

<b>Question#:</b>	1
<b>Topic:</b>	Family Detention Beds
<b>Hearing:</b>	At the Breaking Point: The Humanitarian and Security Crisis at our Southern Border
<b>Primary:</b>	The Honorable Dianne Feinstein
<b>Committee:</b>	JUDICIARY (SENATE)

**Question:** During the hearing on May 8, I asked you to explain how ICE allocates the detention funds that it already receives. It is my understanding that ICE allocates approximately 2,500 detention beds for families, but that ICE is not using all of these beds for families at the present time.

I am troubled about the physical and mental toll that detention takes on families, and especially on children. The administration's embrace of indiscriminate enforcement is especially worrisome given the 2017 finding of the DHS Office of Inspector General, that problems in ICE detention facilities undermine the protection of detainee rights, the humane treatment of detainees, and the provision of a safe and healthy environment. Given these factors, I am concerned that ICE has requested an additional \$341 million to increase the total number of detention beds to 54,000.

Please explain how much of this \$341 million request would fund family detention beds.

Please explain where these family detention beds would be located.

**Response:** The \$341 million increase for 54,000 detention beds is only for adult beds. U.S. Immigration and Customs Enforcement's (ICE) Fiscal Year 2020 President's Budget maintains family beds at 2,500. None of the additional \$341 million requested would go to family bed funding.

<b>Question#:</b>	2
<b>Topic:</b>	Prioritizing
<b>Hearing:</b>	At the Breaking Point: The Humanitarian and Security Crisis at our Southern Border
<b>Primary:</b>	The Honorable Dianne Feinstein
<b>Committee:</b>	JUDICIARY (SENATE)

**Question:** What is the rationale for ICE’s focus on detaining families and not prioritizing those with felony criminal convictions who pose a danger to society?

**Response:** Our country continues to face a humanitarian and security crisis at the Southwest Border (SWB). Each month during the first quarter of the fiscal year, approximately 60,000 migrants illegally crossed the border, or presented themselves at a port of entry without proper documentation, and the numbers have continued to rise. In March 2019, this number jumped to more than 103,000, including more than 50,000 members of family units. This dramatic increase of arrests by U.S. Customs and Border Protection (CBP) has placed a strain on our entire immigration system, stretched resources thin across the U.S. Department of Homeland Security (DHS), and required U.S. Immigration and Customs Enforcement (ICE) to balance its public safety mission in the interior of the United States against the influx of aliens at the border.

At the moment, one of ICE’s greatest enforcement challenges is the inability to detain family units for the length of time necessary for their cases to be processed and decided, in large part due to the *Flores* Settlement Agreement (FSA) and related judicial interpretations. Pursuant to the orders interpreting the FSA, DHS is generally precluded from detaining family units beyond approximately 20 days. Because of DHS’s limited detention authorities and the lack of enforcement resources necessary to follow up when family units who have been released fail to show up for their court hearings, very few members of this population are ever removed, even when they receive final orders of removal from an Immigration Judge (IJ). Unfortunately, this situation represents another pull factor that incentivizes families to make the dangerous journey to this country and adds to existing problems in our immigration system.

ICE continues to balance its public safety mission in the interior of the country with assisting CBP at the SWB. As of May 25, 2019, ICE has conducted 94,123 administrative arrests in Fiscal Year 2019, of whom 60,315 were convicted criminals and 21,223 had pending criminal charges at the time of arrest. However, pursuant to Executive Order 13768 and the Secretary’s implementation memorandum, except in certain limited circumstances, ICE does not exempt classes or categories of removable aliens from potential enforcement. Therefore, regardless of criminal history, all those in violation of U.S. immigration laws may be subject to immigration arrest, detention, and removal from the United States pursuant to a final order of removal issued in accordance with law.

<b>Question#:</b>	2
<b>Topic:</b>	Prioritizing
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<b>Primary:</b>	The Honorable Dianne Feinstein
<b>Committee:</b>	JUDICIARY (SENATE)

It is ICE's mission to enforce the immigration laws through detaining those who are illegally present and removing those who have received a final order, including members of family units. To do otherwise would run counter to the agency's mission and the laws passed by Congress, and would further contribute to the serious humanitarian and security situation that is unfolding at the SWB.

<b>Question#:</b>	3
<b>Topic:</b>	DNA Testing
<b>Hearing:</b>	At the Breaking Point: The Humanitarian and Security Crisis at our Southern Border
<b>Primary:</b>	The Honorable Charles E. Grassley
<b>Committee:</b>	JUDICIARY (SENATE)

**Question:** In 2005, Congress passed the DNA Fingerprint Act authorizing the Attorney General to collect DNA from persons arrested, charged, or convicted under the authority of the United States, including foreign nationals. The full implementation of this Act is still pending.

ICE Enforcement and Removal Operations is having to reassign officers from interior enforcement operations to assist with transportation and detention processing. These reassignments are having a direct impact in the arrest and removal of criminals being released from sanctuary city jails and immigration fugitives.

Compounding these difficulties, governments from the three Northern Triangle countries (Guatemala, Honduras, El Salvador) are taking longer to process the necessary paperwork needed to repatriate a person from U.S. custody to their home country.

I appreciate ICE taking the lead for DHS agencies to begin using DNA testing as required by law, even if on a very limited basis. To what degree of accuracy are the results of a Rapid DNA test?

Are you satisfied that this process will stem the tide of fraudulently claimed family members?

**Response:** U.S. Immigration and Customs Enforcement (ICE) conducted a limited Rapid DNA testing pilot at two U.S. Border Patrol (USBP) stations. Rapid DNA testing conducted during the pilot was solely for the purpose of investigating fraudulent claimed familial relationships. All Rapid DNA samples obtained for testing during the pilot program were provided with the voluntary consent of the alien, which was documented with a consent form. The DNA samples obtained during the pilot were destroyed upon completion of the tests and no DNA profiles were submitted to the Combined DNA Index System. The Rapid DNA testing technology used in the pilot is 99.5% accurate at confirming familial relationships.

Rapid DNA testing proved to be an effective tool in identifying fraudulent family units in USBP custody. As a result of the Rapid DNA pilot, ICE successfully identified numerous fraudulent family units, including egregious acts against the welfare of children. The pilot also had a deterrent effect in some cases, prompting a confession of the fraudulent familial claim prior to the test administration. The pilot results indicate that the presence of Rapid DNA testing at USBP stations would serve as a significant deterrent to family unit fraud. Additionally, ICE has determined that a continuation of

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Rapid DNA testing at USBP stations would be an effective tool in preventing fraudulent family units from being released into the interior, which could put children at a heightened risk for exploitation.

