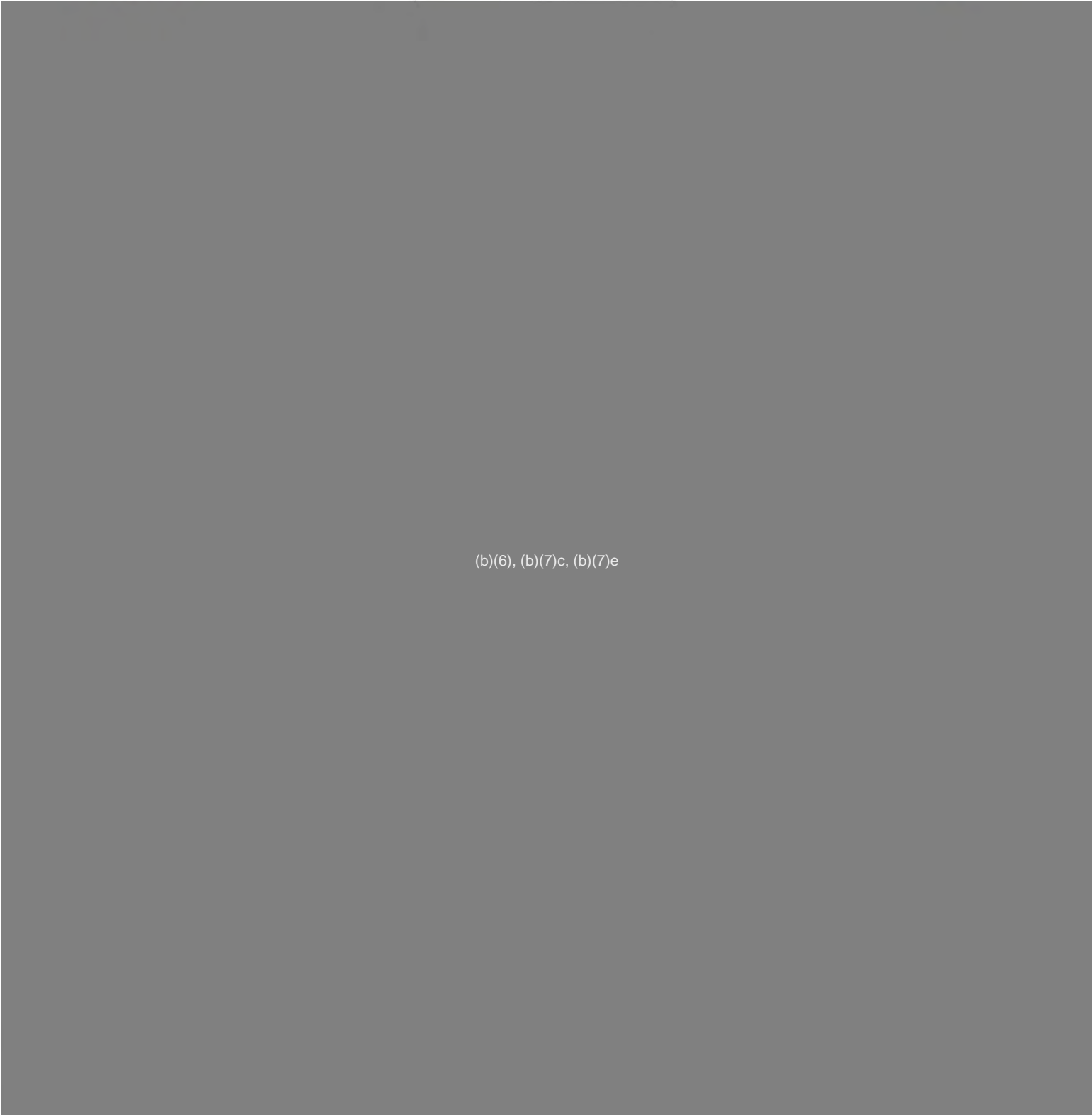




<b>Criminal Alien Program (Georgia)</b>		
	10/24/2010	



(b)(6), (b)(7)c (a)Assistant Field Office Director
---



(b)(6), (b)(7)c, (b)(7)e



## Case Management Group (Atlanta)

11/01/2010



(b)(6), (b)(7)c  
Assistant Field Office Director

(b)(6), (b)(7)c, (b)(7)e



## Criminal Alien Program (Georgia)

Rev: 5-1-13

(b)(6), (b)(7)c  
(CAP, SC, VCAS,  
Outreach & Firearms)



(b)(6), (b)(7)c, (b)(7)e





## Criminal Alien Program (Georgia)

Rev: 5-28-13



(b)(6), (b)(7)c  
(CAP, SC, VCAS,  
Outreach & Firearms)

(b)(6), (b)(7)c, (b)(7)e





GEORGIA CRIMINAL ALIEN DIVISION STATISTICAL REPORT

**Criminal Alien Division (Georgia)**

	04/17/2012	
--	------------	--

(b)(6), (b)(7)c, AFOD



(b)(6), (b)(7)c, (b)(7)e



GEORGIA CRIMINAL ALIEN DIVISION STATISTICAL REPORT

<b>Criminal Alien Division (Georgia)</b>		
	08/01/2012	

(b)(6), (b)(7)c  
Assistant Field  
Office Director



(b)(6), (b)(7)c, (b)(7)e





## Criminal Alien Program (Georgia)

Rev: 9-10-12



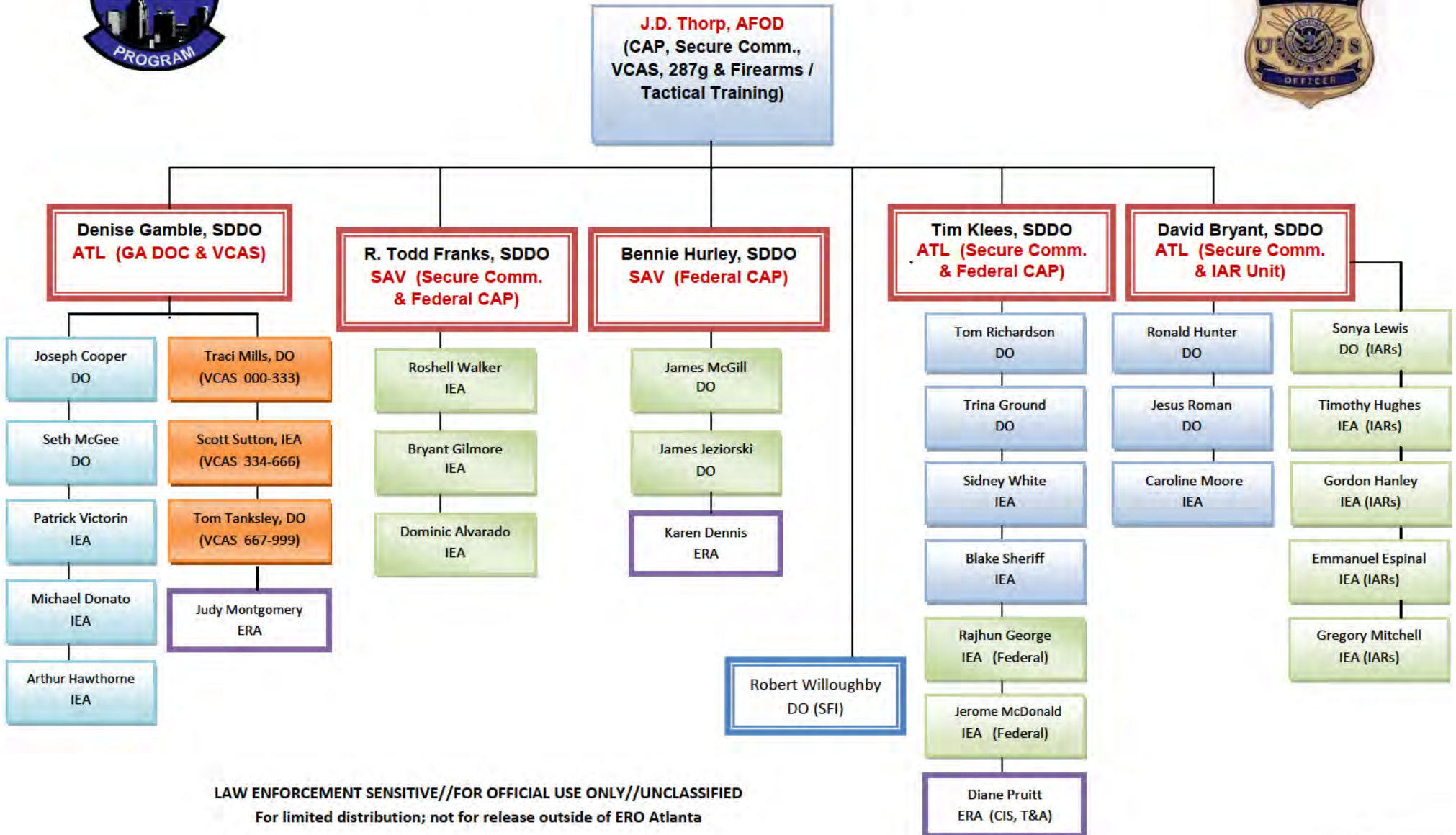
(b)(6), (b)(7)c  
(CAP, SC, VCAS, Public

(b)(6), (b)(7)c, (b)(7)e





# Criminal Alien Program (Atlanta & Savannah)



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## Criminal Alien Program (Georgia)

Rev: 10-30-12



(b)(6), (b)(7)c AFOD  
(CAP, SC, VCAS, Public  
Affairs / Advocate, Firearms)

(b)(6), (b)(7)c, (b)(7)e



**From:** (b)(6), (b)(7)c  
**To:**  
**Subject:** quota memos  
**Date:** Wednesday, December 15, 2010 8:03:13 PM  
**Attachments:** [Torres 1,000 memo.pdf](#)  
[Mead 6-2008 memo.pdf](#)  
[Hayes 2-2009 memo.pdf](#)  
[Morton 12-2009 memo.pdf](#)  
**Importance:** High

---

(b)(6), (b)(7)c

Attached are the memos I could pull referencing the 1,000 arrest goal.

Initial memo by **Torres** setting the **1,000** goal in January 2006.

**Meade** memo in **June 2008** superseded and established 100 target monthly Ops per Field Office – however the 1,000 arrest goal was not amended (attached to the Meade memo is a 2007 Torres memo clarifying the counting of “collateral arrests” toward the goal.

A **Hayes** memo from **February 2009** established a 50 Target Op per FOT and it SPECIFICALLY states in paragraph 3, “This memorandum also amends the 1,000 ICE fugitive aliens per year goal”. The key word is “amend”, not “rescind”.

The next memo was the **Morton** memo from **December 2009** which is the current Operational guideline that has superseded all prior memos/directives. The Morton memo clearly states that each Field Office should attempt to reduce their pool of fugitives by 5% more in 2010 than 2009. He further states that this reduction can be attained “even if no arrest is involved” by self departures, benefits or a case reopening. He states specifically on page 3 paragraph 5 that “**This goal does not constitute a quota; rather, this goal allows the teams to gage their productivity.**”

(b)(6), (b)(7)c

DHS-ICE-ERO-Fug Ops  
(919) 856-5, (b) office  
(919) 856-4406 fax

# SUPERSEDED

Office of Detention and Removal Operations

U.S. Department of Homeland Security  
425 I Street, NW  
Washington, DC 20536



U.S. Immigration  
and Customs  
Enforcement

JAN 31 2006

MEMORANDUM FOR: All Field Office Directors

FROM: John P. Torres  
Acting Director

A handwritten signature in black ink, appearing to read "John P. Torres".

SUBJECT: Fugitive Operations Case Priority and Annual Goals

## Purpose

This memorandum supersedes the memorandum issued by Anthony S. Tangeman, dated January 22, 2004 that required that no less than seventy-five percent of all fugitive operation targets be classified as criminal aliens. Effective immediately, fugitive cases worked by the Fugitive Operations (FUGOPS) teams will be prioritized by threats posed by the fugitive alien. This memorandum also establishes a new target goal of 1,000 fugitive apprehensions/cases closed per FUGOPS team.

## Discussion

The Office of Detention and Removal Operations (DRO) is responsible for apprehending and removing fugitive aliens from the United States. Apprehending fugitive criminal alien cases has always been, and will continue to be, one of the highest priorities for FUGOPS teams.

## Policy

To further the enforcement mission of U.S. Immigration and Customs Enforcement, the FUGOPS teams will prioritize their fugitive cases according to the following standards:

- I. Fugitives that pose a threat to national security
- II. Fugitives that pose a threat to the community
- III. Fugitives convicted of violent crimes
- IV. Fugitives with criminal records
- V. Fugitives that are non-criminals

There will be no percentage quota for the types of cases to be worked. Fugitive cases at all priority levels are to be worked by the FUGOPS teams, but the higher priority cases take precedence.

HQDRO will work with Field Office Directors in identifying and implementing initiatives involving fugitive alien cases.

Additionally, the new annual target goal is 1,000 fugitive apprehensions/cases closed per FUGOPS team. Realizing that FUGOPS will make numerous collateral arrests of aliens in pursuing targeted fugitives, the collateral apprehensions will not count toward the target goal.

A policy directive regarding the memorandum will be forthcoming.

# SUPERSEDED

ICE 2012FOIA02544.001346



U.S. Department of Homeland Security  
425 I Street, NW  
Washington, DC 20536



**U.S. Immigration  
and Customs  
Enforcement**

JUN 09 2008

MEMORANDUM FOR: Field Office Directors

FROM: Gary E. Mead  
Acting Director

SUBJECT: Prioritized Monthly Fugitive Operations

Purpose:

On February 25, 2002, the National Fugitive Operations Program (NFOP) was established, making the arrest of fugitives a priority within the Department of Homeland Security. The primary mission of NFOP is to identify, locate, arrest, process and remove fugitive aliens from the United States, with the highest priority placed on those fugitives who have been convicted of crimes. In order to meet our established goals, it is necessary to employ a variety of methods, techniques and strategies. To this end, effective immediately, Field Offices will be required to conduct at least one operation per month targeting a minimum of 100 ICE fugitive aliens. To assist the Field Offices in this endeavor, Headquarters will provide a list of potential targets focusing on Priority I-IV. The Field Offices will be asked to supply the remainder of the targets.

Discussion:

Fugitive cases are prioritized according to the following criteria:

- I. Fugitives that pose a threat to national security
- II. Fugitives that pose a threat to the community
- III. Fugitives that convicted of violent crimes
- IV. Fugitives with criminal records
- V. Fugitive that are non-criminals

Reporting Requirements:

Operational reporting requirements set forth in the attached August 3, 2007 memorandum entitled *Delegation of Authority and Standardization of the National Fugitive Operations Program (NFOP) Operational Plans* have not changed and shall be adhered to.

**SUPERSEDED**

U.S. Department of Homeland Security  
425 I Street, NW  
Washington, DC 20536



**U.S. Immigration  
and Customs  
Enforcement**

AUG 03 2007

MEMORANDUM FOR: Field Office Directors  
FROM: *for* *Deborah Acli*  
John P. Torres  
Director  
Office of Detention and Removal Operations (DRO)  
SUBJECT: Delegation of Authority and Standardization of the National  
Fugitive Operations Program (NFOP) Operational Plans

**Purpose**

This memorandum serves to delegate approval authority to Field Office Directors (FODs) for certain NFOP Operational Plans conducted within their Field Office Area of Operational Responsibility (AOR). In addition, this memorandum serves to establish the differences between Headquarters-driven (HQ) enforcement initiatives and those initiated at the Field Office level. This memorandum also serves to introduce a new standardized operational plan that supersedes the previous operational plan format.

Pursuant to this memorandum, all future Fugitive Operations Team (FOT) operations will be classified as either Field Office initiated operations or HQ-approved operations. Both Field and HQ operations will utilize the new HQ-generated standardized form-fillable operational plan. (See attached)

**Standardized Operational Plan**

The new standardized operational plan will be used in place of all other operational plan formats currently in use. This operational plan will be used for all HQ-approved and Field Office-initiated operations.

The standardized plan ensures that all pertinent areas of concern are addressed prior to the commencement of an operation. It establishes uniformity and consistency for the planning and implementation of DRO enforcement initiatives. The form-fillable feature is user-friendly and ensures that operational plans are accurate and complete.

At least two weeks prior to the commencement of all Field Office-initiated and/or HQ-approved operations, a copy of the operational plan must be forwarded to the Detention Operations Coordination Center (DOCC) for concurrence.

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~~LAW ENFORCEMENT SENSITIVE~~

**SUPERSEDED**

ICE 2012FOIA02544.001348

Subject: Delegation of Authority & Standardization of NFOP Operational Plans  
Page 2

## HQ Approved Operations

HQ-approved operations shall include operations where (1) targeted enforcement actions extend beyond a Field Office's AOR; (2) a target or target list is expected to draw significant media or departmental attention, which, for example, may consist of operations concerning sensitive targets, a public official, a political candidate, or a religious or political organization, or requests made by foreign governments; or if (3) HQ generates and distributes target lists to FOTs and drives the planning of a large scale operational surge.

A copy of the signed operational plan indicating DOCC concurrence, for all operational plans meeting the above criteria must be forwarded to HQ via the HQDRO, FUGOPS mailbox, at least seven business days prior to the commencement of the operation.

For reporting purposes, all arrest statistics must be entered into FCMS as "HQ" Operations from the "Operation" drop down menu (i.e., "HQ Return to Sender", "HQ Cross Check", "HQ Secure Streets"). During a Headquarters approved operation, an Enforcement Activity Report (see attached) must be sent to the HQDRO, FUGOPS mailbox by midnight each day, reporting that day's arrests. In addition, an Enforcement Activity Report accounting for all arrests conducted during the operation must be sent to the HQDRO, FUGOPS mailbox at the conclusion of the operation.

As stated in the September 29, 2006, memorandum entitled, *Fugitive Case Management System Reporting and the 1,000 Arrest Annual Goal for Fugitive Operations Teams*, collateral arrests made during HQ-approved operations will continue to count toward the 1,000 arrest per team AOR goal.

Pre-operation Significant Prospective Action Reports (SPEARs), Assistant Secretary (AS) Notes or post-operation Significant Event Notifications (SENs) will not be required for HQ approved operations. AS Notes and SENs will only need to be submitted if events or incidences occur that warrant their generation in accordance with established policy and procedures.

## Field Office-Initiated Operations

Field Office-driven enforcement initiatives are those efforts conceived and driven at the local level, which target ten or more ICE fugitives per FOT per day. A local operational plan, utilizing the new standardized format, must be generated prior to the execution of the initiative. The authority to approve a Field Office-level operational plan is hereby delegated to the FOD.

All Field Office-initiated operations must be conducted under the auspices of Operation Return to Sender, Operation Secure Streets and Operation Cross Check. Operational plans generated and approved by the field, must take place within that Field Office's AOR.

A copy of the signed operational plan indicating with DOCC concurrence, must be forwarded to HQ via the HQDRO, FUGOPS mailbox, at least seven business days prior to the commencement of the operation.

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~~LAW ENFORCEMENT SENSITIVE~~

# SUPERSEDED

Subject: Delegation of Authority & Standardization of NFOP Operational Plans  
Page 3

For reporting purposes, all arrest statistics must be entered into FCMS as "Field" Operations from the "Operation" drop down menu (i.e., "Field Return to Sender", "Field Cross Check", "Field Secure Streets"). During a Field Office-initiated operation, an Enforcement Activity Report must be sent to the HQDRO, FUGOPS mailbox by midnight each day, reporting on that day's arrests. In addition, an Enforcement Activity Report accounting for all arrests conducted during the operation must be sent to the HQDRO, FUGOPS mailbox at the conclusion of the operation.

As stated in the September 29, 2006, memorandum, only those Collateral arrests made during a HQ approved operation will count toward the 1,000 arrest per team AOR goal.

SPEARs, AS Notes, or post-operation SEN will not be required for Field Office-initiated operations. AS Notes and SENs will only need to be submitted if events or incidences occur that warrant their generation in accordance with established policy and procedures.

~~FOR OFFICIAL USE ONLY~~  
~~LAW ENFORCEMENT S~~

# SUPERSEDED

# SUPERSEDED

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



## U.S. Immigration and Customs Enforcement

MEMORANDUM FOR: Field Office Directors  
Deputy Field Office Directors FEB 04 2009

FROM: James T. Hayes, Jr.  
Director

SUBJECT: Prioritized Monthly Fugitive Operations

A handwritten signature in black ink, appearing to read "James T. Hayes, Jr.", located to the right of the "FROM:" field.

### Purpose

The purpose of this memorandum is to establish the requirement that each Fugitive Operations Team (FOT) conduct at least one Headquarters" approved operation per month targeting a minimum of 50 ICE fugitive aliens. All operations conducted pursuant to this directive shall be referred to as "major operations."

In addition to the required major operations, Field Offices are required to conduct a minimum of two multi-regional operations per year, targeting at least 250 ICE fugitive aliens. A multi-regional operation will include the areas of responsibility (AORs) of at least three (3) Field Offices. When conducting multi-regional operations, Field Offices shall ensure that FOTs are deployed within the operational areas in a manner that will ensure the greatest success of these operations.

This memorandum supersedes the directive issued in the June 9, 2008 memorandum entitled "Prioritized Monthly Fugitive Operations", which requires Field Offices to conduct at least one operation per month, targeting 100 ICE fugitive aliens. This memorandum also amends the 1,000 ICE fugitive aliens per year goal addressed in the directive issued September 29, 2006 entitled "*Fugitive Case Management System Reporting and the 1,000 Arrests Annual Goal for Fugitive Operations Teams.*"

To assist with these operations, the National Fugitive Operations Program (NFOP) will continue to provide lists of potential targets, focusing on Priorities J-IV. No less than 80% of the targets for both major operations and multi-regional operations shall be Priorities I-IV, absent prior approval from the Assistant Director, Enforcement.

# SUPERSEDED

ICE 2012FOIA02544.001351

# SUPERSEDED

## Discussion

Fugitive cases are prioritized according to the following criteria:

- I. Fugitives that pose a threat to national security
- II. Fugitives that pose a threat to the community
- III. Fugitives convicted of violent crimes
- IV. Fugitives with criminal records
- V. Fugitives that are non-criminals.

## Reporting Requirements

Operational reporting requirements set forth in the August 3,2007 memorandum entitled "*Delegation of Authority and Standardization of the National Fugitive Operations Program (NFOP) Operational Plans*" have not changed and shall be adhered to.

For inquiries regarding this issue, please contact NFOP Acting Unit Chief (b)(6), (b)(7)c at (202) 732-(b)(6), (b)(7)c (b)(6), (b)(7)c @associates.dhs.gov.

SUPERSEDED

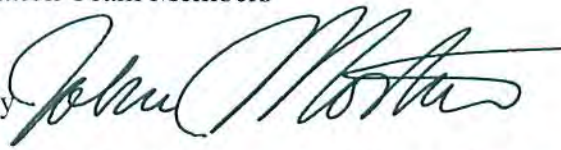
ICE 2012FOIA02544.001352



U.S. Immigration  
and Customs  
Enforcement

DEC 08 2009

MEMORANDUM FOR: Field Office Directors and  
All Fugitive Operation Team Members

FROM: John Morton  
Assistant Secretary 

SUBJECT: National Fugitive Operations Program: Priorities, Goals, and  
Expectations

Purpose

This memorandum serves to clarify the enforcement priorities of the National Fugitive Operations Program (hereinafter the program) within the Office of Detention and Removal Operations (DRO) and supersedes previously issued fugitive operations guidance. The existence and continuation of this program are essential to the integrity of the immigration and border controls. Good government is poorly served if, after much time and the expenditure of government resources, final orders of removal are ignored without consequence. Indeed, the sound administration of the nation's immigration system depends on an efficient, fair, and meaningful removal process. As a result, it is the clear policy of this agency that final orders of removal should be enforced and that those who knowingly disobey or evade a final order of removal should be apprehended and removed.

In order to ensure that the program's resources are used efficiently and as envisioned by Congress, it is the policy of this agency that the program focus on its core mission—the apprehension and removal of fugitive aliens.<sup>1</sup> In the interest of public safety and the rule of law, the program's resources may also be used to apprehend and remove (1) aliens who have been removed previously from the United States and then return illegally, and (2) criminal or otherwise dangerous aliens living at large in our communities. As a general rule, the program's resources should not be used to target other classes of removable aliens, although fugitive operations teams may apprehend and remove such aliens if encountered during normal operations.

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<sup>1</sup> A fugitive is any alien who has failed to leave the United States following the issuance of a final order of removal, deportation, or exclusion or has failed to report to ICE after receiving notice to do so.

### Enforcement Priorities

The following three tiers reflect, in order of priority, how fugitive operations teams should focus their resources. Teams must focus the vast majority of resources, at least 70%, on tier 1 fugitives. The remainder should be directed to tiers 2 and 3. The priorities within each tier are also listed below, with level I generally warranting more attention than level II, and so forth. These tiers and levels provide clear guidance to the field but should not be applied so rigidly as to undermine sound judgment when exceptions are warranted by circumstance.<sup>2</sup> Similarly, the tiers should not be so rigidly interpreted to prevent prioritizing an illegal reentrant with a serious criminal conviction over a fugitive with no criminal history.

#### Tier 1 Fugitive aliens

- I. Fugitives who pose a threat to national security
- II. Fugitives convicted of violent crimes or who otherwise pose a threat to the community
- III. Fugitives with a criminal conviction other than a violent crime
- IV. Fugitives with no criminal conviction

#### Tier 2 Previously removed aliens

- I. Previously removed aliens who pose a threat to national security
- II. Previously removed aliens convicted of violent crimes or who otherwise pose a threat to the community
- III. Previously removed aliens with a criminal conviction other than a violent crime
- IV. Previously removed aliens with no criminal conviction

#### Tier 3 Removable aliens convicted of crimes

- I. Aliens convicted of level 1 offenses, as defined for purpose of Secure Communities
- II. Aliens convicted of level 2 offenses, as defined for purposes of Secure Communities
- III. Aliens convicted of level 3 offenses, as defined for purposes of Secure Communities

With respect to non-criminal fugitive targets in Tier 1, level IV, the Fugitive Operations Support Center (FOSC) and teams should consider that aliens who are the subject of in absentia orders and aliens with pending applications for relief before U.S. Citizenship and Immigration Services are more likely to have viable motions to reopen. For that reason, resources—particularly detention resources—may be better focused on other targets, unless aggravating circumstances offset the possibility of reopening or prolonged proceedings.

To promote efficiency, teams are expected to focus resources on cases with the most current investigative leads, including cases with the most recently issued final orders as these are most

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<sup>2</sup> These guidelines and priorities are not intended to, do not, and may not be relied upon to create any right or benefit, substantive or procedural, enforceable at law by any party in any administrative, civil, or criminal matter.



likely to contain up-to-date contact information. These should be targeted as soon as possible to limit the opportunity for a fugitive to relocate. Teams are expected to act expeditiously if they receive current, time-sensitive leads.

As resources are best spent on cases with the freshest and most reliable leads, FOSC has created a cold case docket for those cases without any investigative leads in the past decade. FOSC will review the cold case docket twice a year to determine if new information has surfaced. New information may cause FOSC to conclude the case is resolved (for instance, because the case was reopened) or return it to the active fugitive docket (for instance, because of new information about the alien's location).

Teams will receive Fourth Amendment training every six months which will focus on the special considerations when apprehending fugitives at their home. Any team member with questions should consult his or her supervisors and consult with the Office of Chief Counsel. Team members are encouraged to engage in surveillance both to promote officer safety and increase the likelihood the team will encounter the targeted alien—rather than aliens who are not in the tiers above and would not otherwise have been the focus of limited government resources.

*If during the course* of operations teams encounter removable aliens, teams may place those aliens into removal proceedings, even if they are not in one of the three tiers. However, this should not detract attention away from the reason Congress mandated and funded fugitive operation teams—the apprehension and removal of fugitive aliens. In any event, detention resources shall be focused on aliens in the three tiers above and aliens subject to mandatory detention by law. Absent extraordinary circumstances, team members should not detain aliens who are physically or mentally ill, disabled, elderly, pregnant, nursing, or the sole caretaker(s) of children or the infirm. To detain aliens in those categories, team members must secure approval from the Field Office Director and send a significant event notice (SEN) to headquarters.

### Measuring Success

As apprehending and removing fugitives is the program's core mission, field offices' performance will be measured in part by the reduction in the fugitive docket and by compliance with priorities. Each field office and the FOSC should strive to reduce the pool of fugitives by 5% more in FY 2010 than it did in FY 2009. A field office may increase productivity—the reduction in the fugitive pool—by apprehending fugitives or otherwise resolving fugitive cases, even if no arrest is involved. This includes resolving cases by determining that a target has departed the country on his or her own or determining that the case was reopened or the target has since received an immigration benefit. Field offices should not feel such pressure to meet this goal that they lose focus on the priorities and sound use of resources. This goal does not constitute a quota; rather, this goal allows the teams to gage their productivity.

The field should not focus on numbers to the detriment of targeting and arresting the most egregious, violent offenders in their area of responsibility (AOR). To acknowledge the tiered prioritization above, DRO also will track fugitive arrests, by tier, using EARM/FCMS/TECS. Arrests will be separated by tiers, criminal and non-criminal arrests, and indictments and

convictions attributed to teams during operations. This system will credit teams for locating high priority aliens, even if those cases require more time to investigate and close.

Field offices are expected to focus not simply on the apprehension of aliens, but also on their removal. Headquarters will evaluate removals in addition to the metrics above. When fugitives are taken into custody, officers should pay attention to lawful avenues to secure the person's travel documents to reduce detention times and facilitate removal.

#### Field and National Operations

Field offices have the discretion to conduct operations to advance the program's priorities and accomplish the goal of reducing the fugitive pool. Field offices are encouraged to participate in Operation Cross Check and Operation Secure Streets in collaboration with local United States Attorney's offices. These operations are important as they identify criminal aliens who fall within the three tiers above. Field offices also will be called on to participate in national and strategic headquarters-driven operations. Major operations, whether driven by the field or headquarters, will be coordinated with the Office of the Principal Legal Advisor.

#### Building Partnerships

Field Office Directors and team members are encouraged to maintain and build positive relationships with federal, state, local, and tribal law enforcement agencies in their AOR. This includes information sharing, consistent with law and policy. Team members are encouraged to advise, and cooperate with, local law enforcement partners when conducting operations. Field Office Directors will coordinate with any local participants in the task force model of the 287(g) program to share information and avoid duplication of efforts.

Field Office Directors also are expected to build relationships with community groups to identify and address concerns about the conduct of fugitive operations. Allegations of misconduct and wrongdoing are referable to the Joint Intake Center (JIC).

**From:** [redacted]  
**To:** [redacted] (b)(6), (b)(7)c  
**Cc:**  
**Subject:** Raleigh CCR Case Activity 03/16/2012  
**Date:** Friday, March 16, 2012 3:55:04 PM  
**Importance:** High

---

The following CCR subject was **arrested** during field operations in Raleigh today:

No.	Unique Key	Name
[redacted]	(b)(6), (b)(7)c	NTA issued/detained

Additionally, the following updates relate to the respective CCR Case Number:

No.	Unique Key	Name
-----	------------	------

[redacted] (b)(6), (b)(7)(C)

[redacted] (b)(6), (b)(7)c  
DHS-ICE-ERO Fug Ops  
Raleigh, NC  
(919) 856 [redacted] (b), (b) office  
(919) 856-4406 fax

---

**From:** [redacted] (b)(6), (b)(7)c  
**Sent:** Thursday, March 15, 2012 12:01 PM  
**To:** [redacted] (b)(6), (b)(7)c  
**Cc:**  
**Subject:** Raleigh CCR Case Activity 03/15/2012  
**Importance:** High

The following CCR subjects were **arrested** during field operations in Raleigh today:

No.	Unique Key	Name
[redacted]	(b)(6), (b)(7)c	admin removal
[redacted]	(b)(6), (b)(7)c	admin removal

Additionally, the following updates relate to the respective CCR Case Number:

[redacted] (b)(6), (b)(7)(C) Subject's a-file [redacted] (b)(6), (b)(7)(C) was received from the NRC today and reviewed. Every document in it indicates that **subject is a U.S. citizen** born in Beesville, Texas. A detainer was lodged erroneously by the Wake County 287 office following his arrest.

[redacted] (b)(6), (b)(7)c The NC Dept. of Correction and the NC Administrator of Courts have two addresses for subject from May of 2010. DMV records are negative. [redacted] (b)(7)e records by name/dob & both addresses are negative. [redacted] (b)(7)e checked current and historical records and has no listing for subject at either address. Both Allgood and Bergman Property Management

companies (for each respective address) were visited on 03/14/12 and have no record for subject at either address. Durham County Probation Office indicates that subject was released from probation in July of 2011. Their records indicate no employment, no relatives and no phone number. According to the officer, the only information in their system is an address that corresponds with the one on file with the Administrator of Courts, the subject's name and the subject's dob. **No additional leads.**

(b)(6), (b)(7)c  
DHS-ICE-ERO Fug Ops  
Raleigh, NC  
(919) 856-5, (b) office  
(919) 856-4406 fax

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**From:** (b)(6), (b)(7)c  
**Sent:** Tuesday, March 13, 2012 3:56 PM  
**To:** (b)(6), (b)(7)c  
**Cc:** (b)(6), (b)(7)c  
**Subject:** RE: Raleigh CCR Case Activity 03/13/2012

**Issued A# and disposition for aforementioned CCR arrests:**

No.	Unique Key	Name
-----	------------	------

(b)(6), (b)(7)c		
-----------------	--	--

(b)(6), (b)(7)c  
DHS-ICE-ERO Fug Ops  
Raleigh, NC  
(919) 856-5, (b) office  
(919) 856-4406 fax

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**From:** (b)(6), (b)(7)c  
**Sent:** Tuesday, March 13, 2012 3:30 PM  
**To:** (b)(6), (b)(7)c  
**Subject:** RE: Raleigh CCR Case Activity 03/13/2012

(b)(6), (b)(7)c

When you guys arrest these aliens can you provide the A-numbers for the cases that didn't previously have one, and the processing disposition (e.g. NTA / OREC, NTA / \$10,000 Bond, I-851, I-871)?

Thanks,

(b)(6), (b)(7)c SDDO  
Fugitive Operations / Firearms  
Atlanta DHS / ICE / ERO  
(404) 893-6, (b)(

---

**From:** (b)(6), (b)(7)c  
**Sent:** Tuesday, March 13, 2012 1:33 PM  
**To:** (b)(6), (b)(7)c  
**Cc:** (b)(6), (b)(7)c  
**Subject:** Raleigh CCR Case Activity 03/13/2012

The following CCR case was arrested this morning:

**No. Unique Key Name**

(b)(6), (b)(7)c

Locate attempts were conducted with negative results for:

**No. Unique Key Name**

(b)(6), (b)(7)c

(b)(6), (b)(7)c  
DHS-ICE-ERO Fug Ops  
Raleigh, NC  
(919) 856-6, (b)(7)c office  
(919) 856-4406 fax

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**From:** (b)(6), (b)(7)c  
**Sent:** Monday, March 12, 2012 4:14 PM  
**To:** (b)(6), (b)(7)c  
**Cc:** (b)(6), (b)(7)c  
**Subject:** Raleigh CCR Case Arrests (2nd Batch) 03/12/2012  
**Importance:** High

The following CCR cases were arrested at their residences today during field operations conducted by the Raleigh FOT:

**No. Unique Key Name**

(b)(6), (b)(7)c

(b)(6), (b)(7)c  
DHS-ICE-ERO Fug Ops  
Raleigh, NC  
(919) 856-6, (b)(7)c office  
(919) 856-4406 fax

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**From:** (b)(6), (b)(7)c  
**Sent:** Friday, March 09, 2012 7:37 PM  
**To:** (b)(6), (b)(7)c  
**Cc:** (b)(6), (b)(7)c

**Subject:** Comprehensive Case Analysis and Review - NC & SC Cases (2nd Batch)

**Importance:** High

All,

The below cases appear to be amenable to arrest by ICE and indications are that these cases are within the CHL, CLT, RAL and GRN areas of responsibility. This is the second of several emails that you will receive with case referrals from the new SC case review tasking. **There is no need for you to update the attached spreadsheet, however, you will need to update me and ATL Taskings (ATL-ERO-Taskings in Outlook) on the status / outcome of each case.** A simple email with the pertinent information will suffice. Please include the **Case Number** (column A on the attached spreadsheet; also listed below) on all emails.

**The information below was identified during the case review, however, this does not mean it is all inclusive or that it has been confirmed. Your officers should conduct their own record checks to verify the alienage / removability of each individual and then make efforts to locate and arrest any valid targets.** Should you determine that any of these cases are not amendable to removal for whatever reason, please advise me and ATL Taskings via email with the pertinent information on your findings.

As I'm sure you already know, this tasking is one of our highest priorities at the moment. You should note in the below tasking that these cases may be arrested during Operation Cross Check III, however, it is not preferable to delay action on these cases solely for this purpose. Thanks.

## **NORTH CAROLINA:**

- (b)(6), (b)(7) EWI; Mexico; DUI conviction; 2009 Assault on Child and Resisting Officer arrest in Newton; possible address in **Newton** per Clear.
- (b)(6), (b)(7)c EWI; Mexico; I-485 denied in 2005; Assault w/ Deadly Weapon conviction in Winston-Salem in 2004; possible addresses in **Winston-Salem** and **Clemmons** per Clear.
- (b)(6), (b)(7) EWI; Mexico; Assault on Female and Violation of Domestic Viol Protective Order convictions in **Durham** in 2010.
- (b)(6), (b)(7)c EWI; Mexico; Convictions for Assault by Pointing a Gun, MJ Poss, Probation Viol, Concealed Weapon, and B&E; I-130 approved in 2004; Possibly in **Raleigh** area.
- (b)(6), (b)(7) EWI; Mexico; Larceny conviction in 2011 in **Cumberland County, NC**; Should be on probation for another two months.
- (b)(6), (b)(7) EWI; Mexico; Injury to Property conviction in **Durham** 2011; Arrest for Assault on Female (dismissed; likely part of plea to Property conviction).
- (b)(6), (b)(7) EWI; Mexico; PWID MJ and Poss Drug Paraphernalia convictions in Goldsboro, NC (1995, 2007); Child Abuse arrest in **Goldsboro** 2011 (dismissed).

- (b)(6), (b)(7) EWI; Mexico; Convictions for PWISD MJ, Resisting Officer, and Poss / Manufacture Fraud ID in **Beaufort County** (2010, 2011).

## SOUTH CAROLINA:

- (b)(6), (b)(7) EWI; Mexico; Assault and DUI convictions; Arrested 2011 in **Savannah, GA** for DWOL; Possible address in **Garden City, GA** per Clear.
- (b)(6), (b)(7)c EWI; Mexico; I-485 denied in 2005; Convictions for Receiving Stolen Goods, Disorderly Conduct, Poss of Cocaine; Arrests for Commit Lewd Act on Child and Child Cruelty; Arrested 2011 in **Travelers Rest, SC** for DWOL; Possible address in **Greenville County, SC** per Clear.
- (b)(6), (b)(7)c EWI / TPS; El Salvador; **Active TPS**; Convicted of Misdemeanor Domestic Violence in Greenville County, SC 2008; Arrested 2011 in **Greenville County** for Traffic / Failure to Appear (no disp in NCIC); If convicted for 2011 arrest, TPS should be revoked and alien placed in removal proceedings. Further investigation warranted.
- (b)(6), (b)(7) EWI; Mexico; Poss Controlled Substance conviction in Texas 2004; 2007 Domestic Viol arrest; Arrested for DWOL on 9/17/10 (Spartanburg, SC) and 1/16/11 (SC Hwy Patrol); Appears to be outstanding warrant in **Spartanburg, SC** for Unauth Use of Vehicle (11/30/11).
- (b)(6), (b)(7) Status unclear; Mexico; This case requires further investigation. Arrest in **Spartanburg, SC** for Suspended License in 2011; Possible address in **Moore, SC** per Clear. There are some identity questions on this case: The FIN on the spreadsheet leads to (b)(6), (b)(7)c who appears to be a prior deport, however, the (b)(6), (b)(7)c in CIS differs from the spreadsheet. Possible convictions for Resisting Officer, DUI, and Assault. The (b)(6), (b)(7)c on the spreadsheet leads to the same name on the spreadsheet with a different FIN in US Visit, however, the photos from both FINs indicate it may be the same person. Further investigation warranted.

(b)(6), (b)(7)c SDDO  
 Fugitive Operations / Firearms  
 Atlanta DHS / ICE / ERO  
 (404) 893-6, (b)

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**From:** (b)(6), (b)(7)c  
**Sent:** Thursday, March 08, 2012 9:54 PM  
**To:** (b)(6), (b)(7)c  
 (b)(6), (b)(7)c  
**Cc:** (b)(6), (b)(7)c  
**Subject:** Comprehensive Case Analysis and Review - NC & SC Cases (1st Batch)  
**Importance:** High

All,

Attached is the new SC case tasking spreadsheet (3/6/12 edition) in case you need to

reference it. SDDO (b)(6), (b)(7)c has an updated spreadsheet she can send you tomorrow with additional information that you may find helpful.

Atlanta Fug Ops is currently reviewing the entire SC list, conducting record checks to complete the below tasking, and making preliminary determinations on the likely locations of any viable targets for arrest or other action. The below cases appear to be amenable to arrest by ICE. **There is no need for you to update the attached spreadsheet, however, you will need to update me and ATL Taskings (ATL-ERO-Taskings in Outlook) on the status / outcome of each case.** A simple email with the pertinent information will suffice. Please include the **Case Number** (column A on the attached spreadsheet; also listed below) on all emails.

Below are summaries of the cases which we believe are likely in your areas of responsibility. This is the first of several emails that you will receive over the next few days. **The information below was identified during the case review, however, this does not mean it is all inclusive or that it has been confirmed. Your officers should conduct their own record checks to verify the alienage / removability of each individual and then make efforts to locate and arrest any valid targets.** As I'm sure you already know, this tasking is one of our highest priorities at the moment. You should note in the below tasking that these cases may be arrested during Operation Cross Check III, however, it is not preferable to delay action on these cases solely for this purpose. Thanks.

## **NORTH CAROLINA:**

- (b)(6), (b)(7)c EWI, Mexico, Simple Assault conviction, possibly in **Durham**, NC area.
- (b)(6), (b)(7)c EWI, Mexico, DWI conviction, possibly in **Durham**, NC area.
- (b)(6), (b)(7)c EWI, Mexico, DWI conviction, possibly in **Selma**, NC area.
- (b)(6), (b)(7)c EWI, Mexico, DWI and Drug Possession convictions, possibly in **Asheville**, NC area.
- (b)(6), (b)(7)c EWI, Mexico, DWI (x2) and Comm. Threats convictions, possibly in **Johnston County**, NC area.
- (b)(6), (b)(7)c Overstay, Colombia, Larceny and Poss. Stolen Goods convictions, possibly in **Raleigh**, NC area.
- (b)(6), (b)(7)c EWI / (b)(6), (b)(7)c El Salvador, DUI conviction, possibly in **Greensboro**, NC area. (b)(6), (b)(7)(C), but there is a 1/15/11 charge w/o dispo in NCIC for Conspiracy to Sell/Delivery Cocaine – along with DUI, the (b)(6), (b)(7) should be revoked if convicted.
- (b)(6), (b)(7)c EWI, Mexico, Poss. Drug Paraphernalia conviction, possibly in **Raleigh**, NC area.
- (b)(6), (b)(7)c **Possible USC**, Cocaine conviction, Currently in **NC DOC custody** – CAP should interview to determine citizenship.
- (b)(6), (b)(7)c **Possible USC**, Alien Smuggling (x2), Prob Viol, Larceny, Injury to Property, and Trafficking MJ convictions, possibly in **Raleigh**, NC area. All criminal history indicates born in Texas, but subject does have an



A#. Appears to be multiple A#s in history and multiple names (may or may not be same person). Further investigation warranted.

- (b)(6), (b)(7)c EWI, Liberia, Employ. Security Viol, Driver Lic. Revoked (x2), Driving While Lic. Revoked, and Reckless Driving convictions, possibly in **Raleigh, NC** area.
- (b)(6), (b)(7)c Reentry, Mexico, Fraud Docs, Hit & Run, Battery, and DUI convictions, possibly in **Asheville, NC** area.
- (b)(6), (b)(7) EWI, Mexico, DUI conviction, possibly in **Carthage, NC** area.
- (b)(6), (b)(7) EWI, Mexico, PWISD Marijuana, DWI, and Obstructing Justice conviction, possibly in **Asheville, NC** area.
- (b)(6), (b)(7) EWI, Mexico, Forgery conviction, possibly in **Montgomery Co, NC** area.
- (b)(6), (b)(7) EWI, Mexico, DWI, Unauthorized Use Motor Vehicle, and Maintaining Dwelling for Controlled Substance convictions, possibly in **Raleigh, NC** area.
- (b)(6), (b)(7) EWI, Mexico, DWOL conviction, many other arrests (B&E, larceny, resisting officer, child restraint viol.), possibly in **Raleigh, NC** area.
- (b)(6), (b)(7)c EWI, Mexico, Larceny conviction, possibly in **Asheville, NC** area.
- (b)(6), (b)(7) EWI, Mexico, Poss. Drug Paraphernalia conviction, possibly in **Winston-Salem, NC** area.
- (b)(6), (b)(7) EWI, Mexico, DWI conviction, possibly in **Durham, NC** area.
- (b)(6), (b)(7) EWI, Mexico, Unauthorized Practice of Law conviction, possibly in **Newton, NC** area.
- (b)(6), (b)(7) EWI, Mexico, Altered Tag conviction, Assault arrest, possibly in **Raleigh, NC** area.
- (b)(6), (b)(7) EWI, Mexico, DWI conviction, possibly in **Wilmington, NC** area.
- (b)(6), (b)(7) EWI, Mexico, Carrying Concealed Weapon conviction, possibly in **Durham, NC** area.
- (b)(6), (b)(7) EWI, Mexico, Assault on Female, B&E, Resisting Officer, and DWLR convictions, possibly in **Winston-Salem, NC** area. Active probation in NC.
- (b)(6), (b)(7) EWI, Mexico, Assault on Female conviction, possibly in **Hillsborough / Chapel Hill, NC** area.

## **SOUTH CAROLINA:**

- (b)(6), (b)(7) EWI, Mexico, Disorderly Conduct and Larceny convictions, possibly in **Greenville, SC** area.
- (b)(6), (b)(7) EWI, Mexico, Indecent Exposure, Hindering Officers, and DUI convictions, possibly in **Greer, SC** area.
- (b)(6), (b)(7) EWI, Mexico, DWOL conviction, Shoplifting arrest; possibly in **Savannah, GA** area.
- (b)(6), (b)(7)c Entry as (b)(6), (b)(7) in 2002, Removal Order in 2008, Bahamas, DUI conviction, possibly in **St. Marys / Brunswick, GA** area.

- (b)(6), (b)(7)c Unknown entry, Mexico, Poss of Drug Paraphernalia and DWOL convictions, possibly in **Rutherford Co. / Spartanburg, SC** area.
- (b)(6), (b)(7)c EWI, Mexico, Domestic Viol, DUI, False Info convictions, Concealed Weapon arrest, possibly in **Greenville, SC** area.
- (b)(6), (b)(7)c B2 Overstay, Hungary, Forgery conviction, possibly in **Beaufort, SC** area.
- (b)(6), (b)(7) EWI, Mexico, Domestic Violence and Public Drunk convictions, possibly in **Hanahan / N. Charleston / Mt. Pleasant, SC** areas. Active warrant for Domestic Violence from Hanahan, SC.
- (b)(6), (b)(7) EWI, Mexico, DUI (x2), DWOL, and Open Container convictions, Sex Conduct w/ Minor arrest, possibly in **Greenville, SC** area. Active warrant in Greenville.
- (b)(6), (b)(7) EWI, Mexico, DUI, Poss of Cocaine, DWOL, and Suspended License convictions, possibly in **Hanahan, SC** area. Was sentenced 12 (b)(6), (b)(7) 11 to 9 months jail (upon reporting); might currently be in jail or may have not reported as ordered. Further investigation needed.

(b)(6), (b)(7)c  
 Fugitive Operations / Firearms  
 Atlanta DHS / ICE / ERO  
 (404) 893-55, (b)(6), (b)(7)c

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**From:** ERO Taskings  
**Sent:** Tuesday, March 06, 2012 5:10 PM  
**Subject:** Comprehensive Case Analysis and Review  
**Importance:** High

*The following message is being sent on behalf of Marc Rapp, Acting Assistant Director for Law Enforcement Systems and Analysis, and approved by David J. Venturella, Assistant Director for Field Operations:*

**To:** Field Office Directors and Deputy Field Office Directors

**Subject:** Comprehensive Case Analysis and Review

**Due date:** Daily updates, with completion required by close of business, Wednesday, March 22, 2012

All Field Offices are required to provide a comprehensive analysis of the cases identified within the attached spreadsheet entitled "Comprehensive Case Review Tasking FINAL". The first tab of the attached spreadsheet includes the instructions and specifies the required fields that must be populated. These instructions have been updated since the last Tasking, so please review carefully.

**The required analysis will include documenting the current status of the case, historical data related to the processing of the case and identifying if any enforcement action is**

**warranted.** All the subjects in this group are convicted criminals and may be used as cases for the upcoming Operation Cross Check III. Cross Check has been added as a value in the “Type of Enforcement Action” field. As Executive Associate Director Mead stated, there may be various reasons why no enforcement action was taken and this is an effort to ensure those reasons are documented. **As part of this tasking, any information missing from ICE Enforcement applications (e.g., EABM, EARM, CES, etc.) must be updated and appropriate enforcement actions should be executed.**

Please maintain the format of the spreadsheet, complete all fields as instructed and utilize the provided drop down fields where available to ensure the integrity of the data for HQ analysis. **Each AOR’s consolidated spreadsheet must be submitted by close of business daily, until all required information is populated.** All daily submissions should be emailed to the Data Quality and Integrity mailbox (b)(7)e. We encourage Field Office personnel to reach out to their HQ DQ&I point of contact with any questions or concerns:

- (b)(6), (b)(7)c (202-732-(b)(6), (b)(7)c) -- CHI, DEN, DET, HOU, NEW, PHI
- (b)(6), (b)(7)c (202-732-(b)(6), (b)(7)c) -- ELP, NOL, PHO, SNA, SND, SFR
- (b)(6), (b)(7)c (202-732-(b)(6), (b)(7)c) -- ATL, BAL, BOS, MIA, SPM, WAS
- (b)(6), (b)(7)c 202-732-(b)(6), (b)(7)c -- BUF, DAL, LOS, NYC, SEA, SLC
- (b)(6), (b)(7)c (956-389-(b)(6), (b)(7)c) -- FOISC, ICE Academy

~~NOTICE: This communication may contain privileged or otherwise confidential information. If you are not an intended recipient or believe you have received this communication in error, please do not print, copy, retransmit, disseminate, or otherwise use this information. Please inform the sender that you received this message in error and delete the message from your system.~~

**From:** [REDACTED]  
**To:** [REDACTED] (b)(6), (b)(7)c  
**Cc:**  
**Subject:** RE: 287 g traffic encounters  
**Date:** Monday, August 16, 2010 4:04:38 PM  
**Attachments:** [287g Traffic Encounters.doc](#)

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Ok...

Attached is a draft response for your review and comment (not sure who it should be addressed to though-probably a few more things I overlooked but my eyes have had it). Based on our previous conversations it's very similar to the one we sent up on 7/14/10 (6 facilities then).

I've tweaked it a little it's still long because there are now 9 programs. Not sure if they wanted each broken down like this but that's what I have for now. If you want something else let me know. The whole memo is redundant because there are only so many ways to say the same thing for each location but it's the truth so...I'll take any guidance anyone has to give concerning this one.

I had Cobb County courts info and referred to that and I have no reason to believe based on what I know and what others have told me that there is any reason to believe that the traffic numbers for aliens is any higher than for anyone else. Gwinnett County is going to try and run some stats for me today/night but may not be able to get it done as this is due tomorrow.

Please advise.

Thanks,

[REDACTED] (b)(6), (b)(7)c

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**From:** [REDACTED] (b)(6), (b)(7)c  
**Sent:** Monday, August 16, 2010 11:03 AM  
**To:** [REDACTED]  
**Cc:** [REDACTED] (b)(6), (b)(7)c  
**Subject:** FW: 287 g traffic encounters

"FODs are requested to review the attachment and provide an explanation why any 287(g) MOA found within their AOR has a 20% or higher rate of traffic violations booked into a 287(g) JEO facility." "Please submit a memorandum to both the CAP HQ mailbox and CAP Staff Officer [REDACTED] (b)(6), (b)(7)c by COB on **August 17, 2010.**"

[REDACTED] (b)(6), (b)(7)c  
Deputy Director  
Atlanta Field Office (GA, NC & SC)  
Detention and Removal Operations  
Department of Homeland Security  
U. S. Immigration and Customs Enforcement  
Office: (404) 893-[REDACTED] (b)(6), (b)(7)c

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**From:** [REDACTED] (b)(6), (b)(7)c  
**Sent:** Monday, August 16, 2010 10:51 AM  
**To:** [REDACTED] (b)(6), (b)(7)c

**Cc:** (b)(6), (b)(7)c

**Subject:** 287 g traffic encounters

*This message is being forwarded on behalf of Gregory J. Archambeault, Acting Assistant Director for Enforcement, and approved by Robin F. Baker, Acting Assistant Director for Field Operations:*

**To:** Field Office Directors and Deputy Field Office Directors (Atlanta, Baltimore, Dallas, Miami, and New Orleans)

**Subject:** 287(g) Traffic Encounters in Excess of 20%

**Background:**

Recently your offices conducted an analysis of the 287(g) programs within your AORs. It was found that several of the 287(g) Jail Enforcement Officer (JEO) programs had a high percentage of traffic arrests booked into their respective facilities. It is incumbent on ERO to provide programmatic oversight to the 287(g) program and therefore it is ERO's responsibility to be able to explain the high percent of cases booked for traffic offenses.

**Instructions:**

FODs are requested to review the attachment and provide an explanation why any 287(g) MOA found within their AOR has a 20% or higher rate of traffic violations booked into a 287(g) JEO facility. For example, a statistical analysis may find that arrests are commensurate area wide, or that there are specific state/local laws regarding encounters during traffic stops. Further arrest data analysis before and after 287(g) implementation may reveal similar arrest statistics. The list of the top 5 arrests before and after implementation may provide further explanation. Please submit a memorandum to both the CAP HQ mailbox and CAP Staff Officer (b)(6), (b)(7)c by COB on August 17, 2010.

If you have any questions regarding this message, please contact Headquarters CAP Staff Officers (b)(6), (b)(7)c at (202) 732-(b)(6), (b)(7)c or (b)(6), (b)(7)c at (202) 497-(b)(6), (b)(7)c or via e-mail.



**U.S. Immigration  
and Customs  
Enforcement**

August 17, 2010

MEMORANDUM FOR: James Chapparo  
Executive Associate Director  
Enforcement and Removal Operations

FROM: Felicia S. Skinner  
Field Office Director  
Atlanta, Georgia

SUBJECT: 287(g) Traffic Encounters

On August 16, 2010, the Atlanta Field Office was advised that nine 287(g) Jail Enforcement Officer (JEO) programs located within the Atlanta Field Office's Area of Responsibility (AOR) had a high percentage of traffic encounters booked into the facilities.

The Atlanta Field Office was instructed to provide an explanation why these 287(g) programs had a 20% or higher rate of traffic violations booked into the facility and then processed by the 287(g) JEO programs. The Atlanta Field Office has reviewed the statistical data, conducted a review of the identified 287(g) programs and obtained information from officials at each location concerning the number of traffic encounters that have been processed through the 287(g) program. Below is a synopsis of each program and the requested explanation.

Cobb County Sheriff's Office

Cobb County Sheriff Warren and the Cobb County 287(g) program administrators reported that their priority is to process all Level 1 and Level 2 offenders first and that as a matter of standard operating procedures, all Level 1 and Level 2 offenders are identified and processed before Level 3 offenders (aliens who have been convicted or arrested for other offenses), which includes traffic offenses. Cobb County Sheriff Warren stated that the Cobb County 287(g) program at his facility is adhering to the priorities identified in the Memorandum of Agreement (MOA) and all three levels of offenders, as identified in the MOA, are screened and processed for removal.

All persons arrested and booked into the Cobb County Jail are arrested by other local and state law enforcement agencies in the county, not the Cobb County Sheriff Office, as the Cobb County Sheriff's Office does not have a patrol division. The local and state agencies in the county constitute all of the persons booked into the Cobb County Jail, with the exception of fugitive cases.

Foreign-born persons arrested and booked into the Cobb County Jail by local police departments for Level 1, Level 2 or Level 3 offenses are all referred to the Cobb County 287(g) program during the intake process. The 287(g) officers conduct criminal history checks and

SUBJECT: 287(g) Traffic Encounters

immigration status checks on each foreign-born person to determine if the person is subject to removal from the United States. Race and/or ethnicity are not used to determine who does or who does not get screened as the only factor considered is place of birth. If a person is foreign-born, he/she is referred to the 287(g) program for screening purposes regardless of the priority level. If the person is determined to be removable from the United States he/she is processed for removal by the 287(g) officers.

The Cobb County Sheriff's and Cobb County Courts have reported that the majority of the arrests in Cobb County, GA are for traffic and low-level misdemeanors (Level 3 offenses) not Level 1 or 2 offenses. Therefore the percentage of traffic encounters processed through the Cobb County 287(g) program mirrors the overall charges in the county. The Atlanta Field Office was advised that there have always been more Level 3 offenders booked into the jail than Level 1s and 2s and that such cases are usually the majority of arrests at most jails in the United States. Cobb County reported that the 287(g) program has not changed the figures or percentage of traffic offenders they have encountered but the overall number of foreign-born persons booked into the jail has steadily declined since the implementation of the program.

It should be noted that violations of certain Georgia state laws require that foreign-born persons be reported to ICE. For instance, Georgia state law mandates that ICE be notified of all foreign-born persons that are charged with a felony, driving under the influence (DUI), driving without a license, and attempting to unlawfully get a driver's license. The mandatory notifications to ICE may be through an Immigration Alien Query (IAQ) or possibly Secure Communities at some facilities but at facilities with a 287(g) JEO program the foreign-born persons are referred to the 287(g) program at the jail and screened by the trained 287(g) officers. The Atlanta Field Office reviews each case for legal sufficiency, custody determinations and case management issues.

#### Hall County Sheriff's Office

Hall County Sheriff, Steve Cronic, has emphasized that his 287(g) officers are adhering to the priorities set forth in the MOA and carrying out their assigned duties in a lawful and consistent manner. The Hall County 287(g) JEO program screens all foreign-born persons booked into the jail during the in-take process and then prioritizes Level 1 and Level 2 offenders ahead of Level 3 offenders. However if resources permit, all offenders are processed for violations of the immigration laws.

Sheriff Cronic is sensitive to allegations of racial profiling and has met with the Latino community many times to explain the 287(g) program and the program does not target any particular race or ethnicity. The Sheriff has also emphasized that racial profiling will not be tolerated and has communicated with other Hall County police chiefs to ensure that everyone is committed to protecting the civil rights of all. The only factor that triggers a referral to the Hall County 287(g) considered is foreign place of birth.

Hall County also reported that the majority of people arrested and booked into the jail are charged with Level 3 offenses, including a lot of traffic offenses. The percentage of traffic misdemeanors processed through the 287(g) program is governed by those local charges. It should be noted that in addition to the Hall County Sheriff's Office other police agencies, including state police, routinely patrol the interstates, county highways and streets and respond to all types of calls. These agencies constitute a large portion of the persons booked into the Hall County Jail.

SUBJECT: 287(g) Traffic Encounters

Georgia state laws require that foreign-born persons arrested for certain violations be reported to ICE. For instance, Georgia state law mandates that ICE be notified of all foreign-born persons that are charged with a felony, driving under the influence (DUI), driving without a license, and attempting to unlawfully get a driver's license. The mandatory notifications to ICE may be through an Immigration Alien Query (IAQ) or possibly Secure Communities at some facilities but at facilities with a 287(g) JEO program the foreign-born persons are referred to the 287(g) program at the jail and screened by the trained 287(g) officers. The Atlanta Field Office reviews each case for legal sufficiency, custody determinations and case management issues.

#### Whitfield County Sheriff's Office

The Whitfield County Sheriff, Scott Chitwood, and his administrators believe that their 287(g) program is adhering to the priorities set forth in the MOA. The Whitfield County 287(g) program does prioritize Level 1 and Level 2 offenders ahead of Level 3 offenders, including traffic offenders however if resources allow, all foreign-born offenders are processed by the 287(g) officers. The Whitfield County 287(g) JEO program screens all foreign-born persons booked into the jail during the in-take process and then prioritizes Level 1 and Level 2 offenders ahead of Level 3 offenders.

Sheriff Chitwood is also sensitive to allegations of racial profiling and has met with the Latino community to explain the 287(g) program. The only factor that triggers a referral to the 287(g) program is a foreign place of birth.

