



Homeland
Security

Privacy Office, Mail Stop 0655

September 30, 2021

SENT VIA E-MAIL TO: emma.lewis@americanoversight.org

Emma Lewis
American Oversight
1030 15th Street, NW B255
Washington, DC 20005

Re: **20-cv-01367-RCL**
American Oversight v. Department of Homeland Security et al.
9th Interim Release for DHS FOIA Litigation No. 2020-HQLI-00030

Dear Ms. Lewis:

This is our 9th interim release of records related to your Freedom of Information Act (FOIA) request to the Department of Homeland Security (DHS), received on March 19, 2020.

For this production the DHS reviewed 501 pages of potentially responsive records. Of those 501 pages the DHS has determined that 501 pages are responsive to your request. The DHS has determined to withhold in part or in full 398 pages, pursuant to FOIA Exemptions (b)(5), (b)(6) and (b)(7)(c). 35 pages are being sent to other Federal agencies for consults, 36 pages are being withheld in their entirety, 16 pages were duplicates and 14 pages were nonresponsive. Further, 177 pages will be released to you in full. **Bates Numbers begins with DHS-PRIV – 002719 through DHS-PRIV – 003117.**

If you have any questions regarding this release, please contact Andrew Freidah, United States Department of Justice's Civil Division, Federal Programs Branch, at Andrew.f.freidah@usdoj.gov.

Sincerely,

A handwritten signature in black ink that reads "Eric A. Neuschaefter".

Eric A. Neuschaefter
Senior Director, FOIA Litigation, Appeals, Policy,
and Training (Acting)

Enclosed: 398 pages

From: Johnson, Tae D
Sent: 28 Apr 2020 12:35:22 +0000
To: (b)(6); (b)(7)(C)
Cc:
Subject: FW: Family Residential Standards (FRS) revised

Please have the team begin working on this if they haven't already. Thx

Sent with BlackBerry Work
(www.blackberry.com)

From: Albence, Matthew (b)(6); (b)(7)(C) @ice.dhs.gov>
Date: Monday, Apr 27, 2020, 9:49 PM
To: Johnson, Tae D (b)(6); (b)(7)(C) @ice.dhs.gov>, Benner, Derek N (b)(6); (b)(7)(C) @ice.dhs.gov>, Kelly, Christopher S (b)(6); (b)(7)(C) @ice.dhs.gov>, (b)(6); (b)(7)(C) @ice.dhs.gov>
Cc: Lucero, Enrique M (b)(6); (b)(7)(C) @ice.dhs.gov>
Subject: RE: Family Residential Standards (FRS) revised

Ok-Let's talk about. May be good just to have some FAQs and TPS in the can. I think (b)(5)
(b)(5)

Sent with BlackBerry Work
(www.blackberry.com)

From: Johnson, Tae D (b)(6); (b)(7)(C) @ice.dhs.gov>
Date: Monday, Apr 27, 2020, 7:44 PM
To: Albence, Matthew (b)(6); (b)(7)(C) @ice.dhs.gov>, Benner, Derek N (b)(6); (b)(7)(C) @ice.dhs.gov>, Kelly, Christopher S (b)(6); (b)(7)(C) @ice.dhs.gov>, (b)(6); (b)(7)(C) @ice.dhs.gov>
Cc: Lucero, Enrique M (b)(6); (b)(7)(C) @ice.dhs.gov>
Subject: FW: Family Residential Standards (FRS) revised

Matt (b)(5)
(b)(5)

Sent with BlackBerry Work
(www.blackberry.com)

From: (b)(6); (b)(7)(C) @ice.dhs.gov>
Date: Monday, Apr 27, 2020, 6:34 PM
To: (b)(6); (b)(7)(C) @ice.dhs.gov>, Johnson, Tae D
 <(b)(6); (b)(7)(C) @ice.dhs.gov> (b)(6); (b)(7)(C) @ice.dhs.gov>
Cc: Lucero, Enrique M (b)(6); (b)(7)(C) @ice.dhs.gov>
Subject: RE: Family Residential Standards (FRS) revised

Also, IHSC already implemented the change to the physical timeline one the decision was agreed upon.

Sent with BlackBerry Work
(www.blackberry.com)

From: (b)(6); (b)(7)(C) @ice.dhs.gov>
Date: Monday, Apr 27, 2020, 5:07 PM
To: Johnson, Tae D <(b)(6); (b)(7)(C) @ice.dhs.gov>, (b)(6); (b)(7)(C) @ice.dhs.gov>, (b)(6); (b)(7)(C) @ice.dhs.gov>
Cc: Lucero, Enrique M (b)(6); (b)(7)(C) @ice.dhs.gov>
Subject: RE: Family Residential Standards (FRS) revised

I checked with the SME and we don't have any concerns. The only significant disagreement with (b)(5)

(b)(5) Tae was in the meeting with IHSC when we hashed that one out. There really isn't that much that isn't already operational at the FRCS as we've implemented the changes over time.

(b)(6); (b)(7)(C) Chief
 Juvenile & Family Residential Management Unit
 DHS/ICE/ERO
 Office: 202-732-(b)(6);
 iPhone: 404-925-(b)(7)(C)

From: Johnson, Tae D (b)(6); (b)(7)(C) @ice.dhs.gov>
Sent: Monday, April 27, 2020 4:57 PM
To: (b)(6); (b)(7)(C) @ice.dhs.gov>, (b)(6); (b)(7)(C) @ice.dhs.gov>, (b)(6); (b)(7)(C) @ice.dhs.gov>
Cc: Lucero, Enrique M (b)(6); (b)(7)(C) @ice.dhs.gov>
Subject: FW: Family Residential Standards (FRS) revised

Thoughts folks?

Sent with BlackBerry Work
(www.blackberry.com)

From: Albence, Matthew <(b)(6); (b)(7)(C)@ice.dhs.gov>
Date: Monday, Apr 27, 2020, 4:52 PM
To: Lucero, Enrique M <(b)(6); (b)(7)(C)@ice.dhs.gov>, Benner, Derek N <(b)(6); (b)(7)(C)@ice.dhs.gov>
Cc: Johnson, Tae D <(b)(6); (b)(7)(C)@ice.dhs.gov>, (b)(6); (b)(7)(C)@ice.dhs.gov>, Kelly, Christopher S <(b)(6); (b)(7)(C)@ice.dhs.gov>
Subject: RE: Family Residential Standards (FRS) revised

Henry:

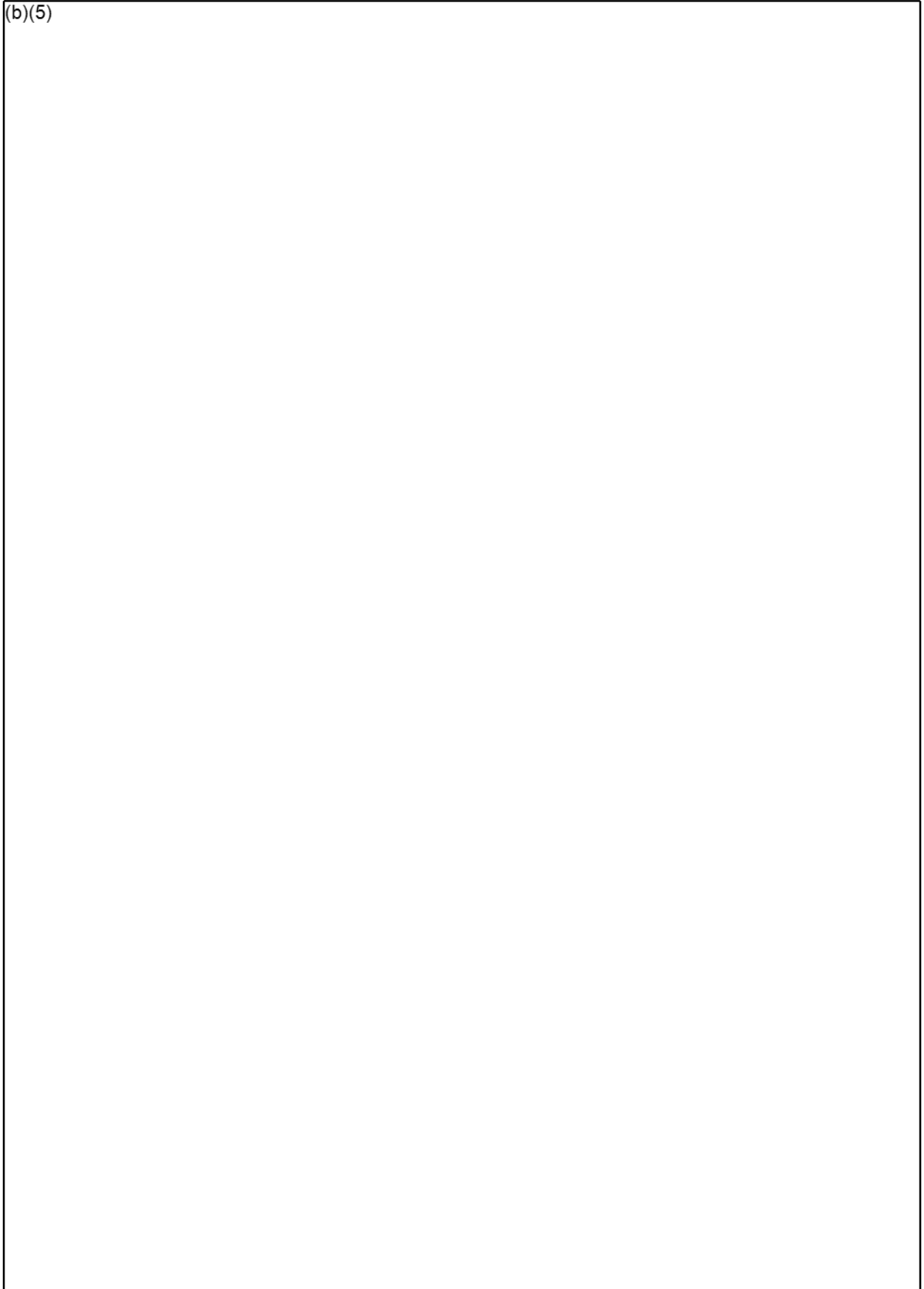
These sound good. (b)(5)
(b)(5)

From: Lucero, Enrique M <(b)(6); (b)(7)(C)@ice.dhs.gov>
Sent: Friday, April 24, 2020 1:16 PM
To: Albence, Matthew <(b)(6); (b)(7)(C)@ice.dhs.gov>; Benner, Derek N <(b)(6); (b)(7)(C)@ice.dhs.gov>
Cc: Johnson, Tae D <(b)(6); (b)(7)(C)@ice.dhs.gov>, (b)(6); (b)(7)(C)@ice.dhs.gov>; Kelly, Christopher S <(b)(6); (b)(7)(C)@ice.dhs.gov>
Subject: RE: Family Residential Standards (FRS) revised

High level changes are below, if you need more detail please let me know.

(b)(5)

(b)(5)



(b)(5)

From: Albence, Matthew (b)(6); (b)(7)(C) @ice.dhs.gov>
Sent: Friday, April 24, 2020 1:13 PM
To: Lucero, Enrique M (b)(6); (b)(7)(C) @ice.dhs.gov>; Benner, Derek N (b)(6); (b)(7)(C) @ice.dhs.gov>
Cc: Johnson, Tae D (b)(6); (b)(7)(C) @ice.dhs.gov> (b)(6); (b)(7)(C) @ice.dhs.gov>;

Kelly, Christopher S <(b)(6); (b)(7)(C)@ice.dhs.gov>
Subject: RE: Family Residential Standards (FRS) revised

Do you have a synopsis of the relevant changes?

Sent with BlackBerry Work
(www.blackberry.com)

From: Lucero, Enrique M <(b)(6); (b)(7)(C)@ice.dhs.gov>
Date: Friday, Apr 24, 2020, 1:06 PM
To: Albence, Matthew <(b)(6); (b)(7)(C)@ice.dhs.gov>, Benner, Derek N <(b)(6); (b)(7)(C)@ice.dhs.gov>
Cc: Johnson, Tae D <(b)(6); (b)(7)(C)@ice.dhs.gov>, <(b)(6); (b)(7)(C)@ice.dhs.gov>, Kelly, Christopher S <(b)(6); (b)(7)(C)@ice.dhs.gov>
Subject: Family Residential Standards (FRS) revised

Matt/Derek,

I plan to approve the FRS revisions today as they have been through multiple layers of review, no change will take place immediately. We will work with stakeholders to roll out and notify Congress through appropriate channels once we have determined the best date to begin implementation. Sending for awareness at this time.

Thanks,

Henry

From: Johnson, Tae D
Sent: 25 Mar 2020 01:20:26 +0000
To: Smith, Stewart D
Subject: FW: ERO NYC reports Detainee (b)(6); (b)(7)(C) Tested Positive for COVID-19

Please check with the FMC in the AM to see if there is an update. Thanks Stew.

From: Lucero, Enrique M (b)(6); (b)(7)(C)@ice.dhs.gov>
Sent: Tuesday, March 24, 2020 8:22 AM
To: Smith, Stewart D (b)(6); (b)(7)(C)@ice.dhs.gov>
Cc: Johnson, Tae D (b)(6); (b)(7)(C)@ice.dhs.gov>
Subject: FW: ERO NYC reports Detainee (b)(6); (b)(7)(C) Tested Positive for COVID-19

Does the FMC have anything to report regarding this facility and the information we received last night?

From: (b)(6); (b)(7)(C)@ice.dhs.gov>
Sent: Monday, March 23, 2020 8:47 PM
To: Smith, Stewart D (b)(6); (b)(7)(C)@ice.dhs.gov>; Lucero, Enrique M (b)(6); (b)(7)(C)@ice.dhs.gov>; (b)(6); (b)(7)(C)@ice.dhs.gov>; (b)(6); (b)(7)(C)@ice.dhs.gov>
Cc: Johnson, Tae D (b)(6); (b)(7)(C)@ice.dhs.gov>; (b)(6); (b)(7)(C)@ice.dhs.gov>; (b)(6); (b)(7)(C)@ice.dhs.gov>; (b)(6); (b)(7)(C)@ice.dhs.gov>; (b)(6); (b)(7)(C)@ice.dhs.gov>
Subject: RE: ERO NYC reports Detainee (b)(6); (b)(7)(C) Tested Positive for COVID-19

Thank you. He was not previously reported to us. I will add him to the tracker now. Since he had been in the facility in ICE custody since Feb 12th, do we know if any staff or visitors to that facility had been reported with confirmed COVID-19?

Or – does that facility receive any transfers from Rikers which has several confirmed cases (reported in the news media)?

(b)(6); DrPH, MA, CAPT USPHS
 Chief, Public Health, Safety, and Preparedness (PHSP) Unit
 DHS/ICE/ERO/ICE Health Service Corps
 Cell: 202-210-(b)(6);
 Fax: 866-573-8531
 Email: (b)(6);@ice.dhs.gov
 In office: Mon, Wed
 Telework: Tue, Thu, Fri

From: Smith, Stewart D (b)(6); (b)(7)(C)@ice.dhs.gov>
Sent: Monday, March 23, 2020 8:43 PM
To: Lucero, Enrique M (b)(6); (b)(7)(C)@ice.dhs.gov>; (b)(6); (b)(7)(C)@ice.dhs.gov>; (b)(6); (b)(7)(C)@ice.dhs.gov>
Cc: Johnson, Tae D (b)(6); (b)(7)(C)@ice.dhs.gov>; (b)(6); (b)(7)(C)@ice.dhs.gov>; (b)(6); (b)(7)(C)@ice.dhs.gov>

(b)(6): [redacted]@ice.dhs.gov>

Subject: RE: ERO NYC reports Detainee (b)(6); (b)(7)(C) [redacted] Tested Positive for COVID-19

Thx, Henry

Dr. Stewart D. Smith, MPH, CCHP, FACHE
Assistant Director | ICE Health Service Corps

Desk: 202-732-1116 | Cell: 202-321-1116

Executive Assistant: Ms. (b)(6); (b)(7)(C) [redacted]@associates.ice.dhs.gov

Desk: 202-732-1116 | Cell: 202-893-1116

"IHSC: One Team, One Mission...Leading the Way in Immigration Health Care"

From: Lucero, Enrique M (b)(6); (b)(7)(C) [redacted]@ice.dhs.gov>

Sent: Monday, March 23, 2020 8:42 PM

To: Smith, Stewart D (b)(6); (b)(7)(C) [redacted]@ice.dhs.gov>; (b)(6); (b)(7)(C) [redacted]@ice.dhs.gov>; (b)(6); (b)(7)(C) [redacted]@ice.dhs.gov>

Cc: Johnson, Tae D (b)(6); (b)(7)(C) [redacted]@ice.dhs.gov>

Subject: FW: ERO NYC reports Detainee (b)(6); (b)(7)(C) [redacted] Tested Positive for COVID-19

FYSA

From: Albence, Matthew (b)(6); (b)(7)(C) [redacted]@ice.dhs.gov>

Sent: Monday, March 23, 2020 8:40 PM

To: Lucero, Enrique M (b)(6); (b)(7)(C) [redacted]@ice.dhs.gov>; Asher, Nathalie R (b)(6); (b)(7)(C) [redacted]@ice.dhs.gov>; Benner, Derek N (b)(6); (b)(7)(C) [redacted]@ice.dhs.gov>

Cc: Johnson, Tae D (b)(6); (b)(7)(C) [redacted]@ice.dhs.gov>; Kelly, Christopher S (b)(6); (b)(7)(C) [redacted]@ice.dhs.gov>; (b)(6); (b)(7)(C) [redacted]@ice.dhs.gov>

(b)(6); (b)(7)(C) [redacted]@ice.dhs.gov>; (b)(6); (b)(7)(C) [redacted]@ice.dhs.gov>

Subject: RE: ERO NYC reports Detainee (b)(6); (b)(7)(C) [redacted] Tested Positive for COVID-19

Thanks.

Sent with BlackBerry Work
(www.blackberry.com)

From: Lucero, Enrique M (b)(6); (b)(7)(C) [redacted]@ice.dhs.gov>

Date: Monday, Mar 23, 2020, 8:32 PM

To: Asher, Nathalie R (b)(6); (b)(7)(C) [redacted]@ice.dhs.gov>; Benner, Derek N (b)(6); (b)(7)(C) [redacted]@ice.dhs.gov>; Albence, Matthew (b)(6); (b)(7)(C) [redacted]@ice.dhs.gov>

Cc: Johnson, Tae D (b)(6); (b)(7)(C) [redacted]@ice.dhs.gov>; Kelly, Christopher S (b)(6); (b)(7)(C) [redacted]@ice.dhs.gov>; (b)(6); (b)(7)(C) [redacted]@ice.dhs.gov>; (b)(6); (b)(7)(C) [redacted]@ice.dhs.gov>

A (b)(6); (b)(7)(C) [redacted]@ice.dhs.gov>

Subject: RE: ERO NYC reports Detainee (b)(6); (b)(7)(C) [redacted] Tested Positive for COVID-19

This mornings report showed 277 ICE detainees in custody at this location. Determining next steps now.

Enrique M. Lucero

Executive Associate Director
 Enforcement and Removal Operations
 U.S. Immigration and Customs Enforcement
 202 732 (b)(6); (b)(7)(C) (office)
 (b)(6); (b)(7)(C) @ice.dhs.gov

From: Asher, Nathalie R (b)(6); (b)(7)(C) @ice.dhs.gov>
Sent: Monday, March 23, 2020 8:27 PM
To: Benner, Derek N (b)(6); (b)(7)(C) @ice.dhs.gov>; Lucero, Enrique M
 <(b)(6); (b)(7)(C) @ice.dhs.gov>; Albence, Matthew (b)(6); (b)(7)(C) @ice.dhs.gov>
Cc: Johnson, Tae D (b)(6); (b)(7)(C) @ice.dhs.gov>; Kelly, Christopher S
 (b)(6); (b)(7)(C) @ice.dhs.gov>; (b)(6); (b)(7)(C) @ice.dhs.gov>; (b)(6);
 (b)(6); (b)(7)(C) @ice.dhs.gov>; Barrera, Staci A (b)(6); (b)(7)(C) @ice.dhs.gov>
Subject: RE: ERO NYC reports Detainee (b)(6); (b)(7)(C) Tested Positive for COVID-19

Yep - thx.

Sent with BlackBerry Work
 (www.blackberry.com)

From: Benner, Derek N (b)(6); (b)(7)(C) @ice.dhs.gov>
Date: Monday, Mar 23, 2020, 8:26 PM
To: Lucero, Enrique M (b)(6); (b)(7)(C) @ice.dhs.gov>, Albence, Matthew
 (b)(6); (b)(7)(C) @ice.dhs.gov>
Cc: Johnson, Tae D (b)(6); (b)(7)(C) @ice.dhs.gov>, Kelly, Christopher S (b)(6); (b)(7)(C) @ice.dhs.gov>,
 (b)(6); (b)(7)(C) @ice.dhs.gov>, (b)(6); (b)(7)(C) @ice.dhs.gov>, Asher,
 Nathalie R (b)(6); (b)(7)(C) @ice.dhs.gov>, Barrera, Staci A (b)(6); (b)(7)(C) @ice.dhs.gov>
Subject: RE: ERO NYC reports Detainee (b)(6); (b)(7)(C) Tested Positive for COVID-19

10-4 adding Nathalie and Staci for awareness

From: Lucero, Enrique M (b)(6); (b)(7)(C) @ice.dhs.gov>
Date: Monday, Mar 23, 2020, 8:23 PM
To: Albence, Matthew (b)(6); (b)(7)(C) @ice.dhs.gov>, Benner, Derek N (b)(6); (b)(7)(C) @ice.dhs.gov>
Cc: Johnson, Tae D (b)(6); (b)(7)(C) @ice.dhs.gov>, Kelly, Christopher S (b)(6); (b)(7)(C) @ice.dhs.gov>,
 (b)(6); (b)(7)(C) @ice.dhs.gov> (b)(6); (b)(7)(C) @ice.dhs.gov>
Subject: ERO NYC reports Detainee (b)(6); (b)(7)(C) Tested Positive for COVID-19

See below- first positive detainee for COVID-19 at Bergen County Jail located in New Jersey.

From: (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) @ice.dhs.gov>
Sent: Monday, March 23, 2020 7:57 PM
To: (b)(6); (b)(7)(C) @ice.dhs.gov>
Cc: Meade, Michael W (b)(6); (b)(7)(C) @ice.dhs.gov>; (b)(6); (b)(7)(C)

<(b)(6); (b)(7)(C)@ice.dhs.gov>;(b)(6); (b)(7)(C)@ice.dhs.gov>;(b)(6); (b)(7)(C)
<(b)(6); (b)(7)(C)@ice.dhs.gov>

Subject: ERO NYC Detainee (b)(6); (b)(7)(C) Tested Positive for COVID-19

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

ERO NYC reported their first COVID-19 positive detainee out of Bergen County Jail. They will be completing a SIR tonight. This is for your visibility. Other detainees he was in contact with are being quarantined and monitored appropriately.

(b)(6); (b)(7)(C) year-old male citizen of Mexico is currently detained at Bergen County Jail, Hackensack, NJ since February 12, 2020.

On an unknown date, place, and time, (b)(6); entered the United States without being admitted or paroled.

