

DEPARTMENT OF HOMELAND SECURITY
Customs and Border Protection
Field Operations
Contact Advisory of CBP Detention

To be used for any person who has been administratively detained for 3 hours pending a determination of his or her admissibility. The detainee will be afforded the opportunity to have CBP notify someone (including an attorney) of the delay. The 3-hour period for notification commences when the passenger is referred to CBP hard secondary for immigration administrative proceedings and should be done as soon as reasonably possible under the circumstances.

I am Officer (name) of U.S. Customs and Border Protection at (Port of Entry). Your, (husband, sister, friend, etc.) who has arrived in the United States (on flight number if the detainee arrived by air) has asked that we contact you. He (or she) is safe, however a decision regarding his or her application for admission is pending (or he or she will not be able to enter the United States at this time if a decision has been made). He (or she) is not available to speak with you during Customs and Border Protection processing. However, he (or she) will be afforded the opportunity to contact you at the completion of all CBP processing (*if the person arrived by air or sea, or if the person arrived by land but cannot be returned to Canada or Mexico immediately).

Person Contacted: _____

Phone Number Contacted: _____

Relationship: _____

Time of Notification: _____

Person making notification: _____ (Title,
Badge Number if applicable)

Remarks:



U.S. Customs and Border Protection
STANDARD OPERATING PROCEDURE
SOP tracking #0014
SECURE DETENTION PROCEDURES FOR ARRIVING
PASSENGERS IN A SECURE AREA
SEATTLE, WASHINGTON

1. Purpose:

The purpose of this SOP is to define guidelines for the temporary detention of persons being held at SeaTac International Airport POE which also includes transport and escort of persons by U.S. Customs and Border Protection (CBP). These guidelines are in accordance with CBP Directive #3340-030B, dated August 08, 2008.

This SOP also establishes guidance on the temporary use of restraints for persons suspected of posing a threat to the safety of officers or others prior to the detection of a violation or subsequent arrest.

In addition, guidance for third party notifications, to include appropriate consular notification, is included in this directive.

Implementation:

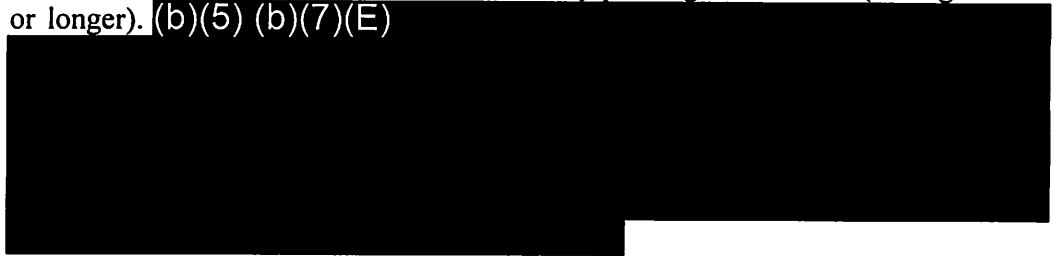
- The implementation date is November 11, 2009. This SOP is applicable to all CBP Staff who will be conducting inspections on all persons who are held in secure areas for examinations that extend beyond initial routine Customs and Border Protection CBP secondary inspections.

Mission:

- CBP's priority mission is to prevent terrorists and terrorist weapons from entering the United States while preventing the transportation of other threats across the border – including narcotics and other contraband, prohibited agriculture products, counterfeit goods, monetary instruments, and illegal immigrants, while facilitating the flow of legitimate trade and travel.

- Notification Requirements of third party:
 - Admissibility determination was made and an adverse action was taken before the 3-hour mark.
 - Notification of third party should be annotated on contact advisory sheet (Attachment 1), discretionary work sheet (Attachment 3), and I-213 (Attachment 4).
 - Exceptions to the policy:
 - To any person who is referred to CBP hard secondary for immigration criminal prosecutions or any person who was previously convicted and is subject to removal based on that conviction
 - To any person who is referred to CBP soft secondary for routine immigration paperwork.
- Notification Procedures:

Baggage Control

- Detailed directions for notification requirements can be found in Chapter 2 of the Personal Search Handbook.
 - Any person detained for more than two hours after a personal search is conducted will be given the opportunity to have OFO personnel notify someone, including an attorney, of his/her delay unless probable cause has been established. The two hour notification process is only used during continuation of the personal search process. Officers will utilize Attachment 2 of the Personal Search Handbook to complete the notification. (Attachment 20)
 - When the two hour notification period has elapsed, the supervisor will notify the ICE duty agent and/or a CBP enforcement officer prior to the notification. The detainee will not be given the opportunity to consult with an attorney at any time before Miranda warnings are required and such right is invoked by the detainee.
 - The Port Director (PD) must be notified of any prolonged detention (lasting 8 hours or longer). (b)(5) (b)(7)(E)

 - When a person has been detained for 8 hours from the time the supervisory approval was first given for any personal search or that a personal search was initiated, the ICE duty agent and/or a CBP enforcement officer will contact the U.S. Attorney's office.

Attachment 1

**DEPARTMENT OF HOMELAND SECURITY
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Person Contacted: _____

Phone Number Contacted: _____

Relationship: _____

Time of Notification: _____

Person making notification: _____ (Title,
Badge Number if applicable)

Remarks:

~~For Official Use Only~~

Attachment 2

DEPARTMENT OF HOMELAND SECURITY
Customs and Border Protection
Field Operations
**Declination of Notification for Detention/Delay pending a
Determination of Admissibility**

The traveler has elected to decline the notification procedure for detention/delay pending a determination of his or her admissibility. The traveler must sign and indicate the date and time of the declination.

I, the undersigned, do not wish to notify anyone at this time of my detention/delay due to inadmissibility issues.

Signature of Traveler **Date** **Time**

Printed Name of Traveler

Officer Signature **Date** **Time**

Printed Name of Officer

Remarks:

~~For Official Use Only~~

Attachment 3

Discretionary Authority Checklist for Alien Applicants

Applicant's Name: **Port #:**

Date of Birth: **Date of Action:**

Citizenship: **Passport / A-#:**

1) Identity / Citizenship:

Identity sufficiently determined: Yes No
 Citizenship sufficiently determined: Yes No

2) Age, Health and Notoriety of Applicant:

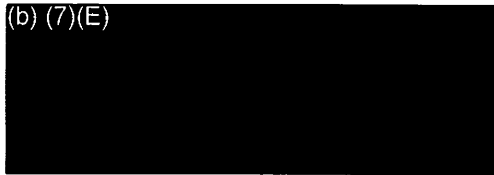
Are age or health relevant factors? Yes No
 Is the applicant a public figure? Yes No
 Congressional or media interest? Yes No

****NOTE: Discretionary authority should generally not be exercised if identity or citizenship can not be established.**
REMARKS (to include origin, destination and intended length of stay):

3) Intended Purpose of Entry:

Emergency: Yes No
 Medical: Yes No
 Pleasure: Yes No
 Business/Official: Yes No
 Other: Yes No

4) Database queries:

(b) (7)(E)


****NOTE: In the remarks section below, indicate the specific violation(s) or grounds for inadmissibility. The queries listed in number 4 represent the minimum queries that should be conducted.**

REMARKS (to include ENFORCE Event # and FIN #, if applicable):

5) Previous Immigration Violations or Inadmissibility:

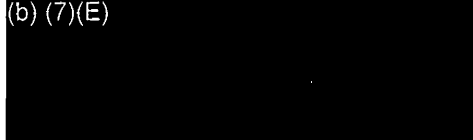
Previous Immigration Violation(s): Yes No
 Previous Inadmissibility: Yes No
 Previous Beneficiary of Discretion: Yes No

6) Nature of Inadmissibility:

(b) (7)(E)


REMARKS:

7) Threat posed to the United States:

(b) (7)(E)


****NOTE: Discretionary authority should generally not be exercised if a threat is posed to the United States.**

REMARKS:

~~LAW ENFORCEMENT SENSITIVE // FOR OFFICIAL USE ONLY~~

(Last Updated 05/08)

OBP 50/10.9-C

U.S. Customs and
Border Protection

MAR 20 2009

MEMORANDUM FOR: All Chief Patrol Agents
All Division Chiefs

FROM: David V. Aguilar *David Aguilar V.*
Chief
U.S. Border Patrol

SUBJECT: Implementation of the William Wilberforce Trafficking Victims
Protection Reauthorization Act of 2008

In December 2008, Congress approved the William Wilberforce Trafficking Victims Protection Reauthorization Act (TVPRA). Included in the TVPRA 2008 are new requirements for the Department of Homeland Security (DHS) to enhance efforts in combating the trafficking of children along the borders of the United States and at U.S. ports of entry.

In accordance with the TVPRA, Customs and Border Protection (CBP) has developed Interim Guidance for Processing Unaccompanied Alien Children (UAC), and created CBP Form 93 - Unaccompanied Alien Child Screening Addendum (attached). The provisions of this Act become effective Monday, March 23, 2009.

Personnel will continue to process unaccompanied alien children according to current procedures. Agents will also screen all UAC using CBP Form 93 (screening addendum) for possible victimization. The completed form will become a part of the A-file or voluntary return packets. (b) (7)(E)

As a reminder, all personnel should be current with annual training requirements including Unaccompanied Minors – Flores v. Reno and Human Trafficking Awareness Training.

Sectors should ensure that when a UAC is processed under 240 proceedings, the ICE Field Office Juvenile Coordinator (FOJC) and the Department of Health and Human Services – Office of Refugee Resettlement (HHS/ORR) are notified as soon as possible to arrange placement. Please continue to use local FOJC points of contact when notifying ICE of a UAC in custody. HHS – ORR can be reached at (202) 401-5709, or via e-mail at orrdus_intakes@acf.hhs.gov. Both the FOJC and ORR should receive an electronic or faxed copy the ORR Division of Unaccompanied Children Services Form.

All Chief Patrol Agents will ensure that a copy of this memorandum and attached interim guidance is available to all personnel. Staff may direct questions to Assistant Chief Richard Woodard, (202) 344-2503, Operations Officer Joan Howe, (202) 344-1559, or Supervisory Border Patrol Agent Roy D. Cason, (202) 344-3276.

U.S. Customs and Border Protection
Interim Guidance on Processing Unaccompanied Alien Children in accordance with
TVPRA

The William Wilberforce Trafficking Victims Protection Reauthorization Act, 2008 (TVPRA) was signed into law on December 23, 2008. The TVPRA will significantly impact CBP operations regarding unaccompanied alien children (UAC) apprehended by CBP at and between the ports of entry. Below are specific guidelines that all CBP officers and agents should use to determine the appropriate immigration proceedings and applicable procedures for the treatment of UAC. CBP is obligated to initiate the changes from the TVPRA beginning March 23, 2009. The TVPRA mandates, with limited exceptions, that all UAC CBP seeks to remove from the United States must be placed in removal proceedings under section 240 of the Immigration and Nationality Act (INA).

The term "UAC" is defined by section 462(g) of the Homeland Security Act of 2002 (6 USC § 279(g)) as a child who:

- (A) has no lawful immigration status in the United States¹;
- (B) has not attained 18 years of age; and
- (C) with respect to whom—
 - (i) there is no parent or legal guardian in the United States; or
 - (ii) no parent or legal guardian in the United States is available to provide care and physical custody.

CBP created CBP Form 93, Unaccompanied Alien Child Screening Addendum, for additional guidance (attached). If there is a reasonable claim or suspicion that an alien in CBP custody is under 18 years of age and the other criteria listed in the definition above are met, then the alien shall be treated as a UAC. The TVPRA requires Health and Human Services (HHS), in consultation with DHS, to identify procedures to make a prompt determination of age of an alien in CBP custody. CBP will continue to follow established procedures regarding age determination.