<b>Question#:</b>	4
<b>Topic:</b>	ERO Reassignments
<b>Hearing:</b>	At the Breaking Point: The Humanitarian and Security Crisis at our Southern Border
<b>Primary:</b>	The Honorable Charles E. Grassley
<b>Committee:</b>	JUDICIARY (SENATE)

**Question:** With ERO interior enforcement resources being reassigned to assist with the border crisis, what impact is this having on ICE arresting and removing serious criminals from the interior of the U.S.?

**Response:** U.S. Immigration and Customs Enforcement (ICE) continues to pursue its critical public safety mission within the interior of the United States through the arrest and removal of criminal aliens. However, the dramatic increase of arrests by U.S. Customs and Border Protection at the Southwest Border has placed a strain on our entire immigration system, stretched resources thin across the U.S. Department of Homeland Security, and required ICE to balance its public safety mission in the interior of the United States against the influx of aliens at the border. As a result, ICE’s Fiscal Year 2019 year-to-date<sup>1</sup> overall administrative arrests are down by more than 10 percent compared to this time last year, while arrests of convicted criminals are down by more than 14 percent.

While ICE’s support for enforcement efforts at the border has necessarily required the diversion of some resources—including officers, detention bedspace, and transportation—ICE continues to arrest aliens in the interior of the country, including convicted criminals and those with pending criminal charges, and remove members of this population who receive final orders. However, ICE notes that additional enforcement resources would allow the agency to increase the tempo of its interior efforts over the longer term, and to address the backlog of over 1 million aliens with final orders of removal on ICE’s non-detained docket, 191,428 of whom are convicted criminals.<sup>2</sup>

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<sup>1</sup> As of May 25, 2019.

<sup>2</sup> As of May 25, 2019, ICE’s non-detained docket consists of 3,057,075 total aliens, including 1,071,265 who have already received a final order of removal. Of those with final orders, 191,428 have a criminal conviction and 50,284 have pending criminal charges.

<b>Question#:</b>	5
<b>Topic:</b>	Released Migrants
<b>Hearing:</b>	At the Breaking Point: The Humanitarian and Security Crisis at our Southern Border
<b>Primary:</b>	The Honorable Patrick J. Leahy
<b>Committee:</b>	JUDICIARY (SENATE)

**Question:** Almost all migrants currently being released from custody are family units - many of whom are vulnerable women and children. And yet President Trump repeatedly claims that the so-called "catch and release" of migrants results in large numbers of violent criminals being released onto our streets. It would help to know whether the President's claims are supported by the facts.

Please provide DHS and/or ICE statistics indicating, by year, the percentage of migrants released from DHS custody since January 1, 2017, who are later convicted of serious, violent crimes. During our Judiciary Committee hearing last week, you assured me that you would follow up with these statistics within a week. A week has now transpired, and I hope you will provide those statistics to me expeditiously.

**Response:** The Department of Homeland Security (DHS) and U.S. Immigration and Customs Enforcement (ICE) welcome legislative solutions to address court decisions and outdated laws that result in the release of thousands of aliens—many of whom are convicted criminals—back onto the streets. Some state and local jurisdictions refuse to honor ICE detainers, share information relating to potentially removable aliens, and even prevent ICE access to their jail population for purposes of conducting interviews. This is a significant impediment because ICE often requires interviews to determine alienage, gang affiliation, and removability.

In addition, a number of ICE's release determinations are made pursuant to the requirements of *Zadvydas v. Davis*, 533 U.S. 678 (2001), under which ICE has very limited authority to detain an alien who is subject to a final order of removal for more than 180 days in the absence of a significant likelihood of removal in the reasonably foreseeable future. This can also occur when a country refuses to issue a travel document for the individual, including where the United States has limited or no diplomatic relations with a country.

Judicial decisions interpreting the *Flores* Settlement Agreement prevent family detention for more than 20 days, thereby forcing DHS to release the entire family, in most cases, before the conclusion of their immigration proceedings. This has led to these individuals failing to appear for court hearings as well as failing to comply with removal orders.

Regarding your specific request, since Fiscal Year 2017, ICE has been compelled, due to some of the aforementioned reasons, or needed to exercise its discretion to release nearly 500,000 aliens into the United States. Because "recidivism" is not tracked within ICE's system of record, ICE is not able to statistically report on this information in a reliable

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fashion. Besides this being an extremely large dataset, ICE lacks full data on how many of the released aliens commit crimes once released, as some of the data is contained within state and local systems that do not always interface with ICE's system, leaving the agency with an incomplete picture. Additionally, matching aliens released from DHS custody with subsequent criminal actions would require running all alien release records for the relevant time period and matching it against subsequent criminal arrest records for those aliens.

<b>Question#:</b>	6
<b>Topic:</b>	Reduce Detainees
<b>Hearing:</b>	At the Breaking Point: The Humanitarian and Security Crisis at our Southern Border
<b>Primary:</b>	The Honorable Patrick J. Leahy
<b>Committee:</b>	JUDICIARY (SENATE)

**Question:** Instead of finding ways to alleviate strains on ICE’s detention capacity, the Trump administration has routinely made decisions to exacerbate those strains – creating a self-fulfilling prophecy that more detention space is always needed. Right when he came into office, President Trump instructed ICE to treat virtually all undocumented immigrants as priorities for removal, treating millions of immigrants with no criminal records or records limited to immigration violations as much of a priority as dangerous criminals. Just recently Attorney General Barr decided to deny some asylum seekers the ability to be released on bond, resulting in thousands of more beds being needed.

The Trump administration is seeking yet another \$342 million to expand its detention capacity for adults and family units. Can you point to any initiatives that ICE is pursuing to proactively and safely reduce the number of detained immigrants—separate and apart from individual bond and parole determinations—where ICE recognizes the costs of detention likely outweigh the benefits for particular categories of individuals?

**Response:** In Fiscal Year (FY) 2019, as of May 4, 2019, U.S. Immigration and Customs Enforcement (ICE) has had approximately 335,008 total book-ins into custody, of whom 252,773 were arrested by U.S. Customs and Border Protection (CBP). These numbers are straining an already overburdened immigration system and making the task of upholding U.S. immigration laws and protecting those in custody increasingly challenging. The record numbers of CBP apprehensions at the border impact ICE’s interior enforcement efforts because Congressional funding limits the number of adult beds available to ICE. Because many recent border crossers are subject to mandatory detention under the *Immigration and Nationality Act* (INA), their apprehension leaves limited detention capacity for those who are arrested in the interior of the country, including those with criminal records, some of whom may also be subject to mandatory detention.<sup>3</sup>

ICE focuses its enforcement resources on individuals who pose a threat to national security, public safety, and border security. All individuals in violation of U.S. immigration laws may be subject to immigration arrest, detention, and, if subject to a final order of removal, removal from the United States. In FY 2018, ICE officers arrested 158,581 aliens in the interior of the country, more than 90 percent of whom had a

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<sup>3</sup> Individuals may be subject to mandatory detention based on certain criminal convictions and criminal activity, among other reasons.

