



**HOMELAND SECURITY ADVISORY  
COUNCIL**

**CBP Families and Children Care Panel  
Final Report**

**November 14, 2019**

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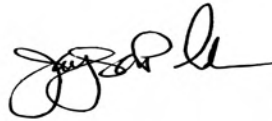
This publication is presented on behalf of the Homeland Security Advisory Council, CBP Families and Children Care Panel, Chaired by Administrator (Ret.) Karen Tandy, Drug Enforcement Administration and Vice Chaired by Jayson Ahern, Principal and Head of Security Services, The Chertoff Group, as the Final Report to the (A) Secretary of the Department of Homeland Security, Chad Wolf.

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## TABLE OF CONTENTS

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|                                                                                               |    |
|-----------------------------------------------------------------------------------------------|----|
| EXECUTIVE SUMMARY .....                                                                       | 1  |
| INTRODUCTION .....                                                                            | 4  |
| KEY EMERGENCY RECOMMENDATIONS OF OUR INTERIM REPORT -- STATUS OF<br>CBP AND DHS ACTIONS ..... | 7  |
| WHAT HAPPENED IMMEDIATELY AFTER OUR APRIL 16, 2019 INTERIM REPORT                             | 14 |
| ADDITIONAL RECOMMENDATIONS .....                                                              | 17 |
| CONCLUSION.....                                                                               | 30 |
| APPENDIX A: PANEL MEMBER BIOGRAPHIES .....                                                    | 31 |
| APPENDIX B: TASK STATEMENT.....                                                               | 36 |
| APPENDIX C: FAMILY UNIT APPREHENSION DATA FY19 .....                                          | 38 |
| APPENDIX D: UNACCOMPANIED ALIEN CHILDREN FY14 - FY19 .....                                    | 38 |
| APPENDIX E: APPREHENSIONS BY DEMOGRAPHICS FY12 AND FY19 .....                                 | 39 |
| APPENDIX F: EXPENDITURES BY LOCAL COMMUNITIES.....                                            | 40 |
| APPENDIX G: MEDICAL RECOMMENDATIONS .....                                                     | 41 |
| APPENDIX H: MEETINGS AND SITE VISITS .....                                                    | 43 |
| APPENDIX I: SUBJECT MATTER EXPERTS AND OTHER WITNESSES.....                                   | 46 |
| APPENDIX J: REFERENCES .....                                                                  | 51 |
| APPENDIX K: GLOSSARY OF ACRONYMS.....                                                         | 57 |



## EXECUTIVE SUMMARY

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The fiscal year that just ended on September 30, 2019 saw the largest increase in the number of illegal crossings at our nation's border with Mexico since 2007. The United States (U.S.) Customs and Border Protection's (CBP's) Border Patrol apprehended 851,508 migrants who had crossed the U.S. border unlawfully, over double the number in FY 2018. Almost all of this increase was driven by an extraordinary and unprecedented 400 percent increase in the number of family units (FMUs), usually one parent with a child, who made the perilous journey through Mexico, guided and exploited by human smuggling organizations. A total of 473,682 members of FMUs, primarily from Guatemala and Honduras, were taken into custody by the Border Patrol this past year, including 84,000 in May 2019 alone, at the peak of this humanitarian and border security crisis. This is over four times the previous annual high.

The immediate crisis has begun to abate, but the underlying causes have not been addressed and, therefore, this type of crisis is highly likely to recur. Indeed, the Panel heard from a number of outside experts that this crisis is likely to remain with us for at least another decade.

In our Interim Report issued in April 2019, our politically bipartisan Panel made a set of emergency recommendations including changes to asylum processing at the border. Included in this suite was a recommendation urging prompt Congressional action to roll back the federal court's 2017 *Flores* decision that expanded a 20-year old consent decree only covering minors to also include FMUs – that is, minors accompanied by one or both of their parents. This recommendation was made in conjunction with other recommended changes to the process which would allow for expedited court consideration of asylum claims and new Regional Processing Centers (RPCs) that would provide safer, more sanitary, and more humane conditions for families to wait for decisions on their cases. The expanded *Flores* decision prevents families from staying in custody more than 20 days, which in turn, prompts their rapid release from CBP custody. This created a situation where hundreds of thousands of adult migrants from Central America were encouraged by criminal human smuggling groups to bring a child with them to secure rapid release into the United States. Actions to implement all of the emergency recommendations from the Panel's interim report, including fixing *Flores*, are still sorely needed.

In June 2019, Congress enacted a supplemental budget which unquestionably was helpful in reversing and for the moment alleviating the worst aspects of the border crisis, particularly Department of Health and Human Services (HHS) running out of funds to take and house unaccompanied minors. But the delay in getting the supplemental, which was clearly needed months earlier, resulted in unaccompanied children (UACs) being held by the Border Patrol in holding areas never designed to hold children or family units. At the height of the crisis, the FMUs were simply released into local U.S. border communities to fend for themselves, diverting and straining community resources. Although the Border Patrol had no choice other than to hold unaccompanied minors, as it would have been the height of irresponsibility to release them onto the streets of U.S. border cities, images of children being held in Border Patrol lockups shocked the nation.

A significant factor in the recent decrease of FMUs, however, has been the actions of the Mexican government in deploying 25,000 federal police at and near its southern border with Guatemala and

allowing more migrants claiming asylum to remain in Mexico under the Migrant Protection Protocols (MPP) while their U.S. asylum claims are processed. Although there are disagreements among the panel about MPP and its sustainability in the face of continued litigation, we continue to urge action on the emergency recommendations of our Interim Report, which include standing up RPCs for FMUs in the United States.

In this final report, we supplement our Interim Emergency recommendations from April with additional recommendations that taken together warrant action. (Recommendations with \* do not have unanimous concurrence of the Panel). The key recommendations include:

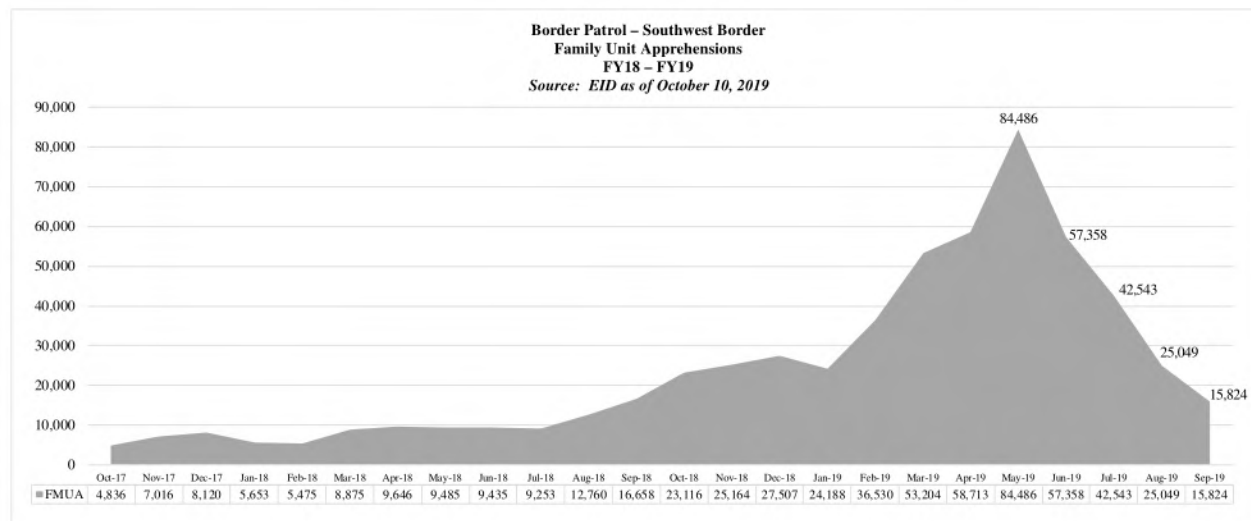
1. Stafford Act-type Emergency Funding. This will not be the last emergency immigration event that will impact our border and U.S. border communities. Similar to the Stafford Act for natural disasters, Department of Homeland Security (DHS) should be provided with access to emergency funding for its agencies as well as impacted state and local governments in order to rapidly respond to immigration events of the magnitude of the FMU migration crisis of 2019 without having to wait for Congress to pass a supplemental appropriations bill. See Additional Recommendations 1 and 2.
2. Improved Coordination. The coordination between U.S. government (USG) agencies, particularly CBP and Immigration and Customs Enforcement (ICE), was often lacking, and so was coordination between the federal government and state and local officials and U.S.-based non-government organizations (NGOs). Accordingly, we have added a recommendation that DHS use the Incident Command Structure (ICS) of the National Incident Management System (NIMS) to manage and coordinate during times of immigration crises at our border. Additional Recommendation 3.
3. Unaccompanied Minors\*. The number of unaccompanied minors, primarily teenagers, apprehended by the Border Patrol reached a record high of 76,020 in FY 2019. Of this total, 74 percent were teenagers age 15 to 17. The number of unaccompanied teenagers has been chronically high going back to FY 2014 when they first exceeded 10 percent of total apprehensions. It is time for Congress to address this issue head on by amending the Trafficking Victims Protection Reauthorization Act (TVPRA) to allow other than Mexican teenagers to be treated in the same way as Mexican teenagers, i.e., to permit expedited removal and repatriation. For a teen fearing return to his country of origin, we recommend providing counsel and an expedited asylum process. Additional Recommendation 4.
4. Federal Investigative Efforts. Federal law enforcement lacks a coherent and prioritized strategy for targeting and disrupting human smuggling organizations, particularly those that encourage adult migrants to bring a child with them on the harrowing journey to the U.S. border. We are also concerned with both fraudulent claims of parentage and the rental and recycling of tender aged children from Central America to facilitate entry to the United States. For these reasons, we have recommended a concerted whole-of government enforcement effort aimed at human smuggling/drug trafficking organizations and in addition, requiring investigation and prosecution of all involved in bringing a child unrelated to the adult, including that adult. Additional Recommendation 5.
5. Push Factors. Panel members traveled to Guatemala and Honduras and received extensive briefings on both “push” and “pull” factors. We assess that pull factors, especially the prompt release of migrants who bring a child, account for much of the huge increase in

FMU migration over the past year. Put differently there were no significant increases in level of crime, gang activity or poverty in the past year that account for the phenomenal rise in FMU migration from Guatemala and Honduras. Nonetheless, we believe that the USG has a strong interest in addressing push factors in the Northern Triangle (NT) countries through carefully designed assistance aimed at upgrading weak criminal justice systems and reducing chronic poverty. We do not advocate merely throwing money at the issue. Rather, we believe that any assistance provided be targeted aid and technical assistance to these countries. This effort is clearly not furthered by cutting off U.S. assistance to these countries. Additional Recommendation 11.

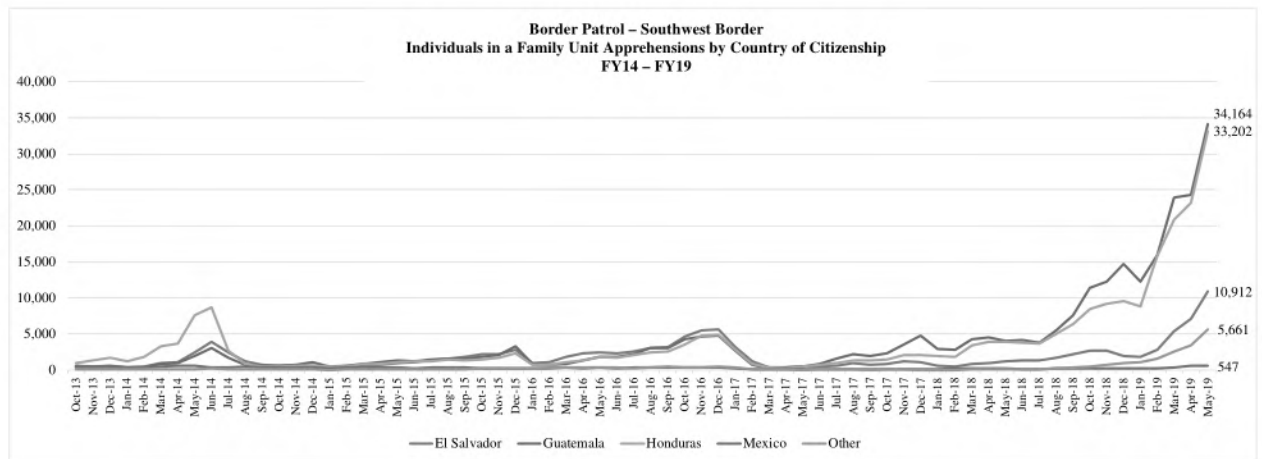
## INTRODUCTION

In April 2019, the Homeland Security Advisory Council (HSAC) approved and released an Interim Report of the Customs and Border Protection Families and Child Care Panel (FCCP “Panel”) containing an initial set of emergency recommendations focused upon: (1) immediately improving the conditions and care of families with children arriving at the border and being taken into custody by CBP’s Border Patrol, and (2) discouraging and substantially reducing the number of adult migrants bringing a child with them on the dangerous journey from Central America to isolated areas along the U.S. border with Mexico.

This bipartisan Panel was formed in October 2018 because of the burgeoning humanitarian crisis resulting from a surge in migration of FMUs, primarily from Guatemala and Honduras,<sup>1</sup> overwhelming the DHS resources at the border to address the crisis. We issued our interim report and findings on an emergency basis in April 2019 because the number of FMUs arriving at the border between our ports of entry continued to skyrocket, many of whom had been encouraged to do so by smugglers in order to gain entry into the U.S., endangering more and more children. The alarm bell sounded when the number of FMUs apprehended by CBP’s Border Patrol rose to 23,116 in October 2018, a 400 percent increase over October 2017. But that was just the beginning.



<sup>1</sup> A smaller percentage is from El Salvador. See Appendix C - FMU apprehensions FY 19. Besides Central America, reports of increased arrivals of foreign nationals with a child from outside of the Western Hemisphere are concerning. While the largest number of new arrivals at our border are still FMUs from the NT countries, migrants from India, Bangladesh, the Congo and special interest countries are also using the same migrant smuggling routes through Mexico to arrive at the U.S. border to make asylum claims, as are substantial numbers of Cuban migrants.



The surge in FMU migration over the past year was extraordinary and unprecedented. FMU apprehensions reached an all-time high of 84,490 in May 2019. Since then, CBP and DHS have implemented a number of initiatives that included several of this Panel’s recommendations, such as negotiating the active engagement of the Mexican government, all of which resulted in the FMU apprehensions falling dramatically from the May peak, down to 15,524 in September 2019, a number slightly less than September 2018. Still, the total number of FMU apprehensions for all of FY 2019 was an astonishing 473,682, four times the previous annual high. When coupled with apprehensions of UACs, apprehensions of FMUs and UACs together constituted nearly two-thirds, or 65 percent, of all apprehensions for FY 2019. Total apprehensions for the year were 851,508, more than double last year’s apprehensions of 396,579, and the highest number of border apprehensions since 2007. *Nearly all of the increase in FY 2019 is attributable to the increase in FMU migration.*

The recent sharp drop in FMU apprehensions is the result of several factors, including crucial supplemental funding provided by Congress, increased cooperation of the Mexican government, and ending the immediate release of most FMUs who assert asylum claims. The concern now is that, as the immediate crisis abates, there will be no impetus to address the several underlying causes that enabled the surge of FMU migration, or prepare for a resurgence, and thus, this crisis will likely recur, placing additional children in danger.