Typically, CBP should accept (b) (7)(E) as appropriate documentation indicating temporary guardianship. For instance, an alien child traveling with a public or private school group, religious group, social or cultural organization, or team associated with a youth sport organization under the supervision of an adult affiliated with the organization should be considered to be traveling with a guardian.

The TVPRA clarifies family reunification procedures for CBP. As of March 23, 2009 CBP may only reunify alien children with parents or legal guardians who are in possession of supporting documentation and are within the United States. HHS is responsible for the determination that any other proposed guardian, (b) (7)(E) is capable of providing care and physical custody.

¹ Children under the age of five who are found within the United States, commonly referred to as "foundlings" are assumed to be United States citizens and, as such, have lawful immigration status in the United States.

Interim Unaccompanied Alien Children Guidance
Page 2 of 8

CBP will process UAC expeditiously and complete the documentation necessary for case processing. If the UAC is (b) (7)(E) [REDACTED], or unable to understand his or her rights, the apprehending officer or agent must be sure to read and explain all documents in a language that the UAC can understand.

Special Rules for Children from Contiguous Countries (UAC Screening):

The TVPRA states that any UAC determined to be a national or habitual resident of a country that is contiguous with the United States shall undergo a screening process before the UAC may be returned.

UAC Screening: CBP may allow a UAC who is a national or habitual resident of a country that is contiguous with the United States (i.e. Canada and Mexico) to withdraw the application for admission and/or be voluntarily returned if CBP determines that all three of the below-listed criteria exist:

1. The UAC is able to make an independent decision to withdraw the application for admission to the United States and/or be voluntarily returned to his/her country of nationality or last habitual residence.
 - a. CBP must determine whether the UAC is able to make an independent decision on a case by case basis. However, there are a few factors that CBP may take into consideration:
 - i. UAC (b) (7)(E) [REDACTED] able to make an independent decision (b) (7)(E) [REDACTED]
 - ii. UAC (b) (7)(E) [REDACTED] to make an independent decision unless (b) (7)(E) [REDACTED]
 - b. The guidelines above do not alleviate the need for the officer or agent to determine the ability of the UAC to make an independent decision on a case-by-case basis (b) (7)(E) [REDACTED].
[REDACTED]
[REDACTED]
[REDACTED] If it is believed that (b) (7)(E) [REDACTED]
[REDACTED] then removal proceedings will be initiated under section 240 of the INA and the UAC will be transferred to ORR custody. The basis for all determinations regarding independent decisions will be annotated in the narrative of the Form I-213.
2. The UAC does not have a fear of returning to his or her country of nationality or last habitual residence owing to a credible fear of persecution.
 - a. CBP will use the UAC Screening Addendum, CBP Form 93, to provide the UAC with an opportunity to express such a fear of returning. If the UAC indicates a fear or CBP identifies factors indicating a fear is likely to exist, then removal proceedings will be initiated under section 240 of the INA and the UAC will be transferred to ORR custody.

Interim Unaccompanied Alien Children Guidance
Page 3 of 8

3. The UAC has not been a victim of a severe form of trafficking in persons and there is no credible evidence that the UAC is at risk of being trafficked upon return to his or her country of nationality or last habitual residence.
 - a. CBP developed a UAC Screening Addendum, CBP Form 93, to assess the likelihood that a UAC has been a victim of trafficking or is at risk of being trafficked. If the UAC claims to have been a victim, or appears to be at risk, removal proceedings will be initiated under section 240 of the INA and the UAC will be transferred to ORR custody. CBP will refer these cases to U.S. Immigration and Customs Enforcement (ICE), Office of Investigations (OI), for further investigation.

If CBP determines that the UAC meets **all** of the above criteria, then the UAC may be processed as a withdrawal or voluntary return. Current policies regarding repatriation, as outlined by local Repatriation Agreements, remain in effect. UAC must be returned to appropriate trained officials of contiguous countries during reasonable business hours.

If a UAC does **not** meet all of the above criteria or if CBP **cannot** make a determination within 48 hours of apprehension of the UAC, then the UAC shall be placed in removal proceedings under section 240 of the INA and immediately transferred to ORR.

Visa Waiver Program (VWP)

UAC who apply for admission under section 217 of the INA who are determined to be ineligible for admission under that section or to be inadmissible to the United States under section 212 of the INA (other than for lack of a visa), or who are in possession of and present a fraudulent or counterfeit travel documents should be refused admission into the United States. CBP may continue to process these UAC as VWP Refusals with the Screening Addendum used as a guide for assessing the risk of trafficking and/or credible fear. Generally, a UAC applying for admission under the VWP who expresses a fear of returning to his or her country of nationality or last habitual residence owing to a credible fear of persecution or who has been a victim of trafficking or who is at risk of being trafficked should be referred for a limited review hearing by an Immigration Judge using Form I-863. UAC who are or who may be victims of trafficking will also be referred to ICE-OI and custody will be transferred to ORR. UAC apprehended by CBP and amenable to removal under section 217 of the INA will be placed in removal proceedings under section 240 of the INA and custody will be transferred to ORR.

All Other Children:

UAC who do not meet the exceptions above and whom CBP seeks to remove from the United States must be placed in removal proceedings under section 240 of the INA. Immediate notifications to the Juvenile Coordinator within ICE Detention and Removal Operations (DRO) and ORR, Division of Unaccompanied Children's Services (DUCS) must occur. Notification must occur within 48 hours from the apprehension or discovery of a UAC or any claim or suspicion that an alien in custody is unaccompanied and under the age of 18. This will expedite the transfer of custody and placement of UAC into ORR facilities.

Interim Unaccompanied Alien Children Guidance
Page 4 of 8

CBP will process UAC expeditiously and complete the documentation necessary for inclusion in the alien file (A-file). A Form I-770 must be completed and a copy provided to all UAC. If the UAC is (b) (7)(E) or unable to understand Form I-770, the apprehending officer or agent must be sure to read and explain all documents in a language that the UAC can understand. The attached A-file Preparation Guide has been designed to assist officers and agents in ensuring that all appropriate documents have been completed.

When CBP issues an NTA to a UAC (b) (7)(E) it may be necessary to delay service of the NTA until custody can be transferred to ORR. ORR should sign the NTA and other legal documentation and receive all copies of legal documentation on behalf of the UAC.

Custody of the UAC will be transferred to ORR (generally through DRO) as soon as possible. Consistent with the language of the TVPRA, custody must be transferred to ORR no later than 72 hours after determining that a child is a UAC. This does not preclude an earlier transfer as existing CBP policy seeks to accomplish custody transfer of all UAC within 24 hours.

While awaiting transfer to an ORR-designated facility, UAC must be held in a suitable area in compliance with the Flores Settlement Agreement. CBP will separate UAC from unrelated adults whenever possible. Where such separation is not immediately possible, a UAC should not be detained with an unrelated adult for more than 24 hours. All post-arrest facilities, including temporary holding areas, will provide access to:

- toilets and sinks;
- drinking water and food, as appropriate;
- emergency medical assistance;
- adequate temperature control and ventilation; and,
- adequate supervision to protect UAC from others.

When a UAC is apprehended and is amenable to criminal prosecution, notification to ORR within 48 hours and transfer to ORR within 72 hours is necessary.

~~For Official Use Only~~

~~Law Enforcement Sensitive~~

UAC A-File Preparation Guide

Not all forms will be used in every case. Follow existing local procedures to determine which forms are required based on the circumstances of the case. *For children (b) (7)(E) ORR will sign all legal documentation as well as receive all copies of legal documentation on behalf of the UAC.* Additional documentation may be required by local policy.

- Record of Deportable/Inadmissible Alien (I-213 and continuation).

The original is placed in the A-file; no copy is provided to the UAC. The apprehending officer or agent should obtain as much detailed biographical information as possible. The following information must be included in the narrative of the Form I-213, if known:

- (b) (7)(E) [Redacted]
[Redacted] s
[Redacted] i
[Redacted]
[Redacted] s
[Redacted] i
[Redacted] i
[Redacted] s
[Redacted] i
[Redacted] i
[Redacted] s
[Redacted] i
[Redacted] r
[Redacted] i
[Redacted] s
[Redacted] i

- Notice to Appear (I-862).

This form should be signed by the authorized issuing official. The certification of service on the UAC is signed by the serving officer/agent and by the UAC. If the UAC is apprehended

(b) (7)(E) the UAC will be typically charged under both section (b) (7)(E) [Redacted] i
[Redacted] If the UAC is apprehended (b) (7)(E) the UAC will typically be charged under section (b) (7)(E) [Redacted] h
[Redacted] Other charges may be lodged as appropriate.

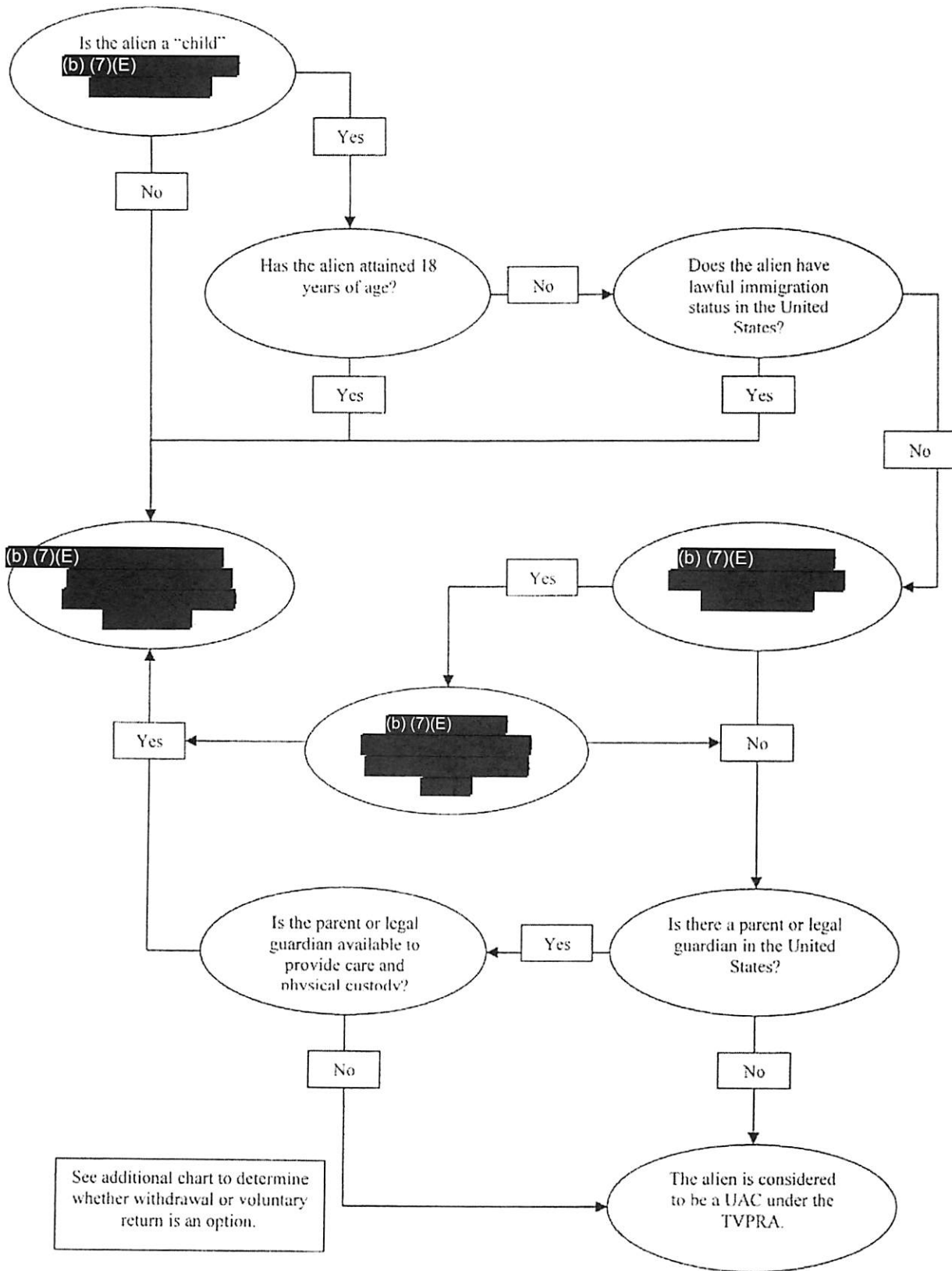
- Notice of Rights and Request for Disposition (I-770).
The original is placed in the file and a copy is provided to the UAC. Ensure that appropriate boxes are completed on both sides. The apprehending officer or agent and UAC both sign.
- UAC Screening Addendum (CBP Form 93).
The original is placed in the file, no copy is provided to the UAC.
- Warrant of Arrest (I-200) (not applicable for arriving aliens).