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criminal conviction, pending criminal charge, or a previously issued final order of removal, demonstrating ICE's continued focus on public safety.

**ICE Currently Detained Population by Arresting Agency  
and Criminality as of May 4, 2019**

<b>Arresting Agency</b>	<b>Convicted Criminal</b>	<b>Pending Criminal Charges</b>	<b>Other Immigration Violator</b>	<b>Total</b>
ICE	13,181	4,571	1,797	19,549
CBP	4,356	1,115	24,625	30,096
<b>Total</b>	<b>17,537</b>	<b>5,686</b>	<b>26,422</b>	<b>49,645</b>

<b>Question#:</b>	7
<b>Topic:</b>	Karnes Facility
<b>Hearing:</b>	At the Breaking Point: The Humanitarian and Security Crisis at our Southern Border
<b>Primary:</b>	The Honorable Patrick J. Leahy
<b>Committee:</b>	JUDICIARY (SENATE)

**Question:** At least one of the three family detention facilities, the Karnes Facility, is not currently being used to house family units. How does ICE claim to need additional family detention beds when it is not using the ones currently available?

**Response:** The unprecedented number of recent alien apprehensions has exceeded U.S. Immigration and Customs Enforcement (ICE) detention capabilities for both single adults and family units.

ICE currently operates three Family Residential Centers (FRCs). One of them, the Karnes County Residential Center (KCRC), has a capacity of 830 beds. KCRC opened in February 2012 as an adult Civil Detention Center. KCRC transitioned to an FRC in July 2014, in response to the influx of family units to the Southwest Border (SWB). ICE recently converted that facility again to accommodate single adult females in response to the crushing volume of single adults who are also crossing the SWB in tandem with the elevated numbers of family units and unaccompanied alien children. ICE currently has 690 single females housed at KCRC; however, the use of KCRC for single adults is only temporary until additional adult beds become available elsewhere.

Due to the significant number of apprehensions along the SWB and limitations on the number of daily intakes and discharges of family units at the FRCs, as well as factors such as cohort management and family composition separation requirements, it is not possible to use all available beds at the FRCs. Additionally, the cost of moving family units apprehended anywhere along the SWB beyond the Texas Rio Grande Valley to the KCRC in Central Texas makes it impractical in most instances to transfer these family units to the KCRC, only to release them within the approximately 20-day period permitted by the *Flores* Settlement Agreement and subsequent court rulings.

Given ICE's limited capacity to detain family units, ICE intends to focus its detention resources on the latter phase of the enforcement and removal process, which is the removal of those with final orders. As such, ICE requested additional detention capacity to enforce U.S. immigration laws and carry out DHS mission of safeguarding our nation.

<b>Question#:</b>	8
<b>Topic:</b>	Moved to ATD
<b>Hearing:</b>	At the Breaking Point: The Humanitarian and Security Crisis at our Southern Border
<b>Primary:</b>	The Honorable Patrick J. Leahy
<b>Committee:</b>	JUDICIARY (SENATE)

**Question:** Please provide the number of people who have moved from ICE detention to an ATD program every month since January 1, 2018.

**Response:** U.S. Immigration and Customs Enforcement’s (ICE) Alternatives to Detention (ATD) program is a tool that uses technology and case management to monitor compliance with release conditions while allowing aliens to move out of custody. It is important to note that ATD is not a substitute for detention, which is typically necessary to remove those who have received a final order<sup>4</sup>, and is not suitable for many aliens, including those who are subject to mandatory detention under U.S. immigration laws, those with a criminal history, and those who are unlikely to comply with the terms of the program.

Individuals who are referred to the ATD program for evaluation and participation after a detention stay are not released from custody due to the existence of the program. Rather, those individuals were already determined to not require continued detention, a release decision was already approved, and they were referred to ATD as they had been determined to be a higher risk of non-compliance. ICE Enforcement and Removal Operations uses the ATD program to monitor these individuals where a release decision was already made.

Please refer to the table below for statistics on the number of people who were transferred from ICE detention to ATD programs every month since January 1, 2018.

<b>January 1, 2018 through April 30, 2019 ATD Enrollments with Prior Detention Stay<sup>5</sup></b>			
<b>ATD Enrollment Month/Year</b>	<b>Count of ATD Enrollments from Detention*</b>	<b>Count of Total ATD Enrollments</b>	<b>Percent of ATD Enrollments from Detention</b>
January 2018	4,056	4,872	83.3%
February 2018	3,610	4,422	81.6%
March 2018	4,900	6,055	80.9%

<sup>4</sup> As of May 11, 2019, over 85 percent of ICE removals in Fiscal Year (FY) 2019 involve detention, along with 82 percent in FYs 2017 and 2018.

<sup>5</sup> Of the 89,013 individuals with a prior detention stay, 9,474 (10.6 percent) were out of detention for more than one week prior to being enrolled into ATD. If an individual had multiple detention stays, their latest stay was observed. Detention stays could have occurred prior to January 2018. Some ATD participants may have multiple ATD enrollments. IIDS data as of May 3, 2019; EID data through May 1, 2019. ATD data from BI Inc. Participants Report, April 30, 2018.

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April 2018	5,179	6,361	81.4%
May 2018	5,579	6,802	82.0%
June 2018	4,858	5,950	81.6%
July 2018	5,751	6,765	85.0%
August 2018	5,718	6,829	83.7%
September 2018	5,669	6,945	81.6%
October 2018	6,611	8,348	79.2%
November 2018	5,868	8,408	69.8%
December 2018	4,924	7,469	65.9%
January 2019	6,719	9,217	72.9%
February 2019	6,968	9,973	69.9%
March 2019	6,494	9,844	66.0%
April 2019	6,109	9,521	64.2%
<b>Total</b>	<b>89,013</b>	<b>117,781</b>	<b>75.6%</b>

<b>Question#:</b>	9
<b>Topic:</b>	Temporary Detention Facilities
<b>Hearing:</b>	At the Breaking Point: The Humanitarian and Security Crisis at our Southern Border
<b>Primary:</b>	The Honorable Patrick J. Leahy
<b>Committee:</b>	JUDICIARY (SENATE)

**Question:** Are there any discussions, deliberations, or plans under consideration or review at ICE to utilize tents and/or temporary detention facilities to house adult or family immigration detainees? If so, please provide detailed information about the content and status of those discussions, deliberations, or plans.