Subject had a previous arrest by the New York Police Department (NYPD) for public intoxication.

On February 12, 2020, ERO New York Fugitive Operations Unit arrested (b)(6); and served him with an NTA charging inadmissibility pursuant to 212(a)(6)(A)(i) of the INA

Next hearing before EOIR April 3, 2020

On March 23, 2020 (b)(6); (b)(7)(C) was taken to Hackensack University Medical Center (HUMC), Hackensack, NJ to rule out COVID-19. The test results came back positive (b)(6); (b)(7)(C) will remain in HUMC for further treatment.

Thanks

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

Deputy Assistant Director
Immigration and Customs Enforcement
Enforcement and Removal Operations
Domestic Operations, Eastern Operations
500 12th Street S.W. MS5201
Washington, D.C. 20536

(b)(6); (b)(7)(C)@ice.dhs.gov
(202) 732-(b)(6); Desk

From: Johnson, Tae D
Sent: 28 Apr 2020 13:19:39 +0000
To: (b)(6); (b)(7)(C)
Subject: FW: Flores Ruling
Attachments: MMV Mem Op 4.27.20.pdf, MMV Order 4.27.20.pdf, Flores Order on Plaintiffs' MTE ECF 784 4_24_20.pdf

From: Pham, Tony H (b)(6); (b)(7)(C) @ice.dhs.gov>
Sent: Monday, April 27, 2020 6:34 PM
To: Albence, Matthew (b)(6); (b)(7)(C) @ice.dhs.gov>
Cc: Kelly, Christopher S (b)(6); (b)(7)(C) @ice.dhs.gov>; Benner, Derek N (b)(6); (b)(7)(C) @ice.dhs.gov>; Lucero, Enrique M (b)(6); (b)(7)(C) @ice.dhs.gov>; Johnson, Tae D (b)(6); (b)(7)(C) @ice.dhs.gov>; Loiacono, Adam V (b)(6); (b)(7)(C) @ice.dhs.gov>; Davis, Mike P (b)(6); @ice.dhs.gov>
Subject: RE: Flores Ruling

Matt-

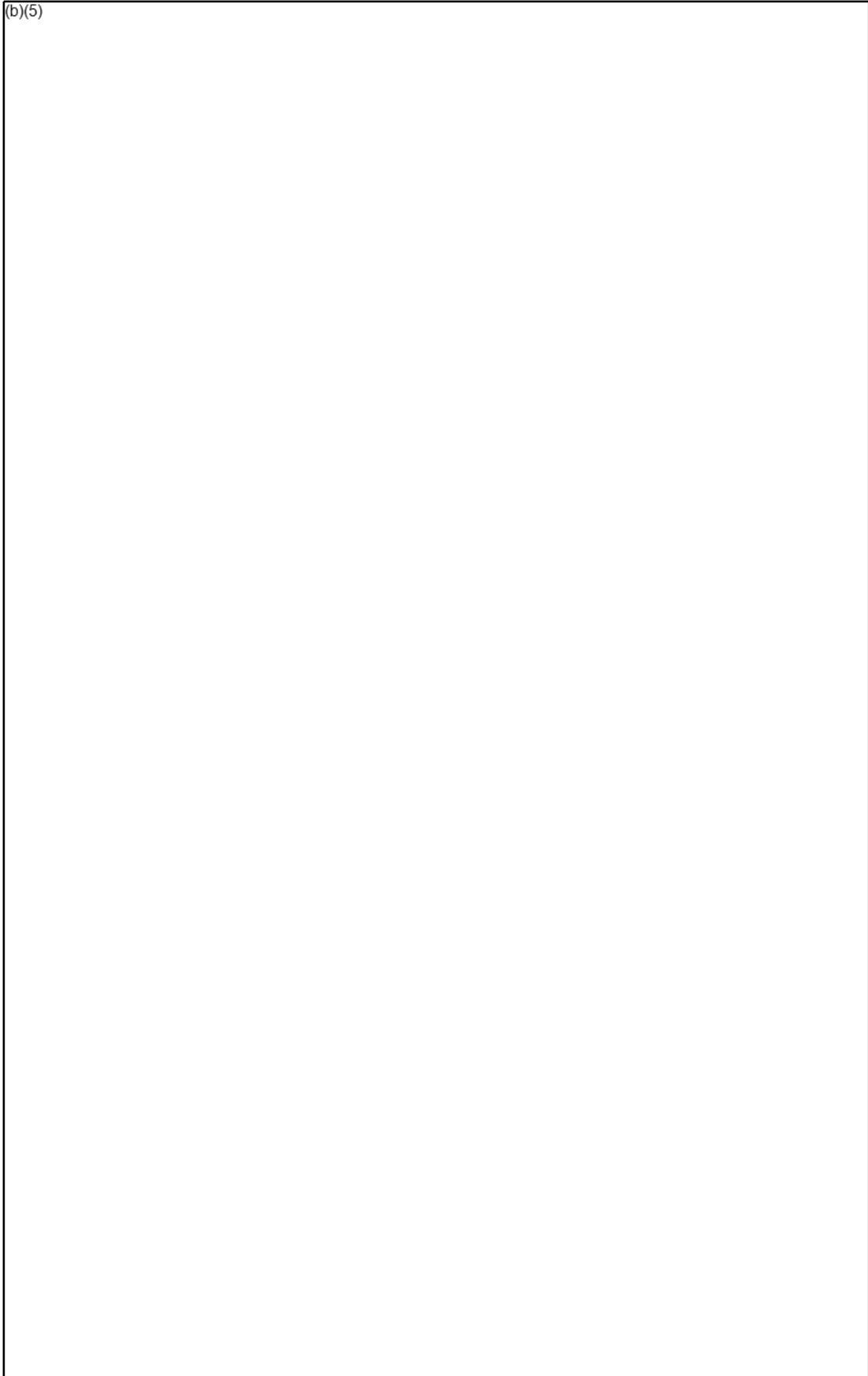
My apologies for the delay. My folks have been scrambling on a few other litigation matters this weekend and today. As you are aware, late Friday evening, Judge Gee issued an adverse order in *Flores* with regard to what Plaintiffs filed as a motion for a preliminary injunction, but she construed as a motion to enforce the *Flores* Settlement Agreement. On balance, the order could have been worse. With regard

(b)(5)

Summaries of each order follow, and the orders are attached.

(b)(5)

(b)(5)



(b)(5)

[Redacted]

(b)(5)

[Redacted]

(b)(5)

We will keep you updated as they cases proceed.

Thanks,

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

From: Albence, Matthew <(b)(6); (b)(7)(C)@ice.dhs.gov>
Sent: Monday, April 27, 2020 12:52 PM
To: (b)(6); (b)(7)(C)@ice.dhs.gov>
Cc: Kelly, Christopher S <(b)(6); (b)(7)(C)@ice.dhs.gov>; Benner, Derek N <(b)(6); (b)(7)(C)@ice.dhs.gov>; Lucero, Enrique M <(b)(6); (b)(7)(C)@ice.dhs.gov>; Johnson, Tae D <(b)(6); (b)(7)(C)@ice.dhs.gov>
Subject: Flores Ruling

(b)(6);

Saw this in the clips this morning. What are the requirements being imposed upon us and are we looking at appellate options? Thanks.

Judge says government is violating protections for migrant kids

CBS News [4/24/2020 11:16 PM, Camilo Montoya-Galvez, 2394K] reports the federal judge overseeing a 1997 court settlement that governs the care of migrant children in U.S. government custody ordered the Trump administration on Friday to promptly release minors from immigration detention, finding yet again that officials are violating the long-standing agreement. Judge Dolly Gee of the U.S. District Court in Los Angeles found that U.S. Immigration and Customs Enforcement, which detains migrant families with children, and

the Office of Refugee Resettlement, which has custody over unaccompanied minors, are both violating the Flores Settlement Agreement during the coronavirus pandemic, for distinct reasons. The order applies to the approximately 2,100 unaccompanied minors in ORR custody, as well as the 342 children held with their families at the three ICE family detention centers. Gee required both ICE and the U.S. refugee agency to "make every effort to promptly and safely" release the children in their custody who have sponsors, don't pose a danger to themselves or others and are not flight risks. Gee said the U.S. refugee agency can't block the release of children with sponsors simply because they were formerly in Mexico with their family under the Migrant Protection Protocols and have a pending case linked to that program. ICE can't justify not releasing families with children because they are named in federal litigation or due to the fact that they are waiting for a decision by an immigration judge or for officials to adjudicate their credible fear screenings, the first step in the asylum process. Gee also ordered the U.S. refugee agency to temporarily waive the fingerprint requirement for some immediate family members, distant relatives and unrelated adults seeking to sponsor unaccompanied migrant minors. Officials at ORR and ICE did not respond to requests to comment on Friday's order.

Matt

(202) 732-(b)(6);
(202) 271-(b)(7)(C)

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

M.M.V., <i>et al.</i> ,)	
)	
Plaintiffs,)	
)	
v.)	Civil Action No. 19-2773 (ABJ)
)	
WILLIAM BARR,)	
in his official capacity as)	
Attorney General of the)	
United States, <i>et al.</i> ,)	
)	
Defendants.)	

MEMORANDUM OPINION

Plaintiffs, proceeding under pseudonyms, are seeking asylum in the United States. That process is now governed by a new regulation, referred to as the Transit Ban, which requires asylum seekers to apply first in another country on the way here. *See* Asylum Eligibility and Procedural Modifications, 84 Fed. Reg. 33,829 (July 16, 2019). The ban restricts asylum eligibility to those who have applied for protection in another country while in transit to the United States and were denied protection in that country.

This lawsuit does not challenge the Transit Ban directly; plaintiffs challenge what they allege are written regulations, directives, or procedures that have been issued by the administration to implement and enforce the new asylum restrictions. Second Am. Compl. [Dkt. # 54] ¶¶ 1, 3.

Plaintiffs are mothers and their children who are detained at the South Texas Family Residential Center who have been issued negative credible fear and reasonable fear determinations and have received orders to be removed from the United States. *Id.* ¶ 12. Defendants are William P. Barr, the Attorney General of the United States; James McHenry, the Director of the Executive

Office for Immigration Review; Chad F. Wolf, the Acting Secretary of the Department of Homeland Security; Matthew T. Albence, the Acting Director of Immigrations and Customs Enforcement; Mark Morgan, the Acting Commissioner of Customs and Border Protection; Kenneth T. Cuccinelli, the Senior Official Performing the Duties of the Director of U.S. Citizenship and Immigration Services; and Andrew Davidson, the Acting USCIS Asylum Division Chief. *Id.* ¶¶ 112–18.

Plaintiffs claim that the new policies are unlawful under the Administrative Procedure Act, 5 U.S.C. §§ 553, 706(2), because they are contrary to law, arbitrary and capricious, and the Department of Homeland Security (“DHS”) failed to employ appropriate notice and comment procedures in enacting them. Second Am. Compl. ¶¶ 174–82, 189–93. Plaintiffs also claim that the new procedures are unconstitutional because they do not afford the necessary due process to non-citizens and violate their rights under the First and Fifth Amendments. *Id.* ¶¶ 183–88. Plaintiffs seek equitable relief in the form of an order enjoining defendants from issuing expedited removal orders and continuing to apply the new policies and procedures, as well as a declaratory judgment stating that the new policies are contrary to law. *Id.* at 66–67, Prayer for Relief.

Plaintiffs moved for a temporary restraining order on September 25, 2019. Pls.’ First Mot. for TRO [Dkt. # 13] (“Pls.’ First TRO Mot.”). Defendants opposed the motion, Defs.’ Mem. in Opp. to Pls.’ First TRO Mot. [Dkt. # 26] (“Defs. Opp. to First TRO Mot.”), and they moved to dismiss the case in part for lack of subject matter jurisdiction on February 14, 2020. Defs.’ Partial Mot. to Dismiss [Dkt. # 72] (“Defs.’ Mot.”). For the reasons stated below, defendants’ partial motion to dismiss will be granted.

It is worth noting at the outset that this case is not about illegal immigrants. It is about women and children who have travelled great distances, under extraordinarily difficult

circumstances, to request legal admission to this country of immigrants through the long-standing process of applying for asylum, and it is brought against the backdrop of the ongoing efforts of the current administration to erect new barriers to their entry and possibly close the door entirely. But as the plaintiffs in this case have consistently emphasized, this particular lawsuit is not the lawsuit challenging the Transit Ban. And this more limited lawsuit presents numerous complex jurisdictional issues under the Illegal Immigration Reform and Immigrant Responsibility Act, which places substantial limitations on the availability of judicial review. Therefore, even though the majority of the claims and the claimants will be dismissed, nothing in this opinion should be read as expressing any point of view about the lawfulness or the reasonableness of the ban itself, or the legitimacy of any unwritten policies related to its implementation.

BACKGROUND

Statutory and Regulatory Framework

The current asylum system was established by the Refugee Act of 1980, Pub. L. 96-212, 95 Stat. 102. The law was intended to implement the principles agreed to in the 1951 United Nations Convention Relating to the Status of Refugees, July 28, 1951, 189 U.N.T.S. 150 (“Refugee Convention”), and the 1967 United Nations Protocol Relating to the Status of Refugees, Jan. 31, 1967, 606 U.N.T.S. 267. *Negusie v. Holder*, 555 U.S. 511, 535 (2009); Second Am. Compl. ¶ 119. The Refugee Convention established the principle of “non-*refoulement*”; the signatories agreed that “[n]o Contracting State shall expel or return (*refouler*) a refugee in any manner whatsoever to the frontiers of territories where his [or her] life or freedom would be threatened on account of his

[or her] race, religion, nationality, membership of a particular social group or political opinion.”¹ Refugee Convention, art. 33(1), 189 U.N.T.S. 150. According to plaintiffs, the principle guarantees “procedural safeguards that prohibit removal or return of non-citizens to countries where their life or liberty may be threatened,” Second Am. Compl. ¶ 124, citing *INS v. Stevic*, 467 U.S. 408, 426 (1984), and it was codified as part of the Foreign Affairs Reform and Restructuring Act of 1998, Pub. L. No. 105-277, div. G, Title XXII, § 2242, 112 Stat. 2681, 2681–822 (1998) (codified as Note to 8 U.S.C. § 1231).

Plaintiffs assert that pursuant to the Refugee Act, before 1996, non-citizens were generally entitled to a full hearing in immigration court before they could be removed. Second Am. Compl. ¶ 125. They were also entitled to administrative appellate review before the Board of Immigration Appeals (“BIA”) and judicial review in federal court. *Id.* In 1996, Congress enacted the Illegal Immigration Reform and Immigrant Responsibility Act, which established a truncated removal mechanism called “expedited removal” in which a non-citizen who has not been admitted or paroled into the United States, and who lacks valid entry documentation or makes material misrepresentations, shall be “order[ed] . . . removed from the United States without further hearing or review unless the alien indicates either an intention to apply for asylum under [8 U.S.C. § 1158] or a fear of persecution.” 8 U.S.C. § 1225(b)(1)(A)(i); *see* Second Am. Compl. ¶ 126. If an individual does not indicate a credible fear or intention to apply for asylum, a final order of expedited removal may be entered against the non-citizen. *Id.* § 1225(b)(1)(A)(i). But if an

¹ The United States adopted the 1967 Protocol Relating to the Status of Refugees, which incorporates the Refugee Convention’s prohibition on *refoulement*. Second Am. Compl. ¶ 122 n.7, citing 1967 Protocol Relating to the Status of Refugees, art. 1(1) & 7(1) (stating that signatories “undertake to apply articles 2 to 34 inclusive of the [Refugee] Convention” without reservation).

individual makes such an indication, he or she must undergo a “credible fear” interview. *See id.* § 1225(b)(1)(B)(ii).

To prevail at a credible fear interview, the applicant must show that there is a “significant possibility” that he or she could establish the well-founded fear of persecution necessary to be eligible for asylum under 8 U.S.C. § 1158. 8 U.S.C. §1225(b)(1)(B)(v). For that, “it need not be shown that the situation will probably result in persecution, but it is enough that persecution is a reasonable possibility.” *INS v. Cardoza-Fonseca*, 480 U.S. 421, 440 (1987), quoting *Stevic*, 467 U.S. at 424–25. An objective showing that an applicant has even a ten percent chance of being shot, tortured, or persecuted can be a basis for the well-founded fear. *Id.*

The law provides certain procedural protections for those undergoing credible fear interviews. The asylum officer must “conduct the interview in a non-adversarial manner.” 8 C.F.R. § 208.30(d). Asylum officers typically conduct the credible fear interviews, and Congress has required these officers to have “professional training in country conditions, asylum law, and interview techniques comparable to that provided to full-time adjudicators.” 8 U.S.C. § 1225(b)(1)(E); *see also* 8 C.F.R. § 208.1(b). The asylum officer must “consider whether the alien’s case presents novel or unique issues that merit consideration in a full hearing before an immigration judge.” 8 C.F.R. 208.30(e)(4). Furthermore, the interviewee is entitled to “information concerning the asylum interview” (i.e., what process and standards apply) and to “consult with a person or persons of the alien’s choosing prior to the interview or any review.” 8 U.S.C. § 1225(b)(1)(B)(iv).

If the asylum officer determines that the non-citizen has established a credible fear, the applicant is taken out of the expedited removal process. *See* 8 U.S.C. § 1225(b)(1)(B)(ii). He or she will be referred to a regular removal hearing under § 1229a, before an immigration judge,

where there will be an opportunity to develop a full record and appeal an adverse decision to the BIA and a federal court. *See id.* § 1252(a)(1). If the asylum officer determines there is no credible fear, and a supervisory asylum officer reviews and approves the negative credible fear determination, 8 C.F.R. § 208.30(e)(8), the individual can request review of that decision by an immigration judge. 8 U.S.C. § 1225(b)(1)(B)(iii)(III). If the immigration judge agrees that the non-citizen lacks a credible fear, then that individual may be removed, and the decision may not be appealed. 8 C.F.R. § 1208.30(g)(2)(iv)(A).

On July 16, 2019, the Department of Justice and Department of Homeland Security jointly published “Asylum Eligibility and Procedural Modifications,” which became effective immediately. 84 Fed. Reg. 33,829 (“Transit Ban”). The regulation provides, with limited exceptions, that a non-citizen “who enters or arrives in the United States across the southern land border is ineligible for the discretionary benefit of asylum unless he or she applied for and received a final judgment denying protection in at least one third country through which he or she transited en route to the United States.” *Id.* at 33,831. The rule requires asylum officers and immigration judges to apply this new bar on asylum eligibility when administering the credible fear screening process applicable to stowaways and non-citizens who are subject to expedited removal. *Id.* at 33,830. Plaintiffs allege that after the rule was promulgated, defendants implemented directives, guidance, actions and/or procedures that have “eviscerated the ‘credible fear’ process.” Second Am. Compl. ¶ 1.

While the rule states that it “does not change the credible-fear standard for asylum claims,” an individual subject to the Transit Ban “would be ineligible for asylum and would thus not be able to establish a ‘significant possibility . . . [of] eligibility for asylum under Section 1158.’” 84 Fed. Reg. 33,837, quoting 8 U.S.C. § 1225(b)(1)(B)(v) (alterations in original). But the

individual may still obtain review from an immigration judge regarding whether the asylum officer correctly determined that he or she was subject to a limitation or suspension on entry imposed by the Transit Ban. *Id.*

The new rule provides that “[a]liens determined to be ineligible for asylum by virtue of falling subject to the third-country-transit bar . . . would still be screened, but in a manner that reflects that their only viable claims could be for statutory withholding or [Convention Against Torture (“CAT”)] protection pursuant to 8 C.F.R. 208.30(e)(2)–(4) and 1208.16.” 84 Fed. Reg. 33,837. In other words, after an applicant is determined to be ineligible for asylum because he or she is subject to the Transit Ban, the asylum officer must then assess whether “further proceedings on a possibly statutory withholding or CAT protection claim are warranted,” which imposes the higher “reasonable fear” standard, rather than the “credible fear” standard. *Id.*

To establish a “reasonable fear” of persecution or torture, the non-citizen must “establish a reasonable possibility that he or she would be persecuted on account of his or her race, religion, nationality, membership in a particular social group or political opinion, or a reasonable possibility that he or she would be tortured in the country of removal.” 8 C.F.R. § 208.31(c). “This . . . screening process is modeled on the credible fear screening process, but requires the alien to meet a higher screening standard.” Regulations Concerning the Convention Against Torture, 64 Fed. Reg. 8,478, 8,485 (Feb. 19, 1999).

In this action, plaintiffs have expressly disclaimed any challenge to the Transit Ban. Second Am. Compl. ¶ 6 n.4; *see* Order [Dkt. # 15]. It is the subject of separate litigation pending in this court. *See Capital Area Immigrants’ Rights Coalition v. Trump*, Civil Action No. 19-2117 (D.D.C. 2019); *I.A. v. Barr*, Civil Action No. 19-cv-2530 (D.D.C. 2019). The purpose of this lawsuit is to challenge the legality of policies that were promulgated to implement the Transit Ban,

which, according to the plaintiffs, have unfairly and illegally altered the process that should be utilized to evaluate fear. *See* Second Am. Compl. ¶ 6 n.4

Factual Background

Plaintiffs are mothers and children who have traveled from their home countries to the United States, each claiming to have escaped incidents of sexual and physical violence or threats of violence. Second Am. Compl. ¶¶ 12–111. They have been detained at the South Texas Family Residential Center in Dilley, Texas. *Id.*

Plaintiffs allege that defendants have issued eleven directives, policies, or procedures that have unlawfully altered the credible-fear determination process. Second Am. Compl. ¶¶ 141–59. Collectively, plaintiffs refer to these as the “Challenged Actions,” and they have assigned each action a name for purposes of this litigation because they have not yet uncovered documents that identify or memorialize them. *Id.* ¶ 147 n.10.

The eleven challenged actions, in plaintiffs’ words,² are:

1. “Avoid Meaningfully Orienting Migrants to Applicable Standard and Procedures.” Second Am. Compl. ¶ 147.

Plaintiffs allege that they have been deprived of any notice of the asylum process, and that they were not informed of the procedures that would be followed, who would be conducting the interviews, how their responses could affect their status, and the standard by which their claims would be assessed. Second Am. Compl. ¶ 147.

² Plaintiffs’ list is grammatically inconsistent and awkward, but to ensure that this opinion tracks the complaint accurately, the Court will utilize plaintiffs’ language without revisions.

2. “Proceed Without Required Staffing, Training, or Guidance.” Second Am. Compl. ¶ 148.

Plaintiffs allege that defendants have implemented a new policy of proceeding with credible fear interviews without proper staffing and training. Second Am. Compl. ¶ 148. They allege that interviewers have not received the appropriate or required training, including training to assess whether non-citizens fall within exceptions to the Transit Ban. *Id.* Defendants have also started to use Customs and Border Patrol (“CBP”) agents to conduct asylum interviews, and plaintiffs allege that these agents lack the necessary training to perform that function. *Id.*

3. “Issue Summary Negative Determinations to Eliminate Supervisory Review and Concurrence and to Avoid Developing a Complete Written Record.” Second Am. Compl. ¶ 149.