Interim Unaccompanied Alien Children Guidance
Page 6 of 8

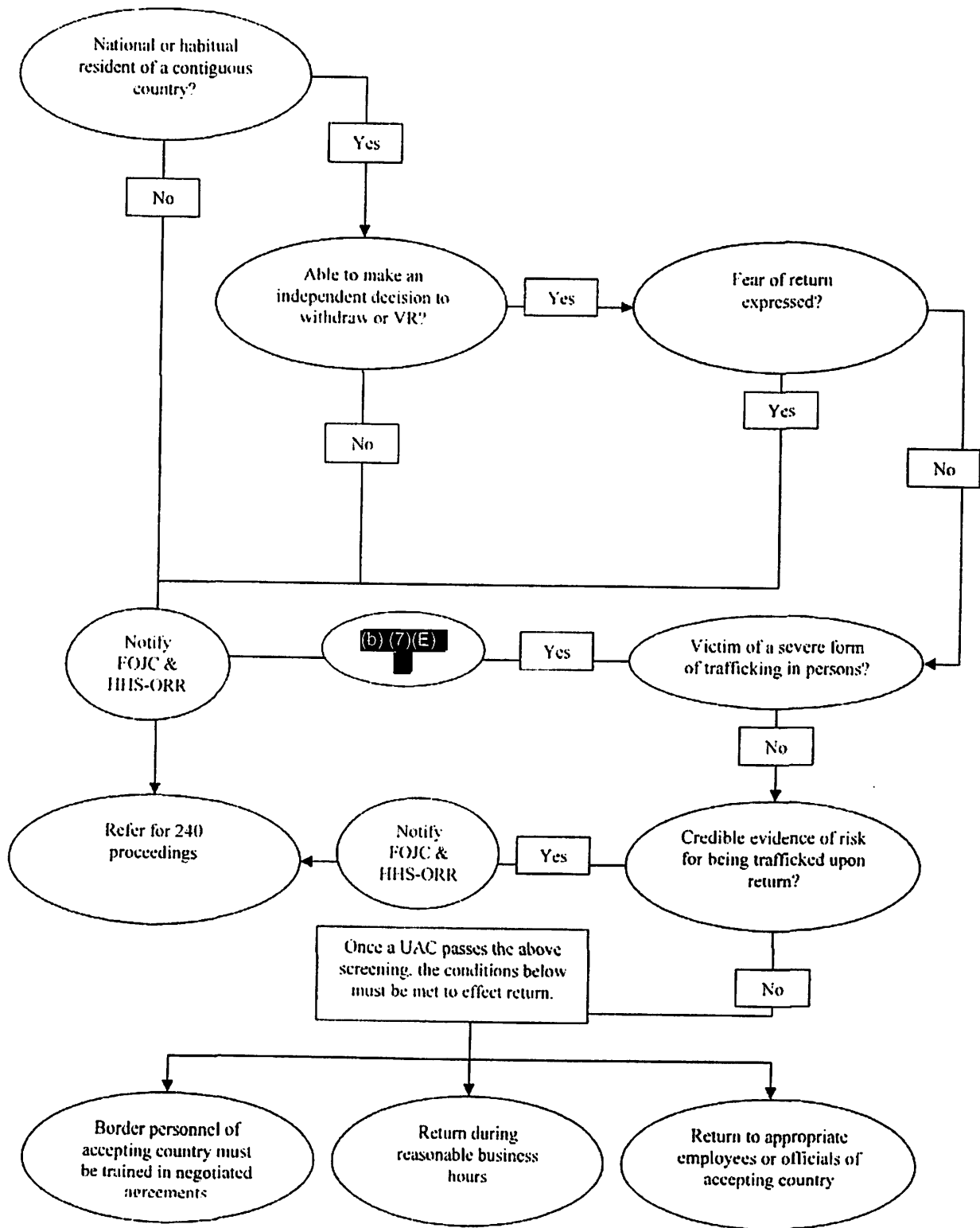
Typically, the original and one copy are placed in the file; another copy is provided to the UAC. This form should be signed by the authorized issuing official. The certification of service on the UAC is signed by the apprehending officer and by the UAC.

- Notice of Custody Determination (I-286) (not applicable for arriving aliens).
Typically, the original and one copy are placed in the file; a copy is provided to the UAC. This form should be signed by the authorized issuing official. The certificate of service on the UAC is signed by the apprehending officer and by the UAC.
- Biographic Data for Travel Documents (I-217) or Single Journey Letter
The original is placed in the file.
- Fingerprints (R-84 and/or FD-249)
This applies to UAC 14 years of age and older.
- Photograph.
A photograph will be placed in the file. All UAC must be photographed.
- Modified Orantes Rights (For El Salvadorans only) (I-848 and I-848a).
The original is placed in the file and a copy is provided to the UAC. Explain the rights to UAC of all ages. This is signed by the apprehending officer or agent and the UAC.
- Notice to Detain, Remove, or Present Alien (I-259) (for arriving aliens only).
The original is placed in the file; a copy is provided to the carrier who brought the alien into the United States.
- Sworn Statement.
The original is placed in the file and a copy is provided to the UAC. Ensure that all pages are signed by the officer/agent and that the UAC initials all pages.
- Withdrawal of Application for Admission/Consular Notification (I-275).
The original is placed in the file and a copy is given to the UAC, if allowed to withdraw his or her application for admission. A copy should also be forwarded to the appropriate U.S. consular officials.
- Notice of Refusal of Admission/Parole into the U.S. (I-160A) (arriving aliens only).
The original is placed in the file and a copy is provided to the UAC.
- List of Free Legal Services.
A copy must be provided to the UAC. Follow local guidelines to document appropriately.
- Consular Notification as defined by 8 CFR 236.1.
The original is placed in the file.
- Discretionary Checklist and Third Party Notification (OFO only).
The originals are placed in the file.

Interim Unaccompanied Alien Children Guidance
Page 7 of 8



Interim Unaccompanied Alien Children Guidance
Page 8 of 8



UNACCOMPANIED ALIEN CHILD SCREENING ADDENDUM
Trafficking Victim Protection Act (8 U.S.C. 1232)

Alien's Name:

A NUMBER (if any)

A _____

Credible Fear Determination

(b) (7)(E) _____?

_____?

_____?

Human Trafficking

Definition: Sex trafficking in which a commercial sex act is induced by force, fraud, or coercion or in which the person induced to perform such an act is under 18; or the recruitment, harboring, transporting, provision, or obtaining of a person for labor or services, through the use of force, fraud or coercion, for the purpose of subjecting that person to involuntary servitude, peonage, debt bondage, or slavery.

Below are examples of trafficking indicators. If one or more of these indicators is present, the interviewer should pursue age appropriate questions that will help identify the key elements of a trafficking scenario. If required, ensure that follow up questions are asked based on the answers given. Answers from these questions will assist an interviewer in determining if the Unaccompanied Alien Child may be a victim of trafficking. In all cases, use your training and experiences to be alert for indicators of human trafficking.

Trafficking Indicators and Suggested Questions

- (b) (7)(E) _____ | _____ | _____
- _____ | _____ | _____
- _____ | _____ | _____
- _____
- _____
- _____
- _____
- _____
- _____
- _____
- _____
- _____
- _____
- _____
- _____
- _____
- _____

After interviewing the Unaccompanied Alien Child, reviewing the circumstances noted at time of apprehension and the information provided to me by the child, and based on my training and experience as a CBP Officer/Border Patrol Agent:

The Unaccompanied Alien Child **DOES NOT** appear to be a victim or potential victim of a severe form of trafficking, has not expressed a fear of returning to his/her country of nationality or last habitual residence, and has made an independent decision to request withdrawal or voluntary return. This Unaccompanied Alien Child will be processed according to established policy and procedures.

Name and Title of Interviewing Officer

Signature of Interviewing Officer

Date & Time

Name and Title of Authorizing Officer

Signature of Authorizing Officer

Date & Time

The Unaccompanied Alien Child **MAY** be a victim or potential victim of a severe form of trafficking; and/or expresses a fear of returning to his/her country of nationality or last habitual residence; and/or is unable to make an independent decision to withdraw his/her application for admission or for voluntary return; or no determination could be made within 48 hours of apprehension. This child is being referred to the Department of Health & Human Services as per 8 U.S.C. 1232.

Immediate notifications have been made to:

Health and Human Services (All Cases)

Date: _____ Time: _____
Office Contacted:
Name of Person Contacted:
Telephone of person Contacted:
E-mail notification to:

U.S. Immigration and Customs Enforcement (Office of Investigations)(Trafficking) :

Date: _____ Time: _____
Office Contacted:
Name of Person Contacted:
Telephone of person Contacted:
E-mail notification to:

U.S. Immigration and Customs Enforcement (Field Office Juvenile Coordinator)(All Cases) :

Date: _____ Time: _____
Office Contacted:
Name of Person Contacted:
Telephone of person Contacted:
E-mail notification to:

This Unaccompanied Alien Child will be processed according to established CBP policy and procedures for UAC.

Name and Title of Interviewing Officer

Signature of Interviewing Officer

Date & Time

Name and Title of Authorizing Officer

Signature of Authorizing Officer

Date & Time

Name of Alien: _____ A: _____

NOTICE OF RIGHTS TO SALVADORIANS

You have been arrested because immigration officers believe that you are illegally in the United States. In the United States, you have legal rights when you are arrested. No one can take these rights away from you. This notice will explain those rights to you. You must sign below to show that you have received a copy of this notice and understand it. Please read this notice carefully before deciding what you wish to do. You should not sign anything else until you have read this notice and understand your rights.

RIGHT TO APPLY FOR POLITICAL ASYLUM

If you fear persecution because of your race, religion, nationality, membership in a particular social group, or political opinion, you may request political asylum. If you wish to apply for political asylum you should advise the officer who gave you this notice. An immigration judge will decide if you will be given or denied political asylum.

RIGHT TO BE REPRESENTED BY AN ATTORNEY

If you have any doubt or questions regarding any of your rights, you can speak with an attorney who can explain your rights. The officer who gave you this notice will give you a list of attorneys who will speak to you for free. You have the right to use a telephone to call an attorney. If you wish to call an attorney, you should inform the officer. You may contact an attorney at this time or at any time prior to your departure from the United States.

RIGHT TO A HEARING BEFORE AN IMMIGRATION JUDGE

If you do not want to return to El Salvador, you have a right to a hearing before an immigration judge, who will determine whether you may stay in or must leave the United States. At this hearing you can explain to the judge your reasons for not wanting to return to El Salvador. If you request a hearing, you may be represented at the hearing by an attorney at your own expense. If you cannot afford to pay an attorney, you may contact one of the attorneys who provide free legal services.

RIGHT TO BE RELEASED ON BOND

You may be eligible to be released on bond. To insure your presence at all hearings and other required appearances, you may be detained unless you are able to post a sum of money which you will lose if you do not appear. If you appear at all hearings and other requests for appearance, your money will be returned to you. You have a right to ask the immigration judge to lower the amount of your bond.