The percentage of traffic misdemeanors processed through the 287(g) program is directly attributable to the charges that people are booked in on and the majority of the arrests in Whitfield County, GA, are for traffic and low-level misdemeanors (Level 3 offenses). It should be noted that in addition to the Whitfield County Sheriff's Office other police agencies, including state police, routinely patrol the interstates, county highways and streets and respond to all types of calls. These agencies constitute a large portion of the persons booked into the Whitfield County Jail.

Georgia state laws require that foreign-born persons arrested for certain violations be reported to ICE. For instance, Georgia state law mandates that ICE be notified of all foreign-born persons that are charged with a felony, driving under the influence (DUI), driving without a license, and attempting to unlawfully get a driver's license. The mandatory notifications to ICE may be through an Immigration Alien Query (IAQ) or possibly Secure Communities at some facilities but at facilities with a 287(g) JEO program the foreign-born persons are referred to the 287(g) program at the jail and screened by the trained 287(g) officers. The Atlanta Field Office reviews each case for legal sufficiency, custody determinations and case management issues.

#### Gwinnett County Sheriff's Office

The Gwinnett County Sheriff, Butch Conway, and the administrative staff at the jail ensured the Atlanta Field Office that their 287(g) program is adhering to the MOA and they prioritize Level 1 and level 2 offenders before level 3 offenders. It should be noted that the Gwinnett County Sheriff's Office has reported that the number of foreign-born Level 1 offenders has decreased significantly since the 287(g) program was implemented and they also reported that the overall number of foreign-born persons booked into and housed at the jail has also declined



SUBJECT: 287(g) Traffic Encounters

All persons arrested and booked into the Gwinnett County Jail are arrested by other local and state law enforcement agencies in the county, not the Gwinnett County Sheriff Office, as the Gwinnett County Sheriff's Office does not have a patrol division. The local and state agencies in the county constitute all of the persons booked into the Gwinnett County Jail, with the exception of fugitive cases.

The Gwinnett County 287(g) program operates in the same manner as other programs; foreign-born persons arrested and booked into the Gwinnett County Jail by local police departments for Level 1, Level 2 or Level 3 offenses are referred to the 287(g) program during the intake process. The 287(g) officers conduct criminal history checks and immigration status checks on each foreign-born person to determine if the person is subject to removal. Race and/or ethnicity are not used to determine who gets screened by the program as the only factor considered is place of birth. If the person is determined to be removable from the United States he/she is processed for removal by the 287(g) officers.

Sheriff Conway is also sensitive to allegations of racial profiling and he along with the Atlanta Field Office has communicated with the county and city police chiefs about the protection of civil rights for all.

The majority of the arrests in Gwinnett County, GA are for traffic and low-level misdemeanors (Level 3 offenses) not level 1 or 2 offenses. There may be a higher number of Level 1s and 2s actually housed at the jail but the booking figures reflect a higher percentage of Level 3 offenses. Most of the people booked in on Level 3 charges post bonds and are released back into the community unless there is an ICE detainer or the person is wanted by another agency. The percentage of traffic encounters processed through the Gwinnett County 287(g) program mirrors what the jail encounters on a regular basis and that is that there are more Level 3 offenses, including traffic offenses than there are Level 1 and Level 2 offenses.

Georgia state laws require that foreign-born persons arrested for certain violations be reported to ICE. For instance, Georgia state law mandates that ICE be notified of all foreign-born persons that are charged with a felony, driving under the influence (DUI), driving without a license, and attempting to unlawfully get a driver's license. The mandatory notifications to ICE may be through an Immigration Alien Query (IAQ) or possibly Secure Communities at some facilities but at facilities with a 287(g) JEO program the foreign-born persons are referred to the 287(g) program at the jail and screened by the trained 287(g) officers. The Atlanta Field Office reviews each case for legal sufficiency, custody determinations and case management issues.

#### Gaston County Sheriff's Office

The Gaston County Sheriff's Office reported that their 287(g) program consistently adheres to the priorities set forth in the MOA. Gaston County officials stated that they always prioritize Level 1 and Level 2 offenders but more Level 3 offenders, including traffic offenders, are booked into the jail on a routine basis and that even without the 287(g) program, the types of offenders that are booked into the facility would not change.

The Gaston County 287(g) JEO program screens all foreign-born persons booked into the jail during the in-take process. After prioritizing the cases, removable aliens are processed but in no case are Level 3 offenders (traffic-other) targeted or processed ahead of a Level 1 or Level 2 offender. Gaston County reports that it comes down to resources and if the resources to process all levels exist they will process all of them and let ICE ERO determine if they will assume custody after the charges are adjudicated or the alien is otherwise ready to released to the ICE

SUBJECT: 287(g) Traffic Encounters

Detainer. As with the other 287(g) programs in the Atlanta AOR, the only factor that triggers a referral to the 287(g) program is a foreign place of birth. It should be noted that in addition to the Gaston County Sheriff's Office other police agencies, including state police, routinely patrol the interstates, county highways and streets and respond to all types of calls. These agencies constitute a large portion of the persons booked into the Gaston County Jail.

The majority of the arrests in Gaston County, NC are for traffic and low-level misdemeanors (Level 3 offenses) not level 1 or 2 offenses. The percentage of traffic encounters processed through the Gaston County 287(g) program mirrors what the jail encounters on a regular basis and that is that there are more Level 3 offenses, including traffic offenses than there are Level 1 and Level 2 offenses. The Gaston County 287(g) program processes all removable aliens regardless of the offense level.

It should be noted that violations of certain North Carolina state laws require that foreign-born persons be reported to ICE. For instance, North Carolina state law mandates that ICE be notified of all foreign-born persons that are charged with a felony, driving under the influence (DUI) and driving without a license. The mandatory notifications to ICE may be through an Immigration Alien Query (IAQ) or possibly Secure Communities at some facilities but at facilities with a 287(g) JEO program the foreign-born persons are referred to the 287(g) program at the jail and screened by the trained 287(g) officers. The Atlanta Field Office reviews each case for legal sufficiency, custody determinations and case management issues.

#### Henderson County Sheriff's Office

The Henderson County Sheriff's Office officials stated that they always prioritize Level 1 and Level 2 offenders ahead of Level 3 offenders but the overall percentage of persons arrested and booked into the jail are being booked in on Level 3 offenses, including traffic offenses and all foreign-born persons' criminal history and immigration status is screened to determine if they have violated the immigration laws and subject to removal from the United States.

Henderson County stated that if they have the time and resources they will process all removable aliens, regardless of the offense level. Again the only factor that triggers a referral to the 287(g) program at Henderson County is a foreign place of birth. It should be noted that in addition to the Henderson County Sheriff's Office other police agencies, including state police, routinely patrol the interstates, county highways and streets and respond to all types of calls. These agencies constitute a large portion of the persons booked into the Henderson County Jail.

The majority of the arrests in Henderson County, NC are for traffic and low-level misdemeanors (Level 3 offenses) not level 1 or 2 offenses. The percentage of traffic encounters processed through the Henderson County 287(g) program mirrors what the jail encounters on a regular basis and that is that there are more Level 3 offenses, including traffic offenses than there are Level 1 and Level 2 offenses. The Henderson County 287(g) program processes all removable aliens regardless of the offense level.

North Carolina state laws require that foreign-born persons arrested for certain violations be reported to ICE. For instance, North Carolina state law mandates that ICE be notified of all foreign-born persons that are charged with a felony, driving under the influence (DUI) and driving without a license. The mandatory notifications to ICE may be through an Immigration Alien Query (IAQ) or possibly Secure Communities at some facilities but at facilities with a 287(g) JEO program the foreign-born persons are referred to the 287(g) program at the jail and

SUBJECT: 287(g) Traffic Encounters

screened by the trained 287(g) officers. The Atlanta Field Office reviews each case for legal sufficiency, custody determinations and case management issues.

#### Mecklenburg County Sheriff's Office

The Mecklenburg County Sheriff's Office was the first 287(g) program in the Atlanta AOR and has consistently prioritized cases based on the established MOA. Mecklenburg County officials reported that they prioritize Level 1 and Level 2 offenders ahead of Level 3 offenders, including traffic offenders, but they encounter more Level 3 and traffic offenders than they do Level 1 and Level 2 offenders. Since they encounter more traffic and Level 3 offenders their statistics reflect what they encounter. As with the other 287(g) programs; Mecklenburg County screens all foreign-born persons booked into the jail and if they have the staff to identify and process traffic offenders and other Level 3 offenders, they process them for removal based on their immigration violations.

In addition to the Mecklenburg County Sheriff's Office other local police agencies, including state police, routinely patrol the interstates, county highways and streets. These agencies constitute a large share of the persons booked into the Mecklenburg County Jail.

North Carolina state laws require that foreign-born persons arrested for certain violations be reported to ICE. For instance, North Carolina state law mandates that ICE be notified of all foreign-born persons that are charged with a felony, driving under the influence (DUI) and driving without a license. The mandatory notifications to ICE may be through an Immigration Alien Query (IAQ) or possibly Secure Communities at some facilities but at facilities with a 287(g) JEO program the foreign-born persons are referred to the 287(g) program at the jail and screened by the trained 287(g) officers. The Atlanta Field Office reviews each case for legal sufficiency, custody determinations and case management issues.

#### Alamance County Sheriff's Office

The Alamance County Sheriff's Office 287(g) program prioritizes cases based on the established MOA. They also reported that they encounter more traffic and other Level 3 offenders than they do Level 1 or Level 2 offenders. Alamance County reported that they are aware of the statistics and that their agency is not singling out any group or level of offender and that they consistently screen every foreign-born person that is booked into the jail. Alamance County reported that they routinely have the staff to identify and process all offender levels

In addition to the Alamance County Sheriff's Office other local police agencies, including state police, routinely patrol the interstates, county highways and streets. These agencies constitute a large share of the persons booked into the Alamance County Jail.

North Carolina state laws require that foreign-born persons arrested for certain violations be reported to ICE. For instance, North Carolina state law mandates that ICE be notified of all foreign-born persons that are charged with a felony, driving under the influence (DUI) and driving without a license. The mandatory notifications to ICE may be through an Immigration Alien Query (IAQ) or possibly Secure Communities at some facilities but at facilities with a 287(g) JEO program the foreign-born persons are referred to the 287(g) program at the jail and screened by the trained 287(g) officers. The Atlanta Field Office reviews each case for legal sufficiency, custody determinations and case management issues.

SUBJECT: 287(g) Traffic Encounters

### York County Sheriff's Office

York County officials also confirmed that they are fully aware of the need to prioritize Level 1 and Level 2 offenders ahead of Level 3 offenders however they too, cited that the majority of the persons booked into the jail, regardless of place of birth, are Level 3 offenders, including traffic offenders. The percentage of traffic encounters processed through the York County 287(g) program mirrors what the jail encounters on a regular basis and that is that there are more Level 3 offenses being booked into the facility. The York County 287(g) program processes all removable aliens regardless of the offense level.

York County reported that they are in compliance with ICE priorities as they focus on the more serious offenders first but the MOA does not exclude them from identifying and processing all levels and that's what they do if they have the time and resources. It should be noted that in addition to the York County Sheriff's Office other police agencies, including state police, routinely patrol the interstates, county highways and streets and respond to all types of calls.

### Summary

The Atlanta Field Office has worked diligently to develop each of these 287(g) programs and consistently provides each with guidance, supervision and training to effectively meet the goals of the 287(g) program and the mission of ICE ERO, which is to promote the public safety, national security and rule of law by ensuring the departure from the U.S. all removable aliens through the fair and effective enforcement of the nation's immigration laws.

The Atlanta Field Office has consistently emphasized the priorities cited in the MOAs and has worked hand-in-hand with each of these partner agencies to ensure they are complying with the MOA. Each of the 287(g) is conducting operations in compliance with the MOAs and prioritizing Level 1 and Level 2 offenders ahead of Level 3 offenders. While each of the agencies are prioritizing the most serious offenders first, each reported that the majority of people booked into the facilities are Level 3 offenders, including traffic offenders. IAQs have been reviewed and again there are more traffic and other Level 3 offenses being committed than there are Level 1 and Level 2 offenses. To not identify and process these foreign nationals increases the potential for harm to our communities and national security.

The number traffic cases and other Level 3 offenses may create an illusion that these agencies are not focusing on the more serious offenders first. Each and every one of the 287(g) agencies in the Atlanta AOR is prioritizing Level 1s and 2s first. Level 3 offenders, including traffic offenders, are processed if there are resources available to process them and they are processed for removal based on violations of the federal immigration laws not their local/state arrests.

As the top elected law enforcement officers in their counties, the sheriffs have communicated that they have a duty to protect the county residents from all potential harm or threats and that screening all foreign-born persons' criminal history and immigration status, regardless of the offense level, is necessary to ensure the public is protected. Many of the sheriffs cited Section I of the MOA that states that the purpose of the 287(g) program is, "...to enhance public safety and security of communities by focusing resources on identifying and processing for removal criminal aliens who pose a threat to public safety or a danger to the community."

SUBJECT: 287(g) Traffic Encounters

The sheriffs are committed to focusing on Level 1 and Level 2 offenders however each believes that DUI and other traffic offenses, including no driver's license coupled with speeding violations and no insurance, pose a threat to the public safety and security of their respective counties.

Selective enforcement of the immigration laws based solely on offense level has the potential to lead to charges that ICE, ERO and the sheriff's offices are not applying the nation's immigration laws in a consistent and fair manner. Additionally by identifying all foreign-born persons arrested, regardless of offense level, the ability to identify potentially dangerous aliens is greatly enhanced. For example: recently there were two cases encountered by the 287(g) programs at Hall County and Gwinnett County, GA, which highlight the importance of these programs.

#### Hall County

- (b)(6), (b)(7)c was arrested in Gainesville, GA on a bench warrant for driving with no license on 1 (b) 2010. (b)(6), (b)(7)c was presented for prosecution on 1/22/2010 to the SAUSA in the Northern District of Georgia for violation of 8 USC 1326(a) and (b)(2). The case was accepted the same date. Prior criminal history includes- 07/ (b) 999 – arrested in Gainesville, GA and charged with Child Molestation – convicted and sentenced to 10 years confinement.
- Alien was indicted by the grand jury on 2 (b) 2010 for one count of 8 USC 1326(a)(1) and (b)(2). Alien pled guilty to the charge on 3 (b) 2010. The subject was sentenced to 35 months confinement and 36 months supervised release in the Northern District Court of Georgia before Judge Batten on 5/ (b) /2010. Case Number (b)(6), (b)(7)(C)

#### Gwinnett County

- (b)(6), (b)(7)c as arrested in Lawrenceville, GA and charged with loitering and attempting to elude police. (b)(6), (b)(7)c was accepted for prosecution on 2/9/2010 by the SAUSA in the Northern District of Georgia for violation of 8 USC 1326(a) and (b)(2). Prior criminal history included – 06/ (b) 2005 arrest for burglary (2 cts) and entering an automobile with intent to commit theft – convicted and sentenced to 10 years confinement.
- Alien was indicted by grand jury on 3 (b) 2010. Alien pled guilty to the charge on 4 (b) 2010. The subject was sentenced to 60 months confinement and 36 months supervised release in the Northern District Court of Georgia before Judge Shoob on 6 (b) /2010. Case Number (b)(6), (b)(7)(C)

These are only two examples of the types of individuals and cases that are developed from arrests for Level 3 offenses, including traffic offenses, at 287(g) locations. There are other similar stories from other 287(g) locations as well. The sheriffs and the Atlanta Field Office believe that the 287(g) program is accomplishing the mission of making our communities safer for all.

SUBJECT: 287(g) Traffic Encounters

The Atlanta Field Office also believes that the 287(g) program is force multiplier for ICE and ERO. Without this authority all of the cases (Level 1s, 2s and 3s) would have to be screened by existing Criminal Alien Program (CAP) officers who are already identifying, processing and arresting aliens in the remaining 293 AOR counties that don't have the 287(g) program.

While the local 287(g) officers process removable aliens, the Atlanta Field Office determines whether or not the person is taken into custody by ICE ERO. Those decisions are made on a case-by-case review of the relevant factors such as criminal history, immigration history, risk/danger to the community, flight risk, mandatory detention regulations, ICE policies, ties to the community, potential relief from removal, acquisition of travel documents, available detention space, etc. At this time the Atlanta Field Office has sufficient detention space to manage various offender levels and supervisors are reminded to exercise discretion when custody decisions are made.

The Atlanta Field Office is committed to ensuring that each of the 287(g) programs in the AOR is in compliance with ICE policies and the signed MOAs. The recent addition of two Program Managers and the assigned Supervisory Detention and Deportation Officers and Deportation Officers (Team Leaders) will ensure that each partnership is operating as intended and meeting ICE's mission.

**From:** (b)(6), (b)(7)c  
**To:**  
**Subject:** RE: Detainer Tasking - RESPONSE  
**Date:** Wednesday, July 31, 2013 1:51:33 PM

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1. What, if any, challenges in implementing the new guidance and form have you experienced?

There were several challenges, the greatest challenge being the effect on our relationships with local LEAs and explaining to them why we are not placing detainees on cases as we had done previously. This resulted in a significant reduction in the number of IAQs received from the various jurisdictions. In the beginning, there was also a disconnect between the field and the after-hours command centers as they continued to lodge detainees on cases for which we were no longer placing detainees. This caused us to have to review those and release detainees on cases not fitting the specified criteria.

Since the issuance of the December guidance, have you created any local policies, procedures, supplemental guidance or training regarding the issuance of detainees? If so, please send a copy of the guidance or training materials with this response. Please also send any written guidance issued previously if it remains operative in your field office.

All guidance and policy clarification has been disseminated to the officers and agents via email and unit meetings. No local policies or procedures were created, and no training was conducted.

All CLT CAP officers were briefed and advised to consult their supervisor if there was a question as to if a detainee should be lodged.

2. Does your office routinely conduct interviews prior to issuing a detainee?

Charlotte CAP officers do conduct interviews prior to issuing detainees except in rare instances involving Secure Communities live scan responses where we have a positive ID. If there is an urgency and the alien is not immediately available for interview, a detainee may be lodged prior to interview.

- A. If interviews are routinely conducted, how are they completed, i.e., telephonically, in person, etc.?

Initial interviews are normally conducted via telephone and followed up with an in person interview.

- B. If interviews are not routinely conducted prior to issuing a detainee, what impediments prevent your offices from doing so?

Some facilities will not permit telephonic interviews. In some cases,

the facility is several hours from the office and the agent is not immediately available to travel to the facility prior to the subject paying a bond or otherwise securing release.

- C. If interviews are not routinely conducted prior to issuing a detainer, when are they conducted?

If an interview cannot be conducted prior to the issuance of a detainer, it is conducted as soon as possible, usually the same day, and this is only in the case of Secure Communities Live Scan responses where we have a positive ID.

(b)(6), (b)(7)c

SDDO Charlotte, NC

**From:** (b)(6), (b)(7)c  
**Sent:** Wednesday, July 31, 2013 1:35 PM  
**To:** (b)(6), (b)(7)c  
**Subject:** FW: Detainer Tasking  
**Importance:** High

(b)(6), (b)(7)c

Assistant Field Office Director  
Immigration Customs Enforcement  
Atlanta Field Office, Charlotte, NC

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**From:** (b)(6), (b)(7)c  
**Sent:** Wednesday, July 31, 2013 1:14 PM  
**To:** (b)(6), (b)(7)c  
**Subject:** FW: Detainer Tasking  
**Importance:** High

Speak now or forever hold your peace!

Thank you.

(b)(6), (b)(7)c

(b)(6), (b)(7)c  
Deputy Field Office Director  
Atlanta Field Office  
Ofc.: (404) 893-1347 (b)(6), (b)(7)c  
Fax.: (404) 893-1347  
(b)(6), (b)(7)c



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**From:** (b)(6), (b)(7)c  
**Sent:** Wednesday, July 31, 2013 1:09 PM  
**To:** (b)(6), (b)(7)c  
**Cc:**  
**Subject:** Detainer Tasking  
**Importance:** High

All,

(b)(6), (b)(7)c responses are the only ones we received for this tasking. Please review and advise if any additions or deletions are needed. Once we have a final draft, I will forward it to the FOD for review and approval. **Due to HQ by COB today.** Thanks.

1. What, if any, challenges in implementing the new guidance and form have you experienced?

Initially, the new guidance created confusion amongst some officers and agents regarding which cases could have detainers placed and which could not. This led to some aliens not having detainers placed when they should have, even under the new guidance. Mostly there was confusion over the "previous return", "border security" and "significant threat to public safety" sections of the new policy. The new guidance also created challenges in dealing with the local jails because it changed the types of cases ICE would accept from them. This has strained relationships and caused some jails to refer fewer cases as they may believe that ICE will not accept the aliens.

2. Since the issuance of the December guidance, have you created any local policies, procedures, supplemental guidance or training regarding the issuance of detainers? If so, please send a copy of the guidance or training materials with this response. Please also send any written guidance issued previously if it remains operative in your field office.

All guidance and policy clarification has been disseminated to the officers and agents via email and unit meetings. No local policies or procedures were created, and no training was conducted.

3. Does your office routinely conduct interviews prior to issuing a detainer?

We do not routinely conduct interviews prior to issuing detainers for Secure Communities cases, due to the limited jail custody times for many of these aliens, but this is more frequently done for long-term CAP prison cases.

- A. If interviews are routinely conducted, how are they completed, i.e., telephonically, in person, etc.?

Pre-detainer interviews are sometimes conducted via telephone (if permitted by the jail / prison) and sometimes conducted in person (when not facilitated by the jail / prison, or for local facilities which are close to our offices).

- B. If interviews are not routinely conducted prior to issuing a detainer, what impediments prevent your offices from doing so?

Often there is insufficient time to conduct an interview prior to issuing a detainer for Secure Communities cases, where the alien is frequently released from the jail within hours of his/her arrest due to the minor nature of the charges. In some instances the jails / prisons will not allow or assist us with telephonic interviews.

- C. If interviews are not routinely conducted prior to issuing a detainer, when are they conducted?

Some interviews are conducted prior to issuing a detainer; however, some are conducted after a detainer is issued, but before the alien comes into ICE custody, while others are conducted when the aliens are turned over to ICE. The latter instances often occur when aliens are released from local jails within hours of their arrest.

(b)(6), (b)(7)c

*Supervisory Detention and Deportation Officer  
Executive Response Unit / Training / OSH  
Atlanta ERO Field Office  
404-893- (b)(6), (b)(7)c desk)  
404-354- (b)(6), (b)(7)c cell)*

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**From:** (b)(6), (b)(7)c  
**Sent:** Monday, July 29, 2013 11:15 AM  
**To:** (b)(6), (b)(7)c  
**Cc:** (b)(6), (b)(7)c  
**Subject:** RE: Detainer Tasking

Please have your CAP supervisors provide their responses to the  
th

(b)(6), (b)(7)c

mailbox by COB on Tuesday, July 30 . Thanks.

(b)(6), (b)(7)c

*Supervisory Detention and Deportation Officer  
Executive Response Unit / Training / OSH  
Atlanta ERO Field Office  
404-893-[redacted] (desk)  
404-354-[redacted] (cell)*

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**From:** (b)(6), (b)(7)c  
**Sent:** Monday, July 29, 2013 11:05 AM  
**To:** [redacted]  
**Cc:** (b)(6), (b)(7)c  
**Subject:** RE: Detainer Tasking

The rest of the AoR should also provide input.

Looping in the rest of the AFODs.

Thank you.

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

(b)(6), (b)(7)c  
Deputy Field Office Director  
Atlanta Field Office  
Ofc.: (404) 893 (b)(6), (b)(7)c  
Fax.: (404) 893-1347

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

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**From:** (b)(6), (b)(7)c  
**Sent:** Monday, July 29, 2013 11:03 AM  
**To:** (b)(6), (b)(7)c  
**Subject:** FW: Detainer Tasking

Did you want us to gather responses from Stewart and the Carolinas as well, or do (b)(6), (b)(7) responses suffice?

(b)(6), (b)(7)c

*Supervisory Detention and Deportation Officer  
Executive Response Unit / Training / OSH  
Atlanta ERO Field Office  
404-893 (b)(6), (b)(7)c (desk)  
404-354 (b)(6), (b)(7)c (cell)*

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**From:** (b)(6), (b)(7)c  
**Sent:** Friday, July 26, 2013 5:07 PM  
**To:** (b)(6), (b)(7)c  
**Subject:** FW: Detainer Tasking

(b)(6), (b)(7)c

Since I figured I would be tasked with providing some input to the below tasking, I took the liberty of preemptively providing the below responses (in yellow) from the perspective of Atlanta CAP. If you have suggestions (additions / subtractions / edits) let me know.

(b)(6), (b)(7)c AFOD  
*Criminal Alien Program / Community Outreach  
Firearms & Tactical Training / VCAS  
Atlanta Field Office  
DHS - ICE - ERO*

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**From:** ERO Taskings  
**Sent:** Friday, July 26, 2013 3:58 PM  
**Subject:** Detainer Tasking

*The following message is being sent on behalf of (b)(6), (b)(7)c Assistant Director for Secure Communities and Enforcement, with the concurrence of (b)(6), (b)(7)c Assistant Director for Field Operations:*

**To:** Field Office Directors, Deputy Field Office Directors

**Subject:** Six-Month Detainer Policy Review

On December 21, 2012, Director Morton issued a policy entitled Civil Immigration Enforcement: Guidance on the Use of Detainers in the Federal, State, Local, and Tribal Criminal Justice Systems. This memorandum provided national guidance on the use of detainers to ensure uniform adherence to ICE's Civil Immigration Enforcement Priorities. The policy requires a six-month review of the implementation and effect of this guidance to determine whether modifications, if any, are needed.

To effect this review each Field Office must respond to the below questions:

1. What, if any, challenges in implementing the new guidance and form have you experienced? **Atlanta CAP Response:** Initially the new guidance created confusion among some officers and agents regarding which cases could have detainers placed and which could not. This led to some aliens not having detainers placed when they should have, even under the new guidance. Mostly there was confusion over the “previous return”, “border security” and “significant threat to public safety” sections of the new policy. The new guidance has also created challenges in dealing with the local jails because we have changed the types of cases ICE would accept from them. This has strained relations and caused some jails to refer fewer cases since they may believe that ICE will not accept the aliens.
  
2. Since the issuance of the December guidance, have you created any local policies, procedures, supplemental guidance or training regarding the issuance of detainers? If so, please send a copy of the guidance or training materials with this response. Please also send any written guidance issued previously if it remains operative in your field office. **Atlanta CAP Response:** All guidance and policy clarification has been disseminated to the officers and agents via email and unit meetings. No local policies or procedures were created, and no training was conducted.
  
3. Does your office routinely conduct interviews prior to issuing a detainer? **Atlanta CAP Response:** We do not routinely conduct interviews prior to issuing detainers for Secure Communities cases, due to the limited jail custody times for many of these aliens, but this is more frequently done for long-term CAP prison cases.
  - A. If interviews are routinely conducted, how are they completed, i.e., telephonically, in person, etc.? **Atlanta CAP Response:** Pre-detainer interviews are sometimes conducted via telephone (if permitted by the jail / prison) and sometimes conducted in person (when not facilitated by the jail / prison, or for local facilities which are close to our office).
  
  - B. If interviews are not routinely conducted prior to issuing a detainer, what impediments prevent your offices from doing so? **Atlanta CAP Response:** Often there is insufficient time to conduct an interview prior to issuing a detainer for Secure Communities cases, where the alien is frequently released from the jail within hours of his/her arrest due to the minor nature of the charges. In some instances the jails / prisons will not allow or assist us with telephonic interviews.
  
  - C. If interviews are not routinely conducted prior to issuing a detainer, when are they conducted? **Atlanta CAP Response:** Some interviews are conducted prior to issuing a detainer, however, some are conducted after a detainer is issued, but before the alien comes into ICE custody, while others are conducted when the aliens

are turned over to ICE. The latter instances often occur when aliens are released from local jails within hours of their arrest.

Please submit your responses by July 31, 2013, to the (b)(6), (b)(7)c mailbox at

(b)(7)e

Questions regarding this message may be directed to your (b)(7)e point of contact.

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**From:** [REDACTED]  
**To:** [REDACTED] (b)(6), (b)(7)c  
**Cc:**  
**Subject:** Re: Field Office Enforcement Actions  
**Date:** Thursday, January 10, 2013 10:01:11 AM  
**Attachments:** [image001.jpg](#)  
[image002.png](#)  
[image003.jpg](#)

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Works for me

[REDACTED] (b)(6), (b)(7)c

Assistant Field Office Director  
Immigration Customs Enforcement  
Atlanta Field Office, Charlotte, NC

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**From:** [REDACTED] (b)(6), (b)(7)c  
**Sent:** Thursday, January 10, 2013 09:56 AM  
**To:** [REDACTED] (b)(6), (b)(7)c  
**Cc:**  
**Subject:** RE: Field Office Enforcement Actions

I re-read the email below and the arrests they are inquiring about are field arrests. So the answer for CAP would be none. And I've spoken to SDDO [REDACTED] (b)(6), (b)(7)c since my first response and we have determined CAP has assisted Raleigh FugOps approximately 76 times over the past 3 years.

[REDACTED] (b)(6), (b)(7)c  
Supervisory Detention & Deportation Officer  
Criminal Alien Program  
U.S. Immigration and Customs Enforcement  
Department of Homeland Security  
4407 Bland Road  
Suite 205  
Raleigh, North Carolina 27609  
919-850-5[REDACTED] (b) Office  
919-677-9919 Fax

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---

**From:** [REDACTED] (b)(6), (b)(7)c  
**Sent:** Thursday, January 10, 2013 9:47 AM  
**To:** [REDACTED]  
**Cc:** [REDACTED] (b)(6), (b)(7)c; [REDACTED] (b)(6), (b)(7)c  
**Subject:** Re: Field Office Enforcement Actions

I would say we have to take an educated guess.

[REDACTED] (b) call atlanta and find out what they are pulling there.

(b)(6), (b)(7)c

Assistant Field Office Director  
Immigration Customs Enforcement  
Atlanta Field Office, Charlotte, NC

---

**From:** (b)(6), (b)(7)c  
**Sent:** Thursday, January 10, 2013 09:29 AM  
**To:** (b)(6), (b)(7)c  
**Cc:** (b)(6), (b)(7)c  
**Subject:** RE: Field Office Enforcement Actions

I don't see how we could possibly come up with a number to cover these responses for the past 3 years. How could we possibly know exactly how many aliens we have arrested with a history of violence/resisting arrest over the past 3 years? Or for that matter, how many times we have assisted FugOps over the past 3 years? These aren't statistics that we have ever tracked.

I think it would be impossible to pinpoint these numbers.

(b)(6), (b)(7)c

Supervisory Detention & Deportation Officer  
Criminal Alien Program  
U.S. Immigration and Customs Enforcement  
Department of Homeland Security  
4407 Bland Road  
Suite 205  
Raleigh, North Carolina 27609  
919-850-3100 Office  
919-677-9919 Fax

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**From:** (b)(6), (b)(7)c  
**Sent:** Thursday, January 10, 2013 9:24 AM  
**To:** (b)(6), (b)(7)c  
**Cc:** (b)(6), (b)(7)c  
**Subject:** Re: Field Office Enforcement Actions

We have to give them a number?

(b)(6), (b)(7)c

Assistant Field Office Director  
Immigration Customs Enforcement  
Atlanta Field Office, Charlotte, NC

---

**From:** (b)(6), (b)(7)c  
**Sent:** Thursday, January 10, 2013 08:58 AM  
**To:** (b)(6), (b)(7)c  
**Cc:** (b)(6), (b)(7)c  
**Subject:** FW: Field Office Enforcement Actions



The Raleigh CAP and Wake 287g programs can respond affirmatively to two of the questions posed below. They are:

- a. Arrest suspects with history of violence and/or resisting arrest: Numerous
- c. Support to Fugitive Operation Teams: Numerous

(b)(6), (b)(7)c  
Supervisory Detention & Deportation Officer  
Criminal Alien Program  
U.S. Immigration and Customs Enforcement  
Department of Homeland Security  
4407 Bland Road  
Suite 205  
Raleigh, North Carolina 27609  
919-850 (b)(6) Office  
919-677-9919 Fax

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---

**From:** (b)(6), (b)(7)c  
**Sent:** Wednesday, January 09, 2013 4:20 PM  
**To:** (b)(6), (b)(7)c  
**Cc:** CLT\_Taskings  
**Subject:** FW: Field Office Enforcement Actions

I am sorry for the short turn around. Please advise ASAP.

Thanks

(b)(6), (b)(7)c  
Assistant Field Office Director  
Immigration Customs Enforcement  
Atlanta Field Office, Charlotte, NC

---

**From:** (b)(6), (b)(7)c  
**Sent:** Wednesday, January 09, 2013 2:32 PM  
**To:** (b)(6), (b)(7)c  
**Subject:** FW: Field Office Enforcement Actions

Please have this information to the clt\_taskings mailbox by NOON Thursday, January 10, 2013. Sorry about the short notice. If any of the questions apply to your particular operation, please compile the stats. Thanks.

(b)(6), (b)(7)c

Deportation Officer  
DHS / ICE / ERO  
Non Detained / Executive Response  
6130 Tyvola Centre Drive  
Charlotte, NC 2  
Office: 704-67 [REDACTED]  
Cell: 704-281-[REDACTED] (b)(6), (b)(7)



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**From:** [REDACTED] (b)(6), (b)(7)c  
**Sent:** Wednesday, January 09, 2013 2:28 PM  
**To:** [REDACTED] (b)(6), (b)(7)c  
**Subject:** Fw: Field Office Enforcement Actions

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**From:** [REDACTED] (b)(6), (b)(7)c  
**Sent:** Wednesday, January 09, 2013 02:21 PM  
**To:** [REDACTED] (b)(6), (b)(7)c  
**Subject:** Fw: Field Office Enforcement Actions

---

**From:** [REDACTED] (b)(6), (b)(7)c  
**Sent:** Friday, January 04, 2013 02:58 PM  
**To:** [REDACTED] (b)(6), (b)(7)c  
**Cc:** [REDACTED] (b)(6), (b)(7)c  
**Subject:** Field Office Enforcement Actions

All,

Please survey your areas and provide a consolidated response for each AFOD's AOR to the questions below. As some of the questions would require an extensive review of local records, please provide a good estimate on these and the basis for your estimate.

Please provide your COMPLETED/CONSOLIDATED response to the Atlanta Field Office's Executive Response Unit no later than COB, Thursday, January 10<sup>th</sup>.

Within the past three years, approximately how many Field Office enforcement actions involved the following:

- b. Mobile field force:
- c. Support to Fugitive Operation Teams: **Numerous** How many?
- d. Arrest of suspects who were members of organizations which advocate violence:
- e. Cell extractions:
- f. Escorts or removals of high profile detainees:
- g. Executive protection details: **None**
- h. Other enforcement actions whose totality of circumstances presented a greater than normal risk:
- i. Support to the local law enforcement:
- j. ICE Air (domestic and overseas) Charter Missions:

Taskings,

Please send me the consolidated numbers as well as the numbers broken out by the 4 major locations, ATL / SDC / NC / SC, by noon, Friday, January 11<sup>th</sup>.

Thank you.

(b)(6), (b)(7)c

(b)(6), (b)(7)c

Deputy Field Office Director

Atlanta Field Office

Ofc.: (404) 893-5, (b)

Fax.: (404) 893-1347

(b)(6), (b)(7)c @dhs.gov

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**From:** [REDACTED]  
**To:** [REDACTED] (b)(6), (b)(7)c  
**Cc:**  
**Subject:** RE: R [REDACTED] (b)(6), (b)(7)c  
**Date:** Friday, July 19, 2013 4:36:05 PM  
**Attachments:** [Interpretation and Translation Services for ERO and Detention Facility Staff.msg](#)  
[image001.jpg](#)  
[image002.jpg](#)

Facilities use the same system used in the field, we don't have a dedicated hotline to translators. See attached for interpretations services and process.

[REDACTED] (b)(6), (b)(7)c  
**Assistant Field Office Director**  
**DHS/ICE/ERO**  
Stewart Detention Center  
146 CCA Road  
Lumpkin, Georgia 31815  
Ph 229-838-[REDACTED] (b)(6), (b)(7)c  
Cell 229-32 [REDACTED] (b)(6), (b)(7)c

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**From:** [REDACTED] (b)(6), (b)(7)c  
**Sent:** Friday, July 19, 2013 4:32 PM  
**To:** [REDACTED] (b)(6), (b)(7)c  
[REDACTED] (b)(6), (b)(7)c  
**Cc:** [REDACTED] (b)(6), (b)(7)c  
**Subject:** RE: [REDACTED] (b)(6), (b)(7)c

I don't know what everyone is using. Copying some of your colleagues involved in processing – maybe they have some insight.

[REDACTED] (b)(6), (b)(7)c  
DEPUTY FIELD OFFICE DIRECTOR  
(RESPONSIBLE FOR THE STATE OF GEORGIA, EXCEPT THE STEWART DETENTION CENTER)  
ATLANTA FIELD OFFICE  
ENFORCEMENT AND REMOVAL OPERATIONS  
U. S. IMMIGRATION AND CUSTOMS ENFORCEMENT  
DEPARTMENT OF HOMELAND SECURITY  
OFFICE: (404) 893-[REDACTED] (b)(6), (b)(7)c

**From:** [REDACTED] (b)(6), (b)(7)c  
**Sent:** Friday, July 19, 2013 4:21 PM  
**To:** [REDACTED] (b)(6), (b)(7)c  
**Cc:** [REDACTED] (b)(6), (b)(7)c  
**Subject:** RE: [REDACTED] (b)(6), (b)(7)c

My understanding is that the facility is required to have a translator service available for after-hours use for the 287g Team... [REDACTED] (b)(6), (b)(7)c

DFOD (b)(6), (b)(7) the Alien is rolling into custody today and will be transported to Irwin, GA on Monday; regarding the forms, we've received concurrence from OCC to proceed w/ I862 due to his convictions of violence (Criminal Domestic Violence); the Alien is properly classified as an Aggravated Felon; we've also presented the Alien with USCIS forms I485/I602... though he appears statutorily ineligible for Adjustment.

We've exhausted all avenues of assistance.

Do we have any other translation services available for IE (b)(6), (b)(7)c

(b)(6), (b)(7)c

*Supervisory Detention and Deportation Officer  
USDHS/Immigration and Customs Enforcement  
Field Office Atlanta  
Columbia, SC sub-office*

*BB: 843-437- (b)(6), (b)(7)c  
Desk: 803-771 (b)(6), (b)(7)c*

(b)(6), (b)(7)c

*"Opportunity is missed by many because it's often times disguised as hard work."  
Thomas Edison*

**From:** (b)(6), (b)(7)c  
**Sent:** Friday, July 19, 2013 4:13 PM  
**To:** (b)(6), (b)(7)c  
**Subject:** RE: (b)(6), (b)(7)c

Spoke with Sgt. (b)(6), (b)(7) n booking and he says LCDC does not have a interpreter service that they use.

(b)(6), (b)(7)c

Immigration Enforcement Agent  
Criminal Alien Program Unit  
Immigration Customs Enforcement  
1835 Assembly Street, Suite 1076  
Columbia, South Carolina 29401  
Cell (704) 726- (b)(6), (b)(7)c  
Fax (803) 785- (b)(6), (b)(7)c

<https://locator.ice.gov/odls/homePage.do>

To locate an ICE detainee click on the above hyper link.

-----Original Message-----

**From:** (b)(6), (b)(7)c  
**Sent:** Friday, July 19, 2013 03:55 PM Eastern Standard Time  
**To:** (b)(6), (b)(7)c  
**Subject:** FW: (b)(6), (b)(7)c

(b)(6), (b)(7)c please use the 287g AT&T account (assuming the jail is ok.)

(b)(6), (b)(7)c  
*Supervisory Detention and Deportation Officer  
USDHS/Immigration and Customs Enforcement  
Field Office Atlanta  
Columbia, SC sub-office*

*BB: 843-437-* (b)(6), (b)(7)c  
*Desk: 803-771* (b)(6), (b)(7)c

(b)(6), (b)(7)c

*“Opportunity is missed by many because it’s often times disguised as hard work.”  
Thomas Edison*

---

**From:** (b)(6), (b)(7)c  
**Sent:** Friday, July 19, 2013 3:51 PM  
**To:** (b)(6), (b)(7)c  
**Cc:** (b)(6), (b)(7)c  
**Subject:** RE: (b)(6), (b)(7)c

I believe the jail is paying for that acct. If they don’t mind, feel free to use it.

(b)(6), (b)(7)c  
DEPUTY FIELD OFFICE DIRECTOR  
(RESPONSIBLE FOR THE STATE OF GEORGIA, EXCEPT THE STEWART DETENTION CENTER)  
ATLANTA FIELD OFFICE  
ENFORCEMENT AND REMOVAL OPERATIONS  
U. S. IMMIGRATION AND CUSTOMS ENFORCEMENT  
DEPARTMENT OF HOMELAND SECURITY  
OFFICE: (404) 893- (b)(6), (b)(7)c

---

**From:** (b)(6), (b)(7)c  
**Sent:** Friday, July 19, 2013 3:47 PM  
**To:** (b)(6), (b)(7)c  
**Cc:** (b)(6), (b)(7)c  
**Subject:** FW: (b)(6), (b)(7)c

(b)(6), (b)(7)c

(b)(6), (b)(7)c is trying to interview an alien with egregious charges for attempted murder against him, so we can set him up for removal. The subject is a refugee and (b)(6), (b)(7)c has gotten the guidance he needs from OCC. The subject is from Burma and ICE translator line does not have a Burmese translator. Can we use the AT&T translator line to attempt to get this subject processed? Please respond to all because I will be out on leave for four weeks in a short while.

Thanks!

(b)(6), (b)(7)c

**Assistant Field Office Director  
US DHS ICE ERO  
South Carolina ERO Operations  
3950 Faber Place Drive  
North Charleston, SC 29405  
(c) 404-449  
(o) 843-746**

(b)(6), (b)(7)c

Leadership is solving problems. The day soldiers stop bringing you their problems is the day you have stopped leading them. They have either lost confidence that you can help or concluded you do not care. Either case is a failure of leadership. ----- Colin Powell

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**From:** (b)(6), (b)(7)c  
**Sent:** Friday, July 19, 2013 3:37 PM  
**To:** (b)(6), (b)(7)c  
**Cc:** (b)(6), (b)(7)c  
**Subject:** RE: (b)(6), (b)(7)c

\*For Forwarding to DFOD\*

(b)(6), (b)(7) we're running into an issue w/ a translator for this gentlemen; IEA (b)(6), (b)(7) is trying to get him served (I862), but the Alien is explaining "in English" that he doesn't feel competent in "English."

I'd like approval for IEA (b)(6), (b)(7) to be able to reach out to the AT&T translator service (that is available after-hours for the 287g.)

I've exhausted all resources to include:

Family  
Churches  
Language line  
Stewart CDC

The Alien is a refugee from Burma (Myanmar); we've given him the USCIS forms as well (485/602.)

Clit\_Duty has been notified and they've reviewed the charging documents; he's properly classified as an Aggravated Felon.

(b)(6), (b)(7)c

*Supervisory Detention and Deportation Officer  
USDHS/Immigration and Customs Enforcement  
Field Office Atlanta  
Columbia, SC sub-office*

BB: 843-437-

Desk: 803-771

(b)(6), (b)(7)c

(b)(6), (b)(7)c fins3.dhs.gov

*"Opportunity is missed by many because it's often times disguised as hard work."  
Thomas Edison*

---

**From:**

(b)(6), (b)(7)c

**Sent:** Thursday, July 18, 2013 4:48 PM

**To:**

(b)(6), (b)(7)c

**Cc:**

**Subject:**

(b)(6), (b)(7)c

Thanks (b)(6), (b)(7)c ! appreciate your help.

(b)(6), (b)(7)c just a quick re-cap:

The above documented Alien (Refugee) has not adjusted to an LPR; the Alien is properly classified as an Aggravated Felon and removable as such.

IEA (b)(6), (b)(7)c we'll need to serve the NTA tomorrow at LCDC and also present the USCIS documents regarding adjustment of status, though the Alien does not appear to be eligible for adjustment; we'll make contact w/ USCIS following the completion of the documents... good job on this, it's a good case.

(b)(6), (b)(7)c

*Supervisory Detention and Deportation Officer  
USDHS/Immigration and Customs Enforcement  
Field Office Atlanta  
Columbia, SC sub-office*

BB: 843-437-

Desk: 803-771

(b)(6), (b)(7)c

(b)(6), (b)(7)c @fins3.dhs.gov



*“Opportunity is missed by many because it’s often times disguised as hard work.”  
Thomas Edison*

**From** (b)(6), (b)(7)c  
**Sent:** Thursday, July 18, 2013 4:07 PM  
**To:** (b)(6), (b)(7)c  
**Subject:** RE: NTA for Refugee

It is appropriate to charge refugees under INA 237. Here, he has been convicted of a crime of violence and a crime of domestic violence.

Also, when dealing with refugees – you need to make sure you follow ERO protocol in allowing them the opportunity to file for adjustment. I have attached the ERO memo from 2010 that should answer any questions you might have.

(b)(6), (b)(7)c  
Assistant Chief Counsel  
5701 Executive Center Drive, Suite 300  
Charlotte, NC 28212  
(704) 248-(b)(6), (b)(7)c  
(b)(6), (b)(7)c

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---

**From** (b)(6), (b)(7)c  
**Sent:** Thursday, July 18, 2013 3:29 PM  
**To:** (b)(6), (b)(7)c  
**Subject:** FW: NTA for Refugee

Good afternoon CLT\_Duty,

IEA (b)(6), (b)(7)c encountered an Alien who had been granted refugee status in the US; the Alien has not adjusted to an LPR.

While in local custody for CDV (high and aggravated), the Alien was charged w/ conspiracy to commit murder; the affidavit explains that the Alien solicited to have his wife murdered.

The conspiracy charge was ultimately dismissed, but the Alien was convicted of the felony criminal domestic violence (high and aggravated.)

I've advised that IEA (b)(6), (b)(7) serve the Alien under I862, Notice to Appear under 237.

Is this the charge and procedure you prefer?

(b)(6), (b)(7)c

*Supervisory Detention and Deportation Officer  
USDHS/Immigration and Customs Enforcement  
Field Office Atlanta  
Columbia, SC sub-office*

BB: 843-437

Desk: 803-77

(b)(6), (b)(7)c

(b)(6), (b)(7)c fins3.dhs.gov

*"Opportunity is missed by many because it's often times disguised as hard work."  
Thomas Edison*

---

**From:** (b)(6), (b)(7)c

**Sent:** Thursday, July 18, 2013 3:02 PM

**To** (b)(6), (b)(7)c

**Subject:** NTA for Refugee

Please forward to OCC for detention approval for Refugee (b)(6), (b)(7)c

(b)(6), (b)(7)c

**Immigration Enforcement Agent  
Criminal Alien Program Unit  
Immigration Customs Enforcement  
1835 Assembly Street, Suite 1076  
Columbia, South Carolina 29401  
Cell (704) 726-  
Fax (803) 771  
Desk(803) 771**

(b)(6), (b)(7)c

<https://locator.ice.gov/odls/homePage.do>

**To locate an ICE detainee click on the above hyper link.**



**From:** [REDACTED]  
**To:** [REDACTED];  
**Cc:** [REDACTED]  
**Subject:** [REDACTED]  
**Date:** Friday, July 19, 2013 4:36:05 PM  
**Attachments:** [Interpretation and Translation Services for ERO and Detention Facility Staff.msg](#)  
[image001.jpg](#)  
[image002.jpg](#)

Facilities use the same system used in the field, we don't have a dedicated hotline to translators. See attached for interpretations services and process.

[REDACTED]  
(b)(6), (b)(7)c

**Assistant Field Office Director**  
**DHS/ICE/ERO**

Stewart Detention Center  
146 CCA Road  
Lumpkin, Georgia 31815  
Ph 229-838 [REDACTED]  
Cell 229-32 [REDACTED]

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**From:** [REDACTED]  
**Sent:** Friday, July 19, 2013 4:32 PM  
**To:** [REDACTED]  
[REDACTED]  
**Cc:** [REDACTED]  
**Subject:** RE: [REDACTED]

I don't know what everyone is using. Copying some of your colleagues involved in processing – maybe they have some insight.

[REDACTED]  
(b)(6), (b)(7)c  
DEPUTY FIELD OFFICE DIRECTOR  
(RESPONSIBLE FOR THE STATE OF GEORGIA, EXCEPT THE STEWART DETENTION CENTER)  
ATLANTA FIELD OFFICE  
ENFORCEMENT AND REMOVAL OPERATIONS  
U. S. IMMIGRATION AND CUSTOMS ENFORCEMENT  
DEPARTMENT OF HOMELAND SECURITY  
OFFICE: (404) 893-[REDACTED]

**From:** [REDACTED]  
**Sent:** Friday, July 19, 2013 4:21 PM  
**To:** [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** RE: [REDACTED]

My understanding is that the facility is required to have a translator service available for after-hours use for the 287g Team... [REDACTED]

DFOD (b) (6), (b) (7) (c), the Alien is rolling into custody today and will be transported to Irwin, GA on Monday; regarding the forms, we've received concurrence from OCC to proceed w/ I862 due to his convictions of violence (Criminal Domestic Violence); the Alien is properly classified as an Aggravated Felon; we've also presented the Alien with USCIS forms I485/I602... though he appears statutorily ineligible for Adjustment.

We've exhausted all avenues of assistance.

Do we have any other translation services available for IEA (b) (6), (b) (7) (c)

(b) (6), (b) (7) (c)

*Supervisory Detention and Deportation Officer  
USDHS/Immigration and Customs Enforcement  
Field Office Atlanta  
Columbia, SC sub-office*

*BB: 843-437- (b) (6), (b) (7) (c)  
Desk: 803-771 (b) (6), (b) (7) (c)  
(b) (6), (b) (7) (c) @fins3.dhs.gov*

*"Opportunity is missed by many because it's often times disguised as hard work."  
Thomas Edison*

**From:** (b) (6), (b) (7) (c)  
**Sent:** Friday, July 19, 2013 4:13 PM  
**To:** (b) (6), (b) (7) (c)  
**Subject:** RE: (b) (6), (b) (7) (c)

Spoke with Sgt. (b) (6), (b) (7) (c) in booking and he says LCDC does not have a interpreter service that they use.

(b) (6), (b) (7) (c)

Immigration Enforcement Agent  
Criminal Alien Program Unit  
Immigration Customs Enforcement  
1835 Assembly Street, Suite 1076  
Columbia, South Carolina 29401  
Cell (704) 726- (b) (6), (b) (7) (c)  
Fax (803) 785- (b) (6), (b) (7) (c)

<https://locator.ice.gov/odls/homePage.do>

To locate an ICE detainee click on the above hyper link.

-----Original Message-----

**From:** (b)(6), (b)(7)c  
**Sent:** Friday, July 19, 2013 03:55 PM Eastern Standard Time  
**To:** (b)(6), (b)(7)c  
**Subject:** FW: (b)(6), (b)(7)c

(b)(6), (b)(7)c please use the 287g AT&T account (assuming the jail is ok.)

(b)(6), (b)(7)c  
*Supervisory Detention and Deportation Officer  
USDHS/Immigration and Customs Enforcement  
Field Office Atlanta  
Columbia, SC sub-office*

*BB: 843-437-*(b)(6), (b)(7)c  
*Desk: 803-771*(b)(6), (b)(7)c  
*@fins3.dhs.gov*

*“Opportunity is missed by many because it’s often times disguised as hard work.”  
Thomas Edison*

---

**From:** (b)(6), (b)(7)c  
**Sent:** Friday, July 19, 2013 3:51 PM  
**To:** (b)(6), (b)(7)c  
**Cc:** (b)(6), (b)(7)c  
**Subject:** RE: (b)(6), (b)(7)c

I believe the jail is paying for that acct. If they don’t mind, feel free to use it.

(b)(6), (b)(7)c  
DEPUTY FIELD OFFICE DIRECTOR  
(RESPONSIBLE FOR THE STATE OF GEORGIA, EXCEPT THE STEWART DETENTION CENTER)  
ATLANTA FIELD OFFICE  
ENFORCEMENT AND REMOVAL OPERATIONS  
U. S. IMMIGRATION AND CUSTOMS ENFORCEMENT  
DEPARTMENT OF HOMELAND SECURITY  
OFFICE: (404) 893- (b)(6), (b)(7)c

---

**From:** (b)(6), (b)(7)c  
**Sent:** Friday, July 19, 2013 3:47 PM  
**To:** (b)(6), (b)(7)c  
**Cc:** (b)(6), (b)(7)c  
**Subject:** FW: (b)(6), (b)(7)c

(b)(6), (b)(7)c  
(b)(6), (b)(7)c is trying to interview an alien with egregious charges for attempted murder against him, so we can set him up for removal. The subject is a refugee and Thompson has gotten the guidance he needs from OCC. The subject is from Burma and ICE translator line does not have a Burmese translator. Can we use the AT&T translator line to attempt to get this subject processed? Please respond to all because I will be out on leave for four weeks in a short while.

Thanks!

(b)(6), (b)(7)c

**Assistant Field Office Director  
US DHS ICE ERO  
South Carolina ERO Operations**

(b)(6), (b)(7)c

**North Charleston, SC 29405**

**(c) 404-449**

**(o) 843-746**

(b)(6), (b)(7)c

(b)(6), (b)(7)c @dhs.gov

Leadership is solving problems. The day soldiers stop bringing you their problems is the day you have stopped leading them. They have either lost confidence that you can help or concluded you do not care. Either case is a failure of leadership. ----- Colin Powell

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**From:** (b)(6), (b)(7)c  
**Sent:** Friday, July 19, 2013 3:37 PM  
**To:** (b)(6), (b)(7)c  
**Cc:** (b)(6), (b)(7)c  
**Subject:** RE: (b)(6), (b)(7)c

\*For Forwarding to DFOD\*

(b)(6), (b)(7)c we're running into an issue w/ a translator for this gentlemen; IEA (b)(6), (b)(7)c is trying to get him served (I862), but the Alien is explaining "in English" that he doesn't feel competent in "English."

I'd like approval for IEA (b)(6), (b)(7)c to be able to reach out to the AT&T translator service (that is available after-hours for the 287g.)

I've exhausted all resources to include:

Family  
Churches  
Language line  
Stewart CDC

The Alien is a refugee from Burma (Myanmar); we've given him the USCIS forms as well (485/602.)

b)(6), (b)(7)c has been notified and they've reviewed the charging documents; he's properly classified as an Aggravated Felon.

(b)(6), (b)(7)c

*Supervisory Detention and Deportation Officer  
USDHS/Immigration and Customs Enforcement  
Field Office Atlanta  
Columbia, SC sub-office*

**BB: 843-437-**

**Desk: 803-771**

(b)(6), (b)(7)c

(b)(6), (b)(7)c

*fins3.dhs.gov*

*"Opportunity is missed by many because it's often times disguised as hard work."  
Thomas Edison*

---

**From:**

(b)(6), (b)(7)c

**Sent:** Thursday, July 18, 2013 4:48 PM

**To:**

(b)(6), (b)(7)c

**Cc:**

**Subject:**

(b)(6), (b)(7)c

Thanks (b)(6), (b)(7)c I appreciate your help.

(b)(6), (b)(7)c just a quick re-cap:

The above documented Alien (Refugee) has not adjusted to an LPR; the Alien is properly classified as an Aggravated Felon and removable as such.

IEA (b)(6), (b)(7)c we'll need to serve the NTA tomorrow at LCDC and also present the USCIS documents regarding adjustment of status, though the Alien does not appear to be eligible for adjustment; we'll make contact w/ USCIS following the completion of the documents... good job on this, it's a good case.

(b)(6), (b)(7)c

*Supervisory Detention and Deportation Officer  
USDHS/Immigration and Customs Enforcement  
Field Office Atlanta  
Columbia, SC sub-office*

**BB: 843-437-**

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(b)(6), (b)(7)c

(b)(6), (b)(7)c

*fins3.dhs.gov*

*“Opportunity is missed by many because it’s often times disguised as hard work.”  
Thomas Edison*

---

**From:** (b)(6), (b)(7)c  
**Sent:** Thursday, July 18, 2013 4:07 PM  
**To:** (b)(6), (b)(7)c  
**Subject:** RE: NTA for Refugee

It is appropriate to charge refugees under INA 237. Here, he has been convicted of a crime of violence and a crime of domestic violence.

Also, when dealing with refugees – you need to make sure you follow ERO protocol in allowing them the opportunity to file for adjustment. I have attached the ERO memo from 2010 that should answer any questions you might have.

(b)(6), (b)(7)c  
Assistant Chief Counsel  
(b)(6), (b)(7)c  
Charlotte, NC 28212  
(704) 248-(b)(6), (b)(7)  
(b)(6), (b)(7)c @DHS.gov

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---

**From:** (b)(6), (b)(7)c  
**Sent:** Thursday, July 18, 2013 3:29 PM  
**To:** (b)(6), (b)(7)c  
**Subject:** FW: NTA for Refugee

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

IEA (b)(6), (b)(7) encountered an Alien who had been granted refugee status in the US; the Alien has not adjusted to an LPR.

While in local custody for CDV (high and aggravated), the Alien was charged w/ conspiracy to commit murder; the affidavit explains that the Alien solicited to have his wife murdered.



The conspiracy charge was ultimately dismissed, but the Alien was convicted of the felony criminal domestic violence (high and aggravated.)

I've advised that IEA (b)(6), (b)(7) serve the Alien under I862, Notice to Appear under 237.

Is this the charge and procedure you prefer?

(b)(6), (b)(7)c  
*Supervisory Detention and Deportation Officer  
USDHS/Immigration and Customs Enforcement  
Field Office Atlanta  
Columbia, SC sub-office*

BB: 843-437- (b)(6), (b)(7)c  
Desk: 803-771 (b)(6), (b)(7)c  
(b)(6), (b)(7)c fins3.dhs.gov

*"Opportunity is missed by many because it's often times disguised as hard work."  
Thomas Edison*

---

**From** (b)(6), (b)(7)c  
**Sent:** Thursday, July 18, 2013 3:02 PM  
**To:** (b)(6), (b)(7)c  
**Subject:** NTA for Refugee

Please forward to OCC for detention approval for Refugee (b)(6), (b)(7)c

(b)(6), (b)(7)c  
**Immigration Enforcement Agent  
Criminal Alien Program Unit  
Immigration Customs Enforcement  
1835 Assembly Street, Suite 1076  
Columbia, South Carolina 29401  
Cell (704) 726- (b)(6), (b)(7)c  
Fax (803) 771- (b)(6), (b)(7)c  
Desk(803) 771 (b)(6), (b)(7)c**

<https://locator.ice.gov/odls/homePage.do>

**To locate an ICE detainee click on the above hyper link.**



## LSS LANGUAGES

**In-house daily:**

- |                   |               |
|-------------------|---------------|
| 1. Arabic         | 6. Korean     |
| 2. Cantonese      | 7. Mandarin   |
| 3. French         | 8. Portuguese |
| 4. Fuzhou         | 9. Russian    |
| 5. Haitian Creole | 10. Spanish   |

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15. Armenian	50. Nzemah
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17. Bahasa	52. Pampang
18. Bambara	53. Pashtu
19. Bengali	54. Peul
20. Bosnian	55. Polish
21. Bulgarian	56. Pular
22. Czech	57. Punjabi
23. Dangme	58. Romanian
24. Dari	59. Sarahule
25. Dioula	60. Serbo-Croatian
26. Dutch	61. Shanghainese
27. Fanti	62. Sichuan
28. Farsi	63. Sign Language
29. Fulani	64. Sinhalese
30. Ga	65. Slovak
31. Georgian	66. Soninke
32. German	67. Tagalog
33. Greek	68. Tamil
34. Gujarati	69. Thai
35. Hausa	70. Tibetan
36. Hebrew	71. Toysanese
37. Hindi	72. Turkish
38. Hungarian	73. Twi
39. Indonesian	74. Urdu
40. Italian	75. Vietnamese
41. Japanese	76. Wenzhou
42. Lao	77. Wolof
43. Lithuanian	78. Yemeni
44. Macedonian	79. Yiddish
45. Malaysian/Malay	80. Yugoslav

**REQUEST FOR LANGUAGE SERVICES**

(Fill in where applicable)

**FROM:**

**NAME/TITLE:** \_\_\_\_\_

**UNIT NAME/ADDRESS:** \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**CONTACT NUMBER(S):** CELL \_\_\_\_\_ OFFICE \_\_\_\_\_

**FAX NUMBER:** \_\_\_\_\_ (to return completed material)

**UPS Account NUMBER:** \_\_\_\_\_ (to return completed material)

**NATURE OF MATERIAL TO BE TRANSLATED FROM THE \_\_\_\_\_ LANGUAGE INTO THE \_\_\_\_\_ LANGUAGE:**

**Documents** \_\_\_\_ **Number of pages** \_\_\_\_

**A# (if any)** \_\_\_\_\_

**CD(s)** \_\_\_\_

**Operation name/number:** \_\_\_\_\_

**Number of CDs** \_\_\_\_ **Total number of tracks** \_\_\_\_

**Total duration:** \_\_\_\_\_

**Participants (if known):** \_\_\_\_\_

**Tape(s)** \_\_\_\_ **Number of tapes** \_\_\_\_

**Operation name/number:** \_\_\_\_\_

**Total duration:** \_\_\_\_\_

**Participants (if known):** \_\_\_\_\_

**Translation service desired:** Full translation \_\_\_\_ Summary \_\_\_\_ Verbal \_\_\_\_ Other: \_\_\_\_

**Date needed by:** \_\_\_\_\_

**Approval:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Designated Management Official:** \_\_\_\_\_ **Date:** \_\_\_\_\_



Search:  all the words

## Schedule Details

For general questions, contact:

Phone: 1-800-241-RAIN

E-mail: r10msc.language@gsa.gov



### 738 II LANGUAGE SERVICES

Category Description

**382 1 TRANSLATION SERVICES** Services include the translation of written, electronic and multi-media material to and from English and native Foreign languages. Materials include but are not limited to: Business, Legal, Medical, Technical, Documents, Braille, Software, Website localization for Internet and Intranet, Video subtitling, captioning, and Transcriptions for Title III Monitoring. Client consultation and Project management services include translation formatting, proofreading, text adaptation, editing, graphic design, and desktop publishing.

