

Interagency Task Force on the Reunification of Families Initial Progress Report (June 2, 2021)

Executive Summary

On February 2, 2021, President Biden signed Executive Order 14011 (E.O. 14011), *Establishment of Interagency Task Force on the Reunification of Families*, in response to the prior Administration's use of immigration laws to intentionally separate children from their parents and legal guardians (families), including through the use of the Zero-Tolerance Policy. E.O. 14011 directs the Interagency Task Force on the Reunification of Families (Task Force) to identify children who were separated and facilitate and enable the reunification of the families. Additionally, E.O. 14011 directs the Task Force to provide recommendations on providing additional services and support for the reunified families, including behavioral health services with a focus on trauma-informed care. The Task Force submits to the President its initial 120-day progress report on its accomplishments and ongoing challenges.

In its first 120 days, the Task Force has identified nearly all the children who were separated, established a reunification process for separated families and commenced the reunification of parents and legal guardians with their separated children in the United States. We have coordinated, as appropriate and consistent with applicable law, with relevant stakeholders, including non-governmental organizations (NGOs), and representatives of the families. These critical partners facilitated reunifications prior to the Task Force and continue to serve a vital role in future reunification. And while there remains significant work ahead, the Task Force's initial effort has paved the way to reunify 2,127 children who may remain separated from their parent(s).¹ Further, the Task Force has taken important steps toward establishing a mechanism to provide behavioral health and case management services and other support to the reunified families in the United States.

To date, the Task Force, in close coordination with NGOs, has identified 3,913 children who were separated from their families at the United States-Mexico Border between July 1, 2017 and January 20, 2021, based on

the Zero-Tolerance Policy and related initiatives.² The Task Force knows of 399 children who were repatriated with or without their parents and 1,613 parents who were repatriated with or without their

children. Prior to the Task Force, in large part thanks to the efforts of NGOs, 1,779 children

Identified Children Confirmed Separated: 3,913

Reunified Children by NGO's before Task Force Creation: 1,779

Reunified Children after Task Force Creation: 7 with 41 in process

Children without Confirmed Reunifications: 2,127

¹ The Task Force identified 3,913 separated children as within the scope of Executive Order (E.O.) 14011 (between July 1, 2017 and January 20, 2021). 1,786 of these children have been reunited, leaving 2,127 children who may remain separated from their parents. Some of these children and parents may have reunified on their own.

² This number is expected to change as data continue to be analyzed. The Task Force reports family reunifications based on separated children reunifying with a parent. Certain litigation cases use parents as the class members, which is why reporting numbers can appear differently, depending on the reporting outlet.

were reunified with their parents in the United States. Over the last 30 days, the Task Force facilitated, through close coordination with the NGOs and attorneys representing the families, the reunification of 7 children with their parents, bringing the total number of known reunified children to 1,786.³ There are 2,127 children for whom the Task Force does not have a confirmed record of reunification.

The Task Force must review additional records to fully capture the timeframe and scope set in E.O. 14011. The Task Force is currently reviewing U.S. Department of Health and Human Services-Office of Refugee Resettlement (HHS-ORR) and U.S. Department of Homeland Security (DHS) records to identify any additional family separations that may have occurred between January 20, 2017 and June 30, 2017. Additionally, there are 1,723 separations that were previously determined out of scope for the litigation class that may fall within the scope of E.O. 14011.

The Task Force commenced the reunification effort, in coordination with the American Civil Liberties Union (ACLU) representing the plaintiff class members, with review of parole requests for an initial group of 62 individuals. Four parents entered the United States at land ports of entry in May 2021 to be reunited with their five children. USCIS is accepting and processing parole requests for the remaining 58⁴ individuals. As of May 28, 2021, 48 parole requests have been filed with USCIS and 37 have been adjudicated. All 37 individual adjudications have been granted humanitarian parole. Over the coming weeks, 29 families will reunify in the United States once they have identified travel arrangements suitable for their respective needs.⁵ DHS, along with private partnerships, will support the travel arrangements of the families. Separate from the initial group, the Task Force facilitated the parole of two parents into the United States for reunification under previous court orders. NGOs who have been working with families and the ACLU continue to play a critical role in contacting parents and facilitating the reunification with their children.

This initial group of 62 individuals consists of 39 separated parents, 3 separated children who were subsequently reunified in their home countries, and 20 additional household members. The group includes 28 nationals of Guatemala, 20 nationals of Honduras, 13 nationals of El Salvador, and 1 national of Mexico. Additional requests will be accepted and adjudicated on a rolling basis.

The Task Force is relying on the Secretary of Homeland Security's parole authority under section 212(d)(5) of the Immigration and Nationality Act (INA) to permit separated families the option to return to the United States to reunify with their children and receive behavioral health services. INA section 212(d)(5) provides that the Secretary of Homeland Security may authorize a person to enter the United States if there is an urgent humanitarian reason or significant public benefit interest to do so. The Secretary identified both an urgent humanitarian reason and a

³ Two of the children reunified with their parents through court orders issued prior to the establishment of the Task Force and five of the children reunified through the Task Force's parole process. All reunifications were in large part thanks to the coordination and support of the NGO communities supporting the families.

⁴ This number does not include the 4 separated parents that entered the United States through land border Ports of Entry (POE) in May 2021. Their parole requests were processed by CBP at the POE.

⁵ Families may include multiple parole recipients – including separated parent, separated child, and household members such as siblings of the separated child.

significant public benefit to reunify families in the United States and allow them to receive behavioral health services. As a general matter, U.S. Citizenship and Immigration Services (USCIS) will adjudicate the parole requests. If discretion to grant parole is favorably exercised, parole will be issued to the individual for a period of 36 months. The initial period of parole can be extended based on the facts of each case.

Additionally, the Task Force will consider members of the parent's, legal guardian's or child's immediate household for parole into the United States for purposes of reunification, on a case-by-case basis, if there is a compelling humanitarian reason to do so. This eligibility will be considered on a case-by-case basis and if approved, issued for an initial period of 36 months.

HHS continues to provide, pursuant to a court order⁶, separated parents living in the United States with access to behavioral health screenings and appropriate treatment for behavioral health conditions caused by the family separation. The Task Force is exploring a variety of options to provide additional services and support to reunited families.

During this reporting period, the Task Force engaged with the NGOs and the representatives of the families to hear from the community that has played a critical role in identifying and contacting families and in facilitating reunifications. Their expertise, input, and guidance are critical to the success of the Task Force. Additionally, the Task Force engages with the private sector to bring understanding of the current challenges associated with the community and to explore opportunities to provide services for reunited families.

While the Task Force has overcome many of the initial hurdles encountered during the first 120 days, key decisions and challenges remain. Most notably, the Task Force must continue to tackle the absence or poor condition of records maintained by the prior Administration. Separately, the Task Force must determine the scope of services for the separated families and establish a sustainable funding source. The Task Force will continue to report on these challenges, along with the directives that remain open from the Executive Order.

In the months ahead, the Task Force anticipates a steady increase in the number of parents and legal guardians requesting parole to return to the United States to reunify with their children and to obtain the support they may need for a successful reunification. As the process matures, the Task Force will build upon best practices to ensure successful family reunifications.

