested for COVID-19 upon intake by ICE. Individuals who are released by the Border Patrol, however, are not tested. Those in Border Patrol custody who show symptoms of potential COVID-19 infection are taken to local health care providers, and in some cases border shelters have limited capacity to test and isolate.
- CBP holding capacity is limited by COVID-19 protocols and highly dependent on populations in custody and the ability to transfer out of CBP custody. As of February 8, 2021, U.S. Border Patrol (USBP) is holding 2,436 individuals with a total capacity of only 2,857 (only 25% of normal capacity due to COVID-19 protocols). On February 9, a new soft-sided facility was made available for use in the Rio Grande Valley Sector. This facility in Donna, Texas adds capacity for the processing of family units and UACs. Although the facility is designed to process 500 individuals, capacity will be closer to 300 for the time being because of COVID-19 restrictions. Although the facility opened yesterday, it is already near capacity with recently encountered unaccompanied children.
- The impact of COVID-19 on the CBP workforce has been CBP’s most significant operational challenge since the spring of 2020. Thousands of CBP personnel have tested positive for COVID-19, restricting them from work, and 23 have died in the line of duty. This challenge has become even more significant as CBP experiences an increase in migrant encounters at the border.

**COVID TESTING UPDATES**

- All ICE Health Service Corps facilities now test individuals at intake, transfer, and release. We are focused on improving coordination between CBP & ICE so that releases on recognizance near the border can be avoided until the individual or family has gone through the ICE health intake process.
- When release directly from CBP is necessary, we are advancing a plan to (b) (5)  
(b) (5) These conversations are ongoing.
- The DHS chief medical officer is leading a team to develop a public health contingency plan for the southwest border related to COVID-19. This plan will specifically address (b) (5)  
(b) (5)  
(b) (5) Within this plan will be options that include (b) (5)  
(b) (5)

**CURRENT ADDITIONAL CHALLENGES**

• **Recent Change to Mexican Laws Affecting Migrant Children**

- A recent legal change in Mexico has restricted Mexico’s immigration agency’s ability to detain children, whether accompanied or unaccompanied. In many cases, such children are now referred to the Mexican department of families pending a best interest determination for the child or children involved. The lack of family shelter capacity has led the Mexican Government to state it will no longer accept some Northern Triangle family units expelled to Mexico under the United States’ CDC order.
- This change already impacting two of our border sectors—the Del Rio and Rio Grande Valley Sectors—where Mexico is no longer accepting families from the Northern triangle with children under the age of 6 due to family housing capacity constraints in the Mexican State of Tamaulipas. Under a temporary agreement reached at the local level in the two sectors, families with children aged 6 and under are no longer accepted by Mexican authorities. Such families are now processed into the United States through existing immigration authorities.
- Through direct engagement by the NSC, DHS, and the State Department, recent progress has been made on this issue. Mexican authorities have reinterpreted their law to provide more flexibility to accept the return of families from the Northern Triangle expelled from the United States. In addition, the Government of Mexico and international organizations (with U.S. funding) are working to further increase family shelter capacity in Mexico, which would further allow the return of expelled families to Mexico.

• **Legal Challenge to the Use of the CDC Expulsion Authority for Migrant Families**

- In *P.J.E.S. v. Mayorkas*, the American Civil Liberties Union (ACLU) challenged application of the CDC expulsion authority to unaccompanied children. On November 18, 2020, the district court issued a preliminary injunction prohibiting this use. About 10 days ago, this injunction was stayed by a panel of the D.C. Circuit Court of Appeals. Policy guidance, however, currently excludes unaccompanied children from being expelled under the CDC order.
- In *Huisha-Huisha v. Gaynor*, the ACLU challenged application of the CDC expulsion authority to migrant families. The case was assigned to the same judge that issued the preliminary injunction discussed above, and the ACLU filed a motion for a preliminary injunction on February 5, 2021. Briefing is scheduled to be completed by February 23, and the court is likely to issue a preliminary injunction in that case sometime after briefing is completed.
- The processing options for addressing a surge in families, particularly if the CDC expulsion authority is enjoined, are limited:

(b) (5)

(b) (5)

- **Migrant Camp in Matamoros, Mexico**

- A migrant camp located in Matamoros, near the U.S.-Mexico border, has recently grown in size and now houses about 800 migrants, mostly with families, despite the Mexican government's efforts to control it.
- The camp is estimated to have increased due to the growing perception that they will be allowed to enter the United States.
- Reducing the camp population and improving conditions is a high priority for the Government of Mexico and for cooperating international organizations.

**CURRENT PLAN OF ACTION**

- DHS— (b) (5) —has been engaged in short- and long-term planning since inauguration to improve the situation at the border.

- (b) (5)

- Long-Term Plan –

(b) (5)

(b) (5)

OTHER ISSUES

(b) (5)

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

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

**Participants:**

Secretary Mayorkas

**Attachments:**

- A. POTUS Q&A
  - B. CBP Issue Paper
  - C. CBP Incident Report
-

**Situation at the Border**

- 1. I'm concerned about the sharp rise in Central American families and UACs in the last month. What is your assessment of the situation? What are your plans for handling an influx of both families and children?**

**Assessment of the situation**

**(b) (5)**

(b) (5)

- (If asked)

(b) (5)

(b) (5)

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(b) (5)

2. I understand the ACLU has challenged the use of the CDC expulsion authority on behalf of families encountered at the border. What will be the impact of this, and what are our options?

(b) (5)

(b) (5)

3. We've been speaking about Central Americans, but I know the number of Haitians at the border is also on the rise. What steps are we taking now to make sure Haitians in the region are not making the journey to the border, and how are we handling the return of Haitians during a period of crisis in Haiti?

(b) (5)

Issue Paper  
U.S. Border Patrol Headquarters  
(b) (5), (b) (7)(E)

ISSUE:

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

February 5, 2021

DHS-002-00404-000015

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

CURRENT EFFORTS:

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

February 5, 2021

Issue Paper  
U.S. Border Patrol Headquarters  
(b) (5), (b) (7)(E)

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

February 5, 2021

DHS-002-00404-000017

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U.S. CUSTOMS AND BORDER PROTECTION  
COMMISSIONER'S SITUATION ROOM DAILY REPORT  
February 7, 2021

(b) (7)(E)

Date of Incident: 2/5/2021

(b) (7)(E)

Location: Laredo, TX

Type of Incident: (b) (7)(E)

**(b) (7)(E)**

**VIRTUAL MEETING BROWNSVILLE MAYOR AND CITY MANAGER**  
**September 11, 2023**

**Subject:**

- You will meet with Brownsville officials to align on plans to operationalize the Border-Family Enforcement Removal Management (Border-FERM or B-FERM) program.

**Logistics:**

- This is a virtual call on Teams.

**Issues to be Addressed:**

***Obligations and Enforcement***

- *Issue:* As operationalization of B-FERM approaches, the city will have concerns regarding enforcement.

➤ *Analysis/Recommendation:* (b) (5)

(b) (5)

- *Issue:* Will the City be required to restrict the movement of persons in the long-term shelter?

➤ *Analysis/Recommendation:*

(b) (5)

- *Issue:* Will the City be required to report to ICE whether a family is no longer staying in the City-provided accommodation?

➤ *Analysis/ Recommendation:*

(b) (5)

(b) (5)

- *Issue:* Will there be federal law enforcement to help with the restrictions?  
 ➤ *Analysis/Recommendation:*

(b) (5)

- *Issue:* Will the City/State need the assistance of local law enforcement?  
 ➤ *Analysis/Recommendation:*

(b) (5)

- *Issue:* What would the City be responsible for?

➤ *Analysis/Recommendation:* (b) (5)  
 (b) (5)

- *Issue:* Is this more like a detention center than a voluntary shelter?

➤ *Analysis/Recommendation:*  
 (b) (5)

- *Issue:* Who is providing the transportation to and from the proposed facility?

➤ *Analysis/Recommendation:*  
 (b) (5)

- *Issue:* What is the anticipated length of time of this program will be in effect?

➤ *Analysis/Recommendation:*  
 (b) (5)

(b) (5)

**Population Questions**

- *Issue:* About how many family units will be enrolled in B-FERM

➤ *Analysis/Recommendation:*

(b) (5)

- *Issue:* Will it be mostly Hondurans and Guatemalans?

➤ *Analysis/Recommendation:*

(b) (5)

- *Issue:* What percentage of families will be removed?

➤ *Analysis/Recommendation:*

(b) (5)

**Funding**

- *Issue:* What is the funding source for a long-term shelter?

➤ *Analysis/Recommendation:*

(b) (5)

**Legal Agreement**

- *Issue:* What type of legal agreement would be required? Is it similar to an agreement to house federal prisoners?

➤ *Analysis/Recommendation:*

(b) (5)

- *Issue:* Can we see a list of other jurisdictions that are currently or previously participated in this type of arrangement? Can we see sample agreements?

➤ *Analysis/Recommendation:*

(b) (5)

**Facility Standards**

- *Issue:* Are there legal federal minimum standards required to stand up this type of facility: square footage, medical assistance, education, or nutrition?
  - *Analysis/Recommendation:*

(b) (5)

**External Messaging**

- *Issue:* What can we do to message this to the community?
  - *Analysis/Recommendation:*

(b) (5)

**Participants:**

Secretary Mayorkas  
Acting Deputy Secretary Canegallo  
Zephrañie Buetow, A/S OLA  
Brenda Abdelall, A/S OPE  
Miriam Enriquez, DAS OPE/IGA  
Noël Young, Counselor to the Secretary  
Jennifer B. Higgins, Senior Coordinating Official, SBCC

**Attachments:**

A. LA Times: "Biden administration considers forcing migrant families to remain in Texas"

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**Staff Responsible for Briefing Memo:** Miriam Enriquez, Deputy Assistant Secretary,  
Intergovernmental Affairs, Office of Partnership and Engagement,

(b) (6)

**ATTACHMENT A: “Biden administration considers forcing migrant families to remain in Texas”**

By Hamed Aleaziz  
Staff Writer  
Los Angeles Times

*September 7, 2023, Updated 3:12 PM PT*

The Biden administration is considering forcing some migrant families who enter the country without authorization to remain near the border in Texas while awaiting asylum screening, effectively limiting their ability to travel within the United States, three U.S. officials told The Times.

Administration officials have been considering the idea as a way to stem recent increases in the numbers of migrant families crossing the southern border, which reportedly reached an all-time high last month. Supporters of the remain-in-Texas idea, which has yet to be finalized, hope that it would help the administration advance its goals of quickly deporting families who fail initial asylum screenings and deterring other families from crossing in the first place.

But the proposal, which recalls President Reagan’s efforts to limit asylum seekers’ movements in the late 1980s, is likely to draw fierce opposition from immigrant rights groups and border-state officials. Since 2022, Texas Gov. Greg Abbott, a Republican, has bused thousands of migrants out of his state to Democrat-run cities such as Los Angeles, New York and Washington, D.C.

The Biden plan would force certain migrant families to remain in Texas — or possibly other border states — by tracking their location through GPS monitoring devices, such as ankle bracelets, according to the three officials, who were not authorized to speak publicly on the matter. The families would be put through an asylum screening process to determine whether they could stay in the U.S. and proceed with their claims. Officials have discussed working with local organizations to provide housing for the families.

If the families failed their initial screenings, they’d be easier to deport because they’d be close to the border.

A Border Patrol officer talks to migrants after they crossed the Rio Grande river in Eagle Pass, Texas, Sunday May 22, 2022. The U.S. government has expelled migrants more than 1.9 million times under Title 42, named for a 1944 public health law, denying them a chance to seek asylum as permitted under U.S. law and international treaty for purposes of preventing the spread of COVID-19. President Joe Biden wanted to end Title 42, but a federal judge in Louisiana issued a nationwide injunction that keeps it intact. (AP Photo/Dario Lopez-Mills)  
POLITICS

Migrant families are generally harder to arrest in the interior of the U.S. because of the complicated logistical planning needed to apprehend children and their parents. Migrant family deportations are historically lower than those of single adults seeking asylum in the U.S.

Department of Homeland Security officials have discussed targeting Central American families in the program, because those are countries where the U.S. can deport significant numbers of people.

“DHS continuously holds policy and operational discussions on how to leverage our authorities to ensure a fair, humane and effective immigration process that efficiently removes those without a lawful basis to stay in the country,” a department spokesperson said.

If implemented, the plan would mark the latest expansion of a Biden administration program known as Family Expedited Removal Management, which imposes curfews and GPS monitoring on migrant families traveling to large cities, including Los Angeles, San Francisco and Washington.

Administration officials had hoped that the FERM program, together with videos and news releases highlighting families being deported, would help deter additional families from entering the U.S. without authorization.

In July, however, Border Patrol encountered more than 60,000 families crossing the border — making up almost half the number of those who crossed the southern border that month. Border Patrol has yet to release that number for August, but the Washington Post reported last week that it was more than 91,000, an all-time record.

Families have accounted for a large portion of the overall increase in crossings since May, when administration officials thought that Biden’s new limits on asylum had finally made a dent in border-crossing numbers.

The Biden administration’s treatment of migrant families has come under criticism from immigrant advocates, who say the families do not have reasonable access to attorneys or time to prepare their asylum cases.

“Families are rushed to removal within weeks of their arrival to the United States, without a fair opportunity to present their cases, and often without understanding the proceedings unfolding around them,” the National Immigrant Justice Center wrote in a policy brief last week blasting the curfew program.

Robyn Barnard, director of refugee advocacy at Human Rights First, said the remain-in-Texas proposal was misguided.

“People should not be punished for their manner of entry to seek asylum,” she said.

U.S. officials have long implored migrants to enter the U.S. only via legal pathways. Those include setting up appointments at a port of entry or applying for a program that allows certain migrants to come to the U.S. if they have a financial sponsor and can pass security checks.

“People who do not use available lawful pathways to enter the U.S. now face tougher consequences, including a minimum five-year ban on reentry and potential criminal prosecution,” Homeland Security Secretary Alejandro N. Mayorkas said in May.

But the administration has thus far refused to revive the Trump- and Obama-era practice of detaining migrant families at the border.