BROWSE >> A B C D E F G H I J K L M N O P Q R S T U V W X Y Z

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Display:    
 Small Business  
 Woman Owned Business

Download all contractors for this Category (Excel)

Hold the 'Ctrl' key to select all that apply

Contractor		Contract #	Phone	(Sort by) City, State	Socio-Economic	Contract Terms & Conditions	View Catalog
LEXI-TECH INTERNATIONAL INC		GS-10F-0092V	(506)855-8824	DIEPPE ,NB CANADA	o		
LINK UP MITAKA LTD (DBA: THE BIGWORD)		GS-10F-0165U	(212)918-4592	LEEDS , UNITED KINGDOM	o		
ASET INTERNATIONAL SERVICES, LLC		GS-10F-0247K	(703)516-9266	TEMPE ,AZ	o		
LANGUAGE LEARNING ENTERPRISES, I		GS-10F-0301K	(202)775-0444	TUCSON ,AZ	o		
ACCENT ON LANGUAGES, INC.		GS-10F-0351N	(510)655-9469	BERKELEY ,CA	s		
LANGUAGE WORLD SERVICES, INC		GS-10F-0161V	(916)473-0100	CARMICHAEL ,CA	s		
PARAGON LANGUAGE SERVICES		GS-10F-0396S	(800)499-0299	LOS ANGELES ,CA	s/w		
TRANSLATING SERVICES INC (DBA: LAZAR & ASSOCIATES)		GS-10F-0286M	(310)453-3302	LOS ANGELES ,CA	s/d/w		
GREEN TRANSLATIONS, LLC		GS-10F-0146X	(323)940-4200	LOS ANGELES ,CA	o		
1 STOP TRANSLATION USA LLC		GS-10F-0145X	(213)480-0011	LOS ANGELES ,CA	s		

KRAMER TRANSLATION		GS-10F-0097N	(209)385-0425	MERCED ,CA	s/d/w/8a/h		
INTERPRETERS UNLIMITED, INC.		GS-10F-0209X	(858)451-7490	SAN DIEGO ,CA	s		
AUERBACH INTERNATIONAL INC		GS-10F-0413X	(415)592-0042	SAN FRANCISCO ,CA	s		
PROFESSIONAL TRANSLATORS & TRANS		GS-10F-0201M	(714)953-1697	SANTA ANA ,CA	s/d/w		
INTERPRETERS AND TRANSLATORS INC		GS-10F-0372R	(860)647-0686	MANCHESTER ,CT	s/w		
LIONBRIDGE GLOBAL SOLUTIONS II,		GS-10F-0226J	(202)741-4044	WASHINGTON ,DC	o		
ALS INTERNATIONAL INC		GS-10F-0208T	(202)887-8060	WASHINGTON ,DC	s		
MULTICULTURAL COMMUNITY SERVICE		GS-10F-0203W	(202)299-9477	WASHINGTON ,DC	o		
LANGUAGE DOCTORS, INC. (THE)		GS-10F-0022K	(202)544-2942	WASHINGTON ,DC	s/d/8a		
A AMERICAN HIGH TECH TRANSCRIPTI		GS-10F-0163V	(727)535-1066	CLEARWATER ,FL	s/w		
VALENCIA LANGUAGE GROUP INC		GS-10F-0356T	(305)994-3255	MIAMI ,FL	s/d/w		
TRUSTED TRANSLATIONS INC		GS-10F-0245W	(786)206-4455	MIAMI ,FL	s/d/8a		
LANGUAGES UNLIMITED LLC		GS-10F-0414X	(407)883-3948	ORLANDO ,FL	s		
KEYLINGO LLC		GS-10F-0280W	(404)735-6255	ATLANTA ,GA	s		
ALTA LANGUAGE SERVICES, INC		GS-10F-0238T	(404)920-3838	ATLANTA ,GA	s		
A LA CARTE LANGUAGES INC		GS-10F-0478N	(407)579-2310	WARNER ROBINS ,GA	s/w		
TURKISH TRANSLATION SERVICES, IN (DBA: GLOBAL LANGUAGES AND CULTURES)		GS-10F-0171R	(312)456-0654	CHICAGO ,IL	s/w		
CONDUIT LANGUAGE SPECIALISTS, IN		GS-10F-0547P	(859)299-3178	LEXINGTON ,KY	s/w		
LANGUAGE CONNECTIONS, L.L.C.		GS-10F-0126K	(617)277-1649	BRIGHTON ,MA	s/w		
RIC INTERNATIONAL, INC.		GS-10F-0023K	617-621-0940 X120	CAMBRIDGE ,MA	s		
TRANSFLUENCI, LLC		GS-10F-0302V	(413)737-1888	EAST LONGMEADOW ,MA	s/w		
		GS-10F-	(617)451-				

GLOBAL LINK LANGUAGE SERVICES		0592N	6655	WINCHESTER ,MA			
VALBIN CORPORATION		GS-10F-0397S	(301)986-8008	BETHESDA ,MD	s/w		
LANGUAGE TECHNOLOGY CENTER INC		GS-10F-0268W	(301)986-8633	CHEVY CHASE ,MD	s/w		
CRESSTON COMPANY LLC, THE (DBA: COMPASS LANGUAGES)		GS-10F-0185S	(410)451-4297	CROFTON ,MD	s		
VIADUCT LANGUAGE SERVICES		GS-10F-0405S	410-419-8735	ELLCOTT CITY ,MD	s/v		
DICTYON, LLC		GS-10F-0348X	(301)614-0527	GREENBELT ,MD	s		
ALLWORLD LANGUAGE CONSULTANTS IN		GS-10F-0227K	(301)881-8884	ROCKVILLE ,MD	o		
SCHREIBER TRANSLATIONS, INC.		GS-10F-0107L	(301)424-7737	ROCKVILLE ,MD	s/w		
ADVANCED LANGUAGE SYSTEMS INTERN		GS-10F-0097T	(301)984-6090	ROCKVILLE ,MD	s		
ALC SECURITY, INC		GS-10F-0054N	(301)881-2284	ROCKVILLE ,MD	s/d/8a		
BROMBERG & ASSOCIATES, L.L.C.		GS-10F-0608P	(313)871-0080	DETROIT ,MI	s/w		
TECHWORLD LANGUAGE SERVICES INC		GS-10F-0353T	(248)288-5900	TROY ,MI	s		
KJ INTERNATIONAL RESOURCES LTD		GS-10F-0286W	(612)355-5602	MINNEAPOLIS ,MN	s/w		
TRANSLATIONS INTERNATIONAL, INC.		GS-10F-0496M	(320)217-2775	SAINT CLOUD ,MN	s/d/8a		
ALL WORLD LANGUAGES & CULTURES,		GS-10F-0335S	(816)795-7800	KANSAS CITY ,MO	s		
INTERPRETERS INC		GS-10F-0287X	(816)304-5182	KANSAS CITY ,MO	s/w		
WORLDWIDE LANGUAGE RESOURCES, IN		GS-10F-0307L	(910)483-2881	FAYETTEVILLE ,NC	o		
LANGUAGE RESOURCES INC		GS-10F-0253X	(336)279-1199	GREENSBORO ,NC	s/w		
KEYNOTES, INC.		GS-10F-0170S	(603)465-3718	HOLLIS ,NH	s/w		

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Display:    
 Small Business  
 Woman Owned Business

► Download all contractors for this Category (Excel)

Hold the 'Ctrl' key to select all that apply

Contractor		Contract #	Phone	(Sort by) City, State	Socio-Economic	Contract Terms & Conditions	View Catalog
TRANSLATION PLUS INC.		GS-10F-0281W	(201)487-0887	HACKENSACK ,NJ	s/d/w/Ba		
LEGAL INTERPRETING SERVICES, INC	 	GS-10F-0256S	(718)786-7890	BROOKLYN ,NY	s		
INTERNATIONAL LANGUAGE SERVICES,	 	GS-10F-0309R	(212)856-9848	NEW YORK ,NY	s/w		
SOS INTERNATIONAL LTD.		GS-10F-0297R	703-391-9680 x1046	NEW YORK ,NY	o		
METROPOLITAN INTERPRETERS & TRAN		GS-10F-0292K	(213)673-4710	NEW YORK ,NY	o		
PARK TRANSLATIONS LLC	 	GS-10F-0232W	(212)581-8870	NEW YORK ,NY	s		
TEKADEMIC INC		GS-10F-0182V	(212)904-1015	NEW YORK ,NY	o		
LANGUAGE BANK, INC. (DBA: A LANGUAGEBANK)	 	GS-10F-0143M	(212)213-3336	NEW YORK ,NY	s		
GENEVA WORLDWIDE, INC.	 	GS-10F-0109P	(212)255-8400	NEW YORK ,NY	s		
TRANSPERFECT TRANSLATIONS INTERN	 	GS-10F-0076S	(202)347-2300	NEW YORK ,NY	o		
AFFORDABLE LANGUAGE SERVICES, LT		GS-10F-0014T	(513)745-0888	CINCINNATI ,OH	s/w		

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TRANSLATION SOLUTIONS CORPORATIO	 	GS-10F-0028M	(503)248-9915	LAKE OSWEGO ,OR	s/d/w		
CERTIFIED LANGUAGES INTERNATIONA	 	GS-10F-0238W	(503)484-2309	PORTLAND ,OR	s		
CETRA, INC.	 	GS-10F-0128L	(215)635-7090	ELKINS PARK ,PA	s		
LANGUAGE SERVICES ASSOCIATES, IN		GS-10F-0253K	(215)259-7000	HORSHAM ,PA	o		
MULTILINGUA GROUP INC		GS-10F-0261V	(787)360-4397	SAN JUAN ,PR	s/d/w		
FOREIGN TRANSLATIONS INC	 	GS-10F-0332R	(864)272-0480	GREENVILLE ,SC	s/w		
AVALON LANGUAGE SERVICES, INC.	 	GS-10F-0197P	(972)404-1213	DALLAS ,TX	s/v		
TENEO LINGUISTICS COMPANY, LLC	 	GS-10F-0234W	(817)441-9974	FORT WORTH ,TX	s/w		
TECHTRANS INTERNATIONAL INCORPOR	 	GS-10F-0158V	(281)335-8556	HOUSTON ,TX	o		
ALT SERVICES INC	 	GS-10F-0112S	(972)517-2700	PLANO ,TX	s/v		
HORIZON TRANSLATING & INTERPRETI		GS-10F-0056U	(435)644-2728	KANAB ,UT	s/d/w		
COMPREHENSIVE LANGUAGE CENTER, I	 	GS-10F-0384L	(703)247-0714	ARLINGTON ,VA	o		
LANGUAGE ASSOCIATES LLC	 	GS-10F-0225J	703-243-4855 X111	ARLINGTON ,VA	s		
TORRES ADVANCED ENTERPRISE SOLUT	 	GS-10F-0207S	(703)527-8088	ARLINGTON ,VA	o		
INTERNATIONAL COMMUNICATIONS ASS (DBA: ICA LANGUAGE SERVICES)		GS-10F-0016P	(703)527-8666	ARLINGTON ,VA	s		
M V M, INC.	 	GS-10F-0392N	(571)223-4504	ASHBURN ,VA	o		
LANGUAGE ON DEMAND, INC.	 	GS-10F-0231X	(703)691-2852	FAIRFAX ,VA	s/d/8a		
SCIENCE APPLICATIONS INTERNATION		GS-10F-0308U	(202)386-1703	MC LEAN ,VA	o		
THOMAS COMPUTER SOLUTIONS, L.L.C	 	GS-10F-0114N	(703)893-0009	MC LEAN ,VA	s/d/w		
ACCLAIM TECHNICAL SERVICES, LLC.	 	GS-10F-0106R	(714)596-8704	RESTON ,VA	o		
MCNEIL TECHNOLOGIES, INC.	 	GS-10F-0103K	(703)921-1686	SPRINGFIELD ,VA	o		



LAFAYETTE GROUP, INC.		GS-10F-0338U	(703)760-8866	VIENNA ,VA	s		
JTG, INC.		GS-10F-0084L	(703)548-7570	VIENNA ,VA	s/w		
OBJECT DESIGN & COMMUNICATION IN		GS-10F-0078V	(703)917-0023	VIENNA ,VA	s		
LANGUAGE EXCHANGE INC		GS-10F-0249R	(360)755-9910	BURLINGTON ,WA	s/w/h		
GLYPH LANGUAGE SERVICES INC		GS-10F-0053P	(206)315-0994	SPOKANE ,WA	s		
INTERNATIONAL COMMUNICATION BY D		GS-10F-0245X	(262)781-1644	BROOKFIELD ,WI	s/w		

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## LSS LANGUAGES

**In-house daily:**

- |                   |               |
|-------------------|---------------|
| 1. Arabic         | 6. Korean     |
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20. Bosnian	55. Polish
21. Bulgarian	56. Pular
22. Czech	57. Punjabi
23. Dangme	58. Romanian
24. Dari	59. Sarahule
25. Dioula	60. Serbo-Croatian
26. Dutch	61. Shanghainese
27. Fanti	62. Sichuan
28. Farsi	63. Sign Language
29. Fulani	64. Sinhalese
30. Ga	65. Slovak
31. Georgian	66. Soninke
32. German	67. Tagalog
33. Greek	68. Tamil
34. Gujarati	69. Thai
35. Hausa	70. Tibetan
36. Hebrew	71. Toisanese
37. Hindi	72. Turkish
38. Hungarian	73. Twi
39. Indonesian	74. Urdu
40. Italian	75. Vietnamese
41. Japanese	76. Wenzhou
42. Lao	77. Wolof
43. Lithuanian	78. Yemeni
44. Macedonian	79. Yiddish
45. Malaysian/Malay	80. Yugoslav

**From:** (b)(6), (b)(7)c  
**To:** (b)(6), (b)(7)c  
**Subject:** RE: USC Claim Scheduled for ICE Transfer 9/26/13  
**Date:** Thursday, September 26, 2013 10:10:33 AM

---

Subject is en route to Cary but he will not be booked in.

USC memo forwarded and I believe it is with (b)(6), (b)(7)c however it may have already been forwarded to (b)(6), (b)(7)c

Subject will not be taken into ICE custody until we receive word.

Since the transport van departs this area around (b)(7)e Wake is available to hold tonight if the final decision is to detain.

Briefly, this subject has two A#s consolidated, and we (RAL CAP) have identified 2 additional A-files that relate to him which are at NRC. We received documents out of one but the other is retired.

With regard to his alleged USC identity (name/SSN), I have located at least one other subject in NCIC who has used the exact identity.

Subject is a 7-state offender who has been deported at least once. He has been ordered deported at least 3 times under 3 different cases.

---

**From:** (b)(6), (b)(7)c  
**Sent:** Thursday, September 26, 2013 9:51 AM  
**To:** (b)(6), (b)(7)c  
**Cc:** (b)(6), (b)(7)c  
**Subject:** RE: USC Claim Scheduled for ICE Transfer 9/26/13

Still working with OCC on gathering information. (b)(6), (b)(7)c please provide (b)(6), (b)(7)c with status update.

(b)(6), (b)(7)c  
AFOD Charlotte NC

-----Original Message-----

**From:** (b)(6), (b)(7)c  
**Sent:** Thursday, September 26, 2013 08:21 AM Eastern Standard Time  
**To:** (b)(6), (b)(7)c  
**Subject:** RE: USC Claim Scheduled for ICE Transfer 9/26/13

Did OCC respond?

(b)(6), (b)(7)c  
A/DFOD

Desk: 404 893  
Cell: 404 925

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

---

**From:** (b)(6), (b)(7)c  
**Sent:** Wednesday, September 25, 2013 11:49 AM  
**To:** (b)(6), (b)(7)c  
**Subject:** FW: USC Claim Scheduled for ICE Transfer 9/26/13

FYI

(b)(6), (b)(7)c  
AFOD Charlotte NC

-----Original Message-----

**From:** (b)(6), (b)(7)c  
**Sent:** Wednesday, September 25, 2013 11:15 AM Eastern Standard Time  
**To:** (b)(6), (b)(7)c  
**Cc:** (b)(6), (b)(7)c  
**Subject:** USC Claim Scheduled for ICE Transfer 9/26/13

Please see attached document relating to a criminal alien, previously deported, who was encountered by way of Live Scan by Raleigh Secure Communities on September 17, 2013 at Johnston County and who is now claiming USC. Sorry for the last-minute submission but we were notified last night he was ready to transfer to ICE pursuant to a Miami detainer.

Thank You,

(b)(6), (b)(7)c  
DHS - ICE  
Secure Communities / Violent Criminal Alien Section  
Atlanta Field Office – Raleigh  
919-850-(b)(6), (b)(7) fffice)  
919-677-9919 (fax)

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**From:** [REDACTED]  
**To:** [REDACTED] (b)(6), (b)(7)c  
**Cc:** [REDACTED]  
**Subject:** RE: Voluntary Return ("VR") and Custody Redeterminations by ICE Personnel  
**Date:** Monday, August 30, 2010 9:09:51 PM

---

P.S. I've made a couple of mistakes since 1980-something, just not ready to talk about them yet... :=)

---

**From:** [REDACTED] (b)(6), (b)(7)c  
**Sent:** Monday, August 30, 2010 9:04 PM  
**To:** [REDACTED] (b)(6), (b)(7)c  
[REDACTED] (b)(6), (b)(7)c  
**Cc:** [REDACTED] (b)(6), (b)(7)c  
**Subject:** Voluntary Return ("VR") and Custody Redeterminations by ICE Personnel

**"VR's"**

We have noticed a significant drop off in the number of cases being granted a Voluntary Return (in custody/under safeguards). The bottom line appears to be that errors were made in a particular VR case, and personnel are now hesitant in regard to granting VR's.

Errors happen from time to time. When I was a new supervisor, I signed off (1980-something) on a warrant of removal when the alien's case was still on appeal (I trusted a particular officer to thoroughly review his/her case more than I should have). When a mistake is made and it is brought to our attention, it does not mean that we are at liberty to abandon the process, just that we have to re-double our efforts to conduct the process correctly.

I have put out e-mails to the processing units (CAP, 287g) that they are to maximize the use of VR, and I will do so again if need be. Although there is individual officer discretion involved, it is not an option to just stop or extremely minimize the VR process. If an officer needs assistance in knowing which cases are amenable to VR and which are not, they can seek guidance from a supervisor, the supervisor from an AFOD, etc.

If the alien wants to go home voluntarily and has no criminal record, or only convictions which will not rise to the threshold such that a U.S. Attorney's Office will prosecute for a subsequent unlawful re-entry, obtaining a formal removal order gives the taxpayers of the United States almost no benefit, when we can accomplish the same outcome by escorting the individual out of the country based upon his or her voluntary request to depart. Keeping such individuals detained detracts from ICE's mission by unnecessarily encumbering detention beds for a prolonged period of time, when we could otherwise free up those beds to increase the number of removals conducted, and thereby increase the critical deterrent effect on those considering unlawfully entering or re-entering the United States.

**Custody Redeterminations**

It is also my understanding that some officers/supervisors may have taken offense to our instruction that custody determinations should not be routinely re-considered by ICE personnel once an I-286 (Custody Determination) has been signed off by a supervisor and served on the alien. This has been our practice AOR-wide for as long as I can remember. If an initial custody determination was made and the alien seeks to have it modified, the standard procedure is to seek modification from the Immigration Judge. Yes, we have discretion to change it, but we choose to exercise that discretion only if there was a major factor that the officer and supervisor who initially made the custody determination overlooked. We do not want to be bogged down in countless re-determinations of custody being made by numerous SDDO's, nor do we want them (or us) having to respond to numerous requests from aliens and atty's when they have the option of seeking a full evidentiary

hearing before a judge, where any disputed determinations can more carefully be considered. Therefore we have limited custody re-determinations to the AFOD level or higher.

Please emphasize these matters to your supervisory, officer and agent personnel. If there are any questions or comments, I would be glad to address them as they come up through the chain. We have always sought and valued input from our personnel who are on the front lines accomplishing our agency's mission every day, as they are the ones in the best position to see where we can improve our processes.

Thank you.

(b)(6), (b)(7)c

Deputy Director  
Atlanta Field Office (GA, NC & SC)  
Enforcement and Removal Operations  
Department of Homeland Security  
U. S. Immigration and Customs Enforcement  
Office: (404) 893 (b)(6), (b)(7)c

From:  
To:  
Cc:

(b)(6), (b)(7)c

Subject: RESUBMIT CAP surge results  
Date: Monday, September 09, 2013 8:46:45 AM  
Importance: High

Good morning,

Please resubmit the CAP surge results following the sample format below ASAP.

#### Los Angeles

**Office Event Description:** ERO Los Angeles conducted a CAP Surge  
**Location:** Los Angeles County Jail, Los Angeles, California  
**Date(s):** August 26, 2013 to August 31, 2013 (continuing)  
**Expected Media Coverage:** There was no media coverage.  
**Juvenile presence expected:** No Juveniles encountered.  
**Sensitive locations:** Did not occur at a Sensitive Location.

**Total Detainers:** 7  
Targets by priority:  
Level 1 criminal alien: 2  
Level 2 criminal alien: 5  
Level 3 criminal alien: 0

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-----  
**This is what was submitted.**

#### ERO Atlanta

**Office Event Description:** CAP Surge Operation  
**Location:** DeKalb County Jail in Georgia  
**Date(s):** September 4 – 11, 2013 (the dates should be September 1 – 7)  
**Expected Media Coverage:** Minimal  
**Juvenile Presence Expected:** None  
**Sensitive Locations:** None  
**Total Targets:** Targets dependent upon the number of those booked into the jail during the surge  
**Total Arrests:** To date, FOD Atlanta has issued 13 ICE Detainers and 3 Notices to Appear (I-862). The Secure Communities Levels are as follows:

- Level 1 Criminal Aliens – 3
- Level 2 Criminal Aliens – 1
- Level 3 Criminal Aliens – 3
- Fugitive Aliens – 2
- Re-entries – 2
- Recent Border Entrants – 2
- Non-Criminals – 3 (delete everything in RED and add these numbers to other categories per their crime)

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

Sent: Friday, September 06, 2013 12:44 PM

To: ERO Operation Center

Cc:

(b)(6), (b)(7)c

(b)(6), (b)(7)c

Subject: New Format - ERO Operational Calendar Report - Atlanta Field Office

ERO Operation Center,

Attached is the weekly ERO Operational Calendar Report from the Atlanta Field Office, covering September 1 – October 5, 2013. Please contact me should you have any questions or concerns regarding this report. Thank you.

(b)(6), (b)(7)c

Deportation Officer  
Executive Response Unit  
DHS-ICE-ERO  
Atlanta Field Office  
Desk: 404-893-  
Cell: 404-354-

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

Sent: Friday, April 20, 2012 11:48:15 AM (UTC-05:00) Eastern Time (US & Canada)

Subject: Addendum to the New Format for the ERO Operational Calendar:

\*\*\*\*\*

*This message is sent on behalf of David J. Venturella, Assistant Director for Field Operations:*

**To:** Field Office Directors and Deputy Field Office Directors

**Subject:** Addendum to the New Format for the ERO Operational Calendar:

In an effort to highlight the outstanding work ERO officers and agents do on a daily basis, ERO will begin to add write ups for egregious criminal arrests planned for the upcoming week to the ERO Operational Calendar report.

To that end, when submitting your weekly ERO Operational Calendar Report each field office must provide at least one write up for the most egregious criminal your office plans to arrest/pursue in the upcoming week. Highlighted criminal arrests, should be a street arrests, but can be fugitives, reentries or at large criminals. Each office is to provide a write-up whether the arrest is part of a scheduled operation or your everyday enforcement actions. Below is a sample write up.

**ERO Buffalo**

**Event Description:** *The Buffalo Field Office, in coordination with the Rochester, NY Organized Crime Drug Enforcement Task Force (OCDETF), will arrest (b)(6), (b)(7)c a citizen of Jamaica. (b)(6), (b)(7) is a previously removed criminal alien and a member of a narcotics distribution network operating in the Greater Rochester, NY area. (b)(6), (b)(7) faces a number of federal charges, including reentry of a removed alien and narcotics trafficking. Any incidental aliens encountered will be vetted pursuant to ICE priorities and prosecutorial guidance.*

Please submit your write-ups as a part of your weekly submissions for the ERO Operational Calendar. If you do not have an operation planned you must still submit the egregious write up. The attachment is a sample of what is reported to the department on a weekly basis, for the Secretaries visibility, we need to do a better job of highlighting the tremendous work the Field does.

Should you have any questions, please contact the (b)(6), (b)(7)c Center by email at (b)(6), (b)(7)c or (b)(6), (b)(7)c at (202) 732- (b)(6), (b)(7)c or via email a (b)(6), (b)(7)c @dhs.gov.

~~NOTICE: This communication may contain privileged or otherwise confidential information. If you are not an intended recipient or believe you have received this communication in error, please do not print, copy, retransmit, disseminate, or otherwise use this information. Please inform the sender that you received this message in error and delete the message from your system.~~

From (b)(6), (b)(7)c

Sent: Wednesday, January 25, 2012 1:30 PM

Subject: New Format - ERO Operational Calendar Report

*This message is sent on behalf of (b)(6), (b)(7)c Assistant Director for Field Operations:*

**To:** Field Office Directors and Deputy Field Office Directors

**Subject:** Addendum to the New Format for the ERO Operational Calendar:



**Starting immediately, all submissions for the Operational Calendar will be due to the ERO Operation Center Mailbox (b)(6), (b)(7)c by close of business (COB) on Fridays.**

If a holiday should fall on either a Friday or a Monday, then your submission must be received no later than COB on Thursday.

Your continued assistance is appreciated. The Operational Calendar continues to evolve in order to provide the Director's Office with ERO operational information.

If you have any questions, please contact the ERO Operations Center by email at (b)(6), (b)(7)c or (b)(6), (b)(7)c (b)(6), (b)(7)c at (202) 732-5(b) or via email at (b)(6), (b)(7)c @dhs.gov.

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*This message is sent on behalf of (b)(6), (b)(7)c Assistant Director for Field Operations:*

**To: Field Office Directors and Deputy Field Office Directors**

**Subject: Addendum to the New Format for the ERO Operational Calendar:**

Starting immediately, all submissions for Operational Calendar will require that target lists be vetted for possible prosecutorial discretion consideration and to ensure that they meet the ERO priorities. Additionally, all Operational Calendar submissions must include the verbiage below indicating that the target list as well as the individuals upon arrest were vetted against prosecutorial discretion consideration factors.

*“Each target was vetted that it meets ICE priorities and for prosecutorial discretion factors prior to being targeted for the operation” and “all arrests were vetted that they meet ICE priorities and for prosecutorial discretion factors at the time of encounter”*

If you have any questions, please contact the (b)(6), (b)(7)c by email at (b)(6), (b)(7)c

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**From:** (b)(6), (b)(7)c

**Sent:** Tuesday, December 27, 2011 1:54 PM

**Subject:** New Format - ERO Operational Calendar Report

*This message is sent on behalf of (b)(6), (b)(7)c Assistant Director for Field Operations:*

**To: Field Office Directors and Deputy Field Office Directors**

**Subject: New Format - ERO Operational Calendar Report**

**Starting immediately, Field Offices must report all enforcement operations utilizing the attached format.**

Please provide a weekly submission of anticipated enforcement operations utilizing the attached template. Negative responses are required. Please ensure that the reporting period covers **a five week** period. The previous week to include the results of any operations and four weeks out from the due date.

Examples of enforcement events include, but are not limited to:

- Fugitive Operations
- Enhanced CAP Surges
- Joint Operations with other DHS, Federal, State or Local Law Enforcement Agencies
- Probation/Parole Operations
- Cross-Check Operations
- Any other event or operation you feel is significant

In the report, please provide the following: (as appropriate)

- **Office Event Description:** (Describe the enforcement event. See attached template.)
- **Location:** (City and State of the operation)
- **Projected Date:** (Start and end dates of the operation)
- **Expected Media Coverage:** (Describe the level of media coverage expected. Include information regarding recent significant stories on immigration in the local area.)
- **Juvenile presence expected:** (Describe the likelihood of encountering children during the operation.)

- **Sensitive locations:** (*Describe the likelihood of the operation occurring at or near sensitive locations.*)
- **Anticipated Detainers/Arrests:** (*for CAP Surge operations*)
- **Total Targets:**
- **Targets by priority:**
  - **Level 1 criminal alien:**
  - **Level 2 criminal alien:**
  - **Level 3 criminal alien:**
  - **Fugitive aliens:**
  - **Re-entries:**
  - **Recent Border Entrants:**
- **Total Arrests as of:**
- **Arrests by priority:**
  - **Level 1 criminal alien:**
  - **Level 2 criminal alien:**
  - **Level 3 criminal alien:**
  - **Fugitive aliens:**
  - **Re-entries:**
  - **Recent Border Entrants:**
- **Total Detainers/Arrests as of:** (*for CAP Surge operations*)

This will be a recurring report that will be due every **Friday by close of business**. Please submit your responses to the (b)(6), (b)(7)c Outlook mailbox. For holidays that occur on a **Friday or Monday**, the tasking will be due on the **previous Thursday**.

If you have any questions, please contact the (b)(6), (b)(7)c by email at (b)(6), (b)(7)c or (b)(6), (b)(7)c (b)(6), (b)(7) at (202) 732- (b)(6), (b)(7)c or via email at (b)(6), (b)(7)c @dhs.gov.

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**From:**  
**To:**

(b)(6), (b)(7)c

**Cc:**

**Subject:** SME info - upcoming RCA deployment

**Date:** Wednesday, January 23, 2013 1:52:52 PM

**Attachments:** [RCA Helpful Hints\\_12032012.docx](#)  
[RCA Phase 1-4 Lessons Learned.docx](#)  
[RCA Phase 5 6 Workflow Overview.pptx](#)  
[RCA SME\\_POC Predeployment Briefing\\_FINAL.ppt](#)  
[RCA Webinar Phase 4 Final\\_11\\_07\\_2012.pdf](#)  
[RCA Mead Memo\\_08152012.docx](#)  
[RCA Translation Guide Spanish November 2012.doc](#)  
[Risk Classification Scratch Worksheet\\_v1.1.docx](#)

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Good Afternoon RCA SMEs,

Monday is the day! Beginning Monday 1/28, all cases, except those few who will fall into the exceptions (outlined in the Mead memo) will have to have an RCA completed as part of standard processing procedure. Any alien who comes into custody on/after Monday MUST have an RCA completed. That includes those who were processed before the deployment of RCA.

I would advise supervisors to come up with a notification process BEFORE Monday so that your processing officers know how to let you know when an RCA is awaiting approval.

I just got off the phone with an AFOD in SLC and he said that after the initial launch, things smoothed out quickly and it's now just another part of their daily duties. He implied it is not the "nightmare" that some perceived. I have no doubt we'll have some bumps in the road but that is where we come in. I've attached some "Helpful Hints" and Lessons Learned from the other AORs that are already live as well as the PPTs from the various webinars/teleconferences we have attended.

When End Users have a problem, they will be directed to you. If you cannot help them / figure it out, shoot me an e-mail or give me a call and I'll see if I can't figure out what's going on. If together, we are not able to find a solution, we'll have access to the RCA Deployment team / helpdesk to save the day. PLEASE make an effort to help when folks have an issue. I know we're busy and have other things to do, but over the next several weeks, our "things to do" includes getting the ATL AOR through the initial launch of the RCA.

I will be available and willing to help as much as possible over the next several weeks. Tomorrow, AFOD Ervin will fill in for me on the final pre-deployment check in. Upon my return on Friday, we'll get together and pass along any last minute guidance.

Thank you in advance for your assistance in making the launch of the RCA another ATL success story.

(Just FYI, AFOD (b)(6), (b)(7)(c) is sending out an e-mail to ALL ATL ERO with some last minute pre-deployment tips and guidance so your folks may come to you with questions/concerns before Monday's launch)

(b)(6), (b)(7)(c)

(b)(6), (b)(7)(c)

SDDO / ATL RCA POC

Charlotte, NC

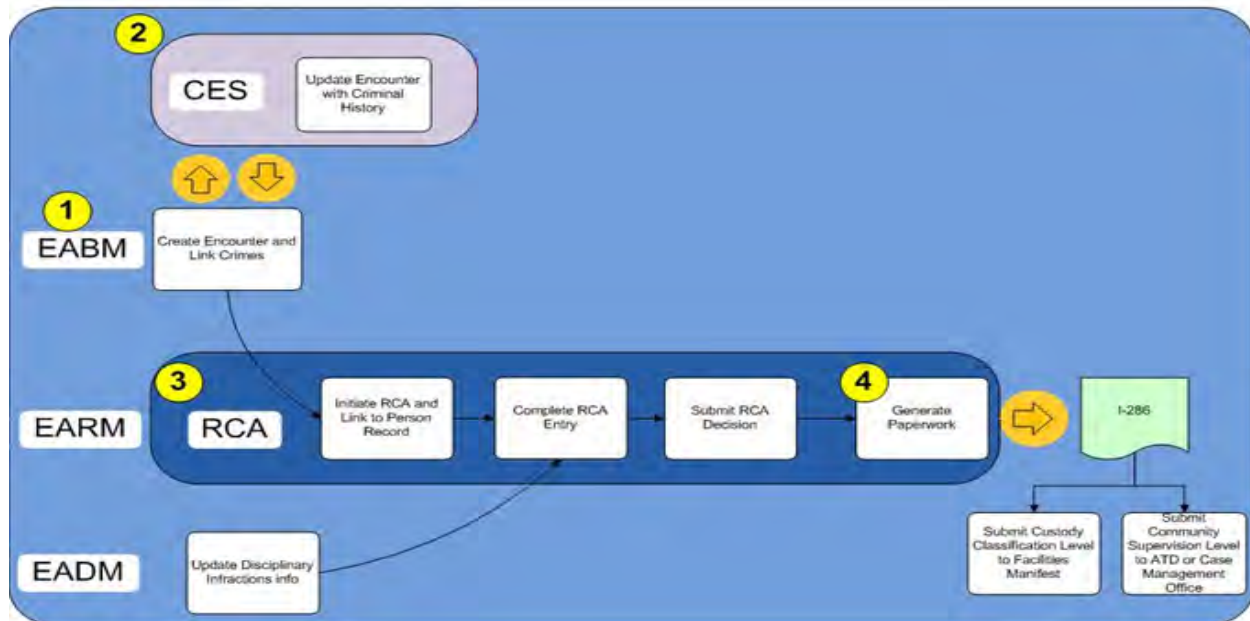
***"It is not the critic who counts; not the man who points out how the strong man stumbles, or where the doer of deeds could have done them better. The credit belongs to the man who is actually in the arena, whose face is marred by dust and sweat and blood; who strives valiantly; who errs, who comes up short again and again, because there is no effort without error and shortcomings; but who does actually strive to do the deeds; who knows great enthusiasm, the great devotions; who spends himself in a worthy cause; who at the best knows in the end the triumph of high achievement, and who at the worst, if he fails, at least fails while daring greatly, so that his place shall never be with those cold and timid souls who neither know victory nor defeat." Theodore Roosevelt***



Before printing, please think about the environment

## Helpful Hints when Starting an RCA for Detain/Release Decision:

The following chart illustrates the RCA System Workflow and the ENFORCE/EARM modules it interacts with:



### ENFORCE/EABM:

1. Create the Encounter and enter all necessary subject information into the booking module.
2. Enter any Statutes and Allegations into the Arrest Tab. RCA will use these charges to determine if an alien is subject to mandatory detention per Statutes and Allegations.
3. After completing data entry into EABM, click the Crime Entry tab to enter Crime Entry Screen from the booking module.

### Crime Entry Screen (from EABM):

1. Enter Crime Entry Screen (CES) from the Crime Entry tab in EABM.
2. If crimes were previously entered in CES from the person record, the user may click the Import Crimes button to upload those crimes into CES from EABM.
3. Enter all crimes into CES, and click the box Encounter Due to Charge for any crime that was the reason for the encounter. [Note: This check box is NOT available from CES when entered from EARM]. Encounter Due to Charge is a drop-down value of "Yes" or "No." "Yes" should be selected for the crime for which the immigration subject was encountered. This field is still editable when a crime is locked because of a person association. This represents the criminal activity that brought the individual to ICE's attention. "Yes" should always be selected for the crime that caused the encounter in the detention facility or jail.
  - a. RCA uses CES to import the individual's criminal history and evaluate it for Risk to Public Safety.
  - b. RCA will evaluate charges that are dropped or pending. RCA will NOT evaluate charges that are dismissed.

### EARM:

1. Search the alien in EARM using either the Alien Number or Subject ID. Click on the Subject ID once the results are returned.
2. The user can automatically link an Encounter to a Person Record if a record with matching A-Number, gender, birth month and year, and first four characters of the last name is found. Click Automatically Link to Person Record to link the encounter to a person.
  - a. If no link is found, the user can manually link the encounter, or create a new person record.

**Risk Classification Assessment:**

1. Begin the Risk Classification Assessment (RCA) by searching in EARM using either the Alien Number or Subject ID. Click on the Subject ID once the results are returned and then select the RCA header to enter the module.
2. Remember to hit the SAVE button in each section or sub-section. You do NOT need to click UPDATE each time.
  - a. In Risk to Public Safety and Risk of Flight tabs, click save at the bottom of each expanded section after entering new data.
3. **Special Vulnerabilities:** The user must select a vulnerability or select none from the Special Vulnerabilities factors.
4. **Mandatory Detention:** This tab is automatically populated. The user should verify the results to ensure accuracy, but no data entry is necessary.
  - a. If the alien is subject to Mandatory Detention per his/her statutes & allegations, ensure the charges are entered in the Arrest tab of EABM. This information feeds the RCA.
  - b. If the alien will be subject to Mandatory Detention in the future after a Final Order is approved, RCA will not know to label the alien as Mandatory Detention until a mandatory detention charge is entered into EABM. To detain the alien, the user can disagree with the RCA recommendation, and the supervisor can override the RCA recommendation to "Detain in the Custody of this Service".
5. **Risk to Public Safety:**
  - a. The Criminal History section is automatically populated from Crime Entry Screen. Validate the crimes, and ensure the user entered the alien's criminal history from the **EABM Crime Entry Screen**. Ensure the Encounter Due to Charge box is checked when applicable. Click update to view new information entered into CES in this section of RCA.
  - b. Enter data for all questions in Other Public Safety Factors tab. Save.
  - c. The Disciplinary Infractions tab does not require data entry for a RCA Detain/Release Decision. Data must be entered to receive a Custody Classification Level decision.
6. **Risk of Flight:** Requires manual data entry for all questions.
  - a. For some questions in the Immigration/Substance Abuse/Identification section, RCA will suggest an answer based off data from EARM. This may not be the most update information. The user should verify the records and select the correct value. Complete all questions. Save.
    - i. Immigration Violation history suggestions are based on prior VRs and/or VDs only.
  - b. Select data for the Home Stability tab. Save
  - c. Select data for the Ties to Local Community. If the user selects "Yes" to the first question of "The individual has family or support in the local community", then another factor must be selected in the list as well. Save.

7. **Recommendation/Decision:** To view the RCA recommendation before moving to the Submission Screen, click Update. To move to the submission screen and wait to view the RCA recommendation there, simply click Submit for Approval. The system will then update.
  - a. After clicking Submit for Approval, RCA takes the user to a new page. Click Continue. Review the RCA recommendation. Agree or Disagree with the Recommendation and enter comments if desired (required by RCA in some cases depending on the recommendation and situation). Click the Submit box, and the green Submit button at the bottom of the page.
    - i. If the recommendation is “Supervisor to Determine”, the user does not agree or disagree with the recommendation. The user can enter comments to the supervisor if desired, and submit for supervisory approval.
    - ii. If the recommendation is “Detain, Bond Eligible”, RCA will recommend a bond amount. The supervisor will have the opportunity to Agree or Disagree with the Bond amount, and enter a new amount if desired.

## Helpful Hints for Supervisory Approval for Detain/Release Decisions in RCA

1. Begin RCA by searching in EARM using either the Alien Number or Subject ID. Click on the Subject ID once the results are returned and then select the RCA header to enter the module.
2. Click on the **RCA Recommendation/Decision** tab. Review the RCA recommendations in the “Current Risk Classification State” box. Remember that the supervisor may override any RCA recommendation at his or her discretion.
  - a. Click on any RCA tab to review the individual data fields selected by the submitting officer.
  - b. Click the green Complete Approval button. After clicking Complete Approval, RCA takes the supervisor to a new page. Click Continue.
    - i. Agree or Disagree with the recommended RCA decision (not with whether the supervisor agrees or disagrees with the submitting user). If the supervisor disagrees, he/she must select a new decision from the drop down list.
    - ii. If the recommendation is “Detain, Bond Eligible” and the supervisor agrees with this decision, RCA will also recommend a bond amount. Agree or Disagree with the amount. If the supervisor disagrees with the bond amount, he/she must enter a new numeric amount.
    - iii. Enter comments if desired (required by RCA in some cases depending on the recommendation and situation). Click the Decision Affirmed box, and the green Submit button at the bottom of the page.
3. Remember that a supervisor may NOT approve his or her own initial submission. If a supervisor submits an RCA decision, another supervisor in the same DCO must approve the decision. Best practice suggests asking an officer to make any required edits to the subject and then re-submitting for approval so that more than one supervisor is not required.
  - a. A user’s DCO may be updated via the “Preferences” link at the top right hand corner of EARM.
  - b. Any user may be granted a supervisory role when necessary (e.g. due to leave, detail, etc) by the field office’s UAM moderator.



## Risk Classification Assessment (RCA) Module

### Phase 1-4 Deployment Lessons Learned

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#### RCA Phases 1-4 Deployment Scope:

1. Deploy RCA to the Washington, Baltimore, Philadelphia, El Paso, Seattle, San Antonio, Salt Lake City, Denver, San Francisco, Los Angeles, and Chicago AORs.
2. Collect lessons learned to improve training and adoption approaches, as well as any systems changes to improve systems performance.
3. Prepare for the launch of Phases 5-6 to additional AORs.

#### Phase 1-4 Lessons Learned Information:

Please see below some detailed lessons learned topics gathered during working sessions with field office personnel as they used the automated RCA tool.

#### Topic: Completion of RCA by contractors at SPCs:

- At the El Paso SPC, in order to use RCA for Custody Classifications, contractors who already had EADM access initially completed RCA recommendations. For subjects that were encountered by another agency and dropped off at EPC (such as CBP arrests), this required the contractors to first document the Detain/Release decision before being able to access the Custody Classification component.
  - The following issues with this process were discovered:
    - Contractors typically do not have access to the A-file
    - Contractors do not receive the same training as ERO DO and IEAs at FLETC and do not have the required understanding of the I-286 vs. I-862, etc. So case triage (ensuring that the case is ready for the RCA to be performed) needs to be completed by ICE instead of a contractor.
    - Quality of CBP data entry varies across subjects. Often, the information provided on the I-213 causes challenges to contractors as to how to interpret the information.
    - IRH cases are not on a docket so therefore all the details of the processing are not in EARM application which can cause challenges during RCA processing
    - CBP elects to detain in the custody of this service a large number of aliens given the recency of border crossing and the desire to prosecute the individual. In many cases, aliens that have a LOW Risk to Public Safety and a LOW Risk of Flight are being detained. In several cases, they did not cross in the last 14 days per the I-213. This is causing the ERO staff/contractors to override a large number of Detain/Release recommendations as they are not performing an actual ERO determination of custody and simply documenting the CBP I-286 in RCA in order to proceed with Custody Classification.
- **Suggestions:** At the direction of the RCA Working Group, future phases will be advised to not allow contractor staff to document Detain/Release decisions in RCA.
  - If a facility (SPC or CDF) currently has a contractor staff that accesses EADM for classification and book-in purposes, the following workflow is recommended:
    - Upon receipt of the subject from the arresting entity, contractor or ERO IEA follow existing classification/book-in process
      - Instead of using the Primary Assessment Form from EADM which is based on PBNDS 2008, the classification form from PBNDS 2011 should be used which is aligned with the RCA scoring methodology for custody classification

## Risk Classification Assessment (RCA) Module

### Phase 1-4 Deployment Lessons Learned

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- ERO DO/SDDO should perform the RCA Detain/Release process to document the ERO determination of custody in RCA
- ERO DO/SDDO or contractor staff (up to local management) should document the Custody Classification level in RCA.

#### **Topic: Completion of RCA for non-ERO arrests (such as CBP):**

- All aliens who come into ERO custody are to have an RCA performed regardless of arresting agency. The RCA Detain/Release decision for these aliens should document the ERO officer/supervisor determined custody decision.
- The Mead RCA Usage Memo does apply to non-ERO arrests. If an alien arrested by another agency comes into ERO custody and meets the exclusion criteria documented in the Mead RCA Usage Memo, an RCA is not required.

#### **Topic: How to handle transfers from non-RCA AORs:**

- If an AOR using RCA receives a transfer from a non-RCA AOR, is the receiving AOR required to perform an RCA on the subject? Do these subjects need to follow the guidance of the Mead RCA Usage Memo?
- **Suggestions:** During the phased rollout of RCA, some AORs will be receiving subjects that were initially encountered in another AOR which is not yet using RCA. These subjects do not fall under the Mead RCA Usage Memo and are not required to have an RCA performed. If the receiving AOR chooses to utilize the RCA Custody Classification component for subjects that they will be detaining, they are encouraged to use RCA, but it is not required. In order to use the RCA Custody Classification component, the receiving AOR will need to first document the detain/release decision made by the sending AOR in RCA.

#### **Topic: Completion of RCA by 287g Officers:**

- 287g Designated Immigration Officers should be granted EARM read-only user access, and thus only have RCA read-only access
  - 287g DIOs can complete Scratch RCA documentation to gather RCA answers from an individual during interviews. The completed Scratch RCA can then be handed off to ERO personnel to enter information into the RCA module and complete the recommendation and decision process.
- ERO 287g DO/SDDOs should be granted full RCA user access to complete the assessment in the RCA module

#### **Topic: RCA usage / flexibility in adapting to different field office processes:**

- RCA allows multiple users to input data into a single RCA record. Due to this flexibility, updates to a record may occur after one user submits an RCA recommendation for supervisory approval, especially in offices where multiple users often access the same records.
- Supervisors need to be aware that multiple users may be touching a record. If any updates are made by any users after a submission, RCA will require the recommendation to be re-submitted before approval.
  - **Suggestion:** Supervisors should be reminded in the "Helpful Hints" document that while they *may* re-submit an RCA recommendation to update information, RCA will then require

## Risk Classification Assessment (RCA) Module Phase 1-4 Deployment Lessons Learned

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- another** supervisor approve it. In many cases it will be best practice to ask an *officer* to update information and re-submit an RCA recommendation so an additional supervisor is not required.
- Beginning in Phase 2, a Workflow Questionnaire was completed in advance of go-live to document the specific RCA workflow for each of the AORs offices. The workflow documented which officers and supervisors (CAP, FugOps, Detention, etc) will be responsible for the submission and approval of each RCA decision in that office.
    - Completing the workflow document has been successful in smoothing the transition to RCA usage, particularly by identifying which Supervisors will be approving certain decisions so the officers are aware who to hand off their file to for the next step.
  - RCA re-determination is not possible from one Detain decision (Detain in the Custody of this Service or Detain, Bond Eligible) to the other Detain decision. The new decision should instead be logged in EARM, which will populate on the I-286 if printed from EARM.
  - No juvenile should have an RCA performed. The RCA usage expectations for non-juveniles is set forth in the 8/15/2012 Mead Memo.
    - If an alien will not have a charging document issued (such as when PD is being exercised), an RCA is not required

### Topic: RCA Sequencing:

- How can officers have the flexibility to perform RCA assessments when not sitting with the alien during his/her interview?
  - In addition to the Scratch RCA provided to all RCA end users, PHI is planning to add RCA questions (e.g. home stability, ties to the local community) to their Sworn Statement so that more RCA factors can be answered initially during an individual's interview before they are brought into ICE custody
- How are supervisors to be notified that an RCA is ready for supervisory approval?
  - **Suggestion:** PHI supervisors are aware that "queue" functionality is being planned for a future deployment. They recommend the solution not involve sending individual emails as it will be too overwhelming to receive one each time a single record is available for approval.

### Topic: RCA Data Inputs and Specific RCA Factors:

- All RCA users need to be aware of CES requirements and how CES data used by RCA
  - **Suggestions:** Some users have stated confusion over when to check the Encounter Due to Charge box in CES from EABM. A brief explanation of CES in EABM and the definition of Encounter Due to Charge should be added to the RCA Helpful Hints document.
- Valid ID from COC: Users had confusion over this question, and how to accurately input data. Few individuals actually have valid ID on their person when they are in custody, and the officers are wary to believe the individual if the information cannot be verified.
  - **Suggestion:** The RCA Working Group may wish to consider alternative ways to ask the question or word the instructions to get more accurate data and more value out of responses.
- Substance Abuse History: The pop up for substance abuse includes looking for a history of DUIs, but it does not explicitly state alcohol abuse as being part of the factor if DUIs are not present. The pop

## Risk Classification Assessment (RCA) Module Phase 1-4 Deployment Lessons Learned

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up states: “Ask about the individual's drug use, review history for DUIs, drug possession, or controlled substance abuse, and observe track marks and other visible signs of addiction.”

- **Suggestion:** The officers stated they would like additional written guidance for alcohol as it is a common issue among the individuals they interview, and not all individuals who abuse alcohol have a history of DUIs.
- Ties to the Local Community: Some of the factors available for selection in Ties to the Local Community are difficult to clearly verify, and force the officer to make a determination on whether or not they believe the individual being interviewed (e.g. The individual has a US citizen spouse or child, the individual has a spouse/child in the local community).
  - **Suggestion:** The officers would feel more comfortable selecting factors if guidance similar to the guidance provided in the Special Vulnerabilities section was present. E.g. “If based on your assessment, a tie to the community exists, select the appropriate boxes below”.
- RCA Detain/Release decisions will be populated on the I-286 when printed from EARM after completion of RCA
  - The RCA Detain/Release decision should be completed before printing the I-286.
  - The I-286 should not be populated in EABM when an RCA will be performed. Doing so will cause duplicate entries in the EARM Custody Actions & Decisions log and could lead to issues when printing the I-286 from EARM



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# Risk Classification Assessment (RCA) Phase III & IV Workflow Overview

November 2012



- The Risk Classification Assessment (RCA) module of EARM is being deployed in Phases to all 24 AORs
  - Phase 1 went live on July 30, 2012 in the WAS and BAL AORs; Phase 2 went live on November 5, 2012 in the SEA, ELP, and PHI AORs; Phase 3 went live on November 26, 2012 in DEN, SLC, and SNA AORs
  - Phase 4 is scheduled for December 10, 2012
  - Phase 5 is scheduled for January 7, 2012
  - Phase 6 is scheduled for January 28, 2013
- During ERO intake and subsequent assessments, RCA generates standardized recommendations for
  - Detain or Release
    - Including Bond Amount, if applicable
  - Custody Classification Level (if the individual is detained)
  - Community Supervision Level (if the individual is released)
- ICE personnel maintain the ability to exercise discretion and document all decisions



## Key Training Approach:

- **RCA Training Webinars for Training SMEs and Key Users:** Presentation on RCA and the deployment process for designated Training SMEs and Key Users in each AOR that will become RCA experts and help answer questions to end users during training and after go-live
  - Phase 5: December 4 and December 6
  - Phase 6: December 18 and December 20
- **Virtual End User Training:** Computer Based Training which include example simulations. A playbook and access to the training environment will also be made available to all end users three weeks prior to go-live.
  - Phase 5: December 17 to January 3
  - Phase 6: January 7 to January 24



- A Packet of Information will be available to print for each end user when beginning to use RCA. These include:
  - **RCA Workflow:** Completed template illustrating which unit is responsible for conducting each RCA step
  - **Scratch RCA:** RCA cheat sheet for asking questions when a computer is not available
  - **Spanish RCA Translation:** Translation of key RCA questions and info links
  - **Helpful Hints Document:** Quick “how to” for officers and supervisors to conduct RCA submissions or approvals, and the necessary components in other ENFORCE modules (e.g. CES)
  - **Command Center Plan:** SFTO/SME contacts and any on-site support dates and information.





- The biggest takeaway from the phased deployment thus far was that more preparations need to be done for future phases to determine the exact workflow within each individual office.
- An RCA Workflow template will be completed by the field to document:
  - Which work unit (CAP, 287g, FugOps, Detention Management, etc) is responsible for each step of the RCA workflow
  - How workflows differ between offices within the AOR



- The following slides contain screenshots of the RCA module
- Inputs:
  - Special Vulnerabilities
  - Subject to Mandatory Detention
  - Risk to Public Safety
  - Flight Risk
- Detain/Release Submission/Decision process
  - Officer Submission of Detain/Release (and bond) Recommendation
  - Supervisory Approval of Detain/Release (and bond) Decision
- Custody Classification Level Submission/Decision process
  - Officer Submission of Custody Classification Level Recommendation
  - Supervisory Approval of Custody Classification Level Decision
- Community Supervision Level Submission/Decision process
  - Officer Submission of Community Supervision Level Recommendation
  - Supervisory Approval of Community Supervision Level Decision



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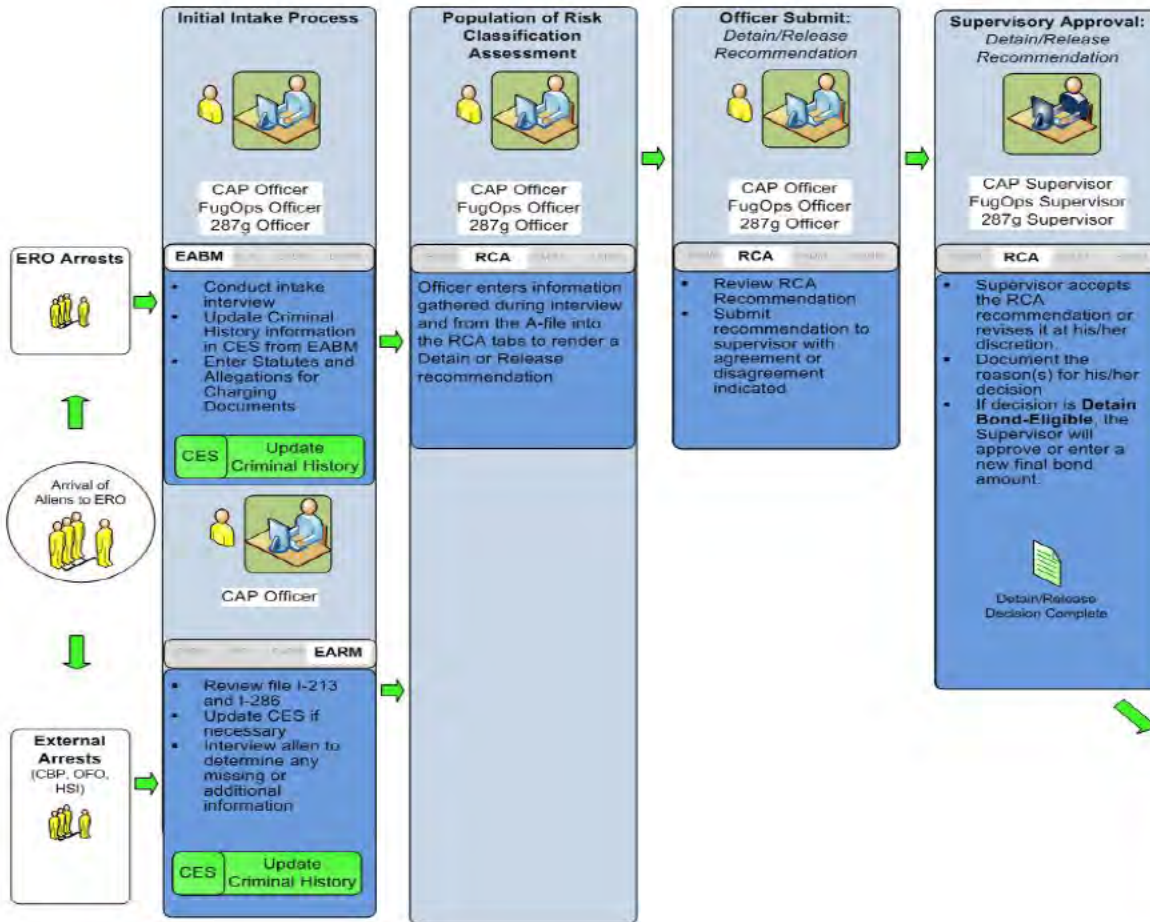
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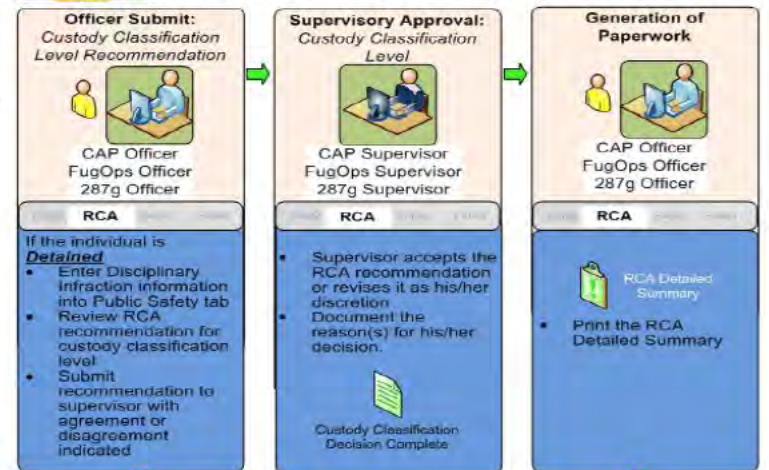
- The following slides provide two examples of completed templates to help determine your AOR and each field office's workflow.
  - How to complete the questionnaire?
    - Enter the Unit Name(s) that are responsible for each step depicted in the blank space
  - What are the differences between the two workflow templates in the questionnaire?
    - The order the AOR/field office needs to book-in an individual in EADM
  - Where do I direct questions about the questionnaire or RCA in general?
    - RCA Mailbox: (b)(6), (b)(7)c @ice.dhs.gov



Washington AOR Lorton Sub Office RCA Workflow

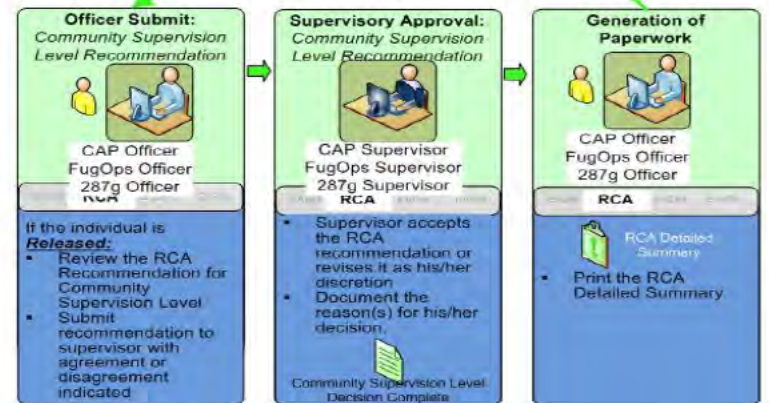


Legend: L = Low, ML = Medium/Low, MH = Medium/High, and H = High



Subsequent Custody Classification Level Assessment

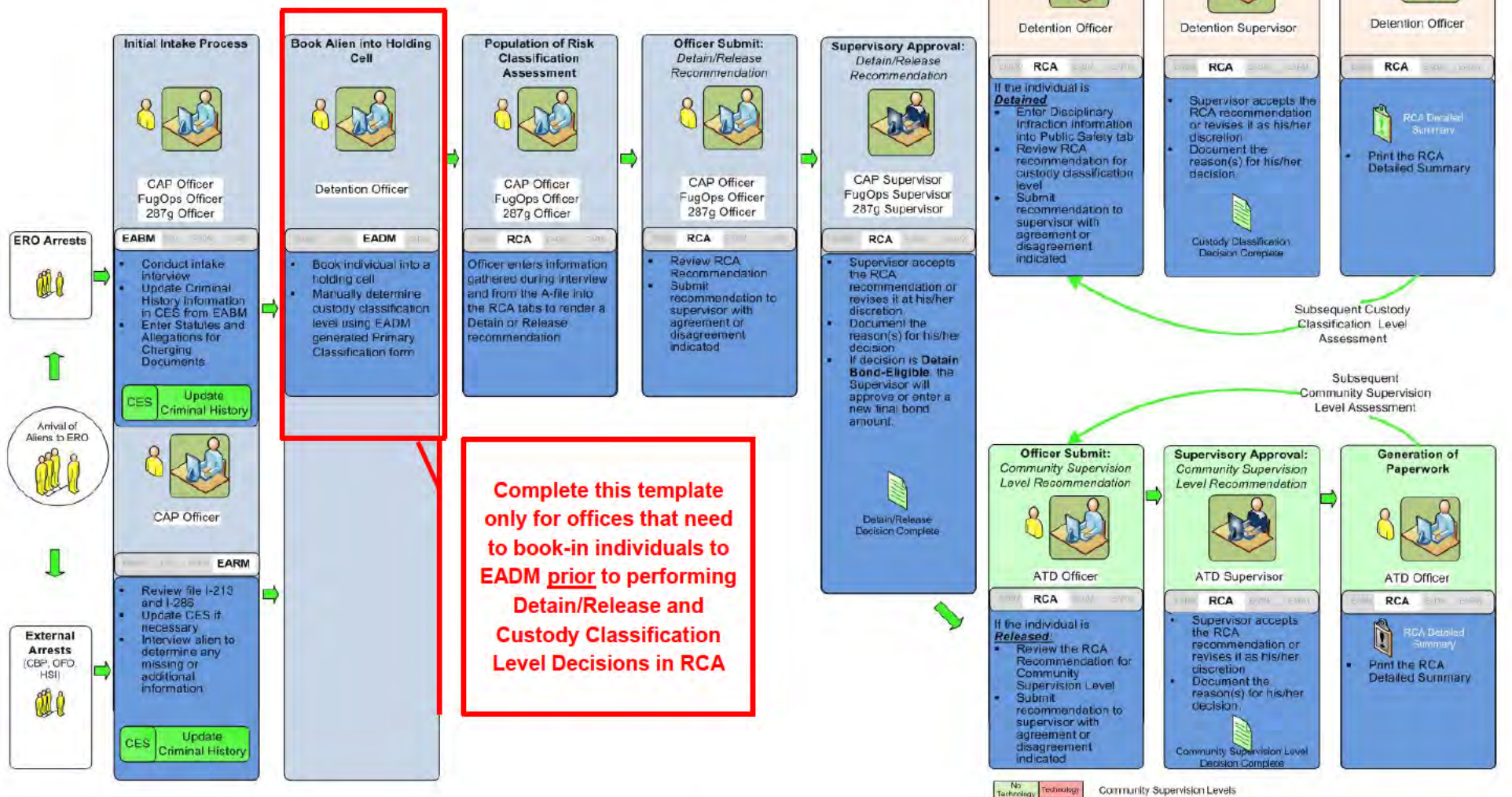
Subsequent Community Supervision Level Assessment



Legend: NC Technology, Technology Community Supervision Levels



Washington AOR Fairfax Field Office RCA Workflow





- A follow-up meeting will be held on December 5 to check-in on the status of completion of the questionnaires and to address any outstanding questions.
- Completed questionnaires for each AOR should be returned to LESA by December 7.
- RCA POCs will be notified of the training schedule for the Phase V and VI deployment and the Webinar schedules.