⁶ See generally, *J.P. v. Sessions*, No. 2:18-cv-06081 (C.D. Cal) (Nov. 5, 2019).

Interagency Task Force on the Reunification of Families Initial Progress Report (June 2, 2021)

Introduction

The Interagency Task Force on the Reunification of Families (Task Force) submits to the President its initial progress report on its efforts to identify and reunite children separated from their parents or legal guardians (families) at the United States-Mexico border between January 20, 2017, and January 20, 2021, when our immigration laws were used to intentionally separate families, including through the use of the Zero-Tolerance Policy. In its first 120 days, the Task Force has identified nearly all the children who were separated, established a reunification process for separated families, and commenced the reunification of parents and legal guardians with their separated children in the United States. We have coordinated, as appropriate and consistent with applicable law, with relevant stakeholders, including non-governmental organizations (NGOs), and representatives of the families. These critical partners facilitated reunifications prior to the Task Force and continue to serve a vital role in future reunification. And while there remains significant work ahead, the Task Force's initial effort has paved the way to reunify 2,127 children who may remain separated from their parent(s).⁷ Further, the Task Force has taken important steps toward establishing a mechanism to provide behavioral health and case management services and other support to the reunified families in the United States.

Background

On February 2, 2021, President Biden signed Executive Order 14011 (E.O. 14011), *Establishment of Interagency Task Force on the Reunification of Families*, condemning the human tragedy that occurred when our immigration laws were used to intentionally separate children from their parents or legal guardians (families), including through the use of the Zero-Tolerance Policy, and committing to protect family unity so that children entering the United States are not separated from their families, except in the most extreme circumstances when necessary for the safety and well-being of the child or when required by law.

As early as February 2017, the Trump administration began discussing the separation of parents from their children at the United States-Mexico border as a way to deter unauthorized migration.⁸ Subsequently, in the summer of 2017, the Trump administration implemented a pilot in the El Paso, Texas Border Patrol Sector, which resulted in a significant increase in the number of family separations within that sector. On April 6, 2018, the Department of Justice (DOJ)

⁷ The Task Force identified 3,913 separated children as within the scope of Executive Order (E.O.) 14011 (between July 1, 2017 and January 20, 2021). 1,786 of these children have been reunited, leaving 2,127 children who may remain separated from their parents. Some of these children and parents may have reunified on their own.

⁸ PBS News Hour, "3 things we learned in testimony on family separation under Trump," (Feb. 7, 2019); www.pbs.org/newshour/politics/3-things-we-learned-in-testimony-on-trumps-family-separation-policy (accessed May 20, 2021); ABC News Video Clip, "Government officials says he warned Trump administration against family separation," (Feb 7, 2019); www.abcnews.go.com/Politics/government-official-warned-family-separations/story?id=60910531 (accessed May 20, 2021); CNN Politics, "Kelly: DHS is considering separating undocumented children from their parents at the border," (Mar. 7, 2017); www.cnn.com/2017/03/06/politics/john-kelly-separating-children-from-parents-immigration-border/index.html (accessed May 20, 2021).

formally announced the Zero-Tolerance Policy, which was implemented through a memorandum issued by then-Attorney General Jeff Sessions to all U.S. Attorney's Offices along the Southwest border. Under this policy, DOJ would prosecute all referrals of individuals for 8 U.S.C. § 1325 (unauthorized entry), to the extent practicable, for the purpose of deterring migration, even though it meant the separation of parents and children.⁹

On May 5, 2018, based on guidance from the Department of Homeland Security (DHS), U.S. Customs and Border Protection (CBP) began to refer an increased number of individuals to DOJ for criminal prosecution for entering the United States without authorization, including parents who entered with their minor children. When parents were referred for criminal prosecution under 8 U.S.C. § 1325, they were remanded to the custody of the U.S. Marshals Service for the duration of their criminal proceedings. Their accompanying children were classified as unaccompanied children (UC) and transferred to the care and custody of the U.S. Department of Health and Human Services, Office of Refugee Resettlement (HHS-ORR)¹⁰.

No comprehensive, interagency system was in place at the time to track separated parents and their minor children to ensure that families could promptly and successfully be reunited once the parents were released from detention. Further, DHS did not coordinate with other affected agencies in implementing this policy. On June 20, 2018, President Trump signed Executive Order 13841, *Affording Congress an Opportunity to Address Family Separation*, to maintain family unity during the pendency of immigration and criminal proceedings relating to 8 U.S.C. § 1325 prosecutions for unauthorized entry, where appropriate and consistent with the law.

The practice of parent-child separations for immigration deterrence was challenged in federal court, and on June 26, 2018, a federal district court ordered the reunification of a certified class of parents with their children.¹¹ The court later expanded the class to include parents who entered the United States with their child(ren) on or after July 1, 2017, were separated from their children, and whose children were not in HHS-ORR custody on June 26, 2018. This included parents who were identified as being separated as part of the El Paso pilot program referenced above.

Task Force agency members are involved in multiple active litigation cases involving separated families. Most of the families are represented in the *Ms. L. v. U.S. Immigration and Customs Enforcement (Ms. L.)* class action lawsuit. The American Civil Liberties Union (ACLU) represents the parents in this case. The *Ms. L.* court established a steering committee to contact the separated parents and voice their reunification preferences. The *Ms. L.* Steering Committee

⁹ Office of the Attorney General, "Zero-Tolerance for Offenses Under 8 U.S.C. § 1325(a)," (Apr. 6, 2018); <https://www.justice.gov/opa/press-release/file/1049751/download> (accessed May 20, 2021).

¹⁰ Children who were U.S. citizens or legal permanent residents were transferred to the custody of corresponding state Child Protective Services.

¹¹ The *Ms. L.* court defined the class as:

All adult parents who enter the United States at or between designated ports of entry who (1) have been, are, or will be detained in immigration custody by the [DHS], and (2) have a minor child who is or will be separated from them by DHS and detained in ORR custody, ORR foster care, or DHS custody, absent a determination that the parent is unfit or presents a danger to the child.

Parents with a criminal history or communicable disease, as well as those apprehended in the interior, were excluded from the class. *Ms. L. v. U.S. Immigration and Customs Enforcement*, 310 F. Supp. 3d 1133, 1139 n.5 (S.D. Cal. 2018).

includes the law firm Paul, Weiss, Rifkind, Wharton & Garrison LLP, and the organizations Justice in Motion, Kids in Need of Defense (KIND) and the Women’s Refugee Commission (WRC). The Task Force entered settlement negotiations in *Ms. L.* on March 11, 2021.

Functions of the Task Force

E.O. 14011 established the Task Force to identify separated children, facilitate reunification with their families, and provide recommendations with respect to associated services and legal requirements necessary to achieve these goals. E.O. 14011 identifies the Task Force’s key functions as the following:

- Identify all children who were separated by DHS from their families at the United States-Mexico border between January 20, 2017 and January 20, 2021 as a result of Zero-Tolerance policies or related initiatives;
- Facilitate and enable the reunification of those children with their families; and
- Provide recommendations regarding the provision of additional services and support for the children and their families, including behavioral health services with a focus on trauma-informed care.