“We have no plan to detain families,” Mayorkas said in April. “As I mentioned, we will be employing alternatives to detention, including some innovations in that regard, and we will on a case-by-case basis use enhanced alternatives to detention as warranted.”

The idea of forcing migrant families to stay near the border hasn’t been tried in decades, said Yael Schacher, director for the Americas and Europe at Refugees International and a historian of U.S. immigration.

“There hasn’t been an attempt to force asylum-seeking families to remain in border towns for 35 years,” she said.

In the late 1980s, the Reagan administration forced thousands of migrants to apply for asylum near where they crossed in south Texas, and receive their decision there as well. Officials were clear at the time that the policy was intended to deter families from crossing.

“At first we may see a slightly higher number of aliens in the area, but that will soon taper off as soon as word gets back to Central America,” an immigration official told the Associated Press at the time.

The migrants lived in church shelters or set up camps in parking lots or abandoned buildings while awaiting their initial asylum interviews. “Clearly these people are experiencing difficulty and hardship,” a visiting United Nations official told the Associated Press.

Local officials, incensed, even tried to evict federal immigration officials from the office they were using to process asylum claims. At one point, a Texas state judge blocked federal officials from operating their office in the south Texas city of Harlingen.

In early 1989, a federal judge ordered immigration officials to let migrants leave south Texas while he decided how to rule on the new policy, and the camps began to empty.

As the migrants waited to be processed so that they could head elsewhere in the U.S., Texans

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stepped in to feed them. "I figure we've fed four or five hundred," Dolores Muniz, a volunteer, told The Times' J. Michael Kennedy in January 1989. "It's our obligation as Americans. This country was founded by immigrants. The Statue of Liberty says we should bring them in."

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Updated: 9/10/2023 10:00 PM

DHS-002-00404-000027

**CALL WITH HIDALGO COUNTY, MCALLEN, AND CATHOLIC CHARITIES RGV**  
**September 22, 2023**

**Subject:**

- You will meet with the Hidalgo County, the City of McAllen, and Catholic Charities RGV to discuss the Border-Family Enforcement Removal Management (Border-FERM) program.

**Logistics:**

- This is a 30-minute Teams call.

**Member/Principal Background:**

- IGA reached out to Hidalgo County Judge Richard Cortez in August when the Secretary and Tom Perez made initial Border-FERM calls to ensure the Judge would be available for the call. At the recommendation of Tom Perez, McAllen-related calls were not made that day. IGA let the Judge know that we would be in touch soon.
- AS2 spoke to the Judge on September 15 regarding Border-FERM. The Judge suggested this call with the City of McAllen and Catholics Charities RGV as a follow-up to that discussion.
  - The Judge indicated that it is a tough issue; some constituents may be on board with the proposal while others would be against, particularly those concerned with increased poverty and homelessness in the area. To really get people on board, the length of time families remain in the area would need to be short-term in nature, unless they are able to work given the area's labor needs.
- You last met with the Hidalgo County Judge alongside the McAllen Mayor in a brief pull aside at the McAllen Airport in May 2023. Your last meeting with (b) (6) was on that same May 2023 trip to McAllen, TX. (b) (6) Catholic Charities RGV hosted you for an NGO Roundtable where you discussed the Department's plans for processing asylum seekers post-Title 42.

**Committee/Jurisdiction Background:**

- To operationalize Border-FERM in McAllen, City, County and Catholic Charities cooperation is critical given the proposed program's restrictions based on location and capacity.
- Under the proposed concept, (b) (5)

(b) (5)

**Talking Points:**

*Obligations and Enforcement*

- Will the City/County/Catholic Charities be required to restrict the movement of persons in their shelters?

➤

(b) (5)

(b) (5)

- Will the City/County/Catholic Charities be required to report to ICE whether a family is no longer staying in the City/County/Catholic Charities-provided accommodation?

(b) (5)

- Will there be federal law enforcement to help with the restrictions?

(b) (5)

- Will there be a need for assistance from local law enforcement?

(b) (5)

- What would the City/County/Catholic Charities be responsible for?

(b) (5)

- Is this more like a detention center than a voluntary shelter?

(b) (5)

- Who is providing the transportation to and from the proposed shelter facility?

(b) (5)

(b) (5)

- What is the anticipated length of time that this program will be in effect?

(b) (5)

*Population*

- About how many family units will be enrolled in B-FERM?

(b) (5)

- Will it be mostly Hondurans and Guatemalans?

(b) (5)

- What percentage of families will be removed?

(b) (5)

*Funding*

- What is the funding source for a long-term shelter?

(b) (5)

*Legal Agreement*

(b) (5)

*Facility Standards*

- Are there legal federal minimum standards required to stand up this type of shelter facility: square footage, medical assistance, education, or nutrition?

(b) (5)

*External Messaging*

- What can we do to message this to the community?

(b) (5)

**Participants:**

Secretary Mayorkas  
Brenda Abdelall, Assistant Secretary, OPE  
Noël Young, Counselor to the Secretary  
Jennifer B. Higgins, Senior Coordinating Official, SBCC

External:

Judge Richard Cortez, Hidalgo County  
Mayor Javier Villalobos, City of McAllen  
: (b) (6) Catholic Charities  
(b) (6) Diocese of Brownsville

**Attachments:**

- A. LA Times: "Biden administration considers forcing migrant families to remain in Texas"
- B. Biographies

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**Staff Responsible for Briefing Memo:** Miriam Enriquez, Deputy Assistant Secretary,  
Intergovernmental Affairs, Office of Partnership and Engagement,  
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Administration officials have been considering the idea as a way to stem recent increases in the numbers of migrant families crossing the southern border, which reportedly reached an all-time high last month. Supporters of the remain-in-Texas idea, which has yet to be finalized, hope that it would help the administration advance its goals of quickly deporting families who fail initial asylum screenings and deterring other families from crossing in the first place.

But the proposal, which recalls President Reagan’s efforts to limit asylum seekers’ movements in the late 1980s, is likely to draw fierce opposition from immigrant rights groups and border-state officials. Since 2022, Texas Gov. Greg Abbott, a Republican, has bused thousands of migrants out of his state to Democrat-run cities such as Los Angeles, New York and Washington, D.C.

The Biden plan would force certain migrant families to remain in Texas — or possibly other border states — by tracking their location through GPS monitoring devices, such as ankle bracelets, according to the three officials, who were not authorized to speak publicly on the matter. The families would be put through an asylum screening process to determine whether they could stay in the U.S. and proceed with their claims. Officials have discussed working with local organizations to provide housing for the families.

If the families failed their initial screenings, they’d be easier to deport because they’d be close to the border.

A Border Patrol officer talks to migrants after they crossed the Rio Grande river in Eagle Pass, Texas, Sunday May 22, 2022. The U.S. government has expelled migrants more than 1.9 million times under Title 42, named for a 1944 public health law, denying them a chance to seek asylum as permitted under U.S. law and international treaty for purposes of preventing the spread of COVID-19. President Joe Biden wanted to end Title 42, but a federal judge in Louisiana issued a nationwide injunction that keeps it intact. (AP Photo/Dario Lopez-Mills)

POLITICS

Migrant families are generally harder to arrest in the interior of the U.S. because of the complicated logistical planning needed to apprehend children and their parents. Migrant family deportations are historically lower than those of single adults seeking asylum in the U.S.

Department of Homeland Security officials have discussed targeting Central American families in the program, because those are countries where the U.S. can deport significant numbers of people.

“DHS continuously holds policy and operational discussions on how to leverage our authorities to ensure a fair, humane and effective immigration process that efficiently removes those without a lawful basis to stay in the country,” a department spokesperson said.

If implemented, the plan would mark the latest expansion of a Biden administration program known as Family Expedited Removal Management, which imposes curfews and GPS monitoring on migrant families traveling to large cities, including Los Angeles, San Francisco and Washington.

Administration officials had hoped that the FERM program, together with videos and news releases highlighting families being deported, would help deter additional families from entering the U.S. without authorization.

In July, however, Border Patrol encountered more than 60,000 families crossing the border — making up almost half the number of those who crossed the southern border that month. Border Patrol has yet to release that number for August, but the Washington Post reported last week that it was more than 91,000, an all-time record.

Families have accounted for a large portion of the overall increase in crossings since May, when administration officials thought that Biden’s new limits on asylum had finally made a dent in border-crossing numbers.

The Biden administration’s treatment of migrant families has come under criticism from immigrant advocates, who say the families do not have reasonable access to attorneys or time to prepare their asylum cases.

“Families are rushed to removal within weeks of their arrival to the United States, without a fair opportunity to present their cases, and often without understanding the proceedings unfolding around them,” the National Immigrant Justice Center wrote in a policy brief last week blasting the curfew program.

Robyn Barnard, director of refugee advocacy at Human Rights First, said the remain-in-Texas proposal was misguided.

“People should not be punished for their manner of entry to seek asylum,” she said.

U.S. officials have long implored migrants to enter the U.S. only via legal pathways. Those include setting up appointments at a port of entry or applying for a program that allows certain migrants to come to the U.S. if they have a financial sponsor and can pass security checks.

“People who do not use available lawful pathways to enter the U.S. now face tougher consequences, including a minimum five-year ban on reentry and potential criminal prosecution,” Homeland Security Secretary Alejandro N. Mayorkas said in May.

But the administration has thus far refused to revive the Trump- and Obama-era practice of detaining migrant families at the border.

“We have no plan to detain families,” Mayorkas said in April. “As I mentioned, we will be employing alternatives to detention, including some innovations in that regard, and we will on a case-by-case basis use enhanced alternatives to detention as warranted.”

The idea of forcing migrant families to stay near the border hasn’t been tried in decades, said Yael Schacher, director for the Americas and Europe at Refugees International and a historian of U.S. immigration.

“There hasn’t been an attempt to force asylum-seeking families to remain in border towns for 35 years,” she said.

In the late 1980s, the Reagan administration forced thousands of migrants to apply for asylum near where they crossed in south Texas, and receive their decision there as well. Officials were clear at the time that the policy was intended to deter families from crossing.

“At first we may see a slightly higher number of aliens in the area, but that will soon taper off as soon as word gets back to Central America,” an immigration official told the Associated Press at the time.

The migrants lived in church shelters or set up camps in parking lots or abandoned buildings while awaiting their initial asylum interviews. “Clearly these people are experiencing difficulty and hardship,” a visiting United Nations official told the Associated Press.

Local officials, incensed, even tried to evict federal immigration officials from the office they were using to process asylum claims. At one point, a Texas state judge blocked federal officials from operating their office in the south Texas city of Harlingen.

In early 1989, a federal judge ordered immigration officials to let migrants leave south Texas while he decided how to rule on the new policy, and the camps began to empty.

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As the migrants waited to be processed so that they could head elsewhere in the U.S., Texans stepped in to feed them. "I figure we've fed four or five hundred," Dolores Muniz, a volunteer, told The Times' J. Michael Kennedy in January 1989. "It's our obligation as Americans. This country was founded by immigrants. The Statue of Liberty says we should bring them in."

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Updated: 9/22/2023 8:28 AM

DHS-002-00404-000036

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**ATTACHMENT B: BIOGRAPHY**



**Judge Richard Cortez**  
*Hidalgo County, Texas*

Richard Cortez was elected Hidalgo County Judge in 2018 and was sworn into office on January 1, 2019. He previously served two terms as Mayor of McAllen from 2005 to 2013.

Richard started his public accounting career in 1969 while still attending college. After receiving his CPA license in 1973, Richard continued practicing public accounting and in 1998 combined his practice with a regional firm which became Burton McCumber and Cortez, L.L.P. Richard retired as a partner. Among positions Richard has held include Vice Chairman of the Texas Border Coalition, Chairman of the Border Trade Alliance, President of the McAllen Boys' and Girls' Club, President of the Rio Grande Valley Chapter of the Texas Society of CPAs, and Member of the University of Texas-Pan American Business Council.

Richard Cortez grew up in Weslaco and graduated from Weslaco High School in 1962. He received his bachelor's degree in business administration from Pan American College in 1970.



**Mayor Javier Villalobos**  
*City of McAllen*

Javier Villalobos is the current Mayor of McAllen, Texas. He won election in June 2021 and was sworn in on June 14, 2021.

Villalobos spent 26 years as an attorney in the areas of Criminal, Family, and Government/Administrative law. He served as chairman of the Hidalgo County GOP, provided legal advice to local governments and mounted an unsuccessful campaign for McAllen City Commission in 2015. He served as a City Commissioner for District 1 from 2018-2021 prior to being elected Mayor of McAllen. He ran for the Texas House of Representatives for House District 41 in 2008. In 2018, he was appointed by Governor of Texas Greg Abbott to the Prepaid Higher Education Tuition Board for a term set to expire February 1, 2023.

Villalobos received a Bachelor of Business Administration in accounting from Southwest Texas State University, now Texas State University, and a Juris Doctor degree from the Thurgood Marshall School of Law.

(b) (6) : (b) (6)  
*Catholic Charities*

(b) (6)

(b) (6)

(b) (6) : (b) (6)  
*Diocese of Brownsville*

(b) (6)

(b) (6)

(b) (6)

# Department of Homeland Security

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THE ATTACHED MATERIALS CONTAIN DEPARTMENT OF HOMELAND SECURITY INFORMATION THAT IS "FOR OFFICIAL USE ONLY," OR OTHER TYPES OF SENSITIVE BUT UNCLASSIFIED INFORMATION REQUIRING PROTECTION AGAINST UNAUTHORIZED DISCLOSURE. THE ATTACHED MATERIALS WILL BE HANDLED AND SAFEGUARDED IN ACCORDANCE WITH DHS MANAGEMENT DIRECTIVES GOVERNING PROTECTION AND DISSEMINATION OF SUCH INFORMATION.