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RCA Training and Deployment Update for Baltimore and Washington  
POCs and Training SMEs  
March 2012



- The objective of today's meeting is to provide an update on RCA training and deployment for Phase I Points of Contact (POCs) and Training SMEs

## Agenda

- Introductions
- RCA Overview
- RCA Training Overview
- RCA Phase I Deployment Approach
- Training SME Roles
- Upcoming Events & Next Steps
- Q&As



- Office of Detention Policy and Planning (ODPP) studied ICE ERO operations to evaluate the effectiveness of detention custody decisions
- Results of the study found that:
  - ERO is not taking advantage of risk classification methodologies used at most other law enforcement agencies
  - An inconsistency exists in the process the field offices use to make custody decisions
  - A variety of forms and tools support the custody decision process: I-213, I-265, I-286, Bond Determination Worksheet, Primary and Secondary Assessment Form
  - The process varies from field office to field office and decisions are made based on local operating procedures
- ODPP was tasked with creating a risk classification assessment methodology based on current industry standard risk assessment techniques to standardize the custody decision making process across all ERO field offices



- The RCA solution will provide a scoring methodology to generate standardized recommendations during the intake and subsequent assessment process related to:
  - Detain or Release
  - Bond Amount, if applicable
  - Custody Classification Level, if the individual is detained
  - Community Supervision Level, if the individual is released
- The RCA solution consolidates and builds upon classification procedures currently utilized by ICE and incorporates information currently collected by and available to ICE officers on a variety of forms and systems.
- The RCA solution uses a combination of data automatically imported from other ENFORCE applications and user-entered data, and applies business rules to assess the following factors in order to recommend detention or release, and the level of custody or supervision
  - Special Vulnerabilities
  - Subject to Mandatory Detention
  - Risk to Public Safety
  - Flight Risk
- The ability for ICE personnel to exercise discretion is maintained throughout the process
  - Decisions outside of recommended parameters require justification and supervisory approval



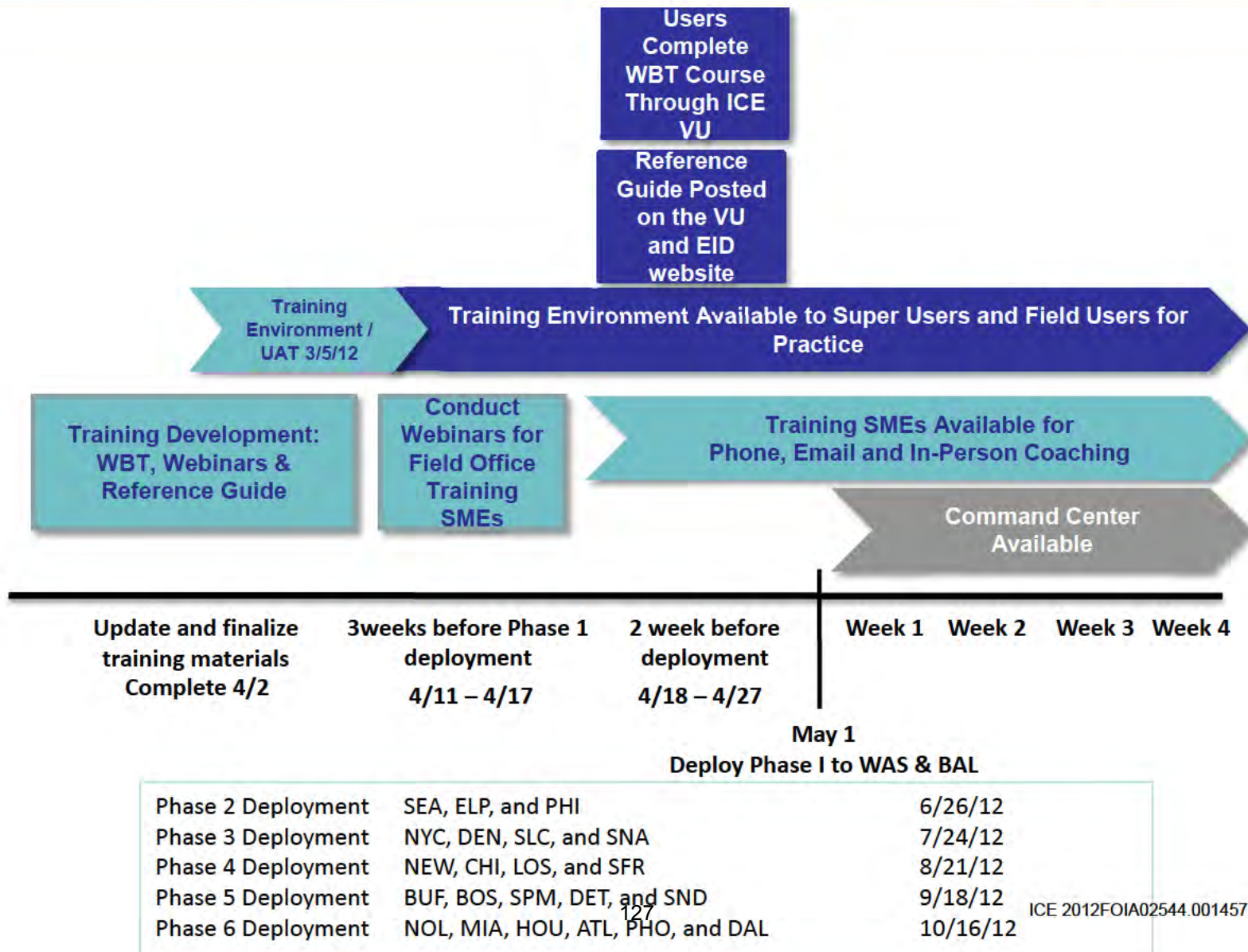
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- The RCA training and deployment support includes:
  - 2 ½ hour webinar for RCA Training SMEs and Key Users
  - 1 hour Web-based Training (WBT) available on the ICE Virtual University for all users
  - Quick Reference Guide (QRG) for all users
  - Training environment for hands-on guided practice for all users
  - Virtual Command Center staffed by Training SMEs for up to 4 weeks following deployment to support users



# RCA will be deployed in phases beginning May 1 in Washington and Baltimore





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- [Special Vulnerabilities](#)
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U.S. Immigration and Customs Enforcement

ICE

Overview of Risk Classification Assessment

The Risk Classification Assessment

The Office of Enforcement and Removal Operations (ERO) is deploying an automated risk classification assessment (RCA) as a new module in ENFORCE. RCA uses a scoring methodology to generate standardized recommendations during intake and subsequent assessment processing related to the following decisions:

- **Detain or Release**
- **Bond Amount, if eligible**
- **Custody Classification Level, if the individual is detained**
- **Community Supervision Level, if the individual is released**



RCA consolidates and builds upon data currently collected by ICE about an individual's risk to public safety and risk of flight, including biographic information, criminal history, immigration history, home stability, and ties to the local community, among others.

RCA will benefit ICE by providing greater transparency, standardization, and reporting on key custody and custody classification level decisions made daily by ICE agents / officers. Although RCA will generate recommendations based on data inputs, the agent / officer may always note disagreement with the recommendation, and the supervisory officer shall always maintain discretion on the final decision.

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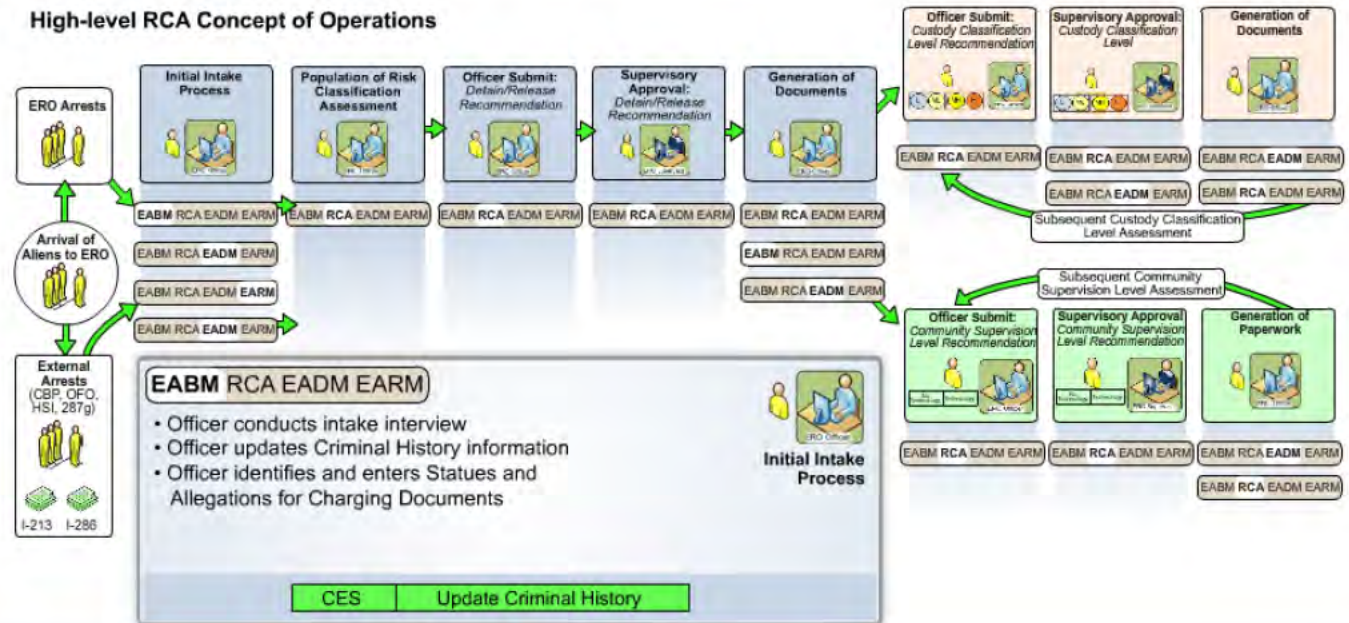
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Overview of Risk Classification Assessment

The Risk Assessment Lifecycle

High-level RCA Concept of Operations



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ICE

Overview of Risk Classification Assessment

Knowledge Check Question 2

Which of the following are goals of RCA?

Select **all that apply** and then click **Check Your Answer**.

- A. Optimize public safety
- B. Standardize the detain /release decision-making process
- C. Identify foreign-born, no match criminal individuals
- D. Implement a new Custody Classification Level System

Check Your Answer

Good job, RCA will:

- Optimize public safety
- Standardize the detain / release decision-making process

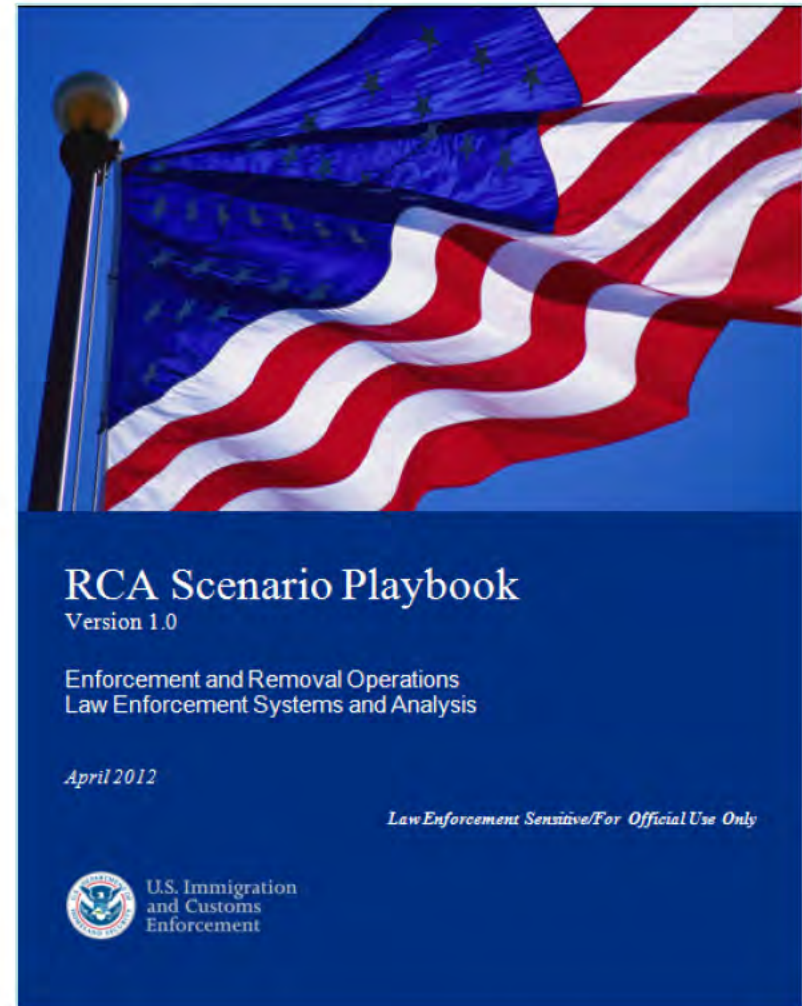
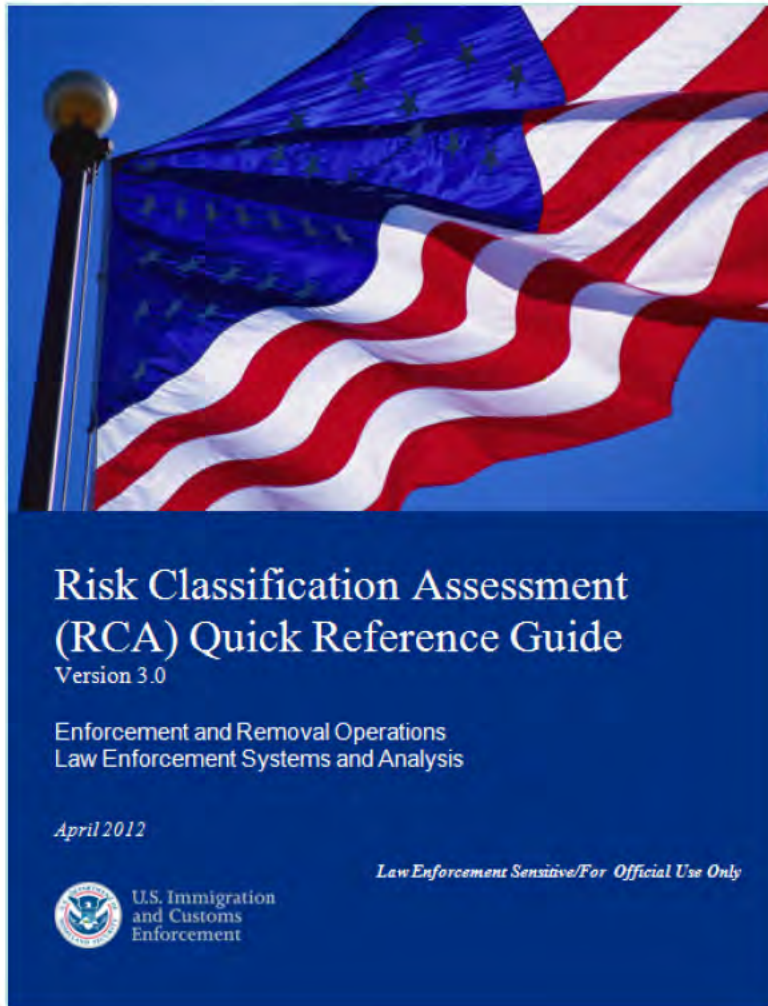
RCA does not identify criminal individuals, whether foreign-born no match or otherwise. The implementation of a new custody classification system is a goal of the 2011 PBNDs.

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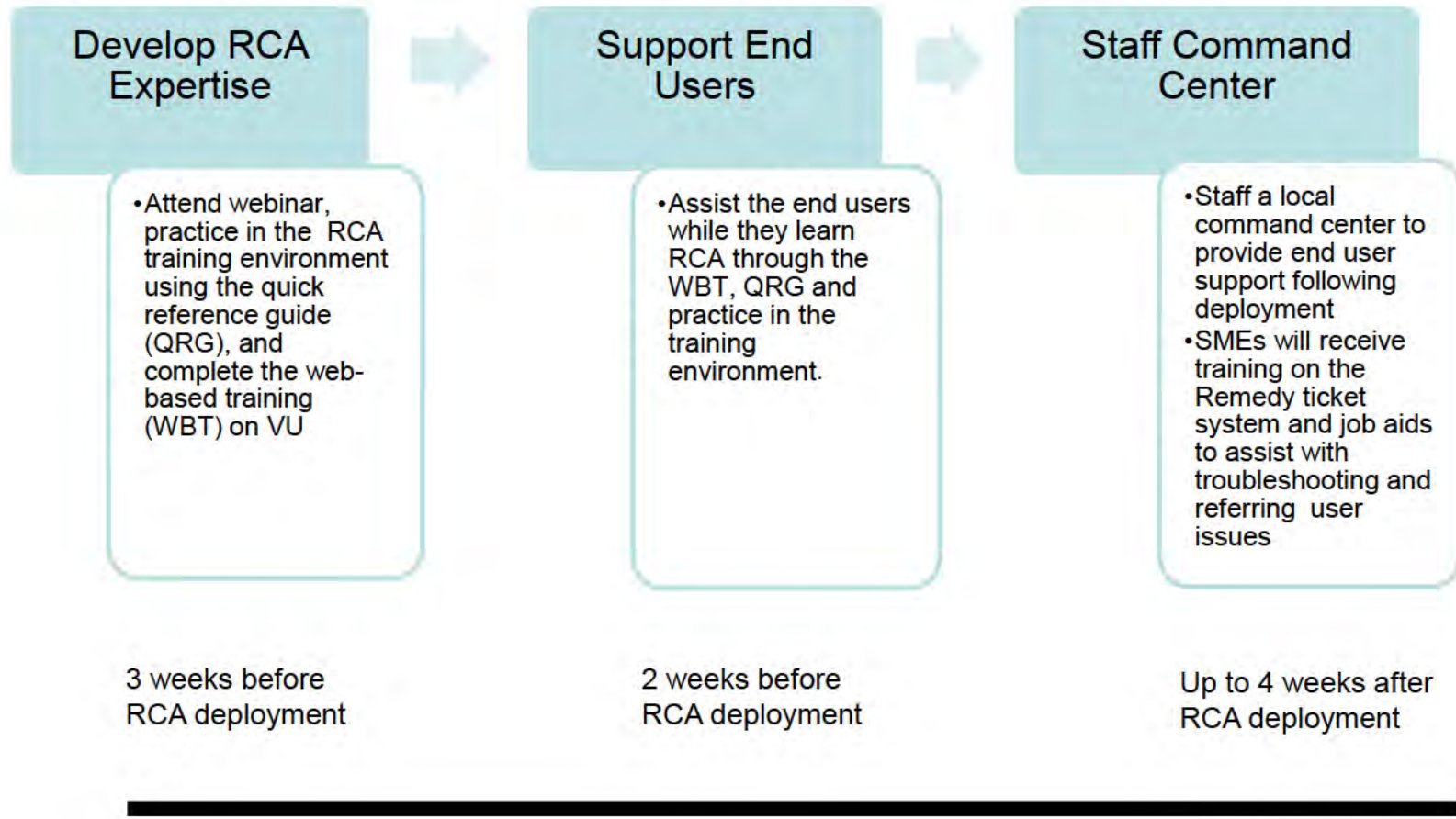
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- Training SMEs will support deployment as local RCA subject matter experts in three ways:





- POCs will be asked to coordinate the following activities with the Training SMEs for their AORs in the coming weeks

Activity	Objective	Due Date
Attend command center training webinar	Ensure that SMEs are prepared to use the Remedy ticket system to track user issue resolution	March 26 - 30
Complete training and support plan	Ensure that all end users complete WBT and that SMEs are assigned to provide command center support	April 6
Complete pre-deployment training updates	Track training completion prior to deployment	April 20 - 30
Attend weekly calls post-deployment	Monitor and ensure command center staff is supported	May 1 - 29



# Welcome to the Risk Classification Assessment POC & Training SME Training

The webinar will begin in a few minutes

- Please dial into the conference line (1-866-657-(b)(6), (b)(7)c)
- To ask a question during the presentation send a message using the chat pod located at the bottom of the screen
  - You may send a message to the general audience or send a message directly to the host or presenters by making a selection from the drop down menu

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**U.S. Immigration  
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# **Risk Classification Assessment**

**POC & Training SME**

***November 2012***

***Law Enforcement Sensitive / For Official Use Only***





## Objective

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- To provide POCs & Training SMEs with an overview of the RCA system, roles & responsibilities, and deployment activities which will aid them in providing support to end users during training and deployment



## Agenda

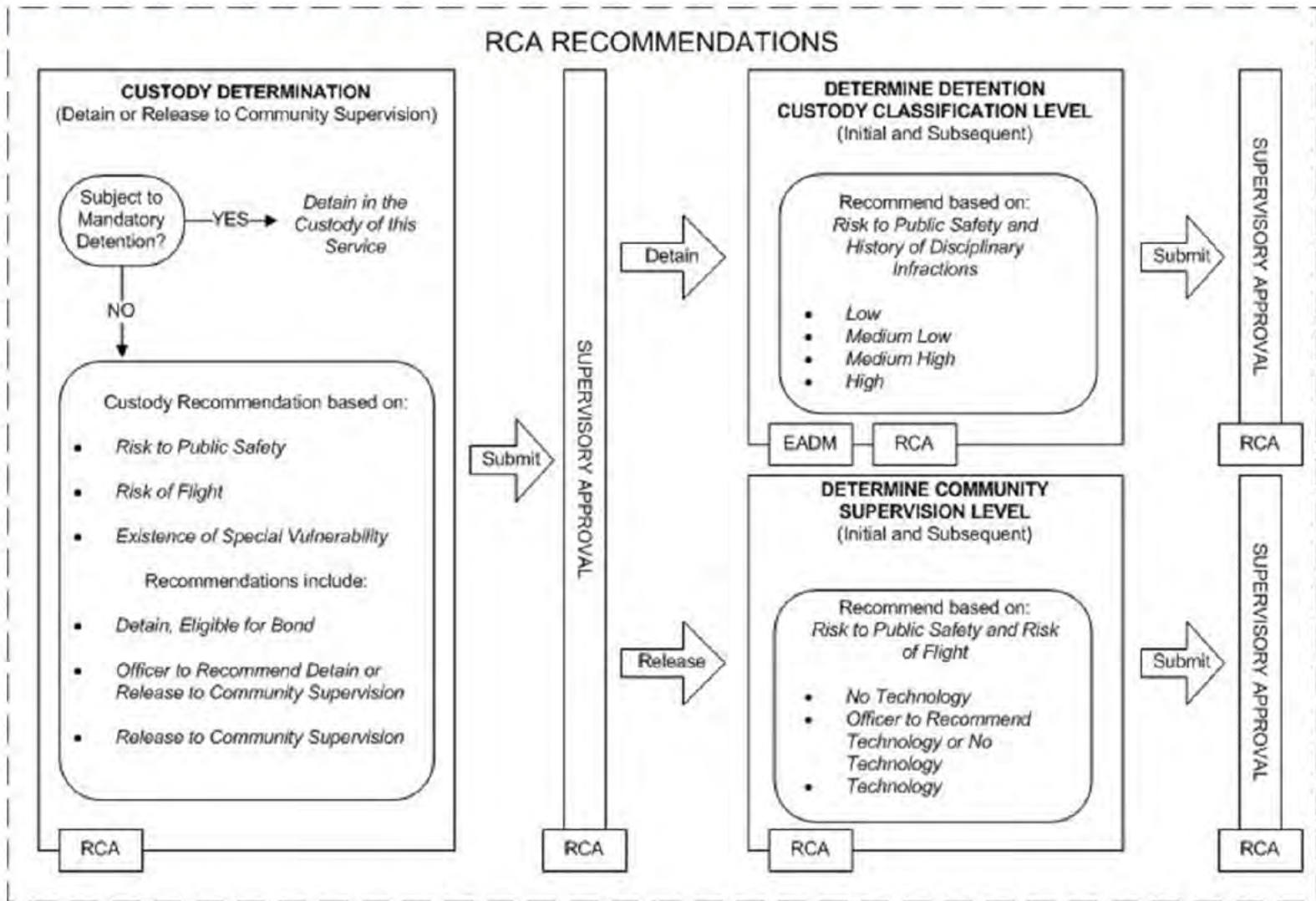
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- RCA Overview
- Process and Methodology
- Demo
- Questions
- Deployment Responsibilities
- Command Center
- Next Steps



- The Risk Classification Assessment (RCA) is a new module within EARM that utilizes a scoring methodology to generate the following recommendations during the intake and subsequent assessment process:
  - Detain or Release
  - Bond Amount, if applicable
  - Custody Classification Level\*, if detained
  - Community Supervision Level, if released
- RCA generated recommendations:
  - Are based on inputs from EABM, EADM, EARM, CES and information entered manually
  - Assist in making final custody decisions aligned with guidance on exercising prosecutorial discretion

(b)(7)e





- RCA recommendations are based on these factors:
  - Special Vulnerabilities
  - Mandatory Detention
  - Final Order
  - Risk to Public Safety
  - Risk of Flight
- The ability for the agent / officer and supervisor to exercise discretion will be maintained throughout the assessment process
- When necessary, the supervisor will be able to override the RCA recommendations when making final custody, custody classification level, and community supervision level decisions



- Factors that are not scored or considered in the RCA recommendation but should be taken into account:
  - Threat to national security
  - Known gang members or other individuals who pose a clear danger to public safety
  - Egregious record of immigration violations including fraud
  - Recent illegal entry
  - Eligibility for relief based on family relationship or asylum
  - Eligibility for U or T visa
  - Length of lawful status within the United States
  - Entry as minor
  - Graduate of a U.S. high school or enrollment in legitimate educational institution
  - Lack of ties to the home country or conditions in the home country
  - Individual's nationality renders removal unlikely
  - Ties to the U.S. military





Training Role	Training Responsibilities	Description
RCA POC	<ul style="list-style-type: none"><li>Develop Training Plan</li></ul>	As RCA POC, you will work with RCA Training SME's to develop a RCA training plan for your AOR. Based on the template provided by Ana Strong, you will plan for end user training and assure that all end users have completed RCA training.
RCA Training SME	<ul style="list-style-type: none"><li>Provide training support to end users</li></ul>	As an RCA Training SME, you will review all training materials prior to deployment and attend the RCA webinar to familiarize yourself with RCA and provide training support to end users in your AOR prior to deployment.
RCA Key User	<ul style="list-style-type: none"><li>Process RCAs in your AOR prior to deployment</li></ul>	As Key Users, RCA will be deployed to your AOR later in the phased deployment. If an individual is transferred to your AOR from a location where RCA is already deployed you will be responsible for any additional RCA processing. For instance, if an individual is transferred to your AOR and was placed in a low custody classification using RCA and then commits a disciplinary infraction while in your custody, you will be responsible for conducting a subsequent assessment in RCA.
End User	<ul style="list-style-type: none"><li>Completes trainings (e.g. web-based training, quick reference guide, etc.) and requests assistance from Training SMEs, as needed</li></ul>	Regular – Completes and submits assessment recommendation  Supervisor – Reviews and approves recommendation for final decision





If an end-user encounters a problem using RCA, s/he should follow the below procedure:

- Contact a designated Training SME via in-person/phone/email to ask any necessary questions
- If the Training SME would like assistance in resolving the issue, s/he should contact the RCA Group Mailbox  
(b)(6), (b)(7)c [@ice.dhs.gov](mailto:_____@ice.dhs.gov)
- If the Training SME or LESA RCA team determine the question is an issue with technical functionality, and not a functional/training issue, the Training SME/user will be asked to submit a ticket to the ICE Service Help Desk
- The Training SMEs will NOT need to monitor the Remedy RCA queue or reassign tickets to Tier 2 Technical Support



- **Workflow & Business Process Overview**
  - Previously, field office leadership completed the **RCA Workflow Questionnaire** – please review and revise, as appropriate
- **Training and Deployment Support Planning**
  - POCs will also work with the Training SMEs to develop a **Training and Deployment Support Plan** and additional guidance will be provide prior to the start of training
    - Web-based training, Quick Reference Guide, and Scenario Playbook (training environment) on the [ICE Virtual University](#)
    - Additional training on Special Vulnerabilities in the [ERO Resources Library](#)



- Regular Users and Supervisors
  - POCs will need to designate RCA users in their field office as **Regular Users** (will complete the assessment) and **Supervisors** (will approve recommendations and decisions)
- Training Begins:
  - For Training SMEs and POCs training begins today
  - For End-Users training will begin on November 19
- RCA will deploy to Chicago, Los Angeles and San Francisco on December 10, 2012.



## Questions?

*This message is sent on behalf of Gary Mead, Executive Associate Director.*

**To: All ERO Employees**

**Subject: Risk Classification Assessment**

In July 2012, Enforcement and Removal Operations (ERO) began the phased deployment of the Risk Classification Assessment (RCA) module within the Enforce Alien Removal Module (EARM) application suite.

The RCA module aids ERO personnel in making consistent custody and classification decisions by automating the review of an alien's biographic information, criminal history, immigration history, and other factors related to determining an alien's potential risk to the community and risk of flight. RCA provides an initial recommendation on whether to detain or release an alien, custody classification level if detained, or level of community supervision if released.

While RCA generates recommendations based on the data provided, ERO officers and agents may always record disagreement and override RCA's recommended action. The final decision rests with the ICE Supervisory Detention and Deportation Officer. The RCA scoring methodology is configurable, and will evolve based on the feedback provided by ICE officers, agents, and supervisory officers. RCA also produces reports designed to assist ERO in bed-space management and the identification of vulnerable populations within the ICE detention system.

Once the RCA is activated in their respective AOR, field offices are responsible to complete the RCA as early in the processing phase as possible. This shall include aliens arrested by other agencies or components and transferred to ERO custody, except as described below.

Officers/Agents are not required to complete an RCA for any alien for whom detention is mandatory and whose departure or removal will likely occur within five days. Officers/ Agents are not required to complete an RCA for any alien detained on behalf of another agency or component (Room and Board cases).

The aforementioned exemptions do not relieve officers and agents from reporting the arrest of vulnerable aliens to supervisory personnel for custody consideration as outlined in ICE directive titled "[Exercising Prosecutorial Discretion Consistent with the Civil Immigration Enforcement Priorities of the Agency for the Apprehension, Detention, and Removal of Aliens](#)".

## Vulnerabilidades Especiales

- **Serious Physical Illness: Enfermedad Física Seria**

Pregunte:

- ¿Ha sido hospitalizado en los últimos 6 meses?
- ¿Está tomando medicamentos con receta médica?
- ¿Requiere cuidado médico a diario?
- ¿Tiene una enfermedad terminal?

- **Serious Mental Illness: Enfermedad Mental Seria**

Evalúe a través de preguntas, observación y documentación si el individuo tiene o dice tener una enfermedad mental seria.

Pregunte:

- ¿Ha sido hospitalizado o ha recibido algún tratamiento por una enfermedad mental?
- ¿Está tomando medicamentos por una enfermedad mental?

- **Disabled: Discapacitado**

Evalúe si tiene una discapacidad seria, sea física o mental.

Pregunte:

- ¿Requiere asistencia para realizar actividades diarias como bañarse, comer, ir al baño y vestirse?

- **Pregnant: Embarazada**

Pregúnteles a las mujeres: ¿está embarazada o tiene alguna razón de creer que está embarazada?

- **Nursing: Madres Lactantes**

Pregúnteles a las mujeres: ¿está amamantando a un bebé/niño pequeño?

- **Sole caretaking Responsibility: Responsabilidad de Custodia Única**

Pregúntele al individuo: ¿es la persona principal responsable por el cuidado de un niño, un anciano o un individuo que no puede cuidarse a sí mismo? Si la respuesta es afirmativa, pregunte sobre las circunstancias de esta persona bajo su cargo, por ejemplo: relación al individuo a quien Ud. se cuida: ¿Cuál es su edad, o tipo de enfermedad? ¿Y quién está atendiendo a esta persona en este momento?

- **Risk Base don Sexual Orientation/Gender Identity: Riesgo Debido a Orientación Sexual/Identidad de Género**

Pregúntele al individuo: ¿Teme que le hagan daño al ser detenido debido a su orientación sexual o identidad de género?

- **Victim of Persecution/Torture: Víctima de Persecución/Tortura**

Pregunte ¿Fue perseguido o acosado en su país de origen o alguna vez ha sido torturado?

Nota: Si responde de manera afirmativa, proporcionele al detenido el número de ACNUR (El Alto Comisionado de las Naciones Unidas para los Refugiados, UNHCR – siglas en inglés): 1-888-272-1913

- **Victim of Sexual Abuse or Violent Crime: Víctima de Abuso Sexual o Crimen Violento**

Pregunte: ¿Ha sido víctima/víctima de abuso sexual o de un crimen violento?

Nota: Si responde de manera afirmativa, proporcionele al detenido el número de la Línea Nacional sobre Violencia Doméstica, financiada por el gobierno federal: 1-800-799-7233 que también puede evaluar si el individuo califica para visas U.

- **Victim of Human Trafficking: Víctima de Tráfico Humano**

Pregunte: ¿Desde que entró a los Estados Unidos, alguna persona lo ha intimidado, engañado, obligado o forzado a ejercer la prostitución o a trabajar en contra de su voluntad?

Nota: Si responde de manera afirmativa, contacte a un agente de ICE HSI local (Servicio de Inmigración y Control de Aduanas, Investigaciones de Seguridad Nacional) llamando al número indicado y proporcionele detalles biográficos y de localización al agente de turno de ICE HSI para que investiguen aún más.

~~\*\* U//FOUO \*\*~~

~~++ Sin clasificación // Sólo para Uso Oficial ++~~

## Home Stability: Estabilidad del Hogar

- **Home Stability: Estabilidad del hogar**  
Pregunte:
  - ¿Posee una dirección estable?
  - ¿Ha vivido en su residencia por 6 meses o más?
  - ¿Reside con su familia?

## Ties to Local Community: Lazos a la Comunidad Local

- **Individual or spouse is currently serving in or is a veteran of the US Armed Forces:**  
**¿Está usted o su esposo(a) sirviendo en las Fuerzas Armadas de los EEUU o es veterano(a)?**  
Pregunte : ¿Tiene servicio en las Fuerzas Armadas de los EEUU, incluyendo tiempo en combate y baja honorable? También pregunte sobre el servicio militar de miembros de su familia. Pida una identificación militar válida, un formulario DD-214 u otro tipo de prueba de servicio militar o lazos militares.
- **Individual has a pending benefit application with USCIS:**  
**¿Tiene una solicitud de beneficios pendiente con USCIS (Servicios de Ciudadanía e Inmigración de los EEUU)?**  
Pregúntele al individuo si tiene una solicitud de beneficios pendiente con USCIS.
- **Individual has a US citizen spouse or child:**  
**¿Tiene esposo(a) o hijo(a) que es ciudadano(a) de los EEUU?**  
Pregunte:
  - ¿Cuál es su estado civil?
  - ¿De qué nacionalidad es su esposo(a)?
  - ¿Cuántos hijos tiene?
  - ¿Cuáles son las nacionalidades de sus hijos?
- **Individual has a spouse, child or other family members in the local community:**  
**¿Tiene un(a) esposo(a), hijo(a) u otros miembros de su familia en la comunidad local?**  
Pregunte sobre esposo(a), hijos y otros miembros de su familia, incluyendo padres y hermanos que no son ciudadanos de los EEUU y dónde viven. Verifique domicilios cuando posible.
- **Individual is enrolled in a school or training program:**  
**¿Está usted matriculado(a) en una escuela o un programa de entrenamiento?**  
Pregunte sobre el nombre de la escuela, la duración de su inscripción en la escuela o programa y su localización.
- **Individual has work authorization:**  
**¿Cuenta con una autorización para trabajar?**  
Examine las circunstancias de su emisión y vencimiento.
- **Individual owns property or has considerable assets in the community:**  
**¿Es dueño de propiedad o bienes considerables en la comunidad?**  
Pregunte si es dueño de casa, negocio, propiedades de alquiler o si cuenta con otros intereses financieros en los Estados Unidos.
- **Individual has legal representation:**  
**¿Cuenta con representación legal?**  
Pregúntele al individuo el nombre del abogado.



# United States Department of Homeland Security Scratch RCA Sheet

<b>Special Vulnerabilities</b>	
<input type="checkbox"/> serious physical illness	<input type="checkbox"/> pregnant
<input type="checkbox"/> serious mental illness	<input type="checkbox"/> nursing
<input type="checkbox"/> disabled	<input type="checkbox"/> primary caretaking responsibility
<input type="checkbox"/> elderly	<input type="checkbox"/> risk based on sexual orientation/gender identity
<input type="checkbox"/> victim of persecution/ torture	<input type="checkbox"/> None
<input type="checkbox"/> victim of sexual abuse or violent crime	
<input type="checkbox"/> victim of human trafficking	
<input type="checkbox"/> other ( <i>specify</i> ):	

<b>Public Safety Factors</b>	
<b>Type of Open Wants/Warrants</b>	<input type="checkbox"/> Violent <input type="checkbox"/> Non-Violent <input type="checkbox"/> None
<b>Security History (e.g. bond breaches, conditions of supervision violations)</b>	
<input type="checkbox"/> Attempted escape from a non-secure facility	<input type="checkbox"/> Attempted escape from a secure facility
<input type="checkbox"/> Escape from a secure facility	<input type="checkbox"/> Prior revocations of supervision for Criminal
<input type="checkbox"/> Violations of conditions of Supervision	<input type="checkbox"/> None
<b>Security Threat Group (STG) status</b>	<input type="checkbox"/> No confirmed or suspected STG/gang affiliation <input type="checkbox"/> STG/gang affiliation confirmed/strongly suspected

<b>Risk of Flight Factors</b>	
<b>Immigration Violation History</b> <input type="checkbox"/> 1 or 2 Prior VR(s) and VD(s) <input type="checkbox"/> 3 or more Prior VR(s) and/or VD(s) <input type="checkbox"/> None	<b>History of Absconding</b> <input type="checkbox"/> Bond Breach Immigration and Criminal <input type="checkbox"/> Fled or used other means to avoid removal after an immigration judge has issued a Final Order <input type="checkbox"/> Prior Revocation of Supervision for Immigration <input type="checkbox"/> Violation of Conditions of Supervision for Immigration <input type="checkbox"/> Walk-away From a Non-Secure Facility or ATD <input type="checkbox"/> None
<b>Substance Abuse History</b> <input type="checkbox"/> Current drug user <input type="checkbox"/> Documented history of drug use <input type="checkbox"/> No known history of receiving treatment	<b>Identification</b> <input type="checkbox"/> The Individual possesses a valid government issued document from their COC <input type="checkbox"/> The individual possess invalid identification documents (IDs) from any country. <b>Enter Count</b> _____

<b>Immigration Case status</b>	
<input type="checkbox"/> Alien has final order of removal, but Alien has filed appeal	<input type="checkbox"/> Alien has a case in immigration proceedings
<input type="checkbox"/> Alien has a final order of removal and no pending appeals	<input type="checkbox"/> Alien is not yet in proceedings

<b>Home Stability (select all that apply)</b>	
<input type="checkbox"/> The individual lives with immediate family members	<input type="checkbox"/> The individual has a stable address, but has lived there less than 6 months
<input type="checkbox"/> The individual has lived at his/her address for 6 months or more	<input type="checkbox"/> The individual has no stable address

<b>Ties to the Local Community (select all that apply)</b>	
<input type="checkbox"/> The individual has a pending benefit application with USCIS	<input type="checkbox"/> The individual is enrolled in a school or training program
<input type="checkbox"/> The individual or spouse is currently serving in or is a veteran of the US Armed Forces	<input type="checkbox"/> The individual has work authorization
<input type="checkbox"/> The individual has a US citizen spouse or child	<input type="checkbox"/> The individual owns property or has considerable assets in the community
<input type="checkbox"/> The individual has a spouse, child or other family members in the local community	<input type="checkbox"/> The individual has legal representation
<input type="checkbox"/> The individual has family in the US but not in the local community	<input type="checkbox"/> None



**From:** [REDACTED]  
**To:** [REDACTED] (b)(6), (b)(7)c  
**Cc:**  
**Subject:** YCDC - Usage  
**Date:** Wednesday, April 13, 2011 2:05:49 PM  
**Attachments:** [ES Usage of YCDC - 4-13-11.doc](#)

---

AFOD [REDACTED] (b)(6), (b)(7)c

Please see attached ES on the usage of the YCDC. IEA [REDACTED] (b)(6), (b)(7)c was instrumental in this write up. I thank him for his assistance. Please advise if you have any questions.

Thank you.

[REDACTED] (b)(6), (b)(7)c Supervisor  
Removal Management Unit  
Enforcement Removal Operations  
United States Immigration and Customs Enforcement  
United States Department of Homeland Security

[REDACTED] (b)(6), (b)(7)c Charlotte, North Carolina 28217  
Office – 704.672.[REDACTED] (b)(6), (b)(7)c Facsimile – 704.672.6998

ICE TIP LINE - 866-347-2423

Online Detainee Locator System: <https://locator.ice.gov/odls/homePage.do>

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## U.S. Immigration and Customs Enforcement

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April 13, 2011

### **ERO Atlanta: York County Detention Center**

#### **ISSUE:**

Currently, the ERO Charlotte, North Carolina Sub Office (CLT ERO) is operating at reduced numbers of criminal aliens being encountered and subsequently transferred to the Charlotte office for processing and movement to either the North Georgia Detention Center (NGDC) or the Stewart Detention Center (SDC). Additionally, an increase of the number of incoming detainees would challenge the current staffing levels. Furthermore, there exist a serious security and safety concern as CLT ERO is placing a near maximum number of detainees in our holding area.

#### **HISTORY:**

At present the CLT ERO is operating at reduced numbers of criminal aliens being encountered and subsequently transferred to the Charlotte office for processing and movement to either NGDC or SDC.

Currently, the CLT Criminal Alien Program (CAP) is co-located at Tyvola Centre Drive allowing any unprocessed cases to be handled in a timely manner in order to allow movement on the daily run. When the CAP section is moved to the Arco Building; the potential exist that it would hinder any cases that are outside of the normal process, such as, those individuals that would have a need to be identified via IDENT or those that are lacking Judgment and Conviction's (J & C's). This would most likely increase the time to process and transfer the subject of the case to Georgia. The case agent must travel to Tyvola Center in a reactive manner after the subject has been moved from the originating detention center to Tyvola Centre. Lead time would need to be increased as the files will need to be identified and obtained.

Additionally, the current staffing levels can maintain the existing movement tempo. An increase in numbers of incoming detainees would result in an extreme challenge for the current staffing levels. Having the flexibility of using a dedicated detention center would allow a place to hold the case subjects that could not be processed during the normal scheduled work day. In addition, the current staff is well versed in the task of arranging the pick up and movement of the current volume and most likely would be able to handle an increased tempo but, any rotation or staff changes could seriously affect the overall efficiency of the operation. Looking at the daily movement as a long term commitment, there would be no guarantee that a comparable schedule of movement could be maintained. Once ties are cut with both current detention centers, there would be a point of no return.

## ERO Atlanta: York County Detention Center

Page 2 of 3

Current operations are dependant upon dedicated contract support. Any loss of contract support would effectively shut down operations in the Carolinas using the daily run model. If there was an unforeseeable loss of support, the only manageable alternative would be placing the detainees in a local detention center to be moved as time and resources allow. Weather conditions would also be affected and resolved in the same manner.

There presently exist a serious security and safety concern as CLT ERO is placing a near maximum number of detainees in our holding area. If the numbers were to increase, as anticipated, CLT ERO would exceed a safe number and possibly be in violation with the National Detention Standards (NDS). Furthermore, if a violent incident occurred in our holding area, the Detention Management Section (DMS) would be hard pressed to react as they are ill equipped and most staff members lack the training for incidents in a detention center environment.

In the recent past, the CLT ERO office has had to answer executive summaries as it related to medical issues. It is the opinion of the local management that we will most likely encounter medical situations that would be outside of the norm. If a medical condition were to be encountered for one of the detainees, having the flexibility of sending that individual to a local detention center that has some level of medical staffing maybe our only alternative for someone that is immobile.

Our current system of processing is dependant upon the use of ENFORCE. Should an outage arise, we would be effectively shutdown. The CLT ERO office maybe placed in a situation where a subject has not been fully identified which would result in transferring a detainee to NGDC without an "A" file, a practice which is highly frowned upon and a violation of local policy.

The daily movement of detainee trial runs has been conducted without the interference of weather conditions, loss of staffing and without any substantial IT outage. In short, it has been under ideal conditions. The loss of a "Plan B" in having a temporary detention center has not yet been realized, although the CLT ERO office has been very clear on this point. Any savings in the current plan could not offset any glitch that could shut down current operations. There would be a "point of no return" when ties are cut to all local facilities.

An effective study of a "true savings" should be examined. Furthermore, are man days truly declining? Are Notice To Appear (NTA's) truly being filed faster with the daily transfers? Are we truly moving the case subjects south more expediently or are we housing the subjects for the same custody period at NGDC as opposed to York County and NGDC. The CLT ERO management cautions that if the time and realized money savings are very close; then the ATL management should revisit whether the loss of all local detention facilities is worth the perceived savings as we loose a measure of flexibility that could become priceless in any change of situation for the Carolinas. York County is offering a fluid turnover of aliens at our pace with the flexibility of increasing the movement to a daily basis as needed.

The daily movement may have the potential to impede the number of prosecutions that this office has enjoyed. Historically, potential prosecution has been identified after the subject has

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**ERO Atlanta: York County Detention Center**  
**Page 3 of 3**

come into custody. Then, the approval process is initiated to seek case approval by the US Attorney's office. There is a lag in time of encounter to approval. The current plan moves most subjects and does not allow a fluid identification of potential cases for prosecution in a timely manner before transfer to NGDC. The subject of holding those prosecution case subjects that have been accepted by the USAO should be considered if both detention centers are lost.

Finally, it is the opinion of the CLT ERO office management that it is only a matter of time before the private attorneys display an obvious dislike to the daily transfers. The local management has repeatedly been advised by the attorneys that the Filed Office Director has stated she would like to keep families as together as possible. By transferring cases on a daily basis, it appears as though this may be in direct contrast to those statements.

**RECOMMENDATION:**

It is the recommendation of the Charlotte ERO management that all cases in the Charlotte area be housed solely at the York County Detention Facility. This office would transfer cases, initially, twice a week. This may be increased as needed.

**From:** (b)(6), (b)(7)c  
**To:** (b)(6), (b)(7)c  
**Cc:** (b)(6), (b)(7)c  
**Subject:** FW: CAP Surge Operation - ATL Op Plan (Draft)  
**Date:** Friday, August 16, 2013 1:45:38 PM  
**Attachments:** [CAP Surge Operation Plan \(ATL 8-26-13 to 9-13-13\).doc](#)  
[CAP Surge Operation Plan \(ATL 8-26-13 to 9-13-13\) - Signature Page.pdf](#)  
**Importance:** High

---

Attached is the CAP Surge Op Plan. I have read and concur with the plan. I have also taken the liberty of signing for you. We'll be submitting today.

Thank you.

(b)(6), (b)(7)c

(b)(6), (b)(7)c

Deputy Field Office Director  
Atlanta Field Office  
Ofc.: (404) 893 (b)(6), (b)(7)c  
Fax.: (404) 893 (b)(6), (b)(7)c

(b)(6), (b)(7)c

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**From:** (b)(6), (b)(7)c  
**Sent:** Thursday, August 15, 2013 5:00 PM  
**To:** (b)(6), (b)(7)c  
**Subject:** CAP Surge Operation - ATL Op Plan (Draft)  
**Importance:** High

(b)(6), (b)(7)c

Attached is the draft CAP Surge Operation Plan for the HQ-directed surges at the DeKalb and Fulton County Jails. Please review, and if not discrepancies are found, forward to the FOD for review / approval. The last page of the plan requires the FOD's signature, which I believe ERO HQ would like scanned as a separate document onto the email. I received a call from our POC at ERO HQ CAP today and they would really appreciate receiving this draft plan tomorrow, especially since we are requesting detailers. Let me know if any changes are needed.

Incidentally, I was asked several questions about that today from our POC, as well as why we could not provide all the needed officers ourselves. I explained our staffing situation and the limited number of CAP officers we have who handle a large number of jails. Apparently ERO HQ CAP was under the impression that we had officers who only handled these jails and went there every day or every other day to just conduct interviews all day. Once I explained that was not remotely possible for us based on

our staffing level and the number of facilities we cover, our POC seemed to understand. So I'm hopeful he will clearly explain to his superiors why the detailers are so important if we are expected to do this as HQ wants, particularly with the 24/7 requirement. He reemphasized that we could shift our resources (detailers or otherwise) around to other facilities during the operation if we were not seeing the numbers out of DeKalb or Fulton.

Thanks,

(b)(6), (b)(7)c AFOD  
Criminal Alien Program / 287(g)  
Firearms & Tactical Training / VCAS  
Atlanta Field Office  
DHS - ICE - ERO

**From:** (b)(6), (b)(7)c  
**Sent:** Monday, August 12, 2013 3:58 PM  
**To:** (b)(6), (b)(7)c  
**Cc:** (b)(6), (b)(7)c  
**Subject:** FW: Criminal Alien Program Surge Teleconference

(b)(6), (b)(7)c

See below.

Thank you.

(b)(6), (b)(7)c

(b)(6), (b)(7)c  
Deputy Field Office Director  
Atlanta Field Office  
Ofc.: (404) 893 (b)(6), (b)(7)c  
Fax.: (404) 893 (b)(6), (b)(7)c  
(b)(6), (b)(7)c

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**From:** (b)(6), (b)(7)c  
**Sent:** Monday, August 12, 2013 3:56 PM  
**To:** (b)(6), (b)(7)c  
(b)(6), (b)(7)c  
**Cc:** (b)(6), (b)(7)c  
(b)(6), (b)(7)c  
**Subject:** Criminal Alien Program Surge Teleconference

*The following message is sent on behalf of* (b)(6), (b)(7)c *Assistant Director for Secure*

*Communities and Enforcement with concurrence from*

(b)(6), (b)(7)c

*Assistant Director  
for Field Operations:*

**To: Field Office Directors and Deputy Field Office Directors  
(ATL, LOS, PHI, MIA)**

**Subject: Criminal Alien Program Surge Teleconference**

The HQ Criminal Alien Program (CAP) will be conducting a series of surges within your respective field offices. These surges are different from prior CAP surges in that they will be specifically targeting criminal aliens during the intake process.

CAP HQ will conduct a teleconference **Tuesday, August 13, 2013 at 3:00 PM (EDT)** to discuss requirements, the attached operational plan template, and required field office plan(s) pertaining to the below locations.

- Atlanta Field Office
  - Fulton and DeKalb Counties
- Los Angeles Field Office
  - Los Angeles and Orange Counties
- Miami Field Office
  - Miami-Dade and Broward Counties
- Philadelphia Field Office
  - Delaware, Montgomery, and Bucks Counties

FODs are requested to ensure their CAP representatives responsible for the aforementioned counties participate in the call. Representatives must be able to provide insight for the listed counties. An independent plan for each field office **will be due to** (b)(6), (b)(7)c **by COB Friday, August 16, 2013.** HQ CAP will ensure coordination with the field offices and headquarters, as well as provide guidance for reporting requirements once the operational plans are consolidated and reviewed.

The Call-in Number is **(800) 423** (b)(6), (b)(7)c

The Passcode is (b)(6), (b)(7)c

If there are any questions concerning this teleconference, please contact the Acting Deputy Assistant Director, (b)(6), (b)(7)c at (202) 732-(b)(6), (b)(7)c or via email.

Department of Homeland Security  
Immigration and Customs Enforcement  
Enforcement and Removal Operations  
Criminal Alien Division

# Atlanta Field Office CAP Surge Operational Plan



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Department of Homeland Security  
Immigration and Customs Enforcement  
Enforcement and Removal Operations  
Criminal Alien Division

HEADQUARTERS  
CRIMINAL ALIEN PROGRAM OPERATIONS UNIT

CRIMINAL ALIEN PROGRAM

CAP SURGE Operation

Dates: August 26 – September 13, 2013

I. Situation

CAP Surge Operations are conducted to ensure 100% of all individuals booked into targeted facilities that are amenable to immediate removal obtain a removal order, or are voluntarily returned to their country of citizenship once released from local law enforcement custody or otherwise are placed into removal proceedings. A Surge Operation will be conducted within the Atlanta Field Office Area of Operational Responsibility (AOR). The Field Office Director (FOD), Deputy Field Office Directors (DFOD), and CAP Assistant Field Office Director (AFOD) have all been briefed on this operational plan; and they each support its execution upon approval from HQERO.

A) Targeted Facilities

- DeKalb County Jail
- Fulton County Jail

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**Department of Homeland Security  
Immigration and Customs Enforcement  
Enforcement and Removal Operations  
Criminal Alien Division**

**B) Hours of Operation**

During the Surge, all individuals booked into and released from the facilities will be screened for alienage and removability. The current incarcerated population in the facility will be screened as manpower and time permit.

ERO Staff will be on site at the facilities or field office as follows:

**Team/Shift One**

- (b)(7)e - Operational Hours
- Supervisory Detention & Deportation Officer
- (b)(7)e Deportation Officers
- Immigration Enforcement Agents

**Team/Shift Two**

- (b)(7)e - Operational Hours
- Supervisory Detention & Deportation Officer
- (b)(7)e Deportation Officers
- Immigration Enforcement Agents

**Team/Shift Three**

- (b)(7)e Operational Hours
- Supervisory Detention & Deportation Officer
- (b)(7)e Deportation Officers
- Immigration Enforcement Agents

Any additional coverage needs will be accomplished by the Atlanta Field Office as available resources permit.

**\*\*\* Supervisory staff will change shift hours as needed, in order to effectively facilitate the operation.**

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Immigration and Customs Enforcement  
Enforcement and Removal Operations  
Criminal Alien Division**

**C) Staffing**

The Surge will require additional support from outside the Atlanta Field Office. The FOD has committed all necessary and available resources within her jurisdiction; however, detail staff will be essential for a successful operation.

Requested detail staff positions:

 SDDO  
DO  
SIEA  
IEA  
ERA

**D) Prosecutions**

In instances where an alien is amenable to prosecution (e.g. re-entry, false claims), the case will be presented to the United States Attorneys Office (AUSA) for criminal prosecution. These presentations will be entered in TECS.

**II. Mission**

The primary objective of the Criminal Alien Program (CAP) is to ensure that all criminal aliens serving criminal sentences or facing criminal charges are processed for removal prior to their release from federal, state and local custody. This intention affirms the ultimate mission of ICE/ERO, which is to effect the removal of criminal aliens upon being turned over to ICE custody. CAP strives to ensure that all incarcerated foreign-born nationals are screened; and where applicable, processed for removal from the United States. CAP Surge Operations are an enhanced part of this effort with a goal to ensure that 100% of all inmates booked into and released from targeted facilities are screened for alienage and removability, and when applicable, processed for removal from the United States.

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Criminal Alien Division**

**Execution**

**A) Director's Intent**

CAP's primary objective is to ensure that all criminal aliens serving criminal sentences or facing criminal charges are processed for removal prior to their release from federal, state and local custody.

**B) Concept of Operations**

The Field Office will implement CAP Surge Operations to ensure that 100% of all individuals booked into targeted facilities that are amenable to immediate removal obtain a removal order, or are voluntarily returned to their country of citizenship once released from local law enforcement custody or otherwise are placed into removal proceedings.

As efforts progress, field office resources may be reassigned to other geographical areas to meet operational needs; or returned to their official duty posts, as deemed appropriate by the CAP AFOD. A liaison officer will be responsible for establishing and coordinating operations with correction officials at target facilities where Surge Operations will be conducted.

ERO enforcement personnel will identify themselves as ICE Officers or Agents to all persons questioned. ICE Officers/Agents will only wear official ICE uniforms and indentifying equipment. In addition, all personnel will follow ICE policy to carry ICE credentials to prove the authorization that enables them to perform the various functions involved in the Surge Operation.

This operation will consist of 19 days of surge activities being executed at the Atlanta Field Office from August 26 through September 13, 2013.

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Immigration and Customs Enforcement  
Enforcement and Removal Operations  
Criminal Alien Division**

**C) Tasks**

1. The Point of Contact (POC) for communications with HQCAP Operations Unit is AFOD (b)(6), (b)(7)c AFOD (b)(6), (b)(7) can be reached by his desk number at 404-893-(b)(6), (b)(7) and by cell phone at 229-321-(b)(6), (b)(7)
2. The Law Enforcement Support Center (LESC) is available 24 hours a day, seven days a week and can provide support for the Surge. Once the operation is approved, the Section Chief will be notified of the dates and times of the operation. Officers/Agents participating in the operation should have the contact number for the LESL and a PIN number.
3. Detention Operations Coordination Center (DOCC): Detention space is suitable within the Atlanta Field Office AOR and detention locations have been identified. Although DOCC assistance is not being requested, they will be provided a copy of this operational plan once approved.

**D) Safety and Logistics**

1. Mandatory Element: **Safety is paramount.** All personnel participating in the operation will be aware of local facility emergency procedures; and a team leader will be assigned to ensure that these procedures are followed.
2. Primary processing location: Aliens encountered from the designated facilities that require immediate transfer to ICE will be transported to the Atlanta Field Office for processing. All transportation will be conducted per ERO policy.
  - a. Secondary detention and processing site(s) to be determined as needed.
  - b. The team/shift SDDO will coordinate requests for additional staff to support Surge Operations. Requests will be made through the CAP AFOD with concurrence from the DFOD and FOD.