RIGHT TO REQUEST VOLUNTARY DEPARTURE

If you want to return to El Salvador, you may ask to be allowed to depart on the first available transportation. By agreeing to depart voluntarily, you give up your right to a deportation hearing and your right to apply for political asylum. If you request to depart voluntarily and then change your mind at any time before you actually go home, you may still request a hearing before a judge. You may also make a request to the judge at the hearing to depart voluntarily.

COMMUNICATION WITH CONSUL

You may talk to the consular or diplomatic officer of your country. If you wish to do so, your attorney or the officer who gave you this notice may be able to help you get in touch with the proper person.

I have received a copy of this notice and understand my rights.

Date & Time Signature Witness

Nombre

Número de registro

EL AVISO DE DERECHOS A SALVADOREÑOS

Ud. ha sido arrestado porque los agentes de inmigración creen que está en los Estados Unidos ilegalmente. Al ser arrestado en este país, Ud. tiene ciertos derechos que nadie puede negarle. Este aviso explicará cuales son esos derechos. Ud. debe firmar abajo para mostrar que ha recibido una copia de este aviso y que lo entiende. Por favor, lea este aviso cuidadosamente antes de decidir lo que desea hacer. **No firme absolutamente nada hasta que no haya leído este aviso y haya entendido sus derechos.**

EL DERECHO DE SOLICITAR ASILO POLITICO

Si Ud. tiene miedo de ser perseguido a causa de su raza, religión, nacionalidad, sociedad en un grupo social particular, u opinión política, al regresar a El Salvador, Ud puede solicitar asilo político. Si desea solicitar asilo político debe avisarle al agente que le entrego este aviso. Un juez de inmigración decidirá si le dará o le negará su asilo político.

EL DERECHO A SER REPRESENTADO POR UN ABOGADO

Si Ud. tiene alguna duda o preguntas sobre sus derechos, puede hablar con un abogado quien le explicará sus derechos. El agente que le dio este aviso le dará una lista de abogados que le hablan sin cobrarle. Algunos de ellos quizás hablan español. Ud. tiene el derecho de hacer una llamada telefonica a un abogado. Si Ud. desea hacer tal llamada, debe informarle al agente. Ud. puede ponerse en contacto con un abogado ahora o en cualquier otro momento antes de salir de los Estados Unidos.

EL DERECHO DE UNA AUDIENCIA ANTE UN JUEZ DE INMIGRACIÓN

Si Ud. no quiere regresar a El Salvador, tiene el derecho de una audiencia ante un juez de inmigración, quien determinará si Ud. puede permanecer aquí o si tiene que salir de los Estados Unidos. En esta audiencia puede explicarle al juez sus razones de no querer volver a El Salvador. Si Ud. solicita una audiencia, puede ser representado por un abogado pagado por cuenta propia. Si Ud. no puede pagar los servicios de un abogado, puede ponerse en contacto con uno de los abogados en la lista de servicios libres legales. Estos abogados ofrecen servicios legales gratuitos, es decir, Ud. no tiene que pagar.

EL DERECHO A SER PUESTO EN LIBERTAD BAJO FIANZA

Es posible que Ud. sea elegible para quedar en libertad bajo fianza. La fianza es para asegurar que Ud. asista cada vez que lo citen. A menos que Ud. pueda depositar una cantidad de dinero (fianza), tiene que permanecer detenido para asegurar su presencia en la audiencia. Si Ud. paga la fianza, el dinero se le devolvera si Ud. comparece a todas las audiencias y entrevistas obligatorias. Si la fianza fijada por Inmigración es demasiado alta, Ud. puede pedirle al juez de inmigración que rebaje la cantidad de la fianza.

EL DERECHO DE SOLICITAR SALIDA VOLUNTARIA

Si Ud. desea regresar a su país de origen, Ud. puede solicitar que le permitan salir en cuanto haya transporte. Si pide salida voluntaria, pierde su derecho a la audiencia de deportación y su derecho a solicitar asilo político. Si despues de haber pedido salida voluntaria cambia su opinion en cualquier momento antes de regresar a su país, siempre puede pedir una audiencia ante un juez. También puede pedirle salida voluntaria al juez durante la audiencia.

COMUNICACIÓN CON EL CONSUL

Ud. puede hablar con los oficiales del consulado y oficiales diplomáticos de su país. Si desea hacerlo, su abogado o el agente que le entregó este aviso puede ayudarle comunicarse con la persona apropiada.

He recibido una copia de este aviso. Yo entiendo mis derechos.

Fecha Y Hora

Firma

Testigo

Name (Nombre) File Number (Número de registro)

REQUEST FOR DISPOSITION FOR SALVADORIANS
PETICION DE DISPOSICIÓN A SALVADOREÑOS

I understand my options and I request one of the following dispositions of my case.

Entiendo todas las alternativas que tengo y solicito una de las siguientes disposiciones en mi caso.

(1) I wish to request a hearing before an immigration judge to determine whether I may remain in, or will be removed from the United States. I understand that if I wish to request political asylum I must request a hearing.

(1) Deseo pedir una audiencia ante un juez de inmigración para determinar si puedo permanecer en los Estados Unidos o si me regresarán a mi país de origen. Entiendo que si quiero solicitar asilo político debo pedir una audiencia.

Date and Time (Fecha y Hora) Signature (Firma) Witness (Testigo)

(2) I admit that I am in the United States illegally. I wish to give up my right to a hearing before an immigration Judge and return to my home country on the first available transportation. I understand that I may be held in detention until my departure. I also understand that if the United States government pays for my transportation to my country, I cannot return for five years unless I obtain permission from the Attorney General of the United States.

(2) Reconozco que estoy en los Estados Unidos ilegalmente. Deseo renunciar mi derecho a una audiencia ante un juez de inmigración; a mi derecho de ser representado por un abogado; y a mi derecho de ser puesto en libertad bajo fianza. Deseo regresar a mi país a la primera oportunidad. Entiendo que me pueden detener hasta el momento de mi salida. Tambien entiendo que si el gobierno de los Estados Unidos paga mi viaje, no voy a poder regresar por cinco años sin previo permiso del Procurador General de los Estados Unidos.

Date and Time (Fecha y Hora) Signature (Firma) Witness (Testigo)

TO BE COMPLETED BY THE OFFICER

- Form read by alien
Form read to the alien

Officer who gave notice (Printed name and signature)

Removed at : Government Expense - cost \$

Alien's Expense - cost \$

Request for V/R approved

Signature and Title Date

Agenda Questions for AILA / CBP Liaison Meeting
March 13, 2008

1. L-1 Issues:

Non-responsive to the request




Non-responsive to the request



b. Non-responsive to the request



Non-responsive to the request



13. What is CBP Policy for waiting for attorney to arrive at the bridge to meet a client? An attorney was unexpectedly delayed in getting to the Peace Bridge, due to a stoppage of traffic based on an accident. The attorney's client had arrived at the Bridge for L-1 processing, and was waiting for the attorney to arrive with the L-1 petition papers. How long will CBP wait for the attorney, and is it CBP policy to issue a formal "denial" of admission if the attorney is not able to get there in a reasonable time? Would CBP prefer that the attorney try to call the port, to advise of the attorney's delay due to unexpected traffic problem?

CBP addresses such issues on a case-by-case basis, and uses discretion to accommodate the applicant whenever possible. An attorney who is facing a lengthy delay in reaching the POE due to unforeseen circumstances should call the POE and advise the SCBPO of the situation. It is not CBP policy or practice to deny admission if the attorney is late.

INTERVIEW AND INTERROGATION – CHAPTER 16

GENERAL

Definitions

Non-responsive to the request



Reliability of Testimony

Non-responsive to the request



Non-responsive to the request



Preparation

Non-responsive to the request



Non-responsive to the request
[Redacted]

Non-responsive to the request
[Redacted]

Attorneys and Representatives

Regulations concerning attorneys and others (including organizations) who may represent persons in Service proceedings are contained in 8 C.F.R. 292, which covers recognition (and its withdrawal) accreditation, appearances, availability of records, and rights to representation. Filing or notice of entry of appearance as attorney or representative (Form G-28) permits communication between them and the Service. Representatives are allowed to review the record of proceedings in the instant case and to obtain copies of Service records as well as transcripts of evidence they furnish. {See 8 C.F.R. 292.4 (b), 8 C.F.R. 103.10 and 8 C.F.R. 103.20}

INTERVIEW TECHNIQUES

General

Non-responsive to the request
[Redacted]

[Redacted]

Non-responsive to the request
[Redacted]

Non-responsive to the request
[Redacted]

Inspector's Field Manual (IFM) Chapter 17.1 Deferred Inspection

Non-responsive to the request [REDACTED]

[REDACTED]

[REDACTED]


[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Non-responsive to the request



(g) Attorney Representation at Deferred Inspection. At a deferred inspection, an applicant for admission is not entitled to representation. See 8 CFR 292.5(b). However, an attorney may be allowed to be present upon request if the supervisory CBP officer on duty deems it appropriate. The role of the attorney in such a situation is limited to that of observer and consultant to the applicant. Any questions regarding attorney presence in the deferred inspection process may be referred to local CBP Counsel. In general, applicants for admission in primary and secondary processing are not entitled to representation. See 8 CFR 292.5(b).

(b)(6) (b)(7)(C)

From: (b)(6) (b)(7)(C)

Sent: Friday, May 27, 2011 10:12 AM

To: (b)(6) (b)(7)(C)

Cc: (b)(6) (b)(7)(C)

Subject: RE: Restrictions on Access to Counsel

(b)(6) (b)(7)(C)

Both locations cited in the letter have responded; unfortunately there are inconsistent practices in place regarding counsel presence at deferred inspections.

Highgate Springs and Derby Line

At the Vermont POEs, there is not and has never been an official policy to bar counsel from deferred inspections or at inspections involving the adjudication of L-1 petitions and TN status. Highgate Springs is the sole deferred inspection site in Vermont and allows attorney presence at deferred inspections, i.e. attorneys may accompany the alien but are not permitted to answer questions for the applicant. It is believed that the impression that a policy change has taken place is the direct result of the elimination (through attrition) of the Free Trade Examiners at the POEs. Attorneys were able to deal directly with only one officer regarding all matters surrounding L-1 and TN applications. Currently, numerous officers are trained to adjudicate these applications and an attorney may encounter any one at any given time. At both Highgate Springs and Derby Line, attorneys are permitted to remain in the lobby with their clients but are not permitted to answer any questions on behalf of the applicant for admission.

It should be noted that port directors in Vermont maintain open lines of communication with many of the attorneys who assist clients in L-1 or TN processing. While not every issue is resolved to the attorney's satisfaction, there has always been positive dialogue and supervisors and managers are available to discuss. The below identified guidelines are shared with all officers and supervisors monitor the inspectional areas to insure that issues are resolved as soon as possible after they arise.

Guidelines for Law Professionals

- Law professionals may enter the port of entry.
- Law professionals may sit near their clients and confer quietly with them.
- Law professionals may interact with a CBP Officer if the officer requests it. At the counter, the officer will interact with the applicant.
- Law professionals are asked not to have more than three (3) clients present at any one time as the lobby chairs are for other applicants for entry as well. It would be best if applicants could be scheduled at intervals so as not to have more than one present at a time. If situations warrant, exceptions can be made.
- Law professionals may enter the POE at other times to speak with officers or supervisors.

Boston-Logan International Airport

Logan Airport as a practice does not generally allow for Attorney participation at deferred inspections. Attorneys are not allowed to accompany their clients into CBP Offices, and no counsel is permitted at primary or secondary inspection, although telephonic inquiries can and have taken place. CBPOs will at times accept court certified documents or other legally

5/27/2011

sufficient documents presented by an attorney at deferred inspections. Regarding the case cited in the inquiry, it appears that the alien was an aggravated felon and subject to detention. It was determined that any additional documentation provided by the attorney at that time was immaterial to both the subject's inadmissibility mandatory detention and was therefore not accepted.

The Boston Field Office is addressing the policy in place at Logan Airport and has mandated a more open approach to attorney presence at deferred inspections.