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**SECRETARY'S BRIEFING BOOK**

**Thursday, April 7, 2022**



*Other Scheduled  
Meetings/Engagements:*

Gift Review Session

Twice Weekly Press Update

<b>1</b>	<b>Breakfast with HAC/SAC-HS Chairs and Ranking Members</b>
<b>2</b>	<b>Meeting with MaryAnn Tierney</b>
<b>3</b>	<b>CWMD Office Ribbon Cutting</b>
<b>4</b>	<b>Phone Interview with Eileen Sullivan, NYT</b>
<b>5</b>	<b>Office Call: EU Commissioner Breton</b>
<b>6</b>	<b>Direct to Camera Recordings</b>
<b>7</b>	<b>Daily CBP-ICE-HHS Report + UAC Dashboard</b>
<b>8</b>	<b>SBS Daily Unclassified Products</b>

These materials are not provided in the electronic book.



Report Date: 04/06/2022

Report Time: 1500 ET

Data current as of: 1400 ET 04/06/2022 unless otherwise specified

Phase 1 - Initial Influx

Phase 2 - Major Influx

Phase 3: Mass Irregular Migration

Phase 4: Transition to Steady State

**BOTTOM LINE UP FRONT**

The SBCC is coordinating resource support in response to requirements identified by Lead Federal Coordinators to ensure necessary personnel, facilities, transportation, and medical support is provided ahead of the announced lifting of the Title 42 order on May 23rd. The SBCC continues to develop options for resource support through Interagency Agreements and contracts. An Interagency Agreement with the Bureau of Prisons for additional ground transportation is awaiting cost estimate. The SBCC and LFCs continue to establish relationships with local stakeholders (Non-Governmental Organizations and local governments) and has scheduled several engagements with local stakeholders this week to assess local NGO capacity to support across multiple resource areas as well as share information on upcoming operations.

**Total Encounters, in CBP Custody, and Avg TIC by Family Status Overview** (As of 4/6/22 05:39)

Total Encounters	Unaccompanied Children	Family Units	Single Adults
8,136	458	1,682	5,986
Change vs Previous Day: 18%	Change vs Previous Day: 8%	Change vs Previous Day: 9%	Change vs Previous Day: 21%
Change vs Previous Week	Change vs Previous Week	Change vs Previous Week	Change vs Previous Week
Average: 7%	Average: -2%	Average: -5%	Average: 6%

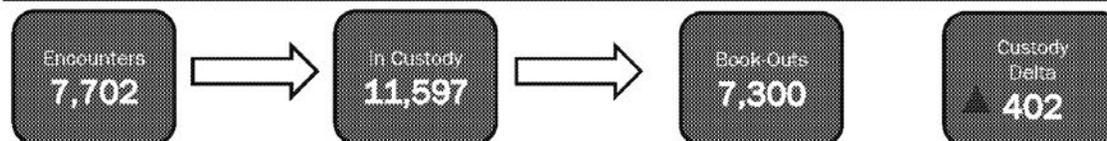
  

Total CBP Custody	Unaccompanied Children	Family Units	Single Adults
12,851	495	3,751	8,586
Change vs Previous Day: 38%	Change vs Previous Day: -3%	Change vs Previous Day: 1%	Change vs Previous Day: 2%
Change vs Previous Week	Change vs Previous Week	Change vs Previous Week	Change vs Previous Week
Average: 47%	Average: -13%	Average: 5%	Average: -16%

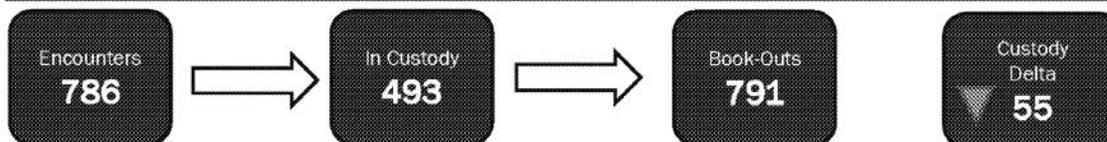
  

Average Time in Custody	Unaccompanied Children	Family Units	Single Adults
60	19	60	63

**Border Patrol Encounters & Persons In Custody Overview** (As of 4/6/22 12:06)

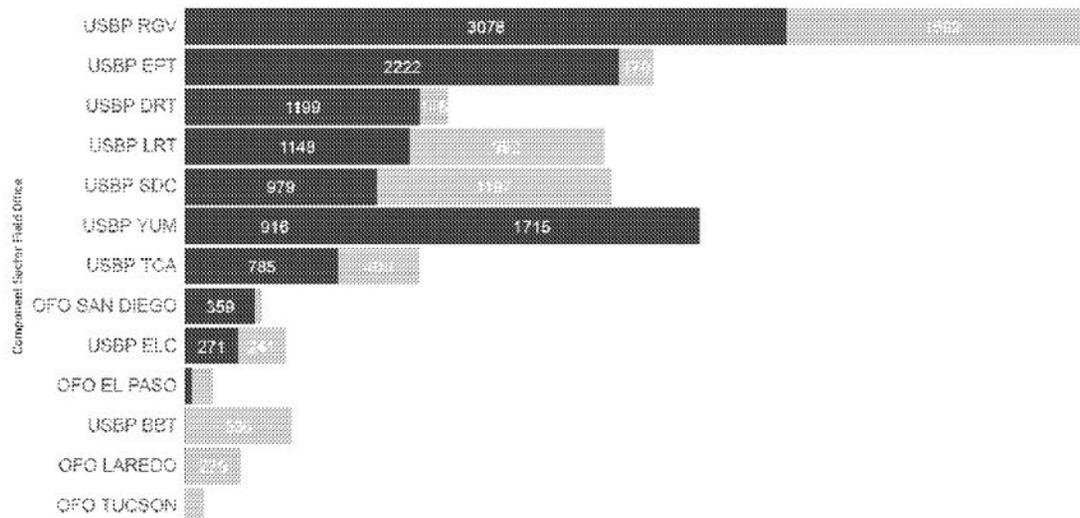


**CBP (OFO) Encounters & Persons In Custody Overview** (As of 4/6/22 12:06)



**CBP Capacity**

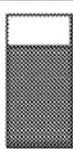
● Population Within Capacity ● Available Capacity ● Population Over Capacity



**Stability Indicators**

1.53

In Custody / Encounters (7-Day Average)



19 hrs

UC TIC



47

Days Until May 23



Report Date: 04/06/2022

Report Time: 1500 ET

Data current as of: 1400 ET 04/06/2022 unless otherwise specified

Phase 1 - Initial Influx

Phase 2 - Major Influx

Phase 3: Mass Irregular Migration

Phase 4: Transition to Steady State

**DAILY ENCOUNTERS BY NATIONALITY**

	Mexico	Cuba	Guatemala	Colombia	Honduras	Ukraine	Nicaragua	El Salvador	Haiti	Venezuela
Average Daily Encounters	2,944	1,116	776	648	558	517	427	299	139	130
7-Day Average UC	95	3	191	2	99	8	8	48	2	0
7-Day Average FM	83	249	77	298	147	315	77	77	95	48
7-Day Average SA	2,762	864	508	349	312	193	342	174	41	82
12-Month Change	40%	464%	-37%	8363%	-62%	N/A	730%	-11%	-31%	58%
3-Month Change	45%	231%	54%	287%	34%	N/A	39%	44%	-37%	-82%
1-Month Change	5%	16%	18%	30%	4%	2190%	-14%	24%	127%	16%
1-Week Change	5%	8%	10%	47%	6%	158%	-16%	3%	87%	25%

Data valid as of April 5, 2022 05:45. Change percentages reflect the daily average compared to the daily average from the respective period.

LINES OF EFFORT		
	Key Issues	Key Actions
<b>DHS SWB Integrated Operations</b>	There is a lack of long-term incident management capabilities across the sectors and SBCC.	CBP IMAT has begun integrating into SBCC operations. Region 9 has stood up USCG Incident Management Team members at San Diego, El Centro, and Tucson ICP's.
<b>DHS SWB Infrastructure and Resources</b>	Current contracting and funding capacities do not meet forecasted influx.	The SBCC has evaluated facility expansion requirements for 9,000 daily encounters. Contracts which can be expanded are being identified, as well as the identification of subject matter experts to help with contract refinement.
	The process to request and procure resources is ad hoc and requires more defined process.	SBCC Logistics is setting up a sourcing and fulfillment process and flow that includes authority compliance with fiscal and procurement reviews.
<b>External Collaboration and Coordination</b>	Key component policies require systematic review to understand impacts to coordination efforts.	The established SBCC Policy Group is prioritizing policies for feasibility and impact to operations.
	The SBCC cannot forecast the timing, location, or composition of migrant surges and the intelligence cell was not initially integrated within the SBCC.	NSTR
	SWB NGO support for humanitarian needs is insufficient to meet growing migrant needs holistically.	SBCC External Affairs is engaging with NGOs to assess capacity (e.g., housing, transportation) as well as share information, when possible, on upcoming operations (e.g., releases).
<b>Strategic Communications</b>	NSTR	DHS Office of Legislative Affairs will be supporting the SBCC JIC in a meeting with legislative staffers regarding post-Title 42 projections on 4/7

DHS-002-00404-000043



Report Date: 04/06/2022 | Report Time: 1500 ET | Data current as of: 1400 ET 04/06/2022 unless otherwise specified

Phase 1 - Initial Influx | Phase 2 - Major Influx | Phase 3: Mass Irregular Migration | Phase 4: Transition to Steady State

**RESOURCED LINES OF OPERATION**

	Key Issues	SBCC Key Actions	LFC Key Actions
<b>Personnel</b>	Staff shortages exist across lines of operations.	DHS and USBP have augmented current SWB operations with 375 Border Patrol Agents, 54 CBPOs for law enforcement operations, and 139 Volunteer Force personnel to conduct non-LEO functions.	Requirements for general support and data entry have been verified by LFCs
<b>Facilities</b>	Contracts for the rapid expanding of facilities require funding.	Expansion at Yuma (375 bed capacity) expected to be completed 4/8, Expansion at Del Rio (500 bed capacity) is pending land lease or acquisition. RFA to DOD for available land for construction of SSF was approved by SECDEF	Installing additional Wi-Fi capabilities at San Ysidro Port of Entry to enhance processing capabilities.
<b>Transportation</b>	Overall transport shortfalls predicted across the SWB. Transportation and technology capability is reduced due to bedspace and software interoperability at receiving station. Due to a week-long religious observance, multiple T42 flights are cancelled the week of 4/10.	IAA with Bureau of Prisons (BoP) for busses and drivers has been signed by CBP and BoP and is awaiting BoP cost estimate.  Working with Procurement to craft Performance Work Statement and Intergovernmental Cost Estimate for transportation surge contracting requirement  MCC/DOC rescheduled 15 of the impacted flights	NSTR
<b>Medical</b>	Current medical capabilities are insufficient to support the added requirements during the anticipated migration influx.	SBCC Medical Support Plan was submitted to SBCC Operations and is in the routing process for review and comment.  Federal medical team RFA is pending submission and approval of the medical plan.  Contracting requirements for medical facilities and staffing are being reworked to facilitate pending Region 6 and 9 requests	LFCs are providing medical resource requirements to SBCC to preplan and identify priority locations for the deployment of Federal medical teams

DHS-002-00404-000044

United States Department of Homeland Security Customs and Border Protection  
 Southwest Border Senior Leadership Brief

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Phase 1 - Initial Influx | Phase 2 -Major Influx | Phase 3: Mass Irregular Migration | Phase 4: Transition to Steady State

**ENABLING LINES OF OPERATION**

	Key Issues	SBCC Key Actions	LFC Key Actions
<b>Intelligence</b>	Operational Intelligence to be coordinated across intra/interagency	Intelligence Cell Creation Plan resubmitted to SCO.	MIWC continues to provide bi-weekly LFC-level reports.
<b>Processing</b>	Sectors continue to have high custody holding rates partially due to Alternative to Detention (ATD) technology connectivity problems.	Increased ATD deferred option capability to support the release of non-citizens, developing trigger points for when to implement against surge levels.	Due to tech issues, Del Rio has implemented ATD deferred option to address large population pending release.
<b>Partnerships</b>	Greater understanding of NGOs and state/local governments capabilities (e.g., volunteers, capacity) along SWB.	SBCC External Affairs is engaging with several stakeholder partners to include NGOs and state/local governments.	NSTR
<b>Finance, Procurement, &amp; Resources</b>	Current contracting and funding capacities are insufficient to match very high projections over the next 60 days. Some operational requirements are not part of the current spend plans in either value or requirement and would need funding from another, unidentified source.	Procurement strategy being applied against facility, transportation, and personnel requirements.	NSTR

**REGIONAL RESPONSE ACTIVITIES**

REGION 6		REGION 9	
ACCOMPLISHMENTS FROM PREVIOUS OPERATIONAL PERIOD	ACCOMPLISHMENTS FOR NEXT OPERATIONAL PERIOD	ACCOMPLISHMENTS FROM PREVIOUS OPERATIONAL PERIOD	ACCOMPLISHMENTS FOR NEXT OPERATIONAL PERIOD
<ul style="list-style-type: none"> <li>Divisions identified and establishing relationships with local stakeholders</li> </ul>	<ul style="list-style-type: none"> <li>LFC to meet with Mayor of San Antonio on 4/7</li> </ul>	<ul style="list-style-type: none"> <li>Yuma Sector has scheduled a meeting for 4/6 with Yuma County and the Arizona Board of Supervisors to discuss Title 42s impact on operations.</li> </ul>	<ul style="list-style-type: none"> <li>NSTR</li> </ul>

**CWMD**  
**Welcome to St. Elizabeths**

**Ceremony**

**Date:** April 7, 2022  
**Time:** 1200–1330  
**Location:** DHS Headquarters  
Munro Building, 6<sup>th</sup> Floor  
**(b) (6)**

