

Question#:	4
Topic:	UAC Population 2
Hearing:	The Unaccompanied Children Crisis: Does the Administration Have a Plan to Stop the Border Surge and Adequately Monitor the Children?
Primary:	The Honorable Charles E. Grassley
Committee:	JUDICIARY (SENATE)

Question: I'm interested in knowing more about the trends in who is coming across the border and how they are treated by immigration officers. According to the department's own statistics, 83 percent of those removed so far this fiscal year were between the ages of 15-17 when they were apprehended. Some say that these minors are coming to escape violence in their home country, but there's also evidence that drug cartels are behind the surge and aiding these young people. What can you tell us about the population being encountered by your Border Patrol Officers-such as age, gender, whether they are using smugglers?

Response: In Fiscal Year 2016, as of April 2016, the number of unaccompanied alien children (UAC) encountered include: 10,691 Guatemalans, 9,613 Salvadorans, 5,094 Hondurans, and 6,994 Mexicans. With regard to gender, there were 23,852 male and 9,054 female UAC encountered. With regard to age, the UAC encountered include: 28,258 between 13-17 years old, 3,970 between 6-12 years old, and 669 between 0-5 years old.

Various intelligence documents attribute the ongoing Northern Triangle migration to factors that push people to leave, pull them to the United States, and facilitate their journey such as better jobs and salaries, receive remittances, escaping crime and violence, and , and the desire to reunite with family in the United States.

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Topic:	Diverted Resources
Hearing:	The Unaccompanied Children Crisis: Does the Administration Have a Plan to Stop the Border Surge and Adequately Monitor the Children?
Primary:	The Honorable Charles E. Grassley
Committee:	JUDICIARY (SENATE)

Question: Department of Homeland Security (DHS) data shows that the number of unaccompanied children apprehensions for 2016 are on pace to exceed the record number from 2014. We know that Border Patrol agents were diverted from their normal duties in 2014 to care for children. We also understand that communication between the Department of Health and Human Services (HHS) with Border Patrol agents was complicated because there was no common database used.

How is this year's surge diverting Border Patrol resources?

Response: As of April 30, 2016, the total number of UAC apprehensions are 32,932. During the same period in 2014, the UAC apprehension level was 36,322. Currently, the Rio Grande Valley Border Patrol Sector (RGV) is operating under steady state operations and leveraging economies of scale afforded by the Centralized Processing Center (CPC), to maximize processing output while minimizing the staffing requirement to perform processing, screening and removal functions for all apprehensions in the RGV area of responsibility. The CPC (concept) is the overall process that RGV uses to perform the processing, screening, and removal functions for all apprehensions. Currently, the McAllen Border Patrol Station processing center in McAllen, Texas is being utilized to perform the majority of the processing while the Ursula Facility, also in McAllen, detains and houses UAC and Family Units (FMUA) prior to removal/placement by ICE/ERO or HHS/ORR. The Ursula Facility is currently partially under construction and will ultimately perform all of the functions of the CPC. The projected completion date is early FY18.

Currently, approximately 10% - 13% of on duty/ available agents are performing processing/screening/removal functions on a daily basis (200-225 agents) sector-wide. During the influx of 2014, the manpower requirement for processing, screening and removal functions ranged upwards of 20% or more of available manpower per day. Each shift, the CPC staffs a Juvenile Coordinator and Assistant Juvenile Coordinator to ensure Field Office Juvenile Coordinator notifications are made in a timely fashion. These notifications are made electronically or telephonically to Enforcement Removal Office Operations (ERO) and Health and Human Services (HHS) requesting placement for these UAC. The Ursula holding facility built in 2014, continues to be used to hold UAC pending transfer to HHS and family units pending transfer to ICE. Contract services have remained in place at the Ursula facility (such as transportation, security, shower and laundry services, food service, and basic medical care), so that only a small cadre of agents (five (5) agents - one (1) supervisor and four (4) agents) are required to manage

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the facility and oversee contract personnel to ensure proper care for UACs who have been processed and are pending placement by ORR and transfer to ORR by ICE.

Question: How has the communication improved for your Border Patrol agents, if at all?

Response: Many efficiencies in communication were realized during the 2014 crisis, and interagency partners have built on that success with the 2015 implementation of automated referrals from DHS to HHS. This automation occurred via integration of the DHS UAC referral form in the HHS ‘UAC Portal’ for the submission of ICE FOJC notifications. The automation takes the information that was being requested through the UAC referral form and provides that information from what the agent inputs into e3 (all information on the referral form was already being captured in e3). At that point of transmitting information, we “migrate” the information that has been input into e3 to the UAC Referral Form and transmit it to ORR. Once received on ORR’s end, the information automatically populates the UAC Portal database. ORR communicates back, via email, with USBP once placement has been found. The notification is sent to USBP and ERO at the same time.