Please contact me if you have any additional questions.

(b)(6) (b)(7)(C)

Assistant Director, Border Security
Boston Field Office
U.S. Customs and Border Protection
617-**(b)(6) (b)(7)(C)**

From: **(b)(6) (b)(7)(C)**

Sent: Thursday, May 26, 2011 2:39 PM

To: **(b)(6) (b)(7)(C)**

Subject: FW: Restrictions on Access to Counsel

(b)(6) (b)(7)(C)

- Any feedback from the field office or port on this inquiry? Thx

(b)(6) (b)(7)(C)

Assistant Executive Director
Admissibility and Passenger Programs
Customs and Border Protection
202-**(b)(6) (b)(7)(C)**

From: **(b)(6) (b)(7)(C)**

Sent: Monday, May 16, 2011 4:47 PM

To: **(b)(6) (b)(7)(C)**

(b)(6) (b)(7)(C)

Cc: **(b)(6) (b)(7)(C)**

Subject: FW: Restrictions on Access to Counsel

Directors – attached is an inquiry to the Commissioner from the American Immigration Council and the American Immigration Lawyers Association regarding attorney access at ports of entry and deferred inspection locations. Regulations do not allow for legal representation to applicants for admission unless we are contemplating criminal proceedings, however, current policy and practice allow for limited attorney presence at deferred inspections, at the discretion of the supervisor in charge, and provided the attorney does not interfere with the inspection or answer questions on behalf of his/her client.

Please review the attached inquiries related to your ports of entry or deferred locations and provide any feedback. We do not support expanded access, and would like to be able to demonstrate that current policies and practices adequately reflect existing statutory and regulatory protections. Therefore, any feedback that you can provide to refute alleged unprofessional interactions would be very helpful in drafting our response for the Commissioner. We do not yet have a due date, but I will advise if we get an official tasking due date.

Thanks in advance for your assistance.

(b)(6) (b)(7)(C)

Assistant Executive Director

5/27/2011

Admissibility and Passenger Programs
 Customs and Border Protection
 202-**(b)(6) (b)(7)(C)**

From: **(b)(6) (b)(7)(C)**
Sent: Monday, May 16, 2011 8:50 AM
To: **(b)(6) (b)(7)(C)**
Cc:
Subject: FW: Restrictions on Access to Counsel

(b)(6) (b)(7)(C). If this hasn't made its way to your office, I imagine it will soon. Please let us know once you've reviewed and have a few minutes to discuss. Thanks as always.

(b)(6) (b)(7)(C)
 CBP Deputy Associate Chief Counsel (Enforcement)
 T. (202) **(b)(6) (b)(7)(C)** C. (202) **(b)(6) (b)(7)(C)**; dhs.gov
 ** Attorney Work Product / Attorney-Client Privileged **

From: Ben Johnson <BJohnson@immcouncil.org>
To: BERSIN, ALAN D.
Cc: Kroloff, Noah; Sandweg, John; Olavarria, Esther; Fong, Ivan; Grossman, Seth; Ryan, Kelly; Schlanger, Margo; LOPEZ, MARCO A; LADUZINSKY, BRETT; MCKENNEY, WILLIAM P.; ROBLES, ALFONSO; Crystal Williams <CWilliams@aila.org>
Sent: Wed May 11 18:07:43 2011
Subject: Restrictions on Access to Counsel

Commissioner Bersin:

On behalf of the American Immigration Council and the American Immigration Lawyers Association, I am attaching a letter that we have put together addressing the issue of restrictions on access to counsel by CBP officers. We believe that these limitations reflect overly restrictive interpretations of existing regulations and may violate applicable due process guarantees. The purpose of the letter is to highlight our concerns and to pursue the opportunity for a dialogue about these issues.

We look forward to the chance to discuss these matters in greater detail.

Sincerely,

Benjamin Johnson
 Executive Director
 American Immigration Council
 Direct: 202-507-7510
 email: bjohnson@immcouncil.org
 website: www.americanimmigrationcouncil.org

5/27/2011

RESTRICTIONS ON ACCESS TO COUNSEL
AT PORTS OF ENTRY

Within the entire St. Albans Area Port, all Port Directors confirm that the memorandum issued on July 30, 2003 by the Assistant Commissioner (A/C), Office of Field Operations memo, MAN-1-FO: PO CM, is what is used as guidance in allowing attorney representation during the inspection process. While all locations do allow the presence of attorneys, they are also guided by Title 8 CFR 292.5 (b), which identifies that "...nothing in this paragraph shall be construed to provide any applicant for admission in either primary or secondary inspection the right to representation, unless the applicant for admission has become the focus of a criminal investigation and has been taken into custody." As such, "...the role of an attorney should be as an observer and consultant to the applicant. The attorney should not be allowed to direct the questioning or answer for the applicant."

Despite the allegations set forth in the excerpt from *Attorney #1*, there is no new official policy of the region to bar counsel from L and TN adjudications. What has, in fact, changed over time is the fact that there are no longer Free Trade Examiners at the larger ports, and therefore the attorney's no longer have that sole officer they deal with on all matters. They now deal with numerous CBP officers, depending upon who might be on duty on any given day. At Highgate Springs, attorneys are allowed in the lobby and are allowed to even remain at the counter interacting with the officers and their client during the secondary inspection process. However, attorneys are not allowed to answer the admissibility questions for their client. At Derby Line, attorneys are allowed to be present but not to participate or answer questions for the applicant.

There is not now, nor has there ever been, an official policy to bar counsel from L and TN adjudications at Highgate Springs and Derby Line Ports of Entry. It should be noted that applicants for TN's do not, as a general rule, have an attorney accompanying them when they arrive at the Port of Entry. This has been confirmed in all locations. Additionally, while Highgate Springs is the only Deferred Inspection location within the St. Albans Area Port, there is no policy to bar counsel during this process either; however counsel is never allowed to answer questions for the applicant.

While the letter to the Commissioner paints a grim picture of CBP Officers being overly zealous in the performance of their duties, Port Directors within the St. Albans Area Port maintain open lines of communication with many of the attorneys who do assist clients in their processing of TN or L applications. While not every issue is able to be resolved to the attorney's satisfaction, there has always been positive dialogue and open communication, and never has there been any indication that there was dissatisfaction with the process.

Currently, most officers are able to process TN applicants for admission, and both Derby Line and Highgate Springs have a select cadre of Customs and Border Protection (CBP)

Officers who are trained and have become extremely proficient in adjudicating L applications.

While the issues presented are definitely cause for concern, if in fact they have occurred as stated, conversations with the Port Directors at both major areas indicate that they have never been presented with any issues arising to this level. While questions may arise from time to time, neither the local ports nor the Area Port has received inquiries or complaints from anyone voicing concern about the way that their processing was handled.

The below identified guidelines are shared with all officers and supervisors monitor the inspectional areas to insure that whenever possible issues are resolved, as soon as possible after they arise.

Guidelines for Law Professionals

- Law professionals may enter the port of entry.
- Law professionals may sit near their clients and confer quietly with them.
- Law professionals may interact with a CBP Officer if the officer requests it. At the counter, the officer will interact with the applicant.
- Law professionals are asked not to have more than three (3) clients present at any one time as the lobby chairs are for other applicants for entry as well. It would be best if applicants could be scheduled at intervals so as not to have more than one present at a time. If situations warrant, exceptions can be made.
- Law professionals may enter the POE at other times to speak with officers or supervisors.

Immigration Lawyers Association regarding attorney access at ports of entry and deferred inspection locations. A review of current practices and policy by CBP at Boston Logan Airport determined that CBP at Boston Logan Airport does not allow for Attorney participation in passport control or deferred cases. Attorneys are not allowed to accompany their clients into CBP Offices nor are they allowed to answer questions for them or participate in any official proceedings. That being said there are times during a deferred inspection that an attorney will present court certified documents or other legally sufficient documents that will assist in the inspection that the officers will accept and review.

The letter to the Commissioner provided two examples of situations that occurred at Boston Logan Airport.

The first example describes a situation in which a CBP Officer conducting a secondary inspection “refused to allow an attorney to submit documentation that would have resolved a critical legal question and would have prevented his client from being unnecessarily detained for two months.” Although the specific case details are not given so the exact case can not be reviewed it appears that this attorney’s client arrived at the port of entry and was placed into 240 removal proceedings under the Judgment in Conviction Program. This program places Legal Permanent residents that have been convicted of serious criminal offenses into 240 removal proceedings and under certain circumstances places the subject into detention until his appearance before the Immigration Judge. Cases involving the detention of an arriving passenger under judgment and conviction program are treated very seriously by CBP at Boston Logan Airport and are done in concurrence with the attorneys at the Office of Chief Counsel. A legal sufficiency review is conducted on every case to determine if CBP has the authority to detain the subject. This review is done within 24 hours of the alien being detained. Any documentation that the attorney would have provided to CBP during the secondary inspection would not have impacted the outcome of the CBP secondary inspection and subsequent detention. It should also be noted that although CBP places the arriving alien into removal proceedings and initially detains the subject. The case is then turned over to the HSI trial attorneys that work with the immigration judge and subjects attorney to determine if further detention is warranted.

The second example describes a situation in which a CBP Officer “refused to allow an attorney to accompany her client to a deferred inspection and refused to accept a legal memorandum that the attorney had prepared on behalf of the client.” CBP at Boston Logan Airport does not allow attorneys to participate in secondary inspections involving arriving aliens. A subject being processed via a deferred inspection is still an arriving alien and therefore attorney representation is not allowed. There are occasions when the Officers conducting a deferred inspection will accept documents in support of a claim however this is usually limited to court certified documents regarding criminal cases. A memo prepared by the subject’s attorney would not be needed to assist with a deferred inspection.

Weekly Muster

Week of Muster: March 8, 2010

Local Muster Number: BUF 10-0057

Topic: US Department of State, Consular Notification and Access, Consular Notification Directive 4510-22; 8 CFR 236.1

Port of Buffalo, POC: Chief CBPO (b)(6) (b)(7)(C)

This muster is to remind all CBP officers of the requirements and procedures for consular notification of detained foreign nationals.

The consideration of consular notification begins as soon as a decision is made to detain an alien. The responsibility of consular notification lies with Customs and Border Protection regardless of the detaining agency. An example of this would be in the event that CBP turned the detainee over to Immigration and Customs enforcement (ICE).

The Vienna Convention on Consular Relations (VCCR), of which the United States is a member, is a treaty governing how countries deal with the arrest, detention, death, or guardianship of foreign nationals. The VCCR *requires that foreign nationals that are detained be advised of their right to have their consular officials notified* of the fact "without delay," i.e., as soon as it becomes feasible.

In the secondary environment, it often takes several hours to properly determine a foreign national's admissibility or inadmissibility. Remember the consular notification occurs once the decision is made to detain the individual; not during the inspectional period.

Some countries require *mandatory* consular notification. They are called bilateral treaty countries. For these countries, *the alien does not have the choice to decline consular notification*. At no time are CBP officers allowed to discuss any asylum claim or fear of persecution of torture expressed by the alien.

The detainee must be informed that they are a national of a country that requires mandatory consular notification. An example of this notification to the arrested or detained foreign nationals is below:

When Consular Notification is Mandatory:

Because of your nationality, we are required to notify your country's consular representatives here in the United States that you have been arrested or detained. After your consular officials are notified, they may call or visit you. You are not required to accept their assistance, but they may be able to help you obtain **legal counsel** and may

contact your family and visit you in detention, among other things. We will be notifying your country's consular officials as soon as possible.

When a foreign national is not from a mandatory notification country we must still offer them the opportunity to notify their consular office. An example of this notification to the arrested or detained foreign nationals is below:

When Consular Notification is at the Foreign National's Option

As a non-U.S. citizen who is being arrested or detained, you are entitled to have us notify your country's consular representatives here in the United States. **A consular official from your country may be able to help you obtain legal counsel**, and may contact your family and visit you in detention, among other things. If you want us to notify your country's consular officials, you can request this notification now, or at any time in the future. After your consular officials are notified, they may call or visit you. Do you want us to notify your country's consular officials?