Notably, until our asylum system is reformed and the restrictions of *Flores* relating to family detention, which led to the widespread catch and release of FMUs, are removed, the pull factor of bringing a child will remain.<sup>2</sup>

<sup>2</sup> Panel member T. Cardinal Brown disagrees with this statement and characterizations elsewhere in this report of the *Flores* settlement as the singular motivating factor for migration of families, or its emphasis as the primary or key change needed to address the migration of families and children.

Infants and children routinely face the risk of drowning throughout their journey -- from their first water crossing of the Suchiate River that divides Mexico from Guatemala (pictured, right) to the swift water crossings of the Rio Grande River between Mexico and Texas. Children often are in freezing and/or swift waters, always without life preservers, often crossing on rickety makeshift crafts with loose boards or carried or holding onto an adult (adult with child pulling on a rope line of tied clothing pictured, right).



- Over the past year, Border Patrol rescued more than 4,900 people, a 14 percent increase from FY 18, and involved almost 300 deaths from drowning or harsh conditions in the desert.
- In May 2019, a raft with nine people flipped over in the Rio Grande river, drowning a ten month old baby and six and seven year old children.
- In June 2019, a father and his 23 month old daughter drowned trying to cross the Rio Grande River into the U.S. in the area of Brownsville, Texas (pictured, right).
- In December 2018, at 3:00 AM, in the Yuma, Arizona Sector, smugglers shoved FMUs with children through a razor wired fence, under a waterway during freezing temperatures and days later pushed a different group of 64 adults and children (FMUs) underwater in the Sanchez Canal in the same Sector.
- It is not unusual for children to become separated from adults during the journey, left in the desert to die. Some, mere toddlers, have been lucky enough to find their way across the border – alone.
- In December 2018, seven year old Jakelin Caal Maquin became the first child to die in CBP custody, part of a group of 163 migrants -- FMUs and 50 UACs – who crossed from Mexico into the U.S. in the middle of the night in the desolate area of Antelope Wells, New Mexico (pictured, right), 45 miles from the nearest town.



## KEY EMERGENCY RECOMMENDATIONS OF OUR INTERIM REPORT – STATUS OF CBP AND DHS ACTIONS

Before turning to the additional recommendations of this, our final report, it is appropriate to assess the status of the key recommendations made in our April 2019 Interim Report.

### **Regional Processing Centers and the 24 Hour Transport Requirement**

- *Establish three to four RPCs along the border, scalable and with sufficient capacity to shelter all FMUs apprehended at the border and, among other things, provide safe and sanitary shelter, to include medical screening and care, credible fear examinations, vetting for identity and familial relationship, and evaluations for public health and safety, national security and flight risk.*
- *Resource and require transport from Border Patrol stations and ports of entry (POEs) of all FMUs to an RPC within 24 hours or less of apprehension.*

Existing CBP facilities for holding migrants apprehended at or near the U.S. border include 76 CBP Border Patrol stations proximate to the U.S. border with Mexico, many in remote areas and each with a temporary holding area of limited capacity, designed to hold adult migrants who have illegally crossed the border until custody can be transferred to ICE for detention. Besides these, CBP's Office of Field Operations (OFO) also operates 44 land border POEs on the U.S. border with Mexico, which also have limited, temporary holding space. These CBP holding areas are analogous to short term police lockups.

We found that CBP's temporary holding areas were never designed for adults with a child accompanying them and that they were inadequate to the task of providing appropriate shelter and care for children, unaccompanied or accompanied, by a parent.<sup>3</sup> Thus, we recommended immediate erection of centralized or RPCs and the requirement that all FMUs be transferred to an RPC within 24 hours of apprehension.

With over 120 holding areas, there are just too many CBP facilities spread across our 2,000 mile border with Mexico, to feasibly upgrade them for FMU custody of more than a day. That is why core recommendations of the Interim Report were aimed at creating new and improved, more centralized facilities for the processing, sheltering and detaining of arriving FMUs, *i.e.*, RPCs, together with a requirement that all FMUs be promptly transferred to RPCs. We made clear that these two recommendations are interrelated and must be implemented simultaneously.<sup>4</sup> We also

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<sup>3</sup> Indeed, CBP's holding areas, both at Border Patrol stations and POEs, were not designed to hold adults for more than 24 hours. They are not equipped with showers. They have no capacity to serve hot meals. Until recently, through the efforts of CBP, they had no medical screening or care capability. They have always been *temporary* holding facilities, many in remote areas of our border.

<sup>4</sup> As a stopgap measure, until RPCs could be set up, we recommended that CBP contract for the presence of trained medical personnel at all CBP's 120 holding facilities to address immediate and near-term medical needs of FMUs and unaccompanied children. However, CBP has placed contracted medical personnel only in its facilities with the greatest populations of FMUs and UACs and relies on ICE medical support in the remaining facilities.

proposed important legislative and regulatory changes that would adapt and expedite the immigration and asylum processing to this unprecedented migration crisis driven by a phenomenal and unprecedented increase in FMU migration. To that end, the Panel also recommended the creation of rapid immigration court dockets with a necessary increase in the number of immigration judges, and co-location of U.S. Citizenship and Immigration Services (USCIS) asylum officers at the Regional Processing Centers.

To facilitate the objective of more rapid processing of asylum claims, the Panel recommended that, at a minimum, FMUs being given a credible fear examination for those expressing fear of return to their home country and the use of expedited removal of those who do not meet the credible fear standard. We believed that these measures should be taken as soon as possible in order to end the prevailing practice often described as “catch and release,” that is, the immediate release of these families for protracted formal removal proceedings at some later time in the interior of the United States. We found that the primary “pull factor” or cause of the surge in FMU migration was the practice of releasing them with notices to appear (NTAs). In sum, our recommendations were intended to provide for fair, but rapid asylum processing, and an end to the catch and release of FMUs into local U.S. border communities.

Consistent with these recommendations, CBP used Supplemental Funding to rapidly set up, staff and equip six Centralized Processing Centers (CPC), of which four were for FMUs, operated by the Border Patrol. These facilities expanded the Border Patrol’s capacity for FMUs by 2,000 beds. Unlike the holding facilities at Border Patrol stations, these CPCs are staffed with trained medical personnel, they have showers, and the capacity to serve hot meals. As can be seen, these CPCs are consistent with our recommendations to set up RPCs, and they have gone a long way in alleviating the humanitarian disaster that peaked last Spring. However, the fundamental difference between these CPCs and RPCs is that given the *Flores* decision restricting the time a child accompanied by a parent can be held, there is insufficient time for CPCs to rapidly process asylum claims. Usually this cannot be done within 20 days. As a consequence, to avoid catch and release (i.e., issuing NTAs) resulting in the release of large numbers FMUs into local U.S. border communities without medical screening or shelter, CBP, in cooperation with the government of Mexico, has increasingly utilized the Migrant Protection Protocols.<sup>5</sup> Under the MPP, FMUs wait in Mexico while their asylum claims are processed, crossing the border back into the U.S. for in person or video teleconferenced immigration court hearings.



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<sup>5</sup> See Acting DHS Secretary McAleenan’s statement announcing the “End of Widespread Catch and Release” circa. Sept. 23, 2019, <https://www.dhs.gov/news/2019/09/23/acting-secretary-mcaleenan-announces-end-widespread-catch-and-release>.

## **International Collaboration: A North America Family Protection Initiative**

In our interim recommendations, we called on DHS, and the USG generally, to more energetically engage Mexico and the NT nations to address the large-scale migration of FMUs, predominantly from Guatemala and Honduras. Specifically, we recommended a North America Family Protection Initiative that contemplated international efforts, primarily with Mexico and Guatemala, aimed at addressing and reducing the number of families with children from Central America taking the dangerous trek to the United States. As part of this initiative, we recommended an agreement with Mexico to expand its own asylum processing capabilities and to include the essential elements of a Safe Third Agreement. The panel also recommended creating a regional asylum/refugee processing center in Guatemala, near the border with Mexico, to provide a secure and safe alternative for making asylum applications there, without the need to travel all the way to the U.S. border.



While some of our precise recommendations have yet to be adopted, the overall thrust of our recommendation of stronger bilateral and multilateral cooperation to reduce the number of outbound FMUs embarking on the perilous journey has. DHS has engaged in extensive negotiations with nations in the region and has concluded migration and security cooperation agreements with Mexico and all three of the sending Central American countries.

In June, the U.S. reached an understanding with Mexico that provides for law enforcement cooperative efforts and, importantly, resulted in an increase in Mexico's efforts to better secure its own southern border with Guatemala and thereby, reduce the number of migrants from Central America reaching the Mexico's northern border with the United States. Since then, Mexico has deployed up to 25,000 Mexican National Guard (a federal police component) personnel, which appears to have had a significant impact in reducing the number of migrants, particularly FMUs, from reaching the U.S. border and deterring many others from initiating the journey.

Mexico is also taking more FMUs and other asylum seekers under the MPP, also commonly known as the remain-in-Mexico program. As of our interim report in April 2019, only 11,000 Central American asylum seekers had been returned to Mexico under this program. That number has increased and is now over 51,000, two-thirds of which are family units.

In addition, the U.S. has negotiated Asylum Cooperative Agreements (ACAs) with Guatemala, Honduras and El Salvador. The ACA with Guatemala will allow the U.S. to return third country nationals who arrive in the U.S. via Guatemala back to that country, as well as increase Guatemala's capacity to address its borders and enhance its own asylum system. This agreement has the potential to reduce the flow of FMUs from Honduras and El Salvador to the U.S., as such migrants would have the opportunity to claim asylum and seek shelter in Guatemala. However, it is

not clear when the agreement will enter into force or become operational as further action by the Guatemalan legislature may be required.<sup>6</sup> Such an agreement will require significant assistance from the U.S. in order to assure that Guatemala's asylum processing system can handle and appropriately adjudicate asylum claims, as well as provide necessary protections, primarily of Hondurans and El Salvadorans who claim asylum there.

In the past five months, following the agreement with Mexico, there has been a sharp reduction in the number of FMUs from Central America arriving to the U.S. However, in the longer term, we have concerns whether these efforts are sustainable. Mexico's increased efforts to deter illegal migration at its southern border are commendable, but as the criminal smuggling organizations adjust, we expect these efforts to be less effective. Regarding MPP, while it appears to have been effective in reducing migration to the U.S., it is sustainable only if it survives U.S. court challenges and Mexico continues to implement it. Concerns about the MPP program also have been raised collaterally in a number of Panel briefings and in press reports, focusing on the safety and security of migrants returned to Mexico. The panel has not independently investigated the conditions of migrants in MPP, and there was not sufficient agreement within the panel to make any recommendations regarding this program.

Despite the recent and sharp reductions in FMU migration from Central America, the numbers are still unacceptably high. We continue to believe that a more comprehensive North American Family Protection Initiative is needed. Such an initiative would also entail a cooperative effort between Mexico and the U.S. to provide assistance to the NT nations to improve their economies and criminal justice systems. See our Additional Recommendation No. 11, regarding "Push Factors", below.

As advanced in the April Interim Report, the Panel continues to recommend that our bilateral cooperation with Mexico include the elements of a Safe Third Agreement with Mexico<sup>7</sup>; something Mexico has indicated may be on the table if its border control efforts are not successful in significantly reducing migration of FMUs through its southern border. As further pointed out in our Interim Report, a bilateral agreement with Mexico with the essential elements of a Safe Third Agreement is one of the most effective steps that can be taken on the international front to dramatically reduce the flow of FMUs from Central America and concurrently reduce the danger and trauma to children brought along by adults on this harrowing journey north.

The Panel also continues to recommend cooperation with the government of Guatemala in the creation of an asylum/refugee processing center near the border with Guatemala to adjudicate U.S. asylum claims there. Short of that, Guatemala, with U.S. assistance, should establish shelters and process asylum claims for Honduran and El Salvadoran nationals entering Guatemala who have valid asylum claims.

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<sup>6</sup> We understand that the Honduras and El Salvador ACAs are still pending legislative ratification at the time of this report.

<sup>7</sup> We note that by emergency regulation, DHS has issued a regulation allowing it to deny asylum to any who pass through another country to the southern border but do not apply for asylum there first. The effect of this regulation would be essentially the same as a safe third agreement, allowing repatriation of asylum claimants traversing Mexico to the United States. This regulation is also being challenged in the federal courts. If it is ultimately upheld, a Safe Third Agreement, while still preferable may not be necessary.

## **Legislative Recommendations**

An important, and the only, legislative recommendation of our Interim Report adopted by Congress was the passing of a supplemental appropriations bill to provide essential resources and funding to address the crisis. One of the most visible and troubling aspects of this humanitarian crisis, one that manifested itself in April, May and early June 2019, was young children (sometimes for a week or more) being held by CBP's Border Patrol, not because it wanted to hold them, but because HHS had run out of funds to house them. The Border Patrol had no other choice as it would have been irresponsible and illegal to release these children onto the streets of U.S. border communities. By July, passage of supplemental funding allowed the prompt transfer of UACs rapidly out of CBP Border Patrol custody to Health and Human Services. Indeed, time in custody (TIC) of UACs in Border Patrol custody has fallen from June of this year from an average of 116 hours<sup>8</sup> to an average of 26 hours in September.

The emergency supplemental legislation passed in June of this year contained \$4.5 billion, but did not come close to funding the recommendations of the Panel, including the erection and staffing of Regional Processing Centers. Indeed, most of these funds (\$3.5 billion equaling 75 percent) were provided to HHS to cover the costs of sheltering UACs, which had no impact in addressing the absence of shelter and detention space for family units. The bill included funding to hire an additional 30 immigration judge teams although the Panel had recommended the hiring of 300 immigration judges to more quickly process family asylum claims. The bill included \$144.8 million for Department of Defense (DOD) support to DHS in dealing with the UAC and FMUs at the border, which may help with relieving CBP officers and Border Patrol agents of non-law enforcement duties, but we do not yet know how that money has been used. The bill included \$708 million to CBP for establishing and operating migrant care facilities and an additional \$85 million for procurement, construction and improvements to migrant processing facilities, \$111.9 million for consumables and medical care, \$35 million for transportation costs, \$110 million for temporary duty and overtime costs for personnel to the border, including reimbursements to other agencies sending personnel. CBP's Border Patrol promptly opened four new soft-sided facilities in sectors proximate to the border, which are intended to temporarily hold FMUs rather than the USBP station holding areas that are inadequate for children and FMUs. The supplemental also included \$208.9 million to ICE for expenses related to the transportation of UACs and migrants for medical needs, court proceedings and relocation from CBP facilities, an important need to ensure the FMUs and UACs are not kept for extended periods at inadequate CBP Border Patrol or POE facilities at the border.