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Immigration and Customs Enforcement  
Enforcement and Removal Operations  
Criminal Alien Division**

3. Logistics.

- a. Lodging and per diem expenses will be needed for the Surge Operation. Detailers and funding has been requested from CAPHQ to support the execution of this operation.
- b. The Surge Operation will not require any Health & Safety inspections at any facility.

4. Removal Efforts: It is the intent of the FOD to process all removable aliens in an expeditious manner. The below actions will be performed to facilitate this objective:

- a. Immediately upon determination of alienage and removability, an Immigration Detainer, Form I-247, will be logged using the ENFORCE system.
- b. All arrests that require a Notice to Appear (NTA) will be presented with the option of a Stipulated Removal / Expedited Hearing. The OPLA Chief Counsel has been advised and contacted as to the availability to approve stipulated removals during the Surge. All other immigration proceedings will be utilized as applicable.
- c. ERO personnel will be instructed to secure and place any and all identity documents relating to each removable subject in the A-file. Additionally, they will be instructed to ensure that photocopies are placed in the subjects' A-file. ERO personnel will make every legal effort to secure these documents.

**E) General Reporting Requirements**

1. Weekly Reports: Submitted to the AFOD and HQCAP Operations Unit utilizing EID.
2. Weekly Reports: Standard HQCAP reporting.
3. Significant Event Notification (SEN): A SEN/SIR will need to be submitted only if events or incidences occur that warrant their submission in accordance with established policy and procedures.

7

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Immigration and Customs Enforcement  
Enforcement and Removal Operations  
Criminal Alien Division**

4. Report Format: Pursuant to the ENFORCE Data Quality Initiatives, this information will be readily available in EID and will be available by 1400 hours the day after completion of Surge Operations.

**F) After Action Reporting Requirements**

1. Initial after action conferences will be conducted as follows:
  - a. Key operational personnel involved in the Surge will be held on September 16, 2013, at the Atlanta Field Office.
2. Format - The format for issues will be:
  - a. Topic
  - b. Discussion
  - c. Recommendation(s)
3. Formal after action report: A memorandum of results will be generated and forwarded to the FOD for review.

**G) Command and Control**

1. Primary means of communication will be via cell telephone as allowed by each facility, as well as landline telephone and e-mail.
2. All personnel will have identifiers created with SECTOR communications to facilitate record checks and status verifications.

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Department of Homeland Security  
Immigration and Customs Enforcement  
Enforcement and Removal Operations  
Criminal Alien Division

AUTHORIZING OFFICIAL

---

Felicia S. Skinner  
Field Office Director  
Atlanta Field Office

APPROVING OFFICIAL

---

(b)(6), (b)(7)c

Acting Assistant Director, Enforcement  
Enforcement and Removal Operations

DISTRIBUTION:

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DFOD  
Operations AFOD  
HQCAP

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Department of Homeland Security  
Immigration and Customs Enforcement  
Enforcement and Removal Operations  
Criminal Alien Division

AUTHORIZING OFFICIAL

, (a) FOD

Felicia S. Skinner  
Field Office Director  
Atlanta Field Office

APPROVING OFFICIAL

(b)(6), (b)(7)c

Acting Assistant Director, Enforcement  
Enforcement and Removal Operations

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**From:** [REDACTED]  
**To:** [REDACTED] (b)(6), (b)(7)c  
**Cc:**  
**Subject:** FW: 287(g) Prosecutorial Discretion releases FW: Town Hall - North Georgia Detention Center  
**Date:** Wednesday, March 28, 2012 2:03:35 PM  
**Attachments:** [Prosecutorial discretion June 17 2011.pdf](#)  
[Prosecutorial Discretion -- civil enforcement priorities.pdf](#)

---

Was just informed that I left SDDO [REDACTED] (b)(6), (b)(7)c off the message:

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**From:** [REDACTED] (b)(6), (b)(7)c  
**Sent:** Wednesday, March 28, 2012 1:11 PM  
**To:** [REDACTED] (b)(6), (b)(7)c  
[REDACTED] (b)(6), (b)(7)c  
**Cc:** [REDACTED] (b)(6), (b)(7)c  
[REDACTED] (b)(6), (b)(7)c  
**Subject:** RE: 287(g) Prosecutorial Discretion releases FW: Town Hall - North Georgia Detention Center

Georgia AFODs and Supervisors:

As discussed in the below e-mails, it came to my attention during the recent NGDC Town Hall meeting that cases that are ending up being released on OREC under the terms of ICE Director John Morton's memorandum of June 17, 2011, *Exercising Prosecutorial Discretion Consistent with the Civil Immigration Enforcement Priorities of the Agency for the Apprehension, Detention, and Removal of Aliens* [copy attached, along with Director Morton's March 2, 2011, Civil Immigration Enforcement Priorities memo], are not being released on OREC at the 287(g) location where they are being processed for removal, but rather are being released shortly after arrival at NGDC, Stewart, Irwin, or after arrival at Atlanta Holding in the downtown ERO office. Needless to say, this is resulting in unnecessary taxpayer expense to hold these individuals for 1 - 2 nights (sometimes more) in ICE custody, only to have them released shortly thereafter.

I was aware that in North Carolina they are releasing directly from the 287(g) jails, and was not aware that this was not being done in Georgia. I have confirmed with the FOD that, once the alien is processed for removal, release from ICE custody for cases that fall within the parameters of Director Morton's prosecutorial discretion guidance should take place prior to the alien spending any time detained or transported at ICE expense, whenever possible. (Primarily we're talking about cases where the only charge is no driver's license, and the alien has no prior convictions, no gang affiliation, is not a re-entry or a fugitive alien, is not a recent arrival in the U.S., and has family ties or medical or other humanitarian factors such as described in Director Morton's memos.)

Note that this is NOT saying that these individuals should not be processed for removal proceedings – it is saying that they should be placed in removal proceedings, but released on recognizance while awaiting their hearing before an Immigration Judge. It is also not saying that anyone other than a supervisory ICE officer can make a final determination concerning the custody status of an alien processed for removal – all custody determinations, as well as charging documents and warrants of arrest, must still be approved and signed by an ICE supervisory officer.

This will require some level of coordination between ICE supervisors/AFODs assigned to processing units and ICE supervisors/AFODs assigned to the Detained Docket Units (NGDC, ACDC, ICDC, and SDC). If the Detained Docket officers continue to notice aliens being placed in ICE custody that they feel should have been released on OREC pursuant to the prosecutorial discretion directive, the Detained Docket officers should notify their supervisor/AFOD to communicate with the appropriate processing unit supervisor/AFOD concerning modifying the criteria being utilized when determining ICE custody status for these cases.

The issue of ensuring that aliens who don't show up for Immigration Court after release has been raised by some. It is important that the alien's correct home address appears on the charging document and I-213, so that the court can notify the alien of the hearing date. If the home address is provided and the alien fails to appear for the scheduled hearing, the Immigration Judge will issue an "in absentia" removal order, and the case will be referred to ICE Fugitive Operations to locate the alien for removal from the U.S.

If there are any questions or concerns related to this matter, please elevate them up to me through supervisory channels.

Thanks, as always, for your continued dedication and hard work.

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

(b)(6), (b)(7)c

Deputy Field Office Director  
(responsible for the state of Georgia, except the Stewart Detention Center)  
Atlanta Field Office  
Enforcement and Removal Operations  
U. S. Immigration and Customs Enforcement  
Department of Homeland Security  
Office: (404) 893-(b)(6), (b)(7)c

**From:** (b)(6), (b)(7)c

**Sent:** Monday, March 26, 2012 6:08 PM

**To:** (b)(6), (b)(7)c

(b)(6), (b)(7)c

**Cc:** (b)(6), (b)(7)c

**Subject:** 287(g) Prosecutorial Discretion releases FW: Town Hall - North Georgia Detention Center

Action Item from the Town Halls: I recall back when they first started emphasizing to us that we were to OREC the no-driver's-license-only cases, that there was some concern about releasing a significant percentage of these prosecutorial discretion (PD) cases straight from the local jail. However, I thought the FOD had since said that they should be released at the local jail, rather than being taken into ICE custody. At today's NGDC Town Hall meeting, the officers reported that almost all of the PD cases from Hall, Whitfield and Gwinnett are coming into ICE custody, spending 2 - 3 days detained by ICE, and then being released from NGDC via OREC. It appears this is costing us tons of tax dollars on the 2 - 3 days of detention, plus wasted manpower, only to ultimately have the alien released on OREC anyway.

Is there any reason why we can't have the 287(g) personnel prepare the OREC paperwork and have the ICE 287(g) supervisor release the alien directly from the jail prior to coming into ICE custody?

(b)(6), (b)(7)c


Deputy Field Office Director  
(responsible for the state of Georgia, except the Stewart Detention Center)  
Atlanta Field Office  
Enforcement and Removal Operations  
U. S. Immigration and Customs Enforcement  
Department of Homeland Security  
Office: (404) 893- (6), (b)(7)



U.S. Immigration  
and Customs  
Enforcement

June 17, 2011

MEMORANDUM FOR: All Field Office Directors  
All Special Agents in Charge  
All Chief Counsel

FROM: John Morton  
Director 

SUBJECT: Exercising Prosecutorial Discretion Consistent with the Civil  
Immigration Enforcement Priorities of the Agency for the  
Apprehension, Detention, and Removal of Aliens

Purpose

This memorandum provides U.S. Immigration and Customs Enforcement (ICE) personnel guidance on the exercise of prosecutorial discretion to ensure that the agency's immigration enforcement resources are focused on the agency's enforcement priorities. The memorandum also serves to make clear which agency employees may exercise prosecutorial discretion and what factors should be considered.

This memorandum builds on several existing memoranda related to prosecutorial discretion with special emphasis on the following:

- Sam Bernsen, Immigration and Naturalization Service (INS) General Counsel, Legal Opinion Regarding Service Exercise of Prosecutorial Discretion (July 15, 1976);
- Bo Cooper, INS General Counsel, INS Exercise of Prosecutorial Discretion (July 11, 2000);
- Doris Meissner, INS Commissioner, Exercising Prosecutorial Discretion (November 17, 2000);
- Bo Cooper, INS General Counsel, Motions to Reopen for Considerations of Adjustment of Status (May 17, 2001);
- William J. Howard, Principal Legal Advisor, Prosecutorial Discretion (October 24, 2005);
- Julie L. Myers, Assistant Secretary, Prosecutorial and Custody Discretion (November 7, 2007);
- John Morton, Director, Civil Immigration Enforcement Priorities for the Apprehension, Detention, and Removal of Aliens (March 2, 2011); and
- John Morton, Director, Prosecutorial Discretion: Certain Victims, Witnesses, and Plaintiffs (June 17, 2011).

*Exercising Prosecutorial Discretion Consistent with the Priorities of the Agency for the Apprehension, Detention, and Removal of Aliens*

The following memoranda related to prosecutorial discretion are rescinded:

- Johnny N. Williams, Executive Associate Commissioner (EAC) for Field Operations, Supplemental Guidance Regarding Discretionary Referrals for Special Registration (October 31, 2002); and
- Johnny N. Williams, EAC for Field Operations, Supplemental NSEERS Guidance for Call-In Registrants (January 8, 2003).

Background

One of ICE's central responsibilities is to enforce the nation's civil immigration laws in coordination with U.S. Customs and Border Protection (CBP) and U.S. Citizenship and Immigration Services (USCIS). ICE, however, has limited resources to remove those illegally in the United States. ICE must prioritize the use of its enforcement personnel, detention space, and removal assets to ensure that the aliens it removes represent, as much as reasonably possible, the agency's enforcement priorities, namely the promotion of national security, border security, public safety, and the integrity of the immigration system. These priorities are outlined in the ICE Civil Immigration Enforcement Priorities memorandum of March 2, 2011, which this memorandum is intended to support.

Because the agency is confronted with more administrative violations than its resources can address, the agency must regularly exercise "prosecutorial discretion" if it is to prioritize its efforts. In basic terms, prosecutorial discretion is the authority of an agency charged with enforcing a law to decide to what degree to enforce the law against a particular individual. ICE, like any other law enforcement agency, has prosecutorial discretion and may exercise it in the ordinary course of enforcement<sup>1</sup>. When ICE favorably exercises prosecutorial discretion, it essentially decides not to assert the full scope of the enforcement authority available to the agency in a given case.

In the civil immigration enforcement context, the term "prosecutorial discretion" applies to a broad range of discretionary enforcement decisions, including but not limited to the following:

- deciding to issue or cancel a notice of detainer;
- deciding to issue, reissue, serve, file, or cancel a Notice to Appear (NTA);
- focusing enforcement resources on particular administrative violations or conduct;
- deciding whom to stop, question, or arrest for an administrative violation;
- deciding whom to detain or to release on bond, supervision, personal recognizance, or other condition;
- seeking expedited removal or other forms of removal by means other than a formal removal proceeding in immigration court;

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<sup>1</sup> The Meissner memorandum's standard for prosecutorial discretion in a given case turned principally on whether a substantial federal interest was present. Under this memorandum, the standard is principally one of pursuing those cases that meet the agency's priorities for federal immigration enforcement generally.

*Exercising Prosecutorial Discretion Consistent with the Priorities of the Agency for the Apprehension, Detention, and Removal of Aliens*

- settling or dismissing a proceeding;
- granting deferred action, granting parole, or staying a final order of removal;
- agreeing to voluntary departure, the withdrawal of an application for admission, or other action in lieu of obtaining a formal order of removal;
- pursuing an appeal;
- executing a removal order; and
- responding to or joining in a motion to reopen removal proceedings and to consider joining in a motion to grant relief or a benefit.

Authorized ICE Personnel

Prosecutorial discretion in civil immigration enforcement matters is held by the Director<sup>2</sup> and may be exercised, with appropriate supervisory oversight, by the following ICE employees according to their specific responsibilities and authorities:

- officers, agents, and their respective supervisors within Enforcement and Removal Operations (ERO) who have authority to institute immigration removal proceedings or to otherwise engage in civil immigration enforcement;
- officers, special agents, and their respective supervisors within Homeland Security Investigations (HSI) who have authority to institute immigration removal proceedings or to otherwise engage in civil immigration enforcement;
- attorneys and their respective supervisors within the Office of the Principal Legal Advisor (OPLA) who have authority to represent ICE in immigration removal proceedings before the Executive Office for Immigration Review (EOIR); and
- the Director, the Deputy Director, and their senior staff.

ICE attorneys may exercise prosecutorial discretion in any immigration removal proceeding before EOIR, on referral of the case from EOIR to the Attorney General, or during the pendency of an appeal to the federal courts, including a proceeding proposed or initiated by CBP or USCIS. If an ICE attorney decides to exercise prosecutorial discretion to dismiss, suspend, or close a particular case or matter, the attorney should notify the relevant ERO, HSI, CBP, or USCIS charging official about the decision. In the event there is a dispute between the charging official and the ICE attorney regarding the attorney's decision to exercise prosecutorial discretion, the ICE Chief Counsel should attempt to resolve the dispute with the local supervisors of the charging official. If local resolution is not possible, the matter should be elevated to the Deputy Director of ICE for resolution.

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<sup>2</sup> Delegation of Authority to the Assistant Secretary, Immigration and Customs Enforcement, Delegation No. 7030.2 (November 13, 2004), delegating among other authorities, the authority to exercise prosecutorial discretion in immigration enforcement matters (as defined in 8 U.S.C. § 1101(a)(17)).

*Exercising Prosecutorial Discretion Consistent with the Priorities of the Agency for the Apprehension, Detention, and Removal of Aliens*

Factors to Consider When Exercising Prosecutorial Discretion

When weighing whether an exercise of prosecutorial discretion may be warranted for a given alien, ICE officers, agents, and attorneys should consider all relevant factors, including, but not limited to—

- the agency's civil immigration enforcement priorities;
- the person's length of presence in the United States, with particular consideration given to presence while in lawful status;
- the circumstances of the person's arrival in the United States and the manner of his or her entry, particularly if the alien came to the United States as a young child;
- the person's pursuit of education in the United States, with particular consideration given to those who have graduated from a U.S. high school or have successfully pursued or are pursuing a college or advanced degrees at a legitimate institution of higher education in the United States;
- whether the person, or the person's immediate relative, has served in the U.S. military, reserves, or national guard, with particular consideration given to those who served in combat;
- the person's criminal history, including arrests, prior convictions, or outstanding arrest warrants;
- the person's immigration history, including any prior removal, outstanding order of removal, prior denial of status, or evidence of fraud;
- whether the person poses a national security or public safety concern;
- the person's ties and contributions to the community, including family relationships;
- the person's ties to the home country and conditions in the country;
- the person's age, with particular consideration given to minors and the elderly;
- whether the person has a U.S. citizen or permanent resident spouse, child, or parent;
- whether the person is the primary caretaker of a person with a mental or physical disability, minor, or seriously ill relative;
- whether the person or the person's spouse is pregnant or nursing;
- whether the person or the person's spouse suffers from severe mental or physical illness;
- whether the person's nationality renders removal unlikely;
- whether the person is likely to be granted temporary or permanent status or other relief from removal, including as a relative of a U.S. citizen or permanent resident;
- whether the person is likely to be granted temporary or permanent status or other relief from removal, including as an asylum seeker, or a victim of domestic violence, human trafficking, or other crime; and
- whether the person is currently cooperating or has cooperated with federal, state or local law enforcement authorities, such as ICE, the U.S. Attorneys or Department of Justice, the Department of Labor, or National Labor Relations Board, among others.

This list is not exhaustive and no one factor is determinative. ICE officers, agents, and attorneys should always consider prosecutorial discretion on a case-by-case basis. The decisions should be based on the totality of the circumstances, with the goal of conforming to ICE's enforcement priorities.



*Exercising Prosecutorial Discretion Consistent with the Priorities of the Agency for the Apprehension, Detention, and Removal of Aliens*

That said, there are certain classes of individuals that warrant particular care. As was stated in the Meissner memorandum on Exercising Prosecutorial Discretion, there are factors that can help ICE officers, agents, and attorneys identify these cases so that they can be reviewed as early as possible in the process.

The following positive factors should prompt particular care and consideration:

- veterans and members of the U.S. armed forces;
- long-time lawful permanent residents;
- minors and elderly individuals;
- individuals present in the United States since childhood;
- pregnant or nursing women;
- victims of domestic violence, trafficking, or other serious crimes;
- individuals who suffer from a serious mental or physical disability; and
- individuals with serious health conditions.

In exercising prosecutorial discretion in furtherance of ICE's enforcement priorities, the following negative factors should also prompt particular care and consideration by ICE officers, agents, and attorneys:

- individuals who pose a clear risk to national security;
- serious felons, repeat offenders, or individuals with a lengthy criminal record of any kind;
- known gang members or other individuals who pose a clear danger to public safety; and
- individuals with an egregious record of immigration violations, including those with a record of illegal re-entry and those who have engaged in immigration fraud.

Timing

While ICE may exercise prosecutorial discretion at any stage of an enforcement proceeding, it is generally preferable to exercise such discretion as early in the case or proceeding as possible in order to preserve government resources that would otherwise be expended in pursuing the enforcement proceeding. As was more extensively elaborated on in the Howard Memorandum on Prosecutorial Discretion, the universe of opportunities to exercise prosecutorial discretion is large. It may be exercised at any stage of the proceedings. It is also preferable for ICE officers, agents, and attorneys to consider prosecutorial discretion in cases without waiting for an alien or alien's advocate or counsel to request a favorable exercise of discretion. Although affirmative requests from an alien or his or her representative may prompt an evaluation of whether a favorable exercise of discretion is appropriate in a given case, ICE officers, agents, and attorneys should examine each such case independently to determine whether a favorable exercise of discretion may be appropriate.

In cases where, based upon an officer's, agent's, or attorney's initial examination, an exercise of prosecutorial discretion may be warranted but additional information would assist in reaching a final decision, additional information may be requested from the alien or his or her representative. Such requests should be made in conformity with ethics rules governing

*Exercising Prosecutorial Discretion Consistent with the Priorities of the Agency for the Apprehension, Detention, and Removal of Aliens*

communication with represented individuals<sup>3</sup> and should always emphasize that, while ICE may be considering whether to exercise discretion in the case, there is no guarantee that the agency will ultimately exercise discretion favorably. Responsive information from the alien or his or her representative need not take any particular form and can range from a simple letter or e-mail message to a memorandum with supporting attachments.

Disclaimer

As there is no right to the favorable exercise of discretion by the agency, nothing in this memorandum should be construed to prohibit the apprehension, detention, or removal of any alien unlawfully in the United States or to limit the legal authority of ICE or any of its personnel to enforce federal immigration law. Similarly, this memorandum, which may be modified, superseded, or rescinded at any time without notice, is not intended to, does not, and may not be relied upon to create any right or benefit, substantive or procedural, enforceable at law by any party in any administrative, civil, or criminal matter.

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<sup>3</sup> For questions concerning such rules, officers or agents should consult their local Office of Chief Counsel.

MAR 02 2011



U.S. Immigration  
and Customs  
Enforcement

MEMORANDUM FOR: All ICE Employees

FROM: John Morton  
Director 

SUBJECT: Civil Immigration Enforcement: Priorities for the Apprehension, Detention, and Removal of Aliens

Purpose

This memorandum outlines the civil immigration enforcement priorities of U.S. Immigration and Customs Enforcement (ICE) as they relate to the apprehension, detention, and removal of aliens. These priorities shall apply across all ICE programs and shall inform enforcement activity, detention decisions, budget requests and execution, and strategic planning.

*A. Priorities for the apprehension, detention, and removal of aliens*

In addition to our important criminal investigative responsibilities, ICE is charged with enforcing the nation's civil immigration laws. This is a critical mission and one with direct significance for our national security, public safety, and the integrity of our border and immigration controls. ICE, however, only has resources to remove approximately 400,000 aliens per year, less than 4 percent of the estimated illegal alien population in the United States. In light of the large number of administrative violations the agency is charged with addressing and the limited enforcement resources the agency has available, ICE must prioritize the use of its enforcement personnel, detention space, and removal resources to ensure that the removals the agency does conduct promote the agency's highest enforcement priorities, namely national security, public safety, and border security.

To that end, the following shall constitute ICE's civil enforcement priorities, with the first being the highest priority and the second and third constituting equal, but lower, priorities.

**Priority 1. Aliens who pose a danger to national security or a risk to public safety**

The removal of aliens who pose a danger to national security or a risk to public safety shall be ICE's highest immigration enforcement priority. These aliens include, but are not limited to:

- aliens engaged in or suspected of terrorism or espionage, or who otherwise pose a danger to national security;

## Civil Immigration Enforcement: Priorities for the Apprehension, Detention, and Removal of Aliens

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- aliens convicted of crimes, with a particular emphasis on violent criminals, felons, and repeat offenders;
- aliens not younger than 16 years of age who participated in organized criminal gangs;
- aliens subject to outstanding criminal warrants; and
- aliens who otherwise pose a serious risk to public safety.<sup>1</sup>

For purposes of prioritizing the removal of aliens convicted of crimes, ICE personnel should refer to the following new offense levels defined by the Secure Communities Program, with Level 1 and Level 2 offenders receiving principal attention. These new Secure Communities levels are given in rank order and shall replace the existing Secure Communities levels of offenses.<sup>2</sup>

- Level 1 offenders: aliens convicted of “aggravated felonies,” as defined in § 101(a)(43) of the Immigration and Nationality Act,<sup>3</sup> or two or more crimes each punishable by more than one year, commonly referred to as “felonies”;
- Level 2 offenders: aliens convicted of any felony or three or more crimes each punishable by less than one year, commonly referred to as “misdemeanors”; and
- Level 3 offenders: aliens convicted of crimes punishable by less than one year.<sup>4</sup>

### **Priority 2. Recent illegal entrants**

In order to maintain control at the border and at ports of entry, and to avoid a return to the prior practice commonly and historically referred to as “catch and release,” the removal of aliens who have recently violated immigration controls at the border, at ports of entry, or through the knowing abuse of the visa and visa waiver programs shall be a priority.

### **Priority 3. Aliens who are fugitives or otherwise obstruct immigration controls**

In order to ensure the integrity of the removal and immigration adjudication processes, the removal of aliens who are subject to a final order of removal and abscond, fail to depart, or intentionally obstruct immigration controls, shall be a priority. These aliens include:

- fugitive aliens, in descending priority as follows:<sup>5</sup>

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<sup>1</sup> This provision is not intended to be read broadly, and officers, agents, and attorneys should rely on this provision only when serious and articulable public safety issues exist.

<sup>2</sup> The new levels should be used immediately for purposes of enforcement operations. DRO will work with Secure Communities and the Office of the Chief Information Officer to revise the related computer coding by October 1, 2010.

<sup>3</sup> As the definition of “aggravated felony” includes serious, violent offenses and less serious, non-violent offenses, agents, officers, and attorneys should focus particular attention on the most serious of the aggravated felonies when prioritizing among level one offenses.

<sup>4</sup> Some misdemeanors are relatively minor and do not warrant the same degree of focus as others. ICE agents and officers should exercise particular discretion when dealing with minor traffic offenses such as driving without a license.

<sup>5</sup> Some fugitives may fall into both this priority and priority 1.

## Civil Immigration Enforcement: Priorities for the Apprehension, Detention, and Removal of Aliens

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- fugitive aliens who pose a danger to national security;
- fugitives aliens convicted of violent crimes or who otherwise pose a threat to the community;
- fugitive aliens with criminal convictions other than a violent crime;
- fugitive aliens who have not been convicted of a crime;
- aliens who reenter the country illegally after removal, in descending priority as follows:
  - previously removed aliens who pose a danger to national security;
  - previously removed aliens convicted of violent crimes or who otherwise pose a threat to the community;
  - previously removed aliens with criminal convictions other than a violent crime;
  - previously removed aliens who have not been convicted of a crime; and
- aliens who obtain admission or status by visa, identification, or immigration benefit fraud.<sup>6</sup>

The guidance to the National Fugitive Operations Program: Priorities, Goals and Expectations, issued on December 8, 2009, remains in effect and shall continue to apply for all purposes, including how Fugitive Operation Teams allocate resources among fugitive aliens, previously removed aliens, and criminal aliens.

### *B. Apprehension, detention, and removal of other aliens unlawfully in the United States*

Nothing in this memorandum should be construed to prohibit or discourage the apprehension, detention, or removal of other aliens unlawfully in the United States. ICE special agents, officers, and attorneys may pursue the removal of any alien unlawfully in the United States, although attention to these aliens should not displace or disrupt the resources needed to remove aliens who are a higher priority. Resources should be committed primarily to advancing the priorities set forth above in order to best protect national security and public safety and to secure the border.

### *C. Detention*

As a general rule, ICE detention resources should be used to support the enforcement priorities noted above or for aliens subject to mandatory detention by law. Absent extraordinary circumstances or the requirements of mandatory detention, field office directors should not expend detention resources on aliens who are known to be suffering from serious physical or mental illness, or who are disabled, elderly, pregnant, or nursing, or demonstrate that they are primary caretakers of children or an infirm person, or whose detention is otherwise not in the public interest. To detain aliens in those categories who are not subject to mandatory detention, ICE officers or special agents must obtain approval from the field office director. If an alien falls

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<sup>6</sup> ICE officers and special agents should proceed cautiously when encountering aliens who may have engaged in fraud in an attempt to enter but present themselves without delay to the authorities and indicate a fear of persecution or torture. See Convention relating to the Status of Refugees, art. 31, *opened for signature* July 28, 1951, 19 U.S.T. 6259, 189 U.N.T.S. 137. In such instances, officers and agents should contact their local Office of the Chief Counsel.

within the above categories and is subject to mandatory detention, field office directors are encouraged to contact their local Office of Chief Counsel for guidance.

*D. Prosecutorial discretion*

The rapidly increasing number of criminal aliens who may come to ICE's attention heightens the need for ICE employees to exercise sound judgment and discretion consistent with these priorities when conducting enforcement operations, making detention decisions, making decisions about release on supervision pursuant to the Alternatives to Detention Program, and litigating cases. Particular care should be given when dealing with lawful permanent residents, juveniles, and the immediate family members of U.S. citizens. Additional guidance on prosecutorial discretion is forthcoming. In the meantime, ICE officers and attorneys should continue to be guided by the November 17, 2000 prosecutorial discretion memorandum from then-INS Commissioner Doris Meissner; the October 24, 2005 Memorandum from Principal Legal Advisor William Howard; and the November 7, 2007 Memorandum from then Assistant Secretary Julie Myers.

*E. Implementation*

ICE personnel shall follow the priorities set forth in this memorandum immediately. Further, ICE programs shall develop appropriate measures and methods for recording and evaluating their effectiveness in implementing the priorities. As this may require updates to data tracking systems and methods, ICE will ensure that reporting capabilities for these priorities allow for such reporting as soon as practicable, but not later than October 1, 2010.

*F. No Private Right Statement<sup>7</sup>*

These guidelines and priorities are not intended to, do not, and may not be relied upon to create any right or benefit, substantive or procedural, enforceable at law by any party in any administrative, civil, or criminal matter.

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<sup>7</sup> This statement was added to ICE Policy 10072.1, "Civil Immigration Enforcement: Priorities for the Apprehension, Detention, and Removal of Aliens" on February 7, 2011. The policy contained in this memorandum has not been altered or changed.

From: (b)(6), (b)(7)c  
 To: [Redacted]  
 Subject: W.C. de la Cruz  
 Date: Thursday, October 04, 2012 12:46:40 PM  
 Attachments: [Redacted]

I'm confused. These are the same cases we received in a tasking on 9/26/12. The two SAV cases and one ATL case were corrected in EARM, the detainees were lifted (see below). The second attachment is what I sent to the ERU with our comments. I just checked EARM and all three detainees show as lifted, ever since we handled this tasking a week ago. What do we need to do to make these go away? Is this an EARM vs. ENFORCE update issue?

**Supporting Info Detainers**

01/17/2012 [Redacted] GADSDEN - GEORGIA DEPT OF CORRECTIO

**Supporting Info Detainers**

07/17/2012 [Redacted] CHATHAM - CHATHAM CO JAIL

**Supporting Info Detainers**

06/07/2012 [Redacted] DOUGESA - DOUGES COUNTY SHERIFF

(b)(6), (b)(7)c  
 [Redacted]  
 [Redacted]  
 [Redacted]  
 [Redacted]

From: (b)(6), (b)(7)c  
 Sent: Thursday, October 04, 2012 11:05 AM  
 To: [Redacted]  
 Cc: [Redacted]  
 Subject: FW: CAP data request

Looks like the bulk of these are in CLT and SAV

Area	Subject ID	Citizenship	Ad vs. Yes/No	Prepare Date	Book In Date	Processing Disposition	Disa	Event Number	Book Out Date	Detain on Location Name	Book In Date And Time	Book Out Date And Time	Project and Release Date	De arrest, # Reason	Desk per LIT Date
Atlanta Area of Responsibility	UNITE	NO	10/12/11	Other	DRG - Charlat, NC Sub-Offic					QUILFORD COUNTY JAIL					
Atlanta Area of Responsibility	UNITE	NO	05/01/12	Foreign Born USC	DRG - Charlat, NC Sub-Offic					YORK COUNTY DETENTION CENTER					
Atlanta Area of Responsibility	UNITE	NO	12/01/11	Foreign Born USC	DRG - Charlat, NC Sub-Offic					FORSYTH COUNTY JAIL					
Atlanta Area of Responsibility	(b)(6), (b)(7)c	NO	06/07/12	DRG	DRG - Savannah, GA Sub-Offic					DOUGES COUNTY SHERIFF					
Atlanta Area of Responsibility	UNITE	NO	12/01/11	Foreign Born USC	DRG - Charlat, NC Sub-Offic					N.C. DEPT OF CORRECTI				1 Red	01/09/12 12:00 AM
Atlanta Area of Responsibility	UNITE	NO	10/12/11	Foreign Born USC	DRG - Charlat, NC Sub-Offic					QUILFORD COUNTY JAIL				United States Citizen (in absentia)	02/29/12 12:00 AM

Thank you.

(b)(6), (b)(7)c  
 [Redacted]  
 [Redacted]  
 [Redacted]

From: (b)(6), (b)(7)c  
 Sent: Thursday, October 04, 2012 11:00 AM  
 To: [Redacted]  
 Cc: [Redacted]  
 Subject: FW: CAP data request

From: [Redacted]  
 Sent: Thursday, October 04, 2012 11:00 AM  
 To: [Redacted]  
 Subject: CAP data request

AL

Please see the list of detainees that according to ENFORCE have been placed on USC. Please review these dates and ensure that the system is updated accordingly. A similar tasking was sent out to the field a few weeks ago and I was found that most, if not all detainees had been previously lifted and the system was updated to indicate the correct information. I assume that we will have the same outcome here. Please complete this review and have all cases updated by COB on Tuesday 10/9.

Thank you.

**From:** (b)(6), (b)(7)c  
**To:**  
**Subject:** FW: Criminal Alien Removals; increase-initiative; auxiliary fug ops team members from CBP/BP and CBP/OFO  
**Date:** Thursday, May 31, 2012 4:26:00 PM  
**Attachments:** [2012 Atlanta Field Office Prospective Criminal Arrests \(Final\).doc](#)  
[RE Criminal Alien Removals - ATL Fug Ops Suggestions.msg](#)  
**Importance:** High

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(b)(6), (b)(7)c  
Assistant Field Office Director  
Immigration Customs Enforcement  
Atlanta Field Office, Charlotte, NC

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**From:** (b)(6), (b)(7)c  
**Sent:** Friday, May 04, 2012 8:08 AM

**To:** (b)(6), (b)(7)c

(b)(6), (b)(7)c

**Cc:** (b)(6), (b)(7)c

(b)(6), (b)(7)c

**Subject:** FW: Criminal Alien Removals; increase-initiative; auxiliary fug ops team members from CBP/BP and CBP/OFO

**Importance:** High

AFODs:

1. Please carefully review the below e-mail string, the attached document, and this e-mail message.
2. The attachment is the Atlanta "Prospective Criminal Apprehension Initiative" plan that was recently submitted to HQ, describing how we will increase our criminal removals asap.
3. HQ has directed us to implement this plan and to REALLOCATE ALL AVAILABLE RESOURCES (sorry, not "shouting", just emphasizing) to attaining this year's criminal-alien removal target (HQ also pointed out that our Atlanta AOR criminal alien removals to-date this year are 1200 fewer than they were to-date last year).
4. The Atlanta plan was developed by a workgroup spearheaded by then-acting DFOD (b)(6), (b)(7)c (b)(6), (b)(7)c has identified the workgroup member(s) who originated each idea contained in the report. [The workgroup: SDDO (b)(6), (b)(7)c SDDO (b)(6), (b)(7)c SDDO (b)(6), (b)(7)c (a)AFOD (b)(6), (b)(7)c SDDO (b)(6), (b)(7)c SDDO (b)(6), (b)(7)c (a)AFOD (b)(6), (b)(7)c]
5. Below are listed:
  - i) the various initiatives contained in the report;
  - 2) the name of the subject matter expert (SME) who contributed the item to the report (who can therefore best describe what the item involves, and how it was envisioned that the item would be implemented); and
  - 3) the units and/or geographical locations within the Atlanta AOR that are responsible for carrying out the initiative.

[Note: Some of these items will be handled by the Auxiliary Fug Ops Teams that will be comprised of either (b)(7)e or (b)(7)e personnel who will be detailed to us commencing 5/14/2012. The individuals on these teams are to work solely in the presence of our ERO personnel, who will direct and oversee the team members activities at all times.]



Initiative # 1: “The Dalton/Whitfield Resident Officer Project” (add an additional officer to the existing program in Dalton/Whitfield; replicate the program in Gainesville, Columbus, Augusta and Savannah)

SME: SDDO (b)(6), (b)(7)c Acting AFOD (b)(6), (b)(7)c

Implementing Unit(s): Atlanta Fug Ops

TDY personnel required: Internal tdy personnel will need to either come from lower-priority units within Atlanta AOR, or from an under-utilized Fug Ops or CAP team, or from ERO personnel assigned to work overtime evenings and/or weekends.

Synopsis of Plan (see attachment for full description): A full-time officer will work with ICE assets in the area and develop new relationships with local law enforcement agencies in order to identify and arrest criminal aliens (a criminal alien is any removable alien convicted of a crime).

Estimated Results: 700-1,000 criminal alien arrests

Initiative # 2: “The DMV Project”

SME: SDDO (b)(6), (b)(7)c

Implementing Unit(s): Fug Ops Team in each state in the AOR

TDY personnel required: None(?), or from ERO personnel assigned to work overtime evenings and/or weekends

Synopsis of Plan (see attachment for full description): Reach out to the Investigations Division of each state’s Department of Motor Vehicles/Drivers Services Bureau to determine if: 1. A photo scrub for duplicate photos with different biographic information on file can be conducted and a list of results provided to ERO;

2. A list of denied driver license applications (focusing on those with insufficient proof of residency) can provided to ERO;

3. A list of temporary driver licenses issued to foreign-born applicants can provided to ERO;

4. A list of any other applications containing indicators of fraud can be obtained.

These lists would then be vetted further to identify potential removable criminal aliens.

Estimated Results: no estimate provided

Initiative # 3: “The Temporarily-Increase-ERO-Participation-on-USMS-Task-Forces Project”

SME: Acting AFOD (b)(6), (b)(7)c

Implementing Unit(s): Atlanta, Charlotte, Raleigh and Charleston Fug Ops Teams

TDY personnel required: Internal tdy personnel will need to either come from lower-priority units within Atlanta AOR, or from an under-utilized Fug Ops or CAP team, or from ERO personnel assigned to work overtime evenings and/or weekends.

Synopsis of Plan (see attachment for full description): Increase outreach to the taskforces and temporarily assign additional officers to the taskforce. These officers will work with local law enforcement agencies to identify and arrest removable criminal aliens.

Estimated Results: no estimate provided

Initiative # 4: “The Detail-an-Outside-Fug-Ops-Team-to-Middle-Georgia Project”

SME: Acting AFOD (b)(6), (b)(7)c

Implementing Unit(s): Atlanta Fug Ops Teams

TDY personnel required: Internal tdy personnel from Atlanta AOR Fug Ops teams will be team leaders in charge of either (b)(7)e or (b)(7)e tdy personnel, or from ERO personnel assigned to work overtime evenings and/or weekends.

Synopsis of Plan (see attachment for full description): Auxiliary Fug Ops Teams that will be

comprised of either (b)(7)e or (b)(7)e personnel will be detailed to Atlanta ERO commencing 5/14/2012. The individuals on these teams are to work solely in the presence of Atlanta ERO personnel, who will direct and oversee the team members activities at all times. Identify, locate and apprehend criminal alien targets in the assigned geographical area.

Estimated Results: no estimate provided

Initiative # 5: "The Detail-an-Outside-Fug-Ops-Team-to-Columbia-SC Project"

SME: SDDO (b)(6), (b)(7)c

Implementing Unit(s): Charleston Fug Ops Team

TDY personnel required: Internal tdy personnel from Atlanta AOR Fug Ops teams will be team leaders in charge of either (b)(7)e or (b)(7)e tdy personnel, or from ERO personnel assigned to work overtime evenings and/or weekends.

Synopsis of Plan (see attachment for full description): Auxiliary Fug Ops Teams that will be comprised of either (b)(7)e or (b)(7)e personnel will be detailed to Atlanta ERO commencing 5/14/2012. The individuals on these teams are to work solely in the presence of Atlanta ERO personnel, who will direct and oversee the team members activities at all times. Identify, locate and apprehend criminal alien targets in the assigned geographical area.

Estimated Results: no estimate provided

Initiative # 6: "The Detail-Two-Outside-Fug-Ops-Teams-to-Atlanta-GA Project"

SME: Acting AFOD (b)(6), (b)(7)c

Implementing Unit(s): Atlanta Fug Ops Teams

TDY personnel required: Internal tdy personnel from Atlanta AOR Fug Ops teams will be team leaders in charge of either (b)(7)e or (b)(7)e tdy personnel, or from ERO personnel assigned to work overtime evenings and/or weekends.

Synopsis of Plan (see attachment for full description): Auxiliary Fug Ops Teams that will be comprised of either (b)(7)e or (b)(7)e personnel will be detailed to Atlanta ERO commencing 5/14/2012. The individuals on these teams are to work solely in the presence of Atlanta ERO personnel, who will direct and oversee the team members activities at all times. Identify, locate and apprehend criminal alien targets in the assigned geographical area.

Estimated Results: no estimate provided

Initiative # 7: "The Increase-Bond-Amounts-to-Ensure-Court-Appearance-and-Reduce-Nondetained-Docket-Workload Project"

SME: Acting AFOD (b)(6), (b)(7)c

Implementing Unit(s): All Atlanta ERO Alien-Processing Units (including 287g-designated officers)

TDY personnel required: None.

Synopsis of Plan (see attachment for full description): This is intended to free up Non-detained Docket personnel to better utilize them for higher priority duties (locating, arresting, processing and removing criminal aliens). The Atlanta FOD will:

1. generate a directive to all Atlanta ERO alien-removal-processing personnel instructing them that bonds under \$10,000 are deemed to be ineffective and inefficient, and that anyone who would ordinarily receive bonds in amounts less than \$10,000 should be considered for OREC instead.
2. consult with Atlanta Chief Counsel in regard to communicating to the Atlanta Immigration Court Judges that bonds less than \$10,000 are not cost-effective and should be

avoided if at all possible in preference to an OREC release if a minimum \$10,000 bond is not justified.

Estimated Results: no estimate provided

Initiative # 8: “The Conducting-Non-detained-Unit-Voluntary-Departure-Case-Review-Blitzes Project”

SME: Acting AFOD (b)(6), (b)(7)c

Implementing Unit(s): Atlanta, Charlotte and Charleston Non-Detained Docket Units

TDY personnel required: Internal tdy personnel will need to either come from lower-priority units within Atlanta AOR, or from an under-utilized Fug Ops or CAP team, or from ERO personnel assigned to work overtime evenings and/or weekends.

Synopsis of Plan (see attachment for full description): Past-due cases assigned to the Non-detained Voluntary Departure (VD) docket will be reviewed in ATS to determine if the alien has departed the U.S. as required under VD, or self-deported after the VD period expired, so the cases could be closed in EARM. Depending on the outcome of the ATS search, some cases will be closed when departure is verified, while others will be referred to Fug Ops for further investigation and possible arrest.

Estimated Results: no estimate provided

Initiative # 9: “The CAP-Surge-at-Local-Jails-on-Nights-and-Weekends Project”

SME: SDDO (b)(6), (b)(7)c

Implementing Unit(s): All CAP Teams

TDY personnel required: Internal tdy personnel will need to either come from lower-priority units within Atlanta AOR (shift/days-off change), or from an under-utilized Fug Ops or CAP team (shift/days-off change), or from ERO personnel assigned to work overtime evenings and/or weekends.

Synopsis of Plan (see attachment for full description): Work weekends and/or evenings at local jails in order to identify criminal aliens arrested by local law enforcement officials, who would normally be released prior to ERO being able to respond.

Estimated Results: no estimate provided

Initiative # 10: “The Detail-a-Full-CAP-Team-to-Wilmington-SC Project”

SME: SDDO (b)(6), (b)(7)

Implementing Unit(s): CLT CAP Unit

TDY personnel required: Internal tdy personnel will need to either come from lower-priority units within Atlanta AOR, or from an under-utilized Fug Ops or CAP team, or from ERO personnel assigned to work overtime evenings and/or weekends.

Synopsis of Plan (see attachment for full description): In the southeastern region of North Carolina (Wilmington) there are currently only two (b)(7)c IEAs assigned, and they spend much of their time doing transportation. Establish a fully functioning temporary CAP team in that area of the state, responsible for the surrounding eight (8) counties to include two (2) South Carolina counties that the Charleston office has difficulty reaching.

Estimated Results: no estimate provided

[more to come.]

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**From:** Venturella, David

**Sent:** Thursday, April 19, 2012 11:44 AM

**To:** (b)(6), (b)(7)c

**Cc:** (b)(6), (b)(7)c

(b)(6), (b)(7)c

**Subject:** RE: Criminal Alien Removals

ATL is about 1200 criminal removals under when compared to last year. Please implement your initiatives and reallocate all available resources. The only performance measure that will count this fiscal year is the criminal alien removal target.

(b)(6), (b)(7)c  
Assistant Director-Field Operations  
Office of Enforcement & Removal Operations

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**From:** (b)(6), (b)(7)c  
**Sent:** Thursday, April 19, 2012 10:38 AM  
**To:** Venturella, David  
**Cc:** (b)(6), (b)(7)c  
(b)(6), (b)(7)c  
**Subject:** RE: Criminal Alien Removals

Atlanta's submission attached. Please let us know if there are any questions.

(b)(6), (b)(7)c  
Deputy Field Office Director  
(responsible for the state of Georgia, except the Stewart Detention Center)  
Atlanta Field Office  
Enforcement and Removal Operations  
U. S. Immigration and Customs Enforcement  
Department of Homeland Security  
Office: (404) 893 (b)(6), (b)(7)c

---

**From:** (b)(6), (b)(7)c  
**Sent:** Wednesday, April 18, 2012 11:07 AM  
**To:** (b)(6), (b)(7)c  
**Subject:** FW: Criminal Alien Removals

For action.

(b)(6), (b)(7)c  
Assistant Director-Field Operations  
Office of Enforcement & Removal Operations

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~~information and is not to be released to the public or other personnel who do not have a valid "need-to-know" without prior approval of an authorized DHS official. No portion of this report should be furnished to the media, either in written or verbal form.~~

**From:** (b)(6), (b)(7)c

**Sent:** Wednesday, April 18, 2012 11:05 AM

**To:** (b)(6), (b)(7)c

(b)(6), (b)(7)c

**Cc:** (b)(6), (b)(7)c

**Subject:** RE: Criminal Alien Removals

FYI – we have had further discussions with ICE leadership and raised many of the ideas you provided to me yesterday. As I tried to say in my original email, resources play a big role in the success of any effort to increase criminal alien arrests and removals for the remainder of FY12. Because this is getting a lot of attention, we may have an opportunity to request detail support from HSI and CBP.

What I need from you is an estimate of the number of resources required to support your current and planned efforts to increase criminal alien removals within your AOR. I'm attaching a sample request from Newark that summarizes that activities, potential workload and the additional resources required to support the activities.

I would greatly appreciate if you could provide a response by noon tomorrow.

Please call me if you have any questions.

Thanks

(b)(6), (b)(7)c

Assistant Director-Field Operations  
Office of Enforcement & Removal Operations

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**From:** (b)(6), (b)(7)c

**Sent:** Tuesday, April 17, 2012 11:01 AM

**To:** (b)(6), (b)(7)c

(b)(6), (b)(7)c

(b)(6), (b)(7)c

**Subject:** RE: Criminal Alien Removals

I apologize for all the typos and omission of words in my message. I probably needed some more coffee this morning before hitting the send button.

(b)(6), (b)(7)c

Assistant Director-Field Operations  
Office of Enforcement & Removal Operations

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**From:** (b)(6), (b)(7)c

**Sent:** Tuesday, April 17, 2012 9:01 AM

**To:** (b)(6), (b)(7)c

(b)(6), (b)(7)c

**Subject:** Criminal Alien Removals

Last week I shared the draft produced by Marc Rapp's team on the current state of removals and in particular, criminal removals. There is a lot of concern that criminal removals will fall below not only target but possibly lower than last year's output.

Obviously PD and the Priorities have had an impact on what we take action as well as resources and competing initiatives.

If on tomorrow's telecom Gary states to devote all available resources to increase criminal alien removals, what else would you need from HQ to help you accomplish this? More resources is a no brainer so need to ask; however, are there any standing orders or directives we have issued that need to be rescinded that may prevent you from carrying out this order? Those are the types of suggestions I'm looking for so in one field memo HQ can provide the direction you need to successful deliver better results.

Please share them individually with me by cob today.

Thanks

(b)(6), (b)(7)c

Assistant Director-Field Operations

## Office of Enforcement & Removal Operations

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U.S. Immigration  
and Customs  
Enforcement

April 18, 2012

**ERO Atlanta Field Office: *Prospective Criminal Apprehension Initiatives***

**Dalton / Whitfield Resident Officer:**

During FY11, the Atlanta Fugitive Operations Program initiated a trial program in which one Deportation Officer was co-located with the Dalton Homeland Security Investigations (HSI) Resident Agent in Charge (RAC) Office and the Whitfield 287(g) program. The expectation of this program was that the Officer would work with ICE assets in the area and develop new relationships with local law enforcement agencies in northwest Georgia in order to identify and arrest aliens who fall under the Fugitive Operations Tier Priorities and the Director's Civil Priorities. This program had success well beyond the initial expectations. With the assistance of an Immigration Enforcement Agent (IEA) assigned to Fugitive Operations, the Officer recorded 266 arrests. Several of these arrests were particularly significant in nature, and many of the cases may not have come to the attention of ICE enforcement had the Officer not been present and developed strong ties with the local agencies. Several sheriffs in the region have gone out of their way to make ERO leadership aware of their enthusiasm for this "resident officer" program. This small experiment continues to benefit ERO statistically and has enhanced our reputation with law enforcement and the local community in Northwest Georgia. We believe that this experiment could be replicated by placing one or two dedicated officers at the North Georgia Detention Center to work within the surrounding area. Areas like Columbus, Augusta and Savannah, GA we feel would also have the same results. Proactive teams in these locations have the potential to provide a large boost in overall criminal arrests. This is a program that requires a minimal manpower investment on our part with the potential for a large increase in arrests. Potential additional arrests are 700-1000, with a total of 8-10 officers to process.

**DMV Project:**

The Atlanta Field Office will reach out to the Georgia Drivers Services Investigators to determine if a photo scrub for duplicate photos with different biographic information on file can be conducted. The Atlanta Field Office will also attempt gain access to any temporary driver licenses issued to foreign born applicants for possible leads.

**US Marshals Southeast Regional Fugitive Taskforce (SERFTF):**

The Atlanta Field Office currently has one officer assigned to the US Marshals Southeast Regional Fugitive Taskforce (SERFTF). Since the assignment of the officer, he has participated in approximately eighty (80) ICE related arrests. Many of these cases are egregious criminals



## **ERO Atlanta Field Office: Prospective Criminal Apprehension Initiatives**

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who are a top priority under ICE's Civil Enforcement Priorities. The SERFTF is great resource for criminal alien leads. The Atlanta Field Office will increase outreach to the taskforce and temporarily assign additional officers to the taskforce. These officers will work with local law enforcement agencies to identify and arrest aliens with outstanding criminal warrants.

#### **Detail an Outside Fugitive Operations Team in Middle Georgia:**

Atlanta ERO is unable to focus on middle Georgia due to the distance. We believe by detailing a Fugitive Operations team to the Macon, Georgia, area, they could be productive in the middle to southern portion of the state. A team detailed to this area could also establish liaisons with local law enforcement agencies, which would increase referrals and arrests. The number of expected targets is unknown at this time. We also find that the processing of these cases could be problematic, due to the distance to the nearest ICE office. Personnel, however, can prepare scratch I-213s, and the arrested aliens can be transported to the Stewart Detention Center where processing officers could complete the case in Enforce. It is likely that a daily bus run would be needed each afternoon from the central location (likely in the Macon area) to either the Stewart or Irwin County Detention Center. One additional Fug Ops team would be required.

#### **Detail an Outside Fugitive Operations Team to Columbia, South Carolina:**

We believe that there are a significant number of criminal alien fugitive and re-entry targets in the Columbia, South Carolina area. The Columbia CAP Unit and Charleston Fugitive Operations Unit can probably provide additional information on the target base in the Columbia area. We currently lack manpower to give this area the attention that it deserves. One additional Fugitive Operations team from outside the Atlanta AOR would be required.

#### **Increasing Bond Amounts to Ensure Court Appearances and Reduce Absconder Numbers:**

If bond amounts were increased within reasonable, justifiable amounts, it would dramatically reduce the number of absconders that we currently see. This in turn would increase the number of criminal aliens removed from the U.S. and reduce the number of aliens added to the fugitive backlog. We do not believe any additional staff would be needed to handle the slight increase in detained alien numbers.

#### **Establish Regional Fug Ops QRT Teams Around the AOR:**

The Atlanta Field Office could establish Fugitive Operations Quick Response Teams (QRT) around the AOR to increase coverage around each state and establish better liaisons with local law enforcement. Each team would consist of two to four officers (DOs and/or IEAs) with Fugitive Operations experience and preferably a good working knowledge of the area to which they are assigned. Obviously this would require additional personnel resources on a permanent basis and would create the need for additional jail Inter-governmental Services Agreements

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## **ERO Atlanta Field Office: Prospective Criminal Apprehension Initiatives**

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(IGSA) and transportation needs in some areas. Even if not adopted on a large-scale basis, Fugitive Operations QRT teams could be established in areas such as Macon, Dalton, and Gainesville, Georgia, Columbia, South Carolina, and other largely populated areas where ERO currently has minimal resources. The exact number of criminal, fugitive, and re-entry arrests is uncertain; however, with ERO presence and better liaisons with local law enforcement personnel in these areas, increases in arrests would be inevitable. This is more of a long-term solution as it would require permanent personnel, local jail space and/or transportation agreements.

#### **Conducting Non-Detained Unit Voluntary Departure Case Review Blitzes:**

Past-due cases assigned to the Non-Detained Voluntary Departure (VD) docket could be reviewed every one (1) to three (3) months (files blitzes) in ATS to determine if the aliens have departed the U.S. as required under VD, or self-deported after the VD period expired, so the cases could be closed in EARM. While these blitzes may not result in a significant number of case closures or criminal "removals", it would not take significant resources to conduct the blitzes either. Each office could utilize existing personnel for a few days each month or every three months to run past-due VD cases in ATS. Some cases would be closed when departure is verified, while others would be referred to Fugitive Operations for further investigation and possible arrest.

#### **North Carolina Criminal Alien Program (CAP):**

Charlotte (CLT) CAP is working with North Carolina Adult Probation and Parole and will be setting up at a minimum one (1) arrest operation each month for the remainder of FY 2012. We will set as many as we can depending on the timeliness and responsiveness of the local probation officials / supervisors. This could net approximately fifty (50) additional criminal arrests / removals.

CLT CAP is prepared to adjust shifts so that we could work weekends at local jails in order to identify criminal aliens arrested by local law enforcement officials who would normally be released prior to being encountered on Monday. This could net approximately 50-100 additional criminal arrests or more, based on frequency.

On the Southeast section of North Carolina (Wilmington) there are currently only two (2) IEAs assigned in that area. We would like to TDY additional staff in that area to make it a full CAP team. They would be responsible for the surrounding eight (8) counties to include two (2) South Carolina counties that the Charleston office has difficulty reaching.

Reinstitute weekend CAP Surges at local and state prisons within our AOR. We can schedule mini CAP surges every weekend for the remainder of FY 2012. Left to our own devices and resources (overtime), we could likely generate an additional forty (40) cases per month.

If we are able to receive ERO detailers from outside the AOR, we could work these CAP surges during the week (in addition to weekends) as well. There are definitely numbers at the over 70

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## **ERO Atlanta Field Office: Prospective Criminal Apprehension Initiatives**

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state and local jails within our AOR. If we had 5-10 detailers, we could probably generate 50-100 additional cases per month.

#### **Assist at Organized Checkpoints:**

We have been approached by multiple police departments and county Sheriff's Offices to participate with them during scheduled traffic checkpoints. ICE would not be at the checkpoint itself so this would not appear to be an ICE organized checkpoint. The locals would be the lead agency checking for DWIs, NOL, and other traffic/criminal offenses. When the vehicles get sent to the secondary location, we (ICE) would be set up there, waiting to interview all individuals that we deem necessary. This would include occupants in the vehicle if necessary. We would also have the mobile IDENT machines set up to take fingerprints to get an accurate account of all immigration and criminal history.

CLT Fugitive Operations participated with Mecklenburg County during a traffic checkpoint operation back in 2007, where they netted multiple criminal arrests at the end of the night. The counties that are requesting assistance are primarily counties that do not have a 287(g) program and are located a great distance from Charlotte, which makes it very difficult to get out to these areas on a daily basis. Using the traffic checkpoint would enable us to encounter people that we wouldn't normally encounter during day to day operations.

The only individuals arrested during this joint effort would be criminal aliens, fugitives and re-entries. It could even be handled in the same manner as the Operation Cross Check cases: non-criminal "in-absentia" cases, where the removal order was issued prior to 2008, would not be targeted. This would be left up to the discretion of the Field Office Director (FOD) knowing that prosecutorial discretion (PD) may come into play with a lot of these cases.

The amount of apprehensions this would lead to is unknown as we have only conducted one of these traffic checkpoints back in 2007.

No additional staff would be needed. The Fugitive Operations Teams could handle the workload and if needed, we could reach out to additional units within the Field Office to supplement.

#### **Targeting Inactive Foreign-Born Probationers:**

With respect to Raleigh, North Carolina, the Criminal Alien Program became fully active in 2007. Prior to that there were limited resources covering this area between legacy DRO and the Office of Investigations. Additionally, the 287(g) program did not become operational in Raleigh until 2008 and Secure Communities until 2009. Therefore, there are a large number of foreign born individuals that were arrested and convicted prior to 2007, who did not come to the attention of ICE. The North Carolina Department of Community Corrections (DOCC) has been instrumental in assisting ICE in identifying and removing foreign born offenders on active probation; however, there is the potential for a large number of offenders not identified by ICE as their respective probation sentences expired prior to ICE's active role with DOCC.

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In order to identify those offenders who have been overlooked by ICE, locally a POC with DOCC should be established (we in Raleigh have done this through Fug Op personnel) and access their foreign born offenders with a probation completion date prior to 2007. This list could then be vetted through the Fugitive Operations Support Center (FOSC) and distributed to the respective Fugitive Operations Teams within the AOR for targeting under the “at-large criminal alien” population.

### **ICE Personnel Assisting Local Gang Units During Field Operations:**

Currently, HSI has limited resources to dedicate to gang enforcement in various AORs. With HSI’s consent, ERO personnel should be permitted to take an active role with various local police/sheriffs “Gang Units”. The Raleigh Fugitive Operations Unit has begun requesting lists of active gang members from local sources and vetting the individuals of gangs known to have a high foreign-born membership (i.e.: SUR 13, MS 13, etc.) through ICE indices in an attempt to identify ICE targets. Additionally, ERO personnel would be authorized to assist local LEOs during targeted enforcement actions involving the aforementioned gangs. This involvement would utilize local LEOs as a force multiplier.

### **North Carolina DMV Project:**

The North Carolina Department of Motor Vehicles (NCDMV) License & Theft Division has been instrumental in assisting the Raleigh Fugitive Operations Team with regards to locating and apprehending ICE fugitives. Mirroring the Newark CAP DMV project, the involvement of NCDMV Inspectors utilizing the state’s current facial recognition technology to screen potential fraud cases could benefit both ICE and the NCDMV.

Additionally, increases in “No Operators License” (NOL) arrests are inundating CAP and 287(g). Previously, documents considered acceptable for proof of residency in North Carolina were easily forged, or the information provided by applicants was not verified. However, in 2006, state lawmakers required a valid social security number or visa. The DMV stopped accepting Mexican ID cards in 2004. Therefore, cooperating with DMV to identify all denied license renewal applications (due to lacking proof of residency) would provide a significant foreign-born target base which could be vetted further to identify those with prior criminal convictions.

### **Coordinating with Local Magistrates and District Attorneys:**

An alarming number of individuals pending charges at the local level subsequently have their charges “dismissed” due to the presence of an ICE Detainer. This causes the individual to transfer into ICE custody lacking a criminal conviction. At the local level, ICE Agents/Officers should coordinate with all Magistrates and District Attorneys to explain the importance of a criminal conviction relative to the removal process. If plea-agreements could replace dismissals, it would allow for more aliens rightly deserving of a criminal classification.

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#### **State Probation and Parole Outreach (South Carolina and Georgia):**

Charleston ERO will reach out to South Carolina Probation and Parole and Georgia Probation and Parole to identify current active criminal aliens who are actively reporting to probation and parole officers. Charleston ERO can anticipate encountering 400-1,000 criminal aliens in the states of South Carolina and Georgia.

Charleston ERO will also ask for a list of inactive cases dating back five (5) years and will vet the list for any potential criminal aliens who were not placed in removal proceedings. Charleston ERO can anticipate generating at least 3,500 possible leads in both South Carolina and Georgia. The potential leads will be targeted for arrest during Cross-Check Operations and future CAP surges.

#### **4<sup>th</sup> Quarter Operation Cross-Check IV:**

The Charleston Fugitive Operations Team will actively target criminal aliens in the Savannah, Georgia, area as part of Operation Cross-Check IV. Georgia Probation and Parole in Pooler, Georgia, has pledged their support and cooperation and we anticipate identifying at least twenty (20) criminal aliens at the Pooler, Georgia, Probation Office. Charleston Fugitive Operations will also reach out to Glynn, Liberty, Chatham and McIntosh County Probation and Parole and anticipates an additional twenty-five (25) criminal aliens during Operation Cross-Check IV. Charleston ERO will also obtain an Absconder List from the surrounding Georgia counties and will actively seek to encounter any foreign born absconders.