The Task Force leverages the authorities and functions of the Secretaries of Homeland Security, State, Health and Human Services, the Attorney General and other key government officials to complete the President’s priorities as stated in E.O. 14011.

Section 4(c)(i) of E.O. 14011 requires the Task Force to provide the President an initial progress report no later than 120 days after the date of the Executive Order and interim progress reports every 60 days thereafter.

Scope of the Task Force

The Task Force focuses on family separations that occurred at the United States-Mexico border between January 20, 2017, and January 20, 2021, in connection with the operation of the Zero-Tolerance Policy. E.O. 14011 defines “Zero-Tolerance Policy” as the policy discussed in the Attorney General’s memorandum of April 6, 2018, entitled, “Zero-Tolerance for Offenses Under 8 U.S.C. 1325(a),”¹² and any other related policy, program, practice, or initiative resulting in the separation of children from their families at the United States-Mexico border. Out of 5,636 total child separations that occurred between July 1, 2017 and January 20, 2021, the Task Force has identified that 3,913 were related to the Zero-Tolerance Policy or similar initiatives. The Task Force is aware of 1,786 children who have reunified with their parents – some were reunified in the U.S. and some were reunified in their home countries. There are an estimated 2,127 children who may remain separated from their parents.

Progress in the Initial 120 Days

¹² Office of the Attorney General, “Zero-Tolerance for Offenses Under 8 U.S.C. § 1325(a),” (Apr. 6, 2018); <https://www.justice.gov/opa/press-release/file/1049751/download> (accessed May 20, 2021).

Since inception, the Task Force has focused its attention on setting up a reliable process to achieve its core functions: identifying separated children, facilitating reunifications, and recommending ways to provide additional services and support to children and their families to address the impact of the separations, including behavioral health services and case management services. While the Task Force is leveraging many of the existing authorities and functions of the member agencies, the approach is novel, and progress has come with some challenges.

Identification of Separated Children

- The Task Force, using data from the NGO community and litigation, has identified 3,913 children as within scope of the Task Force and is currently reviewing the records of an additional 1,723 children previously in HHS-ORR custody and identified as being separated from a parent.
- Overall, 1,613 parents (45 percent of the total of the expanded *Ms. L.* class) and 399 children (10 percent of the total) were repatriated to their countries of origin.
- Of the children identified as being in-scope, 3,908 were released to sponsors and 5 remain in HHS-ORR custody due to the agency's inability to find any relatives or other suitable sponsors willing to care for the children.

Identifying the eligible separated children and their parents has required the Task Force to collect and reconcile overlapping data sets from multiple federal departments and the NGOs working with these families. The initial identifications occurred through litigation prior to the establishment of the Task Force. Under the preliminary injunction in *Ms. L.*, the U.S. Government was ordered to identify separated parents and children, with parents being the class members. The Task Force also needed to reconcile conflicting terminology between HHS child data and DHS apprehension data. This has created challenges, but the reconciliation of these data sets to effectively identify and assess the parent-child relationships and separation information is critical. While most of the separated children and parents have already been identified, certain populations remain unknown, and their identification has been a major focus of the Task Force during its first 120 days.

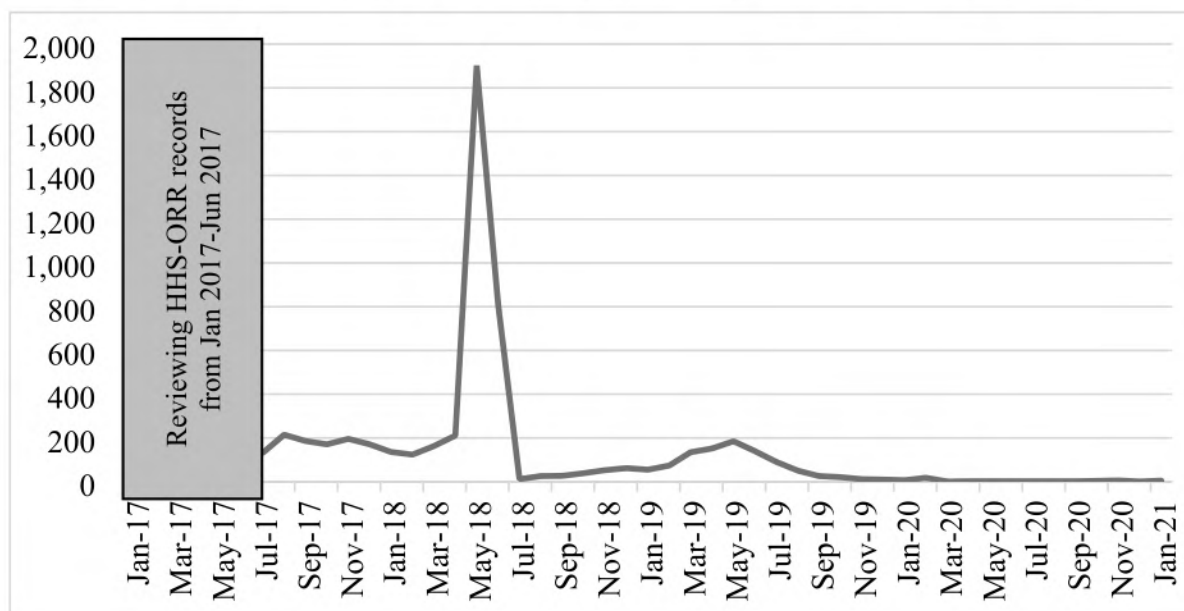
This preliminary data overview describes what is currently known about the separated families. Data are considered preliminary because the Task Force is still collecting and reconciling information about separations that occurred from January 20, 2017 to July 1, 2017. Please see *Appendix A* for additional information on the separated families.

Family Separations Timeline

While there remains an unknown population of separations that occurred prior to July 2017, the Task Force has confirmed that most family separations took place between April and July 2018,

with a slight increase in separations happening between April and July 2019, which corresponds to an increase in Southwest border family unit encounters at that time.

Figure 1: Total Family Separations by Child, July 1, 2017 – January 20, 2021



Source: DHS.

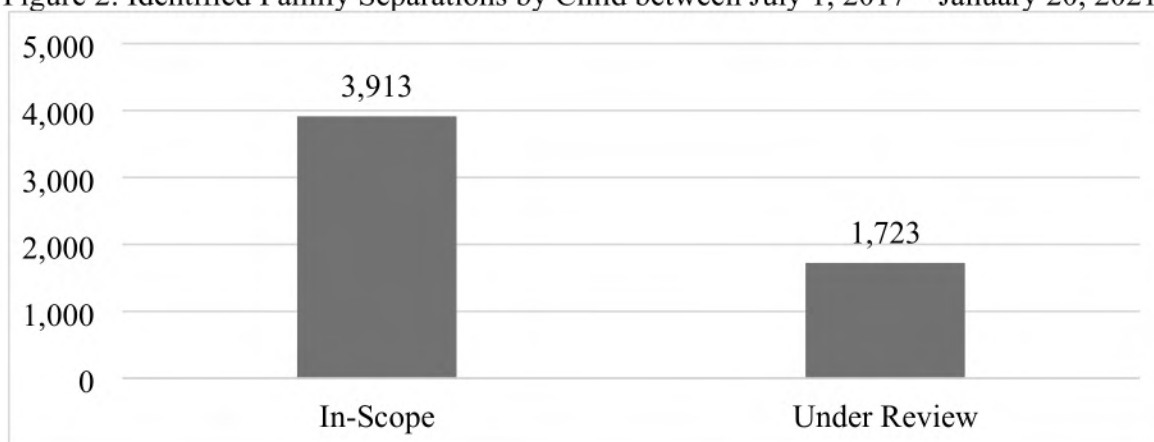
Figure 1 includes all identified separations between July 1, 2017 and January 20, 2021, regardless of the reason for the separation.