**Response:** Due to the significant increase in Southwest Border apprehensions, the U.S. Department of Homeland Security and U.S. Immigration and Customs Enforcement (ICE) are working to quickly expand ICE's detention capacity. ICE is exploring several possible options, including requesting the assistance of other federal agencies and/or procuring detention service providers to establish and operate soft-sided detention facilities. The locations are still to be determined; however, adults may be housed in soft-sided shelters for a short period until they are transferred to longer-term detention facilities. Soft-sided shelters are intended only to house single adults, not families.

<b>Question#:</b>	10
<b>Topic:</b>	New Facilities
<b>Hearing:</b>	At the Breaking Point: The Humanitarian and Security Crisis at our Southern Border
<b>Primary:</b>	The Honorable Patrick J. Leahy
<b>Committee:</b>	JUDICIARY (SENATE)

**Question:** The ICE detainee population has ballooned over the past two years and is now close to or at its all-time high of nearly 50,000 a day. ICE has begun using many additional county and local jails to house this increased population and hopes to further expand. The problems with ICE inspections have long been documented, including by the DHS Office of Inspector General in a 2018 report.

Given that the existing ICE inspections process has been found deficient, what is ICE doing, above and beyond those steps it was taking prior to the 2018 DHS OIG report, to ensure that these new facilities provide appropriate conditions to ensure the health and safety of detainees, and particularly vulnerable family units?

**Response:** U.S. Immigration and Customs Enforcement (ICE) takes very seriously the health, safety, and welfare of those in ICE detention, including the commitment to ensure everyone in ICE’s custody receives timely access to medical services and treatment. ICE’s robust inspections program will continue to ensure that detention facilities used to house ICE detainees operate in accordance with ICE detention standards, which are more rigorous than those that apply to other non-ICE detention facilities. ICE’s detention standards were promulgated in cooperation with ICE stakeholders, including the American Correctional Association and representatives of non-governmental organizations, and were created to ensure all individuals in ICE custody are treated with dignity and respect, and provided the best possible care.

All ICE-owned service processing centers, contract detention facilities, and dedicated inter-governmental service agreement facilities are inspected annually by an inspections contractor. ICE inspectors typically spend three days auditing each facility. In addition to environmental health and safety and corrections experts, each inspection team also includes a health professional (e.g., physician, physician’s assistant, registered nurse, nurse practitioner, or a medical professional subject matter expert [SME]) and a detainee rights SME.

In addition to these inspections, ICE detention facilities are also subject to a number of special assessments conducted by ICE Enforcement and Removal Operations (ERO), as well as audits, reviews, and site visits conducted by the ICE Office of Detention Oversight (ODO) and the U.S. Department of Homeland Security’s Office for Civil Rights and Civil Liberties (CRCL). When deficiencies are found during any type of inspection or review, ICE ERO works with the field offices and facilities and collaborates with ICE ODO and DHS CRCL to ensure timely and appropriate corrective actions are implemented to address issues and concerns.

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In response to OIG-18-67, “*ICE’s Inspections and Monitoring of Detention Facilities Do Not Lead to Sustained Compliance or Systemic Improvements*,” ICE has taken the following steps to ensure compliance with its requirements:

- Created a Quality Assurance Team (QAT) consisting of seasoned federal employees to perform quality assurance reviews of ICE’s contract inspectors during each annual inspection. QAT members are reviewing contractor performance, interviewing detainees, reviewing grievances and complaints, evaluating use of force, and reviewing segregation practices, among other things.
- Re-evaluating the existing inspection scope and methodology in the statement of work for annual and biennial contracted inspections to ensure inspection procedures are adequate and appropriately resourced to fully evaluate detention conditions at facilities.
- Reinstating a quality assurance program for contracted inspections of detention facilities to ensure the reported inspection results are thorough and accurate.
- Developing a follow-up inspection process for select facilities where egregious or numerous deficiencies are identified.
- Updating and enhancing current procedures to ensure verification of all corrective actions for identified deficiencies, including better tracking of all corrective actions by facility, responsible field office, and status of resolution.
- Developing protocols for ICE ERO field offices to require facilities to implement formal corrective action plans resulting from deficiencies identified from on-site monitors.

ICE will continue to enforce its detention standards and procedures for the safe, secure, and humane treatment of aliens in ICE custody.

<b>Question#:</b>	11
<b>Topic:</b>	DRIL
<b>Hearing:</b>	At the Breaking Point: The Humanitarian and Security Crisis at our Southern Border
<b>Primary:</b>	The Honorable Patrick J. Leahy
<b>Committee:</b>	JUDICIARY (SENATE)

**Question:** ICE's Detention Reporting and Information Line (DRIL) has been a valuable tool in providing a way for immigration detainees to communicate with ICE, receive status updates on their immigration proceedings, and relay reports of abuse and/or concerns about conditions of detention.

For every month since January 1, 2018, please provide information about the number of calls received by the DRIL, the number of operators answering these calls, the 5 most common issues of concern raised in these calls, and any actions taken by ICE in response to the 5 most common and most serious concerns raised by detainees.

**Response:** The Detention Reporting and Information Line (DRIL) allows detained and non-detained subjects, family members, attorneys, and agency stakeholders to communicate directly with U.S. Immigration and Customs Enforcement (ICE) Enforcement Removal and Operations (ERO). Each call is received at the ICE ERO Contact Center of Operations call center and answered by call analysts. Figures 1 and 2 shows the total number of calls to DRIL from detainees, as well as the number of call analysts answering these calls from January 1, 2018 to May 17, 2019.

**Figure 1: Call Volume**

<b>Fiscal Year (FY) 2018 Detainee Call Volume by Month</b>									
	<b>January 2018</b>	<b>February 2018</b>	<b>March 2018</b>	<b>April 2018</b>	<b>May 2018</b>	<b>June 2018</b>	<b>July 2018</b>	<b>August 2018</b>	<b>September 2018</b>
Number of Calls	2,853	2,178	2,313	2,874	2,306	1,984	1,996	2,695	1,916
Number of Operators	12	12	12	11	9	8	9	9	9

**Figure 2: Call Volume**

<b>FY 2019 Detainee Call Volume by Month</b>								
	<b>October 2018</b>	<b>November 2018</b>	<b>December 2018</b>	<b>January 2019</b>	<b>February 2019</b>	<b>March 2019</b>	<b>April 2019</b>	<b>May 2019</b>
Number of Calls	2,162	1,971	2,275	2,893	2,353	1,850	3,017	1,190
Number of Operators	11	14	13	13	13	14	13	16

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Figure 3 indicates the most common issues/call topics by volume raised by detainees and the most common responses given by call analysts. The action taken by ICE is determined by the nature of the detainee's call. Once the Call Analyst documents the details of a call and assigns it a primary call topic, that information is reviewed by an ICE ERO Detention and Deportation Officer or subject matter expert at ICE Headquarters.