**Order of Ceremony**

1150-1200	Attendee Seating
1200-1202	Opening Remarks
1202	Introduction and seating of Distinguished guests
1203	Introduction of Adm Schultz
1203-1206	Remarks by Adm Schultz
1207	Introduction of (A)USM Alles
1207-1210	Remarks by (A)USM Alles
1210-1211	(A)A/S Rasicot joins (A)USM at podium
1211-1212	Presentation of special gifts to (A)A/S Rasicot (OCRSO)
1213-1216	Remarks by (A)A/S Rasicot
1217-1220	Closing Remarks
1220-1250	Light Refreshments
1250	Move to CWMD Executive Suite, <b>(b) (6)</b>
1300 – 1330	CWMD Executive Suite - Ceremonial Ribbon and Cake Cutting – (A)USM Alles or designee, Admiral Schultz or designee, (A)A/S Rasicot, PDAS Cook, COS Antognoli & OCRSO)

## **Guest List**

### ***US Coast Guard***

Admiral Karl L. Schultz, Commandant, U.S. Coast Guard  
Admiral Linda L. Fagan, Vice Commandant, U.S. Coast Guard

### ***Department of Homeland Security***

Alejandro Mayorkas, Secretary  
Randolph D. "Tex" Alles, Acting Under Secretary for Management  
Tom Chaleki, Chief Readiness Support Officer  
Trae Watkins, Deputy Chief Readiness Support Officer  
Bart Bush, Executive Director, Facilities & Operational Support  
Chris Mills, St. Elizabeths Program Manager  
Steve Weedon, Project Manager

### ***Countering Weapons of Mass Destruction Office***

Gary Rasicot, Acting Assistant Secretary  
Charles Cook, Principal Deputy Assistant Secretary  
Anthony Antognoli, Chief of Staff  
Pritesh Gandhi, Chief Medical Officer  
Herbert Wolfe, Deputy Assistant Secretary for Health Security  
Steven Griffin, Acting Deputy Assistant Secretary of Information and Analysis  
Julia Colon-Matthews, Acting Associate Deputy Assistant Secretary  
Chris Magrino, Deputy Assistant Secretary for Operations Support  
Candi Jones, Associate Deputy Assistant Secretary  
Julia Limage, Acting Deputy Assistant Secretary for Strategy, Plans, and Policy  
Michael Kaiser, Acting Associate Deputy Assistant Secretary  
Joel Rynes, Deputy Assistant Secretary for Systems Support  
Kalpesh Patel, Acting Associate Deputy Assistant Secretary  
Nanci Petit, Deputy Assistant Secretary for Enterprise Services  
Coann Glaze, Associate Deputy Assistant Secretary

**INTERVIEW WITH EILEEN SULLIVAN OF THE *NEW YORK TIMES***  
**April 7, 2022**

**Overview:**

- You will participate in a 15-minute phone interview with Eileen Sullivan of the New York Times.
- Eileen recently traveled to Del Rio where she visited the Del Rio International Bridge and surrounding area along Rio Grande River. Eileen also visited Eagle Pass to see the Soft Sided Facility. As part of her visit, Eileen also interviewed Chief <sup>(b) (6), (b) (7)(C)</sup>
- Note: Per Sullivan, on her flight back from the border, she sat behind an individual from Cuba who crossed the border earlier this week.
- The purpose of this interview is to make clear that DHS is ready to address any increase in encounters at the Southwest Border.

**Topline Messages:**

**1. Level set on the facts**

- CDC has announced T42 will terminate effective May 23<sup>rd</sup>.
- We have been preparing for a potential increase in migration.
- We have dealt with surges before. It will take time, but this is what we do.
- The Biden-Harris Administration is committed to a whole-of-government response that pursues every avenue within our authority to secure our borders, enforce our laws, and stay true to our values.

**2. What comes next**

- Beginning on May 23, 2022, families and single adults who cross the border without legal authorization will be placed into removal proceedings and, if unable to establish a legal basis to remain in the United States, will be removed.
- Let me be clear: **Those unable to establish a legal basis to remain in the United States will be removed.**

**3. Our preparations**

- We have already moved hundreds of officers, agents, and DHS Volunteer Force personnel to places along the SW Border where we expect to see an increase
- Southwest Border Coordination Center.
- We are setting up coordinating bodies with affected state and local governments and NGOs
- We are still dealing with COVID-19. We have **updated COVID protocols**, including vaccination of migrants processed under Title 8. We have to protect our workforce.
- We are **expanding temporary holding capacity; transporting migrants away from the border for processing; and strengthening our medical resources** to protect the health and safety of migrants, our workforce, and our communities. We have FY2022 funds for this thanks to Congress.
- Over the coming months, we will be implementing **the new Asylum Rule** to ensure a fast and fair adjudication of asylum claims.

**4. We've stepped up consequences and deterrents**

- Imposing consequences for smugglers and traffickers, in the US and working with our international partners. Any perceived changes are always exploited by smugglers.
- Making more referrals to the **Department of Justice** for prosecution.
- We have stepped up efforts to **address the root causes of migration** so that fewer people make the journey
- Working with other countries in the hemisphere to manage migration together (started with Costa Rica). Along with **Department of State**, we are stepping up efforts in the region to address root causes and prevent people from making the dangerous trip in the first place.

**5. We need comprehensive immigration reform that addresses the issues we confront today**

- Everyone agrees that we are operating within a fundamentally broken immigration system. Immigration laws that have not been updated since 1990 do not address the world we live in today.
- Congress must enact a comprehensive long-term solution that brings lasting reform to a fundamentally broken immigration system.

**Attachments:**

- A. CBP After Action Report of Eileen Sullivan Border Visit
- B. Talking Points on Ukrainian Refugees
- C. Q&A
- D. Statement on CDC's Title 42 Order Termination
- E. Biography
- F. Recent Stories by Eileen Sullivan

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Staff Responsible for Briefing Memo: Marsha Espinosa,

(b) (6)

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**ATTACHMENT A: CBP After Action Report of Eileen Sullivan Border Visit**

Reporter:

Eileen Sullivan, Homeland Security Correspondent, New York Times and photographer  
(b) (6)

Interview Subject:

Chief Patrol Agent (b) (6), (b) (7)(C)

Location:

Del Rio International Bridge (below) and surrounding area along Rio Grande River, Del Rio, TX

Time:

April 5, 2022, 10:00 AM Central Standard Time

Subject:

Post Title 42 preparations, and operational impact on Del Rio

Background:

Eileen has previously visited other sectors, this was her first visit to Del Rio and was largely focused on the preparations for a post Title 42 reality.

Toplines:

Overall, this was a constructive engagement. Sullivan came in expecting to see chaos, and instead saw the USBP handling migrant populations safely and humanely. At the end of the day, she remarked that she didn't see chaos and was surprised by how calm the USBP was in their work.

If her narrative going in was that DHS/CBP are only now preparing and are ill prepared for an increase in encounters at the border following the termination of Title 42, she walked away seeing that the planning underway to scale is building on a lot of work over the last year to refine processing and throughput.

During her visit, Sullivan saw virtual processing; the DHS volunteer force; food, sanitation, and processing capacity; and the commitment by USBP to transfer individuals out of custody within 72 hours.

On the drive to the border, Eileen was given context for the challenges that exist in the Del Rio community. Mainly that it is a small area lacking infrastructure. For example, there is no bus station, only a few hotels, and very little to support the secondary processing of migrants once they are released to NGOs.

Eileen Sullivan asked about:

- NGO capacity
- How drop-offs happen
- Stakeholder reactions to T42

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- Why people are coming to Del Rio
- If the migrant traffic there is arriving organically or linked to smuggling operations. She was talking to Pastor Young and had the impression that people who stopped at the respite center didn't seem to have smuggler connections.
- She asked for clarity on the Title 8 pathways that exist now and that will continue to be in place post Title 42.
- What are the NTD tools and what is the more stringent. (Sullivan was told about ankle bracelets and phone app tracking, but was referred to ICE since there's an ERO function there) Sullivan was also told that CBP does not issue NTR's.
- She got a look at the Carrizo Cane, and how USBP cleared it out to ensure better visibility, better safety for migrants, and to make it harder for smugglers.
- She asked about migrants being able to travel with NTAs, that she didn't realize they could fly with just the immigration appointment paperwork.

**ATTACHMENT B: TALKING POINTS ON UKRAINIAN REFUGEES**

- Following Russia's unprovoked attack on Ukraine, the Department of Homeland Security (DHS) is providing support and humanitarian relief to Ukrainian nationals in need both in the United States and abroad.
- To protect Ukrainians residing in the U.S., the Secretary of Homeland Security designated Ukraine for Temporary Protected Status (TPS) for 18 months. This will allow Ukrainians to remain in the United States and apply for employment authorization in the U.S.
- To provide pathways to the United States for Ukrainians seeking refuge, DHS is working to expand current legal pathways and develop new programs in support of the Biden-Harris Administration's commitment to displaced Ukrainians. We are coordinating our efforts closely with our European allies and partners who are on the frontlines of this humanitarian crisis.
- The United States announced that we will welcome up to 100,000 Ukrainians and others fleeing Russia's aggression. To meet this commitment, we are considering the full range of legal pathways to the United States, including the U.S. Refugee Admissions Program, parole, and immigrant and non-immigrant visas.
- There is an ongoing policy process that will be concluded soon about the prioritization and how the process will work. We will have more details to share on these new or expanded pathways in the weeks ahead.
- We still expect most displaced Ukrainian citizens will want to stay in neighboring countries or elsewhere in the EU where they may have family, and where there are large diaspora communities, in the hope they can return home soon.

**ATTACHMENT C: Q&A**

**Q: Is DHS worried that the amount of time in between the announcement and when Title 42 is no longer in place will lead to more migrants waiting on the other side of the border?**

We are not going to comment on hypothetical scenarios.

DHS is implementing a comprehensive strategy to address a potential increase in the number of border encounters and stands ready to address any increase in a lawful and humane way, working alongside our interagency partners in a whole-of-government effort.

**Q: With Title 42 gone, does this mean the borders are now open?**

No. The United States continues to enforce our immigration laws and border security measures. No one should try to enter the country without legal authorization.

Despite the termination of Title 42 on May 23, 2022, DHS strongly discourages anyone from approaching the border without proper documentation. Individuals who attempt to cross illegally are putting themselves and their families at risk. Attempting to enter the United States without legal authorization carries long-term consequences, including removal from the United States and bars to future admissibility. Any individual who crosses the border without legal authorization is subject to immigration proceedings pursuant to the law.

**Q: Are individuals able to claim asylum?**

Individuals who claim credible fear persecution if returned to their home country will have the opportunity to present their cases before an asylum officer or an immigration judge to request asylum or other forms of relief or protection from removal. Those who are ordered removed will be expeditiously repatriated to their countries of origin.

**Q: Some countries have made it difficult to complete repatriations. What is DHS doing about that?**

The Department of Homeland Security is committed to ensuring safe, orderly, and humane immigration processes. DHS, in coordination with the Department of State, has regular discussions with partner countries in the Hemisphere on migration-related matters and continues to engage with foreign governments to improve cooperation with the few countries that systematically refuse or delay the repatriation of their nationals.

**Q: Why is DHS releasing thousands of migrants into the country?**

Although some facilities have reached capacity, CBP continues to safely, efficiently, and effectively process individuals encountered in the Del Rio sector. As part of the process for effectuating removals, Border Patrol agents collect biometric and biographic information and run a background check to identify and continue to detain those who pose a public safety risk.

**Q: How will MPP play into the Department's response to the end of Title 42 and surge of migrants encountered at the border?**

DHS is under a court order to reimplement MPP and continues to fight that order in court. At present, DHS is reimplementing MPP in good faith consistent with the court order. MPP is an available Title 8 processing pathway that will be employed, among other available Title 8 processing pathways.

**Q: Why is DHS offering vaccines to migrants?**

The effort to vaccinate those in our care and custody, which is a public health best practice, has been ongoing for many months. DHS has been providing the COVID-19 vaccines to noncitizens in ICE custody since summer 2021. In order to further safeguard public health and ensure the safety of border communities, the workforce, and migrants, DHS is now expanding these efforts and requiring that noncitizens taken into CBP custody for further immigration processing at the Southwest land border be given age-appropriate COVID-19 vaccines.

**Q: What happens if an individual refuses the vaccine?**

Vaccination is required.

Single adults in CBP custody who refuse to be vaccinated will be transferred to ICE for detention. Single adults who cannot be detained will be enrolled in an Alternatives to Detention (ATD) program with GPS monitoring and/or home confinement as an additional condition of parole. Families who refuse to be vaccinated will be enrolled in ATD with GPS monitoring and/or home confinement as an additional condition of parole.

**Q: Has DHS put in a request for the National Guard to assist with border operations?**

The National Guard is supporting CBP's non-law enforcement efforts along the Southwest Border, as has been the practice every year since 2006.

**Q: How DHS will determine which Title 8 pathway will be used for migrants placed in removal proceedings and which migrants will be placed in ICE detention, which will be released into the interior to await processing, and which will be placed in MPP?**

Until May 23, 2022, DHS will continue to expel single adults and family units under CDC's Title 42 authority. Those who cannot be expelled under Title 42 and do not have a legal basis to remain are placed in expedited or full removal proceedings.

Decisions about Title 8 pathways are made on a case-by-case basis.

**Q: What processes are in place to ensure those who are placed in proceedings go to their appointments/hearings?**

CBP and ICE work together to ensure that anyone who enters the country without authorization is put into immigration proceedings as quickly as possible. CBP has been working with ICE to ensure individuals released at the border are monitored under the Alternatives to Detention program. Nearly 80% of noncitizens released at the border from DHS custody under prosecutorial discretion have either received an NTA or are still within their window to report. Anyone who fails to report to ICE may be prioritized for removal.

**Q: What will the pathway be for single adults, families and unaccompanied minors?**

Single adults: Until May 23, 2022, DHS will continue to expel single adults under CDC's Title 42 authority. Those who cannot be expelled under Title 42 and do not have a legal basis to remain are, whenever possible, subject to expedited removal. After May 23, 2022, all single adults who do not have a legal basis to remain in the United States will be placed in expedited or full removal proceedings.

Family units: Until May 23, 2022, DHS will continue to expel family units under CDC's Title 42 authority. Those who cannot be expelled under Title 42 and do not have a legal basis to remain are placed in removal proceedings. After May 23, 2022, family units who do not have a legal basis to remain in the United States will be placed in removal proceedings.