While the supplemental was critical in the beginning to turnaround the humanitarian crisis, even a supplemental takes too much time in an emergency situation. The horrid family and children holding conditions in April, May and June could have been avoided if DHS had timely access to emergency funding for immigration "events", such as the massive surge in FMUs that began earlier in the year. See our Additional Recommendation No.1, below.

In addition to emergency supplemental funding, the Panel recommended that Congress promptly enact legislation, to include changes that limit the scope of the *Flores* decision to UACs, changes to where asylum claims could be presented (at POEs, not at remote and dangerous areas in between

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<sup>8</sup> Some UACs were in Border Patrol custody for over a week during this timeframe.

the ports), and amending the TVPRA to allow repatriation of a UAC when a custodial parent in the country of origin requests same, and to provide discretion to CBP to keep non-parental close relatives with minor children, so they are not needlessly separated as the current law requires.

For example, the Interim Report addressed amending the TVPRA provision that currently requires separating children from non-parental custodians, even close relatives who are accompanying them, needlessly stressing the system for UACs and creating additional traumas to the children themselves. The law, which permits only parents or legal guardians to be kept together, has had the unintended consequence of creating more unaccompanied children. We continue to recommend that CBP be given discretion under the TVPRA to keep together a minor child with a relative other than a parent or legal guardian, unless there is apparent danger to the child from such an arrangement. This requires legislative change.

We are profoundly disappointed that Congress failed to enact any of the legislative changes that the Panel recommended be enacted on an emergency basis. Although DHS promulgated a final rule regarding *Flores*, it is being challenged in the federal courts. We believe that a legislative fix of *Flores*, is preferable to a regulation, in order to remove any uncertainty and make clear that the *Flores* restriction on the number of days an FMU may be detained has been lifted. Twenty days is insufficient in most cases to adjudicate an asylum claim, even with, as we recommended, a dedicated, expedited docket, but it is noteworthy that, because the immigration courts are expediting these claims, the average asylum processing time under the MPP is approximately 4 months. However, the Panel does not recommend or support the indefinite detention of FMUs and nothing in our interim or final recommendations should be viewed as recommending the indefinite detention of family units. The Panel, however, believes that DHS and the immigration courts need more flexibility and time to process the unauthorized arrivals of FMUs than what is currently permitted under the expansion of the *Flores* case that now includes minors accompanied by a parent.

### **Fraudulent Claims of Parentage: DNA Testing**

Surely, one of the most pernicious aspects of *Flores* and catch and release is that it invited not only legitimate parents in Central America to bring a child with them as their ticket for entry into the U.S., but it also fostered organized smugglers to promote trafficking schemes to rent-a-child to an unrelated adult, sometimes later returning them to reenter the U.S. again with another adult. These “recycling” schemes have involved tender age children who take the harrowing migration journey multiple times.

In our Interim Report, we recommended that rapid DNA testing be instituted to unearth false claims of parentage. In May 2019, DHS piloted DNA testing at two Border Patrol stations and expanded to a total of nine locations throughout FY19. As a result, 15 percent of the tested claims of parentage were determined to be false. In one case, in May 2019, an apprehended 55-year old Honduran male facing a DNA test at the Texas border, confessed that the infant with him was not his son, but the unrelated newborn child of a woman who he paid \$84.00 for custody of the infant solely as a means for him to gain entry into the United States. Although a small data sample, the mere existence of such schemes is abhorrent and underscores our recommendation that CBP should have the capability to perform DNA testing to verify claims of parentage at all Border Patrol stations. The cost of rapid DNA authentication is necessary to assure that children are not

exploited in this way. In fact, the Panel was briefed that once even limited DNA testing was carried out, the word quickly went back to the NT countries that it was no longer possible to secure entry into the U.S. by bringing someone else's child. Within two weeks word spread in Guatemala and Honduras: "NOW YOU MUST BRING YOUR OWN CHILD."

Initiating steps towards this effort, in October 2019, the Department of Justice (DOJ) issued a notice of proposed rulemaking that would facilitate increased collection of DNA samples by DHS from non-U.S. citizens detained at the border or in the interior of the United States. Once implemented, this rule will not only help facilitate federal, state, and local criminal investigative efforts but will enhance efforts to identify fraudulent claims to parentage and disrupt human smuggling criminal organizations.

## WHAT HAPPENED IMMEDIATELY AFTER OUR APRIL 16, 2019 INTERIM REPORT?

As noted above, while FMU apprehensions have fallen since June 2019, it is important to understand that, until the arrival of supplemental funding in late June and actions taken by DHS and CBP, the border was in chaos. The system of handling FMUs, and even UACs, completely broke down. As the number of FMUs continued to soar in April, May and June 2019, the system, already on the verge of collapse, collapsed. The utter collapse of the system is made clear by two Management Alerts issued by the DHS Office of Inspector General (OIG) in May and June 2019 involving unannounced spot inspections of 14 temporary holding facilities operated by the Border Patrol in its El Paso and Rio Grande Valley sectors. Every one of these facilities were dangerously overcrowded and over capacity to the point that the OIG found them to be “an immediate risk to the health and safety” of the migrant detainees and to CBP’s Border Patrol personnel. Most of the increase in the number of detainees was FMU apprehensions by the Border Patrol (border wide FMUs hit an all-time record high of 84,000 in May 2019), but UACs, including 1,031 held for more than 3 days (and some under 7 years old held for up to two weeks) also contributed to the overcrowded conditions. There was also a buildup in the number of single adults (SAs) apprehended by the Border Patrol.

The reasons for this horrendous overcrowding was that the HHS Office of Refugee Resettlement (ORR) had reached its capacity and run out of funding to expand, so it stopped taking unaccompanied minors from the Border Patrol. To avoid this disaster, emergency funding had to be provided to HHS by March 2019, not three months later. The Border Patrol could not responsibly or legally release these unaccompanied minors, but did not have adequate facilities to house them. The overcrowding of Border Patrol holding areas with children shocked the nation. In addition, ICE ERO had long before exceeded its capacity to accept custody of FMUs and even lacked space and/or funding to take custody of single adult aliens. Delay in providing supplemental funding to HHS and DHS, coupled with the huge increase in FMU apprehensions, caused the system to collapse.

As noted earlier, since June, the number of FMU apprehensions, after spiking up to 84,000 in May 2019, has begun to decline. In September 2019, the number of FMU apprehensions was down to 15,824, the lowest monthly number of FMU apprehensions since August 2018. What should not be lost, however, is that while we are no longer at crisis levels regarding FMU migration, even



Figure 1. Overcrowding of families observed by OIG on June 10, 2019, at Border Patrol's McAllen, TX, Station. Source: OIG



Figure 3. Overcrowding of families observed by OIG on June 11, 2019, at Border Patrol's Weslaco, TX, Station. Source: OIG

15,824, half of whom are children, is unacceptably high. The journey north is no less dangerous for the children who are brought along on this journey, and the long-term fixes we recommended in our Interim Report still require action.

With the emergency supplemental funding, HHS is able to accept transfers of UACs within 24 hours and time in custody for UACs, notwithstanding a temporary increase from 71 hours to an average of 116 hours during the month of June, was down to an average of 26 hours in September 2019. The efforts of CBP to reduce the time in custody are to be commended, but Congress still needs to fix the fundamental underlying dynamics that fueled the skyrocketing of FMU migration in the first place. DHS still lacks the capacity to detain FMUs in the U.S. long enough to conduct credible fear examinations, much less process asylum claims on an expedited basis. Our recommendations for legislative action are still urgently needed but have languished in Congress. Moreover, DHS lacks the ability to immediately draw on funds when there is an emergency immigration event, such as a huge upsurge in FMU migration in FY 2019.

### **Impact of the Surge in Family Unit Migration on Local U.S. Border Communities**

During this crisis, starting in the Fall of 2018, localities along the U.S. border with Mexico struggled to address the influx of migrants released into their communities by DHS (ICE and CBP) without additional federal resources or support, which placed significant stress on the capacity of their shelters, public health system and local budgets. Immigration is quintessentially a federal responsibility, but the failure of the federal government, DHS in particular, to be able to humanely shelter and detain FMUs had an extraordinarily disruptive impact on local border communities, as articulated in our Interim Report. Lack of adequate facilities for FMUs, overcrowding of inadequate holding areas, and a federal judicial decision unduly limiting DHS detention time caused FMU migrants to be released in large numbers into the local communities that were unprepared to deal with them. These local taxpayers ended up bearing the fiscal responsibility for meeting federal responsibilities and services they had already paid for with their federal tax dollars. As a result, these local communities were forced to divert funds from previously approved community programs and priorities that were meant to serve their taxpayer base/populations.

While non-profit partners worked shoulder to shoulder with local and county governments to support the FMUs released by DHS, this will diminish the availability of these resources to assist with response and support to other natural disasters. Communities the Panel spoke with across the Southwest Border (SWB) catalogued various capital expenditures for city and county governments to establish and run shelter operations, provide vaccines and other medical supplies, food, utilities, transportation, language/translation services, safety and security, to name a few. A few examples of actual expenditures at the local level for these migrant populations, primarily FMUs released into the community, are set forth in Appendix F.

These costs were not budgeted by the local governments and deficit spending is not an option for local communities. Therefore, unreimbursed community support to meet the urgent needs of the migrant population carries with it unintended negative consequences to other local programs, such as caring for their indigenous U.S. citizen homeless populations. The collateral impact on these local communities also is not being addressed by the federal government. In our Additional Recommendation No. 2 below, we recommend that Stafford Act-type funding be available when

an emergency immigration event strikes, much like funding that is available to local communities impacted by a natural disaster.

The local community leaders who the Panel heard from also stressed that CBP and ICE were inconsistently coordinating on the release of FMUs into the local communities, with little information provided to local medical service providers charged with ensuring public health screenings, such as the migrants' medical history while in DHS custody. All communities indicated they provided full health screenings by trained and licensed medical providers or volunteers. If sufficient health and medical services are being provided by DHS, and this is a DHS responsibility, the individuals released should have little to no health concerns to address. But in speaking with these community representatives, we were informed that FMUs were being released without medical screening and that there were public health issues, including infectious diseases, within FMUs being discharged by DHS into these communities. Indeed, we noted in our Interim Report the significant public health issues that catch and release created not only for local border communities, but also by extension to the interior of the U.S. where most of the released FMUs were heading after a few days in woefully overcrowded local shelters.

### **Work of Panel Since Interim Report**

Since the interim report, the FCCP has continued its work, in preparation for this final report. In addition to continued monitoring of the situation at the border, the Panel met in person and telephonically with 83 subject matter experts, who were in addition to the 109 subject matter experts the Panel previously interviewed for the Interim Report. Multiple briefings were provided by representatives from CBP, DHS, to include the OIG, Department of State (DOS), state and local law enforcement officials, and private NGOs and foundations reviewing the possible push factors influencing the migration of families and children and additional recommendations for changes to asylum processing. State and local officials from the SWB provided further insight into the impacts of continued migration on local communities along the border.

Panel members have actively engaged with Congress on the interim recommendations, offering briefings that included a roundtable discussion with the U.S. Senate Homeland Security and Government Affairs Committee. Additionally, FCCP members conducted a site visit to an ICE Family Residential Center and a state juvenile detention facility along the SWB to observe best practices in caring for families and children while in custody. Importantly, in August 2019, FCCP members also visited Guatemala and Honduras to receive on-the-ground briefings from U.S. Embassy country teams, foreign officials, and local organizations working with prospective and returned migrants, in order to better assess the "push" factors involved in the migration crisis.

## ADDITIONAL RECOMMENDATIONS

The following recommendations, which were not included in our Interim Report, reflect a consensus of the Panel unless otherwise stated and each should be considered cumulatively with the “Emergency Recommendations” in the Panel’s Interim Report.<sup>9</sup>

**1. Provide DHS with ability to access emergency funding to respond to an immigration event.**

Large migration events, such as the FMU surge of 2018-19, that periodically tax our system and resources will likely be with us for a decade or more. Therefore, we cannot just rely on our border efforts and attempts within DHS to shift resources to manage it. If nothing else, history makes clear that DHS must have the flexibility to quickly react to and adjust to surges in migration flows. This means that emergency funds must be available without waiting for Congress to pass an emergency supplemental, much as emergency funds are now available under the Stafford Act for natural disasters. Although the actions taken to date, including the delayed supplemental budget bill, appear to have facilitated the prompt transfer of UACs from the Border Patrol to HHS facilities and also reduced the historically high and unprecedented illegal flow of FMUs that peaked in May 2019, DHS should be empowered to access emergency funding for its component agencies and for local and state governments that are assisting as soon as the immigration crisis event is identified.

**2. Congress and DHS should implement legislation similar to the Stafford Act, and evaluate the Emergency Food and Shelter Program (EFSP).**

- a. The impact of large-scale unauthorized migration particularly on border communities can be more serious and expensive than a natural disaster. But natural disasters, once declared, trigger coordination and funding pursuant to the Stafford Act. Congress and DHS should implement legislation similar to the Stafford Act to allow rapid funding not just for DHS and other federal agencies, see Additional Recommendation No. 1, above, but also for states and localities responding to an immigration crisis.<sup>10</sup>
- b. Similarly, Congress and DHS should evaluate the Emergency Food & Shelter Program (EFSP) and identify total applicant expenditures contrasted against those expenses eligible under the program to inform future legislation and funding allocation.

**3. Elevate communication and coordination among federal, state, local and volunteer/non-profit partners by activating DHS’ ICS for emergency immigration events.**

- a. In responding to immigration crises with significant state and local impact, DHS and state and local governments should consider use of NIMS and its ICS structure to coordinate and synchronize a “whole of community” effort, assigning subject matter agencies or partners

<sup>9</sup> [https://www.dhs.gov/sites/default/files/publications/19\\_0416\\_hsic-emergency-interim-report.pdf](https://www.dhs.gov/sites/default/files/publications/19_0416_hsic-emergency-interim-report.pdf)

<sup>10</sup> One of the major contributors to the crisis was the delay in providing emergency supplemental funding. The lack of additional funding to timely address the escalating illegal migration at the border resulted in UACs being held in Border Patrol custody for more than 24 hours, because HHS ran out of funding to take custody of UACs. Lack of funding for FMUs sheltering and detention also was a substantial contributing factor in the crisis.

responsibilities that are connected to their direct mission. This type of structure will reduce the impact borne by all parties (federal, state, local governments and non-profit agencies) as well as improve coordination and communication so essential in these emergency situations.

- b. The DHS Operational Coordinator that we previously recommended for such crises in our Interim Report should then act as the Senior Official in charge under the applicable incident command structure.