Plaintiffs allege that “[d]efendants have truncated the fact development and discussion of the merits in [p]laintiffs’ fears in interviews, unilaterally determining that [p]laintiffs are ineligible for asylum.” Second Am. Compl. ¶ 149. According to the complaint, defendants announce negative determinations prematurely, sometimes directly to an applicant during the interview, intimidating and discouraging plaintiffs from asserting their rights. Furthermore, plaintiffs allege that they have been denied the right to have a record created that would accurately memorialize the fear of persecution they expressed. *Id.* Finally, plaintiffs complain that they are denied the right to supervisory review of the determination. *Id.*

4. “Limit Fact-Finding Relevant to a Significant Possibility of Eligibility for Asylum, Withholding of Removal, and Relief Under the Convention Against Torture.” Second Am. Compl. ¶ 150.

Plaintiffs allege that defendants have improperly limited the interviewers’ questioning, “so they fail to elicit testimony necessary to develop all facts relevant or supportive of an asylum-seeker’s eligibility for asylum, withholding of removal, and CAT protection.” Second Am. Compl.

¶ 150. This results in an incomplete evidentiary record, which prejudices applicants' present and future petitions. *Id.*

5. “Make Interviews Adversarial.” Second Am. Compl. ¶ 151.

Plaintiffs allege that interviewers have engaged in “law enforcement-type interrogation tactics” during interviews. For example, they say that applicants are interviewed multiple times by multiple officers, sometimes over a few weeks. Second Am. Compl. ¶ 151. In addition, plaintiffs assert that the interviews conducted by CBP agents are adversarial, because the agents are law enforcement officers. *Id.* ¶ 152. The complaint alleges that these tactics create a “hostile interview environment that chills the testimony of credible fear applicants.” *Id.* ¶ 153.

6. “Limit Migrants’ Right to Meaningful Consultation.” Second Am. Compl. ¶ 154.

Plaintiffs allege that defendants schedule interviews without sufficient advance written notice, which leaves them unable to consult with counsel or an advisor in a meaningful way. Second Am. Compl. ¶ 154.

7. “Apply [Reasonable Fear Interview (“RFI”)] Standards Without RFI Protections.” Second Am. Compl. ¶ 155.

The complaint asserts that individuals subject to a reasonable fear interview under 8 U.S.C. § 1231 have a right to receive (1) advance written notice of the interview, (2) in-person orientation by an asylum officer at least 48 hours in advance of the interview, and (3) access to counsel during a proceeding conducted by a properly trained asylum agent. Second Am. Compl. ¶ 155. Plaintiffs allege that while they were initially placed in credible fear proceedings under 8 U.S.C. § 1225, the interviewers would issue summary determinations of ineligibility and then “subject [p]laintiffs to an RFI-type evaluation and determination, continuing the initial interview but now applying the

higher RFI standard.” *Id.* According to plaintiffs, this deprived them of the protections required for RFI interviewees. *Id.*

8. “Do Not Apply the Most Favorable Precedent in [Credible Fear Interview (“CFI”)] Proceedings.” Second Am. Compl. ¶ 156.

Plaintiffs allege that interviewers are rejecting the most favorable case law available to be applied in credible fear proceedings, and that this approach “ignores the permanent injunction in *Grace v. Whitaker*, 344 F. Supp. 3d 96 (D.D.C. 2018), which requires the asylum officer to apply the most favorable circuit court precedent in credible fear proceedings, regardless of where an asylum-seeker is detained.” Second Am. Compl. ¶ 156.

9. “Mandatory Concurrence Review by the Fraud Detection Unit.” Second Am. Compl. ¶ 157.

Plaintiffs allege that defendants have implemented a policy that requires that any credible fear finding made in an applicant’s favor be further reviewed by USCIS’s Fraud Detection and National Security Directorate. Second Am. Compl. ¶ 157. Plaintiffs contend that this has “resulted in mandatory rescission of the overwhelming majority of cases sent for review,” and they assert that this action “appears directed at arbitrarily limiting the number of families placed in credible fear proceedings that can obtain positive determinations.” *Id.*

10. “Withholding Facts Relied Upon in Issuing the Credible Fear Determination.” Second Am. Compl. ¶ 158.

An asylum officer is required to create a written record of his or her determination, including a summary of all material facts stated by the applicant and any additional facts relied

upon. Second Am. Compl. ¶ 158. Plaintiffs allege that interviewers are now not recording critical information relied upon when issuing a negative determination. *Id.*

11. Abandon Child-Sensitive Treatment in Credible Fear Proceedings.” Second Am. Compl. ¶ 159.

Plaintiffs allege that interviewers have required some credible fear screenings to be conducted via telephone, which precludes the officers from applying “child-friendly procedures during the interview process.” Second Am. Compl. ¶ 159. The telephonic interviews are “adversarial” and “crossover to interrogations” and plaintiffs have been deprived of “necessary accommodations related to their age and status as asylum-seekers traveling in a family unit.” *Id.*

* * *

In sum, plaintiffs allege that these eleven Challenged Actions have effectively rewritten the expedited removal scheme, depriving them of their rights and exposing them to grave danger in their home countries. Second Am. Compl. ¶¶ 166–71.

The complaint advances five theories in support of the request for relief:

- Claim 1: The challenged actions are contrary to the Refugee Act, the Immigration and Nationality Act, and the Administrative Procedure Act. *Id.* ¶¶ 174–78.
- Claim 2: The challenged actions are arbitrary and capricious, in violation of the Administrative Procedure Act, 5 U.S.C. § 706. *Id.* ¶¶ 179–82.

- Claim 3: The challenged actions violate the First Amendment and the due process clause of the Fifth Amendment.³ *Id.* ¶¶ 183–88.
- Claim 4: The challenged actions did not undergo the notice-and-comment procedures required by the Administrative Procedure Act. *Id.* ¶¶ 189–93.
- Claim 5: The challenged actions fail to provide the necessary procedural safeguards, in violation of the right of non-*refoulement*. *Id.* ¶¶ 194–200.

Plaintiffs ask the Court to declare that the challenged actions are contrary to law, to enter an order vacating the actions, to permanently enjoin defendants from applying the new policies, and to enjoin defendants from removing plaintiffs until they can reprocess plaintiffs’ fear claims in accordance with the law. *Id.* at 66–67, Prayer for Relief. Plaintiffs have also filed two motions for a Temporary Restraining Order that would stay plaintiffs’ removals from the United States until the case is resolved. Pls.’ First TRO Mot.; Pls.’ Second Mot. for TRO [Dkt. # 29] (“Pls.’ Second TRO Mot.”).

Procedural History

On September 16, 2019, plaintiffs filed their initial complaint. Compl. [Dkt. # 1]. The case was originally assigned to another district judge because defendants filed a notice, pursuant to Local Civil Rule 40.5(b)(2), stating that the case was related to two other pending cases directly

3 In Count 3, plaintiffs also allege that defendants “violated [p]laintiffs[’] rights under the First Amendment . . . by retaliating against [p]laintiffs for their participation in this case.” *Id.* ¶ 187; *see id.* ¶ 172 (defendants “have engaged in coercive, intimidating, and apparently retaliatory actions that burden, impair, and threaten [p]laintiffs for their participation in this case”). In the next paragraph of that Count, plaintiffs state:

The above Challenged Actions must *therefore* be enjoined and declared as violative of the First Amendment and/or the Fifth Amendment’s guarantee of due process, and also held declared and held unlawful, set aside, or otherwise vacated and/or enjoined under the APA

Id. ¶ 188 (emphasis added). Thus, it is clear that plaintiffs are challenging the Challenged Actions, and there is no separate claim for relief based upon retaliation.

challenging the legality of the Transit Ban – *Capital Area Immigrants’ Rights Coalition v. Trump*, Civil Action No. 19-2117 (D.D.C. 2019), and *I.A. v. Barr*, Civil Action No. 19-2530 (D.D.C. 2019). *See* Notice of Related Case [Dkt. # 3]; Notice of Related Case [Dkt. # 4]. Plaintiffs disputed the designation. Pls.’ Resp. to Notices of Related Case [Dkt. # 5].

On September 25, 2019, while the court considered whether the case should be designated as related, plaintiffs moved for a temporary restraining order to stay the removal of plaintiffs from the United States until the court had an opportunity to rule on the merits of the complaint. Pls.’ First TRO Mot. That same day, the court concluded that defendants failed to demonstrate that the case was related to the two challenging the Transit Ban, because plaintiffs disavowed any intent to challenge the Transit Ban in their complaint. Order [Dkt. # 15] at 2 (reassigning case). Accordingly, the case was sent back to the Court’s Calendar and Case Management Committee for random assignment. *Id.* at 4. Before that process was complete, the emergency motions judge issued an order entering a temporary administrative stay to preserve the status quo until a new judge was assigned to the matter and that judge could determine whether temporary injunctive relief was warranted. *See* Order Granting Temporary Stay [Dkt. # 16].

On September 26, 2019, the case was assigned to this Court. The Court conducted a telephonic hearing with the parties and established a briefing schedule for the motion for a temporary restraining order. Min. Entry (Sept. 26, 2019). On October 3, 2019, defendants opposed the motion for a TRO, Defs.’ Opp. to First TRO Mot., and plaintiffs filed a reply on October 10, 2019. Pls.’ Reply in Supp. of Pls.’ First TRO Mot. [Dkt. # 27]. Thereafter, the prompt resolution of the motion was repeatedly complicated by the addition of new plaintiffs, plaintiffs’ restatement and refinement of their claims, and the parties’ requests to file supplemental pleadings. While the matter is now fully briefed, the requests to expand the lawsuit to include hundreds of additional

immigrants and detainees facing deportation – not always under the same circumstances as the original plaintiffs – have continued to multiply.

On October 17, 2019, plaintiffs filed an amended complaint adding thirty-one plaintiffs to the action, Am. Compl. [Dkt. # 28], and a second temporary restraining order to stay their removal. Pls.’ Second TRO Mot. The emergency motions judge, on behalf of the Court, extended the administrative stay in place to apply to the new plaintiffs. Min. Order (Oct. 17, 2019). Defendants opposed the second motion for a temporary restraining order on October 24, 2019. Defs.’ Mem. in Opp. to Second TRO Mot. [Dkt. # 35].

On December 5, 2019, plaintiffs filed a motion for leave to file a second amended complaint, which plaintiffs asserted narrowed their claims, removed some plaintiffs, and added clarification and citations. Mem. in Supp. of Mot. for Leave to File Second Am. Compl. [Dkt. # 46-3] (“Pls.’ Mot. for Leave”) at 3–5. The same day, plaintiffs filed a motion for joinder to add 110 plaintiffs, and they included a request for leave to file an “alternate proposed Second Amended Complaint” if the motion was granted. Pls.’ Mot. to Add Plaintiffs [Dkt. # 47]; *id.* at 1. Plaintiffs also filed an emergency motion to extend the administrative stay to the proposed additional plaintiffs, Pls.’ Emergency Mot. [Dkt. # 48], which the emergency motions judge granted. Order [Dkt. # 50]. On December 13, 2019, defendants informed the Court of their consent to the motion for joinder and the motion for leave to file a second amended complaint, Defs.’ Resp. [Dkt. # 53], and the Court granted plaintiffs’ motions. Min. Order (Dec. 16, 2019).

On December 18, 2019, the Court heard oral argument on the motion for temporary restraining order. Min. Entry (Dec. 18, 2019). Defendants filed a supplemental memorandum in support of their opposition to the TROs on December 27, 2019, Defs.’ Suppl. Mem. in Opp. to Pls.’ First TRO Mot. [Dkt. # 59] (“Defs.’ Suppl. TRO Mem.”), and plaintiffs filed a supplemental

memorandum on January 13, 2020. Pls.' Suppl. Mem. in Supp. of their Mot. for TRO [Dkt. # 65] ("Pls.' Suppl. TRO Mem.").

At the time the complaint was filed, plaintiffs fell into three categories: (1) individuals whose negative credible fear determinations had been vacated by an immigration judge and were no longer in expedited removal proceedings; (2) individuals whose negative credible fear determinations were currently pending before an immigration judge; and (3) individuals whose negative credible fear determinations had been affirmed by an immigration judge and who had received a final order of removal. Pls.' Resp. to Order to Show Cause [Dkt. # 31]. Thus, for some of the plaintiffs, the case had become moot, for others, it was arguably not yet ripe, and others fell squarely within the group seeking an injunction. In a series of filings designed to address these issues, fifty-five of the plaintiffs were voluntarily dismissed, including all of the plaintiffs in the first category. *See* Notices of Voluntary Dismissals [Dkt. ## 25, 30, 33, 37, 38, 44]; Pls.' Suppl. to Court's Order to Show Cause. [Dkt. # 55]. On December 19, plaintiffs notified the Court that there was a fourth category of plaintiff who did not fall within any of the other three categories either because they were not detained, they had been placed into proceedings without review by an immigration judge, or they "[t]ook [v]oluntary [d]ismissal to be [r]emoved." Ex. 4 to Pls.' Suppl. to Court's Order to Show Cause [Dkt. # 55-4]. In response to questions that came up at the motions hearing, plaintiffs also notified the Court on January 3, 2020 that twenty-one of the plaintiffs were not subject to the Transit Ban,⁴ but all other plaintiffs who had been joined in the matter as of that time were subject to the ban. Notice of Filing [Dkt. # 63].

⁴ Plaintiffs state that eight individuals had been wrongfully deemed to be subject to the Transit Ban; they did not cross through a third country en route to the United States but their paperwork indicates that the Transit Ban was applied to them. Ex. C to Notice of Filing [Dkt. # 63-3].

On February 14, 2020, defendants filed a partial motion to dismiss based on lack of subject matter jurisdiction. Defs.’ Mot. They argued that Congress expressly deprived the courts of jurisdiction over plaintiffs’ claims in 8 U.S.C. § 1252(a)(2)(A)(iv). Defs.’ Mem. in Supp. of Defs.’ Mot. (“Defs.’ Mem.”) at 10–11. They also took the position that the Court did not have jurisdiction to review ten out of the eleven policies under 8 U.S.C. § 1252(e)(3), the provision relied upon by the plaintiffs to support jurisdiction, because there was no written record of the policies and/or because the claims were untimely. *Id.* at 11–28. Finally, they maintained that only some of the plaintiffs had standing to challenge the one remaining policy. *Id.* at 28–29. Plaintiffs opposed the motion on February 28, 2020. Pls.’ Opp. to Defs.’ Mot. [Dkt. # 73] (“Pls.’ Opp.”). They argued that the ban on judicial review in § 1252(e)(3) does not apply, and that the Court has federal question jurisdiction under 28 U.S.C. § 1331 in any event. *Id.*

Since defendants filed their motion to dismiss, plaintiffs have filed five more motions for joinder to add plaintiffs and five emergency motions to extend the administrative stay to the proposed plaintiffs. *See* First Mot. for Joinder [Dkt. # 78] (“First Joinder Mot.”); Emergency Mot. to Stay Removal of Proposed Pls.’ [Dkt. # 79]; Second Mot. for Joinder [Dkt. # 86] (“Second Joinder Mot.”); Emergency Mot. to Stay Removal of Proposed Additional Pls. [Dkt. # 85]; Third Mot. for Joinder of Proposed Additional Pls. [Dkt. # 88] (“Third Joinder Mot.”); Emergency Mot. to Stay Proposed Additional Pls. [Dkt. # 89]; Fourth Mot. for Joinder to Add Pls. [Dkt. # 91] (“Fourth Joinder Mot.”); Emergency Mot. to Stay Removal of Proposed Additional Pls. [Dkt. # 92]; Fifth Mot. for Joinder [Dkt. # 94] (“Fifth Joinder Mot.”); Emergency Mot. to Stay Removal of Proposed Additional Pls. [Dkt. # 95]. Defendants have opposed the joinder motions. Defs.’ Opp. to First Joinder Mot. [Dkt. # 83]; Defs.’ Opp. to Second and Third Joinder Mot. [Dkt. # 90].

Because the Court had the preliminary jurisdictional issues under advisement, it needed time to consider the merits of the joinder motions, and the deportation of the proposed additional plaintiffs was imminent, the Court granted the emergency motions to stay removal of the proposed additional plaintiffs until the Court could rule on the joinder motions. *See* Min. Order (Mar. 25, 2020); Min. Order (Apr. 4, 2020); Min. Order (Apr. 6, 2020); Min. Order (Apr. 15, 2020); Min. Order (Apr. 23, 2020). Those motions will be denied for the reasons set forth below.

STANDARD OF REVIEW

In evaluating a motion to dismiss under Rule 12(b)(1), the Court must “treat the complaint’s factual allegations as true and must grant plaintiff ‘the benefit of all inferences that can be derived from the facts alleged.’” *Sparrow v. United Air Lines, Inc.*, 216 F.3d 1111, 1113 (D.C. Cir. 2000) (internal citation omitted), quoting *Schuler v. United States*, 617 F.2d 605, 608 (D.C. Cir. 1979); *see also Am. Nat’l Ins. Co. v. FDIC*, 642 F.3d 1137, 1139 (D.C. Cir. 2011), quoting *Thomas v. Principi*, 394 F.3d 970, 972 (D.C. Cir. 2005) (applying principle to Rule 12(b)(1) motion). Nevertheless, the Court need not accept inferences drawn by the plaintiff if those inferences are unsupported by facts alleged in the complaint, nor must the Court accept plaintiff’s legal conclusions. *Food & Water Watch Inc. v. Vilsak*, 808 F.3d 905, 913 (D.C. Cir. 2015).

Under Rule 12(b)(1), the plaintiff bears the burden of establishing jurisdiction by a preponderance of the evidence. *See Lujan v. Defs. of Wildlife*, 504 U.S. 555, 561 (1992); *Shekoyan v. Sibley Int’l Corp.*, 217 F. Supp. 2d 59, 63 (D.D.C. 2002). Federal courts are courts of limited jurisdiction, and the law presumes that “a cause lies outside this limited jurisdiction.” *Kokkonen v. Guardian Life Ins. Co. of Am.*, 511 U.S. 375, 377 (1994); *see also Gen. Motors Corp. v. EPA*, 363 F.3d 442, 448 (D.C. Cir. 2004) (“As a court of limited jurisdiction, we begin, and end, with

an examination of our jurisdiction.”). “[B]ecause subject-matter jurisdiction is ‘an Art[icle] III as well as a statutory requirement . . . no action of the parties can confer subject-matter jurisdiction upon a federal court.’” *Akinseye v. District of Columbia*, 339 F.3d 970, 971 (D.C. Cir. 2003), quoting *Ins. Corp. of Ir., Ltd. v. Compagnie des Bauxites de Guinee*, 456 U.S. 694, 702 (1982).

When considering a motion to dismiss for lack of jurisdiction, unlike when deciding a motion to dismiss under Rule 12(b)(6), the court “is not limited to the allegations of the complaint.” *Hohri v. United States*, 782 F.2d 227, 241 (D.C. Cir. 1986), *vacated on other grounds*, 482 U.S. 64 (1987). Rather, “a court may consider such materials outside the pleadings as it deems appropriate to resolve the question [of] whether it has jurisdiction to hear the case.” *Scolaro v. D.C. Bd. of Elections & Ethics*, 104 F. Supp. 2d 18, 22 (D.D.C. 2000), citing *Herbert v. Nat’l Acad. of Scis.*, 974 F.2d 192, 197 (D.C. Cir. 1992); *see also Jerome Stevens Pharms., Inc. v. FDA*, 402 F.3d 1249, 1253 (D.C. Cir. 2005).

ANALYSIS

I. Jurisdiction under the Illegal Immigration Reform and Immigrant Responsibility Act

Plaintiffs contend their claims are not barred by the jurisdiction-limiting provision found in the Illegal Immigration Reform and Immigrant Responsibility Act, 8 U.S.C. § 1252(a)(2)(A)(iv), and that the Court has federal question jurisdiction under 28 U.S.C. § 1331 because the claims “uniformly allege that [d]efendants’ actions violate either the Constitution or federal statutes.” Pls.’ Opp. at 1, 6. Second, plaintiffs argue that if the Court concludes that the

statutory provision limiting jurisdiction does apply, it should find that the case falls within the exception to that limitation set out in 8 U.S.C. § 1252(e)(3). *Id.* at 21.

A. The Statutory Limit on Judicial Review in § 1252(a)(2)(A)(iv)

Under 28 U.S.C. § 1331, federal district courts have jurisdiction over “all civil actions arising under the Constitution, law, or treaties of the United States.” But Congress may curtail that grant of jurisdiction “by establishing an alternative statutory scheme for administrative and judicial review.” *Am. Fed’n of Gov’t Emps., AFL-CIO v. Trump*, 929 F.3d 748, 754 (D.C. Cir. 2019). Defendants contend that 8 U.S.C. § 1252(a)(2)(A) restricts the Court’s jurisdiction in this case. Defs.’ Mem. at 11.

Section 1252(a)(2)(A) states:

(2) Matters not subject to judicial review

(A) Review relating to section 1225(b)(1) Notwithstanding any other provision of law . . . , no court shall have jurisdiction to review –

(i) except as provided in subsection (e), any individual determination or to entertain any other cause or claim arising from or relating to the implementation or operation of an order of removal pursuant to section 1225(b)(1) of this title,

(ii) except as provided in subsection (e), a decision by the Attorney General to invoke the provisions of such section,

(iii) the application of such section to individual aliens, including the determination made under section 1225(b)(1)(B) of this title, or

(iv) except as provided in subsection (e), procedures and policies adopted by the Attorney General to implement the provisions of section 1225(b)(1) of this title.

8 U.S.C. § 1252(a)(2)(A).

Defendants’ motion to dismiss turns on the applicability of the fourth subparagraph, which divests the Court of jurisdiction to review – with certain exceptions – “procedures and policies

adopted by the Attorney General.” Plaintiffs argue that the provision does not apply because there are two reasons to find that the procedures and policies they challenge were not “adopted by the Attorney General.”⁵ Pls.’ Opp. at 9. They submit first that Kenneth T. Cuccinelli, Senior Official Performing the Duties of the Director of USCIS (“Acting Director”), was not lawfully appointed, so any policies he adopted were without authorization and lack force and effect. *Id.* at 10; *see* Second Am. Compl. ¶ 117. Second, they argue that, to the extent any of the Challenged Actions stem from directives, policies, guidance or procedures that were not reduced to writing, such unwritten and unauthorized actions cannot be said to have been “adopted.” Pls.’ Opp. at 10.⁶

Plaintiffs point to a ruling by another court in this district that Acting Director Cuccinelli’s appointment was unlawful, and that two written policies he promulgated must therefore be set aside. *L.M.-M. v. Cuccinelli*, Civ. A. No. 19-2676, 2020 WL 985376 (D.D.C. Mar. 1, 2020). But in that case, the plaintiffs predicated their challenge on the Federal Vacancies Reform Act (“FVRA”), 5 U.S.C. § 3345 *et seq.*, and the court determined that Cuccinelli’s appointment was not consistent that statute. 2020 WL 985376, at *1, *25. The FVRA prescribed the remedy:

5 Since 2003, after the creation of the Department of Homeland Security, the language has referred to the Director of USCIS rather than the Attorney General personally. *See* Homeland Security Act of 2002, Pub. L. 107-296, § 451(b)(3), 116 Stat. 2135, 2196 (2002), codified at 6 U.S.C. § 271(b)(3) (giving USCIS authority over asylum applications); *id.* § 456(a)(1), 116 Stat. at 2200, codified at 6 U.S.C. § 275(a)(1) (deeming all federal laws related to functions transferred to USCIS as giving authority to the Director of USCIS rather than the individuals specified in the text); *id.* § 1517, 116 Stat. at 2311, codified at 6 U.S.C. § 557 (references to officials whose functions were transferred to DHS are “deemed to refer to the Secretary, other official, or component of [DHS] to which” the function was transferred). On June 10, 2019, defendant Kenneth T. Cuccinelli assumed the role of “Senior Official Performing the Duties of the Director of USCIS,” and he acted as the Director for the relevant time period.