Unaccompanied minors: Unaccompanied children are transferred to HHS for care and custody and placed into removal proceedings. They are not subject to expedited removal.

**Q: Did DHS work with the CDC to negotiate the May 23rd date?**

As we have repeatedly said, Title 42 is a public health authority, not an immigration authority. DHS has and will continue to defer to public health experts on decisions related to Title 42.

**Q: Since CDC no longer sees a public health justification for keeping Title 42 in place, why isn't DHS stopping use of it immediately? What changes will you put in place between now and May 23?**

CDC has said there is no strategy more effective in ending the pandemic than vaccination, and we are getting our vaccination program up to scale.

DHS has been providing the COVID-19 vaccines to noncitizens in ICE custody since summer 2021. And in order to further safeguard public health and ensure the safety of border communities, the workforce, and migrants, DHS has recently expanded these efforts and began requiring that noncitizens taken into CBP custody for further immigration processing at the Southwest land border be given age-appropriate COVID-19 vaccines.

**Q: A recent CBP intelligence product claims that two Turkish men with links to ISIS are trying to travel from Mexico to the United States. What is DHS doing about that threat?**

DHS routinely receives reports of potential terrorists, and other potential illicit threat actors, attempting to enter the United States. The information contained in this report has been determined to be of "low confidence." DHS and its federal partners, including the FBI, continue to assess the credibility of this reporting based on any additional information.

When DHS receives threat reporting, DHS works closely with federal partners, including the Intelligence Community, as well as our state, local, and international partners to assess related information and take appropriate action, including by potentially preventing travel to the United States, to mitigate any threats to our communities. DHS encourages the public to remain vigilant, and to report any suspicious activity to local law enforcement, FBI Field Offices, or a local Fusion Center.

**Q: What pathways will be used to assist the potential 100,000 Ukrainians seeking refuge in the United States?**

We are looking at the U.S. Refugee Admissions Program, nonimmigrant and immigrant visas, humanitarian parole, and other means through which Ukrainians, especially those with family ties or particular protection needs, can come to the United States. We are coordinating our effort closely with our European Allies and partners who are on the frontlines of this refugee crisis. We will have more details to share in the weeks ahead.

**Q: How soon do you hope to assist Ukrainian refugees seeking refuge in the United States?**

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It is difficult to say at this time how quickly we will reach this number. We still expect most displaced Ukrainian citizens will want to stay in neighboring countries or elsewhere in the EU where they may have family, and where there are large diaspora communities, in the hope they can return home soon.

**Q: Will the Department designate TPS for Cameroon and is there racial bias in TPS decisions?**

TPS designations are decided after careful consideration and consultation with interagency partners. Following such consultation and based upon the careful consideration of country conditions that prevent nationals and habitual residents without nationality from returning safely, I have previously newly designated, redesignated, or extended existing designations for TPS for a number of countries and continue to monitor conditions in various countries across the globe. These TPS designations include Haiti, Somalia, Sudan, South Sudan, Ukraine and Afghanistan.

**ATTACHMENT D: Statement on CDC's Title 42 Order Termination**

**Statement by Secretary Mayorkas on CDC's Title 42 Order Termination**

WASHINGTON – Secretary of Homeland Security Alejandro N. Mayorkas released the following statement in response to the Centers for Disease Control and Prevention's (CDC) determination that it will, effective May 23, 2022, terminate its Title 42 public health Order. Pursuant to its Title 42 authority, the CDC has, since March 2020, required the expulsion of unauthorized single adults and family units arriving at the land borders in order to protect against the spread of COVID-19.

“Title 42 is not an immigration authority, but rather a public health authority used by the Centers for Disease Control and Prevention to protect against the spread of communicable disease. Title 42 remains in place until May 23 and, until then, DHS will continue to expel single adults and families encountered at the Southwest border.

“Once the Title 42 Order is no longer in place, DHS will process individuals encountered at the border pursuant to Title 8, which is the standard procedure we use to place individuals in removal proceedings. Nonetheless, we know that smugglers will spread misinformation to take advantage of vulnerable migrants. Let me be clear: those unable to establish a legal basis to remain in the United States will be removed.

“We have put in place a comprehensive, whole-of-government strategy to manage any potential increase in the number of migrants encountered at our border. We are increasing our capacity to process new arrivals, evaluate asylum requests, and quickly remove those who do not qualify for protection. We will increase personnel and resources as needed and have already redeployed more than 600 law enforcement officers to the border. We are referring smugglers and certain border crossers for criminal prosecution. Over the next two months, we are putting in place additional, appropriate COVID-19 protocols, including ramping up our vaccination program.

“The root causes fueling irregular migration predate today's announcement, and we have experienced increases in migration over the past decade and long before. DHS is always preparing for the ebb and flow of migration patterns. We will continue to work with countries throughout the Western Hemisphere to offer safe and legal pathways for migrants seeking protection or resettlement, streamline repatriations, address root causes, and take enforcement actions against the smuggling networks that entice migrants to take the dangerous and often deadly journey to our land borders.

“The Biden-Harris Administration is committed to pursuing every avenue within our authority to secure our borders, enforce our laws, and stay true to our values. Yet a long-term solution can only come from comprehensive legislation that brings lasting reform to a fundamentally broken system.”

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**ATTACHMENT E: BIOGRAPHY**



**Eileen Sullivan**

Eileen Sullivan is a Washington correspondent covering the Department of Homeland Security. She joined The New York Times in 2017 to cover breaking news during the Trump administration.

Previously, she worked for a decade at The Associated Press's Washington bureau, covering the Department of Homeland Security, counterterrorism and law enforcement. She and three A.P. colleagues won the Pulitzer Prize for investigative reporting in 2012 for their work revealing the New York Police Department's Muslim spying programs.

She is a graduate of Villanova University and lives in Washington with her family.

**ATTACHMENT E: Recent Stories by Eileen Sullivan**

**New York Times: ICE Lawyers Directed to Clear Low-Priority Immigration Cases (Eileen Sullivan)**

April 4, 2022

WASHINGTON — The Biden administration is seeking to clear potentially hundreds of thousands of deportation and asylum cases pending before immigration courts, an unprecedented move that could significantly reduce the current backlog of 1.7 million cases.

In a memo dated Sunday, Immigration and Customs Enforcement directed its lawyers to review cases and try to clear those considered low priority under enforcement guidelines that the administration established last year. The American Immigration Lawyers Association estimates that there are at least 700,000 such cases — about 40 percent of the court backlog.

The agency would not provide an estimate of how many cases would be cleared under the directive or how long it would take. Previous administrations have moved cases off the court docket but not on such a broad scale. During the eight years of the Obama administration, more than 166,000 immigration cases were administratively closed, according to court data.

The court backlog has ballooned to the largest ever, causing yearslong delays for immigrants seeking asylum and other forms of relief. One reason is that the coronavirus pandemic has delayed proceedings. A significant number of cases were added during the Trump administration, especially after a surge in undocumented migrants crossing the border in 2019. That administration also reopened tens of thousands of cases that had been removed from the court docket.

The effort to reduce the backlog comes as the Biden administration prepares for what could be the largest increase yet of undocumented migrants crossing the border. The surge is expected to coincide with the end of a pandemic-era public health order that has given border officials the authority to quickly expel undocumented migrants.

It is the latest in a series of efforts by the Biden administration to streamline immigration enforcement in the absence of action from Congress.

An ICE official, authorized by the agency to speak publicly without being identified, said lawyers would review each case before the court to see if it met the administration's priorities for enforcement: cases that involve a public safety or national security threat, as well as those involving people who recently crossed the border without documentation.

Currently, there are more than 300,000 "administratively closed cases," according to Justice Department data. Even though inactive cases can be put back onto the court calendar at any time by any administration, they typically remain closed for many years.

During the Trump administration, more than 34,000 cases were put back on the immigration court docket. Jeff Sessions, the attorney general at the time, issued a decision that limited the

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authority of immigration judges to move cases off the court calendar — a practice, he wrote, that “encumbers the fair and efficient administration of immigration cases.”

“Our immigration enforcement efforts are focused on those who pose a threat to public safety, the security of our borders and our national security,” Alejandro N. Mayorkas, the homeland security secretary, said in a statement on Monday. “The memo issued today further empowers our enforcement attorneys to focus on these priorities, and it will help clear a longstanding case backlog that has clogged the immigration court system and stood in the way of swiftly removing the greatest threats.”

Closing, dismissing and streamlining low-priority cases, the ICE official said, is a fair and efficient way to address what has been an insurmountable backlog.

ICE officials would not say how long each case review was expected to take. The effort comes after a similar but smaller one that began in February to dismiss certain family immigration cases and direct people to apply through U.S. Citizenship and Immigration Services, a process that takes less time.

Greg Chen, a senior director of government relations at the American Immigration Lawyers Association, applauded the plan as a proactive step but said that “case-by-case analysis is far more laborious than if they did a database sweep” to determine which ones could be removed from the docket.

The directive will go into effect this month. In late May, when the pandemic-driven public health rule that limited immigration is lifted, officials expect a significant increase in border crossings, including many migrants seeking asylum who will be summoned to immigration court.

A new, separate Biden administration asylum policy, which will direct people who cross the border without documentation to have their claims evaluated by asylum officers instead of immigration judges, will not be fully operational for months.

Undocumented migrants are expected to apply for asylum before immigration judges within a year of arriving. Typically, asylum-seekers who are not detained are issued a summons with a court date and wait an average of more than five years before appearing in court.

But the crowds of people fleeing to escape poverty, violence and humanitarian disasters have been so large that border officials have taken shortcuts when processing some into the United States, releasing them without a court date and instructing them to finish the paperwork later. That means more cases are headed to the immigration court system.

The move to clear cases from the docket could draw criticism from conservatives, who might view it as going easy on undocumented immigrants.

“Any initiative that involved a large number of case closures would certainly be considered a form of amnesty, because it would involve not prosecuting immigrants for certain immigration

violations,” said David J. Bier, a research fellow on immigration issues at the Cato Institute, a libertarian think tank.

**New York Times: The C.D.C. confirms it will lift a public health order restricting immigration. (Eileen Sullivan)**

April 1, 2022

The Centers for Disease Control and Prevention announced on Friday that it would lift an emergency public health order that had restricted immigration at U.S. land borders since the beginning of the pandemic, citing “current public health conditions and an increased availability of tools to fight Covid-19.”

Federal officials expect the policy change, which will go into effect on May 23, to draw thousands more migrants to the southwest border every day, in addition to the already high number of people who have been arriving over the past year from Latin America and across the globe. Republicans, who have described the border situation as out of control under President Biden, immediately condemned the C.D.C.’s decision.

The order has been used to expel migrants about 1.7 million times over the past two years.

“These measures, along with the current public health landscape where 97.1 percent of the U.S. population lives in a county identified as having ‘low’ Covid-19 community level, will sufficiently mitigate the Covid-19 risk for U.S. communities,” the C.D.C. said in a statement. The C.D.C. also said it has the right to issue the order again if necessary.

The order, known as Title 42, gives officials the authority to turn away migrants at the border, including those seeking asylum. The process takes about 15 minutes, a factor that has helped the Border Patrol manage the sometimes overwhelming number of undocumented migrants gathering at the border. Without the order in place, stations will be more overcrowded and backed up while officials go through the typical screening process, which can take more than an hour per person.

The continuation of the public health order over the past two years thrust the typically apolitical C.D.C. into the heated immigration debate.

The agency had been under growing pressure from Democratic lawmakers, including Senator Chuck Schumer of New York, the majority leader, to not only end the rule but also provide justification for why it was necessary. Public health experts have questioned the order’s value in containing the coronavirus, especially at this point in the pandemic.

News of the decision broke on Wednesday; it is expected to face legal challenges.

**New York Times: C.D.C. Confirms It Will Lift Public Health Order Restricting Immigration (Eileen Sullivan)**

April 1, 2022

WASHINGTON — The Centers for Disease Control and Prevention announced on Friday that it would lift an emergency public health order that had restricted immigration at U.S. land borders since the beginning of the pandemic, citing “current public health conditions and an increased availability of tools to fight Covid-19.”

Federal officials expect the policy change, which will go into effect on May 23, to draw thousands more migrants to the southwestern border every day, in addition to the already high number of people who have been arriving over the past year from Latin America and across the globe. Republicans, who have described the border situation as out of control under President Biden, immediately condemned the C.D.C.’s decision. The order has been used to expel migrants about 1.7 million times over the past two years.

“I hereby determine that the danger of further introduction, transmission or spread of Covid-19 into the United States from covered noncitizens, as defined in the August order, has ceased to be a serious danger to the public health,” Dr. Rochelle P. Walensky, the C.D.C. director, wrote in her justification for ending the policy. She also said that she could issue a new order in the future “based on new findings, as dictated by public health needs.”

The order, known as Title 42, gives officials the authority to turn away migrants at the border, including those seeking asylum. The process takes about 15 minutes, a factor that has helped the Border Patrol manage the sometimes overwhelming number of undocumented migrants gathering at the border.

Without the order in place, stations will be more overcrowded and backed up while officials go through the typical screening process, which can take more than an hour per person. Under the normal process, migrants who cannot provide a legal reason for why they are in the United States are detained until they are deported. Those who request asylum are typically released, often with monitoring devices, while they away court dates.

The continuation of the public health order over the past two years thrust the typically apolitical C.D.C. into the heated immigration debate, even as the Biden administration has argued the order is not being used to manage illegal migration.

The agency had been under growing pressure from Democratic lawmakers, including Senator Chuck Schumer of New York, the majority leader, to not only end the rule but also provide justification for why it was necessary.

Public health experts have questioned the order’s value in containing the coronavirus, especially at this point in the pandemic. The Biden administration began offering vaccinations to undocumented migrants at the border this week — about 2,000 a day along 11 areas of the border, the department said. In the next few weeks, that number will go up to 6,000 vaccinations a day at 27 locations.

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“These measures, along with the current public health landscape where 97.1 percent of the U.S. population lives in a county identified as having ‘low’ Covid-19 community level, will sufficiently mitigate the Covid-19 risk for U.S. communities,” the C.D.C. said in a statement.