In our Interim Report, the Panel recommended the appointment of a DHS Commander or Coordinator, with the full authority to act on behalf of the DHS Secretary, and with the full support of the White House, to engage and coordinate an interagency process to assure a whole of government approach to achieve the recommended goals. This would include coordination and unity of effort among CBP, ICE and USCIS, the ability to marshal resources and efforts from other DHS components as necessary, such as Federal Emergency Management Agency or the Coast Guard, and coordination with DOD and DOJ who also have significant roles in the implementation of the Panel's recommendations. This DHS Commander also would lead coordination of the federal government's efforts with state and local governments and the impacted local communities. We stand by this recommendation but believe it does not go far enough.

The FMU migration crisis demonstrated the dramatic and disruptive impact that changes in immigration flows, laws and policies can have on states and local governments, particularly in the communities on or near the U.S. border. The crisis also has exposed the lack of mechanisms being used for coordinating federal, state and local responses.

All local communities the Panel interviewed noted the potential use of the ICS structure of the NIMS to synchronize a "whole of community" effort for the actions they were undertaking. They also expressed frustration that their federal partners were not following the Incident Command System, a system of coordination designed for extreme events, such as large-scale terrorist attacks that was developed by DHS in the aftermath of 9/11.

The failure of DHS to activate and utilize ICS hindered seamless collaboration with the local, state, non-profit and volunteer partners. Implementing and following the DHS policy for emergency "incidents" and recognizing that a dramatic change in immigration patterns can qualify as an "incident," would better provide for a "whole of government" coordinated effort with its attendant efficiencies. This type of structure will reduce the impact borne by all parties, allowing all partners to collaboratively provide services that better align with their agency's mission.

#### **4. Unaccompanied Children**

- a. Amend the TVPRA<sup>11</sup> to allow older teenagers (defined as age 15 and older ) to be treated in a manner similar to Mexican and Canadian teenagers who illegally cross the border, that is, subject to expedited removal and repatriation. However, before expedited removal, provide such teenagers with counsel regarding the potential for an asylum claim. If an asylum claim is asserted, such teenagers would be provided the same expedited asylum processing as is being provided to family member units.<sup>12</sup>
- b. For any UACs who have been in ORR custody for longer than six months and where there is neither a pending application for relief from removal nor a significant likelihood of placement of the minor with a suitable adult sponsor in the foreseeable future, Congress should enact legislation to permit the expedited repatriation of these UACs to the custody of a relative outside of the U.S., so long as the minor is not being removed -- a) to the custody of an individual who has abandoned, abused, or neglected the minor in the past or who is likely to do so in the future, or b) to a country where they express a fear of removal on the basis of the race, religion, national origin, social group, or political opinion.

We did not make recommendations to discourage UACs apprehended at our border in our Interim Report. Indeed, the focus of our interim report was FMU migration. It was the explosion of FMU migration in the past year that was exposing an increasing number of children to the danger and trauma of migration north through Mexico.

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<sup>11</sup> In our Interim Report we also recommended amending the TVPRA to provide CBP/DHS discretion to keep non-parental-led FMUs together during CBP's temporary holding of FMUs at Border Patrol facilities and POEs, including after transfer to RPCs or family detention centers. See Interim Report Recommendation 1.d. We continue to support this recommendation. As noted, the Panel does not support and is not advocating for indefinite detention, but only sufficient time to rapidly process asylum claims.

<sup>12</sup> Four Panel members (T. Cardinal Brown, L. Fresco and others) do not concur with treating older teenagers differently in immigration settings, noting that there is no evidence this group is more able to make adult decisions or less needing of the heightened care and conditions required for immigrant minors under the law. These members are concerned that there is a slippery slope in beginning to assign adult cognitive and emotional functionality to youth based on arbitrary ages. Further, concerns have been raised about DHS's ability to determine age with any precision or certainty such that doing so for younger children is even more problematic.

While relatively small in comparison to FMU migration, there have been an ongoing high number of UACs apprehended at our borders going back to FY 2014 when UAC apprehensions reached 68,541. See Appendix D - UAC Apprehension FY 14-19. In FY 2019 the number of UACs apprehended at our border was 76,020. UACs comprised approximately 9 percent of Border Patrol apprehensions in FY 2019 which, while a larger absolute number, is a smaller percentage of overall apprehensions than the previous five years. While not as dramatic as the increase and overall numbers of FMU apprehensions, which increased by 400 percent in FY 2019, compared to FY 2018, the numbers of UACs increased by 50 percent.

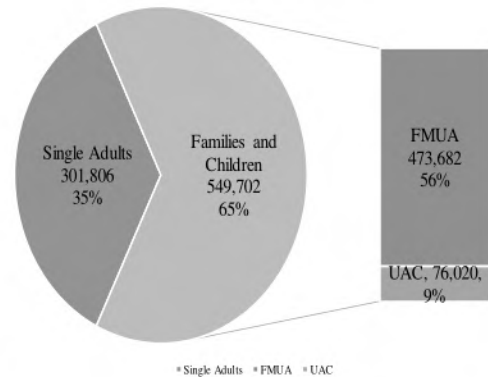
While the number of UACs pales by comparison to the 473,000 FMU apprehensions and is not yet at crisis dimensions, it continues to be a chronic issue as unacceptably high numbers of UACs continue to illegally enter the United States.

Most of the UACs apprehended by the Border Patrol in FY 2019, 86 percent, were teenagers. Only, 14 percent were tender aged, that is, age 12 or under.<sup>13</sup> By far, the largest group of UACs, 74 percent, were ages 15-17. (See pie chart by of UAC apprehensions by age.)

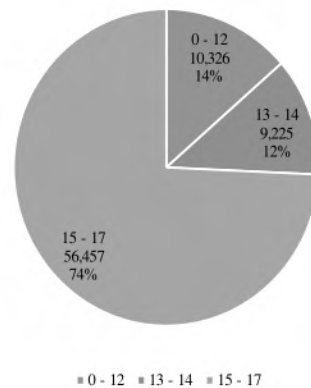
Two thirds of UACs apprehended at our border are from Guatemala and Honduras. (See pie chart showing UAC apprehensions by demographics.) Indeed, as noted, the separation of Central American children from close relatives, currently required by U.S. law, has added to the number of unaccompanied children.

Under current law, UACs are not immediately released, but rather, after apprehension and preliminary processing by CBP's Border Patrol, custody is transferred to facilities administered and funded by HHS' Office of Refugee Resettlement. Based on our review, it appears that CBP has prioritized UACs and now that the crisis has abated, with few exceptions, transfers them to ORR within 24 hours of apprehension. This

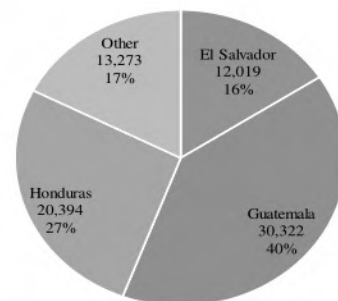
Border Patrol – Southwest Border Apprehensions by Demographics FY 19



Border Patrol – Southwest Border UAC Apprehensions FY 19



United States Southwest Border UAC Apprehensions FY19



<sup>13</sup> It appears that many of the tender aged UACs in FY 2019 are the result of separation after apprehension from a non-parent relative that accompanied them.

problem of UACs backing up and being held at Border Patrol facilities ended shortly after the emergency supplemental funding was provided to Health and Human Services.

Mexican UACs, who are almost exclusively teenagers, are usually promptly removed and repatriated to Mexico within a day or so after being screened for evidence of trafficking or fear of return. Not so with non-Mexican UACs. Under the TVPRA, non-Mexican and non-Canadian UACs, regardless of age must have their cases heard by an immigration judge. UACs in ORR custody, and pursuant to TVPRA, must be placed in the least restrictive setting or released to a sponsor, usually a relative, in the United States as soon as practicable, which currently averages one to two weeks. Some number who do not have an available sponsor, may continue to be held in ORR shelters for extended periods. (See Recommendation 4b above).

While we discuss “push” factors elsewhere, we were struck in listening to the stories of migrant youth in Guatemala how many Guatemalan teenagers, with the aid of “coyote” smugglers, cross through Mexico and surrender to the Border Patrol, not necessarily because of poverty or gang violence, but as a “rite of passage.” It has virtually become a tradition in Guatemala for a teen, after he has finished middle school, to make the trek to the U.S. This is not to say that there are not some unaccompanied teenagers from Honduras or El Salvador who are fleeing gang violence. We also heard from teenagers who were threatened by or who had friends or families killed by gangs and feared for their lives. Under the TVPRA, there is no requirement for a teenager to make a claim of asylum at the border – they are simply referred to the immigration court where they may apply for asylum or any other form of relief for which they may be eligible. Due to this, after some period in ORR custody most are released to relatives in the United States.

We also heard from ICE and CBP agents, as well as consular representatives from NT countries of fraudulent birth certificates being produced both by migrants claiming false family relationships, but also with false dates of birth by some adults claiming to be minors. This continues to be an issue of concern in the processing of UACs. These certificates are extremely difficult to disprove as they are official certificates issued by the government, but have been altered as to birth year in exchange for a small bribe. It is difficult to assess what percentage of aliens who present themselves to the Border Patrol as minors (under 18) falsify their age, but it is a significant concern according to briefings the Panel received from Customs and Border Protection.

## **5. Federal Law Enforcement Investigations**

- a. ICE’s Homeland Security Investigations (HSI), in cooperation with CBP and other federal agencies (Federal Bureau of Investigation and Drug Enforcement Administration (DEA)), state, local and foreign counterparts, especially in Mexico and the NT, should immediately prioritize and target all facets of the human smuggling networks that recruit and facilitate the illegal cross-border movement of children, to include FMUs and unaccompanied minors. HSI should consider forming one or more multi-agency task forces, supported by whole of U.S. government intelligence, to identify, disrupt and destroy these organizations wherever they are located within or outside of the United States. HSI’s Border Enforcement Security Task Force (BEST) or a similar multi-agency task force may provide

that model platform to deter, disrupt and dismantle these organizations but regardless which task force platform is selected, it also should be coordinated with investigations and prosecutions of international drug trafficking organizations.

- b. HSI should make fraudulent claims of parentage its highest investigative priority in the human smuggling realm with necessary funding to support these investigations. All adults who bring a child not biologically related to them into the U.S. falsely claiming to be the parent should be prosecuted for fraud and punished to the maximum extent provided by law.
- c. An investigation and prosecution, if supported by the evidence, should be triggered in *all* cases in which CBP/HSI/DHS determines that an adult is not biologically related to the child in his company based upon interviews, fraudulent document detection, and/or DNA testing. Consideration should be given to providing sufficient resources in order for DHS components to sustain their efforts in the detection of fraudulent FMUs.
- d. Under existing operations, HSI, supported by CBP's National Targeting Center, and CBP officers stationed at U.S. international airports, should continue efforts to identify, interview and investigate all UACs who may have been used to gain entry into the U.S., are returning to the NT from the U.S., particularly Guatemala and Honduras, and to conduct interviews before their outbound travel and on arrival. Although these organizations are highly compartmentalized to frustrate investigations, HSI should continue making every effort to interview such violators in order to identify the human smuggling /transnational criminal organizations supplying and charging for children being used as "passports" to gain entry into the United States.

One of the principal drivers of the extraordinary increase in FMU migration was and is human smuggling organizations that exploit and market bringing a child as the ticket to gaining entry in the U.S. These criminal organizations, which have ties with the large criminal drug cartels based in Mexico, have operatives, often called "coyotes", who actively solicit Guatemalan and Honduran nationals to leave their countries and migrate to the U.S. for a fee. According to some reports, that fee is considerably less, about half as much, if the migrant brings a child. In addition to those who are recruiters, other members of these criminal networks are guides who literally assist a Central American migrant across the Guatemalan border into and through Mexico. Mexican drug cartels control the "plazas", *i.e.*, areas of Mexico that are contiguous with the U.S. border, and they also must be paid if a migrant is to cross the border into the U.S. Often these cartels decide where the crossing will take place. No Mexican "coyotes" or guides are needed on the U.S. side of the border for FMUs, because they are instructed to find and surrender to the first Border Patrol agent they encounter.

Once FMUs are released by the Border Patrol or by ICE with an NTA into local U.S. border communities, the FMUs find their way to the interior of the U.S. often to join relatives or others from their community who have previously entered the U.S. And, they try to find employment. An unknown percentage work in the U.S. illegally and some are exploited. While asylum-seekers are entitled to apply for work authorization after 150 days, many work illegally before then and an unknown percentage do not apply for asylum. One of the most disturbing aspects of the surge in FMU migration was evidence presented to the panel of the use and, in essence, rental, of tender aged children to facilitate the entry of an unrelated adult, usually a male, into the U.S. An unknown number of these children, once entry into the U.S. has been secured, are re-cycled back to Central America to be used again.

While there have been sporadic efforts by U.S. investigative agencies to deal with the human smuggling networks and also the exploitation of children, there is no comprehensive law enforcement strategy for dealing with these criminal organizations in order to disrupt, prosecute and disincentivize those who would use children as pawns in illegal migration schemes. We believe a broader, sustained, funded and prioritized whole of government investigative effort is urgently needed.

## **6. Fix Flores**

Congress should enact legislation that permits the detention of FMUs until an initial credible fear or expedited asylum decision is made by USCIS officers. Such legislation would supersede the *Flores* Settlement Agreement to create a new detention and case processing framework for families that arrive at the border without authorization. This framework should create an expedited process for the consideration of removal cases in a manner that protects due process rights and provides access to counsel consistent with the Panel's Interim Report,<sup>14</sup> while permitting families to remain together in government custody for a reasonable period of time at the recommended RPCs in conditions that meet the Immigration and Customs Enforcement Performance-Based National Detention Standards of 2011 and additional appropriate and humane standards for a child being sheltered and detained with a parent.

As we made clear in our interim report, the *Flores* decision was perhaps the single greatest factor in creating the current crisis, and in encouraging unauthorized migrants to expose young children to the dangers of illegal border crossings. Once it became clear that migrants with minor children would have to be released after 20 days of detention, or often even less, and could stay lawfully in the U.S. for years, the rush of FMUs overwhelmed CBP Border Patrol's capacity. For as long as *Flores* remains unaddressed, the risk of a large-scale family migration remains. Without endorsing long-term family detention, it is clear that a twenty-day limit on detention makes it impossible for DHS to conduct any meaningful evaluation of asylum claims. The court that contributed to the crisis by expanding *Flores* remains determined to keep it in place, so only Congress or, perhaps, a DHS regulation can change it. We stand by our recommendation that the *Flores* decision must be replaced by more flexible procedures that also protect FMUs in DHS custody.

## **7. Alternatives to Detention**

Current alternatives to detention have proven ineffective, with ankle bracelets either cut off by migrants once they reach their destination in the interior of the U.S. or, after a year, by ICE. In particular, bracelets are not a true alternative to detention unless ICE has the resources and commitment to track and find migrants who disable their bracelets or otherwise violate their terms of use. ICE has not been able to do this, rendering the bracelets largely ineffective. Rather than give up on such alternatives entirely, however, the Panel believes it is worth considering a limited but more intensive pilot program that includes limiting migrants to a single urban area with adequate living and job opportunities, enforced by active monitoring and

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<sup>14</sup> See Emergency Interim Report, Recommendations 3d and 4c.

compliance, with the support of family case managers, in addition to enforcement provisions, including removal orders, for failing to appear at immigration hearings.