For the most current information on mandatory bilateral treaty countries, processing instructions, fax sheets, and current point of contact information please use the following web link.

Source: http://travel.state.gov/law/consular/consular_737.html

All information regarding the consular notification will be annotated in the I-213. During normal business hours CBP officers can contact the consulate in one of two ways:

1. Leave a detailed message for the consular official.
2. Send a fax.

For the Mandatory Bilateral treaty countries:

A copy of the fax confirmation and fax will be included in the aliens file.

For the non mandatory consular notification countries:

If the alien requests that you notify the consular office, a copy of the fax and confirmation will be included in the file.

If the alien declines notification then a copy of the declination form is included in the aliens file.

Any issue involving the detention of individuals is subject to scrutiny, review and criticism by both internal and external sources. Therefore it is essential that existing U.S. laws, policy and procedures be followed strictly.

Included in this muster is the list of Bilateral Treaty Countries that require Consular Notification, the fax sheet for notifying the Consular Office and the notification form when notification is not mandatory.

Bilateral Treaty Countries: Mandatory Consular Notification

Bilateral Treaty Countries: Mandatory Consular Notification Countries and Jurisdictions

Algeria	Malta
Antigua and Barbuda	Mauritius
Armenia	Moldova
Azerbaijan	Mongolia
Bahamas, The	Nigeria
Barbados	Philippines
Belarus	Poland (non-permanent Residents only)
Belize	Romania
Brunei	Russian Federation
Bulgaria	Saint Kitts and Nevis
China ¹	Saint Lucia
Costa Rica	Saint Vincent and the Grenadines
Cyprus	Seychelles
Czech Republic	Sierra Leone
Dominica	Singapore
Fiji	Slovak Republic
Gambia, The	Tajikistan
Georgia	Tanzania
Ghana	Tonga
Grenada	Trinidad and Tobago
Guyana	Tunisia
Hong Kong ²	Turkmenistan
Hungary	Tuvalu
Jamaica	Ukraine
Kazakhstan	United Kingdom ³
Kiribati	U.S.S.R. ⁴
Kuwait	Uzbekistan
Kyrgyzstan	Zambia
Malaysia	Zimbabwe

¹ Notification is not mandatory in the case of persons who carry "Republic of China" passports issued by Taiwan. Such persons should be informed without delay that the nearest office of the Taipei Economic and Cultural Representative Office ("TECRO"), the unofficial entity representing Taiwan's interests in the United States, can be notified at their request.

² Hong Kong reverted to Chinese sovereignty on July 1, 1997, and is now officially referred to as the Hong Kong Special Administrative Region or "SAR." Under paragraph 3(f)(2) of the March 25, 1997, U.S.-China Agreement on the Maintenance of the U.S. Consulate General in the Hong Kong Special Administrative Region, U.S. officials are required to notify Chinese officials of the arrest or detention of the bearers of Hong Kong passports in the same manner as is required for bearers of Chinese passports-- *i.e.*, immediately, and in any event within four days of the arrest or detention.

³ British dependencies also covered by this agreement are Anguilla, British Virgin Islands, Bermuda, Montserrat, and the Turks and Caicos Islands. Their residents carry British passports.

⁴ All U.S.S.R. successor states are covered by this agreement. They are: Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Russian Federation, Tajikistan, Turkmenistan, Ukraine, and Uzbekistan. Although the U.S.S.R. no longer exists, the U.S.S.R. is listed here, because some nationals of its successor states may still be traveling on a U.S.S.R. passport. Mandatory consular notification applies to any national of such state, including one traveling on a U.S.S.R. passport.

Fax Sheet for Notifying Consular Officers of Arrests or Detentions

Date: _____ **Time:** _____

To: Embassy/Consulate of _____ in _____, _____
(Country) (City) (State)

Fax: () _____

Subject: NOTIFICATION OF ARREST/DETENTION OF A NATIONAL OF YOUR COUNTRY

From: United States Customs and Border Protection

Name: _____

Office: _____

Street Address: _____

City: _____ **State:** _____ **ZIP:** _____

Telephone: () _____ **Fax:** () _____

We arrested/detained the following foreign national, whom we understand to be a national of your country, on _____, _____.

Mr./Mrs./Ms: _____

Date of Birth: _____

Place of Birth: _____

Passport Number: _____

Date of Passport Issuance: _____

Place of Passport Issuance: _____

To arrange for consular access, please call () _____ between the hours of _____ and _____. Please refer to case number _____ when you call.

Comments/Charges (optional):

Statement 1: When Consular Notification Is at the Foreign National's Option

As a non-U.S. citizen who is being arrested or detained, you are entitled to have us notify your country's consular representatives here in the United States. A consular official from your country may be able to help you obtain legal counsel, and may contact your family and visit you in detention, among other things. If you want us to notify your country's consular officials, you can request this notification now, or at any time in the future. After your consular officials are notified, they may call or visit you. Do you want us to notify your country's consular officials?

Please circle one: "yes" or "no."

Date: December 17, 2012

Signature of Foreign National

Date: December 17, 2012

Signature of Witness

From: (b)(6) (b)(7)(C)
Sent: Friday, July 20, 2012 11:41 AM
To: (b)(6) (b)(7)(C)
Subject: FW: AILA CBP Meeting 9/1/11

Importance: High

(b) (7)(E)

Attachments: CBP OFO and AILA September 2011 LIAISON MEETING AGENDA ITEMS2.doc

(b)(6) (b)(7)(C)
Assistant Director Border Security
Miami Field Office
(305) (b)(6) (b)(7)(C) (office)
(305) (b)(6) (b)(7)(C) (BB)
(b)(6) (b)(7)(C)@dhs.gov

From: (b)(6) (b)(7)(C)
Sent: Wednesday, August 31, 2011 12:06 PM
To: (b)(6) (b)(7)(C)
Subject: AILA CBP Meeting 9/1/11
Importance: High

South Florida American Immigration Lawyers Association
Chapter Liaison Meeting
With U.S. Customs and Border Protection
Miami Field Office

Date: September 1, 2011
Time: 11:00 a.m.
Place: USCBP, Miami Field Office, 909 SE1st Avenue, Miami, FL 33131

Meeting Agenda

1. Welcome, Introduction and Opening Remarks
Mr. Vernon Foret, Director, Field Operations, Miami

2. AILA Introductions and Opening Remarks
AILA President and Board Members
3. Discussion of AILA submitted topics and questions (below and attached)
4. Review of necessary follow up

American Immigration Lawyers Association
South Florida Chapter Liaison Meeting
With U.S. Customs and Border Protection
Miami Field Office

Date: September 1, 2011
Time: 11:00 a.m.
Place: USCBP, Miami Field Office, 909 SE1st Avenue, Miami, FL 33131

Meeting Agenda

1. Welcome, Introduction and Opening Remarks
Mr. Vernon Foret, Director, Field Operations, Miami
2. AILA Introductions and Opening Remarks
AILA President and Board Members
3. Discussion of AILA submitted topics and questions
4. Review of necessary follow up documents and taskings

CBP LIAISON MEETING AGENDA ITEMS

1. During legacy INS and at the beginning of CBP we had a great working relationship with CBP. Attorney's were able to go with their clients to deferred inspection and provide information or documentation that would assist CBP in making a determination. The Attorney's understood their scope of representation was limited but the communication was helpful to both the Service and the clients. Now the policy has changed and Attorneys are not able to accompany their clients to deferred inspections. What is the actual policy on Attorney's at deferred inspections at this time?
2. In the past Attorney's would call the watch commanders at the airport in order to clarify issues or fax pertinent documentation that would allow the CBP officers to make a determination. While we understand that arriving aliens do not have a right to counsel there should be so way to communicate. Sometimes an Attorney can provide a copy of an Advance Parole document or some other document that would make the admissions determination process much easier for the officers. Moreover, not all people entering the ports are arriving aliens thus they would have a right to counsel. Can we have an updated list of the names of the contact persons and contact information for the airport and seaport?
3. Can we have a list of the new hierarchy at CBP in South Florida?
4. Has CBP made any changes in policy or procedure after the ICE Prosecutorial Discretion memorandum that came out in June 17, 2011?
5. There are a number of training issues that continue to occur upon admission such as not issuing E visa entries for 2 years, problems in automatic revalidation for people that have traveled on expired work visas but with valid I-94 cards to Mexico or Canada for less than 30 days, putting Chilean H-1B1 holders in secondary inspection because they do not have an I-797 (when these visas are consular and do not have I-797s), telling H-1b holders that they are not spending enough time in the United States and that next time they will not be allowed in, requiring H-1b holders that have a valid visa in the passport from one employer and a valid I-797 from a new employer that they must have the visa stamped or they will not be allowed to re-enter, etc. What is the best way to notify CBP of the reoccurring errors? We believe this will make admissions easier and relieve much traffic at deferred of people going to have I-94 cards corrected.

6. Who can Attorney's or clients contact if they have a complaint locally?

7. What discretion does the deferred inspection's officer have to parole an individual into the US and to deem the adjustment application not abandoned when the adjustment applicant mistakenly enters the US after the expiration of the parole document? Is there any difference when the applicant had previously entered the US on parole and thought the one year stamp was the new expiration date?

8. Members have reported that when clients have gone to deferred inspections to correct an erroneous admission (example a person has an H-1b or TN and is admitted erroneously as a B-1/B-2) that they are told that they must wait 1 to 2 weeks until the information is in the system to correct the I-94. This is causing great problems since the person cannot legally work, obtain a driver's license or a social security card. Is there anyway this can be done differently since this is causing problems to the person and the employer by no fault of their own?

9. In July FIAC met with Chief Zetts and his deputy, Victor Colon. FIAC was told that CBP's policy is to detain anyone they intercept who they suspect is in the country illegally, and to turn them over to ICE and recommend detention,(even though not everyone that is in the country illegally is subject to mandatory detention). They further stated that if ICE refuses to detain, CBP has to get approval from HQs before releasing the person. Will there be any changes in this policy given the White House's new directive regarding removal priorities?

10. Members report that CBP refuses to adjudicate 212(k) waivers setting cases up for court. Is there any change in this policy?

11. Is there a specific policy or reason or is it discretionary as to when CBP will choose to put someone in expedited removal rather than permit the person to withdraw his application for admission?

12. Can an "expedited removal" decision ever be reopened or reconsidered?

CBP – AILA/LACBA Liaison Meeting Questions
9/14/09, 10:00am

BORDER PATROL OPERATIONS

1. Non-responsive to the request
[Redacted]

Response: Non-responsive to the request
[Redacted]

Non-responsive to the request
[Redacted]

I-94 CORRECTIONS: POST-DEPARTURE

Non-responsive to the request
[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

NOTE: The responses to the questions set forth in this document are informational only and designed to further knowledge about and communication with U.S. Customs and Border Protection. These responses do not create any private rights, benefits, or privileges for any private person or party, and are not legally binding upon CBP.

INSPECTION / ADMISSION OF NON-IMMIGRANTS

3. Non-responsive to the request

[REDACTED]

[REDACTED]

4. Non-responsive to the request

[REDACTED]

INSPECTION / ADMISSION OF NON-CITIZENS WITH CRIMINAL CONVICTIONS

5. Non-responsive to the request

[REDACTED]

[REDACTED]

NOTE: The responses to the questions set forth in this document are informational only and designed to further knowledge about and communication with U.S. Customs and Border Protection. These responses do not create any private rights, benefits, or privileges for any private person or party, and are not legally binding upon CBP.

6. As per 8 CFR 292.5(b), applicants for admission have the right to representation by counsel during primary/secondary inspection if they are “the focus of criminal investigation and ha[ve] been taken into custody.” What are the appropriate procedures for counsel to communicate with CBP in this situation to present documents and legal arguments on behalf of the applicant for admission? Alternatively, how can an applicant for admission in this situation effectively assert their right to communicate with counsel?