When the C.D.C. explained in August why it was extending the order, Covid-19 cases were averaging more than 60,000 a day, the highly transmissible Delta variant was causing more hospitalizations, and the number of deaths caused by the virus was increasing.

Now, case numbers have fallen sharply in most of the United States, and the C.D.C. has loosened many restrictions. The average number of cases on Thursday was less than 28,000 a day. An Omicron subvariant, BA.2, could cause another surge in the United States in the coming months, though it does not appear to be causing widespread severe illness in Europe, where caseloads are higher.

The White House and Department of Homeland Security have deflected questions about the policy in recent months to the C.D.C., which said little about its rationale for extending the order.

But unlike with other public health measures put in place during the pandemic, the C.D.C. never publicly disclosed scientific data that showed that undocumented migrants crossing the border were a major vector for the coronavirus.

“It’s far from clear that the C.D.C.’s order serves any purpose,” a panel of judges on the U.S. Court of Appeals for the District of Columbia Circuit wrote in a ruling in March on a case about the public health rule.

Dr. Anthony S. Fauci, the nation’s top infectious disease expert, has said immigrants were not a driving force in the spread of the coronavirus in the United States.

“Focusing on immigrants, expelling them or what have you, is not the solution to an outbreak,” he said on CNN in October.

The order — which advocates say has put many people who were expelled under it in grave danger because of violence, poverty and instability in their home countries — has faced several lawsuits. Immigration advocates were under the impression that the Biden administration was working to lift the rule last summer for some migrants, but that never happened.

Some advocates said this week that waiting until late May to lift the order would further endanger the lives of vulnerable migrants seeking asylum.

“Given how long the administration has had to plan for the end of Title 42, the number of lives at stake daily and the court decisions finding Title 42 illegal, it is essential the administration immediately begins winding down Title 42 and not wait to do so until the end of May,” said Lee Gelernt, a lawyer with the American Civil Liberties Union who has been one of the lead voices arguing that the rule should be lifted for migrant families.

Border officials enforce the order inconsistently, using it a little more than half the time they encounter migrants. This has led to great confusion for migrants about whether they should make the attempt.

Alejandro N. Mayorkas, the homeland security secretary, warned in a statement that smugglers offering transportation to areas just south of the U.S. border “will spread misinformation to take advantage of vulnerable migrants.”

He said, “Let me be clear: Those unable to establish a legal basis to remain in the United States will be removed.”

Because border officials did not have to ask migrants whether they feared returning to their country under the public health order, officials expect the summer surge to include a significant number of asylum seekers. Those found eligible to apply for asylum typically spend years — sometimes a decade — waiting for their case to be heard, because the immigration court system is so backlogged.

Some critics have also said that the rule has fueled racist notions that immigrants carry infection into the United States and has been used more as a way to control immigration.

Even before the pandemic, the Trump administration tried to get the C.D.C. to use its authority to issue such an order to address an outbreak of mumps in immigration detention centers in six states, and separately when Border Patrol stations were hit with the flu. Those attempts were not successful, in part because other administration officials argued that there was no legal basis.

On Friday, Ronna McDaniel, the chairwoman of the Republican National Committee, criticized the administration for lifting the rule, repeating the Republican talking point that illegal immigration has spun out of control since Mr. Biden succeeded former President Donald J. Trump. Illegal immigration had spiked under Mr. Trump, as well, in 2019. But it declined in 2020 because of restrictions his administration put in place and the pandemic.

“By removing Title 42, Biden’s doubling down on his commitment to actively worsening the crisis he created,” Ms. McDaniel said in a statement.

**New York Times: Homeland Security Is Making Plans to Handle a Record Surge of Migrants (Eileen Sullivan)**  
March 29, 2022

WASHINGTON — Crossings at the southwest border have been peaking again in recent weeks, and homeland security officials are bracing for those numbers to rise much higher if the Biden administration decides to lift a public health order that has limited immigration during the pandemic.

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A decision about the order, put in place by the Trump administration two years ago this month, could come as early as Wednesday, when the Centers for Disease Control and Prevention may decide whether to renew it for another 60 days.

Homeland security officials on Tuesday described contingency plans for managing as many as 18,000 encounters a day at the border, regardless of the cause. Working with the Federal Emergency Management Agency, other federal agencies, and state and local officials, the department is prepared to have on standby additional personnel, transportation and medical assistance, and temporary facilities for processing migrants.

The stakes are high, from both a humanitarian standpoint and a political one. Democrats do not want the southwest border to appear out of control in the months ahead of the midterm elections, which would fuel more Republican attacks on the Biden administration's border policies.

The administration was caught somewhat flat-footed last September when thousands of migrants crossed the Rio Grande en masse into Del Rio, Texas, and were forced to crowd under a bridge for days until they could be processed by border officials. It is that kind of situation that officials are seeking to avoid.

There has long been concern that lifting the public health order, which gives border officials the authority to quickly expel migrants, including those seeking asylum, will open a floodgate of illegal migration. Some administration officials, under pressure from immigration advocates, had hoped the order, known as Title 42, could be lifted when seasonal migration trends decreased — but that never really happened.

Since October, border officials have apprehended 900,000 undocumented migrants at the southwest border, the Homeland Security Department said on Tuesday. During the 2021 fiscal year, undocumented migrants were caught a record-breaking 1.7 million times. The number of illegal crossings went up significantly after President Biden took office compared with the previous year, when numbers were down, in part because of the pandemic.

The Biden administration has defended the continued use of the order, citing the C.D.C.'s assessment that lifting it would pose a public health threat during the pandemic. Public health experts have long said the argument was specious, and the government has never provided scientific evidence that limiting illegal migration at the southwest border helped curb the spread of Covid-19.

Instead, critics say, the public health order has been used as an immigration control tool.

Human Rights First, a national advocacy group, recently released a report that found that expulsions at the southwest border under the public health order had led to nearly 10,000 reports of violent attacks on migrants, including kidnapping, torture and rape.

Julia Neusner, a lawyer with Human Rights First, said if the order was lifted, the group would be sending lawyers and researchers to the border "to monitor whether the policy is actually ended

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for asylum seekers of all races and nationalities, and to identify improvements to make sure our system actually welcomes people seeking refuge.”

Nonprofit organizations that help migrants who are released into the country by border officials are also preparing for an increase in crossings.

There have been 1.7 million expulsions under the public health order. Traci Feit Love, the executive director of Project Corazon, a nonprofit that helps asylum seekers who cross the border in the Rio Grande Valley of Texas, said this meant a significant number of refugees were waiting outside the United States until they could make an asylum claim.

In the past, Project Corazon has tapped into a network of pro bono lawyers to assist its staff attorneys with cases. “We will have to marshal the resources required to ensure every person is given the guidance and support they deserve,” she said.

On Tuesday, when two homeland security officials spoke to reporters on background about the preparations for increased migration, they did not mention any concerns about migrants spreading Covid-19.

The administration this week started vaccinating undocumented migrants at the southwest border who are not expelled under the public health order. It has allowed thousands of migrant children, families and even single adults into the country, despite the order, for humanitarian reasons and because of limited detention capacity.

In September, border officials allowed many of the families who arrived in Del Rio to enter the country to face deportation proceedings for humanitarian reasons, but they also expelled thousands on flights back to Haiti, where political upheaval and violence have led to extremely difficult living conditions.

Over the last three months, there was a 300 percent increase in undocumented Cubans caught crossing the southwest border, according to internal data shared with The New York Times. There have also been large numbers of Venezuelans and Nicaraguans arriving.

But the United States cannot put Cubans, Venezuelans or Nicaraguans on flights back to their countries because of a lack of diplomatic relations. One of the homeland security officials speaking on background on Tuesday called the situation “problematic,” and said they were most likely fleeing oppressive governments.

As a result, thousands of undocumented migrants from those countries have been allowed into the country, given a monitoring device and told to report to Immigration and Customs Enforcement to finish paperwork so that they can face deportation proceedings, a process that takes years because of the immigration court case backlog.

One homeland security official also said many migrants had been placed in “expedited removal” proceedings, which is a fast track to deportation for migrants who do not express a fear of

returning to their country. Separately, some asylum-seeking migrants are being routed into a program where they wait in Mexico until an immigration judge makes a decision on their case.

**New York Times:** The Biden administration will start vaccinating migrants at the border.  
**(Eileen Sullivan)**

March 28, 2022

The Biden administration is requiring coronavirus vaccines for some undocumented migrants at the southwest border, a policy change that comes days before the administration's next review of a public health order that has limited immigration during the pandemic.

Under the plan, officials will start vaccinating undocumented migrants without proof of vaccination who are apprehended by border officials, but not expelled under the public health order, in seven areas including San Diego, El Paso and the Rio Grande Valley. A description of the plan was shared with The New York Times.

According to directions given to senior homeland security officials on Sunday, if single adults refuse to be vaccinated, they will be detained and put into deportation proceedings. If they request asylum and cannot remain in detention, they will be released with a monitoring device "with stringent conditions." If migrant families refuse vaccination, they will also be given monitoring devices with the same conditions.

The White House has said little about whether it will soon lift the public health order, which the Trump administration put in place at the start of the pandemic. The order, known as Title 42, gives border officials the authority to turn back migrants seeking to enter the United States so that they do not spread the coronavirus here, a precaution that public health experts have called unnecessary.

The Centers for Disease Control and Prevention is supposed to review whether the rule is still necessary at this stage in the pandemic, and issue a decision in the coming days.

The administration's decision to start vaccinating some undocumented migrants appears to be an acknowledgment that there are measures other than the public health order that can be taken to minimize the spread of the coronavirus across borders.

Previously, the administration has resisted vaccinating undocumented immigrants, despite multiple proposals from the Department of Homeland Security over the past year on how to do it.

President Biden's domestic policy adviser, Susan Rice, has privately raised concerns that it would provide an incentive for more undocumented migrants to try to cross the border, according to three current and former government officials with knowledge of the continuing discussions, who spoke on condition of anonymity to discuss internal deliberations.

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**MEETING WITH DG CONNECT COMMISSIONER  
THIERRY BRETON  
April 7, 2022**

**Overview:**

- You will meet in-person with Thierry Breton, Commissioner of DG CONNECT for 30 minutes. The meeting is off the record and closed press. Commissioner Breton requested this call.
  - This is your first engagement with Commissioner Breton. You agreed to meet with him at St. Elizabeths in September 2021 but had to cancel because of your official travel to Texas. You will be staffed by Under Secretary Silvers, Assistant Secretary Serena Hoy, Acting Assistant Secretary McDermott, and Senior Counselor Tim Maurer.

**Key Objectives:**

- **Discuss** emerging developments of mutual interest as they relate to Russia-Ukraine.
- **Provide** updates on DHS's cybersecurity work, namely the TSA security directives, the new cyber incident reporting law, while **identifying** areas to deepen cooperation with DG CONNECT.
- **Propose stronger collaboration on cybersecurity broadly and gain support for an in-person meeting of the Ransomware Resilience Sub-Working Group in June.**
  - *Note:* With respect to ransomware, DHS will prioritize its collaboration with DG Home considering the strong nexus to criminal activity. The focus for stronger collaboration with Commissioner Breton and DG CONNECT would therefore ideally be on cybersecurity more broadly.

**Background:**

- Commissioner Breton is the political head of three separate departments (i.e., Directorates-General) within the European Commission including the Directorate-General for Communications Networks, Content and Technology (DG CONNECT), which develops and carries out the Commission's policies on Communications and Technology, Digital Economy and Society, and Research and Innovation.
- DHS does not historically have a strong a relationship with DG CONNECT as DG HOME is seen as the Department's counterpart on many homeland security/interior ministry issues.
- DG CONNECT, however, leads European efforts on many issues of digitization, emerging technology, and cybersecurity that are of increasing importance to DHS and would benefit from increased DHS-DG CONNECT engagement. DG CONNECT also has administrative oversight over the European Agency for Networks and Information Security (ENISA), which is CISA's closest operational counterpart in the EU system.
- Efforts proposed by DHS as part of our international cybersecurity sprint, such as an in-person meeting of the U.S.-EU Ransomware Working Group and a potential DHS-EU Cyber Fellowship, are opportunities to strengthen our relationship with DG CONNECT.

**Participants:**

Secretary Mayorkas

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Under Secretary Silvers

Serena Hoy, Assistant Secretary for International Affairs, PLCY

Tom McDermott, Acting Assistant Secretary for Cyber, Infrastructure, Risk, and Resilience, PLCY

Tim Maurer, Senior Counselor for Cybersecurity and Emerging Technology to the Secretary

External:

Thierry Breton, Commissioner of DG CONNECT

Fabrice Comptour, Political Advisor to Commissioner Breton

Peter Fatelnig, Minister-Counsellor for Digital Economy Policy, EU Delegation to the U.S

**Attachments**

A. Biographies

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**Staff Responsible for Briefing Memo:** Tom McDermott, AA/S for Cyber, Infrastructure, Risk, and Resilience, Ian Hansen, Acting Deputy Director for International, CIRR Policy

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**Discussion Points:**

Conflict in Ukraine and Continued Ransomware Threats

- **Stress** that Russian aggression in Ukraine and ransomware attacks over the past year are a stark reminder of the importance of international cybersecurity partnerships.
  - **Acknowledge** the cyber attacks we have witnessed targeting Ukraine, as well as the incident involving Viasat which had impacts across Europe.
- **Share** that DHS has urged companies and operators of critical infrastructure to harden their cyber defenses immediately.
  - **Share** that DHS also stood up a Unified Coordination Group to ensure unity of effort across the Federal Government in preparing for and responding to possible threats to the homeland, including cyber attacks and mis-, dis-, and mal-information,
  - **Highlight that** CISA has created a website (**CISA.gov/Shieldsup**) that shares the latest guidance on how organizations can adopt a heightened posture
  - Note that TSA has issued mandatory Security Directives and released guidance on cybersecurity best practices and mitigation measures to address the increased threat to transportation systems.
- **Acknowledge** the international information sharing efforts taking place between CISA and its European allies, including Ukraine, Lithuania, Latvia, Germany, and Poland.