## **8. Asylum Process**

- a. Cross-train CBP Officers and Agents to perform credible fear interviews until USCIS can assign and co-locate a sufficient number of asylum officers to CBP facilities, *i.e.*, Border Patrol CPC and stations as well as at CBP's ports of entry. If necessary, create a new job description within CBP with specialized training to perform this function.<sup>15</sup>

One issue that prevents rapid asylum processing, or even providing credible fear interviews, is that there are no USCIS asylum officers assigned to CBP's POEs or Border Patrol stations, not even at the four CPCs that BP established to accommodate FMUs during the late Spring and early summer of this year.<sup>16</sup> As a consequence, it has not been possible to conduct credible fear examinations before releasing FMUs into the interior of the country with nothing more than a Notice To Appear (NTA) in the future. At least during immigration emergencies, in the absence of USCIS asylum officers, CBP officers should be trained to perform this function.

- b. Refer all new positive credible fear cases to the USCIS Asylum Division for initial adjudication (take approvable cases out of immigration courts).

Currently, for those processed for expedited removal, after passing a credible fear screening, their cases are remanded to the immigration courts to make their asylum application, adding a significant number of new cases to the court backlog. However, by allowing USCIS to process the asylum applications first, for those found to have credible fear, cases could be adjudicated much more quickly, especially for clearly approvable cases. It would also allow asylum officers to use information gathered during the credible fear interview to adjudicate the cases. Those that are denied, could still be appealed to the immigration courts, but this could result in faster decisions for some number of cases and reduction of new cases in the backlog. If done within the RPC structure, and with an expedited decision time, it could also reduce the number of cases of individuals released into the interior of the country to await hearings.

## **9. Private Sector Support**

Permit the private sector or NGO to donate goods/services to CBP, including local community assistance with medical /health screenings of migrants prior to release, and give CBP discretion to accept such goods/services. Restrictions on CBP taking donations from the private sector in emergency situations such as the current migration crisis are unnecessary and misplaced.

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<sup>15</sup> Four Panel members (T. Cardinal Brown, J. Clark, W. Smith-Reeve and K. Tandy) do not concur largely because training CBP to assume responsibilities explicitly assigned to other government components is inconsistent with the reasoning behind the high priority the Panel placed on immediately relieving CBP of all tasks extraneous to their own law enforcement mission. Panel Interim Report, Key Findings #1. Further, the adjudication of credible fear claims is too far outside the scope of training and the mandate of CBP officers and agents, and undercuts the need for surging the number of asylum officers needed to manage migration influxes.

<sup>16</sup> In May-June, 2019, a small number of CBP Border Patrol Agents were trained by USCIS to conduct credible fear interviews.

## **10. Medical Care and Public Health**

Children are especially vulnerable to infection that can become deadly quickly. The initial responsibility for the health care management of children who enter the U.S. has been erroneously placed on CBP Border Patrol agents. As the Panel found in its Interim Report, such expectations are outside the scope of CBP knowledge and skills and place children at risk. However, as the first federal agency to receive and hold arriving vulnerable migrant children, CBP is left with providing access to sufficient medical care until these FMUs are transferred to other agencies and facilities. To that end, CBP issued a medical directive on January 28, 2019,<sup>17</sup> announcing its intent to appoint a chief medical officer and since this Panel's Interim Report, contracted with over 250 medical personnel to provide medical support to migrants in priority Border Patrol and OFO facilities across the Southwest Border.<sup>18</sup> Notwithstanding these efforts to improve medical care, reports and on-site interviews regarding serious illnesses contracted by various migrant children highlight the need for greater care and rapid transport from the border to locations where public health or hospital personnel can provide appropriate triage and management, such as the recommended Regional Processing Centers. Accordingly, the Panel makes specific health care recommendations in addition to the normal medical standards of care, See Appendix G.

The full extent of child maltreatment and exploitation of UACs and children traveling with families is not known, in part because of an already overwhelmed system in the U.S. which has not succeeded in providing minimal trauma focused mental health interventions. Migrant children from the NT countries who enter the U.S. often come from poverty and in some areas community violence with a prevalence of pre-existing physical and psychological trauma, based on the Panel's extensive interviews in Guatemala and Honduras with stakeholders, physical and mental health care providers, family members, repatriated children and parents. In addition, the trafficking of children explicitly for the purpose of facilitating entry into the U.S. as a fraudulent family further heightens the risk for children of neglect, physical abuse, sexual victimization and death.

Other health risks include common infectious diseases, malnutrition, parasitic infestations, and serious pre-existing medical conditions such as asthma, diabetes, gastrointestinal diseases and unrecognized congenital conditions such as heart disease, chronic pulmonary disorders or neurologic conditions. Several of these diagnoses were found in the cases of children who died while in CBP custody. The most common cause of death in the immigrant child deaths to date has been influenza which remains a significant risk since outbreaks in the U.S resulted in 79,000 deaths during the 2017-2018 season.

With the rising numbers of children at risk for communicable diseases, malnutrition, and criminal victimization as they travel to and enter the U.S., the American Academy of Pediatrics (AAP)<sup>19</sup> and the Centers for Disease Control and Prevention (CDC)<sup>20</sup> developed a valuable checklist of recommendations for general medical screening and treatment. These medical

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<sup>17</sup> CBP. (2019). CBP Interim Enhanced Medical Efforts. Directive No. 2210-003

<sup>18</sup> To date, CBP has not appointed a Chief Medical Officer.

<sup>19</sup> [https://www.aap.org/en-us/Documents/3\\_AAP\\_MedicalScreening.pdf](https://www.aap.org/en-us/Documents/3_AAP_MedicalScreening.pdf).

<sup>20</sup> <https://www.cdc.gov/immigrantrefugeehealth/pdf/central-american-health-profile.pdf>.

screening recommendations should be implemented at the RPCs provided the UACs and FMUs are transported to the RPC within the recommended 24 hours following apprehension at the border,<sup>21</sup> and again when children move to locations within the interior of the United States.

UACs and children traveling with families who are not fluent in English and also are undereducated (as was reported to the panel during travel to the NT) are at extreme risk for all forms of exploitation (e.g. labor, sexual, drug trafficking etc.). Numerous NGOs and homeless shelter staff in the NT countries visited by the panel affirmed the reality of sexual assault against children which occurred prior to leaving their country as well as along the route of the journey before ever reaching the United States. Adolescents also described being sexually trafficked by smugglers while journeying through Mexico.

Separately, CBP has reported problematic sexual behaviors by a small number of UACs, underscoring the need for prevention of peer-on-peer sexual offenses and situational child sexual abuse by adults. In our Interim Report, the Panel recommended the installation of video surveillance in all facilities housing families and children, with ample warnings of the use of such surveillance as a form of prevention. According to CBP, the installation of video surveillance and warnings has occurred in some facilities but has not been completed in any of the nine SWB Border Patrol sectors and is not likely to be fully installed until sometime in FY2020. CBP reports that all staff hired to work in any capacity with this vulnerable population already undergoes appropriate background checks and careful screening.

## **11. Source Country “Push Factors”**

- a. Pursue a bilateral agreement to establish one Asylum-Refugee Processing Center in Guatemala.
- b. Target U.S. aid and technical assistance toward improving third country asylum claim processing in Mexico and Guatemala and providing appropriate shelter for vulnerable populations pending asylum claim processing.
- c. Target U.S. aid and technical assistance to all three NT countries to help them develop in-country shelters and protection of FMUs and teenagers who are endangered by gangs or have bona fide asylum claims.
- d. Expand/provide additional resources, assistance and training to support the investigation and prosecution of human smuggling networks in all the NT countries and Mexico as part of cooperative efforts with USG investigative agencies, including HSI and the Federal Bureau of Investigation.
- e. Target U.S. aid technical assistance to improve law enforcement and the criminal justice systems in NT countries to ensure they can adequately investigate and prosecute these cases and, where this is not possible, allow for extradition to the U.S. for prosecution.
- f. Resume both DOS’s INL and U.S. Agency for International Development funding in the NT countries specifically identifying and targeting economic conditions in the major immigrant sending regions, including poverty, food insecurity, criminal and gang activity.

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<sup>21</sup> CBP advised after the Interim Report that it intends to place a health care provider at the Border Patrol stations to screen all incoming children less than 6 years of age for fever, respiratory distress or injuries. Guidelines are included if a border station is so remote that a health care provider is not available.

- g. Support through U.S. aid and technical assistance, reintegration programs for repatriated migrants to deter them from trying again.
- h. Support and reinstitute anti-corruption efforts in all three NT countries, working with the Organization of American States and the United Nations, in order to improve rule of law and reduce impunity.
- i. Work with United Nations High Commissioner for Refugees in the region to develop refugee processes to assist with screening and settlement (in the U.S. or elsewhere) of those with significant claims for refugee or asylum status.
- j. Work with the governments of Guatemala and Honduras to stem the outbound, irregular migration of unaccompanied children.
- k. Work with the Honduran government to provide DNA testing to adults traveling with tender aged children when there is a reasonable suspicion that the adult is not the parent.

In our Interim Report, we evaluated “pull” factors that incentivized the surge in FMU migration from Central America in FY 2019. They included a strong U.S. economy, low unemployment, perceptions of economic opportunity and the ability to gain employment in the U.S., even if illegally, along with having a relative in the U.S. For example, in U.S. government surveys, 90 percent of the returnees to Honduras (those deported back to Honduras) cited economic opportunity as the main reason they paid a coyote to guide them through Mexico so that they could cross illegally into the U.S. We assess that economic opportunity and relatives in the U.S. account for an even higher percentage of Guatemalans who paid a coyote to migrate to the U.S.<sup>22</sup> These are traditional “pull” factors that have been driving illegal or irregular migration from Central America for the last decade, however.

The main “pull” factor we identified for the FMU surge of the past year was the practice, out of necessity, of catch and release of family units. Until June of this year, this involved the almost certain release of migrants illegally crossing our border *who brought a child with them*. They were either given an NTA by ICE ERO or, as the numbers swelled, were simply directly released into nearby U.S. border towns by CBP’s Border Patrol. The reason for this practice was quite simple - DHS’s, and particularly ICE ERO’s, lack of capacity to detain and shelter family units. The limited space ERO had at its Karnes and Dilley facilities (about 2,500 beds) had been overwhelmed by December 2018. A primary reason that ICE ERO did not and could not expand its capacity was lack of funding and the judicial enforcement of the *Flores* consent decree in July 2017 that had been expanded to include children accompanied by a parent. This left FMUs apprehended at the border by CBP’s Border Patrol being held temporarily in its police-type lockup areas that were never designed to hold a FMU, or children, accompanied or unaccompanied.

Almost all migrants from Central America, whether a single adult, unaccompanied teenager or FMUs, pay thousands of dollars to human smuggling organizations to get them into the United States. During the Panel’s travel to Guatemala and Honduras, we heard again and again that human smuggling organizations were touting bringing a child as the ticket or passport to gain entry into the U.S. and charging about half price if a Guatemalan or Honduran brought a child

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<sup>22</sup> We did not visit El Salvador. But as among the three North Triangle countries, citizens of Guatemala and Honduras represented most, 87 percent, of FMU migrants in FY 2019, and understanding that all three countries have significant differences, we confine our observations and findings to Guatemala and Honduras.

with them. Migrants often report it is common knowledge in Guatemala that if you present yourself to CBP officials as a FMU, you will be released from custody and allowed to stay in the United States. It is evident that human smuggling networks marketed “bring a child” and fueled the unprecedented increase in FMU migration.

A launching point and a source for a substantial number of FMUs is the Western Highlands of Guatemala. This is where migrants from the North Triangle are consolidated and moved by the human smuggling organizations’ “guides” across the Guatemalan border into Mexico, often across the Suchiate River separating Guatemala from Mexico and ultimately through Mexico to the U.S. border. Large amounts of cocaine are also consolidated in San Marcos, one of the provinces of the Western Highlands. It was noteworthy that DEA reported information that smuggling of people from Central America is considered more profitable to the criminal organizations than moving drugs.

One question the Panel asked was to what degree were “push” factors responsible for the 400 percent increase in FMU migration in FY 2019? There is chronic poverty in both Guatemala and Honduras. 64 percent of Hondurans live in poverty. And a high, but lesser number of Guatemalans at 46.6 percent.<sup>23</sup> Poverty is especially severe in the rural areas of these countries. There is, compared to the U.S. and western Europe, relatively high crime levels and relatively weak law enforcement institutions, in both countries, and gang activity exists in some areas of these countries, primarily in urbanized areas. Indeed, the level of gang control of some neighborhoods of San Pedro Sula, Honduras and its environs is troubling.

That said, the homicides rates in both Guatemala and Honduras have been declining fairly sharply in the past several years.<sup>24</sup> There has been no discernible increase in poverty or the crime rate that explains the huge increase in FMU migration. That increase is primarily attributable to pull factors created by the U.S. government, to include lack of humane detention space for FMUs, an asylum system that is far too slow, the judicial decision expanding *Flores*, and Congressional inaction.

However, even with the declines in FMU migration over the past several months, the numbers remain unacceptably high. And they are likely to remain so until the root causes of the migratory outflow are also addressed. Reducing the push factors in the NT nations is a long term project that will require considerable assistance from the U.S. and other like-minded nations with strong support from the government and private sector in these nations. No long term improvements are likely if political will in these countries is lacking.

This effort is not furthered by cutting off economic assistance to these countries. That, in our view, is shortsighted and counterproductive. What is needed is targeted assistance that will promote sustainable economic development<sup>25</sup> in the North Triangle countries. Targeted assistance to develop and raise the professionalism levels of the national police and the

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<sup>23</sup> It's important to differentiate that the indigenous population makes up approximately 50 percent of the population, of which 79 percent live in poverty.

<sup>24</sup> In Guatemala, they have fallen from 43.13 per one hundred thousand in 2011 to 26.04 in 2018. In Honduras the homicide rate in 2011 was 87. That dropped more than 50 percent to 39 last year.

<sup>25</sup> For example, there is real need for infrastructure improvement in Guatemala which has been stalled since 2015.

effectiveness of the criminal justice systems in these nations in order to provide for increased public safety and to disrupt and destroy human smuggling organizations and gangs. Economic development and strengthening the rule of law are closely linked. One can ordinarily not be accomplished without the other. Serious efforts must be made in the NT countries to address corruption and put an end to both the perception and reality of impunity.