6 This contention is somewhat inconsistent with plaintiffs’ assertion that the policies *were* reduced to writing, and that is why they fall within the exception to the ban on judicial review. *See* Pls.’ Opp. at 40.

Cuccinelli’s actions were without “force and effect.” 5 U.S.C. § 3348(d)(1). But whether Acting Director Cuccinelli had the authority to promulgate policies affects the validity of the policies; it does not bear on the question of the Court’s power to review them. Indeed, the court in *L.M.-M.* addressed jurisdiction separately; it exercised its jurisdiction to strike down certain written policies, but with respect to unwritten policies, it found that 8 U.S.C. § 1252(a)(2)(A)(iv) applied, and it did not have jurisdiction to review an unwritten policy even though it was attributed to Cuccinelli. *Id.* at *11. This Court agrees that it must first determine whether it has jurisdiction to review the Challenged Actions at all, and that the allegedly unlawful nature of Acting Director Cuccinelli’s appointment does not relieve it of its obligation to consider the applicability of § 1252(a)(2)(A)(iv) as Congress intended.

Plaintiffs’ second argument – that, to the extent the policies are unwritten, they have not been “adopted” and do not fall within § 1252(a)(2)(A)(iv) – is at odds with the statute. Plaintiffs point to the Merriam-Webster’s Collegiate Dictionary definition, which says that the meaning of “adopt” is “to accept formally and put into effect.” Pls.’ Opp. at 17, quoting Merriam-Webster’s Collegiate Dictionary 16 (10th ed. 1999). They submit that unwritten policies have not been “accept[ed] formally.” *Id.* But a policy can certainly be “adopted” without being reduced to writing, and the provision itself does not include the word “formally” or any other narrowing term.

To the extent the plain text of the provision is in some way ambiguous, the Court is required look at the term within the structure and context of the statute. *Utility Air Regulatory Grp. v. EPA*, 573 U.S. 302, 320 (2014). Here, is clear that in enacting this statute, Congress knew exactly how to differentiate between written and unwritten policies when it intended to do so. Section 1252(a)(2)(A)(iv) precludes judicial review unless § 1252(e)(3) applies, and that exception states:

Judicial review of determinations under section 1225(b) of this title . . . shall be limited to determinations of . . . (ii) whether such regulation, or a *written* policy directive, *written* policy guideline, or *written* procedure issued by or under the authority of the Attorney General to implement such section, is not consistent with applicable provisions of this subchapter or is otherwise in violation of the law.

§ 1252(e)(3)(A)(ii) (emphasis added). The repetition of the adjective in a subsequent section of the same statute suggests that if the word “adopted” was supposed to mean “written,” the legislature would have been more explicit.

Thus, the Court finds that § 1252(a)(2)(A)(iv) limits subject matter jurisdiction in this action. The next question to be determined, then, is whether plaintiffs’ claims fall within the exception to the preclusion of judicial review found in § 1252(e)(3).

B. The Availability of the § 1252(e)(3) Exception to the Ban on Judicial Review

Section 1252(e)(3) allows judicial review on “[c]hallenges on validity of the system.” It states:

(A) In general

Judicial review of determinations under section 1225(b) of this title and its implementation is available in an action instituted in the United States District Court for the District of Columbia, but shall be limited to determinations of –

(i) whether such section, or any regulation issued to implement such section, is constitutional; or

(ii) whether such a regulation, or a written policy directive, written policy guideline, or written procedure issued by or under the authority of the Attorney General to implement such section, is not consistent with applicable provisions of this subchapter or is otherwise in violation of law.

(B) Deadlines for bringing actions

Any action instituted under this paragraph must be filed no later than 60 days after the date the challenged section, regulation, directive, guideline, or procedure described in clause (i) or (ii) of subparagraph (A) is first implemented.

8 U.S.C. § 1252(e)(3).

Defendants argue first that most of the Challenged Actions are not regulations or “written” policies, so the exception in section 1252(e)(3)(A) does not supply jurisdiction. Defs.’ Mem. at 11–22. Second, defendants contend that plaintiffs have brought their claims outside of the sixty-day deadline in subparagraph B. *Id.* at 22–28. Finally, defendants argue that some plaintiffs do not have standing to challenge at least one of the alleged policies. *Id.* at 28–29.

1. Unwritten Challenged Actions

The gravamen of plaintiffs’ complaint is that the practices they challenge are being regularly applied, and they ask the Court to conclude from that circumstance that they must have been written down. Pls.’ Opp. at 30–31. Defendants assert that seven out of the eleven challenged actions do not appear in any regulation, written policy directive, written guideline, or written procedure, and therefore the Court cannot review them. Defs.’ Mem. at 13.

Defendants have submitted the affidavit of Ashley B. Caudill-Mirillo, the Deputy Chief of the Asylum Division of the U.S. Citizenship and Immigration Services, who avers that a search of agency records revealed no written directives related to the actions alleged in the complaint. Decl. of Ashley B. Caudill-Mirillo, Ex. 1 to Defs.’ Suppl. TRO Mem. [Dkt. # 59-1] (“Caudill-Mirillo Decl.”) ¶¶ 1, 21–34; Suppl. Decl. of Ashley B. Caudill-Mirillo, Ex. 1 to Defs.’ Mem. [Dkt. # 72-2] (“Suppl. Caudill-Mirillo Decl.”) ¶¶ 1, 4. To search for materials memorializing the eleven alleged policies, she consulted with staff in the Asylum Division’s three headquarters that would have knowledge about such policies: the Operations Branch, the Training Branch, and the Fraud Detection and National Security (“FDNS”) Branch. Suppl. Caudill-Mirillo Decl. ¶ 3. She also consulted with the staff at the Houston Asylum Office, which oversees the South Texas Family Residential Center in Dilley, Texas. *Id.* She explains:

The headquarters branches are led by branch chiefs who manage the subject matter experts, who are primarily asylum officers and FDNS immigration officers. These staff members oversee, operationalize or implement the Asylum Division's training and operations that were relevant to the challenged actions as described in Plaintiffs' complaint, and were well-positioned to ascertain what existing policies potentially aligned with the names and descriptions provided by Plaintiffs for the purported policies.

Id. Ms. Caudill-Mirillo also states that she or her staff searched and reviewed the Asylum Division's electronic shared drives and e-mail for records of the policies, and she "verified dates and procedures relating to USCIS Asylum Division policies that affect how credible fear determinations were made at the South Texas Family Residential Center." *Id.*⁷

Based on this search, Ms. Caudill-Mirillo declares that there are no writings related to the following policies:

⁷ This is the sort of affidavit, that in the FOIA context, would be entitled to a "presumption of good faith, which cannot be rebutted by 'purely speculative claims about the existence and discoverability of other documents.'" *Safecard Svcs., Inc. v. SEC*, 926 F.2d 1197, 1200 (D.C. Cir. 1991), quoting *Ground Saucer Watch, Inc. v. CIA*, 692 F.2d 770, 771 (D.C. Cir. 1981). While this not a FOIA case, and the Court is not applying any evidentiary presumption, plaintiffs have not pointed to any other locations where defendants should have looked, nor do they point to any other specific defects in the declarant's efforts. *See* Pls.' Opp. at 30–31. They simply argue that "there is little reason to credit [d]efendants' characterization of what records exist." *Id.* at 33–34.

Defendants submitted Caudill-Mirillo's first declaration in opposition to plaintiffs' motion for a TRO. In response, plaintiffs took the position that the declaration lacked sufficient detail, and they complained that the declarant has "never worked at CBP, does not testify to ever visiting the Dilley facility or having personal knowledge of any interviews there, or otherwise testify to being personally involved in any events resulting in the Challenged Actions." Pls.' Suppl. TRO Mem. at 24–25. Because the declaration is being considered in connection with the question of whether the challenged policies have been written down, and not whether they have actually been implemented at any particular facility, Caudill-Mirillo's lack of personal experience at Dilley is of little moment. The supplemental declaration addressed plaintiffs' objections to the description of the search by identifying the locations searched and the individuals and offices consulted. Suppl. Caudill-Mirillo Decl. ¶ 3. Caudill-Mirillo declared that she oversees "all Asylum Officers nationwide as well as the Asylum Division's headquarters component, which is involved in policy development, quality assurance, and overall management of the asylum program," *id.* ¶ 1, and she appears to be the appropriate person to address whether USCIS has promulgated or adopted the written policies alleged in the complaint.

- Challenged Action # 3: “Issue Summary Negative Determinations to Eliminate Supervisory Review and Concurrence and to Avoid Developing a Complete Written Record.” Second Am. Compl. ¶ 149; *see* Caudill-Mirillo Decl. ¶ 26.
- Challenged Action # 4: “Limit Fact-Finding Relevant to a Significant Possibility of Eligibility for Asylum, Withholding of Removal, and Relief Under the Convention Against Torture.” Second Am. Compl. ¶ 150; *see* Caudill-Mirillo Decl. ¶ 27.
- Challenged Action # 5: “Make Interviews Adversarial.” Second Am. Compl. ¶ 151; *see* Caudill-Mirillo Decl. ¶ 28.
- Challenged Action # 7: “Apply RFI Standards Without RFI Protections.” Second Am. Compl. ¶ 155; *see* Caudill-Mirillo Decl. ¶ 30.
- Challenged Action # 8: “Do Not Apply the Most Favorable Precedent in CFI Proceedings.” Second Am. Compl. ¶ 156; *see* Caudill-Mirillo Decl. ¶ 31.
- Challenged Action # 10: “Withholding Facts Relied Upon in Issuing the Credible Fear Determination.” Second Am. Compl. ¶ 158; *see* Caudill-Mirillo Decl. ¶ 33.
- Challenged Action # 11: “Abandon Child-Sensitive Treatment in Credible Fear Proceedings.” Second Am. Compl. ¶ 159; *see* Caudill-Mirillo Decl. ¶ 34.

Defs.’ Mem. at 13–14. Defendants argue, then, that plaintiffs are not challenging “written policy directives,” but they are objecting to the manner in which USCIS Asylum Officers have gone about reaching their determinations, which is not reviewable under 8 U.S.C. § 1252(e)(3)(A)(ii). *Id.* at 13.

Plaintiffs respond that “there is . . . no reason to accept the government’s representation that no relevant writings exist” because plaintiffs have produced thirty-one exhibits “summarizing uniform changes in the credible fear process that constitute the Challenged Actions.” Pls.’ Opp. at 30–31, citing Suppl. Decl. of Shalyn Fluharty [Dkt. # 67] (“Suppl. Fluharty Decl.”) ¶¶ 41–42, 52–53, 101–05. They contend that because these actions have been implemented “near

universally” after the Transit Ban went into effect, there must be some sort of written record of them. *Id.* at 31.

Plaintiffs have submitted the declaration of Shalyn Fluharty, the managing attorney of the Dilley Pro Bono Project (“DPBP”). Suppl. Fluharty Decl. ¶ 3. She has provided direct representation to those detained at the South Texas Family Residential Center, and she is familiar with what is taking place on the ground and the tactics that are being employed. *Id.* ¶¶ 3, 5. Her declaration lists examples of occasions when plaintiffs experienced the Challenged Actions, and from this, plaintiffs ask the Court to conclude that the written policies must exist. But an assumption – even an assumption grounded in good faith based on actual experience – is not the proof necessary to invoke the statutory exception. Plaintiffs have not come forward with the evidence needed to bridge the gap between instances of certain conduct – or even an apparently consistent or settled practice – and the existence of a *written* directive calling for that conduct. And it is plaintiffs’ burden to establish jurisdiction. *Lujan*, 504 U.S. at 561.

For example, for Challenged Action # 5, which asserts that asylum officers have now made interviews adversarial, plaintiffs assert that “[n]early overnight,” CBP agents started conducting interviews, Suppl. Fluharty Decl. ¶ 52; interviews were conducted telephonically, *id.* ¶ 53; interviews were conducted by men, *id.*; and some applicants were forced to undergo multiple interviews.⁸ Second Am. Compl. ¶ 151. They allege that “some of the CBP agents who have conducted credible fear interviews . . . have publicly announced their belief that” gender-based

⁸ Defendants acknowledge that CBP agents or asylum officers have conducted multiple interviews on some occasions when further questioning was needed, or when interpreter availability, attorney reschedule requests, or other “operational necessities” called for a second session. Caudill-Mirillo Decl. ¶ 15. In any event, defendants maintain that there is no written policy to conduct multiple interviews, or to do so to “make interviews adversarial.” Defs.’ Mem. at 14–15, and plaintiffs have not submitted any evidence to the contrary.

violence is acceptable, and immigrants should be prevented from entering the United States, and they attach troubling social media postings by CBP agents who have interviewed at least thirteen plaintiff families. *Id.* ¶¶ 55–58. This is the sort of showing that undermines confidence in the fairness and legitimacy of the immigration process, but the Court is constrained by the clear legislative restriction on its jurisdiction. Even if one accepts the truth of every allegation – as one must do at this stage – the allegations involve precisely the sort of conduct that the Court is unable to supervise – the conduct of specific CBP agents and asylum officers – and it does not establish the existence of a written policy subject to review.

The same problem arises with respect to Challenged Actions ## 8, 10, and 11. For Challenged Action # 8, “do not apply the most favorable precedent,” Ms. Fluharty states that “many [p]laintiffs . . . are denied the benefit of the most favorable case law,” Suppl. Fluharty Decl. ¶ 83, and she identifies an instance in which favorable circuit precedent was not applied, and the decision maker relied on more restrictive Fifth Circuit law instead. *Id.* ¶ 84. Defendants submit that USCIS remains in full compliance with the permanent injunction issued in *Grace v. Whitaker*, 344 F. Supp. 3d 96 (D.D.C. 2018), which requires an asylum officer to apply the most favorable precedent regardless of where the interview is taking place. Defs.’ Mem. at 16. Even if plaintiffs have identified occasions in which the officers have fallen short of the defendants’ blanket assurances, that is not evidence that they have been directed to do so in writing.

For Challenged Action # 10, which alleges that defendants have a policy of withholding facts relied upon in issuing credible fear determinations, plaintiffs submit that a majority of the them were never served with a written analysis explaining the decision, and those who were served with paperwork often found it to be incomplete or defective. Suppl. Fluharty Decl. ¶¶ 98–100. These facts support an inference that there are serious deficiencies in the implementation of

existing regulations requiring adequate documentation, but that circumstance also falls outside the limited set of matters the statute accords the Court the ability to review.

For Challenged Action # 11, the declaration enumerates instances in which asylum officers and CBP agents did not engage meaningfully with some of the children during fear interviews. Suppl. Fluharty Decl. ¶ 103. Plaintiffs report that agents are now conducting interviews by telephone, which interferes with an agent's ability to develop any sort of rapport with the child.⁹ *Id.* ¶ 104. Plaintiffs' concerns that the interviewers have abandoned best practices, to the detriment of the youngest and most vulnerable people who arrive at our country's border, appear to be well documented. But Congress has tied the Court's hands behind its back. It is not condoning any of the challenged actions, but it is restricted in its authority to review them without evidence of a written instrument putting them into place.

With respect to Challenged Action # 4, which alleges that asylum officers limit the fact-finding relevant to the credible fear standard, Ms. Fluharty avers that she has seen "officers ignore relevant testimony . . . and refuse to elicit and document material and necessary testimony to properly assess" the applicant's credible fear. Suppl. Fluharty Decl. ¶ 45. She also provides examples of interviews in which asylum officers did not ask appropriate follow-up questions in what she observed to be an effort to avoid developing the factual record fully. *Id.* ¶ 46. The lawyer states that before the Transit Ban was implemented, ninety-nine percent of individuals served by the DPBP received positive credible fear findings, but now, that number has decreased to ten

⁹ Defendants' declarant avers, and plaintiffs do not point to proof to the contrary, that there is no rule prohibiting credible fear interviews to be conducted by telephone, and the decision to conduct an interview by telephone is driven by operational factors, including space and availability of officers at the detention facility. Caudill-Mirillo Decl. ¶ 34.

percent. *Id.* ¶¶ 48–49. According to plaintiffs, then, this must mean that there is some sort of policy in place to limit asylum eligibility. *See* Pls.’ Opp. at 30–31.

But plaintiffs’ approach blurs the distinction between the obvious purpose and effect of the Transit Ban itself – which they are not challenging in this case, *see* Second Am. Compl. ¶ 6 n.4. – and what they need to show to obtain judicial review here: the existence of written policies for implementing the ban. An overall reduction in positive credible fear findings is consistent with rule itself, because an individual subject to the Transit Ban “would be ineligible for asylum and would thus not be able to establish a ‘significant possibility . . . [of] eligibility for asylum under section 1158,” which is the standard for finding credible fear. 84 Fed. Reg. at 33,837, quoting INA 235(b)(1)(B)(v), 8 U.S.C. § 1225(b)(1)(B)(v) (alteration in original). Since the overwhelming majority of plaintiffs in this action were subject to the Transit Ban, this evidence in the declaration is insufficient to establish the likely existence of a written policy.

This problem also affects Challenged Actions # 3 and # 7. For Challenged Action # 3, the allegation that officers are summarily issuing negative determinations during the interviews, plaintiffs’ declarant states that in one hundred percent of plaintiffs’ cases, the plaintiff was informed that she would be issued a negative credible fear finding before a supervisor could review the asylum officer’s determination. Suppl. Fluharty Decl. ¶ 42. She also avers that eighty-one percent of the mothers in this action were informed, during the interview and before they had the opportunity to present testimony regarding their fear of persecution and torture, that they would receive a negative credible fear finding. *Id.* ¶ 41. But the Transit Ban automatically bars migrants from establishing credible fear if they do not fall within one of the exceptions in the rule, so the

Challenged Action stems directly from the application of the Ban.¹⁰ Challenged Action # 7, which alleges that interviewers apply reasonable fear standards without reasonable fear protections, similarly challenges a circumstance imposed by the Transit Ban itself because the new rule explicitly directs asylum officers to apply the reasonable fear standard if the Transit Ban applies. 84 Fed. Reg. at 33,837. These provisions may be subject to challenge, but they are part and parcel of the Ban, and they are not a part of this narrowly crafted lawsuit that is supposed to be about something else.

The Court concludes, therefore, that it lacks jurisdiction to review Challenged Actions ## 3, 4, 5, 7, 8, 10, and 11, because they do not fall within the exception to the ban on judicial review contained in § 1252(e)(3)(A)(ii).

Plaintiffs resist this conclusion and argue that a bar on review of unwritten policies would mean that actions by asylum officers are effectively unreviewable, which would be an unconstitutional result that Congress could not have intended. Pls.' Opp. at 18–21. In *American Immigration Lawyers Association v. Reno* (“*AILA*”), 18 F. Supp. 2d 38 (D.D.C. 1998), *aff'd* 199 F.3d 1352 (D.C. Cir. 2000), the court was faced with a similar argument: “To the extent [plaintiffs] challenge unwritten practices, which [§ 1252(e)(3)(A)(ii)] does not allow, plaintiffs argue that Congress cannot limit review of unwritten policies because this would mean that possibly unconstitutional action by immigration officials would not be reviewable by a court – a result that Congress could not have intended.” *Id.* at 58. The court stated that it was “troubled by the effects of Congress’s decision to immunize the unwritten actions of an agency from judicial review,

¹⁰ Even if this challenged action is not a challenge to the Transit Ban, plaintiffs have not satisfied their burden to come forward with evidence of a written policy or written directive memorializing the practice of issuing summary negative determinations at the outset or in the middle of an interview.

particularly where, as here, so much discretion is placed in the hands of individual INS agents.” *Id.* And in its opinion, it took pains, “in the strongest language possible, [to] admonish[] the Immigration and Naturalization Service to comply with its own regulations, policies, and procedures.” *Id.* Yet the court concluded that the “clear language of the jurisdictional provision” meant that the court could not review unwritten policies and practices. *Id.*

This Court shares the concerns expressed by the court in *AILA* that the facts amassed by the plaintiffs are deeply troubling, and that Congress has been too parsimonious with judicial review in an area where individual lives and liberty are at stake. But like the other district courts that have considered the issue, this Court is constrained to find that it does not have jurisdiction to review the Challenged Actions. *See L.M.-M.*, 2020 WL 985376, at *11 (finding that the Court did not have jurisdiction to review an unwritten policy); *Khan v. Holder*, 608 F.3d 325, 331 (7th Cir. 2010) (upholding the district court’s ruling that while it could review regulations “as written,” it could not review them “as applied,” and agreeing with the lower court’s concern “with the effects of Congress’s decision to bar the unwritten actions of the agency from judicial review”).

2. The Four Remaining Challenged Actions

Defendants maintain that there are no written directives memorializing any of the four remaining Challenged Actions – ## 1, 2, 6, and 9 – either, but they have located some documents that may pertain to them. *See* Defs.’ Reply at 2–3. They do not agree that these records are sufficient to establish the existence of written policies behind all of the actions, and they submit that even if the records confirm the existence of the policies plaintiffs intend to challenge, and the documents bring the four claims within the exception to the bar on judicial review, the Court lacks jurisdiction to hear the claims because they are untimely.

Under § 1252(e)(3)(B), “[a]ny action instituted under this paragraph must be filed no later than 60 days after the date the challenged section, regulation, directive, guideline, or procedure . . . is first implemented.” 8 U.S.C. § 1252(e)(3)(B). This is not a discovery rule: the D.C. Circuit has held that the sixty days begin on the “effective date” of the regulation or written policy. *Am. Immigration Lawyers Ass’n v. Reno*, 199 F.3d 1352, 1355 (D.C. Cir. 2000), affirming *AILA*, 18 F. Supp. 2d at 47 (holding that the sixty days runs from a fixed point, rather than “from the date of application of [the challenged procedures] to a particular alien,” such that when an alien’s claims arise is irrelevant). The Court of Appeals has also concluded that the sixty-day bar is jurisdictional.¹¹ 199 F.3d at 1355; *see Dugdale*, 2015 WL 2124937, at *1.