Family Separations Under Zero-Tolerance Policy and Related Initiatives

DHS records compiled in accordance with the *Ms. L.* and the *Ms. J.P. v. William Barr (Ms. JP)* litigation indicate a total of 5,636 identified children separations but not all these separations were included in the class defined by the court. Of these 5,636 cases, 2,714 children were presented by the original parent class members, and another 1,135 children were determined to be children of the expanded parent class members. Another 64 children were recategorized as children of parent class members. A total of 3,913 are known family separations covered by the *Ms. L.* and *Ms. J.P.* class at the time of publication of this report and will be referred to as the *Ms. L.* class for the remainder of this report. The remaining 1,723 child separations that were determined to be outside of the *Ms. L.* class based on parameters established by the court, and these separations require additional review by the Task Force to determine if they now fall under the scope of the Task Force’s mandate.¹³

¹³ The numbers reported in this section are expected to change as the Task Force continues to analyze data.

Figure 2: Identified Family Separations by Child between July 1, 2017 – January 20, 2021¹⁴



Source: DHS and records related to the *Ms. L.* and *Ms. J.P.* litigation.

Additional parents that are not members of the *Ms. L.* class may also fall within the mandate of E.O. 14011. The Task Force began with the premise that all *Ms. L.* class members are included in the scope of the Task Force and is reviewing data and files to determine whether there are additional, previously unidentified, separations, and whether any of the separations excluded from the *Ms. L.* class should be covered by the Task Force. The *Ms. L.* class, for example, excludes legal guardians and parents with a criminal history, including non-violent unauthorized re-entry.

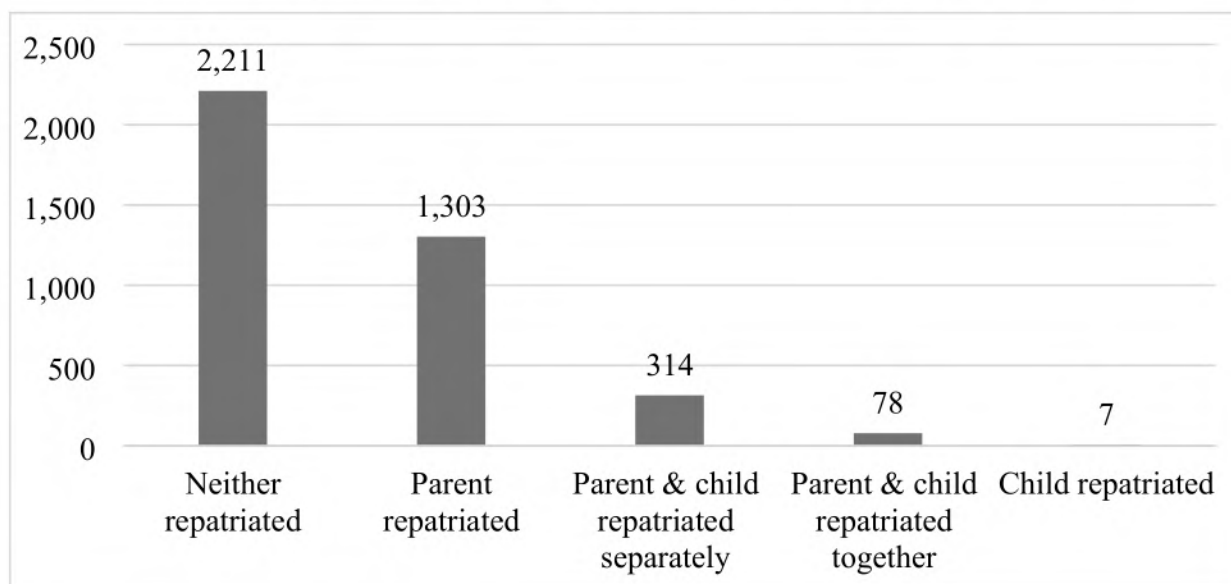
The remainder of this section focuses on the 3,913 child separations that have been confirmed to be related to the Zero-Tolerance Policy and remain the primary focus of the Task Force.

Repatriations of Separated Families

Overall, 1,613 parents (45 percent of the total of the expanded *Ms. L.* class) and 399 children (10 percent of the total) were repatriated to their country of origin. A review of parent-child sets shows that in over half of the separation cases (57 percent; 2,211) neither the parent nor the child was repatriated; in 33 percent (1,303) of cases only the parent was repatriated; parents and children were repatriated separately 8 percent (314) of the time; and parents and children were repatriated together (i.e., on the same day) 2 percent (78) of the time.

¹⁴ Figure 2 includes 41 separations in the under-review category that are still being researched but that appear likely to be out of scope, and 516 separations that are still being researched but appear to be potentially in-scope.

Figure 3: Repatriation Status of Separated Children and Parents by Child¹⁵



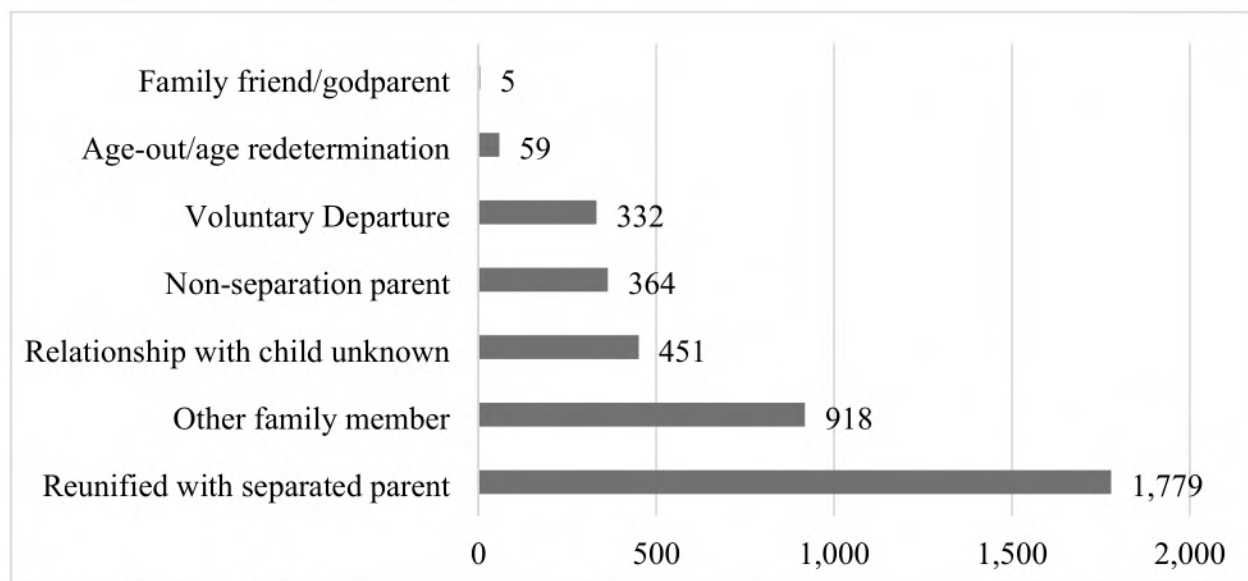
Source: DHS.