All processing will be performed at the Savannah ERO office. The Charleston Fugitive Operations Unit (five (5) members) and ten (10) additional volunteers will be required from Charleston CAP, DMU and other local federal agencies as well as officers from the Savannah, Georgia, ERO office.

#### **Local Law Enforcement DUI Checkpoints:**

Charleston CAP can reach out to surrounding local counties and will look into participating on weekend DUI Checkpoints. Hardeeville Police Department (Jasper County) currently performs two monthly DUI Checkpoints which are posted in the local newspaper. The checkpoint locations are not disclosed but the dates of the operations are posted and are public record. Charleston ERO can partner with Hardeeville PD and other local law enforcement agencies and identify any foreign born nationals amenable to removal before they have a chance to post bond/bail.

Charleston ERO can anticipate a minimum of ten (10) arrests per operation and ERO should be able to allocate at least three officers at the local jails. At no time will ICE officers be stationed at the DUI checkpoints, ERO will be stationed at the local jail and will place ICE Detainers as needed.

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#### **County Solicitor's Office Outreach:**

Charleston ERO has reached out to several County Solicitor's offices to obtain current rosters for their General Sessions Court Cases. Charleston ERO will vet the lists for any foreign born criminal aliens and will try to apprehend these individuals after their court appearances or at their last known address. Charleston ERO currently has access to the Aiken County General Sessions Court Roster via the Aiken County Website. The Charleston Fugitive Operations Unit has already identified at least ten (10) at large criminal aliens and encountered one (1) criminal alien at a State Correctional Facility with no active ICE Detainer in place.

Charleston ERO can anticipate encountering 25 to 75 "at large" criminal aliens from the Aiken County Solicitor's Office, which includes Barnwell and Bamberg County.

#### **South Carolina SLED Outreach:**

Charleston ERO will reach out to the South Carolina State Law Enforcement Division (SLED) and will work diligently to identify any foreign born sex offenders that have not been encountered by Immigration and Customs Enforcement Officers. The Charleston Fugitive Operations Team will take the lead on this initiative and not only identify foreign born Sexual Predators but also serious at large criminal offenders.

#### **Secure Communities:**

Charleston ERO CAP will conduct outreach with all secure communities counties to ensure that all encounters are being submitted via biometric live scan technology to ICE. It appears that several counties in South Carolina are experiencing technical issues with the live scan equipment and are unable to submit fingerprints appropriately. Thus, they are sending hard fingerprint cards manually to SLED for submission to ICE. However, because of the slow turn around on manual submission of finger prints many criminal aliens are being released prior to Immigration being notified. Correcting these issues will greatly increase the overall number of criminal aliens encountered statewide by the CAP Unit.

#### **Local Law Enforcement Task Force:**

Operation Joint Effort is a partnership between FOD San Diego (FSD) and the Escondido Police Department (EPD) which was implemented on May 9, 2010. This partnership consists of three Deportation Officers who have been detailed to work with EPD. The objective is to use the resources of both agencies to locate, arrest, and remove criminal, fugitive, and previously removed aliens who are encountered in the city of Escondido, CA.

FOD Atlanta would like to implement something similar by working with our local police departments. The average midsize police department issues between 250 and 400 traffic tickets per week and completes 50+ field interview cards. This is a lot of data that is being collected that

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ICE could look into. There are a tremendous number of local law enforcement encounters that occur on a daily basis where the individual is the subject of a traffic ticket or warning or a field interview and is not taken into custody. If we could look at the data from these types of encounters and run them through our databases we are likely to identify a number of aliens that fall into one of the four priorities. To date the FOD San Diego collaboration has resulted in the arrest of over 900 criminal aliens and we feel the Atlanta AOR could benefit from this as well.

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**From:** (b)(6), (b)(7)c  
**To:** (b)(6), (b)(7)c  
**Cc:** (b)(6), (b)(7)c  
**Subject:** RE: Criminal Alien Removals - ATL Fug Ops Suggestions  
**Date:** Wednesday, April 18, 2012 3:36:54 PM  
**Importance:** High

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Below are some suggestions from me and DO (b)(6), (b)(7)c to increase criminal alien arrests, and arrests in general as it will likely also increase reentry and fugitive arrests. Atlanta Fug Ops already works closely with local law enforcement, probation offices, jails and even some courts to arrest criminal aliens. We do not see much room for an increase in criminal arrests in the Atlanta area with the current number of personnel. We can implement some of the below ideas without needing additional resources, however, some suggestions or implementing multiple suggestions will require additional personnel (particularly if implemented long term).

I know the tasking asked for estimates of how many additional criminal aliens will be identified by these efforts, but it is really hard to say since most of my suggestions are not underway or have not been tried. I am sure arrests of all types will increase, particularly if quality personnel are assigned, but exactly how much I cannot say. Let me know if clarification is needed on anything below as I typed it rather quickly to get this submitted as early as possible for review / consideration due to the quick turnaround.

**Ensure CAP and SC Get-away Cases are Referred to Fug Ops:**

It still does not appear that the significant CAP and SC get-away cases (those released from jails prior to an ICE Detainer being placed) are being referred to Fug Ops. These cases include criminal aliens, fugitives, and reentries. Over the past few weeks, since Atlanta CAP / SC began doing so, I only see about two or three referrals per week. And these always come from the same two officers. I have to believe there are many more cases, which could be hot leads with valid addresses, that are not being referred to Atlanta Fug Ops. If a mechanism could be established to ensure that all significant CAP and SC get-away cases are referred to Atlanta Fug Ops, overall arrests would increase. The exact number would depend on the number of get-away cases currently experienced by CAP and SC, which is unknown to Fug Ops. Atlanta Fug Ops could handle many of these cases with existing personnel, however, if there are a significant number of these cases then additional personnel resources would be needed unless CAP and SC were able to pursue some of these cases themselves.

**Increase CAP and SC Processing of Criminal Referrals:**

As I understand it, CAP and SC don't process a lot of the criminal cases (primarily very minor crimes) which are referred to them due to resource limitations. Perhaps we should request additional personnel (detailers) to process more cases. The CAP and SC programs should be able to provide better information on exactly what their personnel needs would be to make this happen. If the information I have received on



this is accurate, this is possibly the single largest increase in criminal arrests that the field office can make.

**Augment the Atlanta Fug Ops Deportation Officer in Dalton, GA with Additional Personnel:**

Atlanta Fug Ops currently has one DO (b)(6), (b)(7)c assigned to the Dalton, GA area the majority of the time. This DO has produced results in this area. It is believed that providing two or three additional officers from outside of Fug Ops to work in this area full time there would be a noticeable increase in the apprehension of criminal, reentry and fugitive aliens. This would require two to three additional officers to conduct field operations and process aliens arrested. It is uncertain exactly how many additional arrests would be made, however, DO (b)(6), (b)(7)c has indicated that he is simply unable to handle all the cases in that area of Georgia by himself. All arrested aliens in this area could be transported to the Whitfield County Jail for processing and housing.

**Detail One Atlanta Fug Ops Deportation Officer to Gainesville, GA on a Periodic Basis:**

Atlanta Fug Ops currently has one DO (b)(6), (b)(7)c who periodically works cases in the Gainesville, GA area, generally during operations. By detailing a DO to this area on a regular basis, more cases could be worked in the northern Georgia area. The DO could be detailed to this area for a few days each month or every two months, depending upon the number of cases in the area. The Fug Ops DO could be assisted by officers from the North Georgia Detention Center (NGDC) or by other officers detailed from Atlanta. All arrested aliens in this area would be transported to the NGDC for processing and housing.

**Detail an Outside Fug Ops Team in Middle Georgia:**

I believe if we were able to detail a Fug Ops team, from outside the Atlanta AOR, to the Macon, GA area they could be productive in the middle to southern portion of the state. It is unclear exactly how productive they would be, but there are undoubtedly criminal cases in that region which the Atlanta teams are not able to focus on due to the distance. A team detailed to this area could also establish liaisons with local law enforcement agencies, that are relatively weak now due to the distance, which would increase referrals and arrests. Processing of these cases could be problematic. I suggest that field personnel prepare scratch I-213s and the arrested aliens be transported to the Stewart Detention Center where processing officers could complete the case in Enforce. It is likely that a daily bus run would be needed each afternoon from the central location (likely in the Macon area) to either the Stewart or Irwin County Detention Center. One additional Fug Ops team would be required.

**Detail an Outside Fug Ops Team to Columbia, South Carolina:**

There is a possibility that there are a significant number of criminal alien, fugitive and reentry targets in the Columbia, SC area. The Columbia CAP Unit and Charleston, SC Fug Ops Unit can probably provide additional information on the target base in

the Columbia area. One additional Fug Ops team, from outside the Atlanta AOR, would be required.

**Increasing Bond Amounts to Ensure Court Appearances and Reduce Absconder Numbers:**

If bond amounts were increased slightly, within justifiable amounts, it would certainly reduce the number of absconders that we currently see as a result of failures to appear for immigration hearings and bond demands. This would increase the number of criminal aliens removed from the U.S. and reduce the number of aliens added to the fugitive backlog. I do not believe any additional staff would be needed to handle the slight increase in detained alien numbers.

**Process More Petty Offenses and Offer the Aliens Voluntary Return:**

If the processing of petty offenses by CAP and SC were to increase, and the court process was to be skipped by offering aliens convicted of crimes such as Driving Without a License, then overall removals would increase quickly without tying up needed detention space. Additional CAP and SC staff would certainly be needed to process more cases. The CAP and SC programs would be better able to determine exactly how many they would need, however, the scale of the increase in processing could be set according to the number of additional positions available. The increase in criminal cases being processed for removal could be significant.

**Establish Regional Fug Ops QRT Teams Around the AOR:**

The Atlanta Field Office could establish Fug Ops QRT teams around the AOR to increase coverage around each state and establish better liaisons with local law enforcement. Each team would consist of two to four officers (DOs and/or IEAs) with Fug Ops experience and preferably a good working knowledge of the area to which they are assigned. Obviously this would require additional personnel resources on a permanent basis and create the need for additional jail IGSA's and transportation needs in some areas. Even if not adopted on a large-scale basis, Fug Ops QRT teams could be established in areas such as Macon, GA; Dalton, GA; Gainesville, GA; Columbia, SC; and other such large population areas where ERO currently has minimal resources. The exact increase in criminal, fugitive, and reentry arrests is uncertain, however, there would most certainly be increases in arrests by having ERO personnel in those local areas and through better liaisons with local law enforcement personnel. This is more of a long-term solution as it would require permanent personnel, local jail space and/or transportation agreements.

**Give the USCIS Criminal Alien Referrals to Atlanta Fug Ops Rather than VCAS:**

To my knowledge the Atlanta USCIS referrals for criminal aliens are being sent to the Atlanta VCAS, however, the VCAS Unit is not actively working these cases. If the VCAS Unit is busy with prosecution cases, which is understandable, the Fug Ops Unit can take these referrals and arrest the criminal aliens. This will likely not result in a significant increase in criminal arrests, but some additional criminal arrests will occur.

There should not be a need for increased resources / personnel.

**Conducting Non-detained Unit Voluntary Departure Case Review Blitzes:**

Past-due cases assigned to the Non-detained Voluntary Departure (VD) docket could be reviewed every month to three months (files blitzes) in ATS to determine if the aliens have departed the U.S. as required under VD, or self-deported after the VD period expired, so the cases could be closed in EARM. While these blitzes may not result in a significant number of case closures or criminal “removals”, it would not take significant resources to conduct the blitzes either. Each office could utilize existing personnel for a few days each month or every three months to run past-due VD cases in ATS. Some cases would be closed when departure is verified, while others would be referred to Fug Ops for further investigation and possible arrest.

Thanks,

(b)(6), (b)(7)c (a)AFOD  
Fugitive Operations / Firearms  
Atlanta DHS / ICE / ERO  
(404) 893 (b)(6), (b)(7)c

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**From:** (b)(6), (b)(7)c  
**Sent:** Wednesday, April 18, 2012 11:56 AM  
**To:** (b)(6), (b)(7)c  
(b)(6), (b)(7)c  
**Cc:** (b)(6), (b)(7)c  
**Subject:** FW: Criminal Alien Removals  
**Importance:** High

All: Mr. Venturella just copied me with this, since (b)(6), (b)(7)c is out.

The issue of increasing criminal-alien arrests/removals is quickly escalating. HQ is now suggesting that they may decide to tdy (b)(7)c and/or HSI personnel to ERO to assist with this effort. By Noon tomorrow (Th 4/19), we have to have a plan in place and submitted to HQ that:

1. Describes what actions we are going to take to find sources of potential addition criminal aliens (see attached example from Newark);
2. Estimates how many additional criminal aliens we think our efforts will identify.
3. States how many additional staff we need on hand in order to locate and process the additional criminal aliens we are going to identify.

As you can see from Newark’s attachment, they are doing a lot to work with state and local law enforcement jurisdictions in their effort to identify more criminals. We don’t have much time to work out a similar plan and will need to identify a number of personnel to work on this starting immediately in order to have a draft ready for the FOD’s review nlt 9:30 a.m.

Please review the e-mail below and the attachment and let me know your suggestion for an AFOD or SDDO who would be a good candidate for heading up this project, and also be thinking about staff you have who can assist. We will likely have a teleconference shortly, so please stay attentive to your e-mail.

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

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**From:** Venturella, David  
**Sent:** Wednesday, April 18, 2012 11:05 AM  
**To:** (b)(6), (b)(7)c

(b)(6), (b)(7)c

**Cc:** (b)(6), (b)(7)c  
**Subject:** RE: Criminal Alien Removals

FYI – we have had further discussions with ICE leadership and raised many of the ideas you provided to me yesterday. As I tried to say in my original email, resources play a big role in the success of any effort to increase criminal alien arrests and removals for the remainder of FY12. Because this is getting a lot of attention, we may have an opportunity to request detail support from HSI and (b)(7)e

What I need from you is an estimate of the number of resources required to support your current and planned efforts to increase criminal alien removals within your AOR. I'm attaching a sample request from Newark that summaries that activities, potential workload and the additional resources required to support the activities.

I would greatly appreciate if you could provide a response by noon tomorrow.

Please call me if you have any questions.

Thanks

David J. Venturella  
Assistant Director-Field Operations  
Office of Enforcement & Removal Operations

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**From:** Venturella, David  
**Sent:** Tuesday, April 17, 2012 11:01 AM  
**To:** [REDACTED]

(b)(6), (b)(7)c

[REDACTED]  
(b)(6), (b)(7)c

**Subject:** RE: Criminal Alien Removals

I apologize for all the typos and omission of words in my message. I probably needed some more coffee this morning before hitting the send button.

David J. Venturella  
Assistant Director-Field Operations  
Office of Enforcement & Removal Operations

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**From:** Venturella, David  
**Sent:** Tuesday, April 17, 2012 9:01 AM  
**To:** [REDACTED]

(b)(6), (b)(7)c

[REDACTED]  
(b)(6), (b)(7)c

**Subject:** Criminal Alien Removals

Last week I shared the draft produced by Marc Rapp's team on the current state of removals and in particular, criminal removals. There is a lot of concern that criminal removals will fall below not only target but possibly lower than last year's output.

Obviously PD and the Priorities have had an impact on what we take action as well as resources and competing initiatives.

If on tomorrow's telecom Gary states to devote all available resources to increase criminal alien removals, what else would you need from HQ to help you accomplish this? More resources is a no brainer so need to ask; however, are there any standing orders or directives we have issued that need to be rescinded that may prevent you from carrying out this order? Those are the types of suggestions I'm looking for so in one field memo HQ can provide the direction you need to successful deliver better results.

Please share them individually with me by cob today.

Thanks

David J. Venturella  
Assistant Director-Field Operations  
Office of Enforcement & Removal Operations

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**From:** [REDACTED]  
**To:** [REDACTED] (b)(6), (b)(7)c  
**Cc:** [REDACTED]  
**Subject:** FW: criminal detained aliens CAP paroled for prosecution inadmissible aliens FW: I-860s  
**Date:** Thursday, October 28, 2010 8:19:15 AM  
**Attachments:** [ER Regs and Procedures Expedited Removal I-860.doc](#)

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Last one...

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**From:** [REDACTED] (b)(6), (b)(7)c  
**Sent:** Thursday, November 13, 2008 12:14 PM  
**To:** [REDACTED] (b)(6), (b)(7)c  
[REDACTED] (b)(6), (b)(7)c  
**Cc:** [REDACTED] (b)(6), (b)(7)c  
**Subject:** RE: criminal detained aliens CAP paroled for prosecution inadmissible aliens FW: I-860s

Some of the CAP supervisors were asking about procedures in regard to processing aliens as I-860 Expedited Removals, based on yesterday's instructions to process all arriving aliens they encounter in jails via that process. I have attached the CFR and pertinent portions of the Inspectors Field Manual.

[REDACTED] (b)(6), (b)(7)c Please pass to all Carolinas CAP/287(g) supervisors and ensure all are adequately trained in this process, particularly in regard to the required questions on the I-867A&B that must be asked of every alien in regard to their fear of returning to their country. Also note procedures for referring cases to Asylum for a credible fear determination when alien indicates he fears returning home.

Atlanta CAP supervisors: Please do likewise. Ensure that all have adequate training/guidance.

[REDACTED] (b)(6), (b)(7)c (acting DFOD)  
Assistant Field Office Director  
Fugitive Operations/Criminal Alien Programs (Georgia)  
Atlanta Field Office  
404-893 [REDACTED] (b)(6), (b)(7)c

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**From:** [REDACTED] (b)(6), (b)(7)c  
**Sent:** Wednesday, November 12, 2008 5:49 PM  
**To:** [REDACTED] (b)(6), (b)(7)c  
[REDACTED] (b)(6), (b)(7)c  
**Subject:** criminal detained aliens CAP paroled for prosecution inadmissible aliens FW: I-860s

More on the I-860. Please pass to CAP personnel.

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**From:** [REDACTED] (b)(6), (b)(7)c  
**Sent:** Wednesday, November 12, 2008 5:40 PM  
**To:** Orton, Larry  
**Subject:** I-860s

The one below was sent last month.

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**From:** [REDACTED] (b)(6), (b)(7)c  
**Sent:** Wednesday, October 22, 2008 4:04 PM  
**To:** [REDACTED] (b)(6), (b)(7)c

(b)(6), (b)(7)c

(b)(6), (b)(7)c

(b)(6), (b)(7)c



(b)(6), (b)(7)c

(b)(6), (b)(7)c

**From:** Murphy, Edna M  
**To:** Skinner, Felicia S

(b)(6), (b)(7)c

(b)(6), (b)(7)c

(b)(6), (b)(7)c

INSERTS PLUS/SERVICE LAW BOOKS/ SERVICE LAW BOOKS MENU /TITLE 8 OF CODE OF FEDERAL REGULATIONS (8 CFR)/8 CFR PART 235 -- INSPECTION OF PERSONS APPLYING FOR ADMISSION/Sec. 235.3 Inadmissible aliens and expedited removal. (Section revised effective 4/1/97; 62 FR 10312)

## **Sec. 235.3 Inadmissible aliens and expedited removal.** **(Section revised effective 4/1/97; 62 FR 10312)**

(a) Detention prior to inspection. All persons arriving at a port-of-entry in the United States by vessel or aircraft shall be detained aboard the vessel or at the airport of arrival by the owner, agent, master, commanding officer, person in charge, purser, or consignee of such vessel or aircraft until admitted or otherwise permitted to land by an officer of the Service. Notice or order to detain shall not be required. The owner, agent, master, commanding officer, person in charge, purser, or consignee of such vessel or aircraft shall deliver every alien requiring examination to an immigration officer for inspection or to a medical officer for examination. The Service will not be liable for any expenses related to such detention or presentation or for any expenses of a passenger who has not been presented for inspection and for whom a determination has not been made concerning admissibility by a Service officer.

(b) Expedited removal. (1) Applicability. The expedited removal provisions shall apply to the following classes of aliens who are determined to be inadmissible under section 212(a)(6)(C) or (7) of the Act:

(i) Arriving aliens, as defined in § 1.1(q) of this chapter, except for citizens of Cuba arriving at a United States port-of-entry by aircraft;

(ii) As specifically designated by the Commissioner, aliens who arrive in, attempt to enter, or have entered the United States without having been admitted or paroled following inspection by an immigration officer at a designated port-of-entry, and who have not established to the satisfaction of the immigration officer that they have been physically present in the United States continuously for the 2-year period immediately prior to the date of determination of inadmissibility. The Commissioner shall have the sole discretion to apply the provisions of section 235(b)(1) of the Act, at any time, to any class of aliens described in this section. The Commissioner's designation shall become effective upon publication of a notice in the Federal Register. However, if the Commissioner determines, in the exercise of discretion, that the delay caused by publication would adversely affect the interests of the United States or the effective enforcement of the immigration laws, the Commissioner's designation shall become effective immediately upon issuance, and shall be published in the Federal Register as soon as practicable thereafter. When these provisions are in effect for aliens who enter without inspection, the burden of proof rests with the alien to affirmatively show that he or she has the required continuous physical presence in the United States. Any absence from the United States shall serve to break the period of continuous physical presence. An alien who was not inspected and admitted or paroled into the United States but who establishes that he or she has been continuously physically present in the United States for the 2-year period immediately prior to the date of determination of inadmissibility shall be detained in accordance with section 235(b)(2) of the Act for a proceeding under section 240 of the Act.

(2) Determination of inadmissibility. (i) Record of proceeding. An alien who is arriving in the United States, or other alien as designated pursuant to paragraph (b)(1)(ii) of this section, who is determined to be inadmissible under section 212(a)(6)(C) or 212(a)(7) of the Act (except an alien

for whom documentary requirements are waived under § 211.1(b)(3) or § 212.1 of this chapter), shall be ordered removed from the United States in accordance with section 235(b)(1) of the Act. In every case in which the expedited removal provisions will be applied and before removing an alien from the United States pursuant to this section, the examining immigration officer shall create a record of the facts of the case and statements made by the alien. This shall be accomplished by means of a sworn statement using Form I-867AB, Record of Sworn Statement in Proceedings under Section 235(b)(1) of the Act. The examining immigration officer shall read (or have read) to the alien all information contained on Form I-867A. Following questioning and recording of the alien's statement regarding identity, alienage, and inadmissibility, the examining immigration officer shall record the alien's response to the questions contained on Form I-867B, and have the alien read (or have read to him or her) the statement, and the alien shall sign and initial each page of the statement and each correction. The examining immigration officer shall advise the alien of the charges against him or her on Form I-860, Notice and Order of Expedited Removal, and the alien shall be given an opportunity to respond to those charges in the sworn statement. After obtaining supervisory concurrence in accordance with paragraph (b)(7) of this section, the examining immigration shall serve the alien with Form I-860 and the alien shall sign the reverse of the form acknowledging receipt. Interpretative assistance shall be used if necessary to communicate with the alien.

(ii) No entitlement to hearings and appeals. Except as otherwise provided in this section, such alien is not entitled to a hearing before an immigration judge in proceedings conducted pursuant to section 240 of the Act, or to an appeal of the expedited removal order to the Board of Immigration Appeals.

(iii) Detention and parole of alien in expedited removal. An alien whose inadmissibility is being considered under this section or who has been ordered removed pursuant to this section shall be detained pending determination and removal, except that parole of such alien, in accordance with section 212(d)(5) of the Act, may be permitted only when the Attorney General determines, in the exercise of discretion, that parole is required to meet a medical emergency or is necessary for a legitimate law enforcement objective.

(3) Additional charges of inadmissibility. In the expedited removal process, the Service may not charge an alien with any additional grounds of inadmissibility other than section 212(a)(6)(C) or 212(a)(7) of the Act. If an alien appears to be inadmissible under other grounds contained in section 212(a) of the Act, and if the Service wishes to pursue such additional grounds of inadmissibility, the alien shall be detained and referred for a removal hearing before an immigration judge pursuant to sections 235(b)(2) and 240 of the Act for inquiry into all charges. Once the alien is in removal proceedings under section 240 of the Act, the Service is not precluded from lodging additional charges against the alien. Nothing in this paragraph shall preclude the Service from pursuing such additional grounds of inadmissibility against the alien in any subsequent attempt to reenter the United States, provided the additional grounds of inadmissibility still exist.

(4) Claim of asylum or fear of persecution or torture. If an alien subject to the expedited removal provisions indicates an intention to apply for asylum, or expresses a fear of persecution or torture, or a fear of return to his or her country, the inspecting officer shall not proceed further with removal of the alien until the alien has been referred for an interview by an asylum officer in accordance with 8 CFR 208.30. The examining immigration officer shall record sufficient information in the sworn statement to establish and record that the alien has indicated such intention, fear, or concern, and to establish the alien's inadmissibility. (Introductory text amended effective 12/29/04; 69 FR 69480)(Introductory text revised effective 3/22/99; 64 FR 8478)

(i) Referral. The referring officer shall provide the alien with a written disclosure on Form M-444, Information About Credible Fear Interview, describing:

- (A) The purpose of the referral and description of the credible fear interview process;
- (B) The right to consult with other persons prior to the interview and any review thereof at no expense to the United States Government;
- (C) The right to request a review by an immigration judge of the asylum officer's credible fear determination; and
- (D) The consequences of failure to establish a credible fear of persecution or torture. (Revised effective 3/22/99; 64 FR 8478)

(ii) Detention pending credible fear interview. Pending the credible fear determination by an asylum officer and any review of that determination by an immigration judge, the alien shall be detained. Parole of such alien in accordance with section 212(d)(5) of the Act may be permitted only when the Attorney General determines, in the exercise of discretion, that parole is required to meet a medical emergency or is necessary for a legitimate law enforcement objective. Prior to the interview, the alien shall be given time to contact and consult with any person or persons of his or her choosing. Such consultation shall be made available in accordance with the policies and procedures of the detention facility where the alien is detained, shall be at no expense to the government, and shall not unreasonably delay the process.

(5) Claim to lawful permanent resident, refugee, or asylee status or U.S. citizenship. (i) Verification of status. If an applicant for admission who is subject to expedited removal pursuant to section 235(b)(1) of the Act claims to have been lawfully admitted for permanent residence, admitted as a refugee under section 207 of the Act, granted asylum under section 208 of the Act, or claims to be a U.S. citizen, the immigration officer shall attempt to verify the alien's claim. Such verification shall include a check of all available Service data systems and any other means available to the officer. An alien whose claim to lawful permanent resident, refugee, asylee status, or U.S. citizen status cannot be verified will be advised of the penalties for perjury, and will be placed under oath or allowed to make a declaration as permitted under 28 U.S.C. 1746, concerning his or her lawful admission for permanent residence, admission as a refugee under section 207 of the Act, grant of asylum status under section 208 of the Act, or claim to U.S. citizenship. A written statement shall be taken from the alien in the alien's own language and handwriting, stating that he or she declares, certifies, verifies, or states that the claim is true and correct. The immigration officer shall issue an expedited order of removal under section 235(b)(1)(A)(i) of the Act and refer the alien to the immigration judge for review of the order in accordance with paragraph (b)(5)(iv) of this section and § 235.6(a)(2)(ii). The person shall be detained pending review of the expedited removal order under this section. Parole of such person, in accordance with section 212(d)(5) of the Act, may be permitted only when the Attorney General determines, in the exercise of discretion, that parole is required to meet a medical emergency or is necessary for a legitimate law enforcement objective.

(ii) Verified lawful permanent residents. If the claim to lawful permanent resident status is verified, and such status has not been terminated in exclusion, deportation, or removal proceedings, the examining immigration officer shall not order the alien removed pursuant to section 235(b)(1) of the Act. The examining immigration officer will determine in accordance

with section **101(a)(13)(C)** of the Act whether the alien is considered to be making an application for admission. If the alien is determined to be seeking admission and the alien is otherwise admissible, except that he or she is not in possession of the required documentation, a discretionary waiver of documentary requirements may be considered in accordance with section **211(b)** of the Act and §211.1(b)(3) of this chapter or the alien's inspection may be deferred to an onward office for presentation of the required documents. If the alien appears to be inadmissible, the immigration officer may initiate removal proceedings against the alien under section **240** of the Act.

(iii) Verified refugees and asylees. If a check of Service records or other means indicates that the alien has been granted refugee status or asylee status, and such status has not been terminated in deportation, exclusion, or removal proceedings, the immigration officer shall not order the alien removed pursuant to section **235(b)(1)** of the Act. If the alien is not in possession of a valid, unexpired refugee travel document, the examining immigration officer may accept an application for a refugee travel document in accordance with § **223.2(b)(2)(ii)** of this chapter. If accepted, the immigration officer shall readmit the refugee or asylee in accordance with § **223.3(d)(2)(i)** of this chapter. If the alien is determined not to be eligible to file an application for a refugee travel document the immigration officer may initiate removal proceedings against the alien under section **240** of the Act.

(iv) Review of order for claimed lawful permanent residents, refugees, asylees, or U.S. citizens. A person whose claim to U.S. citizenship has been verified may not be ordered removed. When an alien whose status has not been verified but who is claiming under oath or under penalty of perjury to be a lawful permanent resident, refugee, asylee, or U.S. citizen is ordered removed pursuant to section **235(b)(1)** of the Act, the case will be referred to an immigration judge for review of the expedited removal order under section **235(b)(1)(C)** of the Act and § **235.6(a)(2)(ii)**. If the immigration judge determines that the alien has never been admitted as a lawful permanent resident or as a refugee, granted asylum status, or is not a U.S. citizen, the order issued by the immigration officer will be affirmed and the Service will remove the alien. There is no appeal from the decision of the immigration judge. If the immigration judge determines that the alien was once so admitted as a lawful permanent resident or as a refugee, or was granted asylum status, or is a U.S. citizen, and such status has not been terminated by final administrative action, the immigration judge will terminate proceedings and vacate the expedited removal order. The Service may initiate removal proceedings against such an alien, but not against a person determined to be a U.S. citizen, in proceedings under section **240** of the Act. During removal proceedings, the immigration judge may consider any waivers, exceptions, or requests for relief for which the alien is eligible.

(6) Opportunity for alien to establish that he or she was admitted or paroled into the United States. If the Commissioner determines that the expedited removal provisions of section **235(b)(1)** of the Act shall apply to any or all aliens described in paragraph (b)(2)(ii) of this section, such alien will be given a reasonable opportunity to establish to the satisfaction of the examining immigration officer that he or she was admitted or paroled into the United States following inspection at a port-of-entry. The alien will be allowed to present evidence or provide sufficient information to support the claim. Such evidence may consist of documentation in the possession of the alien, the Service, or a third party. The examining immigration officer will consider all such evidence and information, make further inquiry if necessary, and will attempt to verify the alien's status through a check of all available Service data systems. The burden rests with the alien to satisfy the examining immigration officer of the claim of lawful admission or parole. If the alien establishes that he or she was lawfully admitted or paroled, the case will be examined to determine if grounds of deportability under section 237(a) of the Act are applicable,

or if paroled, whether such parole has been, or should be, terminated, and whether the alien is inadmissible under section **212(a)** of the Act. An alien who cannot satisfy the examining officer that he or she was lawfully admitted or paroled will be ordered removed pursuant to section 235(b)(1) of the Act.

(7) Review of expedited removal orders. Any removal order entered by an examining immigration officer pursuant to section **235(b)(1)** of the Act must be reviewed and approved by the appropriate supervisor before the order is considered final. Such supervisory review shall not be delegated below the level of the second line supervisor, or a person acting in that capacity. The supervisory review shall include a review of the sworn statement and any answers and statements made by the alien regarding a fear of removal or return. The supervisory review and approval of an expedited removal order for an alien described in section **235(b)(1)(A)(iii)** of the Act must include a review of any claim of lawful admission or parole and any evidence or information presented to support such a claim, prior to approval of the order. In such cases, the supervisor may request additional information from any source and may require further interview of the alien.

(8) Removal procedures relating to expedited removal. An alien ordered removed pursuant to section **235(b)(1)** of the Act shall be removed from the United States in accordance with section 241(c) of the Act and 8 CFR part 241.

(9) Waivers of documentary requirements. Nothing in this section limits the discretionary authority of the Attorney General, including authority under sections **211(b)** or **212(d)** of the Act, to waive the documentary requirements for arriving aliens.

(10) Applicant for admission under section 217 of the Act. The provisions of § **235.3(b)** do not apply to an applicant for admission under section **217** of the Act.

+++++

<http://onlineplus.uscis.dhs.gov/lpbinplus/lpext.dll/Infobase/m450/m450-5285?f=templates&fn=document-frame.htm#m450-chapter-32-17-46-15>

INSERTS PLUS/Inspectors Field Manual/Chapter 17: Inadmissible Aliens (4 of 5)

## 17.15 Expedited Removal.

(a) Inadmissibility. **Section 302** of the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) amended **section 235(b)** of the Immigration and Nationality Act (Act) to authorize the Attorney General (now the Secretary of the Department of Homeland Security (DHS)) to remove without a hearing before an immigration judge aliens arriving in the United States who are inadmissible under **section 212(a)(6)(C)** or **212(a)(7)** of the Act. Under these expedited removal provisions, aliens who indicate an intention to apply for asylum or who assert a fear of persecution or torture are referred to an asylum officer for a credible fear interview. Those who are found to have a credible fear by the asylum officer are referred to an immigration judge for a full removal hearing on the merits of their claim or claims.

The expedited removal provisions became effective April 1, 1997. Under section **235(b)(1)** of the Act, expedited removal proceedings may be applied to two categories of aliens.

First, section **235(b)(1)(A)(i)** of the Act permits expedited removal proceedings for aliens who are arriving in the United States. **8 CFR 1.1(q)** defines the term “arriving alien.” Refer to section (a)(1) of this chapter for the meaning of “arriving alien.” Pursuant to section **235(b)(1)(F)** of the Act, Cuban

nationals who arrive at U.S. ports-of-entry (POEs) by aircraft are exempt from expedited removal proceedings.

Second, section **235(b)(1)(A)(iii)** of the Act provides the Attorney General (now the Secretary of DHS) the discretion to designate certain other aliens to whom the expedited removal proceedings may be applied, even though they are not arriving in the United States. This provision permits application of the expedited removal proceedings to any or all aliens who have not been admitted or paroled into the United States and who have not been physically present in the United States continuously for the two-year period prior to a determination of inadmissibility by an immigration officer. The Attorney General delegated this authority to designate classes of aliens to the Commissioner of the Immigration and Naturalization Service, and this has since been delegated to the Commissioner of CBP and the Under Secretary of Immigration and Customs Enforcement (ICE). Pursuant to **8 CFR 235.3(b)(1)(ii)**, the designation may become effective upon publication of a notice in the Federal Register.

On November 13, 2002, the INS published in the Federal Register a notice designating an additional class of aliens who may be placed in expedited removal proceedings - aliens who arrive in the United States by sea, who are not admitted or paroled, and who have not been physically present in the United States continuously for the two-year period immediately preceding the determination of inadmissibility. Aliens falling within this newly designated class will be detained at the discretion of the government during the course of immigration proceedings. This newly designated class does not include Cuban nationals, crewmen, or stowaways.

(1) Arriving Aliens. For an alien to be subject to the expedited removal provisions at a POE, the alien must first meet the definition of “arriving alien.” The term “arriving alien” as defined in **8 CFR 1.1(q)** means an applicant for admission coming or attempting to come into the United States at a POE, or an alien seeking transit through the United States at a POE, or an alien interdicted in international or U.S. waters and brought into the United States by any means, whether or not to a designated POE, and regardless of the means of transportation. An arriving alien remains such even if paroled pursuant to section **212(d)(5)** of the Act, except that an alien who was paroled before April 1, 1999, or an alien granted parole which the alien applied for and obtained in the United States prior to the alien’s departure from and return to the United States shall not be considered an arriving alien for purposes of section **235(b)(1)(A)(i)** the Act.

Aliens who entered the United States without inspection; aliens apprehended in the United States without legal status; and aliens who have departed the United States, are refused admission into another country and are thereafter returned back to the United States do not fall within the definition of arriving aliens. Alien stowaways on arriving vessels, lawful permanent resident aliens of the United States, or applicants under the Visa Waiver Program may be considered arriving aliens for other purposes under the Act, but are not subject to the expedited removal provisions.

It is the responsibility of the officer to determine whether the alien is an arriving alien subject to being placed in expedited removal proceedings. Also see **Chapter 17.11** for processing alien applicants for admission who claim asylum at ports-of-entry.

(2) Applicability. In general, arriving aliens who are inadmissible under section **212(a)(6)(C)** and/or **(7)** are subject to expedited removal under section **235(b)(1)** of the Act. Officers should only charge those grounds of inadmissibility that can be fully supported by the evidence and that will withstand any further scrutiny. Officers may, but need not, charge more than one ground of inadmissibility. If **212(a)(6)(C)** and/or **212(a)(7)** are the only charges lodged, the alien must be



processed under expedited removal and may not be referred for an immigration hearing under section 240. If additional charges are lodged, the alien may be referred for a section 240 hearing, but this should only occur in extraordinary circumstances. Generally speaking, if an alien is inadmissible under 212(a)(6)(C) and/or (7), additional charges should not be brought and the alien should be placed in expedited removal. There will be very few instances where it will be advantageous to the government to lodge additional charges and institute section 240 removal proceedings if a solid expedited removal proceeding can be concluded. Even in criminal cases, an expedited removal proceeding will normally be the preferred option.

If the alien appears to be inadmissible under the provisions of section 235(c) of the Act as a terrorist or other special interest case, refer to Chapter 17.7 or, in appropriate circumstances, detain the alien for removal proceedings conducted by the Alien Terrorist Removal Court under Title V of the Act.

DHS retains the discretion to permit withdrawal of application for admission in lieu of issuing an expedited removal order (see Chapter 17.2). Provisions for withdrawal are contained in both statute and regulation, with specific guidance in the IFM, and should be followed by all officers with authority to permit withdrawals. As an example, in cases where a lack of proper documents is the result of inadvertent error, misinformation, or where no fraud was intended (e.g. an expired nonimmigrant visa), officers may consider, on a case-by-case basis and at the discretion of the government, any appropriate waivers, withdrawal of application for admission, or deferred inspection to resolve the ground of inadmissibility rather than issue an expedited removal order.

The authority to formally order an alien removed from the United States without a hearing or review, carries with it the responsibility to accurately and properly apply the grounds of inadmissibility.

(3) Grounds of Inadmissibility. All officers should be aware of precedent decisions and policies relating to the relevant grounds of inadmissibility. Section 212(a)(6)(C) is an especially difficult charge to sustain unless the case involves obviously fraudulent or counterfeit documents. Misrepresentation is even more difficult to determine. Also keep in mind that an alien who is determined to be inadmissible for fraud or misrepresentation is barred forever from the United States, with few waivers available. Any one or several of the following points should be considered in determining if an alien has committed fraud or misrepresentation.

- To support a charge of having procured a document by fraud or misrepresentation, the procuring must have been done from a government official, not from a counterfeiter, and any misrepresentation must have been practiced on a U.S. Government official.
- The procurement by fraud must relate to a person who has done so to obtain his or her own admission, not someone else's.
- The fraud or misrepresentation must be material, i.e., the alien is inadmissible on the true facts, or the misrepresentation tends to shut off a relevant line of inquiry that might have resulted in a determination of inadmissibility.
- In general, an alien should not be charged with misrepresentation if he or she makes a timely retraction of the misrepresentation, in most cases at the first opportunity.
- Silence or failure to volunteer information does not in itself constitute a misrepresentation.

- Aliens who are determined to be mentally incompetent and small children judged to be incapable of independently forming an intent to defraud should not be ordered removed using section **212(a)(6)(C)(i)** as the inadmissibility charge. The preferred charge in such cases would be section **212(a)(7)(A)**.
- Section 344 of IIRIRA did not create any waiver for immigrants found inadmissible under section **212(a)(6)(C)(ii)** relating to false claims to U.S. citizenship. Therefore, immigrants found inadmissible under section **212(a)(6)(C)(ii)** are permanently barred from the United States.

(4) Supervisory approval of removal orders. All expedited removal orders require supervisory approval before service upon the alien. By regulation, this approval authority is not to be delegated below the level of a second-line supervisor. Each field office may determine at what level (second-line supervisor or above) this review authority should be delegated.

The expedited removal provisions are not applicable in pre-clearance or pre-inspection operations. If DHS wishes to proceed with expedited removal of an alien inspected during an en route inspection of a vessel, action on the case will be deferred until the vessel has arrived in the United States. The alien may then be processed as an expedited removal case.

Port directors are responsible for ensuring that all officers conducting expedited removal proceedings, and supervisors approving expedited removal orders, are properly trained in the expedited removal provisions.

See **Appendix 17-3** for a flow chart mapping the entire expedited removal process.

(Paragraph (a) amended 8/21/97; IN97-05)

(5) Aliens seeking asylum at land border ports of entry. Section **235(b)** of the INA does not provide for an affirmative asylum application process at a port of entry. Therefore, an officer should consider an alien who arrives at a land border port-of-entry and seeks asylum to be an applicant for admission by operation of law. The alien will most likely be inadmissible under section **212(a)(7)(A)(i)** of the INA as an intending immigrant without proper documentation or under section **212(a)(6)(C)** of the INA as an immigration violator with fraudulent documents. As a result, he or she will be subject to expedited removal proceedings.

Except as noted below, the alien, if otherwise subject, should be placed in expedited removal proceedings, referred for a credible fear interview, and detained pending a final determination of a credible fear of persecution or torture. See INA § **235(b)(1)(B)(iii)(IV)**; 8 CFR § **235.3(b)(4)(ii)**. Once it has been determined that an alien has a credible fear of persecution or torture, DHS may continue to detain the alien or parole the alien from custody, as appropriate.  
(Paragraph (a)(5) added 11-1-05; CBP 12-06)

(6) Cuban asylum seekers at land border ports-of-entry. Natives or citizens of Cuba arriving at land border ports of entry, whose immediate removal from the United States is highly unlikely, should be placed directly into section 240 proceedings in lieu of expedited removal, without lodging additional charges. These aliens may be paroled directly from the port of entry while awaiting removal proceedings if identity is firmly established, all available background checks are conducted, and the alien does not pose any terrorist or criminal threat. Pursuant to section **235(b)(2)(C)** of the INA, they may also be returned to contiguous territory pending removal proceedings under section 240 of the INA. This option should only be considered if the alien is not eligible for the exercise of parole discretion, the alien has valid status in Canada or Mexico, Canadian or Mexican border officials are willing to accept the alien back, and the claim of fear of persecution is unrelated to Canada or Mexico.

An officer should not parole a native or citizen of Cuba from a land border port of entry for the sole purpose of allowing the alien to apply for adjustment under the Cuban Adjustment Act of 1966, Pub. L. 89-732, 80 Stat. 1161 (1966), without initiating section 240 proceedings. The Cuban Adjustment Act (CAA) provides that any native or citizen of Cuba who has been admitted or paroled into the United States, *and who is otherwise admissible as an immigrant*, may adjust status to that of a lawful permanent resident after being physically present in the United States for at least one year. It does not, however, require an officer to parole a native or citizen of Cuba at a port of

entry without regard to public safety. Therefore, an officer should grant parole to a native or citizen of Cuba only if the alien does not pose a criminal or terrorist threat to the United States.

(Paragraph (a)(6) added 11-1-05; CBP 12-06)

(b) **Preparing a case.** The expedited removal proceedings give officers a great deal of authority over removal of aliens and will remain subject to serious scrutiny by the public, advocate groups, and Congress. All officers should be especially careful to exercise objectivity and professionalism when processing aliens under this provision. Because of the sensitivity of the program and the potential consequences of a summary removal, you must take special care to ensure that the basic rights of all aliens are preserved, and that aliens who fear removal from the United States are given every opportunity to express any concerns at any point during the process. This includes conducting interviews in an area that affords sufficient privacy, whenever feasible. Since a removal order under this process is subject to very limited review, you must be absolutely certain that all required procedures have been adhered to and that the alien has understood the proceedings against him or her.

The steps to be taken in the expedited removal proceedings differ somewhat from those in which an alien is referred for a removal hearing before an immigration judge. It is important that a complete, accurate record of removal be created, and that any expedited removal be justifiable and non-arbitrary. The following steps must be taken in each case in which an order of expedited removal is contemplated or entered against an alien:

(1) **Use of Form I-867A&B.** Clearly explain to the alien, in a language he or she understands, the serious nature and impact of the expedited removal process, as noted on the Form I-867A&B. Officers must use an interpreter, when needed, to assist in the expedited removal process. Refer to **Chapter 17.18** for Guidance on the Use of Interpreters and Interpreter Services.

Read the statement of rights and consequences contained on the first page of Form **I-867A**, Record of Sworn Statement in Proceedings under Section **235(b)(1)** of the Act, to the alien. Explain that you will be taking a statement from him or her, and that any information given or discovered will be used in making a decision on the case and may result in his or her prompt removal. Advise the alien that if he or she is found to be inadmissible and a decision is made to order the alien removed, he or she will be immediately removed from the United States. Explain that there is no appeal to this decision and explain that this will be his or her only opportunity to provide any information or state any fear of return or removal that he or she may have.

In every expedited removal case, you must use the Form **I-867A&B** to take a complete sworn statement from the alien concerning all pertinent facts. If the case did not initially appear to involve inadmissibility and removal under the expedited removal proceedings, and the sworn statement was begun using other forms, you must immediately advise the alien of the rights and warnings on Form I-867A once you determine that the expedited removal proceedings will apply. The officer shall note either on the Forms **I-867A&B** or in a memorandum, explaining why those other forms are included.

The sworn statement will be done in question and answer format. Form **I-831**, Continuation Sheet, or a blank page may be used for the body of the statement. The sworn statement must cover several general areas of inquiry:

- Identity - include true name, aliases, date and place of birth and other biographical data.
- Alienage - determine citizenship, nationality, and residence. Cover any possible claim to U.S. citizenship through parents.

- Inadmissibility - questions should cover the alien's reason for coming to the United States, information about the specific facts of the case and the specific suspected grounds of inadmissibility.
- Fear of persecution or torture - if the alien indicates in any fashion or at any time during the inspections process, that he or she has a fear of persecution, or that he or she has suffered or may suffer torture, you are required to refer the alien to an asylum officer for a credible fear determination. One of the significant differences between expedited removal proceedings and regular removal proceedings is that the inspecting officer has a responsibility to ensure that anyone who indicates a fear of persecution or intent to apply for asylum in the United States is referred to an asylum officer for a credible fear determination. Inspectors should consider verbal as well as non-verbal cues given by the alien. The obligatory questions on the Form **I-867B** are designed to help in determining whether the alien has such fear. Ask the questions as they appear on the Form **I-867B** at the end of the sworn statement. If the alien indicates an intention to apply for asylum or a fear of harm or concern about returning home, or makes any such statements or comments at any time during the inspections process, the inspector may ask a few additional follow-up questions to ascertain the general nature of the fear or concern. Any comments of concern made by the applicant must be recorded in the sworn statement, including any indications made by the alien prior to the secondary interview.

Do **not** ask detailed questions on the nature of the alien's fear of persecution or torture: leave that for the asylum officer. In determining whether to refer the alien, inspectors should not make eligibility determinations or weigh the strength of the claims, nor should they make credibility determinations concerning the alien's statements. The inspector should err on the side of caution, apply the criteria generously, and refer to the asylum officer any questionable cases, including cases that might raise a question about whether the alien faces persecution or torture. Do not make any evaluation as to the merits of such fear; that is the responsibility of the asylum officer. Officers processing aliens for expedited removal may contact the Asylum office point(s) of contact when necessary to obtain guidance on whether to refer questionable cases involving an expression of fear or a potential asylum claim. See paragraph (d) of this chapter for more detailed information regarding credible fear referrals.

- Impact of decision - once you have gathered all the facts, you will decide, in consultation with a supervisor, the best course of action. Depending on the circumstances, you may admit the alien, allow the alien to apply for any applicable waivers, defer the inspection or otherwise parole the alien, permit the alien to withdraw his or her application for admission, issue an expedited removal order, or refer the alien for a credible fear determination. Whatever decision is made, clearly advise the alien of the impact and consequences of the determination and record this in the sworn statement.

You must use the Form **I-867B** as the final page of the sworn statement and jurat. Be sure to obtain responses from the alien regarding the mandatory closing questions contained on the form. If the alien in any way indicates a fear of removal or return, follow the procedures in paragraph (d) of this section. Collect any additional evidence relevant to the case that is discovered during the inspections process.

After the sworn statement is completed, have the alien read the statement, or have it read to him or her in a language the alien understands. Use an interpreter if necessary. Make any necessary corrections or additions. Have the alien initial each page and each correction. Provide a copy of

the completed statement, upon signature, to the alien. Retain a copy for the A file and a copy for the port file, if one is created

If at any time you feel that an amendment to the initial sworn statement is needed, you may complete a second sworn statement during the inspections process. An incident may also take place after you have completed the initial sworn statement, but before the alien is removed from the United States, where a second sworn statement may be helpful. Ask the alien enough questions under oath to address all concerns that may have arisen during the process.

The statement must be signed by the alien and by the officer taking the statement, as well as by a witness. An alien cannot avoid expedited removal by refusing to sign the statement or answer the questions. If the alien will not sign, write "Subject refused to sign" on the signature line. If the alien will not answer any questions, take a skeleton sworn statement, listing all pertinent questions, and writing after each "Subject refused to answer". An expedited removal order may still be issued, provided the removal is otherwise substantiated (e.g., if the alien presented a fraudulent document), and is not dependent solely on the alien's statements.

(2) Form **I-860**, Notice and Order of Expedited Removal. Prepare three copies of Form I-860. Check the appropriate ground(s) of inadmissibility under which the alien is being charged (e.g. **212(a)(6)(C)(i)**), and insert a narrative description of each charge and the violation committed. Read and explain the charges to the alien in the alien's native language or in a language the alien can understand. An interpreter may be required to ensure that the alien understands the allegations and the removal order. Interpreters may not be used if they are employees of the government of the alien's home country, such as an employee of a government-owned airline, except for the most routine questioning. Never use an employee of a foreign government if there is any possibility of sensitive areas (e.g., persecution or torture) being discussed. The alien should be given an opportunity to respond to the charges, and any response must be recorded in either the sworn statement or an addendum to the statement. Expedited removal forms exist in other languages. If a form in the alien's native language or in a language the alien understands is used, place only the English version in the file and give the translated version to the alien.

After all statements are taken and other paperwork is complete, present it through your chain of command to the appropriate supervisor (not to be delegated below the second-line supervisor) or a person officially acting in that capacity for review and approval. If the appropriate supervisor is not present at the port, the supervisory review and approval may be obtained telephonically, by fax, or by other means. The approving authority must be properly advised of all facts in the case in order to make an informed decision. Print the name and title of the supervisor approving the order, and check the box on the form indicating that concurrence was obtained telephonically or by other means. The Form **I-860** must be signed legibly by the preparing officer.

(3) Photographing and fingerprinting. Enroll the alien in the inspection module of ENFORCE/IDENT. Take the alien's photograph and fingerprint the alien on FD-249 fingerprint cards (three sets—see **chapter 18.9(c)** for distribution), or electronically, if IDENT/IAFIS 10-print fingerprint scanners are available at the port. Be sure to complete the entire form and properly code the fingerprint cards with the proper U.S. Code citation, since the FBI will not clear cards without such codes. Following are examples of codes that may be used:

- 18 U.S.C. 1544 Photo substitutions
- 18 U.S.C. 1546 Counterfeit immigrant visa

- 8 U.S.C. 1306 Counterfeit immigration documents, such as alien registration
- 18 U.S.C. 911 False claims to U.S. citizenship (imposters, photo substitution of U.S. passport)
- 18 U.S.C. 1001 Other (fraudulent documents, false statements, imposter, etc.)

(4) Forensic Document Lab (FDL) analysis. Obtain forensic analysis, if appropriate. In cases involving fraudulent documents, if the sworn statement includes an admission of the fraud, no forensic analysis may be required. For the expedited removal proceedings, actual forensic examination of the document by the FDL may not be feasible. This does not mean that it is permissible to “rush to judgement”, or that it is permissible to expeditiously remove an alien based on incomplete evidence. If forensic analysis is required to establish that the alien is inadmissible, such analysis must be obtained before the Form **I-860** is executed. If necessary, the alien should be detained until the analysis is performed, and then the Form I-860 can be executed. (On the other hand, if the alien’s inadmissibility under section **212(a)(7)** has been established, there is little or no reason to delay the expedited removal process in order to also establish the **212(a)(6)(C)** charge.) Offices with electronic devices for transmitting quality images should use those technologies whenever possible or necessary. [See **Chapter 32** for details on using FDL services and for contributing documents or intelligence information concerning the fraud.]

(5) Tracking of ER cases. Unless an A number already exists for an alien placed into expedited removal, an A number must be assigned to every expedited removal case at the POE in order to ensure proper tracking of the case from the onset.

Codes have been created for entry of expedited removal cases into the Central Index System (CIS). Those codes are:

- ERF Expedited Removal case has been initiated under section **235(b)(1)** of the INA and a final decision is pending a credible Fear determination by an asylum officer or immigration judge.
- ERP Expedited Removal case has been initiated under section **235(b)(1)** INA and a final decision is Pending for reasons other than referral for credible fear interview before an asylum officer.
- ERR Expedited Removal case has been initiated and alien has been Removed from the United States under that program.

Entry of cases into CIS should be accomplished as quickly as possible in accordance with local policy. To ensure prompt data entry, A files for expedited removal cases should be separated from other files and flagged as expedited removal cases.

Codes have also being created to designate expedited removal cases in the National Automated Immigration Lookout System (NAIIS) and the Interagency Border Inspection System (IBIS).

Search for existing records in CIS and other appropriate automated systems. If an A file exists, create a temporary file and request the permanent file. After the file is received, update it with all relevant documents completed or collected during the expedited removal process, and forward it

to the proper files control office. If no previous file exists, create a new A file relating to the alien.

(6) Consular notification of alien detention. Consult **8 CFR 236.1(e)** to ensure that, if required, the appropriate consular official is immediately notified of the alien's detention, even if the alien **requests** that this **not** be done. Notify the alien that he or she may communicate with a consular official. These steps normally will only be necessary when removal of the alien cannot be accomplished immediately and the alien must be placed in detention for longer than 24 hours. When you contact a consular official, never mention any asylum claim which may have been filed, or give any indication that the alien has expressed a fear of persecution or torture.

(7) Criminal prosecution. Aliens arriving at the POEs who are subject to the expedited removal provisions may also be subject to criminal prosecution. If criminal prosecution of the alien is contemplated in addition to expedited removal, the criminal action must be completed before the alien is ordered removed. [See **Chapter 18** for procedures for criminal prosecution]. Officers must give the alien his/her Miranda warning and once the warning of rights has been given to the alien, questioning of the alien can only occur with the alien's consent. If the alien refuses to provide a sworn statement, or if the U.S. Attorney's Office prohibits the officer from taking any sworn statements or completing removal processing prior to the completion of the criminal proceedings, the administrative process must be completed after the alien's criminal proceeding is concluded.

If the alien permits questioning and the U.S. Attorney's Office does not prohibit questioning and processing of the alien, complete the sworn statement and the Form I-860. Do not serve the Form **I-860** on the alien, but place it in the A file pending the criminal processing. If the alien is to be turned over to another law enforcement agency, serve a Form **I-247**, Immigration Detainer - Notice of Action, on the other agency. Once the alien is returned to DHS custody, the Form I-860 may be served and the alien removed under the expedited removal order.

(8) Service of the Form I-860. Serve the original Form I-860 on the alien, unless the alien is to be deferred to an onward office, in which case the service is accomplished by the onward office. If the alien is being prosecuted criminally, the Form I-860 will be served after the criminal conviction. Place a copy of the Form I-860 in the A file. The third copy may be retained at the port.

(9) Form **I-296**, Notice to Alien Ordered Removed/Departure Verification. Check the appropriate box to indicate the period during which the alien must obtain permission to reenter: 5 years for the first removal; 20 years in the case of a second or subsequent removal; at any time if the alien has been **convicted** of an aggravated felony (even though the alien is not being charged as an aggravated felon in this proceeding). Do not check the 10-year box; that is for aliens removed under other provisions of the Act. At the time of actual removal, a photograph and a pressed print of the alien's right index finger should be placed on a copy of the Form I-296, the alien should sign the form, and the particulars of the departure should be entered on the form for retention in the file. Serve the alien with a copy of the Form I-296 before removal. The original form should remain in the A file.

(10) Form **I-275**, Consular Notification. Cancel the alien's visa or border crossing card, if appropriate. Complete and distribute the Form **I-275** as described in **Chapter 17.2**. Check all the boxes that apply, with a brief description of the denial and removal of the alien. Note the passport with the file number and action taken, for example: "Ordered Removed 6/1/04 NYC/Section 212(a)(6)(C)(i)". Forward a copy of the Form I-860 with the Form I-275 to the Department of State.

(11) Form I-94, Arrival/Departure Document. Prepare a new Form I-94. If the alien applied for admission at a land border, annotate the Form I-94 to read: “Form I-860 Removal Order issued pursuant to section **235(b)(1)** of the Act. (Date), (Place), (Officer)”. If the alien applied for admission at an airport or seaport, use the parole stamp and endorse the I-94 to read: “For removal from the United States by (carrier name). Form I-860 Removal Order issued pursuant to section **235(b)(1)** of the Act. (Date), (Place), (Officer)”.

(12) Detention. Detain the alien as appropriate. Follow local procedures to obtain detention authorization and arrange for detention. Aliens placed into expedited removal proceedings must be detained until removed from the United States. Parole may be permitted only if there is a medical emergency or if it is necessary for legitimate law enforcement purposes, such as for criminal prosecution or to testify in court. Refer to **Chapter 17.8** for the CBP policy on the detention of aliens at POEs. Aliens subject to expedited removal who claim a fear of persecution or torture must be detained pending a credible fear determination. Once an alien has established a credible fear of persecution or is otherwise referred (as provided by regulation) for a full removal proceeding under section **240**, release of the alien may be considered under normal parole criteria. Aliens who make false claims to U.S. citizenship, or unverified claims to lawful permanent resident, asylee, or refugee status, must be detained pending review of the removal order by the immigration judge. Aliens arriving at a land border port-of-entry who do not claim lawful status in the United States or a fear of persecution should normally be processed immediately and either returned to Canada or Mexico or detained until removed.

(13) Credible fear interview referral. See paragraph (d) of this chapter for detailed information on credible fear referrals. Credible fear interviews will normally take place at DHS or contract detention facilities. Each POE and detention facility will be provided with a point or points of contact at the Asylum office having responsibility for that geographical area. It is the responsibility of the referring (Inspections) officer to provide the alien being referred for a credible fear interview with both a Form **M-444**, Information about Credible Fear Interview, and a list of free legal services, as provided in **8 CFR part 292**. It is generally the responsibility of the detention and removal personnel to notify the appropriate Asylum office point of contact when an alien subject to the expedited removal process is being detained in DHS custody pending this interview. That officer should also provide any additional information or concerns of the alien, such as whether the alien requires an interpreter or other special requests and considerations. However, in locations where the credible fear interview requires travel by the asylum officer, the referring officer should notify the Asylum office when referring the alien in order to provide as much advance notice as possible. When aliens are detained in non-DHS facilities or at remote locations, the referring officer must notify the appropriate Asylum office. If the alien is subsequently transferred to another detention site, the detention or deportation officer must ensure that the appropriate Asylum office has been notified.

Normally the credible fear interview will not take place sooner than 48 hours after the alien arrives at the detention facility. If the alien requests that the interview be conducted sooner, the referring officer, or any other officer to whom the alien makes the request, should immediately convey that information to the appropriate Asylum office.

(14) Removal from the United States. Most aliens removed under the expedited removal provisions will be promptly removed; however, some aliens, such as those who claim asylum or LPR status, may be detained pending a decision on their claim. At the land border, ensure the alien’s departure to the contiguous foreign territory. At air and seaports, serve the carrier of arrival with the Form I-259, Notice to Detain, Remove, or Present Aliens, and check the



appropriate boxes to order the carrier to remove the alien when the removal process is finished. If the case cannot be timely completed, advise the carrier of potential liability.

(15) Database entries. The expedited removal process continues to be the subject of extensive inquiry and requires appropriate tracking of specific case data. Expedited removal cases will normally be processed through ENFORCE. In addition, every case in which an expedited removal order is issued must be entered into the Deportable Alien Control System (DACS) until that system is replaced with the new ENFORCE removals module. Entry of data for those aliens detained by DHS will be handled by the Detention and Removal personnel responsible for the detention facility. Entry of data for aliens who do not require detention and are removed directly from the POEs is the responsibility of CBP. Cases initiated at the POEs and referred for removal proceedings under section 240 will continue to be entered into DACS by Detention and Removal. Complete appropriate closeouts in TECS/IBIS.

(16) Form G-22.1, Inspections Summary Report. Consult G-23 Report of Field Operations Procedures for reporting guidelines.

(c) Withdrawal of application for admission in lieu of an expedited removal order.