Challenged Action # 1 alleges that officials at the border avoid meaningfully orienting migrants to applicable standard and procedures. Second Am. Compl. ¶ 147. Defendants have located the following documents that relate to migrant orientation: (1) a 1999 version of Form M-444, which is provided to a non-citizen before an interview and describes the process and standards involved, Ex. 1 to Suppl. Caudill-Mirillo Decl. [Dkt. # 72-2] (“1999 M-444 Form”); and (2) the version of the M-444 form updated in May of 2019. Ex. 2 to Suppl. Caudill-Mirillo Decl. [Dkt. # 72-2] (“2019 M-444 Form”). Plaintiffs argue that the May 2019 form became outdated and inaccurate on July 16, 2019, the day the Transit Ban took effect, and that the continued use of the form violates federal law requiring agents to “provide information concerning the asylum

¹¹ Plaintiffs contend that the time bar is not jurisdictional, and so it is subject to equitable tolling. Pls.’ Opp. at 36–37. It cites to Supreme Court case *United States v. Kwai Fun Wong*, 575 U.S. 402 (2015) for support. *Id.* at 36. In that case, the Court held that there is a presumption that filing deadlines, including deadlines for suits against the United States, are subject to equitable tolling. 575 U.S. at 408. But, the Supreme Court’s holding in *Wong* was limited to the Federal Tort Claims Act, and so “*AILA* remains binding precedent in this Circuit.” *Dugdale v. U.S. Customs and Border Patrol*, Civ. A. No. 14-1175 (CRC), 2015 WL 2124937, at *1 (D.D.C. May 6, 2015), *aff’d Dugdale v. Lynch*, 672 F. App’x 35 (D.C. Cir. 2016).

interview” to all interviewees. Pls.’ Opp. at 23–24, citing 8 U.S.C. § 1225(b)(1). In other words, plaintiffs submit that the now inaccurate form is a writing, and that the sixty days to challenge its use began on the date defendants should have updated it. Defendants deny that there was any new policy – much less, a written policy – regarding the continued use of the Form M-444. Defs.’ Reply at 12–13.

While one can craft a lawyerly argument that this circumstance could be deemed to fall within § 1252(e)(3)(A)(ii), at bottom, the claim is not predicated on a written policy, but it is a challenge to a governmental failure to act: a claim that an omission is tantamount to a decision not to provide meaningful information as a matter of policy. That becomes clear when one focuses on the date the plaintiffs allege the new written policy was “implemented”: according to plaintiffs, it is the date that the government should have updated its form. But even if that failure to act had the effect of depriving migrants of accurate information – and even if that was intentional – there is no *written* directive or decision to continue to utilize, or to decline to revise, the outdated form. Therefore, even if a challenge would have been timely with respect to the original set of plaintiffs, there is no evidence of a “regulation, or [] written policy directive, written policy guideline, or written procedure issued” that the Court can review. 8 U.S.C. § 1252(e)(3)(A)(ii).

As for Challenged Action # 6, which claims that defendants now limit migrants’ right to meaningful consultation with counsel, Second Am. Compl. ¶ 154, defendants identified the following related documents:

- (1) a July 2, 2019 memorandum issued by Kenneth Cuccinelli, explaining that effective July 8, 2019, USCIS would reduce the credible fear consultation period from 72 hours for Family Residential Centers and 48 hours for all other facilities to 24 hours for both, Ex. 1 to Caudill-Mirillo Decl. [Dkt. # 59-1] (“July 2 Memo”);

- (2) a July 8, 2019 email calling for the immediate implementation of the July 2 Memo, Ex. 2 to Caudill-Mirillo Decl. [Dkt. # 59-1] (“July 8 Email”);
- (3) the form with which an asylum seeker can waive the consultation period, Ex. 3 to Suppl. Caudill-Mirillo Decl. [Dkt. # 72-2]; and
- (4) an “Updated Credible Fear Procedures Manual” reflecting the reduction of the consultation period to 24 hours. Ex. 4 to Suppl. Caudill-Mirillo Decl. [Dkt. # 72-2].

But plaintiffs have specifically disclaimed any challenge to the shortening of the time available for consultation. *See* Pls.’ Opp. at 22.¹² So these documents do not bear on Challenged Action # 6 as plaintiffs have defined it. Rather, plaintiffs contend that this action pertains to defendants scheduling interviews “without sufficient advance written notice” which leaves them unable to consult with counsel or an advisor in a meaningful way.¹³ Second Am. Comp. ¶ 154. So these documents do not bear on Challenged Action # 6, and plaintiffs do not point to any other records memorializing any other policy that bears on the right to consultation.

Defendants have also located documents related to Challenged Action # 2, which alleges that the officers conducting the asylum interviews have not been adequately trained, Second Am. Compl. ¶ 148:

- (1) a Memorandum of Agreement between the U.S. Customs and Border Protection (CBP) and U.S. Citizenship and Immigration Services (USCIS),

¹² In any event, a September 16, 2019 claim challenging the truncated consultation period would have been untimely, because the memorandum became effective on July 8, 2019. *See* July 8 Email; *see also* *L.M.-M.*, 2020 WL 985376 at *10. And, the directive has already been set aside by another court in this district. *L.M.-M.*, 2020 WL 985376, at *25 (vacating the policy due to defects in Acting Director Cuccinelli’s appointment).

¹³ In plaintiffs’ opposition to the motion to dismiss, they group together challenged actions # 6 and # 7, and generally describe how asylum officers move from the credible fear standard to the reasonable fear standard without proper procedural protections. *See* Pls.’ Opp. at 32. As stated in the previous section, this is a challenge to the Transit Ban itself, and is not appropriately within this litigation.

signed on July 10, 2019, Ex. 4 to Caudill-Mirillo Decl. [Dkt. # 59-1] (“July MOA”);

- (2) an updated Memorandum Agreement between CBP and USCIS, signed on January 30, 2020, Ex. 10 to Suppl. Caudill-Mirillo Decl. [Dkt. # 72-2]; and
- (3) a “Distance Training Component Workbook” updated in December 2019, Ex. 9 to Suppl. Caudill-Mirillo Decl. [Dkt. # 72-2], which defendant avers is part of “[t]raining agendas for the cohorts of Border Patrol Agents.” Suppl. Caudill-Mirillo Decl. ¶ 8.

Defendants’ declarant averred that the first cohort of Border Patrol Agents completed training in May of 2019 and conducted credible fear interviews from June 5, 2019 to June 20, 2019. *Id.* Then, “[b]etween June 20, 2019 and July 11, 2019, CBP and USCIS developed the [July] Memorandum Agreement.” *Id.* She stated that after the July MOA was signed, “Border Patrol Agents resumed conducting interviews on July 15, 2019. After being trained, Border Patrol Agents began conducting interviews at the South Texas Family Residential Center in Dilley, on or about September 9, 2019.” *Id.* This memorandum sets forth that CBP agents designated to conduct asylum interviews shall, among other things: receive training to meet the statutory definition of “asylum officer,” use telephonic services to conduct interviews, conduct interviews in a non-adversarial manner, and take notes and prepare a summary of material facts stated by the applicant. July MOA at 2–3.

Plaintiffs have alleged that CBP agents have not been adequately trained to conduct asylum interviews (Challenged Action # 2), that they have made the interviews unduly “adversarial,” (Challenged Action # 5) and that conducting interviews by phone has precluded the use of “child-sensitive” techniques (Challenged Action # 11). Second Am. Compl. ¶¶ 148, 151, 159. But plaintiffs’ challenges to the government’s written decision to assign CBP officers to perform the asylum interview function is untimely. The clock started to run on July 10, 2019, when the MOA

was signed by both parties and became effective. July MOA at 4 (“This agreement is effective upon signature by both Parties.”).

Plaintiffs submit that the date the agreement was executed should not control for purposes of § 1252(e)(3)(B) because the administration could avoid legal challenges by “keep[ing] new procedures secret for at least 60 days.” Pls.’ Opp. at 35. Here, even if one were to assume that the date the policy became public was the “date of implementation” for purposes of the statutory deadline, plaintiffs’ claim would still be untimely here because CBP agents resumed conducting interviews – and therefore, their role was known – on July 15. Suppl. Caudill-Mirillo Decl. ¶ 8. Plaintiffs point out that CBP agents had not yet conducted interviews at Dilley or completed their training to do so before September. Pls.’ Opp. at 28. But the jurisdictional time limit does not begin to run when a written policy is applied in a particular geographical region or to particular individuals; this Court is bound by Circuit precedent to conclude that the sixty days begins upon “first implementation,” that is, the first date the policy became effective. *AILA*, 199 F.3d at 1355. Thus, the claim is untimely.

Finally, with respect to Challenged Action # 9, the requirement that any positive determination be reviewed by the USCIS Fraud Detection and National Security Directorate, Second Am. Compl. ¶ 151, the government’s declarant has identified the date of first implementation as August 30, 2019. *See* Caudill-Mirillo Decl. ¶ 32. Defendants therefore concede that the Court has jurisdiction to hear this claim as it was brought by the plaintiffs named in the original complaint. Defs. Mem. at 27. But they argue that the Court does not have jurisdiction

over the ninety-eight plaintiffs¹⁴ added to the second amended complaint, which was filed on December 5, 2019, or to anyone who has sought joinder thereafter. *See id.* The Court agrees, and therefore all of the plaintiffs added to the second amended complaint must be dismissed.

Plaintiffs contend that because some of the plaintiffs have standing to assert a challenge to this action, then it does not matter that others were added outside of the jurisdictional time limit. Pls.' Opp. at 22. But compliance with the time limit is a jurisdictional issue that is distinct from constitutional standing, and in *AILA*, the D.C. Circuit affirmed the district court's dismissal of two plaintiffs who were joined to the complaint after the statutory sixty-day deadline had passed, even though there were plaintiffs in the action who had filed their claims on a timely basis. 199 F.3d at 1356–57. Thus, since the challenge to action # 9 is the only one remaining under § 1252(e)(3)(A), the Court must limit the case to those plaintiffs who brought their claims in accordance with § 1252(e)(3)(B), and it will dismiss the plaintiffs added on December 5, 2019 or thereafter.

II. Article III Standing and Joinder under Federal Rules of Civil Procedure 20 and 21

Defendants also move to dismiss some plaintiffs on the grounds that they do not have Article III standing to bring a claim challenging action # 9. Defs.' Mem. at 28–29. Defendants' declarant has averred that out of all the named plaintiffs, only twenty-six individuals, consisting

¹⁴ Plaintiffs originally added 110 plaintiffs with the second amended complaint but twelve of them have voluntarily dismissed their claims. *See* Pls.' Second Suppl. to Their Resp. to Order to Show Cause [Dkt. # 55], Notice of Voluntary Dismissal [Dkt. # 71]; Notice of Voluntary Dismissal [Dkt. # 93].

of twelve family units, were subject to the Fraud Detection review.¹⁵ Eight of those twenty-six plaintiffs have voluntarily dismissed their claims. *See* Notice of Voluntary Dismissal [Dkt. # 25] (dismissing D.V.R., A.V.R., I.S.R., and J.A.S.); Notice of Voluntary Dismissal [Dkt. # 30] (dismissing N.C.A. and M.P.C.); Notice of Voluntary Dismissal [Dkt. # 44] (dismissing D.S.P. and V.V.P.). Thus, defendants state, those who were not subject to review by the Fraud Detection Unit did not suffer an injury-in-fact, Defs.’ Mem. at 29, which is required to establish constitutional standing. *Lujan*, 504 U.S. at 560–61.

Defendants back away from this argument in their reply, conceding that “[p]laintiffs are correct that Article III’s case-or-controversy requirement is satisfied if one plaintiff can establish injury and standing.” Defs.’ Reply at 10, citing *J.D. v. Azar*, 925 F.3d 1291, 1323 (D.C. Cir. 2019) (“In that event, it is immaterial that other plaintiffs might be unable to demonstrate their own standing.”); *see also Rumsfeld v. Forum for Acad. & Institutional Rights, Inc.*, 547 U.S. 47, 53 n.2 (2006); *Bowsher v. Synar*, 478 U.S. 714, 721 (1986). However, defendants maintain that the Court should still dismiss these plaintiffs because they are no longer properly joined to the action. Defs.’ Reply at 10–11.

The Court agrees. Now that the lawsuit has been narrowed to consist of a single claim challenging the written requirement that a positive fear determination must be subjected to a Fraud Detection review, individuals who have not had favorable determinations overturned due to that

¹⁵ Those plaintiffs are: N.C.A., and minor child, M.P.C.; D.V.R, and minor child A.V.R.; I.S.R., and minor child J.A.S; I.A.D., and minor child C.L.A.; S.A.C., and minor child V.H.A.; Y.E.S. and minor child M.I.E.; A.C.B. and minor child A.C.B.; D.G.A., and minor children E.P.G. and M.P.G.; D.S.P. and minor child V.V.P.; C.P.G. and minor child M.B.P.; W.P.R. and minor children H.C.P. and J.C.P.; M.C.D. and minor child E.E.C. Suppl. Caudill-Mirillo Decl. ¶ 10; *see* Caudill-Mirillo Decl. ¶ 32 (stating that cases at the South Texas Residential Center were reviewed by FDNS Branch from August 30 to November 7, 2019).

allegedly unlawful process are no longer properly joined in the case. Federal Rule of Civil Procedure 20 states that

Persons may join in one action as plaintiffs if:

(A) they assert any right to relief jointly, severally, or in the alternative with respect to or arising out of the same transaction, occurrence, or series of transactions or occurrences; and

(B) any question of law or fact common to all plaintiffs will arise in the action.

Fed. R. Civ. P. 20(a)(1). “Prong one of Rule 20(a) is satisfied when the court concludes that the [p]laintiffs’ claims are ‘logically related.’” *Umbert v. United States*, No. 18-CV-1336, 2019 WL 4305576, at *7 (D.D.C. Sept. 11, 2019), quoting *Disparte v. Corp. Executive Bd.*, 223 F.R.D. 7, 10 (D.D.C. 2004). “Prong two is satisfied if there is ‘some common question of law or fact in the plaintiffs’ claims, [although] not all issues have to be common to all plaintiffs.’” *Id.*, quoting *Montgomery v. STG Int’l Inc.*, 532 F. Supp. 2d 29, 35 (D.D.C. 2008) (alterations in original).

Federal Rule of Civil Procedure 21 states that while “misjoinder of parties is not a ground for dismissing an action,” the court may “[o]n motion or on its own . . . on just terms, add or drop a party.” Fed. R. Civ. P. 21. This rule allows the Court to dismiss a party if they do not meet the requirements set forth in Rule 20. *M.K. v. Tenet*, 216 F.R.D. 133, 137 (D.D.C. 2002) (“In determining whether the parties are misjoined, the joinder standard of Federal Rule of Civil Procedure 20(a) applies.”). Even when parties meet the requirements of Rule 20, Rule 21 permits a court to sever specific parties from an action “upon a sufficient showing of prejudice to the defendant, delay, or potential for jury confusion.” *Sadat I. v. Nielsen*, Civ. A. No. 17-1976, 2019 WL 108854, at *4 n.7 (D.D.C. Jan. 4, 2019), quoting *Martinez v. DOJ*, 324 F.R.D. 33, 38 (D.D.C. 2018).

Because Challenged Action # 9 is the only remaining action, the plaintiffs who were not subject to review by the Fraud Detection Unit do not assert “any right to relief . . . arising out of the same transaction [or] occurrence.” Fed. R. Civ. P. 20(a)(1)(A); *see Walsh v. Ford Motor Co.*, 130 F.R.D. 514, 515–16 (D.D.C. 1990) (finding that while all plaintiffs alleged they experienced a common problem with automobiles, plaintiffs did not show that issue was the result of a common defect, and thus the plaintiffs could not be properly joined in one action). While all plaintiffs ultimately received negative fear determinations, those who did not undergo review by the Fraud Detection Unit received them for unrelated reasons, and there is no longer any pending claim that would support the requested delay in the execution of their removal orders.

Thus, given the narrowing of the counts, the only plaintiffs who are properly joined now for purposes of a motion for temporary restraining order or a dispositive motion are those whose positive determinations were overturned pursuant to the Fraud Detection review. Those plaintiffs who were not subject to Fraud Detection review will be dismissed from the action.

III. Plaintiffs’ Motions for Joinder

Since the filing of the second amended complaint and the addition of the third set of plaintiffs, plaintiffs have filed five motions for joinder seeking to add a host of other claimants. The first and second motions seek to add two family units consisting of seven migrants currently being housed at the Berks Family Residential Center in Leesport, Pennsylvania. First Joinder Mot. ¶ 1; Second Joinder Mot. ¶ 1. The third motion seeks to add six additional migrants who are currently being held at the South Texas Residential Center in Dilley, Texas. Third Joinder Mot. ¶ 1. The fourth motion for joinder seeks to add thirty individuals being held in both Pennsylvania and Texas. Fourth Joinder Mot. ¶¶ 1–10. Finally, the fifth motion seeks to add twenty-two individuals currently being held at the South Texas Residential Center. Fifth Joinder Mot. ¶¶ 1–

9. The sixty-five proposed plaintiffs allege that they were subject at least seven of the alleged policies, but they make no claim that they were subject to the only claim that is moving forward – Challenged Action # 9. *See* First Joinder Mot. ¶ 6; Second Joinder Mot. ¶ 8; Third Joinder Mot. ¶ 6; Fourth Joinder Mot. ¶ 13; Fifth Joinder Mot. ¶ 12.

As stated above, under Federal Rule of Civil Procedure 20, persons may join in one action as plaintiffs if: “(A) they assert any right to relief jointly, severally, or in the alternative with respect to or arising out of the same transaction, occurrence, or series of transactions or occurrences; and (B) any question of law or fact common to all plaintiffs will arise in the action.” Fed. R. Civ. P. 20(a)(1). “[J]oinder of claims, parties and remedies is strongly encouraged,” *United Mine Workers of Am. v. Gibbs*, 383 U.S. 715, 724 (1966), and the “policy underlying permissive joinder is to promote trial convenience and expedite the resolution of lawsuits.” *Disparte*, 223 F.R.D. at 10, quoting *Puricelli v. CNA Ins. Co.*, 185 F.R.D. 139, 142 (N.D.N.Y. 1999). Courts may also consider whether joining additional parties would prejudice any party or result in undue delay. *See M.K.*, 216 F.R.D. at 138.

However, “[t]he Court’s granting of a joinder motion does not resuscitate claims that are barred by the statute of limitations[,] [a]nd futility is grounds to deny a motion to join a plaintiff where the prospective plaintiffs’ claims would not survive a motion to dismiss because of the statute of limitations.” *Breen v. Chao*, 2018 WL 1509077, at *10 (D.D.C. Mar. 27, 2018) (internal citations and quotation marks omitted); *Naartex Consulting Corp. v. Watt*, 722 F.2d 779, 794–95 (D.C. Cir. 1983) (finding that denial of the joinder motion was justified because such an action would be futile), citing *Foman v. Davis*, 371 U.S. 178, 182 (1962) (concluding that leave to amend pleadings need not be granted when such an action would be futile).

Applying those precedents, the motions for joinder will be denied, and the administrative stays extended to the proposed plaintiffs will be lifted, because the proposed plaintiffs' claims are well outside the sixty-day limitations period set forth in § 1252(e)(3)(B).¹⁶ The motions for joinder were filed on March 25, April 3, April 6, April 14, and April 23, 2020 and as plaintiffs themselves have alleged, the challenged policies were being "implemented" before the first and second complaints were filed. Thus, joining the proposed plaintiffs' claims would be futile as the claims are untimely.¹⁷

Plaintiffs maintain that since Acting Director Cuccinelli had no authority to implement the alleged policies they are seeking to challenge, the sixty-day bar should not apply. First Joinder Mot. ¶ 7; Second Joinder Mot. ¶ 9; Third Joinder Mot. ¶ 7; Fourth Joinder Mot. ¶ 14; Fifth Joinder Mot. ¶ 13. But this is a non-sequitur; the Director's appointment may bear on the validity of

¹⁶ This was a questionable strategy. Reasons emphasized in some of the accompanying motions for stay, such as the fact that some migrants are now in quarantine, had nothing to do with the original case. Emergency Mot. to Stay Removal of Proposed Additional Pls. [Dkt. # 95] ¶ 2. The mere fact that the Court had stayed deportation in this case did not make this docket the appropriate vehicle for unlimited numbers of migrants to obtain similar relief for an unlimited period of time, particularly given the sixty-day restriction. The proposed additional plaintiffs and future claimants will need to file separate actions, based on other, viable grounds.

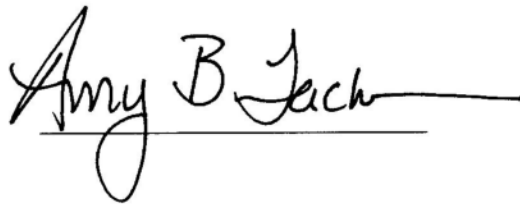
¹⁷ In their first motion for joinder, plaintiffs point out that if the sixty-day window applied to the migrants seeking to join the action, those potential plaintiffs "never had a window in which they could file," because defendants had argued in the past that other plaintiffs' claims were not yet ripe at the time they were filed. *See* First Joinder Mot. ¶ 5; *See* Defs.' Opp. to Pls.' First TRO Mot. (arguing that claims on behalf of plaintiffs who had not yet received negative credible fear determinations from an immigration judge were not ripe, and that the motion was premature as to them). While it is undeniable that these competing jurisdictional principles put plaintiffs in a bind, plaintiffs are mixing apples and oranges here: ripeness and mootness are principles affecting subject matter jurisdiction under Article III, and the sixty-day period is a firm legislative limitation on the Court's power to act that the Court has no equitable power to circumvent, even as new sets of migrants are subjected to the harshness of its terms.

policies he enacted, but it has no bearing on the restraints on judicial review imposed by Congress in § 1252(a)(2)(A) or the narrow scope of the exception for written policies in § 1252(e)(3).

CONCLUSION

For all those reasons, defendants' partial motion to dismiss the second amended complaint will be granted, and plaintiffs' motions for joinder will be denied.

A separate order will issue.

A handwritten signature in black ink that reads "Amy B. Jackson". The signature is written in a cursive style and is positioned above a horizontal line.

AMY BERMAN JACKSON
United States District Judge

DATE: April 27, 2020

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

_____)	
M.M.V., <i>et al.</i> ,)	
)	
	Plaintiffs,)	
)	
	v.)	Civil Action No. 19-2773 (ABJ)
)	
WILLIAM BARR,)	
in his official capacity as)	
Attorney General of the)	
United States, <i>et al.</i> ,)	
)	
	Defendants.)	
_____)	

ORDER

Pursuant to Federal Rules of Civil Procedure 12 and 58, and for the reasons stated in the accompanying Memorandum Opinion, it is hereby

ORDERED that defendants’ partial motion to dismiss [Dkt. # 72] is **GRANTED**. It is

FURTHER ORDERED that plaintiffs’ five motions for joinder [Dkt. ## 78, 86, 88, 91, 94] are **DENIED**. The administrative stays extended to the proposed plaintiffs are hereby lifted. *See* Min. Order (Mar. 25, 2020); Min. Order (Apr. 4, 2020); Min. Order (Apr. 6, 2020); Min. Order (Apr. 15, 2020); Min. Order (Apr. 23, 2020). This order is without prejudice to any future independent actions filed by any of the would-be plaintiffs.

In accordance with the accompanying Memorandum Opinion, the following plaintiffs remain in the action and continue to fall under the administrative stay:

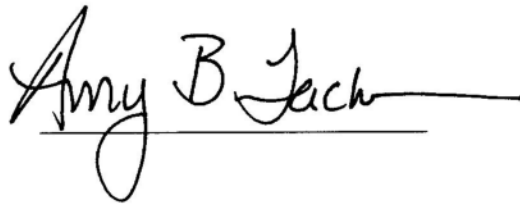
- I.A.D. and minor child C.L.A.
- S.A.C. and minor child V.H.A.

- Y.E.S. and minor child M.I.E.
- A.C.B. and minor child A.C.B.
- D.G.A. and minor children E.P.G. and M.P.G.
- C.P.G. and minor child M.B.P.
- W.P.R. and minor children H.C.P. and J.C.P.
- M.C.D. and minor child E.E.C.