Identifying the Current Location of Children who Remain Separated

Nearly all the separated children (from the original and expanded *Ms. L.* class) remained in the United States and were released from HHS-ORR custody to the care and custody of a suitable sponsor. Upon a child's entry into HHS-ORR custody, the agency's protocol is to immediately put the child in contact with parents, legal guardians, or other relatives, if known, and start the process of finding a suitable sponsor to accept care and custody of the child. Professional case managers are required to conduct vigorous assessments to ensure a sponsor can provide a safe environment for a child being released to their care. Most sponsors are verified parents, legal guardians, close family relatives, or other adults with a relationship to the child. Pursuant to the *Ms. L.* interim order and prior to the establishment of the Task Force, 1,779 children were reunified with their parent from whom they were separated.

¹⁵ While *Figure 2* reports parent and children separation statuses, the numbers reported represent only children. For certain families, more than one child is associated with one parent.

Figure 3: Release and Reunification Information of Separated Children
(pre-Task Force activities)



Source: HHS-ORR and records related to the *Ms. L.* and *Ms. J.P.* litigation.

Of the children identified as being in-scope, 3,908 were released to sponsors and 5 remain in HHS-ORR custody due to the agency's inability to find any relatives or other suitable sponsors willing to care for the children. Once children are released to a sponsor, they are no longer in HHS-ORR custody and its legal authority over them ends. The Task Force does not have data on children who may have reunified with their separated parents following placement with a sponsor. The *Ms. L.* Steering Committee maintains the contact information for some of the reunited parents and children, and the Task Force will establish avenues to ensure they offer reunified families follow-up services.

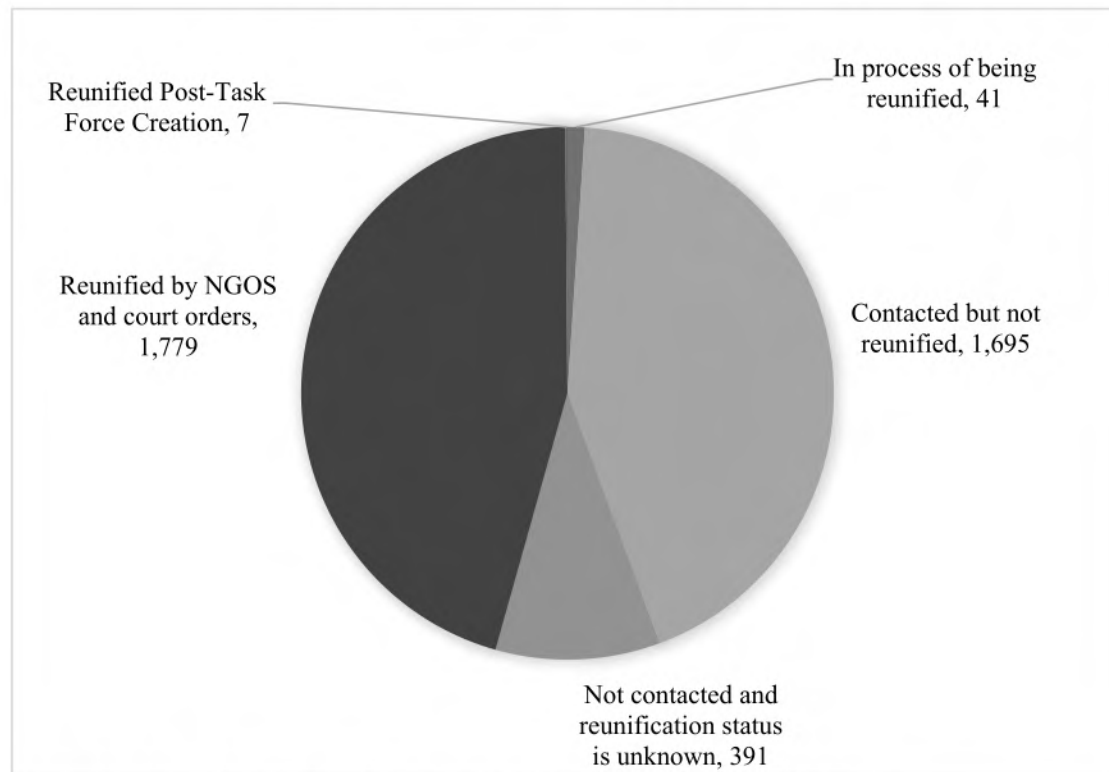
Identifying and Contacting Separated Families

The Task Force continues to review government records to identify any additional parents of children who may have been separated and fall within the Task Force's scope. To respect the privacy and safety of separated parents, the Task Force is not directly contacting parents or children who were separated. The *Ms. L.* Steering Committee, charged with this responsibility by the court in *Ms. L.*, continues to play this role. The Task Force is working with the *Ms. L.* Steering Committee to provide information and support where requested or needed. For the known separated parents, 1,637 children's parents have been contacted but not reunified.¹⁶ 391

¹⁶ This information was provided to the Task Force by the ACLU on March 5, 2021. The *Ms. L.* Steering Committee and the ACLU provided various data sets with contact information originally provided by the government, which the Task Force analyzed to identify the number of contacted parents.

children’s parents remain uncontacted and their reunification status is unknown. The Task Force, through plaintiffs’ counsel, currently is focusing its reunification efforts on this population. The Task Force is also looking into ways to locate parents who have yet to be contacted to facilitate reunification or confirm that reunification has already taken place and to offer support services.

Figure 4: Status of Contact with Separated and Reunified Families by Child



Source: DHS and records related to the *Ms. L.* and *Ms. J.P.* litigation.

Facilitating the Reunification of Identified Children with their Families

The Task Force is leveraging DHS’ authority under section 212(d)(5)(A) of the Immigration and Nationality Act (INA) to temporarily allow certain parents and additional family members to enter the United States to facilitate reunification with their children and to receive behavioral health and trauma recovery services.

- The Task Force, with the support of NGOs working with the separated families, has reunified seven children with their parents using parole.
- The Task Force, in coordination with the ACLU, identified 62 individuals as an initial tranche to be considered for parole. As of May 21, 2021, 48 parole requests have been filed with USCIS and 37 have been adjudicated.

Since the establishment of the Task Force, seven children have been reunified with their parents using parole and with the support of NGOs working with the separated families. As suggested in

E.O. 14011, the Task Force is leveraging DHS' authority under section 212(d)(5)(A) of the Immigration and Nationality Act (INA) to temporarily allow certain parents and additional family members to enter the United States to facilitate reunification with their children and to receive behavioral health and trauma recovery services. The Task Force recommended U.S. Citizenship and Immigration Services (USCIS) as the primary DHS component to receive and adjudicate the parole requests for Task Force reunifications.¹⁷

Parole allows noncitizens who may be inadmissible to enter the United States on a temporary basis. The Secretary of Homeland Security has authority under section 212(d)(5) of the INA to grant parole on a case-by-case basis for urgent humanitarian reasons or for significant public benefit. The Secretary also has authority to determine the appropriate length of the parole period.