Developments in Cybersecurity

- **Overview** of TSA’s security directives following the Colonial Pipeline ransomware attack as well as the security directives and information circulars issued as part of the 60-day cybersecurity sprint focusing on the transportation sector.
- **Preview** the Administration’s broader effort to strengthen regulatory frameworks to increase cybersecurity resilience
- **Overview** the Cybersecurity Incident Reporting Act of 2021 and other efforts aimed at enhancing cyber information sharing.
  - **Note**  
(b) (5)
- **Highlight** other ongoing cybersecurity efforts at DHS such as the establishment of the Cyber Safety Review Board and the Department’s work on emerging technology such as artificial intelligence, post-quantum cryptography, and smart cities.
- **Inquire** into  
(b) (5)

US-EU Ransomware Working Group & Broader Cooperation

- **Thank** the Commissioner for supporting the U.S.-EU Ransomware Working Group that DHS and DG HOME are co-leading and stress the positive impact of building relationships between experts across the U.S. and EU systems, including at DHS, DG CONNECT, and ENISA.
- **Propose** an in-person meeting of the Resilience sub-group in June.
  - **Note:**  
(b) (5)

- **Emphasize** your desire to strengthen cooperation between DHS and DG CONNECT.
  - **Note:** The EU is currently reviewing DHS’s proposal for a DHS – EU Cyber Fellowship, to begin in 2022 that would have DHS and EU institutions to host/exchange delegations to increase exposure and mutual understanding across respective cybersecurity institutions.

**Hard Q&A:**

- What are your thoughts on creating a U.S.-EU cybersecurity working group, to include ransomware, at the political level?

(b) (5)

- Why prioritize a meeting of the U.S.-EU Ransomware Working Group right now when our experts are overwhelmed with work related to the crisis in Ukraine?

(b) (5)

**ATTACHMENT A: Participant Biography**



**Thierry Breton**  
**European Commissioner for Internal Market**

Thierry Breton has held his current position since December 1, 2019. Before that, he was the chief executive officer of the French technology company Atos from 2008 to 2019. He was also minister for the economy, finance and industry for France from 2005 to 2007, as well as chief Executive Officer of France Telecom from 2002 to 2005 and of Thomson Multimedia from 1997 to 2002.

Prior to that, he was director for strategy and development, then director-general of the computer company Bull from 1993 to 1997. His previous political experience also includes the vice-presidency of the Poitou-Charentes Region in France from 1986 to 1986 and his role as an adviser to the French Minister for Education René Monory from 1986 to 1988.

Breton received a master's degree in electrical engineering and computer science from École Supérieure d'Électricité (Supélec, now CentraleSupélec) in 1979 and later graduated from the Institut des Hautes Etudes de Défense Nationale (IHEDN).

As an interesting fact, Breton is also a science fiction book author.

## Direct-to-Camera Video Recordings

### **Background**

- You will record two “direct-to-camera” style videos in your office.
  - These videos should be 30-60 seconds in length and appear informal.
  - Both videos will be distributed via your Twitter account and amplified by the Department’s social media channels.
- 

### **Recording 1: National Child Abuse Prevention Month**

*Distribution: SI Twitter Account*

*Timing: This week*

- April is Child Abuse Prevention Month.
- DHS is a global leader in combating the terrible crimes of child exploitation and abuse.
- We bring to bear the full resources of our Department to combat these heinous crimes.
  - *Victim identification and rescue*
  - *Victim protection and support*
  - *Operations and enforcement*
  - *Screening*
  - *Public education and outreach*
- I encourage you to learn more about child abuse and exploitation, so that together we can end these terrible crimes.

*Accompanying social:*

- *A message on @DHSgov efforts to end child abuse and exploitation, during this #ChildAbusePreventionMonth (down arrow)*

### **Recording 2: Secretary’s Awards & “Month of Recognition”**

*Distribution: SI Twitter Account*

*Timing: Wednesday*

- Today we are recognizing nearly 900 employees as winners of DHS Secretary’s Awards.
- Every single day, members of our workforce – YOU – are doing incredible things and making tremendous contributions of our workforce.
- We are building a culture of recognition within our Department. One day, or one week, is not enough to champion your tremendous accomplishments.
- This whole month, we will be recognizing you and your work.
- To our employees: thank you for everything you do for our Department and our country.

*Accompanying social:*

- *A message to our @DHSgov Secretary’s Awards winners, and our entire workforce, during this month of recognition. Today and every day, I am proud to call the members of the DHS workforce my colleagues. #WeAreDHS*

These reports will be provided after 8 am.

These materials will be provided by SBS.

**Presidential Briefing on the Border  
February 18, 2021**

**1. How to Dissuade Crossing Between Ports of Entry**

- Encounters between ports of entry are generally 2 to 3 times the number of encounters of inadmissible individuals at ports of entry. But due to various factors, that share of crossings between the ports has shot up considerably.
- The main cause is the closure of the ports themselves. The Trump Administration took various steps, including metering, to artificially reduce port capacity. And the pandemic made access all but impossible. Because it has not been possible to apply for asylum or other forms of relief at ports of entry under the CDC Title 42 authority, we have left migrants with no choice but to come between the ports.
- The first step to encouraging people to use the ports is the plan we are embarking on tomorrow. Tomorrow, we are re-opening select ports, initially for people with MPP and potentially for other asylum seekers down the line. This system should encourage people to come through ports of entry because there will be an opportunity for relief that will not be available if they cross between the ports.
- Continued expansion of processing capacity at ports is essential so that people will present there rather than between ports of entry.

**2. COVID-19 Testing/Tracking: Prior to Jan 20<sup>th</sup> Versus Today (What Has Changed)**

- Testing and tracking protocols and practices for individuals released into the interior have not changed since before January 20<sup>th</sup>. As before, individuals transferred to ICE custody for further processing are tested, as ICE conducts COVID-19 testing, and quarantine when necessary, of all individuals in its custody. But individuals released directly by CBP are not tested, as CBP continues to lack testing and quarantine capability. In other words, individuals who were released prior to January 20 by Border Patrol were released in the same way without COVID testing.
- The reason these releases are making news is due to the higher number of releases from Border Patrol custody. The main reason for this has to do with a change in Mexican law that has reduced the number of families from the Northern Triangle that we can expel back to Mexico in two of our border sectors (Del Rio and the Rio Grande Valley sectors). We are also seeing increased encounters of other individuals who also cannot be expelled because neither nor their home country will allow us to expel them there.

**3. What Happens If We Lose Title 42**

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- We are currently undertaking a herculean effort to plan for the loss of the Title 42 authority and a potential surge in migration. Here is some of what we have done so far and what we are still doing:
  - We are working with the Department of Justice and HHS to put ourselves in the best possible position to obtain an emergency stay if a preliminary injunction is issued.
  - We are looking under every rock to expand processing capacity. On January 20, DHS had significantly reduced capacity for processing. One of our main influx processing facilities in McAllen, Texas was closed under the last administration for renovations. That facility and its 1,000 beds will not be available for many months. And COVID-19 protocols have further reduced capacity across our facilities.
  - The last administration did set in motion plans to erect a soft-sided facility in Donna, Texas. That facility was opened last week, with 250 beds for influx processing.
  - ICE is currently ramping up family processing capacity at its Family Residential Centers by releasing families currently detained there. By February 26, these facilities should be able to increase its family processing capacity from 50 to 200 individuals per day. ICE is also examining additional options to increase processing above 200 per day.
  - ICE has identified several large-capacity sites to further expand its processing capability. These include flexible mobile processing facilities, with up to 6,000 additional beds of commercial quality in Dilley and Midland, Texas. Once operational, these sites will allow processing of 1,100 additional individuals per day.
  - ICE is also exploring (b) (5)
- Funding, however, is a significant issue:

(b) (5)

#### 4. COVID-19 Testing and Vaccinations for Workforce

- DHS has partnered with the Veterans Administration to help vaccinate our workforce, particularly our 140,000 frontline workers.
- The impact of COVID-19 on the CBP workforce has been CBP's most significant operational challenge since the spring of 2020. Thousands of CBP personnel have tested positive for COVID-19, restricting them from work, and 26 have died in the line of duty. This challenge has become even more significant as CBP experiences an increase in migrant encounters at the border.

- In the past 4 weeks, we have worked with the Veterans Administration to stand up seven centers along the Southwest Border to distribute vaccines to front-line DHS staff, including CBP agents. We are starting to conduct mass vaccination events for employees.
  - These VA sites include: California (Long Beach, San Diego), Arizona (Phoenix, Southern Arizona VA Health), Texas (El Paso, South Texas, Texas Valley Coastal Bend).
- Regarding COVID-19 Testing for Migrants: My Chief Medical Officer is on the ground in Texas as we speak, forging partnerships between FEMA, local public health officials, and non-governmental organizations to facilitate COVID-19 testing, quarantining, and isolation at a 100% cost share from FEMA.

## **5. Request for Photos**

- See attached

## **6. Robust Deterrence Strategy**

- In the short term, we are seeking to both improve the situation at the southwest border and deter crossing between ports of entry by collaborating with U.N. agencies and other international organizations to establish a triaging system in northern Mexico to identify, prioritize, and funnel cases to select ports of entry consistent with our capacity to safely process individuals at those ports.
- By creating a queuing system by which migrants can obtain a date certain for presenting their claims in the United States, we expect to drive down the number of attempted crossings between ports of entry. We will also address COVID-19 concerns by ensuring that migrants are tested and safely transported to ports of entry to avoid spread of the disease.
- We can also deter irregular and illegal migration by establishing lawful pathways to the U.S. and by utilizing messaging that emphasizes the importance of not making the dangerous journey.

## **7. Expansion of MPP Processing**

- We expect to begin implementing our new MPP processing program at the San Ysidro Port of Entry near San Diego, California tomorrow, Friday, February 19. We will begin processing in Brownsville, Texas on Monday, February 22; and in El Paso, Texas on Friday, February 26. The expectation is that once the program is up and running, we will be able to process 300 people per two of the ports per day, plus an additional 100 at the third port—for a total of 700 migrants per day.
- We hope to be at full capacity within a month, though our ability to do so will require enhancing shelter and transportation capacity on the U.S. side of the border. We are engaging daily with U.S. non-governmental organizations to ramp up this capacity.
- Messaging will also be key. Along with the Government of Mexico and our partner international organizations, we are particularly concerned about communications challenges. The Department of State and DHS are coordinating on the communications strategy. DHS is working collaboratively at a technical level to ensure consistent messaging on our short-term plans and to mitigate against future flows. We expect interim messaging in the coming days to announce the new program and advise potential migrants to wait for further instructions.

8. (b) (5) Legal Pathways

(b) (5)

9. ICE Enforcement/Removal Priorities

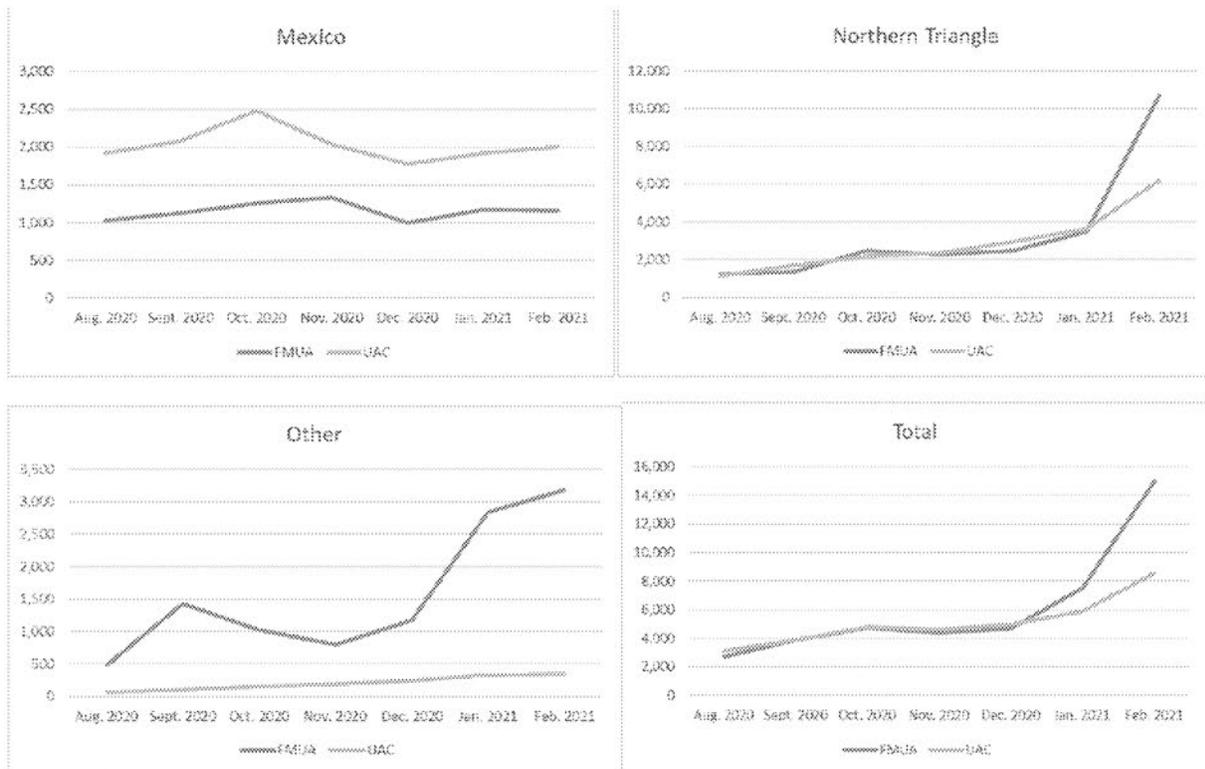
- Within the past hour, ICE issued interim operating guidance that will focus its limited resources where they are needed most: on threats to national security, border security, and public safety.
- Over the next 90 days, I intend to engage with the workforce and the community to inform final guidance that I will issue, governing enforcement and removal activities.
- The reality is that a more humane set of enforcement and removal policies may result in an increased “pull” factor.