In some cases, calls are forwarded to the relevant field office for further action and follow-up. Detainees may also be directed to resources outside of ICE to resolve their concerns. The table below indicates that most of the calls from detainees are about their immigration cases status, their potential removal, and bond status.

**Figure 3: Call Topics January 2018 – May 17, 2019**

Call Topics	Number	ICE Response
Removal	9,926	Common calls: A detainee contacts DRIL to request information about their removal date. The call analyst reviews the electronic case file for any recorded barriers to removal. If removal is scheduled in the near future, the call analyst informs the caller that their removal is pending.
Bond	9,004	Common calls: A detainee contacts DRIL to ask about the status of their bond. The call analyst reviews the electronic case file and provides information such as the bond amount set. The call analyst may also provide instructions on how to pay the bond and where to pay it.
Basic Immigration Case Information	6,618	Common calls: A detainee contacts DRIL regarding their immigration proceedings. The call analyst reviews the electronic case file and may provide basic case information. Oftentimes, these cases are complex, in which case the caller is referred to the deportation officer handling the case.
Benefits and Courts	6,094	Common calls: A detainee who has applied for an immigration benefits through U.S. Citizenship and Immigration Services contacts DRIL and requests a status or information. The call analyst advises the caller of the proper government agency and the contact information to follow-up on their case.
Referral: Department of	5,344	Common calls: A detainee contacts DRIL to inquire about their future immigration hearings. The call analyst

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<b>Hearing:</b>	At the Breaking Point: The Humanitarian and Security Crisis at our Southern Border
<b>Primary:</b>	The Honorable Patrick J. Leahy
<b>Committee:</b>	JUDICIARY (SENATE)

Justice Executive Office for Immigration Review		refers the caller to the automated toll-free phone line for the Department of Justice Executive Office for Immigration Review for more information.
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<b>Question#:</b>	12
<b>Topic:</b>	Binary Choice
<b>Hearing:</b>	At the Breaking Point: The Humanitarian and Security Crisis at our Southern Border
<b>Primary:</b>	The Honorable Amy Klobuchar
<b>Committee:</b>	JUDICIARY (SENATE)

**Question:** In April, reports stated that the Department of Homeland Security (DHS) is considering implementing a “binary choice” policy in which families apprehended at the border would choose whether to waive their right to have their children released from detention after 20 days so that families can remain together in DHS facilities, or agree to separation so that children could be released while their parents remain in detention. When I traveled to the border last summer, I saw firsthand the effects of family separation and the trauma it caused parents and their children.

Have you participated in any discussions about the development or implementation of this policy?

If so, have you, or has anyone within your agency, consulted with child welfare experts about the effect that this policy would have on children?

**Response:** DHS does not comment on or release internal, deliberative, and pre-decisional information.

<b>Question#:</b>	13
<b>Topic:</b>	Enforcement Priorities
<b>Hearing:</b>	At the Breaking Point: The Humanitarian and Security Crisis at our Southern Border
<b>Primary:</b>	The Honorable Mazie K. Hirono
<b>Committee:</b>	JUDICIARY (SENATE)

**Question:** At the hearing, I asked you about Immigration and Customs Enforcement's (ICE) deportation enforcement priorities, but you claimed you simply "enforce the removal orders as we receive them in conjunction with working with the immigration ports." Several days later, ICE issued a notification stating that it would "ICE will heighten its focus on the removal of at-large aliens who have been issued a final order of removal in the past five years, have failed to depart the United States, and have received criminal convictions or have pending criminal charges. These convictions/charges may include, but are not limited to, assaults, drug offenses, gang violence, and DUIs." These are clearly enforcement priorities.

Given that resources are finite, please explain how ICE prioritizes enforcement of removals. Which categories or criteria has ICE identified as priorities for enforcement of removal orders?

Please provide copies of any documents identifying ICE's removal enforcement priorities.

**Response:** U.S. Immigration and Customs Enforcement (ICE) focuses its limited enforcement resources on individuals who pose a threat to national security, public safety, and border security consistent with federal law.

In accordance with President Donald J. Trump's January 25, 2017 Executive Order (EO) 13768, *Enhancing Public Safety in the Interior of the United States*, and former Secretary of Homeland Security John F. Kelly's February 20, 2017 implementation memorandum, *Enforcement of the Immigration Laws to Serve the National Interest*, ICE prioritizes immigration enforcement resources on removable aliens who (1) have been convicted of any criminal offense; (2) have been charged with any criminal offense that has not been resolved; (3) have committed acts which constitute a chargeable criminal offense; (4) have engaged in fraud or willful misrepresentation in connection with any official matter before a governmental agency; (5) have abused any program related to receipt of public benefits; (6) are subject to a final order of removal but have not complied with their legal obligation to depart the United States; or (7) in the judgment of an immigration officer, otherwise pose a risk to public safety or national security.

As directed in the EO and implementation memorandum, ICE does not exempt classes or categories of aliens from potential enforcement. However, ICE continues to prioritize its limited resources on public safety threats and immigration violators, as reflected by the fact that over 90% of ICE's Enforcement and Removal Operations administrative arrests

<b>Question#:</b>	13
<b>Topic:</b>	Enforcement Priorities
<b>Hearing:</b>	At the Breaking Point: The Humanitarian and Security Crisis at our Southern Border
<b>Primary:</b>	The Honorable Mazie K. Hirono
<b>Committee:</b>	JUDICIARY (SENATE)

had either a criminal conviction(s), pending charge(s), an outstanding final order of removal, or illegally reentered the country after previously being removed.

<b>Question#:</b>	14
<b>Topic:</b>	ATD Effectiveness
<b>Hearing:</b>	At the Breaking Point: The Humanitarian and Security Crisis at our Southern Border
<b>Primary:</b>	The Honorable Mazie K. Hirono
<b>Committee:</b>	JUDICIARY (SENATE)

**Question:** At the hearing and in your written testimony, you stated that Alternatives to Detention have been "proven ineffective in the management of recent entrants." Yet you concede that the Alternatives to Detention program "is effective in ensuring that its vetted participants show up to specified court hearings."

What studies or data do you have to support your statement that Alternatives to Detention have been "proven ineffective"? The Department of Homeland Security (DHS) Inspector General previously found that the Family Case Management Program was 99 percent successful in having participants attend court hearings and ICE appointments.

**Response:** U.S. Immigration and Customs Enforcement's (ICE) Alternatives to Detention (ATD) program is a tool that was designed to complement ICE's immigration enforcement efforts by offering increased supervision for a thoroughly vetted group of aliens who are not currently detained. However, it is important to note that ATD is not a substitute for detention, which is typically necessary to remove aliens who have received a final order of removal, as over 85 percent of ICE removals in Fiscal Year (FY) 2019<sup>6</sup> involve detention along with 82 percent in FYs 2017 and 2018. Additionally, ATD is not suited for many aliens, including those who are subject to mandatory detention under U.S. immigration laws, those with a criminal history, and those who are unlikely to comply with the terms of the program.