Separated parents or legal guardians may request parole into the United States with USCIS. As statutorily required, USCIS will make discretionary, case-by-case determinations on whether to grant parole by weighing positive and negative factors related to the parole request. While USCIS will apply a presumption in favor of parole for separated parents, that presumption could be overcome for persons deemed a public safety threat or potential national security threat or otherwise determined not to merit a favorable exercise of discretion. All individuals requesting parole will undergo biographic and biometric background checks.

Parole is temporary in nature and does not confer any legal admission nor status. However, DHS has discretion to determine the length and terms of parole, including whether the individual is work authorized or able to request re-parole (i.e., an additional parole period). Paroled individuals are also eligible to request permission to work.

DHS will exercise its discretion to consider members of the parent's, legal guardian's, or child's household for parole for purposes of reunification in the United States, if there is a compelling humanitarian reason interest for such parole. An immediate household member is anyone who occupies the same housing unit as the separated family member at the time of requesting parole. These additional family members will be considered on a case-by-case basis.

DHS: Adjudicating Parole Requests

DHS took multiple steps to facilitate the adjudication of parole requests. USCIS issued a fee exemption for Form I-131, *Application for Travel Document*, to eliminate a potential barrier for some parents requesting parole.¹⁸ USCIS designated a post office box to receive the parole requests and established special procedures to streamline intake. It also waived the initial signature requirements for the Form I-131 for separated parents, legal guardians, or children due to many of the families residing in remote areas of the world without access to computers and printers. USCIS trained its officers to apply E.O. 14011 guidance in conjunction with USCIS mandates, consistent with their authorities pursuant to INA section 212(d)(5). USCIS is

¹⁷ USCIS Webpage, "Parole for Individuals Outside of the United States," www.uscis.gov/humanitarian/humanitarian-or-significant-public-benefit-parole-for-individuals-outside-the-united-states (accessed May 18, 2021).

¹⁸ Proposed FY 2022 and 2023 budgets for the Task Force will contain appropriated funding required to reimburse USCIS for any application fees that are exempted as part of the family reunification effort.

exploring options to accelerate background checks for previously encountered family members to further streamline operations. Each step, while leveraging established authorities, brought forward novel challenges before finding resolution. The Task Force is grateful for the work of advocates and attorneys working with separated families, all of whom have played a critical role in identification and reunification of families for years and continue to do so.

The Task Force, in coordination with the ACLU, identified 62 individuals as an initial tranche to be considered for parole. CBP paroled four individuals at land ports of entry at the United States-Mexico border in May 2021; however, the Task Force anticipates further use of land ports of entry to be limited based on the locations of the individuals involved. USCIS is accepting and adjudicating parole requests for the remaining 58 individuals. As of May 21, 2021, 48 parole requests have been filed with USCIS and 37 have been adjudicated. The initial tranche of 62 with USCIS presents 39 separated parents, 3 separated children who were subsequently reunified in their home country, and 20 additional household members. The group includes 28 nationals of Guatemala, 20 nationals of Honduras, 13 nationals of El Salvador, and 1 national of Mexico. Additional requests will be accepted, cleared by the Task Force and adjudicated on a rolling basis.

Department of State: Issuing Travel Documents Abroad

Once USCIS grants the parole request, the process shifts to the U.S. Department of State (DOS).¹⁹ USCIS forwards the approved parole recommendation to DOS, requesting the local embassy or consulate to issue a boarding foil for the parole applicant. The individual will schedule an appointment with the U.S. Embassy, during which the embassy will collect the applicant's biometrics, verify his or her identity, and complete additional background checks, as needed. If no derogatory information is found, the embassy will place a boarding foil in the individual's passport. The boarding foil is what allows the individual to board an airplane to the United States. It is important to note that a passport is not specifically required by the U.S. Government (USG), but is required by most countries from which the individuals will be traveling. The Task Force is working to facilitate and streamline the logistics in home countries to the greatest extent possible.

Key functions to support families in their home countries prior to entry to the U.S. include:

- *Parole Request Support*: This includes coordinating documentation collection, parole request form completion, biometrics appointment coordination, and travel document collection.
- *Coordination of Beneficiary Travel*: This includes coordination for and making travel arrangements, such as booking flights.
- *Other Activities in Response to the COVID-19 Pandemic*: This includes assisting the beneficiaries in completion of any required COVID-19 tests or other screenings required by the USG.

¹⁹ The expected standard process is described above; however, alternatives may be used on an *ad hoc* basis, as necessary for individual and USG needs.

The Task Force has met with the governments of the Northern Triangle countries to support E.O. 14011. The governments of Guatemala, El Salvador, and Honduras stand ready to assist the Task Force in all its efforts to support their nationals traveling to the United States to reunite with their families. The Task Force will continue to engage with these governments, when appropriate, and in accordance with confidentiality restrictions, along with other international organizations to support the in-country adjudications to further the Task Force's mission.

DHS: Processing Entry to the United States

Upon arrival in the United States at a port of entry, CBP will inspect the parole applicant, which includes additional verification of identity and records checks to ensure there are no national security or public safety concerns. Following inspection and barring the discovery of any new derogatory information, CBP intends to authorize parole for a 36-month period.²⁰ Pursuant to the grant of parole, the individual can apply for work authorization with USCIS.

The overall parole process is a multi-Departmental effort of the USG conducted in close coordination among the Departments, the Task Force, and relevant stakeholders. With the initial group of cases, the Task Force, in coordination with DHS, DOS and HHS-ORR, will continue to refine and improve its methods, as appropriate.

In limited cases, where it is deemed preferable for safety or other related reasons, an individual may be able to present themselves at a port of entry at the United States–Mexico border. For example, the Task Force was notified that four mothers were in Mexico and were waiting for DHS to allow them to return. These four parents were reunified with their children during the week of May 3, 2021. The Task Force verified the identities of the parents through the *Ms. L.* class list. CBP then worked with the attorneys representing these parents to facilitate their processing at the port of entry and paroled them into the country following their arrival. Three of the mothers who were traveling alone required domestic air travel following their entry into the U.S. to reunify with their children. The Task Force coordinated with the Transportation Security Administration (TSA) to provide logistical assistance and escorts at the airports while the parents traveled from the border to their destination. The Task Force made every effort to support the reunification, coordinate with attorneys and NGOs representing the families, and facilitate a positive and smooth experience. The Task Force has identified best practices, along with lessons learned, to improve the process. As the number of reunifications increases, the Task Force will streamline and improve its work.

Separate from the initial tranche, the Task Force facilitated the parole of two parents into the U.S. for reunification under previous court orders. NGOs who have been working with families and the ACLU continue to play a critical role in contacting parents and facilitating the reunification with their children.