**Southwest Border Trends**  
**February 18, 2021**

**Recent Trends**

- **Southwest border encounters are increasing.** The month of February is on pace to reach 91,423 encounters—a 21% increase since last month.
- **During the pandemic, Mexicans and single adults have accounted for a much larger share of encounters than in previous years, but this trend may now be reversing.** While arrivals of single adults from Mexico remain high, we have recently seen significant increases in UAC and family arrivals, as well as arrivals of non-Mexicans. Since August, encounters of families from the Northern Triangle have increased nearly 8-fold, and UACs from the Northern Triangle have increased 450%. Families from other countries have increased 567% during that period. These populations present additional challenges given the lack of adequate processing and housing capacity for them.
- **However, border encounter numbers may overstate migration flows, as more than 40% of recent encounters involve recidivism.** The actual number of unique individuals showing up at the border is much smaller than encounter numbers may suggest. This is especially true for people being expelled under CDC’s Title 42 authority. Total encounters, however, are meaningful indicators of the strain on CBP because each encounter requires roughly the same amount of processing.

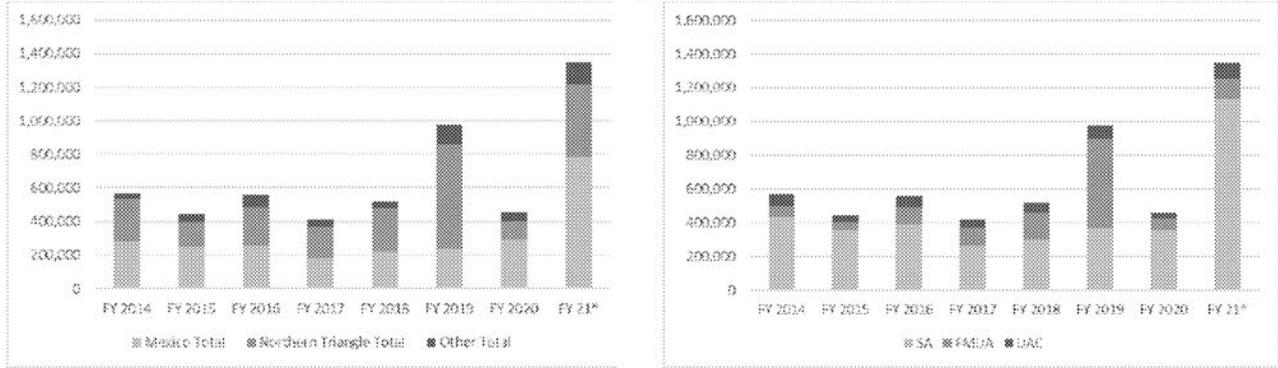
**Southwest Border Encounters of FMUA and UAC by Citizenship, Aug. 2020 – Feb. 2021**



Source: DHS OIS analysis of CBP data.; Note: Feb. 2021 Data is extrapolated based on encounters through Feb. 13, 2021.

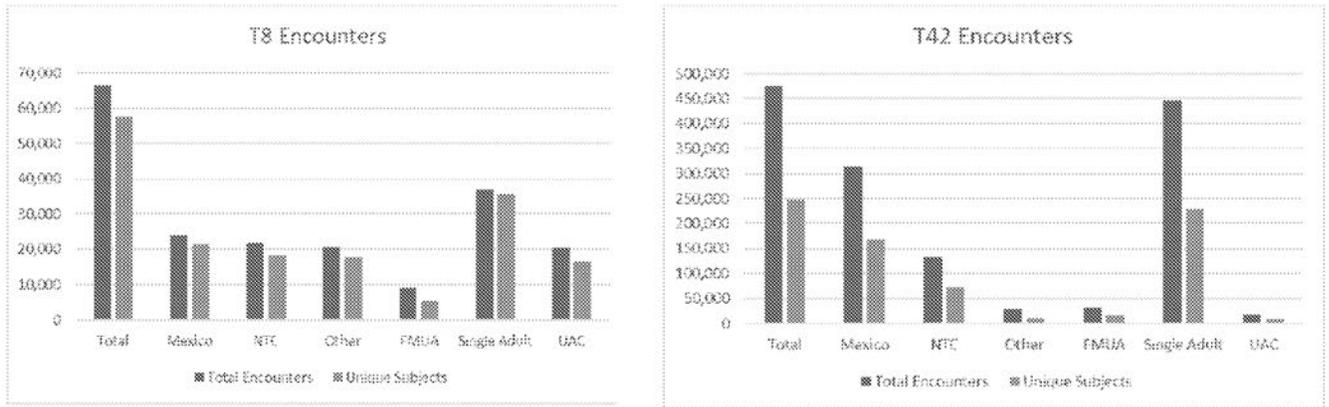
- As noted above, Mexican nationals account for a much larger share (58%) of FY 2021 encounters than in recent years—50% in FY 2014; 46% in FY 2016; and 24% in FY 2019. Single adults are also a larger share (84%) of FY 2021 encounters than other recent surges (56%).

**Southwest Border Encounters by Citizenship and Family Status, FY 2014 – FY 2021\***



Source: DHS OIS analysis of CBP data. ; Note: FY 2021 data are unweighted projections based on the first 4.5 months of the year. Family status figure exclude accompanied minors (3,665 total).

Unique versus Total Encounters by Selected Demographics, Mar. 2020 – Feb 2021

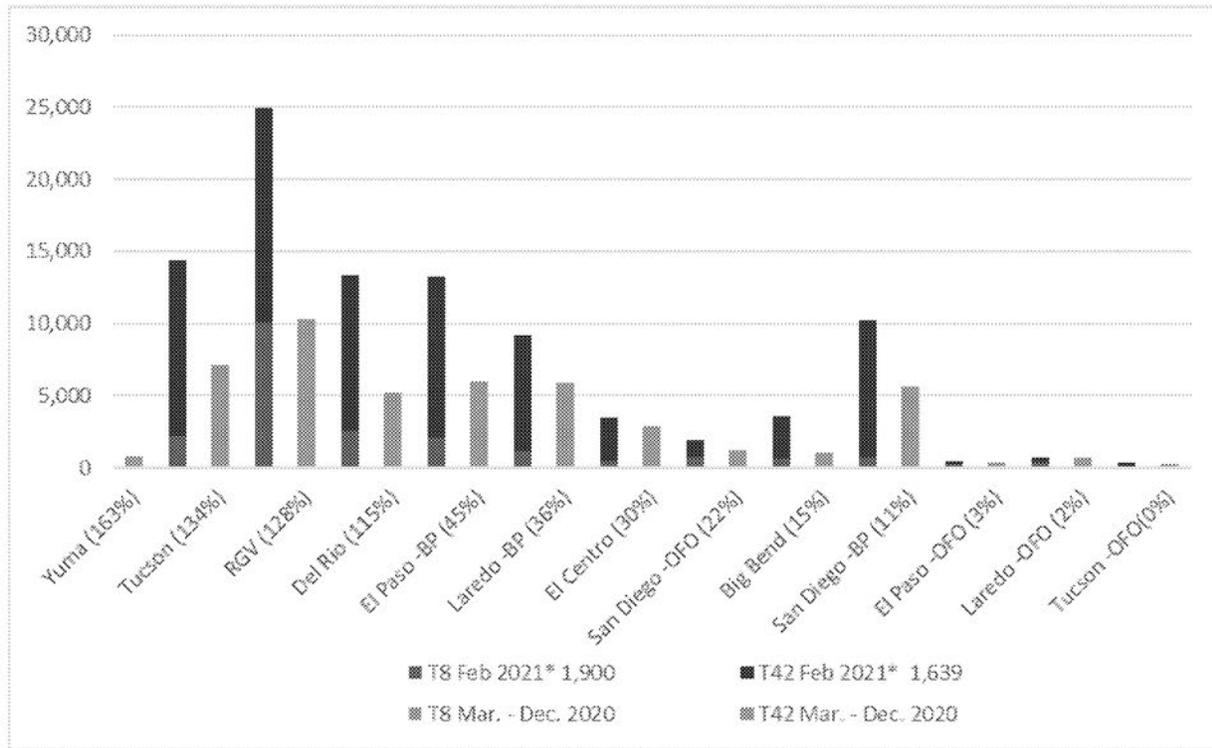


Source: DHS OIS analysis of CBP data.

- These tables depict total encounters (higher columns) and unique subjects (lower columns) since March 2020. The difference is explained by historically high recidivism rates, especially among those individuals subject to Title 42 expulsions.
  - The larger columns accurately reflect the impact on CBP personnel.
  - The smaller columns better reflect how many people are trying to enter the United States, as well as the potential downstream consequences for ICE, USCIS, EOIR, HHS.
- For all encounters during the pandemic period, the ratio of unique subjects to total encounters is .53; that is each border encounter represents an average of just one-half of a person attempting to enter the United States.
  - The overall ratio for T8 encounters is .86
  - The overall ratio for T42 encounters is .52
- The figures also provide break-outs for different demographic groups:

Demographic group	Total	T8	T42
Total	0.53	0.86	0.52
Mexico	0.53	0.90	0.53
NTC	0.56	0.84	0.54
Other	0.48	0.85	0.35
FMUA	0.50	0.60	0.47
Single Adult	0.54	0.97	0.51
UAC	0.65	0.80	0.48

**SW Border Encounters by Title Authority, Mar. – Dec 2020 and Feb. 2021**

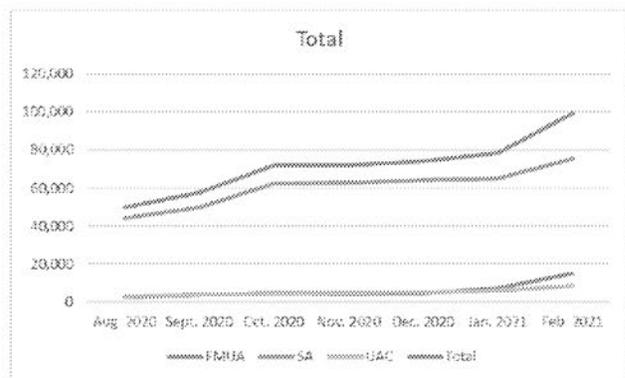
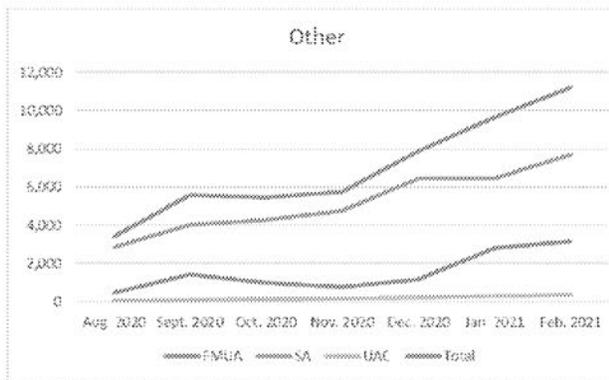
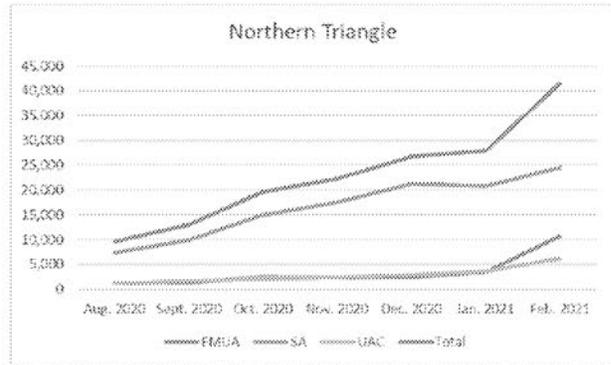
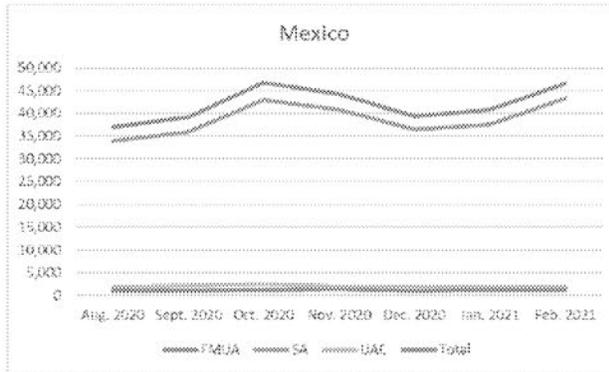


Source: DHS OIS analysis of CBP data.

Notes: Sectors are ordered by percentage of detention capacity occupied (in parentheses) as of Feb. 17, 2021. February 2021 data are projections based on data from Feb. 1 – Feb. 13. March – Dec. 2020 data are monthly averages.

- Sectors are ranked from those that are most over-capacity to those that are least over-capacity.
- Left-hand stacked columns (lighter shading) represent average encounters for Mar. - Dec. 2020. Right-hand columns (darker shading) represent projected encounters for Feb. 2021; the columns illustrate how sharply numbers have grown compared to last year.
- Throughout the pandemic period, CBP has relied on T42 authority to handle an avg of about 76,000 encounters per month, versus 23,000 that have been handled under T8 authority.
- Several sectors on the left side of the figure – those that are over capacity – have experienced dramatic growth in encounters in the current month compared to earlier in the pandemic period.
  - Yuma 4.5-fold increase
  - Tucson 2.0-fold
  - RGV 2.4
  - Del Rio 2.5

**Southwest Border Encounters (Total) by Citizenship and Family Status, Aug. 2020 – Feb. 2021**



Source: DHS OIS analysis of CBP data.

Note: Figures exclude Accompanied minors (709 total). Feb. 2021 Data is extrapolated based on encounters through Feb. 13, 2021.

- These charts depict growth in border encounters over the last 6 months, broken down by country (Mexico vs Northern Triangle vs all other), and within each country broken down by family status.
- Mexico has shown only modest increase since Aug. 2020; most of the growth has been driven by Northern Triangle migrants and all other.
- Single adults show the highest volume of growth, but non-Mexican UACs and especially families have been trending up since December; these groups have disproportionate impact because of additional processing time and limits on downstream processing capacity.

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