As of May 2019, there are more than 100,000 aliens enrolled in ATD, 50,000 in detention, and more than 3 million on ICE's non-detained immigration docket—including more than 1 million aliens who have already been issued a final order of removal by an Immigration Judge (IJ). Between FY 2016 and the present, ICE has been able to enroll more participants in part because it was able to reinvest the money that would have been spent on a much smaller number of Family Case Management Program (FCMP) enrollees. FCMP cost \$38.47 per family, per day (or approximately \$16.73 per individual), while traditional ATD – Intensive Supervision Appearance Program (ISAP III) costs approximately \$4.40 per individual, per day, and Extended Case Management Services (ECMS) costs approximately \$7 per family, per day. During the FCMP pilot, the program enrolled approximately 950 heads-of-household (HoH) at a cost of **more than \$17 million during the pilot period and resulted in only 15 removals from the United States**, as opposed to more than 2,700 from ATD – ISAP III during the same time

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<sup>6</sup> As of May 11, 2019.

<b>Question#:</b>	14
<b>Topic:</b>	ATD Effectiveness
<b>Hearing:</b>	At the Breaking Point: The Humanitarian and Security Crisis at our Southern Border
<b>Primary:</b>	The Honorable Mazie K. Hirono
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period. Additionally, while “compliance rates”<sup>7</sup> for FCMP were in the high 90th percentile (similar to other forms of ATD), because the program ran for such a short time, this only represents the fact that most participants showed up only for their first court hearing (and possibly second). It does not speak to whether participants would have been successful over the long term, as typically those who are enrolled in ATD become more likely to abscond as their cases near conclusion.

During the FCMP pilot, only 65 subjects completed the program, 41 of which were terminated due to non-compliance. As of June 2019, two years after the program was terminated, nearly 800 of the approximately 950 former FCMP HoH enrollees have active cases still pending and remain in the United States. Specifically, more than 150 of the active cases are subject to a final order of removal. Of those ordered removed, over 50 percent were ordered removed *in absentia*—that is they failed to appear for their final hearing.

Because immigration cases take years to conclude in a non-detained setting, the vast majority of these cases are still awaiting outcomes and would, therefore, still be enrolled in FCMP, which would have cost approximately \$26.5 million between June 2017 and the present if enrollments remained limited to the initial group of participants.

It is important to understand that the ATD program monitors the attendance of aliens assigned to the program at court hearings and their compliance with other terms of the program. Unlike detention, where ICE can ensure that aliens in its custody appear for immigration hearings and removal, ATD is not a hearing compliance tool.<sup>8</sup> This is evident as ATD has not proved effective as a compliance mechanism for those who have already been ordered removed or for recent arrivals with no community ties, including the many family units who are being apprehended by U.S. Customs and Border Protection while attempting to cross the Southwest Border.

Many such families claim a fear of persecution or torture if returned to their countries, and pursuant to *Flores* Settlement Agreement and to recent court decisions interpreting the *Flores* Settlement Agreement, ICE generally is unable to hold these accompanied minors in detention for more than 20 days. Thus, the accompanied minors and their

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<sup>7</sup> ICE also notes that widely reported “compliance rates” above 90 percent refer to whether an alien attended a specific, scheduled check-in or court hearing, and do not describe success across the entire immigration process.

<sup>8</sup> ICE also notes that widely reported “compliance rates” above 90 percent refer to whether an alien attended a specific, scheduled court hearing, and do not describe success across the entire immigration process.

<b>Question#:</b>	14
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families are being released on ATD in record numbers due not only to insufficient family detention space, but also ICE’s loss of detention authority under the *Flores* Settlement Agreement and judicial decisions interpreting it.

ICE has found that many recently-arrived families do not appear for court hearings and ignore lawfully issued orders of removal—even those who are placed on ATD abscond at a higher rate than other participants. In FY 2019 year to date,<sup>9</sup> the absconder rate for family units stands at 26 percent, more than twice than the 12.2 percent absconder rate for non-family unit participants, demonstrating the growing challenges such enrollments create for immigration enforcement.

ICE also notes that while ATD can complement other immigration enforcement efforts when used appropriately on a vetted and monitored population of participants, the program was not designed to facilitate ICE’s mission of removing aliens with final orders, and the agency lacks sufficient resources to locate and arrest the significant number of participants who abscond. In addition, cases on the non-detained immigration court docket often take years to complete, while detained cases are prioritized and ICE’s average length of stay for an alien in detention is approximately 30 days. As a result of these differing case timelines, as well as additional costs related to ATD absconders and other program violators, daily rate comparisons of ATD and detention cannot fully capture the costs related to aliens in each group, and the costs of ATD may exceed those of detention in many cases. For these reasons, enrolling more aliens in the ATD program without adding other appropriate resources, such as additional fugitive operations officers, to locate absconders, IJ’s to hear cases, ICE Office of the Principal Legal Advisor attorneys to represent Department of Homeland Security before the immigration court and the Board of Immigration Appeals and complementary support personnel, will only contribute to existing large scale problems in the U.S. immigration system rather than address them.

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<sup>9</sup> As of April 30, 2019.

<b>Question#:</b>	15
<b>Topic:</b>	ICE's Mission
<b>Hearing:</b>	At the Breaking Point: The Humanitarian and Security Crisis at our Southern Border
<b>Primary:</b>	The Honorable Mazie K. Hirono
<b>Committee:</b>	JUDICIARY (SENATE)

**Question:** You also state that the Alternatives to Detention program "does not further ICE's statutory mission of removing those who are illegally present in the United States and have been order removed by an immigration judge." But these programs are generally used before their claims for asylum or other immigration relief have been resolved by a court. Please explain how Alternatives to Detention are inconsistent with ICE's mission.

**Response:** U.S. Immigration and Customs Enforcement's (ICE) mission is to protect America from the cross-border crime and illegal immigration that threaten national security and public safety. As a part of that broad mandate, ICE has a more specific statutory mission to remove those aliens who are illegally present in the United States and have a final order of removal. ICE's Alternatives to Detention (ATD) program is a set of tools that uses technology and case management to monitor compliance with release conditions for a certain group of previously-vetted aliens while they are on the non-detained immigration docket (not all aliens are suitable candidates for enrollment in ATD, and many are not eligible, such as those with a criminal history). While the ATD program monitors its 100,000 vetted participants to ensure they show up to specified court hearings, the program is simply one piece of the immigration enforcement toolkit and is not meant to facilitate removals for the large numbers of aliens who have received final orders.<sup>10</sup>

When ATD is utilized properly to help monitor compliance for a vetted group of aliens who are likely to be successful in the program and is resourced appropriately, it can play a limited but useful role in ICE's overall mission. However, when aliens who are not suitable candidates for the program are enrolled, or enforcement and detention resources do not keep up with increasing ATD enrollments, the program has the capacity to add to existing problems in our immigration system, including a large and growing non-detained docket, a court case backlog of nearly 900,000 cases, and a lack of resources to address aliens who fail to appear for hearings or violate the conditions of the program.