Processing parole requests while still in *Ms. L.* settlement negotiations will enable USCIS and other operational partners to develop and improve the method used for future reunifications. The Task Force anticipates the pace of reunifications will increase over the next few months. We

²⁰ CBP is required to make a final determination before paroling the individual into the United States. CBP will use USCIS' recommendation and State's issuance of the travel foil to make its decision.

will continue to coordinate with NGOs providing critical support to families as we build systems to support families through this process.

Providing Additional Services and Support to the Separated Families, Including Behavioral Health and Case Management Services

- HHS continues to provide previously separated parents living in the United States access to behavioral health screenings and appropriate treatment for behavioral health conditions caused by the Zero-Tolerance Policy and related policies or initiatives.
- The Task Force will explore the spending authorities of its interagency members to fund additional services and support for the separated families.

The Task Force is exploring a variety of options to provide additional services and support to reunited families. Presently, pursuant to the *Ms. J.P.* litigation, HHS provides previously separated parents living in the United States access to behavioral health screenings and appropriate treatment for behavioral health conditions caused by the Zero-Tolerance Policy and related policies or initiatives. The Task Force coordinated with HHS to continue and extend the provision of additional services and support to the children and their families, including behavioral health and case management services. HHS is leveraging a contract for behavioral health services that was obtained as part of the *Ms. J.P.* litigation.

Key functions to support families undergoing reunification and continued healing may include:

- *Case Management Services*: These include coordinating the delivery of behavioral health and social services.
- *Referral to Clinical Behavioral Health Treatment Services*: This includes contacting families who have experienced separation to provide them access to clinical behavioral health assessment and treatment services, if desired.
- *Psychoeducation and Parenting Support*: This includes establishing a resource for evidence-based supports for parents who have experienced separation, such as making available culturally and linguistically appropriate psychoeducational supports to promote effective parenting and reintegration of the family system following the disruption of separation.
- *Additional Support Services Still Under Review*: The Task Force is exploring additional services to meet the various needs of the reunified families.

The Task Force continues to explore the spending authorities of its interagency members to fund additional services and support for the separated families.

External Coordination and Communications

- The NGO community and other relevant stakeholder have played a critical role in identifying and contacting families and in facilitating family reunifications. Their expertise, input, and guidance are critical to the success of the Task Force.

For the past four years, the NGO community and other relevant stakeholder have played a critical role in identifying and contacting families and in facilitating family reunifications. Their expertise, input, and guidance are critical to the success of the Task Force. From the start, the Task Force has engaged with NGOs and other community members for feedback and guidance on its efforts. The Task Force established its web presence on the DHS website. The Task Force hosted numerous community engagements with the Domestic Policy Council (which drives the development and implementation of the President's domestic agenda in the White House) to solicit feedback and recommendations. Additionally, the Task Force engages with the private sector to bring understanding of the current challenges associated with resource availability and the needs of recently reunified families.

Ongoing Challenges and Key Decisions

While the Task Force has overcome many of the initial challenges encountered during the first 120 days, certain challenges remain.

Finalizing who is Eligible to Request Parole Under E.O. 14011

The Task Force must verify that all identified families were in fact subject to the past Administration's family separation policies and thus entitled to relief. This requires examining the basis for separation. It also means a manual search of HHS-ORR and DHS records to identify whether the family separation occurred within the timeframe listed in E.O. 14011.

Determining the Scope of Services for Separated Families

Working with partners across the government and the private sector, the Task Force will determine the breadth and scope of services that will be made available to separated families and the mechanisms for providing these services. The Task Force seeks to implement needed holistic support and services for reunified families so that they may benefit from behavioral health assessment and treatment. Needed services will include housing, employment, security, legal status, food insecurity, income, language skills and interpretation, the asylum-seeking process, and discrimination.²¹ To address these critical social determinants, the Task Force seeks to integrate behavioral health, case management, and other support services it can directly provide to the reunified families, thereby ensuring they are integrated into strong support networks.

Identifying Durable Funding Sources for E.O. Directed Action

The Task Force recognizes the invaluable contributions of NGOs, the business community, and the American public in supporting families who were separated. As the Task Force assumes its role in family reunifications, it is identifying durable funding sources to pay for ongoing behavioral health treatment and future services for reunited families. Additionally, the Task

²¹ Hynie M. (2018). The Social Determinants of Refugee Mental Health in the Post-Migration Context: A Critical Review. *Canadian journal of psychiatry. Revue canadienne de psychiatrie*, 63(5), 297–303. <https://doi.org/10.1177/0706743717746666>; Miller, A., Hess, J. M., Bybee, D., & Goodkind, J. R. (2018). Understanding the mental health consequences of family separation for refugees: Implications for policy and practice. *American Journal of Orthopsychiatry*, 88, 26–37.

Force is exploring appropriation options for funding reunification efforts. Currently, the Task Force is relying on existing appropriation authorities. In some situations, the private sector has offered to meet otherwise unmet funding needs. However, to provide the full range of support services anticipated in E.O. 14011, additional appropriations and funds are required.

Impact of Settlement Negotiations

The Task Force, DOJ, and plaintiffs' counsel for *Ms. L.* initiated settlement negotiations on March 11, 2021. Most of the separated parents are class members in the active *Ms. L.* settlement negotiations and these negotiations are confidential. Given these ongoing settlement negotiations, the Task Force has only a limited ability to speak publicly on its work. The Task Force anticipates that settlement negotiations will continue and once finalized, will facilitate the directives of E.O. 14011.

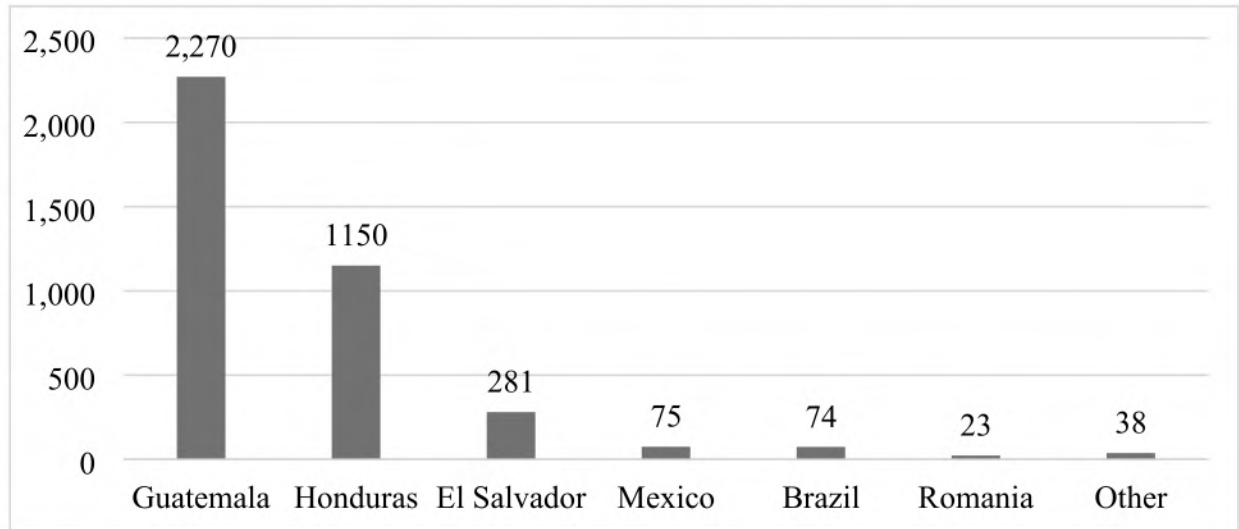
Anticipated Progress for Subsequent Reports

In the months ahead, the Task Force anticipates a steady increase in the number of parents and legal guardians requesting parole to return to the United States to reunify with their children and to obtain the support they need for a successful reunification. Plaintiffs identified 62 individuals to request parole in the first group of cases. Decisions on those cases are anticipated in the next few weeks, with families traveling to the United States shortly thereafter. Plaintiffs' counsel has been instructed to submit a second tranche of cases to USCIS. As the Task Force matures, it will build upon best practices to ensure successful family reunifications.