Question: What percentage of time is being spent detaining, processing, and transferring the children to HHS custody?

Response: Currently, approximately 10 - 13 percent of on duty/available agents are performing processing/screening/removal functions on a daily basis (200-225 agents) sector-wide. During the influx of 2014, the manpower requirement for processing, screening and removal functions ranged upwards of 20 percent or more of available manpower per day. Each shift, the Central Processing Center staffs a Juvenile Coordinator and Assistant Juvenile Coordinator to ensure Field Office Juvenile Coordinator notifications are made in a timely fashion. Additionally, only five agents per shift are assigned to the Ursula holding facility to manage contract personnel and coordinate transfer of UAC to ORR and or U.S. Immigration and Customs Enforcement (ICE) for transportation to an ORR facility.

Question#:	6
Topic:	CBP/ORR Automatic Notification System
Hearing:	The Unaccompanied Children Crisis: Does the Administration Have a Plan to Stop the Border Surge and Adequately Monitor the Children?
Primary:	The Honorable Charles E. Grassley
Committee:	JUDICIARY (SENATE)

Question: In July 2015, GAO released another report, entitled "Unaccompanied Alien Children: Actions Needed to Ensure children Receive Required Care in DHS Custody," regarding DHS and Health and Human Services (HHS) policies and procedures with respect to unaccompanied alien children (UAC). The GAO reviewed the policies and procedures of the Office of Refugee Resettlement (ORR), U.S. Customs and Border Protection (CBP), and U.S. Immigration and Customs Enforcement (ICE). This report found several problems and inefficiencies in the way these agencies were conducting their operations in regards with UAC. Among several problems, this report found several gaps and inefficiencies with the referral and transfer of children from DHS to HHS. However, the GAO found a promising notification system between CBP and ORR. In a letter, Senator Johnson and I asked you about this automatic notification system. You reported that this system was being tested in the Del Rio Sector, and if successful, would be implemented nationwide.

How successful has this automatic notification system been?

Response: USBP believes the CBP/ORR UAC Portal pilot has been successful by at least two measures. First, no more dual data entry is conducted by either BP agents or the ORR personnel, and second, an unnecessary intermediary step in the ERO UAC notification process has been successfully eliminated. This means that Border Patrol Agents no longer send the UAC notifications to ERO, with ERO then sending them to ORR. Essentially with the new systems, agents send the information, including the UAC Placement Form, directly to ORR. It seems that placement location is being returned more quickly thanks to the CBP/ORR UAC Portal.

Question: Are there plans to extend the program nationwide?

Response: The program was implemented nationwide on February 28, 2016.

Question: Will the automatic notification system be expanded only within CBP, or throughout DHS, including ICE, if it is implemented nationwide?

Response: DHS will take this under consideration.

Question#:	7
Topic:	e3 Web-Based System
Hearing:	The Unaccompanied Children Crisis: Does the Administration Have a Plan to Stop the Border Surge and Adequately Monitor the Children?
Primary:	The Honorable Charles E. Grassley
Committee:	JUDICIARY (SENATE)

Question: GAO found that CBP was not consistently or accurately documenting its screening of unaccompanied minors held in its custody. Senator Johnson and I had asked about efforts to improve CBP's documentation of the screening process, including improvements to Forms 93 and I-213. The response letter from DHS and HHS did not mention Forms 93 or I-213, but described the e3 web-based system. According to this letter, e3 is used to collect data on unaccompanied minors in the Border Patrol's custody. However, the response letter did not clarify whether Forms 93 or I-213 were replaced, supplemented, or related to e3.

Is e3 a replacement for forms 93 and I-213?

Response: No. e3 is the repository where the information is input, stored, and then retrieved on the form.

Question: What efforts are taken or made to ensure that all Border Patrol agents import all information into e3?

Response: All information is input into e3 and only then are these forms printed. Under Border Patrol policy and Standard Operating Procedures, e3 is the system of record for processing subjects, to include the I-213 and CBP-33.

Question: If e3 does not replace Forms 93 and I-213, what steps are being taken to ensure that all agents who screen children fill out and use both Forms 93 and I-213?

Response: The CBP Form 93 Unaccompanied Alien Child Addendum, and the I-213 are completed for all UAC. As noted above, the e3 system does not replace the forms, but is the repository where information is input, stored, and retrieved for use on these forms. Under Border Patrol policy, agents and their supervisors must verify that Forms 93 and I-213 are included in UAC paperwork.

Question: What steps have been taken and are being taken to update Form 93 to provide more guidance in determining whether to repatriate a UAC from a contiguous country?