Over the past 5 years the ATD program has tripled in size, while ICE has not received additional fugitive operations or other necessary resources that would allow it to address instances of participants absconding or otherwise failing to comply. As a result, the participants who do not check in or simply vanish rarely face any consequences for their

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<sup>10</sup> As of May 11, 2019, there were 1,066,347 aliens who had already received a final order of removal on ICE's non-detained docket, including nearly 150,000 of whom have a criminal conviction and/or pending criminal charges.

<b>Question#:</b>	15
<b>Topic:</b>	ICE's Mission
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lack of compliance. Aliens who have absconded from the ATD program must be apprehended by ICE while at-large, and ICE currently lacks sufficient resources to locate, arrest, and remove the tens of thousands of aliens who have removal orders but are not in ICE custody.

The most important factor that determines if an alien will be removed when a final order of removal is issued is whether the person is in detention when this occurs. Notably, in Fiscal Year 2017, approximately 82 percent of ICE removals had a detention record. This is why ICE has expressed concerns with ATD, and has stated that the program does not further the agency's statutory mission of removing individuals who are illegally present in the United States and have a final order of removal.

<b>Question#:</b>	16
<b>Topic:</b>	Family Case Management Program
<b>Hearing:</b>	At the Breaking Point: The Humanitarian and Security Crisis at our Southern Border
<b>Primary:</b>	The Honorable Mazie K. Hirono
<b>Committee:</b>	JUDICIARY (SENATE)

**Question:** In July 2017, the Trump administration ended the Family Case Management Program, which was highly successful. Alternatives to detention could help alleviate the humanitarian concerns at the southern border and cost significantly less than family detention. For example, Family Case Management Program cost about \$38 per day, compared to nearly \$320 per day for a family detention bed. Congress sought to reinstate this program by appropriating nearly \$272 million for alternatives to detention, including the successful Family Case Management Program for Fiscal Year 2019.

What specific steps has ICE taken so far to reinstate the Family Case Management Program?

Has ICE looked into returning to the practice of having the Family Case Management Program managed by a qualified non-profit organization, such as one with extensive experience serving immigrants, to maximize its effectiveness?

**Response:** As instructed by Congress, U.S. Immigration and Customs Enforcement (ICE) recently incorporated many of the Family Case Management Program (FCMP) principles into its traditional Alternatives to Detention (ATD) program. These principles were incorporated into the current ATD Intensive Supervision Appearance Program III through a contract modification and are known as Extended Case Management Services (ECMS). These same services are available through the ECMS modification, as they were available under FCMP with two distinct differences: ECMS is available in a higher number of locations<sup>11</sup> and available at a fraction of the cost<sup>12</sup>. With additional funding, ICE will expand the FCMP principles across more of the non-detained ATD population and continue to identify and deploy other robust case management concepts.

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<sup>11</sup> FCMP was available in only 5 metropolitan areas, while ECMS is available in any location in which ICE Enforcement and Removal Operations has a C-site, which is in approximately 50 cities across the United States.

<sup>12</sup> While FCMP was available for approximately \$38 per head-of-household per day, ECMS services are available for less than \$7 per head-of-household per day. This leads to a significant cost reduction for the government, while achieving comparable outcomes.

<b>Question#:</b>	17
<b>Topic:</b>	Family Detention Centers
<b>Hearing:</b>	At the Breaking Point: The Humanitarian and Security Crisis at our Southern Border
<b>Primary:</b>	The Honorable Mazie K. Hirono
<b>Committee:</b>	JUDICIARY (SENATE)

**Question:** Last July, your predecessor Mr. Albence claimed that “the best way to describe” family detention facilities, which he called Family Residential Centers, are that they are “like a summer camp.” But the American Academy of Pediatrics has warned of the trauma and long-term mental health risks that even short periods of detention can cause in children.

From June 2018 through March 2019, ICE reported there have been 16,477 children age 10 and younger held in these facilities. That includes 9,273 children age 5 and younger and 46 infants. Their average length of stay was between 12 and 13 days, but their maximum length of stay was up to 72 days for children 5 and under and 78 days for children over age 5.

What factors does ICE consider when deciding whether to send a child, particularly a young child to a family detention center?

What steps have you taken to ensure that children are receiving adequate medical and mental health services at these family detention centers?

**Response:** U.S. Immigration and Customs Enforcement (ICE) makes custody decisions based on applicable law and on a variety of case-specific and operational factors, and notes that the agency’s three specially-designed Family Residential Centers (FRCs) provide a safe and humane environment for families who are detained. The FRCs were developed in consultation with non-governmental organizations (NGOs) with relevant expertise and are designed to ensure the well-being of their residents. FRCs offer an extensive range of services, including medical care, educational and legal resources, religious services 7 days per week, and numerous daily indoor and outdoor recreational activities.

ICE takes its responsibility to provide appropriate care very seriously—particularly when it comes to children, many of whom have recently endured a hazardous journey to the Southwest Border through no choice of their own. FRCs are designed with the particular needs of this vulnerable population in mind, and ICE strongly believes the services provided are appropriate. In fact, as detailed in the June 2017 U.S. Department of Homeland Security (DHS) Inspector General’s report,<sup>13</sup> ICE’s FRCs were found to be

<sup>13</sup> “Results of Office of Inspector General FY 2016 Spot Inspections of U.S. Immigration and Customs Enforcement Family Detention Facilities.” June 2, 2017. [https://www.oig.dhs.gov/sites/default/files/assets/2017/OIG-17-65-Jun17.pdf?utm\\_source=E-mail+Updates&utm\\_campaign=e1d1c3e779-](https://www.oig.dhs.gov/sites/default/files/assets/2017/OIG-17-65-Jun17.pdf?utm_source=E-mail+Updates&utm_campaign=e1d1c3e779-)

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“clean, well-organized, and efficiently run,” and the agency was found to be “addressing the inherent challenges of providing medical care and language services and ensuring the safety of families in detention.” Additionally, the medical, mental health, and educational services offered have been positively reviewed by experts from the DHS Office for Civil Rights and Civil Liberties (CRCL).