DHS has the discretion to allow an inadmissible alien to voluntarily withdraw his or her application for admission and to depart the United States in accordance with section **235(a)(4)** of the INA. This discretion applies to aliens subject to expedited removal, and should be applied carefully and consistently, since an officer's decision to allow withdrawal or issue a removal order is final. Officers should keep in mind that an order of expedited removal carries with it all the penalties of an order of removal issued by an immigration judge (including a bar to reentry of at least 5 years following removal pursuant to section **212(a)(9)(A)(i)**).

Follow the guidelines contained in **Chapter 17.2** to determine whether an alien's withdrawal of an application for admission or asylum claim best serves the interest of justice. An officer's decision to permit withdrawal of an application for admission must be properly documented by means of a Form **I-275**, Withdrawal of Application for Admission/Consular Notification, to include the facts surrounding the voluntary withdrawal and the withdrawal of the asylum claim. In addition, an officer should prepare a new sworn statement, or an addendum to the original sworn statement on Form I-867A&B, covering the facts pertaining to the alien's withdrawal of the asylum claim.

An alien may not be pressured into withdrawing his or her application for admission or asylum claim under any circumstances. An officer must provide adequate interpretation to ensure that the alien understands the expedited removal process and the effects of withdrawing an application for admission or an asylum claim. Furthermore, an asylum officer must be consulted before an alien who has expressed a fear of return to his or her home country may be permitted to withdraw an asylum claim.

If an officer permits an alien to withdraw his or her application for admission and elects to return the alien to Canada or Mexico, the Form I-275 should indicate the alien's status in Canada or Mexico and the basis for determination of that status. This determination may be based on contacts with Canadian or Mexican authorities, stamps in the alien's passport, or other available documentation. The narrative on Form I-275 should also indicate that the alien has not expressed concern about returning to Canada or Mexico.

If the alien expresses any concern or reluctance about returning to Canada or Mexico and wishes to pursue the asylum claim in the United States, the officer should advise the alien that he or she will be placed in the expedited removal process, unless subject to section 240 proceedings by statute, regulation, or policy, and will be detained pending the credible fear determination. The alien should not be given the Form I-589, Application for Asylum and for Withholding of Removal, nor should an affirmative asylum interview be scheduled at the port of entry.

(Paragraph (c) revised 11-1-05; CBP 12-06)

(d) Fear of persecution or request for asylum. Aliens who indicate an intention to apply for asylum or a fear of persecution or torture may not be ordered removed until an asylum officer has interviewed the alien to determine whether the alien has a credible fear of persecution or torture and warrants a full asylum hearing before an immigration judge.

When questioning or taking a sworn statement from any alien subject to the expedited removal provisions, you need not directly solicit an asylum claim. However, to ensure that an alien who may have a genuine fear of return to his or her country is not summarily ordered removed without the

opportunity to express his or her concerns, you should determine, in each case, whether the alien has any concern about being returned to his or her country. Further, you should explore any statement or indications, verbal or non-verbal, that the alien actually may have a fear of persecution or torture or return to his or her country. You must fully advise the alien of the process, as indicated on the Form **I-867A**, and of the opportunity to express any fears.

Keep in mind that the alien need not use the specific terms “asylum” or “persecution” to qualify for referral to an asylum officer, nor does the fear of return have to relate specifically to one of the five grounds contained within the definition of refugee. The United States is bound by both the Protocol on Refugees and the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and, except under extraordinary circumstances, may not return an alien to a country where he or she may face torture or persecution.

The alien may convey a fear of violence or harm, a need for protection, an indication of harm to, or disappearance of, relatives or associates, or dangerous conditions in his or her country. Even disputes of a personal nature sometimes may relate to asylum, such as domestic violence, sexual or child abuse, child custody problems, coercive marriage or family planning practices, or forced female genital mutilation. All officers should recognize that sometimes unusual cases have been found eligible for asylum that may not have initially appeared to relate to the five grounds contained in the definition of refugee, such as AIDS victims who face government persecution, land or money disputes with wealthy persons or persons in power, whistle blowers, witnesses to crimes and even organized crime connections. Harm sufficient for a credible fear referral can include threats, discrimination, desecration of cemeteries or destruction of religious buildings, attempts to prevent the applicant from obtaining work or practicing a profession, imprisonment, attacks by gangs or members of organized crime rings, and destruction of villages or crops, as well as more severe physical violence, such as beatings, rapes, shootings, torture and murders.

Do not make judgement decisions concerning any fear of persecution, torture, or return. Any alien who by any means indicates a fear of persecution or return **may not** be removed from the United States unless the alien has been interviewed and a credible fear determination been made by an asylum officer. An alien who does not indicate a fear of return but responds to one of the protection-related questions by stating that he or she has applied for refugee or asylum status in the United States or elsewhere in the past, or mentions a relative, friend or associate who has done so (even if such claims are still pending or were denied), should be asked further questions to determine whether or not the alien is expressing a fear of return or an intention to apply for asylum indirectly. If, on more detailed questioning, the alien states that he or she has no fear of return and no interest in applying for asylum, the case need not be referred for a credible fear interview.

If the alien answers affirmatively to one the protection-related questions or requests asylum, and later changes the answer or asks to be sent home, the officer should consult with the local Asylum office or refer the case. If an attorney, friend, or relative notifies any officer that an individual in the expedited removal process is planning to apply for asylum or has a fear of return, that officer should notify the port of entry. The officer responsible for the case should either consult with an asylum supervisor or refer the alien for a credible fear interview, even if the alien does not express a fear directly. In the expedited removal process, an attorney, friend, or relative who acts as a consultant to the alien need not file a Form G-28.

Any alien who exhibits any non-verbal cues – such as crying, hysteria, trembling, unusual behavior, incoherent or difficult speech patterns – that alert the office to possible fear of harm should be referred. If an officer notices signs of serious physical trauma, such as cuts or bruises that might indicate a beating, the officer should consult an asylum supervisor, or the applicant should be

referred. Non-verbal cues should be noted in parentheses or brackets in the sworn statement or memo to file.

Survivors of persecution or torture may appear uncooperative or evasive. Notice behavior associated with the trauma of persecution. People who are survivors of torture or other traumatic experiences may behave in a number of different ways. For example, they might avoid discussing certain events or revealing certain information. They may have difficulty remembering events, show a loss of composure, or display emotional detachment when recalling some events. They also may respond to your questions in unexpected or unpredictable ways. Trauma may make it difficult to respond. For survivors of torture, being questioned by uniformed government officials may trigger painful memories of trauma they experienced during a government or police interrogation in their home countries. Questioning may trigger any one of a range of emotional, psychosomatic, behavioral, or mental symptoms. These symptoms might include detachment, aggressive behavior, or flashbacks. It is important to be aware of these possible reactions. Do not dismiss them automatically as signs of uncooperative behavior.

Some aliens will respond to the question “Why did you leave your home country or country of last residence,” by saying either that they were looking or work in the United States or could not find work in their home countries. Such responses normally should not trigger a referral. However, if the alien also answers “yes” to either of the subsequent protection-related questions, even if no additional information is offered, the alien should be referred. In addition, if the alien mentions any discrimination, harassment, or threats that made it difficult to find work or work in the alien’s chosen profession, or mentions discrimination, harassment, or threats as the reason he or she quit a job or was fired, the alien should be referred.

Considerations that should NOT affect the officer’s decision to refer an alien for a credible fear interview include:

- **Credibility:** Even if there are glaring inconsistencies in the alien’s story or documents, the alien should be referred if he or she expresses a fear. The asylum officer will review the sworn statement and documents and ask the alien about any inconsistencies and discrepancies. Only an asylum officer can make a credibility determination for purposes of deciding whether the alien has a credible fear of persecution.
- **Identity of the persecutor:** The alien should be referred even if the harm feared appears to be purely personal, purely criminal, or punishment for a crime the alien may have committed. Some cases involving domestic violence, child abuse, land disputes, gang violence, official arrests and trials and seemingly improbable conspiracies are areas involving sometimes novel legal grounds.
- **Size of the group at risk:** Aliens should be referred, for example, if they claim that the majority of people in their country are at risk (including cases involving civil strife), or if for example, that they claim that only they or their immediate families are at risk.
- **Country of origin:** No country should be considered safe – or dangerous- for all residents. However, knowledge of conditions in the alien’s home country may help alert an officer to non-verbal cues or confused or vague expressions of fear.
- **Whether harm is on account of the alien’s race, religion, political opinion, nationality or social group:** Officers should not make a determination on whether the harm feared is on account of the alien’s race, religion, nationality, membership in a particular social group or political opinion. Asylum law, and particularly the definition of a “social group” is evolving – cases involving domestic violence, spousal abuse, sexual abuse of children, female genital mutilation, coercive family planning practices, organized crime, whistleblowers on government corruption, homosexuality, and AIDS, and other unresolved legal areas should

be referred. An alien may also be offered protection from return under Article 3 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, when it is more likely than not that the alien would be tortured, even if the motivation for the torture is not on account of the applicant's race, religion, nationality, social group or political opinion.

- **Mandatory Bars:** The presence of a mandatory bar to asylum should not prevent referral. Referrals should occur even in cases where, for example, the alien appears to be firmly resettled in a third country, transited through a third country, or when there is information that appears to indicate that the alien is a criminal or a danger to national security.
- **Stated Preference to Apply for Asylum Elsewhere:** If an alien expresses a fear of return, but states that he or she does not want to apply for asylum in the United States because he or she plans to apply for asylum elsewhere, the alien should be referred. Some applicants may not be aware that certain countries will not accept an asylum application from them if they have transited through the United States.

The International Religious Freedom Act of 1998 (IRFA) was passed by Congress out of a growing concern about violations of religious freedom in countries around the world. IRFA requires training for certain government employees on the nature of religious persecution abroad. Violations of religious freedom can include prohibitions on, restrictions of, or punishment for:

- Assembling for peaceful religious activities
- Speaking freely about religious beliefs
- Changing religious beliefs or affiliation
- Possessing and distributing religious literature
- Raising children in the religious practices and teachings of one's choice.

Any of the following acts are violations of religious freedom if committed on account of an individual's religious belief or practice:

- Detention
- Interrogation
- Imposition of onerous financial penalties
- Forced labor
- Forced mass resettlement
- Imprisonment
- Forced religious conversion
- Beating, torture, mutilation, rape, murder, enslavement, and execution

IRFA defines "particularly severe violations of religious freedom" as systematic, ongoing, egregious violations of religious freedom, including violations such as:

- Torture or cruel, inhuman, or degrading treatment or punishment;
- Prolonged detention without charges;
- Causing the disappearance of persons by the abduction or clandestine detention of those persons; or
- Other flagrant denial of the right to a person's life, liberty, or security.

Applicants who are questioned by officers in expedited removal proceedings may not understand that religious persecution is an issue they should reveal in their interview. Sometimes an applicant

will not indicate any past incidents of religious persecution, but you might become aware of it incidentally. Perhaps you learn that the applicant is a Jehovah's Witness and realize he or she is from a country in which Jehovah's Witnesses are persecuted.

You might also come across customs and behavior that are new to you, for example, the wearing of scarves for religious reasons. In talking with that person, you might learn that there is a fear of return, but the person did not realize that religion was a protected ground for asylum at the time of inspection. Therefore, it is important to adhere to the procedural safeguards built into the expedited removal process.

IRFA requires that the State Department annually publish a report on the condition of religious freedom in the world. Specifically, the report describes the status of religious freedom in every foreign country. It also cites any violations of religious freedom or trends toward improvement or deterioration in the respect and protection of religious freedom. There is an Executive Summary at the beginning of the report, which highlights the report's findings. Each Asylum Office has bound copies of the report for reference. The report is also posted every year on the State Department's web site.

IRFA does not change the legal standard for determining refugee or asylum eligibility. It also does not give preference to religious persecution. It does require refugee and asylum officers to receive specialized training concerning religious persecution. When religious issues are involved, adjudicators must become informed about conditions in the applicant's home country by referring to the annual report on religious freedom published by the Department of State.

However, a claim cannot be denied solely because an officer cannot find information in the report. As with every case, officers should consult a variety of current and reliable sources for an accurate representation of country conditions. In certain unconventional cases, determining whether an applicant's unique set of beliefs is a religion may require careful consideration and research, and when appropriate, consultation with proper DHS personnel.

While IRFA mandates that certain new processes be implemented, it does not change the basic job requirements.

- IRFA does not authorize individuals housed in DHS facilities to do anything they wish under the guise of religious practice.
- IRFA does not require officers to determine what a religion is or what constitutes religious persecution.
- And while IRFA emphasizes issues of religious persecution, it does not imply that other types of persecution are any less important.

All officers must disregard their own religious convictions and beliefs evaluating an asylum or refugee claim. For example, you may be a Muslim officer interviewing a non-Muslim asylum applicant who claims to be persecuted by Muslims on account of his religion. Upon hearing such claims, you may be surprised, offended, disbelieving, or have other adverse personal reactions because of your own religious convictions and opinions. While it may be difficult, you must evaluate such claims objectively and without personal bias.

If the alien indicates an intention to apply for asylum or asserts a fear of persecution or torture, and is being referred for a credible fear interview with an asylum officer:

- (1) Create an A file, if one does not already exist.

(2) Fully process the alien as an expedited removal case. Establishing inadmissibility cannot be left to the asylum officer. Record a description of the particulars of the interview and the alien's initial claim to asylum or fear of return by means of a sworn statement using Form **I-867A&B**. Follow the instructions in paragraph (b)(1) above to ensure that the alien understands the proceedings. Although you should not pursue the asylum claim in detail, enough information should be obtained to inform the asylum officer of the alien's initial claim to asylum or fear of persecution or return. If the alien answers the closing questions on Form I-867B in the affirmative, several other questions may be necessary to determine the general nature of the fear or concern.

(3) Complete the Determination of Inadmissibility portion of the Form **I-860**, including sufficient information to support the charges of inadmissibility should the asylum officer find that alien does not have a credible fear of persecution. Sign **only** the Determination portion of the form. The removal part of the order will be signed by the asylum officer only after it is determined that the alien does not have a credible fear of persecution. Refer also to **Chapter 43.3** for documenting any potential fines issues.

(4) Advise the alien of the purpose of the referral and that the alien may consult with a person or persons of his or her choosing, at no expense to the government and without delaying the process, prior to the interview. The Form **M-444**, Information about Credible Fear Interview, must be given to the alien and explained in a language the alien understands. The alien should sign two copies, acknowledging receipt of the information. One copy should be placed in the A file, and the other retained by the alien. Give the alien a current list of organizations and programs prescribed in **8 CFR 292** which provides free legal services.

(5) Arrange for detention of the alien according to local procedures. Although it is normally the responsibility of the detention and removal personnel officer to notify the Asylum office, in some circumstances, you must advise the appropriate Asylum office that an alien being detained requires a credible fear interview. The Asylum office should also be advised whether the alien requires an interpreter and of any other special considerations. It may be helpful for the officer to provide the asylum officer with information on the alien's gender, the language(s) the alien speaks, whether the alien is traveling with a spouse or children, and any special medical needs or unusual behavior. Forward the A file to the location where the credible fear interview will take place. Prepare Form **I-259** and serve it on the affected carrier. Complete Form I-94 for NIIS entry notated "Detained at \_\_\_\_\_ pending credible fear interview pursuant to section **235(b)(1)(B)** of the Act. (Date), (Place), (Officer)".

An asylum officer will conduct an interview to determine if the alien has a credible fear of persecution, either at the detention facility or at a location arranged through the Asylum office having jurisdiction over the place of apprehension, depending on location. If the alien is determined to have a credible fear of persecution or torture, the asylum officer will refer the alien before an immigration judge for full consideration of the asylum and withholding of removal claim in proceedings under section **240** of the Act. If the alien is found not to have a credible fear of persecution or torture, following review by a supervisory asylum officer, the asylum officer will order the alien removed pursuant to section **235(b)(1)**, unless the alien requests that the determination of no credible fear be reviewed by an immigration judge. If the alien makes such a request, the asylum officer will use Form **I-863**, Notice of Referral to Immigration Judge, checking box #1, to refer the alien to the immigration judge for review of the credible fear determination. If the immigration judge determines that the alien does not have a credible fear of persecution, DHS will present the alien for removal to the carrier on which he or she arrived. There may be some situations where the actual carrier of arrival and port of embarkation cannot

be ascertained. Such cases may require additional processing, including detention, in order to arrange for travel documents and transportation at government expense (User Fee).

If an alien claims a fear or concern about possible harm, and later asks to be sent home, the officer should review the sworn statement carefully with the alien to determine if there was a misunderstanding. If there was no misunderstanding, the officer should prepare a second Form **I-867A&B** and note that the alien has changed his or her mind. The officer must consult with an asylum supervisor before executing the decision. If the asylum supervisor concurs that it is appropriate to remove the applicant without a credible fear interview, the name of the supervisor, and the date and time of concurrence should be noted in the A file. Both the original and final Form I-867A&B must remain in the file.

If the alien maintains throughout the sworn statement that he or she has no fear of return and later claims a fear or a desire to apply for asylum, the applicant should be referred for a credible fear interview. The officer should reinterview the alien and complete an addendum to the statement, re-asking the fear questions. The officer should void the original Form **I-860** and complete a new Determination of Inadmissibility. The Form **I-296** should be voided if the verification of removal section has already been completed, and the officer should complete a memo to file, explaining the circumstances of the case.

(e) Claim to lawful permanent resident, asylee, or refugee status, or U.S. citizenship.

(1) An expedited removal case involving an alien who claims to be a U.S. citizen, to have been lawfully admitted for permanent residence, to have been admitted as a refugee under section **207**, or to have been granted asylum under section **208**, should be handled very cautiously to ensure that the rights of the individual are fully protected. The expedited removal authority provided by IIRIRA is a powerful tool and there are grave consequences involved in incorrectly processing a bona fide citizen, LPR, refugee or asylee for removal. You should be extremely aware of those consequences when you are using this tool. Although the statute and regulations provide certain procedural protections to minimize the risk of such consequences, you should never process a case for expedited removal which you would not feel satisfied processing for a hearing before an immigration judge.

If the alien falsely (or apparently falsely) claims to be a U.S. citizen, LPR, refugee, or asylee, and is not in possession of documents to prove the claim, make every effort to verify the alien's claim prior to proceeding with the case. This can be accomplished through a thorough check of the data systems, manual request to the Records Division, careful questioning of the alien, or prudent examination of documents presented. Use whatever means at your disposal to verify or refute a claim to U.S. citizenship, including verification of birth records with state authorities, etc.

(2) Verifiable claim. When inspecting an alien whose claim to LPR status has been verified, determine whether the alien is considered to be making an application for admission within the meaning of section **101(a)(13)(C)**. [See discussion in **Chapter 13.4**.] Although the LPR may not be considered to be seeking admission, he or she is nonetheless required to present proper documents to establish his or her status as an LPR. If the claim is verified and the alien appears to be admissible except for lack of the required documents, consider a waiver under section **211(b)** for an LPR. When inspecting an alien who had previously been admitted as a refugee or granted asylum status and who had departed the United States without having applied for a refugee travel document, consider accepting an application for a refugee travel document in accordance with **8 CFR 223.2(b)(2)(ii)** for a refugee or asylee. Refer to **Chapters 13.2** and **17.5**

for a discussion of this and other options for admitting returning residents.

If the claim is verified, but a waiver is not available or is not clearly warranted, such as when fraud was committed in obtaining status or upon entry, or in cases where the alien appears to have abandoned his or her residence, you may initiate removal proceedings under section **240** of the Act. Procedures for preparing for removal hearings and processing inadmissible LPRs are discussed in **Chapters 17.6** and **17.10**. Although the charging document, Form **I-862**, Notice to Appear, is the same for both inadmissible and deportable aliens, immigration officers performing inspections at a POE are authorized to issue a Notice to Appear only to arriving aliens, as defined in **8 CFR 1.1(q)**. If an LPR is not considered to be seeking admission, he or she is not an arriving alien. If a Notice to Appear is to be issued charging the returning resident as a deportable alien, the Notice to Appear must be issued by one of the authorizing officers listed in **8 CFR 239.1**, including port directors.

(3) Unverifiable Claim. If no record of the alien's lawful admission for permanent residence, grant of refugee status, admission as an asylee, or citizenship can be found after a reasonably diligent search, advise the alien that you are placing him or her under oath, or take a declaration as permitted in 28 U.S.C. 1746, and warn the alien of the penalties for perjury. Section 1746 of the Title 28 U.S. Code reads as follows:

Wherever, under any law of the United States or under any rule, regulation, order, or requirement made pursuant to law, any matter is required or permitted to be supported, evidenced, established, or proved by the sworn declaration, verification, certificate, statement, oath, affidavit, in writing of the person making the same (other than a deposition, or an oath of office, or an oath required to be taken before a specified official other than a notary public), such matter may, with like force and effect, be supported, evidenced, established, or proved by the unsworn declaration, certificate, verification, or statement, in writing of such person which is subscribed by him as true under penalty of perjury, and dated, in substantially the following form:

- If executed without the United States: "I declare (or certify, verify, or state) under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on (date). (Signature)".
- If executed within the United States, its territories, possessions, or commonwealths: "I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature)".

The penalties for perjury contained in 18 U.S.C. 1621 (perjury generally) provide for fine and imprisonment of not more than 5 years, or both. The penalties for perjury contained in 18 U.S.C. 1546 (fraud and misuse of visas, permits, and other documents) provide for fine and imprisonment of not more than 10 years, or both.

If the alien declares under oath, pursuant to the advice above, that he or she is a citizen, LPR, refugee, or asylee, order the alien removed under section **235(b)(1)(A)** and refer to the immigration judge for review of the order. Complete Form **I-860** after completing all procedures in this chapter. Serve the Form I-860 on the alien. Serve Form **I-259** on the affected carrier, if appropriate. Use Form **I-863**, checking Box #4, to refer the removal order to the immigration judge for review. The alien should be detained pending review of the order by the immigration judge. In the event an alien who has made a verbal claim to citizenship or to LPR, refugee, or asylee status declines to make a sworn statement, conclude the expedited removal process in



the same manner as any other nonimmigrant in the same situation.

If the immigration judge determines that the individual is not a citizen or is an alien who has never been admitted as an LPR, refugee, or asylee, the expedited removal order will be affirmed and the alien removed. There is no appeal from the decision of the immigration judge. If the judge determines that the individual is a citizen, the process is terminated and the citizen is released. If the judge determines that the alien was once admitted as an LPR, refugee, or asylee, and that status has not been terminated, the judge will vacate the expedited removal order and the government may initiate removal proceedings under section 240.

(f) Special Treatment of Unaccompanied minors. When a minor (a person under the age of eighteen) who is unaccompanied and appears to be inadmissible under section 212(a)(6)(C) or (7) of the Act, officers should first try to resolve the case under existing guidelines. Existing guidelines permit granting a waiver, deferring the inspection, or employing other discretionary means, if applicable, including withdrawal of an application for admission.

(1) Withdrawal of application for admission by minors. Whenever appropriate, officers should permit unaccompanied minors to withdraw their application for admission rather than placing them in formal removal proceedings. In deciding whether to permit an unaccompanied minor to withdraw his or her application for admission, every precaution should be taken to ensure the minor's safety and well-being. Factors to be considered include the seriousness of the offense in seeking admission, previous findings of inadmissibility against the minor, and any intent by the minor to knowingly violate the law.

Before permitting a minor to withdraw his or her application for admission, the officer must be satisfied either that the minor is capable of understanding the withdrawal process, or that a responsible adult (relative, guardian, or in cases where a relative or guardian is not available, a consular officer) is aware of the actions taken and the minor's impending return. Officers must attempt to contact a relative or guardian either in the United States or in another country regarding the minor's inadmissibility whenever possible. A minor brought to the United States by a smuggler is to be considered an unaccompanied minor, unless the smuggler is an adult relative (parent, brother, sister, aunt, uncle, or grandparent) or legal guardian. If the smuggler is not a relative or guardian, he or she should not be consulted concerning the disposition of the minor's case.

The true nationality of the minor must be ascertained before permitting the minor to withdraw. Another factor to consider is whether the port of embarkation to which the minor will be returned is the country of citizenship of the minor. A minor may not be returned to or be required to transit through a country which may not be willing or obligated to accept him or her. If the minor is being returned to a third country through a transit point, officers must ensure that an immediate and continuous transit will be permitted.

When deciding whether to permit the minor to withdraw his or her application for admission, officers must also make every effort to determine whether the minor has a fear of persecution or return to his or her country. If the minor indicates a fear of persecution or intention to apply for asylum, or if there is any doubt, especially in the case of countries with known human rights abuses or where turmoil exists, the minor should be placed in removal proceedings under section 240 of the Act. If there is no possibility of a fear of persecution or return and the INS permits the minor to withdraw his or her application for admission, the consular or diplomatic officials of the country to which the minor is being returned must be notified. Safe passage can then be arranged, and after all notifications to family members and government officials have

been made, the minor may be permitted to withdraw.

(2) Minors referred for section 240 proceedings. Except as noted below, if a decision is made to pursue formal removal charges against the unaccompanied minor, the minor will normally be placed in removal proceedings under section 240 of the Act rather than expedited removal. The unaccompanied minor will be charged under both section 212(a)(7)(A)(i)(I) of the Act as an alien not in possession of proper entry documents and section 212(a)(4) of the Act as an alien likely to become a public charge. This additional charge renders the minor subject to removal proceedings under section 240 of the Act. Other charges may also be lodged, as appropriate. As a general rule, minors should not be charged with section 212(a)(6)(C) of the Act, unless circumstances indicate that the alien clearly understood that he or she was committing fraud or that the minor is knowingly involved in criminal activity relating to fraud.

Minors who are placed in section 240 proceedings and who are not in expedited removal may either be released in accordance with the parole provisions, or placed in a DHS-approved juvenile facility, shelter, or foster care in accordance with existing juvenile detention policies and the Flores v. Reno settlement. At all stages of the inspections and removal process, officers should take every precaution to ensure that the minor's rights are protected and that he or she is treated with respect and concern. [See Appendix 17-4, policy memorandum discussing the Flores settlement.]

(3) Expedited removal of minors. Under limited circumstances, an unaccompanied minor may be placed in expedited removal proceedings. The minor may be removed under the expedited removal provisions only if the minor:

- has, in the presence of a DHS officer, engaged in criminal activity that would qualify as an aggravated felony if committed by an adult; or
- has been convicted or adjudicated delinquent of an aggravated felony within the United States or another country, and the inspecting officer has confirmation of that order; or
- has previously been formally removed, excluded, or deported from the United States.

If an unaccompanied minor is placed in expedited removal proceedings, the removal order must be reviewed and approved by the director of field operations, or person officially acting in that capacity, before the minor is removed from the United States. This is in addition to the normal supervisory approval required of all expedited removal cases.

(4) Treatment of Minors during Processing. Officers should treat all minors with dignity and sensitivity to their age and vulnerability. Processing of minors should be accomplished as quickly as possible. Like all persons being detained at POEs, officers must provide the minors access to toilets, sinks, drinking water, food, and medical assistance if needed. Minors may not be placed in short-term hold rooms, nor may they be restrained, unless they have shown or threatened violent behavior, they have a history of criminal activity, or there is a likelihood the juvenile may attempt to escape. Unaccompanied minors should not be held with unrelated adults. Any detention following processing at the POE must be in accordance with the Flores v. Reno settlement.

(Paragraph (f) added 8/21/97; IN97-05)

(g) Minors accompanied by relatives or guardians. If formal proceedings are initiated against an accompanying adult relative or legal guardian, the minor should be placed in the same type of proceeding (i.e. expedited removal or 240 proceedings) as the adult. However, withdrawal of application for admission by the minor should be considered whenever appropriate, even though the relative or guardian may remain subject to formal removal proceedings.

(h) United Nations High Commissioner for Refugees monitoring guidelines. The United States has signed various international agreements accepting an obligation to protect refugees and asylum-seekers from return to persecution or torture, and to follow certain international standards in processing those needing protection. The organization that monitors compliance with these agreements and provides guidance on their implementation is the United Nations High Commissioner for Refugees (UNHCR). As such, the United States has a responsibility to cooperate with UNHCR's requests for access to processes involving those needing protection. Therefore, DHS believes it is appropriate for the UNHCR to observe, to the extent within the resources available to the UNHCR, the expedited removal process to make a fair and impartial assessment of the process.

For these reasons, full cooperation with visiting UNHCR delegations is essential. Below are general guidelines and procedures to follow regarding a visit from the UNHCR. While the guidelines concentrate on the limits of the UNHCR's access and potential problem areas, in our experience the UNHCR has approached site visits professionally and responsibly, providing us with positive comments and useful feedback, and problems are unlikely to arise during its site visits.

(1) UNHCR requests. The UNHCR has agreed to make all requests to observe the expedited removal process at POEs or the credible fear interview at detention facilities in writing to the Office of Field Operations. If any field office receives a request for access to the expedited removal process from a representative of the UNHCR, the field office should advise the representative to make the request to the Office of Field Operations.

Written requests from UNHCR to conduct a site visit must be received a minimum of two weeks in advance. CBP will consider written requests submitted less than two weeks in advance for only exceptional circumstances. The request will include the purpose and site(s) of the visit, the duration of the visit, the complete list of names of the UNHCR staff on the delegation, the title and official responsibilities of everyone on the delegation, the information about the person leading the delegation, and any special needs or requests. The Office of Field Operations will evaluate the request in consultation with the field and make a decision as quickly as possible.

**From:** [REDACTED]  
**To:** [REDACTED] (b)(6), (b)(7)c  
**Cc:**  
**Subject:** FW: Threats Against the Community Tasking: Identification of Best Practices  
**Date:** Thursday, April 14, 2011 2:50:02 PM

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In support of Secure Communities (SC) and the Criminal Alien Program (CAP): I realize that remote processing is not a new concept but a great way to manage a state or AOR would be to set up at least one dedicated terminal in each office to receive SC responses and IARs from the counties that they are responsible for. Ensure that there are ERO offices strategically located throughout the state, that the offices are staffed sufficiently and that the number of counties that the office is responsible for is not too great. This may sound very basic but in North Carolina we are lacking an ERO office in the Eastern part of the state. If we had an office in or around the Wilmington area the officers/agents would be assigned approximately 17 counties. This would be much more efficient than the Charlotte or Raleigh office working counties that are 4-6 hours away. A good example is South Carolina. In 2010 they had two dedicated terminals set up, one in Charleston and one in Greer. The Charleston office is responsible for approximately 30 counties and the Greer office is responsible for approximately 16 counties. As responses come in on the terminal it is the supervisor's responsibility to triage and assign the responses to the agents/officers. The officers/agents can call the jail, interview the subject and determine whether or not a detainer appropriate. Since the SC responses are based off of fingerprints, there is minimal chance that the officer/agent would have to correct the case if he/she processes the case prior to the body rolling into ICE custody. Processing the case within 48 hours is a much more proactive approach and has proven to be better than being reactive and waiting for the body to roll into ICE custody. It would be beneficial if the jail could send the agent/officer prints and a photo but that's not completely necessary if the response was a result of interoperability.

There are a couple of other key parts to this system. The transportation contracts have been extremely beneficial. This allows our officers/agents to concentrate on responses and not get pulled away from interviewing potential criminal aliens. The IRCs have also been extremely beneficial. All offices that do not have 24 hour coverage need to be on-line with the IRC responsible for their area. The IRC provides necessary after hour, weekend and holiday coverage.

[REDACTED] (b)(6), (b)(7)c  
DDO-Program Manager  
ICE/ERO/Office of State and Local Coordination  
Charlotte, NC  
704-672 [REDACTED] (b)(6), (b)(7)

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**From:** [REDACTED] (b)(6), (b)(7)c  
**Sent:** Tuesday, April 12, 2011 2:18 PM  
**Subject:** Threats Against the Community Tasking: Identification of Best Practices

*The following message is being sent on behalf of Gregory J. Archambeault, Assistant Director for Enforcement and approved by David J. Venturella, Assistant Director for Field Operations:*

**To:** Field Office Directors, Deputy Field Office Directors and Assistant Field Office Directors

**Subject:** Threats Against the Community Tasking: Identification of Best Practices

This is the first in a series of requests pursuant to Executive Associate Director Gary Mead's announcement of the ERO Threats Against the Community (TAC) initiative. As outlined by EAD Mead, the specific purpose of the TAC is to identify and close any potential gaps in

ERO's processes of ensuring that every removable alien who poses a threat to the safety of our communities is identified, arrested, processed for removal, detained as necessary, and removed from the United States.

As Secure Communities interoperability expands to an increasing number of jurisdictions, more and more removable criminal aliens are being brought to ERO's attention. The increase is a challenge to field offices who have had to adapt its resources to ensure appropriate coverage. HQCAP and HQNFOP will be compiling a description of the best practices being used by field offices for consideration and implementing throughout ERO.

Recently, FOD Ombudsman Ken Landgrebe asked FODs for similar submissions regarding best practices from their respective field offices. These submissions provided valuable ideas regarding detention and removal management practices. As the Threats against the Community (TAC) initiative is focused on identifying and removing every alien that poses a threat to public safety, please focus your submissions on practices that have proven to work well in regards to the identification and processing of criminal aliens in your AORs.

-  
**Requested Action:**

-  
FODs are encouraged to reach out to their subordinate managers, supervisors, agents, officers and support personnel to identify current best practices that have been implemented in their field offices relative to maximizing ERO's ability to identify, arrest, and process criminal aliens for removal from the United States. If your office is able to identify best practices, you are asked to submit them in response to this tasking. Each best practice example should be limited to one page. Please include in the description any particular challenges the best practice was designed to address, in addition to why the best practice has proven to be more successful than other strategies employed in addressing those challenges. Please include a point of contact (POC) for each example. The POC should be the originator of the idea.

One example of a best practice might include a description of a system your field office has implemented to maximize use of Immigration Alien Responses (IARs) in jails where Secure Communities has been deployed, to enable your agents and officers to more timely place detainees on removable aliens – thereby reducing the likelihood of an alien being released prior to a detainer being placed. Another example might involve a process your office has devised to ensure that a local jail that has not yet activated Secure Communities promptly notifies ERO personnel that a foreign-born individual has been booked into the jail on criminal charges.

Based upon the outstanding productivity being experienced in many of our field offices, there are highly effective strategies that have been devised which can be implemented in similar circumstances at other field offices. Please take this opportunity to multiply the impact of your field office's ingenuity by passing your strategies on to your colleagues.

**Best practices should be submitted to the CAP HQ mailbox no later than close of business, Wednesday, April 20, 2011.**

For any questions related to this task, please contact either acting CAP Chief (b)(6), (b)(7)c at (b)(6), (b)(7)c or (202) 732-(b)(6), (b)(7)c or NFOP Chief (b)(6), (b)(7)c at (b)(6), (b)(7)c or (202) 732-(b)(6), (b)(7)c

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**From:** [REDACTED]  
**To:** [REDACTED] (b)(6), (b)(7)c  
**Cc:**  
**Subject:** FW: Operation Cross Check V  
**Date:** Friday, July 26, 2013 7:50:17 AM  
**Attachments:** [Op Plan CCV.docx](#)  
[CrossCheck-V-Template\(2013\).xls](#)  
[Egregious Write-Up.docx](#)  
[Processing Instructions.docx](#)

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The template is attached. We need to start getting it filled in soon. Whoever has their cases ready let everyone know that you are starting the spreadsheet. When you finish putting in your info pass it on to the next person. Headquarters wants it by the 2<sup>nd</sup>. That means Atlanta is going to want it by mid-week next week. Very short notice. All other enforcement activities need to be put on hold. (b)(6), (b)(7) is on leave until August 5<sup>th</sup> and (b)(6), (b)(7) wont be back until July 30<sup>th</sup>. (b)(6), (b)(7) is out all week also. That leaves 8 cases each for the 3 remaining officers. I will go through (b)(6), (b)(7) docket and see how many cases I can come up with.

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**From:** [REDACTED] (b)(6), (b)(7)c  
**Sent:** Friday, July 26, 2013 6:29 AM  
**To:** [REDACTED] (b)(6), (b)(7)c  
**Cc:** [REDACTED]  
**Subject:** FW: Operation Cross Check V

Guys,  
Here is the Ops plan, target spreadsheet, and the additional instructions from HQ.

[REDACTED] (b)(6), (b)(7)

-----Original Message-----

**From:** [REDACTED] (b)(6), (b)(7)c  
**Sent:** Thursday, July 25, 2013 04:40 PM Eastern Standard Time  
**To:** [REDACTED] (b)(6), (b)(7)c  
**Cc:** [REDACTED] (b)(6), (b)(7)c  
**Subject:** FW: Operation Cross Check V

See below and attached. Let me know if there are any questions or concerns I need to raise with the FOD.

[REDACTED] (b)(6), (b)(7)c  
DEPUTY FIELD OFFICE DIRECTOR  
(RESPONSIBLE FOR THE STATE OF GEORGIA, EXCEPT THE STEWART DETENTION CENTER)  
ATLANTA FIELD OFFICE  
ENFORCEMENT AND REMOVAL OPERATIONS  
U. S. IMMIGRATION AND CUSTOMS ENFORCEMENT  
DEPARTMENT OF HOMELAND SECURITY  
OFFICE: (404) 893-[REDACTED] (b)(6), (b)(7)

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**From:** [REDACTED] (b)(6), (b)(7)c  
**Sent:** Thursday, July 25, 2013 4:27 PM  
**Subject:** Operation Cross Check V

*This message is sent on behalf of (b)(6), (b)(7)c Assistant Director for Secure Communities and Enforcement, with the concurrence of (b)(6), (b)(7)c Assistant Director for Field Operations:*

**To: Field Office Directors, Deputy Field Office Directors, and Assistant Field Office Directors for Fugitive Operations**

**Subject: Operation Cross Check V**

National Operation Cross Check V (CCV) is a targeted enforcement operation focusing on at-large criminal aliens with Secure Communities Levels 1 and 2 convictions, as well as Level 3 convictions for crimes of violence or involving a threat to public safety. CCV will utilize the 129 Fugitive Operations Teams in all 24 field offices, with each team targeting at least 25 at-large criminal aliens per team. The operational phase is from Wednesday, August 14, 2013, through Saturday, August 17, 2013.

Pertinent examples of crimes that would fall within the targeting parameters of Level 3 crimes, include but are not limited:

Crimes of Violence

- Assault
- Battery
- Domestic Violence

Threat to Public Safety

- Weapons Violations
- DUI (conviction within the last three years)

Each FOD will need to review their target list to ensure that all Level 3 targets meet the Crime of Violence/Public Safety Threat criteria and should coordinate this review with their local Offices of Chief Counsel. These lists will also be subject to review by the National Fugitive Operations Program and the Fugitive Operations Support Center, and targets not meeting these criteria will be removed from the list. Understanding that many crimes are pled to lesser offenses, if there are any meritorious cases which you feel should be included in this operation, please contact HQ FUGOPS to discuss.

Attached are: (1) the approved Headquarters Operation Plan, (2) Targeting Spreadsheet to be utilized by each field office, (3) Egregious Write-Up example, and (4) Processing Instructions. Please modify the attached operation plan as appropriate to reflect your specific AOR and update any additional information as it pertains to your field office. **Operational plans submitted from the field will only be accepted in word format. Only the signature page should be scanned and sent as a separate document.** There will be no TDY travel funding and no overtime funds available.

Field Office Directors must submit the following by the dates/times listed below:

--	--	--	--



Due Date	Time	Item Required	Due To
7/31/2013	COB	POC for the CCV database	FOSC
8/1/2013	COB	Signed Operational Plan	NFOP
8/2/2013	COB	Initial Target List	NFOP & FOSC
8/8/2013	12:00 EDT	Final Target List	FOSC
8/9/2013	COB	One Egregious Target Write-Up	NFOP
8/14-16/2013	16:00 EDT	Egregious Criminal Arrest Write-Up	NFOP
8/14-16/2013	16:00 EDT	Reporting Data Spreadsheet	FOSC
8/17/2013	14:00 Local	Egregious Criminal Arrest Write-Up	NFOP
8/17/2013	14:00 Local	Reporting Data Spreadsheet	FOSC

The Secure Communities and Enforcement Division is committed to assisting the field offices in this endeavor, and a schedule for CCV conference calls will be forthcoming. If you have any questions, please email the (b)(6), (b)(7)c mailbox or contact NFOP Unit Chief

(b)(6), (b)(7)c via email (b)(6), (b)(7)c or (202) 732-(b)(6), (b)(7)c

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# Enforcement and Removal Operations Operation Cross Check V



LIMITED OFFICIAL USE

HEADQUARTERS (HQ) APPROVED  
OPERATION PLAN

SECURE COMMUNITIES AND ENFORCEMENT DIVISION

1

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## OPERATION CROSS CHECK V

Dates: August 14 - 17, 2013

### I. Situation

The objective of Operation Cross Check V is to apply an organized, methodical approach to the identification, location and arrest of at-large criminal aliens with Secure Communities Levels 1 and 2 convictions, as well as Level 3 convictions for crimes of violence or involving a threat to public safety. This operation will occur in all 24 ERO Field Office Areas of Operational Responsibility (AOR), consistent with the Immigration and Customs Enforcement (ICE) enforcement priorities.

Operation Cross Check V will utilize the 129 Fugitive Operations Teams (FOTs) located within the 24 AORs and agents from corresponding ICE Homeland Security Investigations (HSI) Special Agent in Charge (SAC) offices across the country. Resources from CAP and the Detained/Non-Detained units will also participate in this enforcement operation.

Prior to commencement of the operation, teams will evaluate lead information to identify at-large criminal aliens. Target cases amenable to prosecution will be presented to the U.S. Attorney's Office (USAO) in pursuit of criminal arrest warrants to include, but not limited to, 8 USC 1326 and 8 USC 1253. Prosecutions for other offenses will be guided by the August 20, 2007 memorandum, DRO/OI Protocols. ERO will also collaborate with U.S. Citizenship and Immigration Services to evaluate criminal alien case referrals for inclusion in the operation.

Upon approval of this operational plan, Field Office Directors (FOD) will collaborate with each USAO in their respective AORs to seek cooperation in obtaining criminal arrest warrants, indictments and acceptance of prosecutions.

In addition, the FODs are directed to coordinate with the local SAC, as well as other federal, state and local law enforcement agencies (LEAs) to encourage their participation in this operation. FODs should coordinate with the United States Marshals Service (USMS) Regional Task Forces, local USMS task forces, and other law enforcement partners. Arrangements should be made with the USMS to ensure space requirements and coordinate initial appearances. Local probation and parole offices should also be consulted in target development and 4<sup>th</sup> amendment waiver considerations during operations.

This operation will consist of four (4) days of enforcement activity executed simultaneously across all 24 ERO field offices from August 14 - 17, 2013.

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The Executive Associate Director (EAD), Deputy Executive Associate Director (Deputy EAD), Assistant Director (AD) for Secure Communities and Enforcement, and the Field Office Directors (FODs) have been briefed on this operational plan and support its execution.

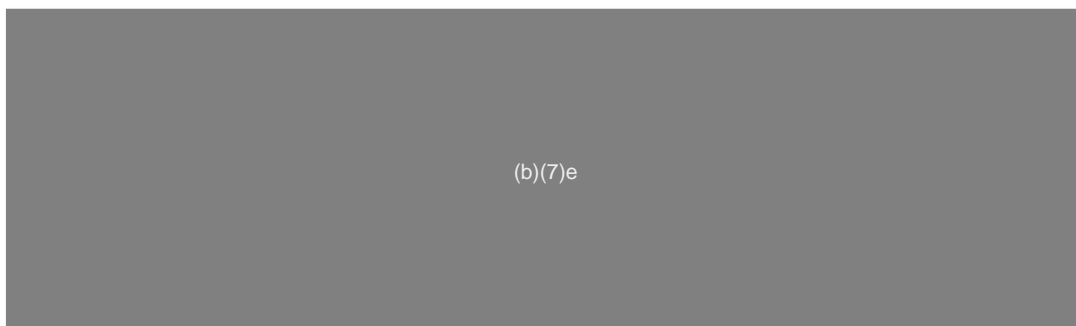
### A) Targeted Aliens – (3,225<sup>1</sup>)

The 129 FOTs will target approximately 3,225 at-large criminal aliens nationwide (25 targets per team). Teams will generate target lists of criminal aliens with Secure Communities Levels 1 and 2 convictions, as well as Level 3 convictions for crimes of violence or involving a threat to public safety.

By August 2, 2013, each field office will compile a target list, which the FOD must review and approve, prior to submission to the Fugitive Operations Support Center (FOSC) and NFOP for review. Once approved by HQ, the final lists will be disseminated to the respective FODs.

Enforcement actions may also be taken against non-targeted aliens encountered during the course of this operation who are determined to be removable and found to present a public safety threat or otherwise meet ICE's enforcement priorities, as provided in this operation plan. If safe to do so, and if there is articulable reasonable suspicion that the non-targeted aliens encountered during the operation may be in the United States unlawfully, they should be checked for criminal and immigration histories while at the arrest location or taken to an ERO office and checked as quickly as possible. Based on the Prosecutorial Discretion Guidelines, appropriate charging and detention decisions should be made on a case-by-case basis. (See attached Excel spreadsheet for target list.)

### B) Hours of Operation



<sup>1</sup> Focus on targets may be subject to change based on HQ operational directives. Subsequent changes relating to target focus and scope will not require a new operational plan.

Procedures. Supervisory staff will change shift hours as needed in order to facilitate the operation.

When a daily target list has been exhausted early in the day, consideration should be given to pursuing additional targets and/or conducting additional casework related to identified targets.

### C) Local Situation

The 129 FOTs will conduct the operation with other resources from local CAP and Detained/Non-Detained units, as well as the following Law Enforcement Agencies (LEAs): see attachment. The FODs must commit all necessary resources within their jurisdictions. **(See attached Excel spreadsheet for Team and LEA breakdown)**

### D) Operational De-Confliction

HSI has been advised of the operation and has stated that they do not anticipate any conflict in the targeted areas, and have agreed to participate. The target list will be queried i [REDACTED] (b)(7)e [REDACTED] to ensure de-confliction with HSI and other law enforcement entities.

### E) Local Law Enforcement Agencies (LEAs)

The FOT Supervisory Detention and Deportation Officer (SDDO) shall advise local LEAs prior to the execution of any Headquarters (HQ) approved or FOD approved fugitive operation plan. The standard operating procedures for local law enforcement agencies will vary from location to location and should be established through proactive liaison. During the course of the operation, if a target is found to be in an area outside the jurisdictions originally notified as part of the plan, every reasonable effort will be made to notify the newly affected LEA prior to the FOT's arrival and, if that is not possible, as soon as practicable thereafter. In the presence of exigent circumstances, it may be prudent to not provide notification of impending fugitive operations within each jurisdiction. **(If this is the case, the FOD must be made aware of these circumstances and concur with written justification not to notify the local LEAs.)**

### F) Sensitive Locations and 4<sup>th</sup> Amendment

[REDACTED]  
(b)(7)e

4

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All personnel assigned to the operation must be current on 4<sup>th</sup> Amendment training requirements. In addition, FODs may choose to seek additional training by the Office of Chief Counsel prior to the operation, as is the case with national operations. During the pre-operational briefing, the Office of Chief Counsel will provide a 4<sup>th</sup> Amendment overview.

### G) Community Issues or Politically Sensitive Issues

HQERO will provide the ICE Offices of Public Affairs (OPA) and Congressional Relations (OCR) with the specifics of the operation, to include the operational dates and location of the initiative. If the operation can reasonably be expected to result in a negative community response, this must be specifically communicated to these offices and the Assistant Director for Field Operations. No proactive outreach shall be conducted with non-law enforcement entities on the planning or execution of this operation.

### H) Juveniles

The presence of juveniles at a target location, or in the care of a targeted alien, will be explored during initial investigation, surveillance and diligent research of available indices. In the event that minors are identified, or likely to be encountered at a particular residence, family members, care providers and community, as well as state and county juvenile resources, will be identified and a plan of care for the juveniles will be addressed prior to the commencement of operations. Juveniles will be turned over to county resources only as a last resort. Prosecutorial discretion will be applied as appropriate. Officers will limit contact with any identified juvenile to the extent officer safety is not compromised. In addition, the utmost care and consideration will be used when dealing with juveniles, especially when juveniles are present during interviews or encounters with adults. The questioning of juveniles will be kept to a minimum and conducted in the least threatening manner and environment possible. **(List names and ages of known juveniles, and plan of care including care giver contact name and numbers. If there are no juveniles on target list, state so here.)**

If unaccompanied alien juveniles are encountered, the local juvenile coordinator will be contacted for guidance. If this person is unavailable, the Office of Refugee

Resettlement (ORR) must be notified at 202-401 (6), (b)( upon completion of processing.

In the event that juvenile(s) is/are present, and their presence was not anticipated during operational enforcement activities, the FOT SDDO and team leaders may need to seek assistance from the state or local governmental agency responsible for juvenile issues, i.e. Child Protective Services (CPS). As such, the FOT SDDO and team leaders will be in possession of the agency's appropriate contact numbers, to be used as deemed necessary throughout the entirety of the operation. **List agency names, contacts and phone numbers here or see attachment.**

Whenever possible, juveniles will be placed in the care of immediate family members that have no ascertainable criminal history. If there are no other options, primary care providers who fall within ICE enforcement priorities and are subject to removal but have no ascertainable criminal record, may be placed on an Order of Supervision or Order of Release on Recognizance with SDDO/AFOD approval.

#### I) Prosecutions

In instances where an alien is amenable to prosecution, the case will be presented to the United States Attorney's Office/State Attorney's Office as appropriate. If the case is accepted for prosecution, an I-247, Immigration Detainer, will be filed with the agency assuming custody of the alien. If the United States Attorney's Office/State Attorney's Office declines to prosecute, the declination will be recorded in the narrative portion of the I-213 and included in the file.

#### J) Gangs

In the event ICE personnel encounter an alien affiliated with a street gang, officers must record the appropriate information on Form I-213 and photograph any tattoos. A copy of the I-213 and photos will be forwarded to the officer responsible for entering the subject's information into the ICE gang database. Entry of information into the ICEGangs database about suspected gang members and associates is required within 72 hours of encounter. Where operationally safe, photos will be taken in residences where gang tags and/or paraphernalia are prevalent, to include a photo of the front of the house for future officer safety concerns.

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## ICE Definitions of Gang Member and Gang Associate

**Gang Member:** A gang member is defined as anyone who admits gang affiliation, convicted of violations associated with 18 U.S.C. § 521 or any other Federal or state law punishing or imposing civil consequences for gang-related activity or association, or falls under two or more of the following criteria, one of which occurred in the previous five years:

- Subject has tattoos identifying a specific gang.
- Subject frequents an area notorious for gangs and or associates with known gang members.
- Subject has been seen displaying gang hand signs/symbols.
- Subject has been identified as a gang member by a reliable source or by an informant (tested or untested).
- Subject has been arrested on two or more occasions with known gang members (if the most recent arrest occurred in the past five years, the “previous five years” requirement is deemed to have been met).
- Subject has been identified as a gang member by a jail, prison, or other LEA.
- Subject has been identified as a gang member through seized written or electronic correspondence.
- Subject has been seen wearing gang apparel or been found possessing gang paraphernalia.
- Subject has been identified as a gang member through documented reasonable suspicion.

**Associate Gang Member:** An associate gang member is defined as an individual who exhibits one of the above listed gang member criteria but not formally initiated into the gang. The officers/agents conducting the arrest will determine whether indications of association are present.

## II. Mission

To identify, arrest, and remove aliens who present a danger to national security or are a risk to public safety, as well as those who enter the United States illegally or otherwise undermine the integrity of our immigration laws and our border control efforts. ERO upholds America's immigration laws at, within, and beyond our borders through efficient enforcement and removal operations.

One of the most important ICE mandates is the enhancement of public safety and the security of the American public. The broad authority of ICE allows for the identification and removal of dangerous, often recidivist, criminals engaged in crimes such as murder,

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predatory sexual offenses, narcotics trafficking, alien smuggling, and a host of other crimes that have a profoundly negative impact on our society. The Fugitive Operations Division supports this mandate by performing strategic planning and establishing policy designed to augment ICE's ability to arrest and remove these aliens from the United States.

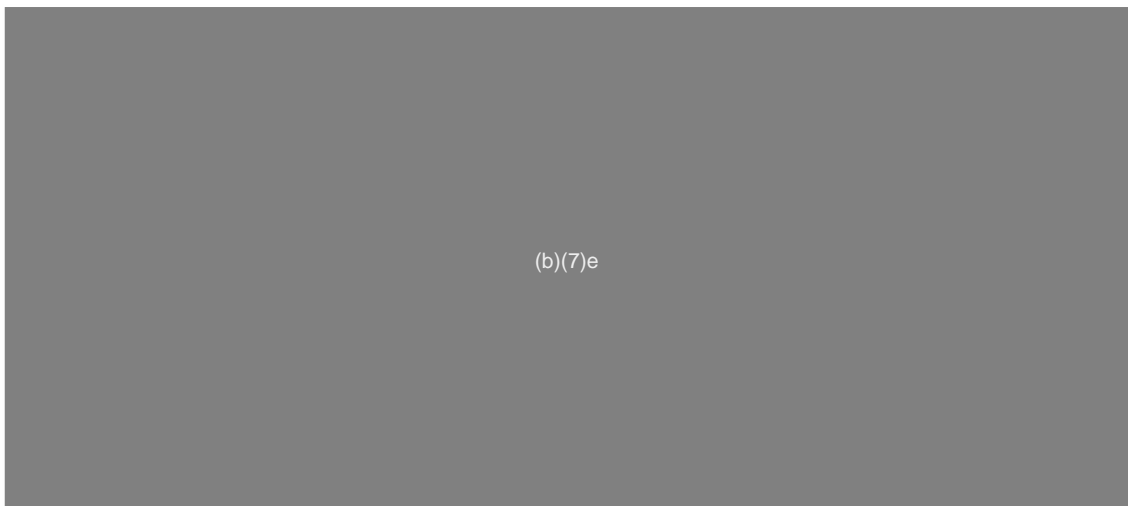
Operation Cross Check V is a targeted, organized, methodical approach to the identification, location and arrest of at-large criminal aliens with Secure Communities Levels 1 and 2 convictions, as well as Level 3 convictions for crimes of violence or involving a threat to public safety.

### III. Execution

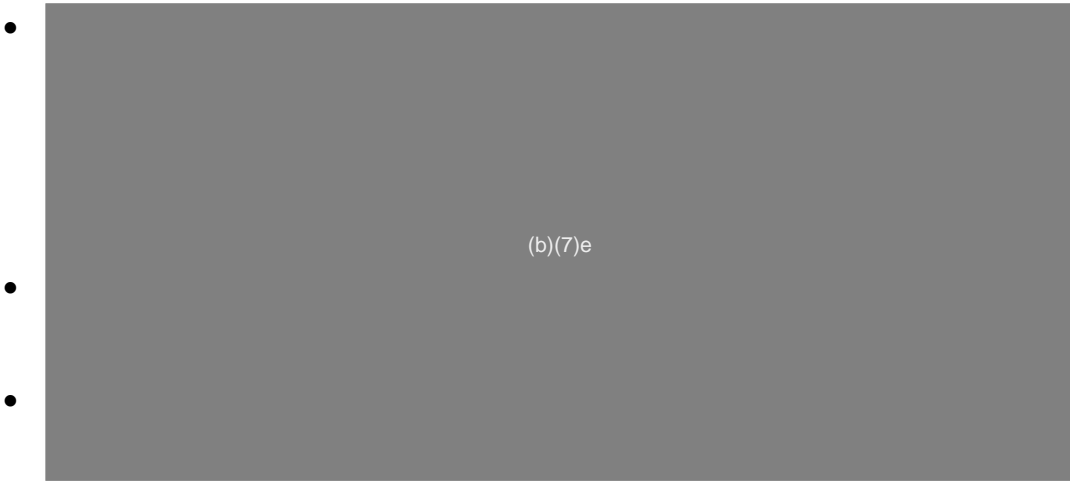
#### A) Director's Intent

This operation is being conducted in furtherance of ICE's enforcement priorities. The objective of these priorities is the enhancement of public safety and the security of the American public. The broad authority of ICE allows for the identification and removal of dangerous, often recidivist, criminals engaged in crimes such as murder, predatory sexual offenses, narcotics trafficking, alien smuggling, and a host of other crimes that have a profoundly negative impact on our society.

#### B) Concept of Operations



This operation will consist of four (4) days of enforcement activities from August 14, 2013, through August 17, 2013.



### C) Tasks

1. The NFOP and FOOSC: A copy of the Operational Plan and target list will be sent to the FOOSC and NFOP via the (b)(6), (b)(7)c Mailbox. Submissions must include the Operational Plan, Signed FOD Signature Page, Target List, and Personnel breakdown, along with any additional attachments as necessary.
2. The Law Enforcement Support Center (LESC) is available 24 hours a day, seven days a week and will provide support to FOTs conducting operations. All officers/agents participating in the operation should have the contact number for the LESL: 802-872-(6), (b)(7)c. When calling the LESL, officers should be prepared to provide their individual LESL officer ID number.
3. HQ/Field Operations: Prior to the operation, NFOP will provide HQ/Field Operations with a copy of the approved operational plan.

Each FOD will be responsible for identifying suitable detention space within their AOR. Should additional detention resources be required, the FOD will coordinate locating those resources with HQ/Field Operations.

## IV. Administration

### A) Safety

Mandatory Element: **Safety is paramount.**

1. All participating officers/agents will be fully equipped with both deadly and non-deadly force weapons, service-issued firearms and personal body armor.
2. Beyond verbally identifying themselves as law enforcement officers, all enforcement personnel must utilize law enforcement identifiers, such as neck badges, belt badges, and outer garments affixed with ICE identifiers. In order to ensure uniformity, outer garments, if utilized during the operation, must be prominently affixed with both the words "ICE" and "Police."
3. Officers will not engage in high/low-speed vehicle pursuits.
4. No additional training will be necessary prior to this operation.

## B) Logistics

1. Primary processing location: All detainees will be transported to local detention facilities for processing.
  - a. Secondary detention and processing site(s) to be determined as needed.
  - b. The SDDO will coordinate requests for additional staff to support the enforcement operation. Requests will be made through the FOT AFOD with concurrence from the appropriate FODs.
2. Lodging and per diem: Lodging and per diem expenses **are not authorized** for this operation.
3. Removal efforts: Pursuant to ERO's goal of expeditiously removing all aliens with final orders, the below actions will be performed to facilitate this objective:
  - a. Once arrested, all detainees will be transported to the nearest ERO office for initial processing. All files will be reviewed by the FOT team leader/SDDO for legal sufficiency prior to the alien being transferred to an appropriate detention facility.
    - No health & safety inspection is required for any facility or equipment being utilized for this operation.
    - No contracts need to be reevaluated.

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- b. Each operational team has been instructed to secure any and all legally issued identity documents for all arrestees who will require a travel document for removal. All teams will make every legal effort to secure these documents prior to departing the arrest location. Obtaining these documents at the time of arrest will greatly decrease time spent in detention.
- c. Any non-fugitive arrests that require a Notice to Appear will be presented with the option of a Stipulated Removal to aid in the reduction of detention time, if deemed appropriate by supervisory personnel given the circumstances. To the extent possible, FODs will work with their Office of Chief Counsel and EOIR to ensure their availability to approve stipulated removals during the operation.
- d. FOTs will not *target* aliens outside the scope of Operation Cross Check V, although other removable aliens falling within ICE enforcement priorities may be arrested as appropriate if encountered during the operation, and circumstances dictate such action, in accordance with existing policy.
- e. Prosecutorial discretion in immigration enforcement matters must be exercised, consistent with all established guidelines with supervisory oversight, by ICE officers/agents. This applies at all levels during the execution of the operation and could be applied during the pre-arrest, arrest, and custody phase. Communication within the local field office is imperative and nothing within this operation plan should be interpreted to supersede local management oversight and execution of prosecutorial discretion protocols.
- f. When appropriate, a form of alternative to detention may be utilized if authorized by supervisory personnel.

List alternative methods here if utilized.

### C) General Reporting Requirements

1. Daily Reports: Submitted to the AFOD, FOSC via established protocols, and NFOP via the (b)(6), (b)(7)c Mailbox utilizing the HQ approved FOSC reporting database designed to capture nationwide at-large surge operation statistics. Reports will be submitted once a day by 1600 hours Eastern

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Daylight Time (EDT) for the day's activities up to the submission of the report.

2. ALL ENFORCE entries pursuant to this operation will use "Cross Check V" in the operational dropdown on the initial event screen.
3. ALL Fugitive Case Management System (FCMS) entries pursuant to this operation will use "Cross Check V" in the operational dropdown on the arrest screen.

**Quality Assurance:** An officer(s), and support staff as needed, who are not involved with the operation, will review target files against the daily report to ensure that the statistics reported are accurate. This review must be completed daily and at the conclusion of the operation. If asked to provide statistics prior to validation, the information must be clearly identified as not validated and subject to change.

- g. Weekly Reports: Standard HQ FUGOPS reporting via FCMS.
- h. Significant Event Notification (SEN): A SEN/Significant Incident Report (SIR)/Significant Proposed Enforcement Activity Report (SPEAR) will only need to be submitted if events or incidents occur that warrant their generation in accordance with established policies and procedures.
- i. Report Format: At the conclusion of daily operations, each team leader will ensure that the FCMS is properly updated with all FOT arrests and that these arrests are validated in ENFORCE.