Response: CBP has convened a headquarters-level work group and a field level work group comprised of subject matter experts to review the current Form 93. The UAC Screening Work Group has completed its revision of this form. The revised Form 93 has been forwarded to Senior Leadership within each of the CBP operational components to

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include the U.S. Border Patrol, and Office of Field Operations, as well as CBP support components such as the Office of Chief Counsel, the Office of Training and Development, and the Office of Administration, along with external stakeholders to include the DHS Office for Civil Rights and Civil Liberties, the Office of the United Nations High Commissioner for Refugees, and the DHS Blue Campaign for review, comments, and edits. The deadline for submission to field is June 30, 2016.

The UAC Screening Work Group has also developed a Reference Guide to assist agents and officers during processing of a UAC. This guide offers follow-up questions in an effort to elicit detailed responses to the revised CBP Form 93, Unaccompanied Alien Child Screening Addendum questions. The Reference Guide is comprised of two sections. One section is Law Enforcement Sensitive, and the second section will be available for public release. The guide will also contain links that agents and officers can access to further assist them while processing a UAC. The guide has been submitted to Senior Leadership for review, edits and comments, and its anticipated rollout is June 30, 2016.

Question: The GAO report noted that DHS does not keep accurate account of time a child is held in DHS custody. We asked what changes the Department has made to rectify that problem. Does e3 monitor the length of time unaccompanied alien children are in DHS custody? If not, has the department made changes in how it monitors the length of time children are in DHS custody? If so, what are those changes? If not, why not?

Response: The GAO identified two concerns related to monitoring the length of time in DHS custody. First it was noted that if a UAC is turned over to Enforcement Removal Office /MVM, Inc., the USBP stops calculating Time in Custody, and that, as a result, USBP does not monitor total time in DHS custody. Second, GAO noted that where individual UACs are given local placements by HHS, USBP will often directly transport the UAC. According to the GAO, this transport time for UAC's was not reflected in the total time in custody for the UAC.

The e3 Detention Module (e3DM) has been modified to account for the time a child has been in the custody of the U.S. Border Patrol. e3DM has also been modified to track actions taken such as feeding and hygiene care. UAC time in custody is calculated from the moment a child is apprehended to the time the child is transferred to the custody of ICE ERO or to the contractor for transport to HHS for eventual care and placement.

Question#:	8
Topic:	Public Information Campaigns
Hearing:	The Unaccompanied Children Crisis: Does the Administration Have a Plan to Stop the Border Surge and Adequately Monitor the Children?
Primary:	Senator David Vitter
Committee:	JUDICIARY (SENATE)

Question: Mr. Vitello, in June 2014, an internal summary prepared by border agents sought "to determine the factors compelling the OTMs [other than Mexicans] to migrate to the U.S." About 230 individuals were interviewed. When asked why they chose to migrate, an overwhelming majority said it was to take advantage of the "new" U.S. law that grants a "free pass" to unaccompanied children and female adults traveling with minors. Specifically, the summary states, "A high percentage of the subjects interviewed stated their family members in the U.S. urged them to travel immediately, because the United States Government was only issuing immigration "permisos" until the end of June 2014." The summary further states that "the issue of "permisos" was the main reason provided by 95 percent of the interviewed subjects."

In 2013 and 2014, the Department of Homeland Security (DHS) claimed to have conducted public information campaigns that warned potential migrants of the dangers that could be encountered on the journey to the United States and sought to combat the perception that children would receive legal papers to remain in the United States. However, a Government Accountability Office (GAO) Report issued in July 2015 found that DHS did not have an active campaign, but was planning to start one in 2016.

1. Does DHS currently have in place any such campaign? Please describe any campaign DHS currently has in place to inform potential migrants of the dangers of the journey to the United States and the likely outcomes once they arrive.

2. What locations are the main targets of these information campaigns?

3. If no campaign is currently in place, is DHS planning to begin a campaign during this year?

Response: Current Status

U.S. Customs and Border Protection with partner agencies including the Department of State has conducted information campaigns in Central America and Mexico to increase awareness of U.S. immigration policies, enhanced enforcement efforts, the consequences of illegally crossing the border, and the dangers that migrants encounter on their journey.

Past Campaigns

Awareness campaigns over the last decade included:

- *No más cruces en la frontera* (No More Crosses at the Border) – International campaign run predominately in Mexico from 2004 - 2012.

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- *Dangers of the Journey to Cross the Border* – International campaign run in 2013, 2014 and between January – March 2016 in Central America and Mexico.
- *No Te Engañes* (Don't Be Fooled) – International human trafficking campaign run in 2010 and in the United States in 2011.
- *Know the Facts* Public Information campaign run from January – March 2015 and from July-October 2015 in Central America and Mexico. Extension of the campaign ran from October 20-November 29, 2015.
- *Don't Risk Your Life* testimonials featuring actual migrants launched May 2016 and is currently ongoing. In the summer of 2016, CBP intends to launch, with the support of the Department of State, a new campaign that will build on the successes of these past public awareness campaigns using an even more aggressive communication strategy.