Response: Pursuant to 8 CFR 292.5(b) an alien at primary or secondary inspection is entitled to representation only when s/he becomes the focus of a criminal investigation and has been taken into custody. When the CBP officer examines an alien under these limited circumstances, the officer will advise the alien of his/her Miranda rights and afford the alien an opportunity to assert those rights and request that his/her attorney be present for the interrogation.

INSPECTION / ADMISSION OF LPRs PENDING REMOVAL

7. Non-responsive to the request

[Redacted]

Non-responsive to the request

[Redacted]

ADJUSTMENT OF STATUS & PAROLE

8. Non-responsive to the request

[Redacted]

Response: Non-responsive to the request

[Redacted]

NOTE: The responses to the questions set forth in this document are informational only and designed to further knowledge about and communication with U.S. Customs and Border Protection. These responses do not create any private rights, benefits, or privileges for any private person or party, and are not legally binding upon CBP.

LOS ANGELES COUNTY BAR ASSOCIATION, IMMIGRATION SECTION
AMERICAN IMMIGRATION LAWYERS ASSOCIATION, SOUTHERN CALIFORNIA
CHAPTER

AGENDA FOR CBP LIAISON MEETING
October 18, 2010

The following are CBP agenda items proposed by members of the Los Angeles Country Bar Association, Immigration Section, and the American Immigration Lawyers Association, Southern California Chapter:

1. Seizure/Forfeiture

Non-responsive to the request
[Redacted]

Non-responsive to the request
[Redacted]

Non-responsive to the request
[Redacted]

Non-responsive to the request
[Redacted]

Non-responsive to the request
[Redacted]

Non-responsive to the request
[Redacted]

2. Canadian Tourists

Non-responsive to the request
[Redacted]

Non-responsive to the request
[Redacted]

Non-responsive to the request

Non-responsive to the request

B) Non-responsive to the request

Non-responsive to the request

Non-responsive to the request

Non-responsive to the request

3. Expedited Removal

A) Is there a way for an attorney to request that CBP reconsider a decision to order an expedited removal? Will CBP reconsider its decision if it is provided with evidence that the decision was made in error?

No, an applicant for admission in either primary or secondary inspection is not entitled to legal representation. Generally the Expedited Removal process is completed and the alien returned to his port of embarkation on the same day. The IFM 17.15 Expedited Removal, and 8 CFR Sec. 235.3 Inadmissible aliens and expedited removal, provide detailed and specific guidance and instruction to officers on the questions to consider.

IFM Chapter 2.9 Dealing with Attorneys and Other Representatives

No applicant for admission, either during primary or secondary inspection has a right to be represented by an attorney - unless the applicant has become the focus of a criminal investigation and has been taken into custody. An attorney who attempts to impede in any way your inspection should be courteously advised of this regulation. This does not preclude you, as

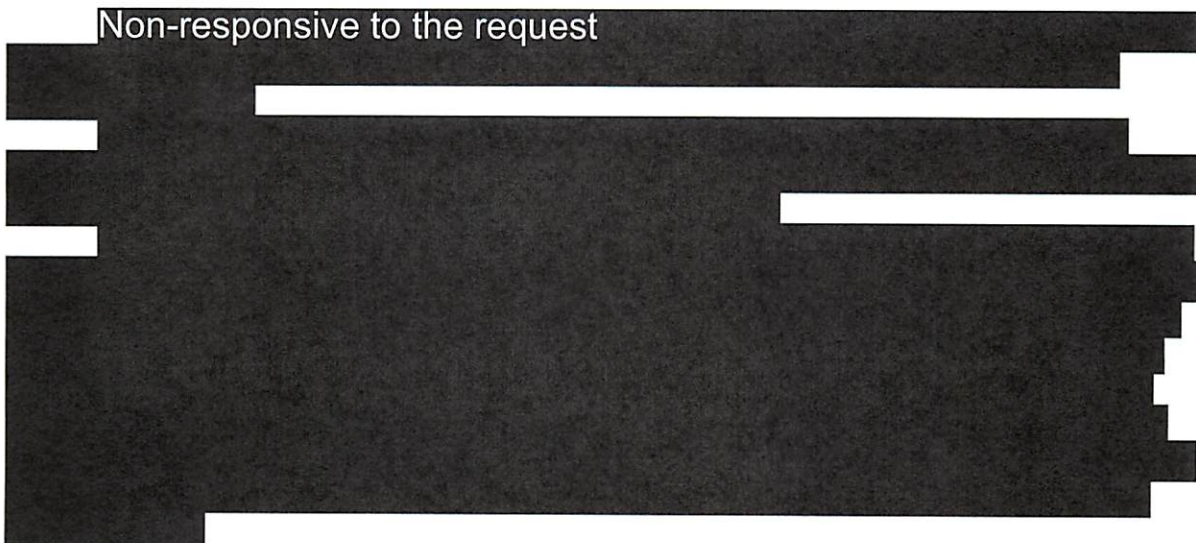
an inspecting officer, to permit a relative, friend, or representative access to the inspectional area to provide assistance when the situation warrants such action. A more comprehensive treatment of this topic is contained in the Adjudicator's Field Manual, Chapter 12, and 8 CFR 292.5(b).

INA: ACT 235. 1/(a)(1)(A) Screening

- (i) *In general.-If an immigration officer determines that an alien (other than an alien described in subparagraph (F)) who is arriving in the United States or is described in clause (iii) is inadmissible under section 212(a)(6)(C) or 212(a)(7), the officer shall order the alien removed from the United States without further hearing or review unless the alien indicates either an intention to apply for asylum under section 208 or a fear of persecution.*

(C) Limitation on administrative review.-Except as provided in subparagraph (B)(iii)(III), a removal order entered in accordance with subparagraph (A)(i) or (B)(iii)(I) is not subject to administrative appeal

Non-responsive to the request



Non-responsive to the request



Non-responsive to the request



**Laredo Field Office
Weekly Muster
FY10 – 002**

Week of Muster: October 25, 2009 through October 31, 2009

Topic: Improper Use of I-214 for Administrative Rights.

Target Audience: All CBP Case Processing Officers and First Line Supervisors

Reference: 8 C.F.R. § 287.3; IFM Chapter 18.3

LFO POC: (b)(6) (b)(7)(C), Program Manager – Border Security, (956) (b)(6) (b)(7)(C)
(b)(6) (b)(7)(C), Program Manager – Border Security, (956) (b)(6) (b)(7)(C)

Message:

A recent review of adverse action cases generated by Laredo Field Office (LFO) ports of entry revealed that CBP officers are prematurely or erroneously advising aliens of Miranda-type warnings during Notice to Appear (NTA) processing. The review revealed that in most cases, officers are administering Form I-214A Warning as to Rights, in conjunction with Form I-877 Record of Sworn Statement in Administrative Proceedings. Often, after reading the I-214A to the alien, he or she will refuse to answer questions or provide a sworn statement regarding a prior criminal arrest and conviction.

Issuing Miranda-type warnings is not appropriate during this initial phase of administrative processing and may mislead the alien by giving the false impression that he or she has a right to an attorney and not make a statement. This hinders CBP's ability to sustain the government's allegations that the alien is subject to removal. In purely administrative proceedings, CBP officers do not need to give Miranda-type warnings prior to asking routine entry-qualifying questions at the border. "A person seeking entry into the United States does *not* have a right to remain silent; the immigrant must honestly describe his identity, nationality, business, and claim of entitlement to enter, and must do this without the aid of counsel." *U.S. v. Gupta*, 183 F.3d 615 617 (7th Cir.1999)

With the goal of achieving consistency and to standardize processing of NTAs throughout the LFO, ports of entry will adhere to the following guidance regarding taking sworn statements in an administrative removal proceeding.

Documenting The Alien's Statement:

- The sworn statement will be recorded on Form I-877 and Form I-263A will be used as a jurat to close the statement.
- Form I-214A will no longer be administered in purely administrative removal proceedings.

- When obtaining information from the alien regarding his or her inadmissibility or deportability, the CBP officer will take a record of sworn statement and inform the alien, as noted on Form I-877 that:
 - “I am an officer of the United States Immigration and Naturalization Service, authorized by law to administer oaths and take testimony in connection with the enforcement of the Immigration and Nationality laws of the United States. I desire to take your sworn statement regarding_____.”
 - Q. Do you understand what I’ve said to you?
 - Q. Any statement you make must be given freely and voluntarily. Are you willing to answer my questions at this time?
 - Q. Do you swear or affirm that all the statements you are about to make are true and complete?
- The CBP officer will refrain from telling the alien that he or she has a right to remain silent but should explain that any statement must be given freely and voluntarily.

When CBP determines that the alien is amenable to removal proceedings under Section 240 or 238, and is arrested without warrant and served with an NTA, “*The Notice to Respondent*” segment found on the second page of the I-862 will be used to advise the alien of the following:

- The reason for arrest without warrant
- The right to representation at the removal hearing at no expense to the government
- The alien will also be advised that any statement made may be used against him or her in a subsequent proceeding and will be provided a list of free legal services

The I-862 (Notice to Appear) provides the required warnings to aliens placed in removal proceedings. Miranda warnings need not be given where the only contemplated legal action against the alien is removal. However, where the alien is in custody and the focus of the interrogation shifts to contemplated criminal prosecution, Miranda warnings must be given. If Miranda warnings are not provided, evidence derived is inadmissible in the criminal prosecution, unless it is otherwise discoverable. (IFM Chapter 18.3)

Passport Control Muster

Week of Muster:

Topic: Attorney Inquiries Regarding Admissibility Issues.

Reference Materials: Section 235(d)(3), INA; 8 CFR 292.5(b) and the Inspector's Field Manual (IFM), Chapters 2.9 and 17.1(e)

The purpose of this muster is to explain the procedures to be followed when responding to attorney inquiries regarding admissibility issues, e.g., aliens in secondary or deferred inspection and inadmissible aliens who have been removed or who are awaiting departure. No applicant for admission in primary, secondary or deferred inspection has a right to be represented by an attorney - unless the applicant has become the focus of a *criminal* investigation and has been taken into custody. While this bars attorney representation, it still allows a CBP management official to speak with an attorney as a courtesy.

An employee receiving an inquiry from an attorney regarding an alien in secondary inspection shall refer the attorney to the appropriate management official: the Passport Control Secondary Chief or Secondary SCBPO. Attorney inquiries regarding aliens in Deferred Inspections shall be referred to the Deferred Inspections SCBPO or Chief. Only a management official may respond to an attorney inquiry. No non-supervisory employee shall communicate with an attorney in any manner except to refer the attorney to the appropriate management official.

The Chief or SCBPO may, *as a courtesy*, speak with the attorney. Dealing with attorneys is a good developmental experience. It can also provide information that will assist in making the correct decision during a secondary or deferred inspection.

If the attorney offers to present evidence of an alien's admissibility, the Chief or SCBPO should ask the attorney to do so, provided that it will not delay the inspection. Examples of evidence would include a copy of a Form I-797 showing an approved extension of stay or an approved nonimmigrant visa petition. This is appropriate since it is allowed by section 235(d)(3), INA (authority of CBP officers to take and consider evidence *from any person* touching the privilege of any alien to enter the United States).

On the other hand, an attorney might seek to make arguments to gain the alien's admission or to advocate for a favorable exercise of discretion, e.g., waiver of documentary requirements (Form I-193), parole for deferred inspection or a port parole. This crosses the line into representation and is inappropriate.

The Chief or SCBPO may inform the attorney of the disposition in a secondary inspection once decision has been made but should not become involved in a discussion of the merits or specific facts of any particular case. The Chief or SCBPO may continue speaking with the attorney if s/he deems it appropriate but shall terminate the conversation when s/he determines that continued discussion is a distraction from the performance of his/her supervisory duties.