#### **D) After-Action Reporting Requirements**

1. Field Offices should conduct an after-action briefing as soon as practicable after completion of the operation and before the after-action conference.
2. NFOP will conduct a national after-action teleconference on August 21, 2013 for key operational and administrative personnel involved in the final phase(s) of the enforcement operation.
3. Format: The format for issues will be:
  - a. Topic
  - b. Discussion
  - c. Recommendation(s)

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4. Formal after action report: A memorandum of results will be generated and forwarded to the FOD for review as necessary.
5. HQ ICE OPA will coordinate with the Assistant Director for Secure Communities & Enforcement and generate a press release upon completion of the operation as necessary. ICE Public Affairs contact number(s) are available as necessary.

**Command and Control**

1. Primary means of communication will be via radio, telephone and E-mail.

**General**

Emergencies: 911  
Sector: 1-800-X-(b)(6)-(b)(7)c (973-(b)(6), (b)(7)c)  
ORR: 202-401-(b)(6), (b)(7)c  
LESC: 802-872-(b)(6), (b)(7)c  
LESC POC:  
FOSC POC:

**Local**

AFOD:  
SDDO:

**AUTHORIZING OFFICIAL**

\_\_\_\_\_  
Field Office Director  
Field Office

**APPROVING OFFICIAL**

\_\_\_\_\_  
(b)(6), (b)(7)c  
Assistant Director  
Secure Communities & Enforcement

**ATTACHMENTS: (If applicable)**

- Attachment 1: Complete Target List-*submitted separately once finalized*
- Attachment 2: Other than normal operational hours justification
- Attachment 3: Operational Support
- Attachment 4: Supporting Agency Contact Information
- Attachment 5: CPS Contact List
- Attachment 6: Cost Estimate for HQ requested funds

**DISTRIBUTION:**

- HQ NFOP
- HQ FOSC
- HQ Field Operations
- FOD
- DFOD
- Fugitive Operations AFOD

**EGREGIOUS TARGET**



(b)(6), (b)(7)c



## Processing Instructions

1. Each field office is required to conduct all processing through ENFORCE and TECS, as applicable. It is imperative that statistical tracking and data quality are appropriately maintained to ensure accurate reporting to stakeholders.
2. **All personnel, regardless of assigned unit** (CAP, VCAS, Detained, etc.) will ensure their assigned program area in ENFORCE is Fugitive Operations. Fug Ops Events must utilize specific information:

(b)(7)e

- Operation is “**National Operation Cross Check V**”
3. All TECS case management will include project code (b)(7)e for every prosecution or seizure associated with this operation.



## MINUTES CAP TELECONFERENCE

1. Meeting:

CAP Teleconference / Reoccurring

2. Organization:

DHS / ICE / ERO HQ / Criminal Alien Program / Operations

3. Date, Time, Place:

Wednesday, July 7, 2010 / 11:00 hrs / DROHQ PCN Suite # 2101

4. Presiding Officer:

(b)(6), (b)(7)c

Unit Chief (A) CAP Operations

Officer (b)(6), (b)(7)c opened the meeting by taking a roll call of all attendees. A quorum of representatives from the 24 DRO Field Offices affirmed their participation as seen below:

Field Office	In attendance?		
ATL	Y	NOL	Y
BAL	Y	NYC	N
BOS	Y	NEW	N
BUF	Y	PHI	N
CHI	Y	PHO	Y
DAL	Y	SLC	Y
DEN	N	SNA	Y
DET	Y	SND	Y
ELP	Y	SFR	Y
HOU	Y	SEA	Y
LOS	Y	SPM	Y
MIA	N	WAS	Y



Officer (b)(6), (b)(7)c led the conference and briefly discussed the following:

1. Priorities for CAP have changed. Please view the Memo from Assistant Secretary Morton regarding ERO's priorities.
  2. An initiative is continuing regarding the SC level crime button. This change will allow an entry on the EARM screen. The new procedure requires an Officer to input current criminal/pending charge activity. Its deployments, scheduled for 10/1/2010 will include detail instructions.
  3. The 1.1 DRO Processing Manual will supersede all other processing guides for ERO.
  4. [Redacted] (b)(6), (b)(7)c, (b)(7)e
  5. TECS Issues: Indictments are being monitored closely. Field Officers have 10 days from the date of an ROI update to add statistics. CAP noticed entries are being made on cases as far back as October 2009. These late entries impact the reported Prosecutions numbers and create inaccuracies. This practice should be discontinued immediately.
  6. Prosecution statistics will be put into the (W) Share Drive. The group code can be used to break out data when used as directed by CAP.
  7. The Jail Enforcement Model for 287g is a part of ERO. Contact (b)(6), (b)(7)c or (b)(6), (b)(7)c should you have any questions or concerns.
- HQ POC by AOR:

(b)(6), (b)(7)c		
<b>Detroit</b>	<b>Phoenix</b>	<b>Miami</b>
<b>St Paul</b>	<b>Seattle</b>	<b>Houston</b>
<b>Denver</b>	<b>EL Paso</b>	<b>Los Angeles</b>
<b>Salt Lake City</b>	<b>San Diego</b>	<b>San Francisco</b>
<b>Newark</b>	<b>SAN ANTONIO</b>	<b>Atlanta</b>
<b>Washington</b>	<b>New Orleans</b>	<b>Chicago</b>
<b>Baltimore</b>	<b>New York City</b>	<b>Buffalo</b>
<b>Philadelphia</b>	<b>Dallas</b>	<b>Boston</b>



## QUESTIONS FROM THE QUORUM

A number of questions were raised regarding the following issues:

- Chicago: Is there a date for the new processing manual?
  - The manual is still being vetted through the respective programs and divisions in HQ.
- When will the crime button become active?
  - 10/1/2010, training and further guidance is being developed now.
- How can landmarks be differentiated for Probation and Parole?
  - As per the processing guide use the program in the beginning of the landmark (VCAS- Adams county probation and parole)
- Phoenix: Have issues on CAP surge cases been corrected in the IIDS report?
  - CAP is doing an analysis of the corrections
- San Antonio: How can access be granted to the share Drive?
  - Contact (b)(6), (b)(7)c via email.
- Seattle: Reported their seven day surge has been completed. The field office will submit the report.


Call ended.

JUN 30 2010



U.S. Immigration  
and Customs  
Enforcement

MEMORANDUM FOR: All ICE Employees

FROM: John Morton  
Assistant Secretary 

SUBJECT: Civil Immigration Enforcement: Priorities for the Apprehension, Detention, and Removal of Aliens

Purpose

This memorandum outlines the civil immigration enforcement priorities of U.S. Immigration and Customs Enforcement (ICE) as they relate to the apprehension, detention, and removal of aliens. These priorities shall apply across all ICE programs and shall inform enforcement activity, detention decisions, budget requests and execution, and strategic planning.

*A. Priorities for the apprehension, detention, and removal of aliens*

In addition to our important criminal investigative responsibilities, ICE is charged with enforcing the nation's civil immigration laws. This is a critical mission and one with direct significance for our national security, public safety, and the integrity of our border and immigration controls. ICE, however, only has resources to remove approximately 400,000 aliens per year, less than 4 percent of the estimated illegal alien population in the United States. In light of the large number of administrative violations the agency is charged with addressing and the limited enforcement resources the agency has available, ICE must prioritize the use of its enforcement personnel, detention space, and removal resources to ensure that the removals the agency does conduct promote the agency's highest enforcement priorities, namely national security, public safety, and border security.

To that end, the following shall constitute ICE's civil enforcement priorities, with the first being the highest priority and the second and third constituting equal, but lower, priorities.

**Priority 1. Aliens who pose a danger to national security or a risk to public safety**

The removal of aliens who pose a danger to national security or a risk to public safety shall be ICE's highest immigration enforcement priority. These aliens include, but are not limited to:

## Civil Immigration Enforcement: Priorities for the Apprehension, Detention, and Removal of Aliens

### Page 2

- aliens engaged in or suspected of terrorism or espionage, or who otherwise pose a danger to national security;
- aliens convicted of crimes, with a particular emphasis on violent criminals, felons, and repeat offenders;
- aliens not younger than 16 years of age who participated in organized criminal gangs;
- aliens subject to outstanding criminal warrants; and
- aliens who otherwise pose a serious risk to public safety.<sup>1</sup>

For purposes of prioritizing the removal of aliens convicted of crimes, ICE personnel should refer to the following new offense levels defined by the Secure Communities Program, with Level 1 and Level 2 offenders receiving principal attention. These new Secure Communities levels are given in rank order and shall replace the existing Secure Communities levels of offenses.<sup>2</sup>

- Level 1 offenders: aliens convicted of “aggravated felonies,” as defined in § 101(a)(43) of the Immigration and Nationality Act,<sup>3</sup> or two or more crimes each punishable by more than one year, commonly referred to as “felonies”;
- Level 2 offenders: aliens convicted of any felony or three or more crimes each punishable by less than one year, commonly referred to as “misdemeanors”; and
- Level 3 offenders: aliens convicted of crimes punishable by less than one year.<sup>4</sup>

#### **Priority 2. Recent illegal entrants**

In order to maintain control at the border and at ports of entry, and to avoid a return to the prior practice commonly and historically referred to as “catch and release,” the removal of aliens who have recently violated immigration controls at the border, at ports of entry, or through the knowing abuse of the visa and visa waiver programs shall be a priority.

#### **Priority 3. Aliens who are fugitives or otherwise obstruct immigration controls**

In order to ensure the integrity of the removal and immigration adjudication processes, the removal of aliens who are subject to a final order of removal and abscond, fail to depart, or intentionally obstruct immigration controls, shall be a priority. These aliens include:

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<sup>1</sup> This provision is not intended to be read broadly, and officers, agents, and attorneys should rely on this provision only when serious and articulable public safety issues exist.

<sup>2</sup> The new levels should be used immediately for purposes of enforcement operations. DRO will work with Secure Communities and the Office of the Chief Information Officer to revise the related computer coding by October 1, 2010.

<sup>3</sup> As the definition of “aggravated felony” includes serious, violent offenses and less serious, non-violent offenses, agents, officers, and attorneys should focus particular attention on the most serious of the aggravated felonies when prioritizing among level one offenses.

<sup>4</sup> Some misdemeanors are relatively minor and do not warrant the same degree of focus as others. ICE agents and officers should exercise particular discretion when dealing with minor traffic offenses such as driving without a license.

## Civil Immigration Enforcement: Priorities for the Apprehension, Detention, and Removal of Aliens

Page 3

- fugitive aliens, in descending priority as follows:<sup>5</sup>
  - fugitive aliens who pose a danger to national security;
  - fugitives aliens convicted of violent crimes or who otherwise pose a threat to the community;
  - fugitive aliens with criminal convictions other than a violent crime;
  - fugitive aliens who have not been convicted of a crime;
- aliens who reenter the country illegally after removal, in descending priority as follows:
  - previously removed aliens who pose a danger to national security;
  - previously removed aliens convicted of violent crimes or who otherwise pose a threat to the community;
  - previously removed aliens with criminal convictions other than a violent crime;
  - previously removed aliens who have not been convicted of a crime; and
- aliens who obtain admission or status by visa, identification, or immigration benefit fraud.<sup>6</sup>

The guidance to the National Fugitive Operations Program: Priorities, Goals and Expectations, issued on December 8, 2009, remains in effect and shall continue to apply for all purposes, including how Fugitive Operation Teams allocate resources among fugitive aliens, previously removed aliens, and criminal aliens.

### *B. Apprehension, detention, and removal of other aliens unlawfully in the United States*

Nothing in this memorandum should be construed to prohibit or discourage the apprehension, detention, or removal of other aliens unlawfully in the United States. ICE special agents, officers, and attorneys may pursue the removal of any alien unlawfully in the United States, although attention to these aliens should not displace or disrupt the resources needed to remove aliens who are a higher priority. Resources should be committed primarily to advancing the priorities set forth above in order to best protect national security and public safety and to secure the border.

### *C. Detention*

As a general rule, ICE detention resources should be used to support the enforcement priorities noted above or for aliens subject to mandatory detention by law. Absent extraordinary circumstances or the requirements of mandatory detention, field office directors should not expend detention resources on aliens who are known to be suffering from serious physical or mental illness, or who are disabled, elderly, pregnant, or nursing, or demonstrate that they are

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<sup>5</sup> Some fugitives may fall into both this priority and priority 1.

<sup>6</sup> ICE officers and special agents should proceed cautiously when encountering aliens who may have engaged in fraud in an attempt to enter but present themselves without delay to the authorities and indicate a fear of persecution or torture. See Convention relating to the Status of Refugees, art. 31, *opened for signature* July 28, 1951, 19 U.S.T. 6259, 189 U.N.T.S. 137. In such instances, officers and agents should contact their local Office of the Chief Counsel.

primary caretakers of children or an infirm person, or whose detention is otherwise not in the public interest. To detain aliens in those categories who are not subject to mandatory detention, ICE officers or special agents must obtain approval from the field office director. If an alien falls within the above categories and is subject to mandatory detention, field office directors are encouraged to contact their local Office of Chief Counsel for guidance.

*D. Prosecutorial discretion*

The rapidly increasing number of criminal aliens who may come to ICE's attention heightens the need for ICE employees to exercise sound judgment and discretion consistent with these priorities when conducting enforcement operations, making detention decisions, making decisions about release on supervision pursuant to the Alternatives to Detention Program, and litigating cases. Particular care should be given when dealing with lawful permanent residents, juveniles, and the immediate family members of U.S. citizens. Additional guidance on prosecutorial discretion is forthcoming. In the meantime, ICE officers and attorneys should continue to be guided by the November 17, 2000 prosecutorial discretion memorandum from then-INS Commissioner Doris Meissner; the October 24, 2005 Memorandum from Principal Legal Advisor William Howard; and the November 7, 2007 Memorandum from then-Assistant Secretary Julie Myers.

*E. Implementation*

ICE personnel shall follow the priorities set forth in this memorandum immediately. Further, ICE programs shall develop appropriate measures and methods for recording and evaluating their effectiveness in implementing the priorities. As this may require updates to data tracking systems and methods, ICE will ensure that reporting capabilities for these priorities allow for such reporting as soon as practicable, but not later than October 1, 2010.



(b)(7)e

(b)(6), (b)(7)c, (b)(7)e

(b)(7)e

(b)(7)e

(b)(6), (b)(7)c, (b)(7)e

(b)(6), (b)(7)c, (b)(7)e

**From:**  
**To:**

(b)(6), (b)(7)c

**Cc:**

**Subject:** FW: CAP Meeting Minutes 7-09-2010

**Date:** Friday, July 09, 2010 3:27:43 PM

**Attachments:** [CAP Conf Min 7 7 2010 final final.pdf](#)  
[civil\\_enforcement\\_priorities.pdf](#)  
[Changes to EABM 06 21 2010.pdf](#)

---

FYI.

Thank you.

(b)(6), (b)(7)c

**AFOD**

**Georgia Criminal Alien Group**

**Atlanta Field Office**

**Ofc.: (404) 893 (b)(6), (b)(7)c**

**93-1227**

(b)(6), (b)(7)c **@dhs.gov**

---

**From:** (b)(6), (b)(7)c

**Sent:** Friday, July 09, 2010 9:30 AM

**Subject:** CAP Meeting Minutes 7-09-2010

**Greetings everyone!**

**Attached please find:**

1. **Meeting minutes from the most recent CAP teleconference**
2. **Assistant Secretary Morton's memo (referenced in the meeting minutes)**
3. **PDF containing new features/changes to EABM.**

**Thank you!**

(b)(6), (b)(7)c

Management Program Analyst (MPA)

Criminal Alien Division

Enforcement & Removal Operations

U.S. Immigration and Customs Enforcement

500 12th Street SW Washington DC 20536

O/202-732 (b)(6), (b)(7)c | Room (b)(6), (b)(7)c

*Information: only as good as its accuracy™*

**U.S. DEPARTMENT OF HOMELAND SECURITY  
IMMIGRATION & CUSTOMS ENFORCEMENT  
ENFORCEMENT & REMOVAL OPERATIONS  
ATL-CHARLOTTE, NC SUB-OFFICE**

OPERATION CROSS-CHECK III, TDY BREAKDOWN  
Charlotte, NC Arrest Team Cost Estimates  
March 24-28, 2012

Charlotte, NC has a large Area of Responsibility to include half the state of South Carolina. Approximately 25 of the teams target list for Operation Cross Check III are located in South Carolina. A centralized location to work these cases would be in Greenville, SC. The team plans on using the Greer, SC sub-office to process cases and then transport the detainees to the Henderson County Jail in North Carolina for housing. If not allowed to overnight in Greenville, the teams would spend the majority of the day traveling to target locations.

The following estimates are based upon the following criteria:

1. Twelve (12) officers/agents from the Charlotte, NC sub-office will travel to, and overnight in, Greenville, SC in support of Operation Cross Check III, for a total of three nights. The remaining days of the operation will be spent at the Charlotte sub-office.

Per Diem (Lodging= \$79.00, M&IE= \$51.00, First & Last= \$38.25)

Twelve officers three nights lodging	\$2,844.00
Twelve officers M&IE	\$2,142.00
Twelve officers miscellaneous	\$ 600.00
Total	\$5,586.00

Total Operation Cross Check III for ATL/CLT FOT = \$5,586.00

**Supporting Agencies  
Operation Cross Check III  
Atlanta Field Office  
March 24-28, 2012**

**Georgia**

Homeland Security Investigations – SAC Atlanta  
1100 Centre Parkway  
East Point, Georgia 30344  
(404) 346- (b)(6), (b)(7)

Homeland Security Investigations – RAC Dalton  
920 Abutment Rd.  
Dalton, Georgia  
706-270- (b)(6), (b)(7)

United States Marshals Service – Southeast Region Fugitive Task Force (SERFTF)  
73 Southwoods Pkwy  
Suite 110  
Atlanta, Georgia 30354  
(770) 508 (b)(6), (b)(7)

Bartow County Sheriff's Office  
104 Zena Dr.  
Cartersville, GA 30120  
770-382- (b)(6), (b)(7)  
Captain (b)(6), (b)(7)c

Calhoun Police Department  
200 North Wall St.  
Calhoun, GA 30701  
706-629- (b)(6), (b)(7)  
Sgt (b)(6), (b)(7)c

Trion Police Department  
1220 Pine St.  
Trion, GA 706-734-2332  
Offic (b)(6), (b)(7)c

Hall County Sheriff's Office  
1700 Barber RD  
Gainesville, GA 30507  
(770) 533- (b)(6), (b)(7)

## **North Carolina**

Homeland Security Investigations – RAC Raleigh  
140 Centrewest Court  
Cary, NC 27513  
(919) 678- (b)(6), (b)(7)

North Carolina Department of Community Corrections  
2020 Yonkers Road  
Raleigh, NC 27699  
(919) 716- (b)(6), (b)(7)

## **South Carolina**

Federal Law Enforcement Training Center (FLETC) – ICE OTD  
2000 Bainbridge Avenue  
Charleston, SC 29405  
843-566- (b)(6), (b)(7)

Beaufort County Sheriffs Office  
2001 Duke Street  
Beaufort, SC 29902  
843-524- (b)(6), (b)(7)

Homeland Security Investigations –RAC Charleston  
4401 Bell Oaks Dr, Suite 400  
North Charleston, SC 29401  
(843) 745- (b)(6), (b)(7)

Homeland Security Investigations – RAC Greenville (Assisting CLT Fug Ops)  
301 North Main Street, Suite 1401  
Greenville, SC 29601  
(864) 235- (b)(6), (b)(7)

Spartanburg County Sheriff's Office (Assisting CLT Fug Ops)  
8045 Howard St.  
Spartanburg, SC 29303  
(864) 503- (b)(6), (b)(7)



**CPS AGENCIES**  
**Operation Cross Check III**  
**Atlanta Field Office**  
**March 24 - 28, 2012**

**STATE OF GEORGIA**

**Fulton County Department of Family & Children Services (DFCS)**

515 Fairburn Road, SW  
Atlanta, GA 30331-2012  
Phone Number: (404) 699- (b)(6), (b)(7)c

**Cobb County DFCS**

325 Fairground Street, SE  
Marietta, GA 30060-2355  
Phone Number: (770) 528- (b)(6), (b)(7)c

**Floyd County DFCS**

450 Riverside Pkwy Suite 110  
P. O. Box 169  
Rome, Georgia 30162-0193  
(706) 295- (b)(6), (b)(7)c  
FAX (706) 295-6718

**Gordon County DFCS**

639 Oothcalooga Street  
P. O. Box 217  
Calhoun, Georgia 30703-0217  
(706) 624- (b)(6), (b)(7)c  
FAX (706) 624-1206

**Bartow County DFCS**

47 Brooks Drive  
P. O. Box 818  
Cartersville, Georgia 30120-0818  
(770) 387- (b)(6), (b)(7)c  
FAX (770) 387-3944

**Polk County DFCS**

100 County Loop Road  
P. O. Box 147  
Cedartown, Georgia 30125-0147  
(770) 749- (b)(6), (b)(7)c  
FAX (770) 749-2262

**Whitfield County DFCS**

1142 N. Thornton Ave.  
P. O. Box 1203  
Dalton, Georgia 30722-1203  
(706) 272-(b)(6), (b)(7)  
FAX (706) 272-2895

**Muscogee County DFCS**

2100 Comer Avenue  
P. O. Box 2627  
Columbus, Georgia 31902-2627  
(706) 649-(b)(6), (b)(7)  
FAX (706) 649-1342

**Clinch County DFCS**

101 East Shirley Road  
P. O. Box 396  
Homerville, Georgia 31634-0396  
(912) 487-(b)(6), (b)(7)  
FAX (912) 487-3599

**Carroll County DFCS**

165 Independence Drive  
Carrollton, Georgia 30116  
(770) 830-(b)(6), (b)(7)  
FAX (770) 830-2106

**Douglas County DFCS**

8473 Duralee Lane  
Suite 100  
Douglasville, GA 30134  
(770) 489-(b)(6), (b)(7)  
FAX (770) 489-3035

**Fayette County DFCS**

905 Highway 85 South  
Fayetteville, Georgia 30215-2005  
(770) 460-(b)(6), (b)(7)  
FAX (770) 460-2464

**Clarke County DFCS**

284 North Avenue  
P. O. Box 1887  
Athens, Georgia 30603-1887  
(706) 227-(b)(6), (b)(7)  
FAX (706) 227-7925

**Gwinnett DFCS**

446 West Crogan Street  
Suite 300  
Lawrenceville, GA 30046-2475  
(678) 518-(b)(7)  
FAX (678) 518-5505

**Bibb County DFCS**

456 Oglethorpe Street  
Macon, Georgia 31201-3278  
(478) 751-(b)(7)  
FAX (478) 751-6578

**Hall County DFCS**

970 McEver Road Ext.  
Gainesville, Georgia 30504-3938  
(770) 532-(b)(7)  
FAX (770) 535-6967

**Habersham County DFCS**

1045 Hollywood Highway  
P. O. Box 160  
Clarkesville, Georgia 30523-0160  
(706) 754-(b)(7)  
FAX (706) 754-8065

**Barrow County DFCS**

16 Lee Street  
P. O. Box 546  
Winder, Georgia 30680-0546  
(770) 868-(b)(7)  
FAX (770) 868-4235

**Cherokee County DFCS**

105 Lamar Haley Parkway  
P. O. Box 826  
Canton, Georgia 30169  
(770) 720-(b)(7)  
FAX (770) 720-3680

**Forsyth County DFCS**

426 Canton Road  
P. O. Box 21  
Cumming, Georgia 30028-0021  
(770) 781-(b)(7)  
FAX (770) 781-6742

**Houston County DFCS**

92 Cohen Walker Drive  
Warner Robins, Georgia 31088-2729  
(478) 988-(b)(7)  
FAX (478) 988-7617

**Peach County DFCS**

700 Spruce Street, Wing E  
P. O. Box 976  
Fort Valley, Georgia 31030-0976  
(478) 825-(b)(6), (b)(7)  
FAX (478) 825-6693

**Chattooga County DFCS**

102 Highway 48  
Summerville, GA 30747  
706-857-(b)(6), (b)(7)

**STATE OF NORTH CAROLINA**

North Carolina Department of Health & Human Service  
Division of Social Services  
Child Protective Services  
Phone Number: (919) 733-(b)(6), (b)(7)

**STATE OF SOUTH CAROLINA**

South Carolina Department of Social Services  
Phone Number: (803) 898-(b)(6), (b)(7)



**U.S. DEPARTMENT OF HOMELAND SECURITY  
IMMIGRATION & CUSTOMS ENFORCEMENT  
ENFORCEMENT & REMOVAL OPERATIONS  
ATL-GREENSBORO, NC SUB-OFFICE**

OPERATION CROSS-CHECK III, TDY BREAKDOWN  
Greensboro, NC Arrest Team Cost Estimates  
March 24-28, 2012

Greensboro, NC is a sub-office, which doesn't have the infrastructure to support an operation with the scope and size of Operation Cross Check III.

The following estimates are based upon the following criteria:

1. (b)(7)e officer enhancement from the Atlanta Field Office (ATL) for travel to Greensboro, NC, Buncombe County, NC, Burke County, NC, and Caldwell County, NC in support of Operation Cross Check III.
2. In addition, to the (b)(7)e officer enhancement, all (b)(7)e members of the Greensboro, NC Fugitive Operations Team (FOT), will need to travel to outer lying counties in support of Operation Cross Check III.

Per Diem (Lodging= \$86.00, M&IE= \$56.00, First & Last= \$42.00)

(b)(7)e	fficers six nights lodging	\$3612.00
(b)(7)e	fficers M&IE	\$2548.00
	fficers miscellaneous	\$700.00
	Total	\$6860.00
(b)(7)e	officers four nights lodging	\$1720.00
(b)(7)e	officers M&IE	\$1260.00
	officers miscellaneous	\$500.00
	Total	\$3480.00
	Total Operation Cross Check III	\$10,340.00

# Enforcement and Removal Operations National Operation Cross Check III



LIMITED OFFICIAL USE

HEADQUARTERS (HQ) APPROVED  
OPERATION PLAN:

ATLANTA FIELD OFFICE

NATIONAL FUGITIVE OPERATIONS PROGRAM

1

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## NATIONAL OPERATION CROSS CHECK III

Dates: March 24-28, 2012

### I. Situation

The objective of Operation "Cross Check" is to apply an organized, methodical approach to the location and arrest of Immigration and Customs Enforcement (ICE) fugitive aliens, previously removed aliens, removable aliens convicted of crimes, and otherwise dangerous aliens at large within the Atlanta Field Office Area of Operational Responsibility (AOR), consistent with the ICE immigration enforcement priorities.

The primary purpose of this operation is to promote public safety in our communities and national security by primarily focusing on criminal aliens in all three tier priorities (fugitive, previously removed, and removable criminal alien) living in America's neighborhoods across the United States. Under the ERO Secure Communities and Enforcement Division, the National Fugitive Operations Program will coordinate and conduct a joint nationwide Cross Check enforcement activity with the Criminal Alien Program, with simultaneous operations occurring in all 50 states within the AORs of the 24 ERO field offices.

Operation Cross Check will utilize the 104 Fugitive Operations Teams (FOT) located within the 24 AORs and agents from corresponding HSI Special Agent In Charge (SAC) offices across the country. Resources from the Criminal Alien Program (CAP), Joint Criminal Alien Removal Teams (JCART), and Violent Criminal Alien Section (VCAS), as well as from the Detained/Non-Detained units will also participate in this enforcement operation.

The combined resources from the existing FOT and HSI resources will result in 104 fully operational teams. Each local team will target ICE Tier Priority aliens within their AOR, focusing on criminal aliens in all three tier priorities (fugitives, previously removed aliens, and at large criminal aliens).

Prior to commencement of the operation, teams will evaluate lead information to identify ICE Tier Priority aliens that pose a threat to national security and community safety, as well as convicted violent criminals that may be amenable to criminal prosecution. Target cases will be presented to the U.S. Attorney's Office (USAO) in pursuit of criminal arrest warrants to include, but not limited to, 8 USC 1326 and 8 USC 1253. Prosecutions for other offenses will be guided by the August 20, 2007, memorandum, ERO/HSI Protocols. ICE will collaborate with U.S. Citizenship and Immigration Services to evaluate criminal alien case referrals for inclusion in the operation.

2

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Upon approval of this operational plan, Field Office Directors (FOD) will collaborate with the USAO in their AORs to seek their cooperation in obtaining criminal arrest warrants, indictments and acceptance of prosecutions.

In addition, the FOD is directed to coordinate with the local HSI Special Agent in Charge (SAC), as well as other federal, state and local law enforcement agencies (LEAs) to encourage their participation in this operation. FOD should coordinate with the United States Marshal Service (USMS) Regional Task Forces, local USMS task forces, and other law enforcement partners. Arrangements should be made with the USMS to ensure space requirements and coordinate initial appearances. The local probation and parole offices should also be consulted in target development and 4<sup>th</sup> Amendment waiver considerations during operations.

This operation will consist of 5 days of enforcement activity executed simultaneously across the 24 ERO field offices throughout the country from March 24-28, 2012.

The Executive Associate Director (EAD), Deputy Executive Associate Director (Deputy EAD), Assistant Director (AD) for Enforcement and the Field Office Director (FODs) have been briefed on this operational plan, and support its execution.

#### A) Targeted Aliens – 300

Th (b)(7)e Fugitive Operation Teams (FOTs) within the Atlanta Field Office AOR, will target approximately three-hundred (300) criminal and priority aliens. Teams will generate target lists, with the majority being criminal aliens within the three tier priorities.

Within 30 days of the approval of this plan, the Atlanta Field Office will compile a target list, which the FOD will review and approve, then submit one consolidated list to the Fugitive Operations Support Center (FOSC) and HQ NFOP for additional screening and consolidation. Once approved, the final list will be disseminated to the FOD and SACs participating in the operation.

Enforcement actions may also be taken in this operation for other aliens encountered who are determined to be removable and found to present a public safety threat or otherwise meet ICE enforcement priorities, as provided in this operation plan. If safe, non-targeted aliens encountered during the operation should be checked for criminal and immigration histories while at the arrest location or taken to an ERO office and checked as quickly as possible. Based on the Prosecutorial Guidelines, appropriate charging and detention decisions should be made on a case by case basis. **(See attached Excel spreadsheet for target list.)**



## B) Hours of Operation

(b)(7)e

## C) Local Situation

The Atlanta Fugitive Operations Teams will conduct the operation together with other resources from local CAP, VCAS units, Detention, and Detained/Non-Detained units, as well as the following Law Enforcement Agencies (LEAs): see attachment. The FOD has committed all necessary resources within ERO Atlanta's jurisdictions.

## D) Operational De-Confliction

Homeland Security Investigations (HSI) has been advised of the operation and has stated that they do not anticipate any conflict in the area. HSI has agreed to participate in the operation. No additional request for assistance was made by

(b)(7)e

## E) Local Law Enforcement Agencies (LEAs)

The FOT Supervisory Detention and Deportation Officer (SDDO) shall advise local LEAs prior to the execution of any Headquarters (HQ) approved or FOD approved fugitive operation plan. The standard operating procedure for local law enforcement agencies will vary from location to location and should be established through proactive liaison. During the course of the operation, if a target is found to be in an area outside the jurisdictions originally notified as part of the plan, every reasonable effort will be made to notify the newly affected LEA prior to the FOT's arrival and if that is not possible, as soon as possible thereafter.

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In the presence of exigent circumstances, it may be prudent not to provide notification of impending fugitive operations within your jurisdiction. **(If this is the case, the FOD must be made aware of these circumstances and concur with written justification not to notify the local LEAs.)**

#### **F) Sensitive Locations and 4<sup>th</sup> Amendment**

(b)(7)e

All personnel assigned to the operation must be current on 4<sup>th</sup> Amendment training requirements. In addition, FODs may choose to seek additional training by the Chief Counsel prior to the operation as is the case with national operations. Fugitive Operations personnel will receive 4<sup>th</sup> Amendment training prior to this operation, with most having received the training on January 18, 2012.

#### **G) Community Issues or Politically Sensitive Issues**

HQERO will provide the Office of Public Affairs (OPA) and Office of Congressional Relations (OCR) with the specifics of the operation, to include the operational dates and location of the initiative. If the operation can reasonably be expected to result in a negative community response, this must be specifically communicated to these offices and the Assistant Director for Field Operations. A negative community response is not anticipated as a result of this operation.

#### **H) Juveniles**

The presence of juveniles at a target location, or in the care of a targeted alien, will be explored during initial investigation, surveillance and diligent research of available indices. In the event that minors are identified, or likely to be encountered at a particular residence, family members, care providers and community, as well as state and county juvenile resources, will be identified and a plan of care for the juveniles will be addressed prior to the commencement of operations. Juveniles will be turned over to county resources only as a last resort.

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Prosecutorial discretion will be applied as appropriate. Officers will limit contact with any identified juvenile to the extent officer safety is not compromised. In addition, the utmost care and consideration will be used when dealing with juveniles, especially when juveniles are present during interviews or encounters with adults. The questioning of juveniles will be kept to a minimum and conducted in the least threatening manner and environment possible. No juveniles are being targeted during the operation

If unaccompanied alien juveniles are encountered, the local juvenile coordinator will be contacted for guidance. If this person is unavailable, the Office of Refugee Resettlement (ORR) will need to be notified at 202-401 (b) (6) after all processing tasks are performed.

In the event that juvenile(s) is/are present, and their presence was not anticipated during operational enforcement activities, the FOT SDDO and team leaders may need to seek assistance from the state or local governmental agency responsible for juvenile issues, i.e. Child Protective Services (CPS). As such, the FOT SDDO and team leaders are in possession of the agency's appropriate contact numbers, to be used as deemed necessary throughout the entirety of the operation. (See attachment list for Atlanta Field Office CPS agencies.)

Whenever possible, juveniles will be placed in the care of immediate family members that have no ascertainable criminal history. If there are no other options, sole care givers who are subject to removal, that have no ascertainable criminal record may be placed on an Order of Supervision or Order of Release on Recognizance with SDDO/AFOD approval.

#### **I) Prosecutions**

In instances where an alien is amenable to prosecution, the case will be presented to the United States Attorney's Office/State Attorney's Office as appropriate. If the case is accepted for prosecution an Immigration Detainer, Form I-247, will be filed with the agency assuming custody of the alien. If the United States Attorney's Office/State Attorney's Office declines to prosecute, the declination will be recorded in the narrative portion of the I-213 and included in the file.

#### **J) Gangs**

In the event that ICE personnel encounter an alien affiliated with a street gang, officers must record the appropriate information on form I-213 and photograph any tattoos. A copy of the I-213 and photos will be forwarded to the officer responsible for entering the subject's information into the ICE Gangs database.

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Additionally, in houses where gang tags are prevalent, photos will be taken, as well as a photo of the front of the house for future officer safety concerns.

## **ICE Definitions of Gang Member and Gang Associate**

**Gang Member:** A gang member is defined as anyone who admits gang affiliation or falls under two or more of the following criteria, one of which occurred in the previous five years:

- Subject has tattoos identifying a specific gang.
- Subject frequents an area notorious for gangs and or associates with known gang members.
- Subject has been seen displaying gang hand signs/symbols.
- Subject has been identified as a gang member by a reliable source.
- Subject has been identified by an informant (tested or untested).
- Subject has been arrested on two or more occasions with known gang members (if the most recent arrest has occurred in the past five years, the “previous five years” requirement is deemed to have been met).
- Subject has been identified by a jail or prison as a gang member.
- Subject has been identified through seized written or electronic correspondence.
- Subject has been seen wearing gang apparel or been found possessing gang paraphernalia.
- Subject has been identified through documented reasonable suspicion.

**Associate Gang Member:** An associate gang member is defined as an individual who exhibits one of the above listed gang member criteria but not formally initiated into the gang. The officers/agents conducting the arrest will determine whether indications of association are present.

## **II. Mission**

To identify, arrest, and remove aliens who present a danger to national security or are a risk to public safety, as well as those who enter the United States illegally or otherwise undermine the integrity of our immigration laws and our border control efforts. ERO upholds America's immigration laws at, within and beyond our borders through efficient enforcement and removal operations.

One of the most important ICE mandates is the enhancement of public safety and the security of the American public. The broad authority of ICE allows for the identification and removal of dangerous, often recidivist, criminals engaged in crimes such as murder,

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predatory sexual offenses, narcotics trafficking, alien smuggling, and a host of other crimes that have a profoundly negative impact on our society. The Fugitive Operations Division supports this mandate by performing strategic planning and establishing policy designed to augment ICE's ability to arrest and remove these aliens from the United States.

Operation "Cross Check" is an effort to apply an organized, methodical approach to the location and arrest of ICE fugitive cases, previously removed aliens, removable aliens convicted of crimes, and otherwise dangerous aliens at large within the Atlanta Field Office AOR. The sustained cooperation of other LEAs throughout the area is paramount in order to be successful in this initiative.

### Definitions

- **Operation Return to Sender:** An enforcement initiative that applies an organized and methodical approach to the identification, location and arrest of ICE fugitive aliens.
- **Operation Secure Streets:** An enforcement operation that targets National Fugitive Operations tier priority aliens who have been convicted of violations concerning the operation of a motor vehicle while under the influence of alcohol or drugs.
- **Operation Cross Check:** A local, regional or nationwide effort that serves as the operational umbrella for all other focused enforcement efforts conducted by Fugitive Operations Teams that target specific groups, such as aliens who have been convicted of specific crimes and remain at-large.
- **Operation SOAR:** A coordinated foreign-born sex offender enforcement operation that builds on ongoing efforts to target the worst criminal aliens and remove them from our communities.

### III. Execution

#### A) Director's Intent

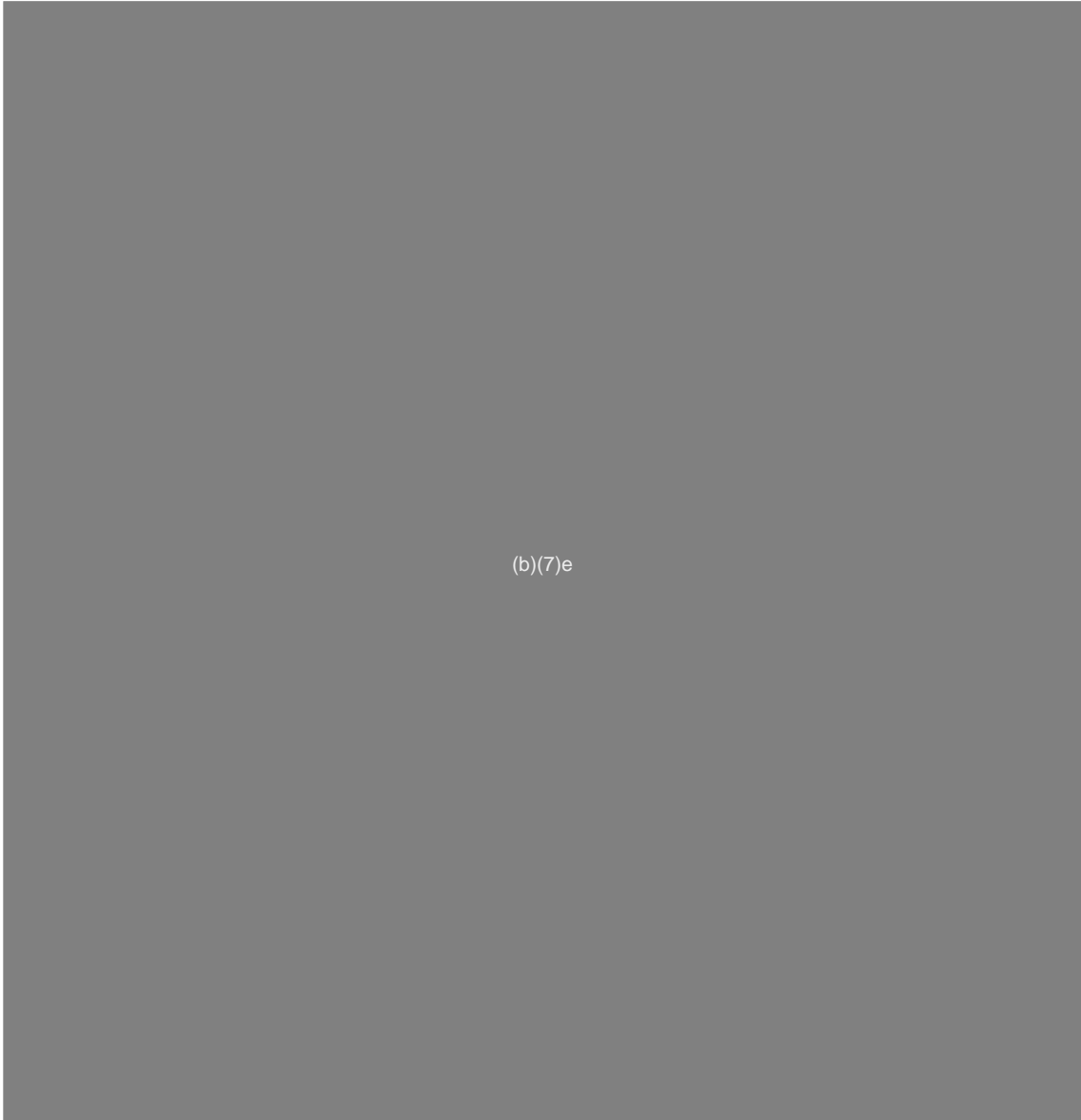
This operation is being conducted in furtherance of the national immigration enforcement priorities, and pursuant to the National Fugitive Operations Program (NFOP) Handbook. The objective of the NFOP is to reduce the backlog of ICE fugitives throughout the United States and to apprehend and remove previously removed aliens, removable aliens convicted of crimes, and otherwise dangerous aliens at large in the community.

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## B) Concept of Operations



## C) Tasks

1. The NFOP and the Fugitive Operations Support Center (FOSC): A copy of the Operational Plan and target list will be sent to the FOSC and HQ NFOP via submission to the (b)(6), (b)(7)c mailbox. Submissions must include the Operational Plan, Signed FOD Signature Page, Target

9

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List, and Personnel Breakdown, along with any additional attachments as necessary.

2. The Law Enforcement Support Center (LESC) is available 24 hours a day, 7 days a week and can provide support to FOTs conducting operations. It is recommended that all officers/agents participating in the operation have the contact number for the LES (802- 872- (b)(6), (b)(7))
3. Detention Operations Coordination Center (DOCC): Detention space is **suitable** within the Atlanta AOR, and detention locations have been identified. Although DOCC assistance was not requested they have been provided a copy of this operational plan and have concurred with the operation.

#### **IV. Administration**

##### **A) Safety**

Mandatory Element: **Safety is paramount.**

1. All participating officers will be fully equipped with both deadly and non-deadly force weapons, service-issued and/or service-approved firearms and personal body armor.
2. Beyond identifying themselves verbally as law enforcement officers/agents, ERO enforcement personnel must utilize law enforcement identifiers, such as neck badges, belt badges, and outer garments affixed with ICE identifiers. In order to ensure uniformity, if utilized during enforcement operations, outer garments must be prominently affixed with both the words "ICE" and "Police."
3. Officers will not engage in high/low-speed vehicle pursuits.
4. No additional training will be necessary prior to this operation.

##### **B) Logistics**

1. Primary processing location: All detainees will be transported to the local ERO office within the Atlanta Field Office for processing.
  - a. Secondary detention and processing site(s) to be determined as needed.

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- b. The SDDO will coordinate requests for additional staff to support the enforcement operation. Requests will be made through the Operations AFOD with concurrence from the Atlanta FOD.
2. Lodging and per diem: Lodging and per diem expenses will not be required for the operation. In the event that the need arises to utilize lodging and per diem, it will be funded at the HQ level. **(If HQ NFOP funds are requested, submissions must include a written request for HQ NFOP funds, including the breakdown of cost estimates for all travel, lodging, and per diem, with any/all additional expenses detailed in writing.)**
3. Removal efforts: It is the intent of the FOD to expeditiously remove all ICE fugitive aliens and non-fugitive aliens from the United States. The below actions have been performed to facilitate this objective:
  - a. Once arrested, all detainees will be transported to the local ERO office within the Atlanta Field Office for initial processing. All files will be reviewed by the Fugitive Operations Team Leader/SDDO for legal sufficiency prior to the alien being transferred to an appropriate detention facility.
    - No health and safety inspections are required for any facility or equipment being utilized for this operation.
    - No contracts need to be reevaluated.
  - b. Each operational team has been instructed to secure any and all legally issued identity documents for all arrestees who will require a travel document for removal. All teams will make every legal effort to secure these documents prior to departing the arrest locations. Obtaining these documents at the time of arrest will greatly decrease the time spent in detention.
  - c. Any non-fugitive arrests that require a Notice to Appear (NTA) will be presented with the option of a Stipulated Removal to aid in the reduction of detention time, if deemed appropriate by supervisory personnel given the circumstances. OPLA Atlanta and EOIR Atlanta have been advised and contacted as to their availability to approve stipulated removals during the operation.

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- d. FOTs will not *target* non-tier aliens, though such aliens may be arrested as appropriate if encountered during the operation, and circumstances dictate such action.
- e. Prosecutorial discretion in immigration enforcement matters must be exercised, consistent with all established guidelines with supervisory oversight, by ICE officers and agents. This applies at all levels during the execution of the operation and could be applied during the pre-arrest, arrest, and custody phases. Communication within the local field office is imperative and nothing within this operation plan should be interpreted to supersede local management oversight and execution of prosecutorial discretion protocols.
- f. When appropriate, a form of alternative to detention can be utilized if authorized by supervisory personnel. The Atlanta Alternatives to Detention (ATD) Unit has been advised of this operation and will be available should alternative detention methods be needed.

**C) General Reporting Requirements**

- 1. Daily Reports: Submitted to the AFOD, FOOSC, and HQ NFOP via the (b)(6), (b)(7)c utilizing the HQ approved FOOSC reporting database designed to capture nationwide Cross Check statistics.
- 2. Reports will be submitted once a day. These reports will need to be completed and submitted to FOOSC and HQ NFOP by 1600 hours Eastern Standard Time (EST).

Report Transmission: E-mail (b)(6), (b)(7)c  
 Due: 1600 EST  
 Period Covered: That day’s activity up to 1600 hours

**Quality Assurance:** An officer(s), and support staff as needed, who are not involved with the operation will review target files against the daily report to ensure that the statistics reported are accurate. This review must be completed daily and at the conclusion of the operation. If asked to provided statistics prior to validation, the information must be clearly stated to be not validated and subject to change

- 3. Weekly Reports: Standard HQ FUGOPS reporting via the Fugitive Case Management System (FCMS).

4. Significant Event Notification (SEN): A SEN/Significant Incident Report (SIR)/Significant Proposed Enforcement Activity Report (SPEAR) will only need to be submitted if events or incidents occur that warrant their generation in accordance with established policy and procedures.
5. Report Format: At the conclusion of field operations, the Team Leaders will ensure that the FCMS is properly updated with all FOT arrests from the operation that are to be validated as FOT arrests in ENFORCE by Close of Business (COB) each day.
6. Director Notes: Director Notes should be submitted for events or incidents that warrant their generation in accordance with established policy and procedures.

#### D) After Action Reporting Requirements

1. Initial after action conferences will be conducted as follows:
  - a. Key operational personnel involved in the final phase(s) of the enforcement operation will be held on March 29, 2012, at the local ERO offices within the Atlanta Field Office.
2. The format for issues will be:
  - a. Topic
  - b. Discussion
  - c. Recommendation(s)
3. Formal after action report: A memorandum of results will be generated and forwarded to the FOD for review as necessary.
4. HQ ICE OPA will coordinate with the Assistant Director for Secure Communities & Enforcement to generate a press release upon completion of the operation as necessary. ICE Public Affairs contact number(s) are available as necessary.

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## V. Command and Control

1. Primary means of communication will be via radio, telephone and E-mail.

### General

Emergencies: 911

Sector: (800) X (b)(6), (b)(7)c [1-800-973 (b)(6), (b)(7)c

ORR: (202) 401- (b)(6), (b)(7)

LESC: (802) 872 (b)(6), (b)(7)

LESC POC: TBD

FOSC POC: (b)(6), (b)(7)c (802) 657- (b)(6), (b)(7)

### Local

AFOD: (b)(6), (b)(7)c (404) 893 (b)(6), (b)(7)

SDDO: (b)(6), (b)(7)c 404) 893- (b)(6), (b)(7)

AUTHORIZING OFFICIAL

---

Felicia S. Skinner  
Field Office Director  
Atlanta Field Office

APPROVING OFFICIAL

---

(b)(6), (b)(7)c  
Assistant Director  
Secure Communities & Enforcement

**ATTACHMENTS: (If applicable)**

- Attachment 1: Complete Target List
- Attachment 2: Other Than Normal Operational Hours Justification (not applicable)
- Attachment 3: Operational Support (not applicable)
- Attachment 4: Supporting Agency Contact Information
- Attachment 5: CPS Contact List
- Attachment 6: Cost Estimate for HQ Requested Funds

**DISTRIBUTION:**

HQ NFOP  
FOSC  
FOD  
DFOD  
Operations AFOD  
DOCC

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**From:** (b)(6), (b)(7)c  
**To:**  
**Subject:** Fw: Cross Check III Op Plan (needs FOD signature), Target List, and Supporting Documents  
**Date:** Tuesday, March 06, 2012 11:31:38 AM  
**Attachments:** [CLTTravelJustification.doc](#)  
[Op. Cross-Check III TDY Funding.xls](#)  
[TDY Justification Op. Cross Check III.DOC](#)  
[Supporting Agencies Cross Check II\(ATL\).doc](#)  
[CC III Target Template Master ATL-CHL-CLT-GRN-RAL.xls](#)  
[CCIII Op Plan.docx](#)  
[Cross Check II CPS Attachment\(ATL\).doc](#)  
**Importance:** High

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This is where the updates have to be made.

(b)(6), (b)(7)c

Assistant Field Office Director  
Immigration Customs Enforcement  
Atlanta Field Office, Charlotte, NC

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**From:** (b)(6), (b)(7)c  
**Sent:** Tuesday, March 06, 2012 11:05 AM  
**To:** (b)(6), (b)(7)c  
**Subject:** FW: Cross Check III Op Plan (needs FOD signature), Target List, and Supporting Documents

Please ensure that your teams use the list here. We need to have this by 11:45am

(b)(6), (b)(7)c

(a)Deputy Field Office Director  
U.S. Immigration and Customs Enforcement  
Enforcement and Removal Operations

Atlanta Field Office | 6130 Tyvola Centre Drive. Charlotte, NC 29708 | Office: 704-672-(b)(6), (b)(7)c | Fax: 704-672-6998

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**From:** (b)(6), (b)(7)c  
**Sent:** Tuesday, March 06, 2012 9:53 AM  
**To:** (b)(6), (b)(7)c  
**Cc:**  
**Subject:** FW: Cross Check III Op Plan (needs FOD signature), Target List, and Supporting Documents  
**Importance:** High

As discussed

**From:** (b)(6), (b)(7)c  
**Sent:** Tuesday, March 06, 2012 9:33 AM  
**To:** (b)(6), (b)(7)c  
**Cc:**  
**Subject:** FW: Cross Check III Op Plan (needs FOD signature), Target List, and Supporting Documents

**Importance:** High

Correction:

Please use the attached target list. I was just informed by North Carolina to remove one of their targets. The new total is 441 for the AOR.

Thanks,

(b)(6), (b)(7)c DDO  
Fugitive Operations / Firearms  
Atlanta DHS / ICE / ERO  
(404) 893 (b)(6), (b)(7)c

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**From:** (b)(6), (b)(7)c  
**Sent:** Tuesday, March 06, 2012 9:26 AM  
**To:** (b)(6), (b)(7)c  
**Cc:** (b)(6), (b)(7)c  
**Subject:** FW: Cross Check III Op Plan (needs FOD signature), Target List, and Supporting Documents  
**Importance:** High

(b)(6), (b)(7)c

The corrections have been made, although I only found 3 Vietnamese cases on the spreadsheet (you mentioned 4). If I missed one, let me know. The 2 Laos and 2 Haitian cases were also removed, as were the 3 cases in which the aliens were 60 years old or more.

The Cuban case was removed, however, it was not the one you listed below. You must have jumped from one line to the next (it happens); (b)(6), (b)(7)c is a Mexican and is listed as such on the sheet. The Cuban was on the next line.

A total of 11 cases were removed from the target list for Cross Check III. The new total is 442 for the AOR.

Note that the address for Target (b)(6), (b)(7)c is incomplete at this time. I have asked North Carolina for the complete address and will add it to the sheet once provided. Let me know if anything else needs to be changed.

Thanks,

(b)(6), (b)(7)c, SDDO  
Fugitive Operations / Firearms  
Atlanta DHS / ICE / ERO  
(404) 893 (b)(6), (b)(7)c

---

**From:** (b)(6), (b)(7)c  
**Sent:** Monday, March 05, 2012 7:48 PM  
**To:** (b)(6), (b)(7)c

**Cc:** (b)(6), (b)(7)c

**Subject:** FW: Cross Check III Op Plan (needs FOD signature), Target List, and Supporting Documents  
**Importance:** High

Concerns:

1. There is a 60, 62 and 64 year-old on the list. Will HQ be ok with those? **All removed**
2. (b)(6), (b)(7)c is noted on the list as being Cuban, but in EARM says Mexico. If Mexico he's ok for the list, if Cuban, he's non-removable, as he was born after (b)(6), (b)(7)c. If he's Mexican, we need to correct the nationality on the list. If he's Cuban: Do we target non-removables for Cross Check (doesn't make sense to me that we would, but maybe we do)? **Cuban removed**
3. Have the Haitians on the list been approved by HQ for pickup? (do they need to be? I thought the only non-detained Haitians that HQ wanted picked up were the ones that we send up to them for pre-approval?) **Removed**
4. Two Laotians, non-removable. See question #2, above. **Removed**
5. Four Vietnamese on the list, not sure of their entry date, but if non-removable are they still ok to target per HQ? **3 removed**
6. One shows a Tennessee address???

The Op Plan itself looks ok to me.

Pending review by (b)(6), (b)(7)c

(b)(6), (b)(7)c

Deputy Field Office Director  
(responsible for the state of Georgia, except the Stewart Detention Center)  
Atlanta Field Office  
Enforcement and Removal Operations  
U. S. Immigration and Customs Enforcement  
Department of Homeland Security  
Office: (404) 893 (b)(6), (b)(7)c

**From:** (b)(6), (b)(7)c

**Sent:** Monday, March 05, 2012 7:02 PM

**To:** (b)(6), (b)(7)c

**Cc:**

**Subject:** Cross Check III Op Plan (needs FOD signature), Target List, and Supporting Documents

**Importance:** High

(b)(6), (b)(7)c

Attached are all the relevant documents for the Cross Check III operation (March 24-28, 2012). I have broken down the attachments below for ease of location. Please review and forward to the FOD for review/signature of the Op Plan (sixth attachment). The Op Plan is due to HQ by this Wednesday, March 7<sup>th</sup>, and the FOSC has requested our target list as soon as possible. Let me know if any corrections are needed. The Op Plan has not been changed since you previously saw it.

- .. The first three attachments are the TDY funding request documents for Charlotte's and Greensboro's travel plans during the operation.
- .. The fourth document is a list of the supporting agencies.
- .. The fifth attachment is our target list (two targets, (b)(6), (b)(7)c are pending additional info, which will be added prior to submission to HQ); we have 453 total targets for the AOR. We were mandated to supply at least 300; the FOSC may remove some.
- .. The sixth document is the Op Plan; FOD signature is needed.
- .. The seventh attachment is the list of Child Protective Services agencies within our AOR.

Thanks,

(b)(6), (b)(7)c SDDO  
Fugitive Operations / Firearms  
Atlanta DHS / ICE / ERO  
(404) 893 (b)(6), (b)(7)c

---

**From:** (b)(6), (b)(7)c  
**Sent:** Monday, March 05, 2012 2:40 PM  
**To:** (b)(6), (b)(7)c  
**Cc:** (b)(6), (b)(7)c  
**Subject:** FW: TDY Request Template

Sir,

The required attachments for CC III are above. Please review and advise if any changes are needed.

Thank you very much.

---

**From:** (b)(6), (b)(7)c  
**Sent:** Wednesday, February 29, 2012 4:56 PM  
**To:** (b)(6), (b)(7)c

(b)(6), (b)(7)c

**Subject:** Cross Check III Reporting Guidance

All,

FOSC Crosscheck reporting obligations have recently expanded to incorporate a need to identify those targets (or leads) which originated with the Criminal Alien Program. To meet this reporting need we ask that you observe the following practices in the reporting of your targets via the



targeting template as well as the reporting of your Crosscheck arrests in FCMS. We believe these measures are a reasonable “work-around” to this late-hour reporting expectation;

1. Utilize “CBP” in the “Non-ERO Referral” column of the FOSC-provided targeting template to communicate that the target originated with CAP. If the target is actually a CBP-provided target, then utilize “Other” to communicate that fact. If the target is neither a Fugops, CAP, HSI, CBP or USMS target, then simply leave this drop-down blank.
2. When reporting a Crosscheck arrest in FCMS, utilize the “Case Comments” field to communicate that the arrest is from a CAP-originated target. Simply write “CAP” in the “Case Comments” field. This only pertains to targeted arrests.
3. Please remember to select the “Crosscheck” drop-down in FCMS under “Operation:”.

If you should have any questions please give me a call.

(b)(6), (b)(7)c

*Immigration and Customs Enforcement  
Enforcement and Removal Operations  
Fugitive Operations Support Center  
(W) 802-657-  
(C) 202-566-*

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**Criminal Alien Division (Georgia)**

5/2/2011

[REDACTED]  
Assistant Field Office Director  
Criminal Alien Division



(b)(6), (b)(7)c, (b)(7)e



**Non-Detained / Detention Management / CAP / VCAS / Fug Ops / Columbia Care**  
*(South Carolina)* (May 1, 2010)



(b)(6), (b)(7)c  
Assistant Field Office Director

(b)(6), (b)(7)c  
GS-14



(b)(6), (b)(7)c, (b)(7)e



**VCAS / CAP / Secure Communities / 287 (g)**  
*(North Carolina)* (March 1, 2010)



(b)(6), (b)(7)c  
Assistant Field Office Director



(b)(6), (b)(7)c, (b)(7)e



**Fugitive Operations / Detention Management / Non-Detained / Facilities**  
*(North Carolina)* (May 1, 2010)



(b)(6), (b)(7)c  
Assistant Field Office Director  
(b)(6), (b)(7)c  
GS-14

(b)(6), (b)(7)c, (b)(7)e

<b>North Carolina I – AFOD</b> (b)(6), (b)(7)c		
	11/10/2010	

(b)(6), (b)(7)c  
Assistant Field Office Director  
Charlotte, Raleigh, Hendersonville,  
Greensboro offices

(b)(6), (b)(7)c, (b)(7)e

**North Carolina II – AFOD Robert Alfieri**

11/10/2010

(b)(6), (b)(7)c  
Assistant Field Office Director  
Charlotte, Raleigh, Hendersonville,  
Alamance County offices

(b)(6), (b)(7)c, (b)(7)e

# South Carolina

11/10/2010

(b)(6), (b)(7)c

Assistant Field Office Director  
Charleston, Columbia and Greer  
offices

(b)(6), (b)(7)c, (b)(7)e



Stewart Detention Center  
Friday, November 12, 2010

(b)  
(b)(1)  
[Redacted]  
AFOD

(b)(1)  
(b)(7)(c)  
[Redacted]  
MSS

(b)(6), (b)(7)(c), (b)(7)(e)

# Stewart Detention Center Detained – ICE/DRO Organizational Chart



(b)(6), (b)(7)c, (b)(7)e

# Stewart Detention Center Operations/CAP – ICE/DRO Organizational Chart



(b)(6), (b)(7)c, (b)(7)e

# Stewart Staffing

<b>• Title</b>	<b>Rate</b>	<b>On Hand</b>	<b>Notes</b>
• AFOD			
• MSS			
• SDDO			
• SIEA			(b)(6), (b)(7)c, (b)(7)e
• DO			
• IEA			
• ERA			

# Stewart Detention Center Detained – ICE/ERO Organizational Chart

Atlanta  
AFOD  
MSS: (b)(6), (b)(7)

AFOD  
(b)(6), (b)(7)c

(b)(6), (b)(7)c, (b)(7)e

# Stewart Detention Center Operations/CAP – ICE/ERO Organizational Chart

ATLANTA  
AFOD  
(b)(6), (b)(7)c  
MSS (b)(6), (b)(7)c

AFOD  
(b)(6), (b)(7)c

(b)(6), (b)(7)c, (b)(7)e

# Stewart Staffing

• **Title**   **Rate**   **On Hand**   **Notes**

- AFOD
- MSS
- SDDO
- SIEA
- DO
- IEA
- ERA



<b>North Carolina III – 287(g) PM</b>		(b)(6), (b)(7)c
	11/10/2010	

(b)(6), (b)(7)c  
Deputy Field Office Director  
Atlanta

(b)(6), (b)(7)c, (b)(7)e