APPENDIX A: Additional Family Separation Data

Citizenship of Separated Families

Figure 1: Citizenship of Separated Children²²



Source: DHS.

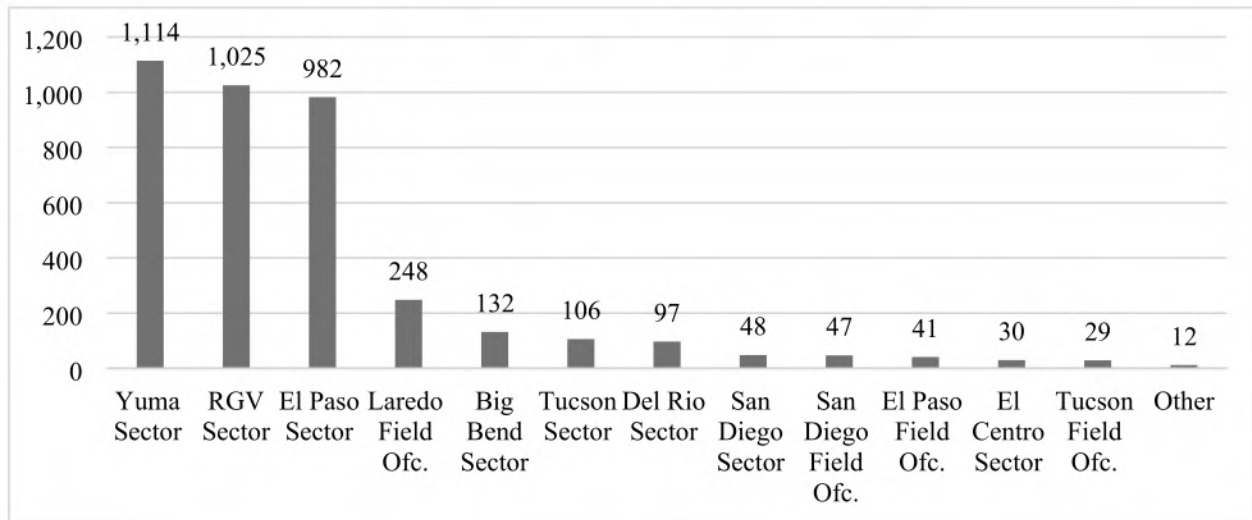
Ninety-five percent of in-scope separated children²³ identified so far, are from Guatemala (2,270 children, 58 percent of the total), Honduras (29 percent), and El Salvador (7 percent). The three countries with the next-largest numbers of separations are Mexico (1.9 percent), Brazil (1.9 percent), and Romania (0.6 percent).

²² Figure depicts citizenship of children. Two children were missing citizenship data.

²³ The remaining children were recorded as being from the Democratic Republic of the Congo, Ecuador, India, Nicaragua, Russia, Venezuela, Kyrgyzstan, Nigeria, Peru, Angola, Argentina, Belize, Colombia, Hungary, Ireland, and Uzbekistan upon encounter with CBP.

Separation Locations

Figure 2: Family Separation Locations²⁴

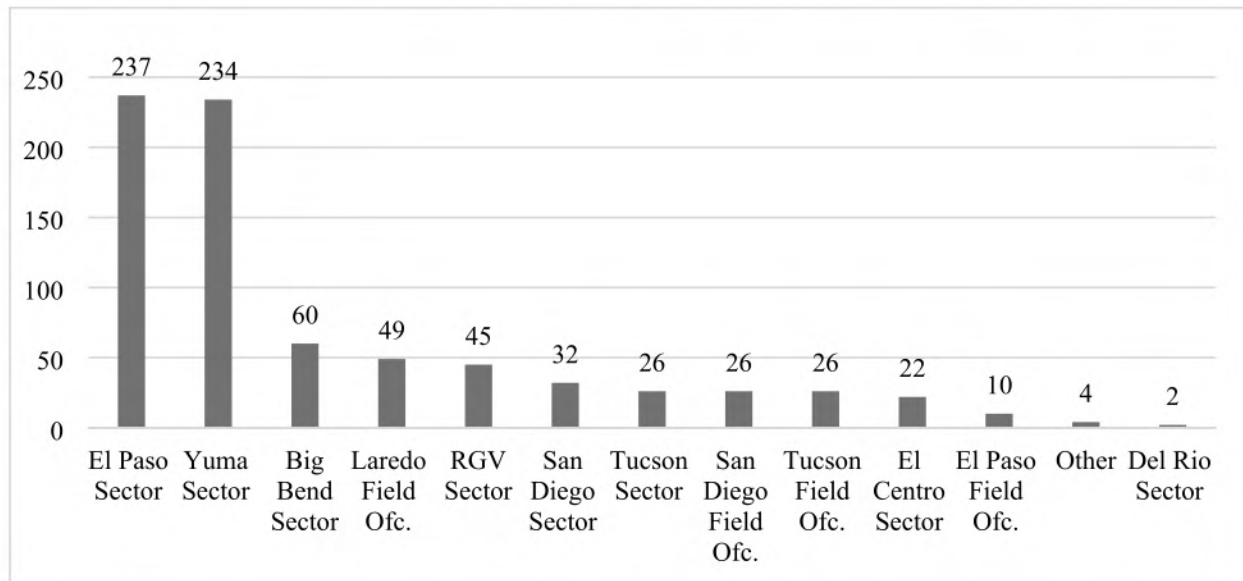


Source: DHS.

Eighty percent of in-scope family separations occurred in the Yuma, Rio Grande Valley, and El Paso Border Patrol Sectors. 95 percent occurred in those three Sectors along with the Laredo U.S. Customs and Border Protection (CBP) Field Office, and the Big Bend, Tucson, and Del Rio Sectors.

²⁴ No location data are available for two potentially in-scope separations.

Figure 3: In-Scope Family Separations, July 1 – December 31, 2017 by Child²⁵



Source: DHS.

CBP is known to have conducted a pilot program of the Zero-Tolerance Policy and resulting in family separations in the El Paso Border Patrol Sector from April 1 to December 31, 2017 (i.e., before the Attorney General launched the Zero-Tolerance Policy border-wide in May 2018), but as Figure 3 illustrates, the data suggest that a similar number of separations occurred in the Yuma Sector during this period.

²⁵ There were 64 out-of-scope separations in the El Paso Border Patrol Sector and 58 out-of-scope separations in the Yuma Sector during this period. The data included in this figure only captures part of the El Paso pilot program.