All three of ICE’s FRCs offer a variety of indoor and outdoor daily recreation activities for children and adults, and a monthly recreational schedule is posted within communal areas in each facility. Indoor activities offered include a variety of sports such as basketball, badminton, and indoor soccer and volleyball, group exercise classes such as Zumba, arts and crafts classes, karaoke, movie nights, and seasonal and holiday-themed activities. Outdoor recreational facilities include soccer fields, sand volleyball courts, handball courts, sand boxes, and play structures with slides and jungle gyms. In addition, residents also have access to musical instruments, as well as a law library and a social library, where additional scheduled activities include crochet, Rosetta Stone language learning classes, coloring activities and drawing contests, and reading sessions with parents and children. A wide selection of books is available in multiple languages, with approximately a 10-to-1 ratio of books to residents.

Educational services are also provided to all children from pre-K through high school, and include in-class instruction as well as field trips. An initial aptitude test is provided within 72 hours of arrival to determine appropriate placement, and students are taught by state-certified and bilingual/English as a Second Language (ESL)-certified teachers. Education is provided in accordance with state standards, and education records are provided to U.S. public schools upon request. CRCL’s mental health doctor positively assessed the education programs, noting that “overall, school appeared to function well and mothers were pleased with the education their children were receiving.”

Dining at FRCs includes three free “all you can eat” meals each day, which are based on a 6-week rotating menu that has been verified and approved by a licensed dietician, and feature child-friendly and culturally-relevant options. Residents are also provided with 24-hour access to snacks and juice, and have the option of buying additional supplies from the commissary.

The FRCs also offer comprehensive medical care, and staffing includes registered nurses and licensed practical nurses, licensed mental health providers, mid-level providers that include a physician’s assistant and nurse practitioner, a physician, dental care, and access

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to 24-hour sick call and emergency services, as well as a full pharmacy and immunizations. The CRCL doctors' reports also contained positive findings, such as "overall, the medical care of detainees at the South Texas Family Residential Center is good. Since our previous on-site, the medical staffing contractor has worked to recruit and retain qualified pediatric providers, including two excellent pediatricians and other nursing providers. Medical record-keeping was excellent with thorough attention paid to appropriate preventive and developmental screening and anticipatory guidance." In addition, all families receive mental health screenings upon admission, as well as ongoing medical and mental health care as needed. Both individual and group therapy is offered, and mental health staff have bi-weekly meetings with educational staff to identify at-risk students and ensure that their needs are addressed.

<b>Question#:</b>	18
<b>Topic:</b>	ICE Role
<b>Hearing:</b>	At the Breaking Point: The Humanitarian and Security Crisis at our Southern Border
<b>Primary:</b>	The Honorable Mazie K. Hirono
<b>Committee:</b>	JUDICIARY (SENATE)

**Question:** On February 20, 2019, the government reported in *Ms. L v. U.S. Immigration and Customs Enforcement* that 249 children were separated from their parents between June 28, 2018 and February 5, 2019 - after Judge Sabraw ordered an end to family separations with rare exceptions. The government stated that 225 of those 249 cases were separations based on a parent's alleged "criminality, prosecution, gang affiliation, or other law enforcement purpose."

On May 2, 2019, USA Today reported that there 389 children who have been separated from their parents between June 28, 2018 and April 2019, and one-fifth of these newly separated children are younger than 5 years old. This indicates a 56-percent increase in the number of family separations since February 2019. The article identifies one father who had his 2-year-old daughter taken from him for nearly a month despite having a birth certificate with both their names and no prior criminal record.

What role, if any, does ICE play in family separations?

**Response:** Typically, U.S. Customs and Border Protection (CBP) takes initial custody of family units encountered or apprehended at the border and may determine that the child be separated from his or her parent or legal guardian if CBP is unable to determine the custodial relationship, if the child is at risk with the parent or legal guardian, if the parent has a criminal history, or when the parent is referred for criminal prosecution. When this occurs, CBP designates the child as an unaccompanied alien child (UAC). Absent exceptional circumstances, UACs must be transferred into the custody of the U.S. Department of Health and Human Services (HHS) Office of Refugee Resettlement (ORR) within 72 hours of the UAC determination. In these cases, U.S. Immigration and Customs Enforcement's (ICE) role in this process is limited to transporting the UAC from CBP custody into HHS ORR custody or repatriating UACs who have received a final order of removal.

Family separation may also occur during U.S. Department of Homeland Security (DHS) law enforcement and immigration enforcement activities, though such situations are comparatively rare outside of the separations that occurred as a result of the Zero Tolerance Policy. There are multiple factors that play into making the determination to separate children from their parents, and ICE is legally obligated to make such decisions with the child's welfare as the primary factor.

Children may be separated from the adult(s) with whom they are traveling at the time of apprehension due to the adult being prosecuted for violating U.S. criminal laws, a lack of

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identity documents establishing parentage, or doubts about other evidence purporting to validate a parent or legal guardian relationship with the alien child. Additional factors that contribute to an assessment that separation will protect the health, safety, and well-being of the child may include the adult’s criminal history, observed behaviors or actions that cause DHS to become concerned for the welfare of the child, and concern about false parental or familial relationship.

ICE makes an independent custody determination on every individual or family unit. As part of this process, factors are taken into consideration such as equities or sponsors in the United States, criminal and immigration history of the adults, and public safety concerns such as gang affiliations and flight risk. Family units that have a final order of removal, and are from countries where repatriation is possible, may be housed together at a family residential center pending their removal from the United States.

Similar to U.S. Border Patrol, ICE considers the danger posed to children by illegal immigration, such as threats of violence from human traffickers and the risk of crossing the Southwest Border in remote and dangerous areas. When claimed family units are encountered by ICE, a custody decision is made on a case-by-case basis, based on the totality of evidence.

**Question:** What training, if any, has DHS provided to ICE officers who interact with parents or children who have been separated?

**Response:** ICE fully recognizes its responsibility to provide appropriate care when it is responsible for the custody of the separated child and/or parent(s). As noted above, ICE’s role in this process is limited to transporting UAC from CBP custody into HHS ORR custody or repatriating UAC who have received a final order of removal.

All 24 ICE Enforcement and Removal Operations (ERO) field offices have primary and back-up Field Office Juvenile Coordinators (FOJCs), each of whom receives annual, specialized training with respect to the unique vulnerabilities of children. Depending on UAC-related movement and cases, some field offices may have multiple FOJCs. The FOJCs serve as local subject matter experts on the proper processing, transportation, and placement of UACs; monitor operational practices for compliance with regulations, standards, and policy; and are on call 24 hours per day, 7 days per week.

Additionally, in June 2018, the ICE ERO Custody Management Division developed a training entitled “Recognizing and Responding to Trauma in Separated Parents: A Training for ICE ERO and Contract Detention Staff at ICE Detention Facilities.” The purpose of the training is to recognize the signs and symptoms of trauma in separated

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parents and how to appropriately respond to trauma. It is available to be delivered upon request and can be customized to address the particular needs of a facility or situation.