To encourage and incentivize economic development and to improve public safety and security will require targeted funding by U.S. AID and the State Department's Bureau of International Narcotics and Law Enforcement Affairs. But what we are proposing is far more than just throwing money at the problems. U.S. government assistance should include on the ground training and development of law enforcement and civil institutions, including especially developing Guatemala's capability to handle asylum claims made by nationals of Honduras and El Salvador who enter their country. It should also include targeted assistance to Honduras to identify outbound under aged Honduran youths and bar their outbound movement, providing shelter in-country where needed. If security is needed for these youths, the U.S. can and should assist these countries' already ongoing efforts to provide safe shelter in-country. Moreover, both Guatemala and Honduras need training and technical assistance to determine parentage for persons moving outbound with a child, to include DNA testing. They both also need assistance with returnees, to reintegrate them and discourage them from attempting to return illegally to the United States.

Moreover, as we discuss in Recommendation No. 5, above, the U.S. government should build up and increase the cooperative law enforcement efforts between U.S. law enforcement agencies, such as ICE's HSI, and target, disrupt and destroy the transnational human smuggling organizations. They should particularly target all those who participate in recycling of children and hold them accountable to the full extent of the law.

## CONCLUSION

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This is the Panel's final report, with findings and recommendations that supplement those presented in our April emergency interim report. Both reports must be considered together. The severity of this humanitarian crisis has subsided in the past months, but the United States remains at high risk for a resurgence unless action is taken to address the underlying causes of the crisis and prepare for a resurgence as outlined in the recommendations of this Panel.

## APPENDIX A – PANEL MEMBER BIOGRAPHIES

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### **Karen Tandy (Chair)**

#### **Administrator (Ret.), Drug Enforcement Administration**

Karen Tandy has more than 40 years of leadership experience in the public and private sectors with executive board experience serving on for-profit and nonprofit boards. She heads a boutique government affairs consulting firm in the Washington DC area and is Executive Vice President of tele-health addiction recovery technology firm, NLW Partners.

During her public service, Ms. Tandy was appointed by President Bush and unanimously confirmed by the US Senate as the first female to head the U.S. Drug Enforcement Administration (DEA). Before that, Ms. Tandy served as U.S. Associate Deputy Attorney General during the Clinton and Bush Administrations, led the nationwide Organized Crime and Drug Enforcement Task Forces and served for 12 years as a federal prosecutor.

In the private sector, Ms. Tandy was the Senior Vice President of Government Affairs for Motorola Solutions, where she was Motorola's top public policy spokesperson on issues related to global telecom policy.

Ms. Tandy is Chairman of the Board of the National Law Enforcement Officers Memorial Fund and is Chair-Elect of the Board of Directors of the National Center for Missing and Exploited Children.

Ms. Tandy is a lawyer admitted to the State Bars of Texas and Virginia and is the founder and principal of KPT Consulting, LLC. She resides in Northern Virginia.

### **Jayson P. Ahern (Co-Chair)**

#### **Principal and Head of Security Services, The Chertoff Group**

Jay Ahern is the Principal and Head of Security Services at The Chertoff Group. In this role, he advises clients on a broad range of issues including homeland and border security management, global commerce and supply chain security, critical infrastructure protection, risk management, and strategic planning/ implementation.

Mr. Ahern served as a law enforcement professional for 33 years and as the former Acting Commissioner of U.S. Customs and Border Protection (CBP) at the Department of Homeland Security. During his time as Acting Commissioner, Mr. Ahern was responsible for securing, managing, and controlling our nation's borders. With service in both domestic and foreign locations, he directed the agency's 58,000 employee workforce to keep terrorists and terrorist weapons out of the country, while also carrying out CBP's other border-related responsibilities. At The Chertoff Group, Mr. Ahern understands the dangers that face America and American businesses operating around the world. He counsels global clients on how to effectively manage risk while incorporating a proper mix of people, processes, and technology to achieve their security goals. Through an intelligence-driven approach, he advises clients on how to secure their most critical assets, train and exercise employees to respond to emergency incidents, and create sound frameworks to optimize security operations.

**Stewart A. Baker**  
**Partner, Steptoe & Johnson**

Stewart A. Baker is a partner in the Washington office of Steptoe & Johnson LLP. He is the former Assistant Secretary of Policy at DHS. At DHS, Mr. Baker created and staffed the 250-personnel DHS Policy Directorate. He was responsible for policy analysis across the Department, including the Department's International Affairs, strategic planning and relationships with law enforcement, and public advisory committees. This work required a broad understanding of all aspects of the Department's activities, including; maritime regulation, customs enforcement, immigration enforcement, identity management, implementation of the SAFETY Act, money laundering enforcement, government contracts, and regulation of travel and air transportation.

**Robert C. Bonner**  
**Principal, Bonner ADR Services**

Robert C. Bonner is a retired partner of Gibson, Dunn & Crutcher and formerly the senior principal of the Sentinel HS Group, LLC, a Washington, D.C.-based homeland security consulting firm. He is currently the principal of Bonner ADR Services where he serves as a neutral arbitrator in international commercial disputes and as a mediator. Mr. Bonner has held several positions in the federal government. In September 2001 Mr. Bonner was appointed Commissioner of the U.S. Customs Service, and served until 2006 as the first Commissioner of U.S. Customs and Border Protection (CBP). Mr. Bonner is also a former Administrator of the Drug Enforcement Administration (DEA), U.S. District Judge and United States Attorney for the Central District of California. He was the chair of the California Commission on Judicial Performance and currently serves on the board of trustees of the California Institute of Technology and as Chair of the Civilian Oversight Commission for the Los Angeles County Sheriff's Department. Mr. Bonner received a B.A. from the University of Maryland, College Park and his J.D. from Georgetown University Law Center.

**Theresa Cardinal Brown**  
**Bipartisan Policy Center, Director of Immigration and Cross-Border Policy**

Theresa Cardinal Brown is BPC's director of immigration and cross-border policy. She came to BPC from her own consulting firm, Cardinal North Strategies, LLC. Brown was director of immigration and border policy at the U.S. Chamber of Commerce; associate director of business immigration advocacy at the American Immigration Lawyers Association; and worked in the immigration practices of large Washington, D.C.-based law firms. She also served as a director and of counsel at The Sentinel HS Group, LLC. She was a policy advisor in the office of the commissioner of U.S. Customs and Border Protection, and was on Homeland Security Secretary Michael Chertoff's Second Stage Review of U.S. Citizenship and Immigration Services. In 2005 and 2006, she became a member and later director of the Immigration Legislation Task Force in the Department of Homeland Security (DHS) Office of Policy. She then served as the first DHS director of Canadian affairs, and subsequently as the first DHS attaché at the U.S. Embassy in Ottawa. Brown does extensive media outreach in her role at BPC, including appearances on Fox News, NPR Morning Edition, PBS NewsHour, CNN International, and BBC World.

Brown is a Phi Beta Kappa graduate of the University of Delaware, with a degree in international relations and economics.

**John Clark**

**CEO, National Center for Missing and Exploited Children**

John F. Clark, former director of the United States Marshals Service and longtime child advocate, is the president and CEO of the National Center for Missing & Exploited Children.

After an extensive nationwide search, NCMEC's Board of Directors unanimously chose Clark to lead the nonprofit organization, which was designated by Congress in 1984 to work in partnership with the U.S. Department of Justice on issues related to missing and exploited children. He took the helm of the Alexandria, Virginia-based organization on Dec, 7, 2015.

Clark, whose career with the USMS spanned 28 years, was appointed in 2006 as its ninth director by then-President George W. Bush and confirmed by the Senate. In 2011, Clark joined Lockheed Martin Corp. as its director of security, where he managed a \$24 million budget and led a workforce of 250 professionals for the nation's largest defense contractor.

As director of the U.S. Marshals Service, Clark oversaw the daily operation of 94 district offices, 218 sub-offices, three foreign field offices and seven regional fugitive task force offices. He managed a \$2.5 billion budget and led a diversified workforce of 5,500 employees.

Clark implemented and administered Title I of the Adam Walsh Child Safety and Protection Act, which directed the USMS to locate and apprehend fugitive sex offenders. He also oversaw the implementation and operation of the National Sex Offender Targeting Center. He forged strong relationships with law enforcement leaders at the federal, state and local levels and served on many boards, including NCMEC's.

Among the many awards Clark has received is the "Lifetime Achievement Award" from the Federal Bar Association in recognition of superior service in protecting members of the judicial branch. The Federal Law Enforcement Officers Association honored him as "Federal Law Enforcement Director of the Year" for his superior leadership of the USMS.

Before joining the USMS, Clark worked for the U.S. Capitol Police and the U.S. Border Patrol. He earned a bachelor's of science degree from Syracuse University

**Sharon W. Cooper, MD FAAP**

**Developmental and Forensic Pediatrician, Womack Army Medical Center, Fort Bragg, North Carolina**

Sharon Cooper is a developmental and forensic pediatrician who evaluates and treats children who have been victims of all forms of abuse, though her primary area of expertise is that of sexual exploitation. She served for more than two decades in the U.S. Army, with her last assignment as the Chief of Pediatrics at Fort Bragg which has the largest Pediatric population in the Army. She retired with the rank of Colonel. Dr. Cooper holds faculty positions at the University of North Carolina Chapel Hill, Department of Pediatrics and the Uniformed Services University of Health Sciences in Bethesda, Maryland.

She is a consultant and Board member of the National Center for Missing and Exploited Children, the Academy on Violence and Abuse and the United Kingdom Marie Collins Foundation. She is a member of the International Working Group on Victims of Abusive Images in Cyberspace sponsored by the Canadian Centre for Child Protection. Dr. Cooper served on the United States Attorney General's Defending Childhood: Children Exposed to Violence Task Force and is

presently a Commissioner for the Child USA Larry Nassar Commission. She has lectured nationally and internationally, and has provided Congressional testimony in the United States, Russia, Manitoba Canada, and Italy on child sexual exploitation. She has spoken at the European Commission, the Hague, the Vatican's Congress on Child Dignity in the Digital World, and at the Third World Congress on the Commercial Sexual Exploitation of Children in Brazil. Dr. Cooper is the lead author of one of the most comprehensive textbooks on child sexual exploitation and authored the chapter on this subject for the INTERPOL Handbook as well as several other peer reviewed texts. Dr. Cooper provides training to numerous national and international investigative agencies and in recent years focuses on the victimization of the sex trafficking of children and adolescents. She actively evaluates victims of child torture, child abuse images and commercial sexual exploitation and has been qualified as an expert witness in more than 300 court proceedings. She regularly provides training for multidisciplinary teams who work on child maltreatment cases and has continued to serve as an instructor for Department of Defense medical and investigative agencies.

**Leon Fresco**  
**Partner, Holland and Knight**

Leon Fresco is an immigration attorney in Holland & Knight's Washington, D.C., office where he focuses his practice on providing global immigration representation to businesses and individuals. He also represents clients in administrative law and government relations matters and has extensive appellate, commercial litigation and legislation experience. Mr. Fresco was the primary drafter of S.744, the U.S. Senate's comprehensive immigration reform bill of 2013. He uses his broad range of experience to develop creative solutions to achieve his clients' objectives, which often may involve multistage representation before administrative agencies, federal courts and Congress. Prior to joining Holland & Knight, Mr. Fresco was the Deputy Assistant Attorney General for the Office of Immigration Litigation at the U.S. Department of Justice (DOJ) Civil Division. In this position, Mr. Fresco provided litigation risk assessments to cabinet members in Executive Branch agencies. He also oversaw all civil immigration litigation on behalf of the federal government, including representation of the DOJ, the U.S. Department of Homeland Security (DHS), U.S. HHS, U.S. Department of Labor (DOL) and the U.S. Department of State (DOS). This involved supervision of more than 350 attorneys working on nearly 10,000 cases per year. He also advised and assisted client agencies in drafting immigration regulations. In this capacity, and prior to entering government service, Mr. Fresco argued extensively in six of the federal appellate circuit courts, including several en banc arguments.

Prior to joining the DOJ, Mr. Fresco was the staff director for the Senate Judiciary Subcommittee on Immigration, handling matters involving immigration, refugees and border security, including managing the subcommittee's oversight functions involving the DOJ, DHS, HHS, DOL and DOS. He was the principal advisor to Sen. Chuck Schumer (D-N.Y.), former chairman of the subcommittee, on all aspects of immigration law and policy. During his time on the subcommittee, Mr. Fresco drafted several pieces of legislation, including the 1) Border Security, Economic Opportunity and Immigration Modernization Act, 2) the James Zadroga 9/11 Health and Compensation Reauthorization Act, 3) the Emergency Border Security Supplemental Appropriations Act and 4) the Israel E-2 Visa Bill.

Mr. Fresco was an associate and a Chesterfield Smith Fellow in Holland & Knight's Miami office prior to his work in Washington, D.C. He also served as a law clerk to the Honorable Daniel T.K. Hurley of the U.S. District Court for the Southern District of Florida. In October 2018, Mr. Fresco

was appointed to the Customs and Border Protection Families and Children Care Panel Subcommittee of the U.S. Department of Homeland Security Advisory Council, where he is serving as a subject matter expert.

**James R. Jones**

**Chairman, Monarch Global Strategies**

James Jones is the Chairman of Monarch Global Strategies. Jones provides business development advice and consulting for clients primarily in Mexico and Latin America. He previously served as U.S. Ambassador to Mexico from 1993 to 1997. He also served as President at Warnaco International, and Chairman and CEO of the American Stock Exchange in New York from 1989 to 1993. As a member of the U.S. House of Representatives from Oklahoma from 1973 to 1987, Ambassador Jones was Chairman of the House Budget Committee and ranking member of the House Ways and Means Committee. Ambassador Jones was only 28 years old when President Lyndon Johnson selected him as Appointments Secretary, the White House position presently titled Chief of Staff.

**Wendy Smith-Reeve**

**Deputy Director, Arizona Department of Emergency and Military Affairs, Director, Division of Emergency Management**

Wendy Smith-Reeve began her tenure as Director of the Arizona Division of Emergency Management in May 2013, assuming the duties of Deputy Director of the Arizona Department of Emergency and Military Affairs (DEMA) in November 2013.

As Director of Emergency Management, Ms. Smith-Reeve manages the state's emergency preparedness, response, recovery, and mitigation efforts. She joined DEMA's Division of Emergency Management in September 1996 as a finance specialist for the Public Assistance Program within the Recovery Section. She was progressively promoted through the section and became Assistant Director for the Recovery Section in 2009. During her tenure at DEMA, Ms. Smith-Reeve has supported and managed state response and recovery efforts for more than 100 state disaster declarations and 12 presidential disaster declarations.

In April 2015, the Emergency Management Accreditation Program reaccruited Arizona in affirmation that the state's emergency management program meets industry-recognized national standards.

Ms. Smith-Reeve is a current member and former president of the Arizona Emergency Services Association. She is also a member of the National Emergency Management Association (NEMA) and formerly served as NEMA President. She also supports and serves on multiple committees, councils, and coordinating groups.