Attorneys requesting additional case information shall be advised to file a request under the Freedom of Information Act (FOIA). Attorneys expressing dissatisfaction with the response provided by any Chief or SCBPO shall be referred to the Passport Control Secondary Chief.

No employee (supervisory or non-supervisory) shall continue a conversation with any attorney who is rude, abusive or threatening. The employee shall refer the attorney to the Passport Control Section Chief. The employee shall not get into any further discussion with this attorney. If the attorney persists, the employee will politely terminate the call by stating that s/he is no longer authorized to talk to the attorney and is required to hang up by direction of the Passport Control Section Chief. The employee shall then hang up. If the attorney continues to call, the employee will again terminate the call as discussed above. The employee shall then advise the Section Chief of this event by email with copies to the Secondary Chief and Watch Commander.

Prepared by:

(b)(6) (b)(7)(C)
Section Chief, Passport Control

Date:

DRAFT

Personal Search Handbook

Office of Field Operations

CIS HB 3300-04B

July 2004



U.S. Customs and
Border Protection



Standard Operating Procedures for Secondary Immigration Case Processing

DISCLAIMER

***THIS IS A SHORT CUT
TO THE INSPECTOR'S FIELD MANUAL (M-450)***



**ALL INFORMATION CONTAINED IN THIS SOP IS FROM THE M-450
AND NEW UPDATED POLICIES FROM THE
DIRECTOR OF FIELD OPERATIONS, LAREDO
ACTING EXECUTIVE DIRECTOR OF
IMMIGRATION POLICY AND PROGRAMS**

**Please review the section in the Inspectors Field Manual (M-450)
For complete updated processing instructions.**

INSPECTORS FIELD MANUAL

Once on the Inspectors Field Manual the first Section will be the Transmittal Memo Sections. This section contains updates on a diversity of matters pertaining to Processing of Non-Immigrants and Immigrants. A recommendation is made to every officer to review this section constantly so they can be aware of the most recent changes.

The next section is the table of contents. This is the easiest way to search for a procedures rather than using the query function.

CBP Standard Operating Procedures for Secondary Immigration Case Processing

Non-responsive to the request

■

Dealing with Attorneys and Other Representatives

34

(Reference INSERTS CHPT. 2.9)

Non-responsive to the request

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OTHER--INADMISSABLE ALIENS

Non-responsive to the request



Non-responsive to the request



Non-responsive to the request



Non-responsive to the request



Dealing with Attorneys and Other Representatives

No applicant for admission, either during primary or secondary inspection has a right to be represented by an attorney - unless the applicant has become the focus of a criminal investigation and has been taken into custody. An attorney who attempts to impede in any way your inspection should be courteously advised of this regulation. This does not preclude you, as an inspecting officer, to permit a relative, friend, or representative access to the inspectional area to provide assistance when the situation warrants such action. A more comprehensive treatment of this topic is contained in the *Adjudicator's Field Manual*, Chapter 12, and **8 CFR 292.5(b)**

**U.S. Customs and
Border Protection**

APR 29 2011

John P. Pratt, Esq.
President, AILA South Florida Chapter
2650 SW 27th Avenue, Suite 200
Miami, Florida 33133

Dear Mr. Pratt:

Thank you for your inquiry regarding recent interactions between AILA attorneys and U.S. Customs and Border Protection (CBP) staff at the Office of Deferred Inspection in Miami, Florida. In your inquiry, you express concern about the right to counsel clients at this office. You and other attorneys in your organization are also concerned about the perceived unprofessional behavior of CBP personnel. Please allow me to address the situation.

Deferred Inspection is a continuation of the port of entry inspection, therefore there is no right to counsel, unless the applicant has become the focus of a criminal investigation and has been taken into custody. It is at the discretion of the Deferred Inspection Supervisory Officer as to whether the alien's attorney may be present during the deferred inspection process.

CBP takes allegations of employee misconduct very seriously and has instituted policies pertaining to abuses of authority. Complaints of unprofessional conduct are recorded, investigated, and appropriate action is taken against CBP officers who are found to have violated policy. However, the Privacy Act prohibits any disclosure of discipline towards CBP personnel.

Let me assure you that the issues raised in your letter are being addressed promptly and professionally. In the future, as provided by the Director of Field Operations to all AILA representatives, if you are dissatisfied with the decision of the duty Supervisor at the Office of Deferred Inspection, please request to speak with a Station Chief regarding your concerns. A Station Chief is always on duty and can be reached at 786-369-3500. Thank you for bringing this information to our attention.

Sincerely,

A handwritten signature in blue ink that reads "Diane J. Sabatino".

Diane J. Sabatino
Assistant Port Director
Passenger Operations
Miami International Airport

G-28, Notice of Entry of Appearance as Attorney or Accredited Representative

Department of Homeland Security

Instructions

What Is the Purpose of This Form?

An attorney or accredited representative appearing before the Department of Homeland Security (DHS) must file Form G-28 in each case. Form G-28 must be properly completed and signed by the petitioner, applicant, or respondent to authorize representation for the appearance to be recognized by U.S. Citizenship and Immigration Services (USCIS), U.S. Customs and Border Protection (CBP), and U.S. Immigration and Customs Enforcement (ICE). Under 8 CFR 103.2(a)(3), a beneficiary of a petition is not a recognized party in a proceeding before USCIS. Form G-28 will be recognized by USCIS, CBP, or ICE until the conclusion of the matter for which it was entered. This does not change the requirement that a new Form G-28 must be filed with the Administrative Appeals Office when filing an appeal to that office on Form I-290B, Notice of Appeal or Motion.

Who May Use This Form?

Appearances for Immigration Matters

This form is used only by attorneys and accredited representatives (as defined in 8 CFR 1.1(f) and 292.1(a)(4)).

Attorneys admitted to the practice of law in countries other than the United States must use Form G-281 and may only represent individuals in matters filed in DHS offices outside the geographical confines of the United States.

An attorney or accredited representative who seeks to withdraw his or her appearance in a proceeding before DHS must file a written request with the DHS office with jurisdiction over the pending matter. An attorney or accredited representative who seeks to be recognized by DHS as the new representative for an applicant, petitioner, or respondent must file a properly completed Form G-28 with the DHS office with jurisdiction over the pending matter. An attorney or accredited representative who is appearing for a limited purpose at the request of the attorney or accredited representative of record must file a properly completed Form G-28 as noted on the form.

When a person acts in a representative capacity, his or her personal appearance or signature shall constitute a representation under the provisions of 8 CFR 103.2(a)(3) and 292.1(a)(1) or 292.1(a)(4) that he or she is authorized and qualified to represent the individual. Further proof of authority to act in a representative capacity may be required.

General Instructions

Part 1. Notice of Appearance as Attorney or Accredited Representative

- A. Check one block to indicate the DHS agency where the matter is filed. If it is USCIS, list the form number(s) filed with Form G-28. If it is CBP or ICE, list the specific matter in which the appearance is entered.
- B. Fill in all information. The mailing address of the applicant, petitioner, or respondent is required in this part of the form, except when filed under the Violence Against Women Act (VAWA). The applicant, petitioner, or respondent must sign the form, preferably in dark blue or black ink.

Part 2. Information about Attorney or Accredited Representative

- A. Attorneys admitted to practice in the United States, as defined in 8 CFR 1.1(f):

Check the box and fill in required information regarding the State bar(s) of admission. If you are subject to any order of any court suspending, enjoining, restraining, disbaring, or otherwise restricting you in the practice of law, you must disclose this information on Form G-28. Attorneys are required to notify DHS of convictions or discipline pursuant to 8 CFR 292.3.

- B.** Accredited representatives of recognized organizations, as defined in 8 CFR 292.1(a)(4):

Check the box and fill in the name of the organization recognized by the Board of Immigration Appeals (BIA) under 8 CFR 292.2 and provide the expiration date of your accreditation.

- C.** Attorneys or accredited representatives associated with the attorney or accredited representative with Form G-28 previously filed in this matter:

Check the box and fill in the name of the attorney or accredited representative who has previously filed Form G-28 in this matter. A new Form G-28 must be filed by each attorney associated with that attorney or accredited representative.

You must also check Box A or B and provide the required information.

Part 3. Name and Signature of Attorney or Accredited Representative

Fill in all information and sign the form, preferably in dark blue or black ink.

Warning

Individuals appearing as attorneys or accredited representatives are subject to the rules of Professional Conduct for Practitioners found in 8 CFR 292.3.

Freedom of Information/Privacy Act

This form may not be used to request records under the Freedom of Information Act or the Privacy Act 5 USC 552 & 552a. The procedures for requesting such records are contained in 6 CFR 5.

Paperwork Reduction Act

An agency may not conduct or sponsor an information collection, and a person is not required to respond to a collection of information, unless it displays a currently valid OMB control number. The public reporting burden for this collection of information is estimated at 20 minutes per response, including the time for reviewing instructions and completing and submitting the form. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to: U.S. Citizenship and Immigration Services, Regulatory Products Division, 111 Massachusetts Avenue, NW, 3rd Floor, Suite 3008, Washington, DC 20529-2210, OMB No. 1615-0105. **Do not mail your application to this address.**

G-28, Notice of Entry of Appearance as Attorney or Accredited Representative

Department of Homeland Security

Part 1. Notice of Appearance as Attorney or Accredited Representative

A. This appearance is in regard to immigration matters before:

- USCIS - List the form number(s): _____ CBP - List the specific matter in which appearance is entered:
- ICE - List the specific matter in which appearance is entered: _____

B. I hereby enter my appearance as attorney or accredited representative at the request of:

List Petitioner, Applicant, or Respondent. **NOTE:** Provide the mailing address of Petitioner, Applicant, or Respondent being represented, and not the address of the attorney or accredited representative, except when filed under VAWA.

Principal Petitioner, Applicant, or Respondent			A Number or Receipt Number, if any	<input type="checkbox"/> Petitioner <input type="checkbox"/> Applicant <input type="checkbox"/> Respondent	
Name: Last	First	Middle			
Address: Street Number and Street Name Apt. No. City State Zip Code					

Pursuant to the Privacy Act of 1974 and DHS policy, I hereby consent to the disclosure to the named Attorney or Accredited Representative of any record pertaining to me that appears in any system of records of USCIS, USCBP, or USICE.

Signature of Petitioner, Applicant, or Respondent

Date

Part 2. Information about Attorney or Accredited Representative *(Check applicable items(s) below)*

- A. I am an attorney and a member in good standing of the bar of the highest court(s) of the following State(s), possession(s), territory(ies), commonwealth(s), or the District of Columbia: _____
 I am not or am subject to any order of any court or administrative agency disbaring, suspending, enjoining, restraining, or otherwise restricting me in the practice of law (If you are subject to any order(s), explain fully on reverse side).
- B. I am an accredited representative of the following qualified non-profit religious, charitable, social service, or similar organization established in the United States, so recognized by the Department of Justice, Board of Immigration Appeals pursuant to 8 CFR 1292.2. Provide name of organization and expiration date of accreditation: _____
- C. I am associated with _____
 The attorney or accredited representative of record previously filed Form G-28 in this case, and my appearance as an attorney or accredited representative is at his or her request (If you check this item, also complete item A or B above in Part 2, whichever is appropriate).

Part 3. Name and Signature of Attorney or Accredited Representative

I have read and understand the regulations and conditions contained in 8 CFR 103.2 and 292 governing appearances and representation before the Department of Homeland Security. I declare under penalty of perjury under the laws of the United States that the information I have provided on this form is true and correct.

Name of Attorney or Accredited Representative	Attorney Bar Number(s), if any
Signature of Attorney or Accredited Representative	Date
Complete Address of Attorney or Organization of Accredited Representative (Street Number and Street Name, Suite No., City, State, Zip Code)	
Phone Number (Include area code)	Fax Number, if any (Include area code)
E-Mail Address, if any	