All other plaintiffs are dismissed from the case and the administrative stay extended to them on September 25, October 17, and December 5 is hereby lifted. Finally, it is

FURTHER ORDERED that the parties must inform the Court by May 4, 2020 of their respective positions on whether, with respect to the remaining plaintiffs covered by the administrative stay, the motions for temporary restraining order [Dkt. ## 13, 29] should be deemed to be motions for preliminary injunction and consolidated with the merits pursuant to Federal Rule of Civil Procedure 65(a)(2), and if so, whether additional briefing is required on the Fraud Detection Review issue.

SO ORDERED.

A handwritten signature in black ink that reads "Amy B Jackson" with a horizontal line underneath the name.

AMY BERMAN JACKSON
United States District Judge

DATE: April 27, 2020

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
CIVIL MINUTES—GENERAL

Case No. **CV 85-4544 DMG (AGRx)** Date April 24, 2020

Title **Jenny L. Flores, et al. v. William P. Barr, et al.** Page 1 of 21

Present: The Honorable **DOLLY M. GEE, UNITED STATES DISTRICT JUDGE**

KANE TIEN

Deputy Clerk

NOT REPORTED

Court Reporter

Attorneys Present for Plaintiff(s)
None Present

Attorneys Present for Defendant(s)
None Present

Proceedings: IN CHAMBERS—ORDER RE PLAINTIFFS’ MOTION TO ENFORCE

**I.
INTRODUCTION AND BACKGROUND**

Before the Court is Plaintiffs’ request for a preliminary injunction to enforce the *Flores* Settlement Agreement (“FSA” or “Agreement”) during the COVID-19 pandemic. Four weeks of litigation culminate in this Order.¹ In light of the emergent COVID-19 crisis, the Court issued the March 28, 2020 TRO and ordered Defendants Office of Refugee Resettlement (“ORR”) and Immigration and Customs Enforcement (“ICE”) to (1) make every effort to promptly and safely release Class Members in accordance with Paragraphs 14 and 18 of the Agreement and the Court’s prior orders; (2) submit to inspections by the Juvenile Coordinators; (3) provide evidentiary snapshots to the Court, the Independent Monitor, and Class Counsel; and (4) show cause by April 10, 2020, why the Court should not grant Plaintiffs’ motion for preliminary injunction. March 28, 2020 TRO at 13–15 [Doc. # 740].

On April 6, 2020, Defendants filed their First Supplemental Response in opposition to a preliminary injunction and provided the requested data regarding individual Class Members. [Doc. # 746.] Defendants also provided access to video tours of the three ICE Family Residential Centers (“FRCs”) and five selected ORR facilities, and the ICE and ORR Juvenile Coordinators submitted their reports. Based on this new information, Plaintiffs submitted their First Reply with additional declarations and exhibits on April 8, 2020, raising new concerns about Defendants’ compliance with the FSA. [Doc. ## 759, 761.] On April 9, 2020, Defendants filed Objections and a Response to Plaintiffs’ First Reply and requested the opportunity to submit supplemental briefing responding to Plaintiffs’ arguments. [Doc. # 762.]

¹ The Court incorporates by reference the factual backgrounds in the March 28, 2020 Temporary Restraining Order (“TRO”) and the April 10, 2020 Order. See March 28, 2020 Order at 1–3 [Doc. # 740]; April 10, 2020 Order at 1–3 [Doc. # 768].

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
CIVIL MINUTES—GENERAL

Case No. **CV 85-4544 DMG (AGRx)**Date **April 24, 2020**Title ***Jenny L. Flores, et al. v. William P. Barr, et al.***Page **2 of 21**

On April 10, 2020, the Court granted Defendants’ request and ordered supplemental briefing on the following issues: (1) ICE’s individualized parole determinations and continuous efforts to secure minors’ release; (2) ORR’s policy banning release of minors to States where COVID-19 has prompted stay-at-home orders; (3) ORR’s policies postponing release of all minors in a facility with a confirmed case of COVID-19 or to a sponsor whose household has a confirmed case of COVID-19; (4) ORR’s fingerprinting requirement for certain sponsors; and (5) the effect of the Migrant Protection Protocols (“MPP”), also known as the “Remain in Mexico” policy, on a minor’s eligibility for release. April 10, 2020 Order at 3–4 [Doc. # 768]. The Court also extended for two weeks the March 28 TRO requiring ORR and ICE to make every effort to promptly and safely release Class Members in accordance with Paragraphs 14 and 18 of the FSA and the Court’s prior orders, and requesting continued monitoring by the Independent Monitor and the Juvenile Coordinators. *Id.* at 5–6.²

Defendants have filed their Second Supplemental Response, and Plaintiffs have filed their Second Reply in accordance with the April 10, 2020 Order. [Doc. ## 772, 774.] The Court held a videoconference hearing on April 24, 2020.

Plaintiffs continue to argue that ICE has failed to keep Class Members “in facilities that are safe and sanitary and that are consistent with [its] concern for the particular vulnerability of minors.” Agreement at ¶ 12 [Doc. # 101]; *see* Pls.’ Second Reply at 10.³ They also contend that ORR and ICE have failed to comply with their obligations under the FSA to “release a minor from its custody without unnecessary delay” and “make and record the prompt and continuous efforts on its part toward family reunification and the release of the minor.” Agreement at ¶¶ 14, 18; *see* Pls.’ Second Reply at 15, 20. In addition, Plaintiffs raise a new argument that ORR and ICE have violated their obligation to detain minors in the least restrictive setting, as set forth in the FSA. Pls.’ Second Reply at 8, n.5 (citing Agreement at ¶¶ 11, 23). Plaintiffs now seek an Order (1) enforcing compliance with the FSA and with CDC COVID-19 guidelines for detention facilities; (2) requiring ICE to release minors with their detained parent unless that parent is determined to be a flight risk or danger; (3) requiring ORR to cease its blanket policy requiring

² The Court also ordered the parties’ counsel to meet and confer regarding (1) certain disclosures, including information regarding existence of COVID-19 infection among Class Members, that should be provided to minors’ immigration counsel; and (2) the quality of the data that Defendants provide to Class Counsel pursuant to Paragraph 28A of the FSA. April 10 Order at 6.

³ The Court previously found that ORR was in substantial compliance with its obligation to implement CDC-compliant guidelines and to provide adequate routine medical care and adequate living accommodations. March 28, 2020 Order at 6–7. Despite referring to a severe outbreak of COVID-19 at one ORR facility in Chicago, Plaintiffs have not renewed their calls for enforcement action against ORR for issues with medical care or living accommodations or submitted evidence that changes the Court’s ruling in that regard. *See* Pls.’ Second Reply at 6.

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
CIVIL MINUTES—GENERAL

Case No. **CV 85-4544 DMG (AGRx)**

Date April 24, 2020

Title ***Jenny L. Flores, et al. v. William P. Barr, et al.***

Page 3 of 21

fingerprints from certain sponsors; (4) requiring both ICE and ORR to inform a Class Member’s immigration counsel if they are infected or exposed to COVID-19 when appropriate consent to release medical information has been given; and (5) permitting the parties to propound written discovery and conduct depositions, with disputes to be addressed by the Independent monitor, for 30 days. Defendants argue that the core relief Plaintiffs seek is enforcement of the FSA, not a preliminary injunction, and that Plaintiffs have failed to show any breach of the FSA.

For the reasons stated below, the Court **GRANTS in part** and **DENIES in part** Plaintiffs’ request for enforcement of the FSA.

II.
LEGAL STANDARD

The parties dispute what legal standard to apply to Plaintiffs’ request. Defendants argue that the injunction Plaintiffs seek is “akin to an order to enforce certain terms of the Agreement,” and therefore the standards applicable to a motion to enforce should apply. Defs.’ Second Supp. Response at 6. Plaintiffs continue to characterize their request as one for a preliminary injunction.

The parties and this Court have long acknowledged that the FSA is a consent decree, and “a consent decree is ‘no more than a settlement that contains an injunction[.]’” *Fed. Trade Comm’n v. Enforma Nat. Prod., Inc.*, 362 F.3d 1204, 1218 (9th Cir. 2004) (quoting *In re Masters Mates & Pilots Pension Plan & IRAP Litig.*, 957 F.2d 1020, 1025 (2d Cir. 1992); see also *Gates v. Shinn*, 98 F.3d 463, 468 (9th Cir. 1996) (“[W]hen a decree commands or prohibits conduct, it is called an injunction.”). Thus, Plaintiffs already have obtained a judicially enforceable permanent injunction in the form of the FSA itself.

While the TRO served to address Plaintiffs’ pressing concerns regarding Defendants’ alleged non-compliance with the FSA on an emergency, *ex parte* basis, a preliminary injunction in this matter does not “serve the very purpose of a preliminary injunction, which is to preserve the status quo and the rights of the parties *until a final judgment issues* in the cause.” *U.S. Philips Corp. v. KBC Bank N.V.*, 590 F.3d 1091, 1094 (9th Cir. 2010) (emphasis added). Rather, Plaintiffs seek an order reiterating that Defendants must adhere to the FSA’s terms and requiring additional reporting under the FSA and the Court’s prior Orders. The Court therefore need not issue *interim* injunctive relief, but may instead rely on the unambiguous terms of the Agreement itself and the Court’s authority to enforce its own Orders. See *Jeff D. v. Kempthorne*, 365 F.3d 844, 853 (9th Cir. 2004) (“Once the decree was entered, the district court retained jurisdiction to enforce it[.]”); Agreement at ¶ 37; October 5, 2018 Order Appointing Special Master/Independent Monitor at ¶ E.4 [Doc. # 494].

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
CIVIL MINUTES—GENERAL

Case No. **CV 85-4544 DMG (AGRx)**Date **April 24, 2020**Title ***Jenny L. Flores, et al. v. William P. Barr, et al.***Page **4 of 21**

Accordingly, the Court construes Plaintiffs' request for relief as a motion to enforce. Plaintiffs must show by a preponderance of the evidence that ORR and ICE are currently in breach of the FSA. *See Flores v. Sessions*, 394 F. Supp. 3d 1041, 1049 (C.D. Cal. 2017). Because consent decrees are construed basically as contracts, the doctrine of substantial compliance applies. *See Flores v. Barr*, 407 F. Supp. 3d 909, 915 (C.D. Cal. 2019).

**III.
DISCUSSION**

As an initial matter, the Court addresses Defendants' argument that the Court cannot consider arguments raised and evidence submitted for the first time in Plaintiffs' Second Reply. *See* Defs.' Second Objections at 2–3 [Doc. # 779]. To the extent Plaintiffs raise issues pertaining to ICE juvenile detention facilities in their Second Reply that were not raised in their earlier briefs and to which Defendants have not had an opportunity to respond, the Court will not address them, but will refer them to the ICE Juvenile Coordinator for further investigation and report. *See* Pls.' Second Reply at 14 (discussing conditions at two ICE juvenile jails); *see also State of Nev. v. Watkins*, 914 F.2d 1545, 1560 (9th Cir. 1990) (“[Parties] cannot raise a new issue for the first time in their reply briefs.”) (citation omitted).

The Court will consider Plaintiffs' new declarations, subject to the Federal Rules of Evidence, to the extent that they address issues raised in the parties' earlier briefs and shed light on the latest conditions on the ground at the FRCs and ORR facilities.⁴

The Court first takes up Plaintiffs' arguments regarding conditions in ICE FRCs, then their arguments that neither ORR nor ICE are releasing minors without unnecessary delay or making and recording prompt and continuous efforts toward release of minors in their custody.

A. Safe and sanitary conditions and appropriate medical care

Paragraph 12A of the FSA provides that, following arrest, Class Members will be held in “facilities that are safe and sanitary and that are consistent with [Defendants'] concern for the

⁴ In addition, although Plaintiffs have cited to many news articles, the Court bases its decision only on admissible evidence submitted by the parties. *See Von Saher v. Norton Simon Museum of Art at Pasadena*, 592 F.3d 954, 960 (9th Cir. 2010) (“Courts may take judicial notice of publications introduced to indicate what was in the public realm at the time, not whether the contents of those articles were in fact true.”) (internal quotation marks and citations omitted); *Gerritsen v. Warner Bros. Entm't Inc.*, 112 F. Supp. 3d 1011, 1029 (C.D. Cal. 2015) (plaintiff “seeks to have the court take judicial notice of the truth of the facts stated in the various press releases and news articles. This the court cannot do.”) (*citing, inter alia, Von Saher*, 592 F.3d at 960).

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particular vulnerability of minors.” Agreement at ¶ 12. The Ninth Circuit confirmed that “assuring ‘safe and sanitary’ conditions includes protecting children from developing short- or long-term illnesses as well as protecting them from accidental or intentional injury.” *Flores v. Barr*, 934 F.3d 910, 916 (9th Cir. 2019). In addition, Exhibit 1 to the FSA also specifies that minors detained in licensed programs shall receive, *inter alia*, “suitable living accommodations, . . . [a]ppropriate routine medical . . . care, . . . emergency health care services, . . . screening for infectious [disease] within 48 hours of admission . . . [and] immunizations in accordance with the U.S. Public Health Service (PHS), Center for Disease Control.” Agreement, Exhibit 1 at ¶ A.1.

Defendants have submitted videotaped tours and detailed declarations regarding COVID-19 preparedness and policies at each of the three ICE FRCS: South Texas FRC in Dilley, Texas (“Dilley”), Karnes FRC (“Karnes”), and Berks County Residential Facility (“Berks”). Based on the declarations of Michael Sheridan, the ICE Contractor Officer Representative for Dilley and Karnes; Christopher George, the ICE Assistant Field Office Director who oversees Berks; and medical professionals involved or familiar with healthcare at each of the three FRCS, as of April 22, 2020, each FRC’s policies regarding sanitation, social distancing, PPE, and medical services appear to comply with the CDC’s COVID-19 Guidance for correctional facilities. *See generally* Defs.’ Not. of Related Filing, Ex. 2 (Sheridan Supp. Decl.), Ex. 3 (George Supp. Decl.), Ex. 4 (Montalvo Decl.), Ex. 5 (Cantu Decl.), Ex. 6 (Green Decl.) [Doc. # 773]. It is also encouraging that FRCS are significantly under their maximum capacity. As of April 21, 2020, Dilley houses 376 people, which is 16% of capacity, down from 557 people as of April 6, 2020. Of these, 208 are minors. There are 306 individuals, including 128 minors, at Karnes, which is 36% of capacity, down from 426 people as of April 6, 2020. Berks currently houses five families, for a total of 16 people, which is 17% of capacity. Among these, only six are minors. *Id.*, Ex. 1 (Harper Supp. Decl.) at ¶ 4 [Doc. # 773].

Defendants’ declarations thus paint a picture of sanitary, social-distance-compliant, and medically appropriate facilities—a picture tarnished by declarations of detainees and their legal services providers showing that ICE’s directives are not being properly implemented. As of April 21, 2020, detainees at all three FRCS report inaccessible or ineffective medical treatment, deteriorating health while in custody, insufficient soap and sanitation supplies, lack of thorough cleaning by staff, and insufficient use of PPE by staff or detainees. *See, e.g.*, Pls.’ Second Reply, Ex. KK (L.O.R. Decl.) at ¶¶ 9, 19–20, 23 [Doc. # 774-33]; *id.*, Ex. LLL (A.M.P. Decl.) at ¶¶ 7–8 [Doc. # 774-66]; Ex. NNN (N.V.G. Decl.) at ¶¶ 3–5 [Doc. # 774-68]; *id.*, Ex. W (B.L. Decl.) at ¶¶ 5, 9, 16–18, 20–22 [Doc. # 774-25]. Detainees at Dilley also report difficulty maintaining social distance. *See, e.g., id.*, Ex. XX (I.P.F.L. Decl.) at ¶ 23 [Doc. # 774-52]. One detainee at Dilley reported mixing with the general population while exhibiting symptoms of COVID-19—symptoms severe enough that she was eventually tested, though test results are not yet available.

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See id., Ex. OO (N.G.B.F. Decl.) at ¶¶ 5–8 [Doc. # 774-43]. Another at Berks describes that the only available hand soap leaves rashes and bumps and reports begging the staff to change the soap. *Id.*, Ex. W (B.L. Decl.) at ¶ 20 [Doc. # 774-25]. Surveys conducted by legal service providers at Dilley and Karnes on April 20 and 21, 2020 corroborate individual detainees’ accounts of uneven or failed implementation of COVID-19 policies. *See id.*, Ex. BB (Fluharty Third Decl.) at ¶¶ 37–46 [Doc. # 774-30]; *id.*, Ex. HHH (Meza Decl.) at ¶ 9 [Doc. # 774-62].

The Court need not repeat every assertion of ICE’s implementation failure from Plaintiffs’ deluge of declarations to conclude that Plaintiffs have raised significant concerns by a preponderance of the evidence about each FRC’s ability to provide safe and sanitary conditions. The design of the ICE FRCs’ COVID-19 prevention measures may substantially comply with the FSA’s safe and sanitary and medical care requirements. And despite its laggardly initial response, ICE deserves some credit for its rapidly-evolving response to the pandemic in the aftermath of Plaintiffs’ TRO application. But proper policy design, without proper implementation, does not offer Class Members the baseline of care bargained for in the FSA. Plaintiffs have offered sufficient evidence to undercut Defendants’ optimistic portrait of the implementation of their Guidelines.

Accordingly, ICE’s uneven compliance with Paragraph 12 and Exhibit 1 of the FSA warrants continued heightened monitoring.

B. Release without unnecessary delay and recording efforts toward release

The FSA obligates ORR and ICE to “release a minor from [their] custody without unnecessary delay” and “make and record the prompt and continuous efforts on [their] part toward family reunification and the release of the minor.” Agreement ¶¶ 14, 18.

1. ORR

Plaintiffs argue that the risk of contracting COVID-19 in congregate care is urgent enough that any delay may present an unnecessary delay to release, in violation of Paragraph 14 of the Agreement.⁵ As discussed in the March 28, 2020 TRO, medical experts agree that minors in any form of congregate care face heightened danger and potential trauma during the COVID-19

⁵ Plaintiffs no longer argue that ORR fails to make and record continuous efforts toward release. ORR case managers keep detailed notes on each minor’s potential sponsors, efforts to reach out to those sponsors, and the sponsors’ progress—or lack thereof—toward submitting a family reunification packet. The Court commends ORR on doing a yeoman’s job of making a record of its efforts to release minors and reunify families in this challenging environment.

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outbreak. *See, e.g.*, March 28, 2020 TRO at 6; *see also* Pls.’ First Reply, Ex. B (Cohn Decl.) [Doc. # 759-2]. But according to Amanda Cohn, the Chief Medical Officer of the National Center for Immunizations and Respiratory Diseases (NCIRD) at the CDC and a Deputy Incident Manager for the CDC COVID-19 response, releasing Class Members and placing them in homes in some locations in the United States may put them at equal or greater risk of COVID-19 exposure and with diminished access to adequate medical care. Defs.’ First Response, Ex. K (Cohn Decl.) ¶¶ 23–26 [Doc. # 736-11]. For this reason, the Court has already found that “rushing to release minors *en masse* in the midst of the current travel restrictions or to release them to potentially unfit custodians based on limited information” is unwise, “particularly given the possibility of contagion via public transportation, or introducing healthy children to homes where they could be at a higher risk of infection.” March 28, 2020 TRO at 12.

Furthermore, the William Wilberforce Trafficking Victims Protection Reauthorization Act (“TVPRA”) tasks ORR to ensure that any sponsor is “capable of providing for the child’s physical and mental well-being,” and Paragraph 17 of the FSA provides that Defendants “may” conduct suitability determinations before releasing a Class Member pursuant to Paragraph 14. 8 U.S.C. § 1232(c)(3)(A); Agreement at ¶ 17. Some ORR decisions that result in delays to release may therefore be acceptable. *See Flores v. Sessions*, No. CV 85-4544-DMG (AGRx), 2018 WL 10162328, at *18 (C.D. Cal. July 30, 2018) (finding that some ORR policies “appear to be reasonably calculated to protect Class Members” even if they result in delays in release).

Thus, the issue is whether Plaintiffs have shown by a preponderance of the evidence that under any of the challenged policies, ORR has failed to release minors without *unnecessary* delay. Previously, the Court found that ORR policies caused unnecessary delay and violated Paragraphs 14 and 18 of the FSA where the policies (1) were not required by the FSA or TVPRA, (2) were not deemed necessary in analogous state child welfare contexts, and/or (3) were blanket bans or blocks to release that failed to take Class Members’ individualized circumstances into account. *See Flores v. Sessions*, 2018 WL 10162328, at *21.

Using this framework, the Court turns to Plaintiffs’ arguments and evidence that the following ORR policies have resulted in unnecessary delay in releasing Class Members: (1) the late March blanket ban on releasing all minors to sponsors in New York, California, and Washington; (2) ORR’s policies delaying the release of minors who have been exposed to a confirmed case of COVID-19 or whose sponsor’s household has a confirmed case of COVID-19; (3) fingerprinting and home study requirements that are difficult or impossible to satisfy during the pandemic; and (4) ORR’s collaboration with ICE to bar release or reunification progress for minors with orders of removal under the MPP.

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i. Ban on releasing Class Members to or from certain States

Defendants explain that the April 6, 2020 ORR Field Guidance # 4, COVID-1 Discharge Guide (“April 6 ORR Guidance”) does not contain a blanket ban on releasing Class Members in New York or any other States. Though ORR did institute a temporary hold on releases in New York on March 25, 2020, ORR consulted with local health officials and the CDC, developed a set of criteria for discharges from New York, and lifted the hold on April 3, 2020. Defs.’ Objections and Response, Ex. 7 (Sualog Second Decl.) at ¶ 12 [Doc. # 762-10]; Defs.’ Second Supp. Response, Ex. 11 (Sualog Third Decl.) at ¶ 4 [Doc. # 772-6]; *see also* Pls.’ First Reply, Ex. H (Flamm Decl.) at ¶¶ 7–8 (describing one legal service provider’s belief that no minors were released between March 25, 2020 and April 2, 2020 from an ORR facility in New York due to an ORR policy declining to discharge any minors from the facility) [Doc. # 759-8]; Pls.’ First Reply, Ex. E (Gahng Decl.) at ¶ 9 (describing one legal service provider’s receipt of a notice that ORR had instituted a “stop placement” order ceasing the placement of any Class Members in New York) [Doc. # 759-5]. Presumably, the “stop placement” orders relating to California and Washington have also been lifted. Minors, including minors in facilities in New York, have been released since the policy was changed. *See* Pls.’ Second Reply, Ex. C (Enriquez Decl.) at ¶ 9 [Doc. # 774-5]; Sualog Third Decl. at ¶ 4 (citing an average release of 64 minors a day between March 15 to April 15).