## APPENDIX B – TASK STATEMENT

*Secretary*

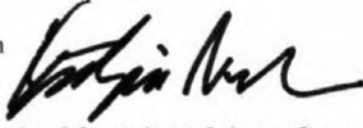
U.S. Department of Homeland Security  
Washington, DC 20528



**Homeland  
Security**

October 4, 2018

MEMORANDUM FOR: Judge William Webster  
Chair  
Homeland Security Advisory Council

FROM: Kirstjen Nielsen   
Secretary

SUBJECT: **Four New Homeland Security Advisory Council (HSAC)  
Taskings**

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Pursuant to the September 18, 2018 meeting of the Homeland Security Advisory Council, I am requesting you to establish four new HSAC entities to undertake reviews of critical homeland security issues. These entities should include: (1) State, Local, Tribal, and Territorial (SLTT) Cyber Security Subcommittee; (2) Countering Foreign Influence (CFI) Subcommittee; (3) Emerging Technologies (ET) Subcommittee; and (4) CBP Families and Children Care (FCC) Panel. An explanation and proposed scope for each entity is listed below in items A through D.

Recommendations are due to the full Council no later than 180 days from the date of each entity's formation. I would like an update and provisional findings from each subcommittee or panel at our next public meeting, which we will hold in late January 2019.

Thank you for your work on these important matters, your service on the HSAC, and your dedication to securing our homeland.

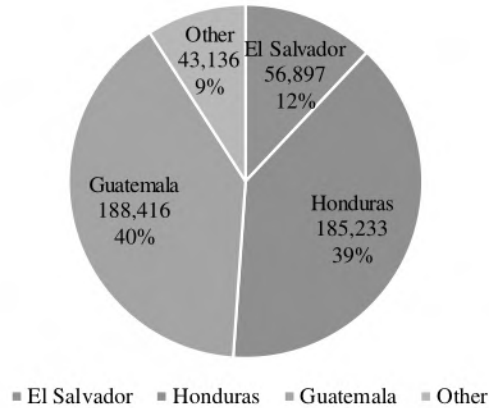
### **CBP Families and Children Custody Panel:**

The CBP Families and Children Custody Panel is to provide findings and recommendations on the best practices from Federal, State, and local organizations regarding care for families and children in CBP custody. The Panel's mandate will include, but is not necessarily limited to, the following:

1. Conduct visits to observe CBP operations and review non-privileged information to understand CBP's unique operating environment and infrastructure, as well as the legal and funding requirements as they relate to individuals held in CBP custody. Such visits shall be conducted in a way that protects the privacy interests of those in CBP custody and privileged information.
2. Study relevant aspects of care for individuals in short-term custody, particularly children, including through interviews with academic experts and non-governmental organizations, literature reviews and studies, site visits, and assessments of best practices that might be applied to such environments.
3. Identify best practices from Federal, State, and local law enforcement regarding interactions with the family and children populations, including during arrests, processing, and short-term detention. This should include identifying how these best practices are implemented.
4. Provide recommendations regarding any potential additions or changes to CBP policies, procedures, or training related to custody of the family and children populations, including any metrics that would permit CBP to measure successful implementation of the additions or changes.

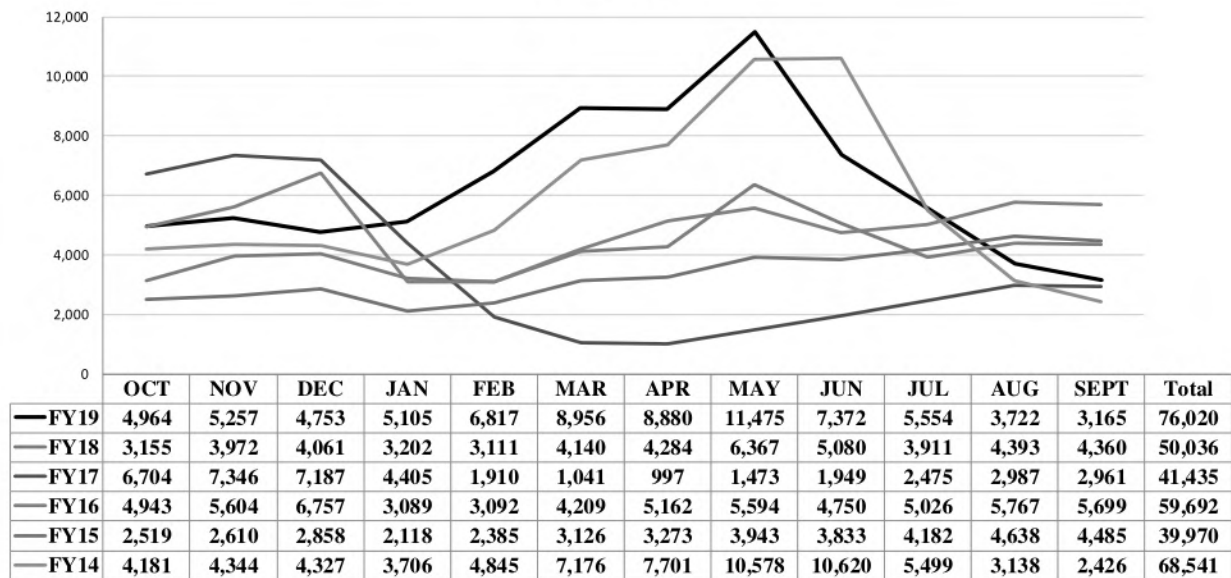
## APPENDIX C - FAMILY UNIT APPREHENSION DATA FY19

Border Patrol - Southwest Border  
Family Unit Apprehensions  
FY19



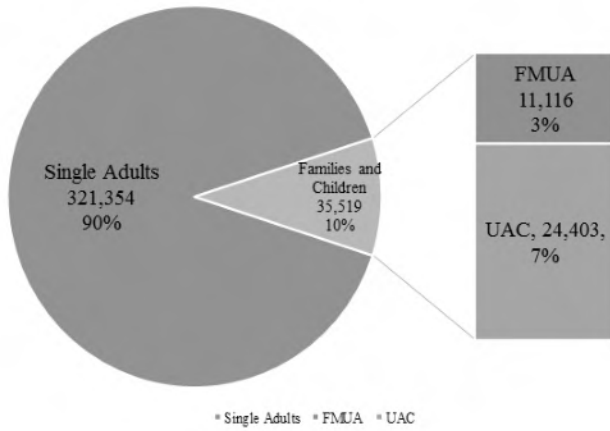
## APPENDIX D - UNACCOMPANIED ALIEN CHILDREN FY14 - FY19

Border Patrol - Southwest Border  
Unaccompanied Alien Children Apprehensions  
FY14 – FY19

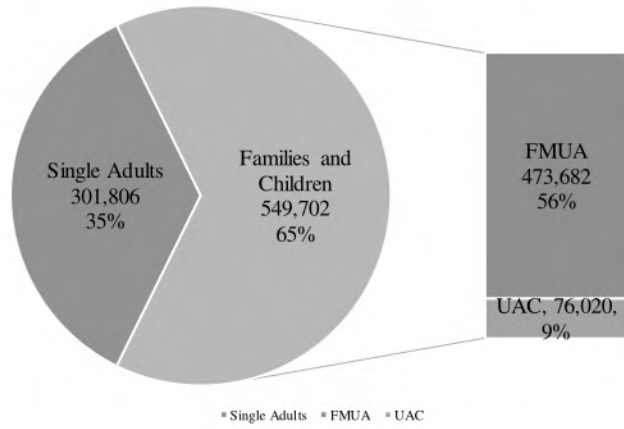


## APPENDIX E- APPREHENSIONS BY DEMOGRAPHICS FY12 AND FY19

Border Patrol - Southwest Border  
Apprehensions by Demographic  
FY12



Border Patrol - Southwest Border  
Apprehensions by Demographic  
FY19



## APPENDIX F - EXPENDITURES BY LOCAL COMMUNITIES

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- San Diego, CA - \$2.7 million in unreimbursed costs (October 2018-August 2019).
- Pima County, AZ - \$300,000 to establish a suitable facility with an average of \$25,000 continuous direct monthly operational costs
- Las Cruces, NM – Redirected \$1 million from city’s local indigent care program (FY19 budget) and continues to incur approximately \$7,500/day in expenses.
- Deming, NM – Burn rate of \$100,000 per month to support shelter operations.
- El Paso, TX - \$225,000 (January – August 2019)
- State of New Mexico - \$855,000 (direct expenditures January – June 2019) providing \$750,000 in pass-through grants to local jurisdictions.

The types of community expenses to address the local burden of the migrant population, include the following examples:

- One of the more expensive needs was rent for hotels to provide isolation for infected adults and/or children to ensure no risk for spread of disease.
- \$40,000 for the purchase of vaccines.
- \$8,000/month on utilities.
- \$2,000-3,000/month on janitorial services.
- Food from detention supplies \$7/person/day for 3 meals per day.
- \$150,000 in infrastructure costs to modify a juvenile detention facility to meet safety standards, provide for 3 people in a room and to disconnect the electronic lock systems.
- \$12,000/month on rent and \$40,000/month to restore an abandoned Army Reserve Center for the indigenous homeless population who had returned to the streets after their community housing was eliminated to provide dedicated space for migrants.

## APPENDIX G- MEDICAL RECOMMENDATIONS

### **The First 24 Hours After Apprehension at the Border**

- a. Conduct initial health screenings at the border to assess vital signs, fever and injury, to identify urgent health care needs, especially among tender age children with those aged 2 and under at the greatest risk. Temperature assessments can be accomplished with non-contact infrared thermometers (NCIT) and are most accurate for infants less than 4 months of age. For children outside this range, fevers can be accurately measured with tympanic thermometers.<sup>26</sup>
- b. Rescreen UACs and FMUs just before transport from the border to assure that their earlier clinical presentation has not deteriorated. If so, a mobile clinic should be used for stabilization prior to patient transport until off site EMS becomes available or other options become necessary such as a medevac support.
- c. CPR equipment with Automated External Defibrillators (AEDs) should be standard equipment in the border station as well as in any mobile clinic.
- d. If FMUs and UACs are not transported to an RPC within 24 hours after apprehension, the Influenza vaccine should be administered to infants and children over 6 months of age and oseltamivir to adults and children.<sup>27</sup>

### **Regional Processing Centers**

- e. Consolidate health/medical screenings and services at RPCs or family detention facilities, to include vaccines and actions to eliminate cross contamination, with all performed once rather than the current segmented and overlapping process among DHS agencies, local governments and non-government organizations.
- f. Improve tracking the medical support provided to migrants to include a medical information chain of custody when an individual is moving from one location to another.<sup>28</sup> Assign an Electronic Health Record number to all children, including UACs and children traveling with families, to ensure that medical information can be more easily communicated to a receiving community.
- g. Fund and provide Tamiflu for all incoming migrants, especially children, as most of the in custody migrant fatalities were children who had unrecognized influenza during the flu season.
- h. All migrants should receive the influenza vaccine (which is being provided nationwide to decrease outbreaks). Other vaccines and skin tests should be administered at appropriate

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<sup>26</sup>These methods are particularly useful during large influxes of UACs or FMUs in remote border areas, as they can be conducted by non-medical personnel, although not shown to be effective specifically for Influenza infections. If conditions such as fever, respiratory distress or injuries are noted, children should be transported to the nearest designated medical treatment facility. Should there be a delay in the recommended 24 hour transport of these UACs/FMUs, continued fever surveillance of young children and communication with their family and health care providers is indicated.

<sup>27</sup> Presently, CBP only provides Tamiflu to children if they present with clinical symptoms – every child is NOT receiving Tamiflu as is recommended here.

<sup>28</sup> Legislation passed on September 27, 2019 to create a U. S. Border Patrol universal Electronic Health Records (EHR) system for all migrants apprehended at the border, with the EHR accessible among DHS agencies along the points of care. H.R. 3525, U.S. Border Patrol Medical Screening Standards Act, was enacted but not funded by the House, and no action has been taken by the U.S. Senate as of the date of this Final Report.

intervals either while an unaccompanied child or a family with children remains in detention or once in the interior U.S.

- i. All migrants should be tested for tuberculosis before ultimate release into the interior of the U.S., and the standard of care applied with chest X-rays in the event of a prior history of TB vaccine<sup>29</sup>
- j. Health care providers assigned to evaluate children and families at the RPCs should provide victimization screening as part of their complete physical history and examination.

### **General Medical Recommendations**

- k. All health care providers who care for migrant children and families should use a trauma-focused medical approach.
- l. A best practice library for care of migrant children and families should be collated by the HHS, in conjunction with the American Academy of Pediatrics, the Centers for Disease Control, the American Academy of Family Physicians and the American Psychological Association.
- m. An online resource should be collated and made available to any health care provider (HCP) nationwide to enable access to information regarding a child's condition. This should require that a health care provider have a state licensure and a Medicaid access number as applicable in states.

### **Public Health Recommendations**

- n. Communities should follow the example of San Diego County to make available mental health and other resources for migrant children through their Department of Public Health.<sup>30</sup>
- o. When CBP releases vulnerable populations of women with or without children to travel to Mexico, such releases should occur only during daylight hours. CBP should prohibit the practice of nighttime releases of women and children to cross the US border into Mexico.

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<sup>29</sup> CBP does not have the capacity to conduct formal screening or testing for TB at border stations, and in any case, the FMUs and UACs should already have been moved to an RPC prior to the 72 hour period required before skin test results can be read.

<sup>30</sup> Since the Interim Report, border community briefings from the San Diego, California Public Health System underscored several needs in caring for FMUs i.e. health risk assessments, case management, and availability of relatively large quantities of specific preventive medications e.g. oseltamivir to prevent the spread and fatal risk of Influenza infections. Federal funding to augment state health budgets is paramount.

(<https://www.nationalreview.com/2019/05/yes-theres-a-public-health-crisis-at-the-border/>; <https://www.who.int/emergencies/diseases/managing-epidemics-interactive.pdf>; <https://pediatrics.aappublications.org/content/pediatrics/142/4/e20182367.full.pdf>)

## APPENDIX H – MEETINGS AND SITE VISITS

NOTE: The views expressed in this report do not necessarily represent the views of those referenced or listed in the report or appendix.

### **In Person Meetings:**

- The FCCP held an in person meeting in Washington, DC, which included participants from CBP, ICE, Civil Rights and Civil Liberties, and HHS.
- The FCCP held a meeting in Washington, DC, which included participants from CBP; USCIS; DOJ, EOIR; ICE ERO and HSI; National Center for Missing and Exploited Children; and NGOs to include Lutheran Immigration and Refugee Service; U.S. Conference of Catholic Bishops; American Academy of Pediatrics; and Kids in Need of Defense.