Overview of the *Dangers* and *Know the Facts* Campaigns

Dangers of the Journey Campaign

First Launch – February to May 2013

Second Launch – June 30 to October 2014

Third Launch – January to March 2016

- The goal of the unbranded campaign was to dissuade potential migrants seeking to enter unlawfully — particularly 12- to 17-year-olds from El Salvador, Guatemala, and Honduras — from embarking on the dangerous trek north to attempt to enter the United States illegally. Intended audience included both the children themselves and their parents or guardians.
- Spanish-language campaign materials for radio, television, and print media were placed with popular media outlets in all three countries. They took the form of simulated conversations between children and smugglers, or among family members, sometimes from the perspective of those grieving loved ones left behind. Native speakers narrated each Public Service Announcement (PSA) to help ensure the message resonated within the respective communities. ***Reached 75 million viewers within Central America and Mexico.***

Know the Facts Campaign

Campaign placements initially ran from January – March 2015

Revised print placements ran from July 20-October 11, 2015

TV and radio spots ran from July 20-October 5, 2015

- ***Extension of the campaign ran from October 20-November 29, 2015***DHS/U.S. Customs and Border Protection and the Department of State launched a branded

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public information campaign called *Know the Facts* in El Salvador, Guatemala, Honduras, and Mexico.

- All materials can be viewed on www.cbp.gov/knowthefacts.
- PSA video was placed in key television markets within Central America.
- A radio spot was placed in key markets in Central America and Mexico.
- Print mediums (poster, flyers) were placed in El Salvador, Guatemala, Honduras, and Mexico.

Don't Risk Your Life Testimonials

- CBP officers and agents have been working to identify individuals who have had negative experiences during irregular migration and who are willing to share their stories.
- They have worked with these individuals to develop compelling counter-migration testimonials.
- The first of these testimonials launched in El Salvador, Guatemala, Honduras, and the U.S. in May-June, 2016, and additional testimonials are in development to be regularly rolled out as they are finalized.

New Illegal Migration Campaign - Next Steps **(Projected launch: Summer 2016)**

DHS and the Department of State plan to launch a new campaign focusing on the perils, risks and tragic realities that migrants, especially children, encounter during their dangerous, irregular journey to the United States, as well as the consequences of attempting to enter the United States illegally. An interagency workgroup will determine key messaging.

Because lack of money and dangers were cited as deterrent factors in recent surveys, we will incorporate stronger messages in future campaigns about the financial hardships and physical dangers associated with attempting the journey north.

In the interim, CBP ran a 90-day extension of the previous *Dangers of the Journey* campaign from January through March 2016. Television and radio advertisements ran in Central America, while social media was the focus in Mexico.

Key Audiences

Focus of the campaign will be:

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- **Primary awareness campaign audience will be youth** (12-18 years of age) living in Central America and Mexico (in the southern states).
- **Secondary campaign audience will be parents, legal guardians, and/or sponsors of a youth** to increase their awareness of the dangers and the legal realities youth face by crossing the border illegally.
- **Target markets include Central America**, the southern states of Mexico, (earned and social media) and directly across the U.S. border (earned media). And on key media markets with large Central American diaspora communities in the U.S.

Question#:	9
Topic:	Child Care and Custody
Hearing:	The Unaccompanied Children Crisis: Does the Administration Have a Plan to Stop the Border Surge and Adequately Monitor the Children?
Primary:	Senator David Vitter
Committee:	JUDICIARY (SENATE)

Question: Mr. Vitello, one of the large issues appearing in a report published by the U.S. Senate Permanent Subcommittee on Investigations is the post-release responsibility of unaccompanied alien children (UACs). According to the report, the Department of Health and Human Services' (HHS) view is that once a child is placed with a sponsor, the agency's authority and "responsibility" for the "care and custody" of the child ends. However, the agency informed the Subcommittee that while such interpretation is longstanding, it is not reflected in any regulation promulgated by the Department.

In March 2008, the HHS Office of Inspector General recommended that HHS establish a Memorandum of Understanding (MOU) with DHS to delineate the roles and responsibilities each Department should play in caring for the child after they have been released to a sponsor. Since HHS is still purporting that it has zero responsibility for these children, it appears that no such MOU has been put in place.

1. Is any such MOU in progress?
2. If so, what is its status and expected date of completion?

Response: At the end of February 2016, HHS and DHS entered into a Memorandum of Agreement (MOA) to enhance cooperation and coordination of efforts relating to the care and custody of unaccompanied minors. The MOA builds on numerous efforts already in place to enhance cooperation, but ensures a more formal structure for raising concerns and working together to address issues as they arise. Under the MOA, a Senior Council comprised of HHS and DHS members will direct the completion of a Joint Concept of Operations to ensure that there is clarity about operational responsibilities, practices, and policies. Issues such as post-custody responsibility would fall under this framework.