The Court does not fault ORR for exercising caution during the initial days of the pandemic. Plaintiffs have provided no current evidence that a blanket ban exists on releasing Class Members to or from certain States that would violate the FSA. Because ORR appears to have rectified any non-compliant blanket ban on releasing minors from facilities in States hardest-hit by COVID-19, Plaintiffs’ requested relief relating to such a ban is now moot.

ii. Ban on releasing Class Members with exposure to COVID-19 or to sponsor households with confirmed cases of COVID-19

Defendants explain that the April 6 ORR Guidance does not contain a blanket ban on release of any minor exposed to COVID-19. Sualog Third Decl. at ¶ 5. Instead, the April 6 ORR Guidance temporarily postpones release of a Class Member in a facility experiencing one or more confirmed cases of active COVID-19 “until ORR’s Division of Health for Unaccompanied Children (DHUC) lifts the hold on release or allows the release of specific children on a case by case basis following CDC recommendations.” Sualog Second Decl. at ¶ 7. ORR’s Deputy Director, Jallyn Sualog, states that this language “places responsibility with the health professionals in the DHUC, and allows case-by-case releases” if a minor can complete the required 14-day quarantine at a sponsor’s home rather than in ORR care. *Id.* at ¶ 8; Sualog Third Decl. at

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¶ 5. Factors taken into consideration when determining if an exposed minor can be released include: whether commercial air travel is required to go to the sponsor's home, presence of health conditions that place the child or sponsor household at higher risk, and the ability of the sponsor to maintain the child's quarantine and active symptom monitoring for 14 days. Sualog Third Decl. at ¶ 5.

Plaintiffs argue that the language of the April 6 ORR Guidance lacks the following: mandatory language requiring a medical professional to examine each case for possible release, a time frame for DHUC assessments, and an explanation of how a Class Member, sponsor, or attorney may apply for a minor's release. Pls.' Second Reply at 20–22. Plaintiffs' medical experts suggest that due to the relative ease of determining the DHUC factors, lack of accurate testing, and impossibility of quarantining every asymptomatic and symptomatic minor in a congregate care facility, a minor exposed to COVID-19 is far safer in a sponsor's home than in a congregate care setting where a COVID-19 infection is more likely. *See* Pls.' Second Reply, Ex. A (Graves Decl.) at ¶¶ 7–13 [Doc. # 774-3]; *id.*, Ex. B (Cohen Decl.) at ¶¶ 4–13 [Doc. # 774-4]. As Plaintiffs' medical expert Dr. Julie DeAun Graves opines, "Postponing the release of children in facilities with known COVID-19 exposure is like leaving them in a burning house rather than going in to rescue them and take them to safety." Graves Decl. at ¶ 7.

Plaintiffs also submit evidence of this policy's effect on Class Members. At least one minor purportedly had his release delayed due to testing positive for COVID-19, though the Court has concerns about the foundation of this declarant's knowledge. *See id.*, Ex. F (Huebner Decl.) at ¶ 21 [Doc. # 774-8]. Another had his release delayed due to exposure to another minor suspected of having COVID-19. *See id.*, Ex. G (Cubas Decl.) at ¶ 11 [Doc. # 774-9]. According to an attorney serving clients at ORR care provider BCFS Baytown, the entire facility was placed under a 14-day quarantine order on April 7, 2020 after a news outlet reported that numerous BCFS Baytown staff members had tested positive for COVID-19. *Id.*, Ex. I (Bocanegra Decl.) at ¶¶ 6, 8 [Doc. # 774-11]. One minor about to turn 18 was able to be released to his parental sponsor only after the quarantine was lifted; another turned 18 during the quarantine and was released to ICE custody, rather than to the long-term non-congregate placement already secured for him. *Id.* at ¶¶ 9–10.

Besides Sualog's non-specific declarations, there is no evidence in the record indicating that medical professionals actually make case-by-case determinations of a minor's eligibility for release, and Plaintiffs have submitted at least some evidence to the contrary. The Court does not find fault with the April 6 ORR Guidance in theory, but its implementation must be monitored as part of the Independent Monitor's and Juvenile Coordinator's regular monitoring duties to ensure

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that this policy timely facilitates, rather than obstructs, ORR's ability to meet the FSA requirement of release without unnecessary delay.

As for releasing minors to homes in which there is a confirmed case of COVID-19, the April 6 ORR Guidance provides: "If a sponsor or a member of the sponsor's household has an active COVID-19 infection, postpone release until a medical or public health professional determines it is safe to release the UAC to the sponsor household." Sualog Second Decl. at ¶ 10. This language clearly provides for a medical professional's individualized assessment of a Class Member's eligibility for release and is reasonable under the circumstances. For similar reasons as stated above, however, continued monitoring of this policy's implementation remains necessary to ensure expeditious but safe release of minors to sponsor households.

iii. Fingerprint and home study requirements for certain potential sponsors

Plaintiffs argue that some of ORR's current fingerprinting and home study requirements are unreasonable and, in light of the pandemic's effects, unnecessarily delay the release of numerous Class Members. Noting that ORR already has some policies in place to waive the fingerprinting requirement and that some state child welfare agencies have relaxed fingerprinting requirements in light of the pandemic, Plaintiffs argue that ORR can similarly waive or delay the fingerprinting requirement and follow up with sponsors after release. *See* Pls.' First Reply at 21 & n.49. The summary spreadsheet submitted by ORR indicates that as of early April, approximately 51 minors in ORR custody in the 32 facilities listed have otherwise eligible sponsors who could not get fingerprinted due to COVID-19-related shutdowns, and 21 could not get a home study due to COVID-19. Attorneys for individual Class Members also describe numerous clients for whom the ORR facility specifically cited pandemic-related barriers to obtaining fingerprints or a home study as the reason for delaying release. *See, e.g.,* Gahng Decl. at ¶¶ 13–15; Enriquez Decl. at ¶ 8; Huebner Decl. at ¶¶ 12–14; Pls.' Second Reply, Ex. E, (Shaw Decl.) at ¶¶ 8–9 [Doc. # 774-5].

The TVPRA does not specifically require fingerprinting. It requires ORR to, at a minimum, "verif[y] the custodian's identity and relationship to the child, if any, as well as an independent finding that the individual has not engaged in any activity that would indicate a potential risk to the child." 8 U.S.C. § 1232(c)(3)(A). As of 2019, ORR requires fingerprints only of sponsors that fall into certain categories. Sponsors who are in Category 1 and Category 2A—parents or legal guardians, grandparents, adult siblings, or other close family members who were the primary caregiver of the minor—as well as any non-sponsor adult household member and identified adult caregiver must submit fingerprints only where a public records check reveals

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possible disqualifying factors, or there is a documented risk to the safety of the minor, the minor is especially vulnerable, and/or the case is being referred for a home study. Fingerprints are required for all sponsors in Categories 2B and 3—close family members (*i.e.*, aunts, uncles, cousins) who were not the primary caregiver of the minor, or any other sponsor, such as a distant relative or unrelated adult. *See* Sualog Third Decl. at ¶ 7. The TVPRA requires a home study for a minor who is a trafficking victim, has special needs, is a victim of physical or sexual abuse, or has a sponsor who clearly presents a risk of abuse, maltreatment, exploitation, or trafficking to the child based on all available objective evidence. 8 U.S.C. § 1232(c)(3)(B). ORR policy also “requires a home study before releasing any child to a nonrelative sponsor who is seeking to sponsor multiple children, or who has previously sponsored or sought to sponsor a child and is seeking to sponsor additional children” or “for children who are 12 years and under before releasing to a nonrelative sponsor.” ORR Policy Guide at § 2.4.2, <https://www.acf.hhs.gov/orr/resource/children-entering-the-united-states-unaccompanied> (last accessed April 23, 2020).

As of April 16, 2020, ORR has adjusted fingerprinting procedures by mailing fingerprint cards and working with potential sponsors to locate available fingerprint locations and with closed fingerprint locations to obtain PPE so that they can reopen. Sualog Second Decl. at ¶ 13; Sualog Third Decl. at ¶ 6. ORR Deputy Director Jallyn Sualog states that “only nine digital fingerprint locations are offline entirely,” though it is not clear how many digital fingerprint locations remain “online.” Sualog Third Decl. at ¶ 6. Sualog acknowledges that in some cases, the fingerprinting requirement may be waived, but that “eliminating fingerprint checks on a blanket basis, due to the COVID-19 threat, would inappropriately endanger children” and “undermine ORR’s ability to fulfill Congress’ directive that it protect children from ‘traffickers and other persons seeking to victimize or otherwise engage such children in criminal, harmful, or exploitative activity.’” Sualog Second Decl. at ¶ 15 (quoting 8 U.S.C. § 1232(c)(1)). As for home studies, Sualog earlier declared that ORR has already allowed for virtual home studies where possible. *See* Sualog Second Decl. at ¶ 16.

Due to the dangers that Class Members may face if released to an improperly vetted sponsor, the Court ordinarily defers to ORR’s expertise regarding the importance it ascribes to fingerprinting potential sponsors whose name-only background checks yield red flags, who have a more attenuated or no familial relationship to the minor, or who seek to sponsor particularly vulnerable minors. But under the current extraordinary circumstances in the midst of a pandemic, ORR’s obligation to release minors without unnecessary delay requires moving with greater speed to remove minors from congregate environments where a suitable custodian exists.

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ORR's efforts to make digital fingerprinting available to potential sponsors fail to mitigate the Court's concerns about delay, given the number and prevalence of minors whose release hinges on their fully vetted sponsor going to a public place—potentially endangering themselves—to obtain fingerprints. Furthermore, since the Court's April 10, 2020 Order, more States have temporarily suspended fingerprint requirements for otherwise vetted foster parents. *See* Pls.' Second Reply at 25, n.37 (collecting states); Pls.' First Reply at 21, n.49 (same). While conceding that potential sponsors whose name-only background checks trigger red flags should still be fingerprinted, Plaintiffs have shown that additional fingerprint-based checks for Category 2B and 3 sponsors with clear records cause unnecessary delay under current circumstances. *See* Pls.' Second Reply at 23, n.32.

Accordingly, during the course of this pandemic in the United States, ORR's policy of withholding a minor's release to otherwise eligible Category 2B and 3 sponsors due to the unavailability of a facility to perform fingerprinting violates the FSA's prohibition on unnecessary delay. Like numerous other child welfare agencies, ORR shall institute provisional release of Class Members to Category 2B and 3 sponsors who have otherwise satisfied ORR's criteria, contingent upon later submission of fingerprints when fingerprinting is available.

Because the ORR has indicated its willingness to use virtual home studies on a case by case basis, the Court declines to grant Plaintiffs' motion to enforce on that issue at this time, though it will be the subject of further reporting. In any event, one of Plaintiffs' declarants admitted that "[i]n some cases, it appears that a virtual home study is being pursued[.]" Huebner Decl. at ¶ 19. If more minors' releases remain pending due to lack of completion of home studies, and it is not clear why virtual home studies have not been done, Class Counsel may submit an inquiry to the ORR Juvenile Coordinator and, in the absence of a satisfactory response, may utilize the dispute resolution procedures outlined in the October 5, 2018 Order Appointing Special Master/Independent Monitor at ¶ D.3. [Doc. # 494.]

iv. Migrant Protection Protocols

Neither side has provided a lucid explanation of what the MPP is, much less its effect on a Class Member's eligibility to be released. The Court thus relies on the Ninth Circuit's description of the policy in an unrelated case:

The MPP now directs the "return" of asylum applicants who arrive from Mexico as a substitute to the traditional options of detention and parole. Under the MPP, these applicants are processed for standard removal proceedings, instead of expedited removal. They are then made to wait in Mexico until an immigration judge resolves

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their asylum claims. Immigration officers exercise discretion in returning the applicants they inspect, but the MPP is categorically inapplicable to unaccompanied minors, Mexican nationals, applicants who are processed for expedited removal, and any applicant “who is more likely than not to face persecution or torture in Mexico.”

Innovation Law Lab v. McAleenan, 924 F.3d 503, 506 (9th Cir. 2019). Of note, MPP is “categorically inapplicable to unaccompanied minors.” *Id.* Defendants obliquely note that a minor may be in ORR custody but have “a final order of removal because he or she previously was in removal proceedings with a parent under the MPP.” Defs.’ Second Supp. Response at 28. Plaintiffs argue that any unaccompanied minor, even if previously accompanied, should regain TVPRA protection and be ineligible for removal under the MPP. Pls.’ Second Reply at 26. It is unclear to the Court that the applicability of the MPP to minors who are currently unaccompanied and in ORR custody is an issue properly within its purview.

Regardless, the Court can determine whether ORR’s policy of withholding from release those minors with a pending MPP case or removal order has caused unnecessary delay within the meaning of the FSA. ORR Deputy Director Sualog explains that under the April 6 ORR Guidance, when a child has a pending removal order, “care providers work with their [ORR Federal Field Specialist] to determine whether [the Department of Homeland Security]/ICE plans to execute the order and initiate removal.” Sualog Second Decl. at ¶ 20. If ORR determines that removal “appears unlikely,” because the removal order will be “reopened, appealed, or otherwise delayed,” or for any other reason, the minor is evaluated for release following general ORR policies; but if removal is “imminent,” then “ORR will work with ICE to ensure the minor appears for his or her scheduled removal.” *Id.*; *see also* Sualog Third Decl. at ¶ 10.

Plaintiffs point out that this policy does not specify when deportation is considered imminent versus unlikely. The definition of “imminent” is “ready to take place” or “happening soon.” *Imminent*, Merriam-Webster Online (last accessed on April 23, 2020). Based on ORR’s April 8, 2020 summaries of efforts toward release, at least four unaccompanied minors in the 32 ORR facilities surveyed have not been released due to a pending MPP case or removal order, but no note was made of the imminence of removal. Pls.’ Reply at 24. Declarations by legal service providers indicate that numerous other minors with a pending MPP case or removal order remain in ORR care. *See* Cubas Decl. at ¶¶ 4–9. Some minors have remained in ORR care for months despite pending appeals of their initial removal orders under the MPP. Such appeals are precisely the type of protracted proceeding that ORR claims will render a minor eligible to be evaluated for release, yet these minors’ attorneys see no sign of ORR’s willingness to evaluate them for release. *See* Gahng Decl. ¶¶ 11–12 (describing six minors with MPP-based removal orders who have filed

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Board of Immigration Appeals (“BIA”) appeals and have been in ORR custody for 68 or 80 days); Pls.’ Second Reply, Ex. D (Devereaux Decl.) at ¶¶ 6–7 [Doc. # 774-6]; *id.*, Ex. J., (D.V.V.C. Decl.) at ¶¶ 4–8, 13–14 [Doc. # 774-12]; *see also* Pls.’ First Reply, Ex. A (Vernon Decl.) at ¶¶ 5–6 (Doc. # 759-1) (noting that the BIA can take as long as 14 to 23 months to decide an appeal).

The Court sees no reason why, if removal is not “ready to take place,” ORR should not release minors whose removal orders under the MPP are under appeal. Thus, ORR’s opaque policies surrounding removal orders under the MPP violate Paragraphs 14 and 18 of the FSA.

2. ICE

Plaintiffs argue that ICE unnecessarily delays Class Members’ release by failing to make individualized release decisions, in violation of Paragraph 14, and also fails to record efforts undertaken, in violation of Paragraph 18.

As of April 21, 2020, the total population at the three FRCs is 698 individuals, 342 of them minors). Of these individuals, 413 are subject to final orders of removal and pending removal, 256 are in expedited removal proceedings pursuant to Section 235 of the INA—*i.e.*, undergoing credible or reasonable fear adjudications by U.S. Citizenship and Immigration Services (“USCIS”) or immigration court proceedings before an Immigration Judge (“IJ”)—and the remaining 29 are pending removal proceedings under Section 240 of the INA. Harper Supp. Decl. ¶ 5; *see* Defs.’ First Supp. Response, Ex. 2 (Harper Decl.) at ¶¶ 10–11 [Doc. #746-12]. The Court notes that these numbers represent significant declines in population—even as recently as April 5, 2020, the total FRC population was 1,004, which was itself a significant decrease from earlier population levels. Harper Decl. at ¶ 2. But the Court cannot infer from the recent release of many minors and their families that the Class Members remaining in custody are not suffering unnecessary delay in their release.

Due to the relatively small number of minors pending removal proceedings under Section 240, the Court focuses on the minors in expedited removal proceedings, including those who are subject to final orders of removal.

i. Class Members awaiting decisions in expedited removal proceedings

Defendants assert that ICE makes an individualized parole inquiry for every minor with a final order of removal, but do make that same assertion for families awaiting IJ or USCIS responses. Defs.’ Second Supp. Response at 19–20; *see* Harper Decl. ¶ 11. At the hearing, Defendants’ counsel Sarah Fabian stated that families are either put in Section 240 removal

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proceedings and released together, or ordered removed and removed together. This explanation completely omits discussion of the 256 families in expedited removal proceedings under Section 235, among whom are minors still awaiting decisions, for whom the Court has specifically ordered individualized parole determinations. *See Flores v. Sessions*, 394 F. Supp. 3d at 1067 (“The Court will order Defendants to comply with the unambiguous charge of the *Flores* Agreement to make *individualized* determinations regarding a minor’s flight risk rather than blanket determinations . . . even if the minor or her parent is in expedited removal (*i.e.*, awaiting a credible fear determination”).

Instead, Defendants argue that for minors in expedited removal proceedings listed in ICE’s records as “pending IJ hearing/decision” or “pending USCIS response,” ICE may maintain custody of those minors “as long as their release or transfer from ICE custody occurs ‘as expeditiously as possible,’ or ‘as fast as Defendants, in good faith and in the exercise of due diligence, can possibly go in screening family members for reasonable or credible fear’” Defs.’ Second Supp. Response at 20 (quoting August 21, 2015 Order at 10 [Doc. # 189]). In 2015, Defendants suggested that 20 days was the amount of time Defendants could expeditiously screen Class Members and their families for reasonable or credible fear. August 21, 2015 Order at 9. Now, Defendants assert that the speed at which USCIS has been able to process credible/reasonable fear claims has decreased while, at the same time, denial rates have increased, though Defendants offer no specific timelines and merely point to USCIS’s website for the recent numbers of cases received and completed. *See* USCIS, *Semi-Monthly Credible Fear and Reasonable Fear Receipts and Decisions*, <https://www.uscis.gov/tools/reports-studies/immigration-forms-data/semi-monthly-credible-fear-and-reasonable-fear-receipts-and-decisions> (last accessed April 24, 2020). It is unclear to the Court why, given the significantly reduced numbers in custody, 20 days is insufficient time for screening Class Members when it was sufficient in prior influxes involving far more people. Defendants have not stated any particular timeline in which Defendants can screen asylum-seeking minors and their families, even though many families awaiting IJ or USCIS responses have been in custody for far longer than 20 days, according to the ICE spreadsheet submitted on April 8, 2020.

Given the length of detention of these minors, Defendants have also failed to demonstrate actual individualized evaluations of flight risk, or refusals of parents to waive their right to remain detained with their children, or other explanations for prolonged detention of Class Members awaiting IJ or USCIS determinations.⁶ The only direct evidence before the Court of the existence

⁶ Parents may waive their children’s *Flores* rights. *See* July 9, 2018 Order at 6 [Doc. # 455]. Defendants have been enjoined in separate class action litigation from separating class member parents from their children, absent an affirmative, knowing, and voluntary waiver of the parent’s right to be detained with their children at an ICE FRC. *See Ms. L. v. ICE*, 310 F. Supp. 3d 1133, 1149 (S.D. Cal., June 26, 2018).

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of these individualized inquiries are the declarations of ICE officials. Harper Decl. at ¶¶ 11; Defs.’ First Supp. Response, Ex. (Sheridan First Decl.) at ¶ 28 [Doc. # 746-14]; Defs.’ Second Supp. Response, Ex. 10 (George Second Decl.) at ¶ 34 [Doc. # 772-5]. ICE’s April 8, 2020 spreadsheet does not contain information about flight risk or other factors leading to a denial of release, besides noting that none of these minors pose a risk of harm to self or others. Furthermore, even if the initial parole determination is appropriately made, the Court sees no evidence that ICE reevaluates Class Members for *Flores* release rights at any point after the initial parole determination. *Cf.* Defs.’ First Supp. Response at 33 [Doc. # 746] (“Class [M]embers will be reevaluated for parole when new, pertinent information is received concerning continued custody[.]”) (quoting Sept. 8, 2017 Deane Dougherty Decl. at ¶ 8.a [Doc. # 374-2]).

By contrast, Javier Hidalgo, an attorney who supervises pro bono legal services at Karnes, attests to notifying ICE whenever a Class Member has been detained for longer than 20 days and receiving either no response or a response indicating no effort to release the Class Member or individualized release determination. Pls.’ Second Reply, Ex. III (Hidalgo Decl.) at ¶¶ 8–17 [Doc. #774-63]. For example, in response to a parole request submitted on April 10, 2020, for a family detained for at least 40 days, ICE responded that it would reconsider the request only once the IJ had rendered a decision on the family’s pending appeal. *Id.* at ¶ 17. Dilley Pro Bono Project (“DPBP”) Director Shalyn Fluharty reports that as of April 8, 2020, one of DPBP’s clients did not receive a credible fear decision until 24 days after his initial credible fear interview, another waited 122 days for a hearing with an IJ to be scheduled, and another remained detained despite an IJ vacating the minor’s negative credible fear finding on February 21, 2020. Pls.’ Supp Ex., Ex. O (Fluharty Second Decl.) at ¶ 46 [Doc. # 761-1]. DPBP’s record of families detained more than 120 days—which it provided to ICE and filed under seal with the Court—indicates that every one of those families has a sponsor available. *Id.* at ¶ 4; *see also* Sept. 8, 2017, Deane Dougherty Decl. at ¶ 8.a (“[W]hen an FSA class member is admitted into an FRC, ICE asks the parent of the class member the opportunity to list potential sponsors.”) [Doc. # 374-2]. To Fluharty’s knowledge, no minors or their parents have criminal history or have been deemed to be a danger by ICE. *Id.* at ¶¶ 28–30.

Because ICE has not submitted evidence of individualized release assessments for Class Members awaiting asylum decisions, much less evidence that ICE makes and records individual assessments in a prompt and continuous manner, the Court finds ICE in violation of the FSA’s Paragraph 18 (as well as the Court’s prior June 27, 2017 Order) with regard to Class Members in expedited removal proceedings who are “pending IJ hearing/decision” or “pending USCIS response.” Because unnecessary delay has resulted from this apparent failure to make individualized parole assessments, ICE is also in violation of Paragraph 14.

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As for Class Members who are subject to final orders of removal, they are “increasingly subject to judicial and administrative stays of removal issued by various courts in various cases, which may impact the length of stay at an FRC.” Harper Decl. at ¶ 11. Melissa Harper, the Chief of ICE’s Juvenile and Family Residential Management Unit, explains that such cases “are individually evaluated for risk of flight to determine whether continued detention is necessary or whether release is a viable option.” *Id.* Again, ICE has not submitted any actual evidence of individualized evaluation of flight risk, despite the number of families currently in detention who have had their orders of removal stayed.

