

Q. Is Border Patrol still separating children since ending Zero Tolerance? How many?

- CBP strives to maintain the family unity of aliens in custody to the greatest extent operationally feasible, and that any operational decision to separate a family unit is not made without taking the well-being of the child into account.
- Since the President's Executive Order, through this December, Border Patrol separated family units that included approximately 93 juveniles based on the welfare and safety of the juvenile and whether or not a parent or guardian is amenable to prosecution.
- Specific reasons include gang affiliation, extraditable warrant, prosecution due to criminal history, and hospitalization of the parent.

| Separations                 | Apr. 19-Sept. 30<br>(FY18) | Oct. 1-Dec. 31<br>(FY19TD) | Total by<br>Age |
|-----------------------------|----------------------------|----------------------------|-----------------|
| Adult                       | 36                         | 47                         | 83              |
| Juvenile                    | 36                         | 57                         | 93              |
| <b>Total by Time Period</b> | <b>72</b>                  | <b>104</b>                 |                 |

| Separation Reasons                                                  |
|---------------------------------------------------------------------|
| Family Member - Extraditable Warrant                                |
| Family Member - Gang Affiliation                                    |
| Family Member Hospitalized                                          |
| Family Member Juvenile with Lead Separated                          |
| Family Member Prosecuted - Criminal History                         |
| Family Member - Prior Immigration violation(s) and order of removal |
| Family Member Prosecuted - Other Reasons                            |
| Family Member - Terrorist                                           |

Q. How many families were separated by Border Patrol during Zero Tolerance?

- From May 5 through June 20, Border Patrol separated 2,280 family units for various reasons, including gang affiliation, extraditable warrant, prosecution, and hospitalization of the parent, after which the child was transferred to the care of HHS.
- During this period, the majority of the adults—1,928—were separated for prosecution under 8 USC 1325, Entry without Inspection.

Q. What is the minimum age of a child to be separated from the parent, when the parent is going to be prosecuted? We're hearing reports of infants, some so young they are still breastfeeding, being separated from their mothers.

- There is no hard and fast rule on the age of a child with respect to family separation. USBP reviews each family separation on a case-by-case basis.
- We consider the well-being of children in our custody to be our highest priority, and we take every precaution to ensure their safety.

| Total Remained Separated FMUA |         |       |        |       |
|-------------------------------|---------|-------|--------|-------|
| Sector                        | Age     | Male  | Female | Total |
| SBO                           | 0 - 4   | 16    | 10     | 26    |
|                               | 5 - 9   | 518   | 348    | 866   |
|                               | 10 - 17 | 1,023 | 516    | 1,539 |
| SBO Total                     |         | 1,557 | 874    | 2,431 |

Q. How many families have been reunited so far?

- Border Patrol reunited over 500 children with their parents in our custody, usually when parents returned from court before their children were transferred to the care of HHS.
- I would need to defer to my colleagues at HHS and ICE regarding the reunification efforts of individuals in their custody and care.

| Reunited FMUA by CBP |         |      |        |       |
|----------------------|---------|------|--------|-------|
| Sector               | Age     | Male | Female | Total |
| SBO                  | 0 - 4   | 13   | 11     | 24    |
|                      | 5 - 9   | 116  | 120    | 236   |
|                      | 10 - 17 | 169  | 118    | 287   |
| SBO Total            |         | 298  | 249    | 547   |

Q. Commander White testified last week that HHS did not receive any information from CBP about the separated children. Why is your agency not cooperating with reunification requirements ordered by the court?

- I would disagree with that statement.
- I am aware of multiple communications in June and July 2018 (June 25, July 5, July 20) from CBP to HHS providing the latest information on the separated children from our thorough review of our E3 system.
- We shared this information with ICE as well to ensure our partners had all available information on parents and children to support reunification efforts.
- Additionally, on Saturday, June 23, a representative from CBP was detailed to HHS to assist with any questions and was there for several weeks.

Q. Has Zero Tolerance been effective at increasing the prosecution rates for illegal border crossers?

- In the first four months of FY19, we have prosecuted approximately 21 percent of deportable apprehensions, up slightly from a 20 percent prosecution rate in the same period of last year.
- However, our deportable apprehensions are nearly double last year's, so in real terms we've increased prosecutions 91 percent, from 22,000 to 42,000.
- This is a significant improvement in the delivery of consequences for illegal border crossers.

Q. I've heard that more and more supposed family units are really adults trafficking unrelated children to avoid being detained by ICE. Is this true?

- You are correct that this is something we are seeing more often, which is why we began tracking in our official system of record on April 19, 2018.
- From April 19 through September 30, 2018, Border Patrol identified that approximately 500 individuals undergoing processing as family units had made fraudulent claims.

- This includes both individuals who claimed to be children traveling with a parent but were determined to be 18 or over and individuals who did not have a family unit relationship.
- So far this year, we have identified XXX individuals during processing who made fraudulent claims as family units.