### **Site Visits to CBP Facilities, Other Government Agencies and Non-Government Organizations:**

- Members conducted their first site visit to CBP facilities:
  - OFO: San Ysidro and San Luis Port of Entry.
  - Border Patrol: Chula Vista, El Centro, and Yuma Stations.
  - Meetings also held with local NGOs:
    - American Red Cross, CRCL, and Hebrew Immigrant Aid Society (HIAS) Border Fellow Jewish Family Services.
- Members conducted a second site visit to CBP facilities:
  - OFO: Hidalgo International Bridge Port of Entry.
  - USBP: Laredo, Hebbronville, Rio Grande Valley Ursula CPC Stations.
  - Meetings also held with:
    - 10 different local NGOs.
    - Health and Human Service Office of Refugee Resettlement Facility – Casa Presidente, Southwest Key.
- Members conducted a third visit to the El Paso region:
  - OFO: Paso Del Norte Port of Entry.
  - Border Patrol: Clint, Paso Del Norte, Santa Teresa, and Deming Stations.
  - Meeting also held with The Annunciation House, El Paso, TX.

### **FCCP Meetings:**

- Participated in a briefing provided by the CBP Commissioner and Border Patrol Chief regarding the recent death of a child apprehended by CBP.
- Held a meeting with the DHS/CBP Medical Operations Team who provided a briefing on the medical screening process for children in CBP custody.
- Held meeting with Congressman Ruiz, M.D., from California, who provided a briefing regarding legislation he is introducing on medical care and custody.
- Held a conference call with the following global protection organizations:
  - International Committee of the Red Cross (ICRC).
  - UN International Children’s Emergency Fund (UNICEF).
  - UN High Commissioner for Human Rights (UNHCR).

- Held a conference call with Dr. Irwin Redlener, Director, National Center for Disaster Preparedness, Columbia University.

### **Additional Meetings and Site Visits since the Interim Report**

#### **In Person Meeting:**

- The FCCP held an in person meeting in Washington, DC, with policy experts from the Migration Policy Institute.

#### **Facility Site Visits to Other Government Agency and Non-Government Organization:**

- The FCCP members conducted a site visit to:
  - ICE, Dilley Family Residential Center, Dilley, TX.
- Bexar County Juvenile Detention Center, San Antonio, TX.

#### **International Travel to the Northern Triangle:**

- The FCCP members traveled to Guatemala and Honduras to receive on the ground briefings from USG and foreign officials, and non-profit organizations working with prospective and returned migrants.

#### **FCCP Meetings:**

- Held a conference call with state and local law enforcement officials from the Southwest Border to include sheriffs from the Cochise, Yuma, and Val Verde counties; Executive Director, Southwest Border Sheriffs; Executive Director, Western States Sheriffs; and President, Major Cities Chiefs Association on interactions with families and children.
- Participated in a briefing provided by advocacy NGOs to include:
  - Washington Office on Latin America (WOLA),
  - Latin American Working Group (LAWG),
  - International Republican Institute (IRI), and the
  - Seattle Foundation.
- Received a briefing from state and local officials from the SWB to include HHS Deputy Chief Medical Officer, San Diego, CA; County Administrator, Pima County, AZ; Battalion Chief, Las Cruces, NM; Emergency Management Coordinator, El Paso, TX; and, Homeland Security and Emergency Management Secretary, NM, who all provided insight into the irregular migration impacts on local communities.
- Received a briefing from both the Chief and Lead Inspector from the Office of Inspector General on their findings outlined in two DHS Management Alert Reports.
- Held a conference call with the Deputy Chief of Mission from the Guatemalan Embassy located in Washington, DC, discussing the current political and economic environment in Guatemala.
- Conducted a conference call with DEA Attaché in Guatemala on current drug trends.
- Received updated briefings from CBP OFO and Border Patrol on the current operating environment on the Southwest Border.
- Received a briefing from CBP OFO on efforts to detect, disrupt, and deter re-cycling of children used to fraudulently claim FMUs.

**Congressional Engagement:**

- FCCP members provided a briefing on the Interim Report during a roundtable discussion with the U.S. Senate Homeland Security and Government Affairs Committee.
- Multiple meetings with Senator Ron Johnson and Committee Ranking Minority Staff.

**National Media Op-Ed Publications:**

- (2019). *Los Angeles Times*, The Border Crisis isn't a Partisan Issue. It is real, and children are in danger. <https://www.latimes.com/opinion/op-ed/la-oe-bonner-jones-border-crisis-immigration-families-20190510-htmlstory.html>
- (2019). *USA Today*. Homeland Security: We've done all we could with limited resources for migrant children. <https://www.usatoday.com/story/opinion/2019/07/10/migrant-children-homeland-security-done-all-reasonably-could-editorials-debates/1699263001/>

## APPENDIX I- SUBJECT MATTER EXPERTS AND OTHER WITNESSES

NOTE: The views expressed in this report do not necessarily represent the views of those referenced or listed in the report or appendix.

AmCham, President  
American Academy of Pediatrics, Senior Director, Federal and State Advocacy  
Angry Tias and Abuelas, McAllen, TX  
Annunciation House, El Paso, TX, Director  
Association of Returnees  
    Board Members  
    President and Legal Representative, Guatemala  
CACIF, President  
California Congressman  
Catholic Charities, McAllen, TX  
Catholic Diocese, McAllen, TX  
Catholic Relief Services, Guatemala  
Central America Regional Security Program, Coordinator, Honduras  
Casa Alianza, Director, Honduras  
Casa Presidente, Program Director, Southwest Key, Brownsville, TX  
Child & Protection Services, Director, DINAF  
Civil Rights and Civil Liberties  
Cochise County, AZ, Sheriff  
Department of Homeland Security  
    Attaché, Guatemala  
    Chief Medical Officer  
    Homeland Security Investigations  
        Assistant Director Programs  
        Deputy Executive Assistant Director  
        Immigration and Custom Enforcement, Enforcement and Removal Operations  
            Assistant Director, Enforcement and Removal Operations  
            Executive Associate Director  
            Section Chief  
    Office of Inspector General  
        Chief Inspector  
        Lead Inspector  
    Senior Medical Officer  
    U.S. Citizenship and Immigration Services, Associate Director  
    U.S. Customs and Border Protection  
        Border Patrol  
            Assistant Chief, Headquarters  
            Assistant Chief, San Diego Sector  
            Assistant Chief Patrol Agent, RGV CPC  
            Assistant Chief Patrol Agent, San Diego Sector  
            Associate Chief, Law Enforcement Operations Directorate, Headquarters  
            Chief, El Paso Sector

Chief Patrol Agent, Law Enforcement Operations Directorate, Headquarters  
 Chief Patrol Agent, Yuma Sector Headquarters  
 CPC Commander, El Centro Station  
 Deputy Chief Patrol Agent, RGV Sector  
 Deputy Chief Patrol Agent, San Diego Sector  
 Deputy Chief Patrol Agent, Yuma Sector Headquarters  
 Deputy Commander, CPC El Centro Station  
 Deputy Patrol Agent In Charge, Clint Station  
 Deputy Patrol Agent In Charge, Deming Station  
 Deputy Patrol Agent In Charge, El Centro Station  
 Deputy Patrol Agent In Charge, El Paso Station  
 Deputy Patrol Agent In Charge, Lordsburg Station  
 Deputy Patrol Agent In Charge, San Clemente Station  
 Deputy Patrol Agent In Charge, Santa Teresa Station  
 Division Chief, RGV CPC  
 Executive Officer, El Centro Station  
 Patrol Agent In Charge, Chula Vista Station  
 Patrol Agent In Charge, Clint Station  
 Patrol Agent In Charge, Deming Station  
 Patrol Agent In Charge, El Paso Station  
 Patrol Agent In Charge, Hebbronville Station  
 Patrol Agent In Charge, Laredo Station  
 Patrol Agent In Charge, Lordsburg Station  
 Patrol Agent In Charge, Santa Teresa Station  
 Patrol Agent In Charge, Yuma Station  
 Special Operations Supervisor, Laredo North Station  
 Special Operations Supervisor, San Diego Sector  
 Special Operations Supervisor, Yuma Headquarters  
 Strategic Communications Branch, El Paso Sector  
 Supervisory Border Patrol Agent, Sector Communications  
 Watch Commander, San Diego Headquarters  
 CBP Attaché, U.S. Embassy, Guatemala  
 Chief Medical Officer  
 Commissioner  
 Juvenile Coordinator  
 Office of Field Operations  
     Assistant Director Field Operations, El Paso  
     Assistant Director Field Operations, Laredo  
     Assistant Port Director, El Paso Port of Entry  
     Branch Chief, San Ysidro Port of Entry  
     Counter-Network Division, National Targeting Center  
         Assistant Director  
         Watch Commander  
     Deputy Director Field Operations, San Diego  
     Deputy Executive Director, Operations  
     Director Field Operations, El Paso  
     Director Field Operations, Laredo

Director, Enforcement Programs Division, Admissibility and Passenger Processing  
 Director, Southern Operations Command, Hidalgo Port of Entry  
 Executive Assistant Commissioner  
 Executive Director, Admissibility and Passenger Processing  
 Executive Director, Operations  
 Port Director, El Paso Port of Entry  
 Port Director, Hidalgo Port of Entry  
 Port Director, San Ysidro Port of Entry  
 Program Manager, Admissibility and Passenger Processing  
 Watch Commander, San Luis Port of Entry  
 Watch Commander, San Ysidro Port of Entry  
 Program Analyst  
 Senior Advisor, Commissioner's Office  
 Department of Justice, Executive Office for Immigration Review, Director  
 Department of State  
   Bureau of Intelligence and Research  
   Charge d'Affaires, Honduras  
   Honduras Country Team  
   Migration Working Group Western Hemisphere Affairs  
     Acting Director  
     Guatemala Desk Officer  
   Regional Refugee Coordinator, Mexico  
 USAID  
   Director, Honduras  
   Economic Growth Director, Honduras  
   Members, Honduras  
   Site Officer, Honduras  
   Senior Advisor, Central America  
 United States Embassy, Guatemala  
   Acting HSI Attaché, Guatemala  
   Ambassador, Guatemala  
   CONS, Guatemala  
   Deputy Chief of Missions, Guatemala  
   Deputy Lead Field Coordinator, Guatemala  
   INL Director, Guatemala  
   PAS, Guatemala  
   USAID Mission Director, Guatemala  
 Doctors Without Borders MSF, Representative  
 Drug Enforcement Administration, Attaché, Guatemala  
 El Paso City and County Emergency Management, Emergency Management Coordinator  
 El Refugio Shelter, Deputy Executive Director  
 Equal Voice Network, McAllen, TX  
 Foreign Ministry MFA, Vice Minister for Consular and Migrant Affairs  
 Fuerza del Valle, McAllen, TX  
 Good Neighbor, McAllen, TX  
 Guatemalan Migration Institute, Director  
 Habitat for Humanity, Guatemala, Country Director

Health & Human Services, Deputy Chief Medical Officer, San Diego  
 HIAS Border Fellow Jewish Family Service of San Diego, Esq. Immigration Staff Attorney  
 Homeland Security and Emergency Management, Secretary, New Mexico  
 Honduran Migration Institute, Director  
 International Organization for Migration  
     Advisor  
     Advisor for Immigration Affairs  
     La Secretaria de Obras Sociales de la Esposa del Presidente  
     Secretary, Social Bienestar Social  
 International Republican Institute (IRI)  
 Kinds in Need of Defense, Deputy Director of Policy  
 Las Cruces, NM, Battalion Chief  
 Latin American Working Group (LAWG), Executive Director  
 Legat El Salvador and Honduras  
 Lutheran Immigration and Refugee Service, Vice President for Programs  
 Major Cities Chiefs Association President and Retired Chief of Police, Montgomery County Dept.  
     of Police  
 Migration Policy Institute  
     Director of Research, U.S. Programs  
     Senior Fellow and Director, U.S. Immigration Policy Program  
 National Center for Disaster Preparedness, Director, Columbia University  
 National Center for Missing and Exploited Children, Executive Director, Case Analysis Division  
 Norwegian Refugee Council, Representatives  
 Office of Civil Rights and Civil Liberties, Director  
 Office of Refugee Resettlement, Director  
 Pima County, AZ, County Administrator  
 PLAN International, Country Director, Guatemala  
 Public Affairs for Corporacion Multi-Inversiones  
 Red Cross  
     Director, Honduras Red Cross HRC  
     Protection Coordinator, Regional Delegation for the United States and Canada, International  
     Committee of the Red Cross (ICRC)  
     Regional Disaster Officer, American Red Cross, San Diego Region  
     Representative, International Committee of the Red Cross  
  
 Save the Children, Country Director, Guatemala  
 Scale Up Xela  
 Seattle Foundation  
 Social Welfare, Guatemala  
     Chief of Unaccompanied Minor Protection Unit  
     Secretary of Unaccompanied Minor Operations  
 Southwest Key, Brownsville, TX, Regional Executive Director  
 Team Brownsville, McAllen, TX  
 Texas Civil Rights Project, McAllen, TX  
 Texas Rio Grande Legal Aid, McAllen, TX  
 UN High Commissioner for Human Rights  
     Protection Officer

External Relations  
UN High Commissioner for Refugees (UNHCR)  
Guatemala Head  
Representative  
UN International Children's Emergency Fund (UNICEF)  
Program Specialist  
Senior Child Protection Advisor  
U.S. Conference of Catholic Bishops  
Director of Policy  
U.S. Immigration Policy Program  
Senior Fellow and Director  
USCIS, Guatemala  
Wakami  
Washington Office on Latin America (WOLA)  
Western States Sheriffs, Executive Director (retired)  
Young Center, McAllen, TX  
Yuma County, AZ, Sheriff

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## APPENDIX K- GLOSSARY OF ACRONYMS

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ACA – Asylum Cooperative Agreement  
CBP – Customs and Border Protection  
CIS – Citizenship and Immigration Services  
CPC – Central Processing Center  
CRCL – Civil Rights and Civil Liberties  
DHS – Department of Homeland Security  
DOD – Department of Defense  
DOJ – Department of Justice  
EOIR – Executive Office for Immigration Review  
ERO – Enforcement and Removal Office  
FCCP – Families and Children Care Panel  
FMU – Family Unit  
FEMA – Federal Emergency Management Agency  
GAO – Government Accountability Office  
HHS – Health and Human Services  
HSAC – Homeland Security Advisory Council  
ICE – Immigration and Customs Enforcement  
ICRC – International Committee of the Red Cross  
ICS – Incident Command Structure  
INA – Immigration and Nationality Acts  
MPP – Migrant Protection Protocols  
NGO – Non-Government Organization  
NIMS – National Incident Management System  
NRF – National Response Framework  
NT – Northern Triangle  
NTA – Notice to Appear  
OFO – Office of Field Operations  
OIG – Office of Inspector General  
ORR – Office of Refugee Resettlement  
PAIC – Patrol Agent in Charge  
POE – Port of Entry  
RPC – Regional Processing Center  
SWB – Southwest Border  
TDY – Temporary Duty  
TIC – Time in Custody  
TVPR – Trafficking Victims Protection Reauthorization Act  
UAC – Unaccompanied Children  
UNHCR – UN High Commissioner for Human Rights  
USCIS – United States Citizenship and Immigration Services  
UNICEF – UN International Children’s Emergency Fund  
USG – United States Government