Plaintiffs’ evidence suggests the lack of individualized evaluations. Of the five families still detained in Berks, four have had final removal orders stayed by the district court in the case *M.M.V. v. Barr*, No. 19-2773 (D.D.C.), and the fifth has a motion to reopen pending before an immigration court and has a stay of removal. Pls.’ Second Reply, Ex. V (Cambria Decl.) at ¶¶ 54–55 (noting that the fifth family is unlikely to be removed because its members, including a minor, have been kidnapped and trafficked) [Doc. # 774-24]. Each family has a close family member ready to receive them. *Id.* at ¶ 56. At least ten parents at Dilley submitted declarations stating that they and their children have been detained for approximately 240 days and were told they would not be released because they were plaintiffs in a federal lawsuit, despite having family or friends ready to sponsor them. *See, e.g.*, Pls.’ Second Reply, Ex. EE (C.C.G. Decl.) at ¶ 12 [Doc. # 774-33]; *id.*, Ex. LL, (L.G.G. Decl.) at ¶ 10 [Doc. # 774-40]; *id.*, Ex. NN (M.A.A. Decl.) at ¶ 13 [Doc. # 774-42]; *id.*, Ex. PP (R.L.A. Decl.) at ¶ 10 [Doc. # 774-44]; *id.*, Ex. QQ (R.P.F. Decl.) at ¶ 12 [Doc. # 775-45]. According to Fluharty, 164 family units with 204 children were in custody at Dilley as of April 21, 2020, with an average length of detention of 109 days, and at least 189 of those minors have, or will soon have, stays of removal due to litigation. Fluharty Third Decl. at ¶¶ 22, 25. And, even for final removal orders that have not been stayed and may be considered “imminent,” as of April 8, 2020, Fluharty reported that one child at Dilley had been waiting for 63 days for removal to his home country, subsequent to the issuance of a final order of expedited removal. Fluharty Second Decl. at ¶ 46.

While the Court appreciates that ICE has released many Class Members in its custody in recent months, the lack of individualized records regarding the Class Members remaining in its custody serves as circumstantial evidence of unnecessary delay and failure to make and record prompt and continuous efforts at release as to those Class Members in custody more than 20 days.⁷

⁷ Defendants argue that “the vast majority of family units” are never placed in immigration custody, never transferred to ICE custody, or “quickly released from ICE custody either as a matter of discretion under 8 U.S.C. § 1226(a), or through the parole process” but do not provide numbers of minors or family members who fall into the

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ICE's efforts to comply with Paragraph 18 of the FSA suffer by comparison with those of ORR. Moreover, ICE has previously argued that it lacks the institutional capacity to perform individualized parole assessments. *See Flores v. Sessions*, 394 F. Supp. 3d at 1067. Its cursory evidentiary showings of those assessments raise serious concerns that ICE is not adequately assessing minors' flight risk, according to the FSA's general policy favoring release, or communicating with parents about the option of waiver of rights. The Court reiterates that ICE may consider a minor's flight risk, under Paragraph 14 of the FSA and federal regulations, but a final order of deportation cannot be the dispositive consideration if removal is not "imminent," as discussed above in relation to final orders of removal under the MPP, and there are no other indicia of a minor's flight risk. *See* Agreement at ¶ 14 (requiring release of a minor without unnecessary delay "[w]here INS determines that the detention of the minor is not required either to secure his or her timely appearance before the INS or the immigration court, or to ensure the minor's safety or that of others."); 8 C.F.R. § 212.5.

Accordingly, Plaintiffs have shown by a preponderance of the evidence that ICE is in breach of its Paragraph 14 and 18 duties and past Court Orders with regard to minors subject to final orders of removal, including those issued under the MPP and/or stayed by participation in federal litigation.

**IV.
CONCLUSION**

In light of the foregoing, Plaintiffs' request, construed as a motion to enforce the FSA, is **DENIED in part** and **GRANTED in part**. The Court hereby **ORDERS** as follows:

1. ORR and ICE shall continue to make every effort to promptly and safely release Class Members who have suitable custodians in accordance with Paragraphs 14 and 18 of the FSA and the Court's prior orders, including those categorized as "MPP," participants in class litigation, "pending IJ hearing/decision" or "pending USCIS response," absent a specific and individualized determination that they are a flight risk or a danger to themselves or others, or a proper waiver of *Flores* rights (*see, e.g.*, July 24, 2015 Order [Doc. # 177], June 27, 2017 Order [Doc. # 363], July 9, 2018 Order [Doc. # 455], July 30, 2018 Order [Doc. # 470]).
2. For the duration of shelter-in-place orders and fingerprinting location closures due to the COVID-19 pandemic, ORR shall institute provisional release of Class Members

latter category. Defs.' Second Supp. Response at 19. Nonetheless, in this motion, the Court is concerned only with the minors who remain in ICE custody for prolonged periods.

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with Category 2B and Category 3 sponsors whose name-only background checks yield no red flags and for whom fingerprinting is unavailable, provided that these sponsors agree to submit fingerprints as soon as practicable after the release of the minor and within a reasonable time frame specified by ORR. ORR may continue to require fingerprints prior to release of a minor during the pandemic if fingerprinting is readily available in the relevant locale or it conducts an individualized assessment and determines that fingerprinting is necessary to address a documented risk of safety to the minor.

3. The Independent Monitor, Andrea Ordin, may in the exercise of her monitoring duties request such further information regarding safe and sanitary conditions and/or Defendants' continuous efforts at release as she deems appropriate pursuant to her authority under Paragraph B(1)(c)(iii) of the October 5, 2018 Order appointing her, and in consideration of the concerns outlined in this Order and the Court's June 27, 2017 Order regarding minors in prolonged detention at any stage of expedited removal proceedings. [Doc. ## 363, 494.] If the Monitor believes that sharing that information with Plaintiffs' counsel on a case by case basis, subject to the protective order, would assist her in resolving individualized questions of prolonged detention, she may do so in the exercise of her discretion.
4. The Juvenile Coordinators shall continue to perform their duties under Paragraphs 28A and 28B of the FSA. Pursuant to the Court's July 27, 2018 Order [Doc. # 469], the Juvenile Coordinators shall file their next annual compliance report by July 1, 2020, including an assessment of ICE and ORR compliance with CDC guidelines for detention facilities. Given the exigencies of the current pandemic, however, the Court hereby orders interim written reports to be filed by the 15th of each month starting in May 2020, and continuing for each month thereafter for the duration of the pandemic.
 - a. The additional monitoring and interim reports by Aurora Miranda-Maese, the ORR Juvenile Coordinator, shall cover the following topics, among others chosen by her:
 - i. Measures taken to expedite the release of Class Members to suitable custodians during the COVID-19 health emergency, including the status of fingerprinting and home study policies and practices, in compliance with this Order, and provide census data as to any minors who remain in custody due to lack of fingerprinting or home studies;

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- ii. Identify the location of any ORR facility that has had any individual, whether detainee or staff member, test positive for COVID-19, and provide a status report and census of those infected at that facility during the reporting period;
 - iii. With respect to minors placed at congregate facilities in which either a detainee or staff member has tested positive for COVID-19, identify the specific reason the minors located there have not been released or transferred to a non-congregate setting;
 - iv. Describe any policies and/or practices aimed at identifying and protecting minors who are at heightened risk of serious illness or death should they contract COVID-19;
 - v. Explain whether medical professionals at ORR are making expeditious individual assessments about a Class Member's eligibility for release when the Class Member has been exposed to COVID-19 or has a sponsor whose household has a confirmed case of COVID-19, and provide the average time in which such individual assessments take place during the reporting period; and
 - vi. Explain whether ORR is making individualized assessments regarding its ability to release minors subject to removal orders under the MPP, including census data and reasons for non-release.
- b. The additional monitoring and interim reports by Deane Dougherty, the ICE Juvenile Coordinator, shall cover the following topics, among others chosen by her:
- i. Measures taken to expedite the release of Class Members to suitable custodians during the COVID-19 health emergency, including whether ICE is making individualized release determinations and redeterminations for each Class Member held in the FRCs and making records of the same, and provide a

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- census of minors remaining in custody at FRCs longer than 20 days and the specific reason therefor;
- ii. Monitor the status of ICE's implementation of its COVID-19 guidances;
 - iii. Identify the location of any ICE facility that has had any individual, whether detainee or staff member, test positive for COVID-19, and provide a status report and census of those infected at that facility during the reporting period;
 - iv. With respect to minors in an ICE facility in which either a detainee or staff member has tested positive for COVID-19, identify the specific reason the minors located there have not been released or transferred to a non-congregate setting; and
 - v. Describe any policies and/or practices aimed at identifying and protecting minors who are at heightened risk of serious illness or death should they contract COVID-19.
5. The parties' counsel shall continue to meet and confer regarding the quality of the data that Defendants provide to Class Counsel pursuant to Paragraph 28A of the FSA. The parties shall file a Joint Status Report regarding the outcome of their efforts to meet and confer by **June 15, 2020**.
 6. The Court shall hold a further video status conference on **May 22, 2020 at 11:00 a.m.** to discuss compliance with this Order.
 7. As to issues not covered by this Order, Class Counsel shall meet and confer with opposing counsel, or judiciously utilize the dispute resolution procedures outlined in Paragraph 28B of the FSA and, if there is no satisfactory response, the October 5, 2018 Order Appointing Special Master/Independent Monitor at ¶ D.3 [Doc. # 494].

IT IS SO ORDERED.

From: Johnson, Tae D
Sent: 2 Apr 2020 02:56:40 +0000
To: Tae Johnson
Subject: FW: FW:

Sent with BlackBerry Work
(www.blackberry.com)

From: (b)(6); (b)(7)(C) (b)(6); (b)(7)(C)@ice.dhs.gov>
Date: Wednesday, Apr 01, 2020, 10:49 PM
To: Johnson, Tae D (b)(6); (b)(7)(C) @ice.dhs.gov>, (b)(6); (b)(6); (b)(7)(C) @ice.dhs.gov>, (b)(6); (b)(6); @ice.dhs.gov>
Cc: (b)(6); (b)(7)(C) @ice.dhs.gov>
Subject: FW:

(b)(5)

Estimado Viceministro, está es la noticia que le comenté.

Migrante guatemalteco bajo custodia de ICE da positivo por coronavirus
<https://www.telemundoarizona.com/noticias/local/migrante-guatemalteco-bajo-custodia-de-ice-da-positivo-por-coronavirus/2055724/>

Sent from my iPhone

From: Johnson, Tae D
Sent: 15 Apr 2020 12:40:48 +0000
To: Albence, Matthew; Kelly, Christopher S; Benner, Derek N
Cc: Lucero, Enrique M
Subject: FW: Guat flight

FYSA

Sent with BlackBerry Work
(www.blackberry.com)

From: Pineiro, Marlen (b)(6); (b)(7)(C)@ice.dhs.gov>
Date: Wednesday, Apr 15, 2020, 8:04 AM
To: Lucero, Enrique M (b)(6); (b)(7)(C)@ice.dhs.gov>, Johnson, Tae D (b)(6); (b)(7)(C)@ice.dhs.gov>, (b)(6); (b)(7)(C)@ice.dhs.gov> (b)(6); (b)(7)(C)@ice.dhs.gov>
Subject: RE: Guat flight

And they are now writing wanting only one flight again today

Sent with BlackBerry Work
(www.blackberry.com)

From: Lucero, Enrique M (b)(6); (b)(7)(C)@ice.dhs.gov>
Date: Wednesday, Apr 15, 2020, 8:02 AM
To: Johnson, Tae D (b)(6); (b)(7)(C)@ice.dhs.gov>, (b)(6); (b)(7)(C)@ice.dhs.gov>, (b)(6); (b)(7)(C)@ice.dhs.gov>, (b)(6); (b)(7)(C)@ice.dhs.gov>
Subject: Guat flight

FYSA

[Guatemala] 75% of migrants deported to Guatemala on single flight tested positive for coronavirus: Health minister

ABC News [4/15/2020 1:48 AM, Conor Finnegan, 2182K] reports that a single deportation flight to Guatemala by the U.S. government saw more than 75% of the migrants later test positive for novel coronavirus, the country's health minister told reporters on Tuesday. Guatemala, along with El Salvador, Honduras and Mexico, has urged the U.S. to halt removals and deportations or take other steps to stop the virus' spread from the U.S., now the epicenter of the pandemic. The Guatemalan government has said that so far, four Guatemalans deported from the U.S. have tested positive for COVID-19, according to The Associated Press. But Health

Minister Hugo Monroy suggested Tuesday that a recent spike in cases was because of deportations from the U.S. On one flight, more than 75% of migrants later tested positive, he said, adding he couldn't specify because of security reasons. He also suggested that between 50% and 75% of all migrants deported from the U.S. recently have tested positive, without specifying what time frame he was talking about or providing a total number, but he later walked that back, saying he was referring to one flight. The country's Ministry of Public Health and Social Assistance has reported 180 cases in total, with five deaths. U.S. Immigration and Customs Enforcement did not respond to request for comment Tuesday. Deportation flights resumed Monday with 182 migrants on two separate flights, according to the AP, after a week-long pause because of concerns that deportees were carrying the virus. An ICE spokesperson previously told ABC News that the agency does not deport ill detainees and conducts a "visual screening" and temperature check before deportation, ensuring a deportee's temperature is below 100.4 degrees. But in at least one instance, a Guatemalan national deported on March 26 by ICE did not show symptoms until he arrived in his home country. With dozens of other migrants on board his U.S. government flight, it's possible he infected others then or while he was being processed into the country.

Enrique M. Lucero
Executive Associate Director
Enforcement and Removal Operations
U.S. Immigration and Customs Enforcement
202 732 (b)(6) (office)
(b)(6); (b)(7)(C) @ice.dhs.gov

From: Johnson, Tae D
Sent: 26 May 2020 13:13:41 +0000
To: (b)(6); (b)(7)(C)
Subject: FW: Guatemala - UACs POSITIVE COVID-19

This is all I received.

From: Smith, Stewart D (b)(6); (b)(7)(C) @ice.dhs.gov>
Sent: Tuesday, May 26, 2020 8:06 AM
To: Johnson, Tae D (b)(6); (b)(7)(C) @ice.dhs.gov>
Subject: FW: Guatemala - UACs POSITIVE COVID-19

FYSA

Dr. Stewart D. Smith, MPH, CCHP, FACHE
 Assistant Director | ICE Health Service Corps
 Desk: 202-732-(b)(6) Cell: 202-321-(b)(6);

Executive Assistant: Ms (b)(6); (b)(7)(C) @associates.ice.dhs.gov
 Desk: 202-732-6506 | Cell: 202-893-(b)(6);
"IHSC: One Team, One Mission...Leading the Way in Immigration Health Care"

From: (b)(6); (b)(7)(C) @ice.dhs.gov>
Sent: Tuesday, May 26, 2020 8:05 AM
To: (b)(6); (b)(7)(C) @ice.dhs.gov>
Cc: Smith, Stewart D (b)(6); (b)(7)(C) @ice.dhs.gov>
Subject: FW: Guatemala - UACs POSITIVE COVID-19

FYI

From: (b)(6); (b)(7)(C) @ice.dhs.gov>
Sent: Monday, May 25, 2020 9:49 PM
To: (b)(6); (b)(7)(C) @ice.dhs.gov>
Cc: (b)(6); (b)(7)(C) @ice.dhs.gov>; (b)(6); (b)(7)(C) @ice.dhs.gov>
Subject: Guatemala - UACs POSITIVE COVID-19

Good evening (b)(6); (b)(7)(C)

Two Guatemala UAC tested positive for COVID19. The minors were expelled out of Mesa, AZ on May 22, 2020. Both kids below were temporary housed in the Phoenix Hotel. The minors were in our custody Since May 13th & 14th through May 22nd. I am taking all the precautions in notifying the proper personnel. This information should be safe guarded for the privacy of the minors.

File No.	Name of Person		DOB	Nationality	Status (1)	Sex
	LAST	FIRST				
N/A			(b)(6); (b)(7)(C)	GUATE	T42	M

File No.	Name of Person		DOB	Nationality	Status (1)	Sex
	LAST	FIRST				
A000000000			(b)(6); (b)(7)(C)	GUATE	8C	M

Thank you,

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

Immigration and Customs Enforcement
 Enforcement and Removal Operations with
 Juvenile and Family Residential Management Unit
 U.S. Department of Homeland Security
 500 12th Street SW | Washington, DC 20024 | 202-271-(b)(6):

NOTICE: This communication may contain privileged or otherwise confidential information. If you are not an intended recipient or believe you have received this communication in error, please do not print, copy, retransmit, disseminate, or otherwise use this information. Please inform the sender that you received this message in error and delete the message from your system.

From: Johnson, Tae D
Sent: 26 May 2020 19:37:23 +0000
To: Lucero, Enrique M; Albence, Matthew; Kelly, Christopher S; Benner, Derek N
Subject: FW: Guatemala - UACs

More traffic on this.

From: Johnson, Tae D (b)(6); (b)(7)(C) @ice.dhs.gov>
Date: Tuesday, May 26, 2020, 3:30 PM
To: Smith, Stewart D (b)(6); (b)(7)(C) @ice.dhs.gov>, Boyd, Valerie (b)(6) (b)(6); (b)(7)(C) @ice.dhs.gov>, (b)(6) HQ.DHS.GOV>, (b)(6) @hq.dhs.gov>
Cc: (b)(6) @cbp.dhs.gov>, (b)(6); (b)(6); (b)(6); (b)(7)(C) @ice.dhs.gov>, (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) @ice.dhs.gov>, (b)(6); (b)(7)(C) @ice.dhs.gov>, (b)(6); (b)(7)(C) @ice.dhs.gov>
Subject: RE: Guatemala - UACs

We are in the early stages of exploring this PCR possibility at the various locations. We are likely several weeks out before this is possible for Guate removals. Not sure where (b)(6); is getting this information. We are looking into for the upcoming India flight and have not discussed this as an option across the board - or even for Guatemala.

Guatemalans are staged at various locations prior to removal and we may not have the capability to do PCR tests at each one just prior to departure.

From: Smith, Stewart D (b)(6); (b)(7)(C) @ice.dhs.gov>
Date: Tuesday, May 26, 2020, 2:29 PM
To: Boyd, Valerie (b)(6) @hq.dhs.gov>, (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) @ice.dhs.gov>, (b)(6) @HQ.DHS.GOV>, Johnson, Tae D (b)(6); (b)(7)(C) @ice.dhs.gov>, (b)(6) @hq.dhs.gov>
Cc: (b)(6) @cbp.dhs.gov>, (b)(6); (b)(7)(C) (b)(6); (b)(6); (b)(6); (b)(7)(C) @ice.dhs.gov>, (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) @ice.dhs.gov>, (b)(6); (b)(7)(C) @ice.dhs.gov>, (b)(6); (b)(7)(C) @ice.dhs.gov>
Subject: RE: Guatemala - UACs

Valarie -

We are in the process of putting together a plan to use the PCR tests for removal flights. The current constraint is the number of available swabs which we're sorting out, but won't likely have an answer for the next several days.

R/ Stew

Dr. Stewart D. Smith, MPH, CCHP, FACHE
 Assistant Director | ICE Health Service Corps
 Desk: 202-732-(b)(6); Cell: 202-321 (b)(6);

From: Boyd, Valerie (b)(6)@hq.dhs.gov>

Date: Tuesday, May 26, 2020, 2:10 PM

To: Pineiro, Marlen (b)(6):@ice.dhs.gov>; (b)(6)

Johnson, Tae D (b)(6); (b)(7)(C)@ice.dhs.gov>; (b)(6)

(b)(6)

Cc: Smith, Stewart D (b)(6); (b)(7)(C)@ice.dhs.gov>; (b)(6)

(b)(6)@cbp.dhs.gov>; (b)(6); (b)(7)(C)@ice.dhs.gov>; (b)(6); (b)(7)(C)

(b)(6):@ice.dhs.gov>; (b)(6); (b)(7)(C)@ice.dhs.gov>; (b)(6); (b)(7)(C)

(b)(6); (b)(7)(C)@ice.dhs.gov>; (b)(6); (b)(7)(C)@ice.dhs.gov>

Subject: RE: Guatemala - UACs

Dr. Smith, I'm hearing again from Hugo that there may be new protocols about testing or cohorting under consideration. Is that accurate? (I've narrowed this distro to a small group because this turned out to be rumint last time.)

If there are new protocols under way, do we have a sense of when they might be ready to discuss with the Government of Guatemala?

Hugo suspects that Guatemala will continue to accept UAC flights as a humanitarian obligation (again, this is a sense, not yet confirmed). He continues to advise that some form of updated protocols would be very helpful in getting the Title 8 flights turned back on.

I'm hearing that Guatemala would be satisfied and accept more flights if we switched over to PCR tests. Even if that were possible, however, I'm hearing that there may be senior USG concerns about this approach.

From: Pineiro, Marlen (b)(6); (b)(7)(C)@ice.dhs.gov>

Sent: Monday, May 25, 2020 1:39 PM

To: Boyd, Valerie (b)(6)

Johnson, Tae D (b)(6); (b)(7)(C)@ice.dhs.gov>

Cc: Smith, Stewart D (b)(6); (b)(7)(C)@ice.dhs.gov>; DANLEY, ROBERT

(b)(6)@cbp.dhs.gov>; (b)(6); (b)(7)(C)@ice.dhs.gov>; (b)(6); (b)(7)(C)

(b)(6):@ice.dhs.gov>; (b)(6); (b)(7)(C)@ice.dhs.gov>; (b)(6); (b)(7)(C)

(b)(6); (b)(7)(C)@ice.dhs.gov>; (b)(6); (b)(7)(C)@ice.dhs.gov>

Subject: Guatemala - UACs

Guatemala has advised that 2 of UACs that were removed on Friday have been tested twice and both times the results came back positive. In addition, another 4 have been tested twice, the first results were positive and they are currently awaiting the second results.

I'll update once I have additional information. We will work with CBP to track down cases and conduct contact tracing.

MP

Ms. Marlen Piñeiro
Assistant Director – Removal
Enforcement and Removal Operations

Warning: This document is UNCLASSIFIED//FOR OFFICIAL USE ONLY (U//FOUO). It contains information that may be exempt from public release under the Freedom of Information Act (5 U.S.C. 552). It is to be controlled, stored, handled, transmitted, distributed, and disposed of in accordance with DHS policy relating to FOUO information and is not to be released to the public or other personnel who do not have a valid "need-to-know" without prior approval of an authorized DHS official. No portion of this report should be furnished to the media, either in written or verbal form.

From: Johnson, Tae D
Sent: 27 Apr 2020 16:01:29 +0000
To: Smith, Stewart D (b)(6); (b)(7)(C)
Subject: FW: Follow up FW: 2 early morning items

We will see what they come back with if anything. This should answer the mail though. Thanks

From: Kelly, Christopher S (b)(6); (b)(7)(C) @ice.dhs.gov>
Sent: Monday, April 27, 2020 11:49 AM
To: (b)(6); (b)(7)(C) @ice.dhs.gov>; Johnson, Tae D (b)(6); (b)(7)(C) @ice.dhs.gov>; Lucero, Enrique M (b)(6); (b)(7)(C) @ice.dhs.gov>
Subject: RE: Follow up FW: 2 early morning items

10-4. Thanks!

From: (b)(6); (b)(7)(C) @ice.dhs.gov>
Sent: Monday, April 27, 2020 11:43 AM
To: Kelly, Christopher S (b)(6); (b)(7)(C) @ice.dhs.gov>; Johnson, Tae D (b)(6); (b)(7)(C) @ice.dhs.gov>; Lucero, Enrique M (b)(6); (b)(7)(C) @ice.dhs.gov>
Subject: Follow up FW: 2 early morning items

Chris,

Please see the below which we sent up previously. It doesn't answer the specific question but per IHSC it's the most accurate count they can produce based on the manner in which their system captures data.

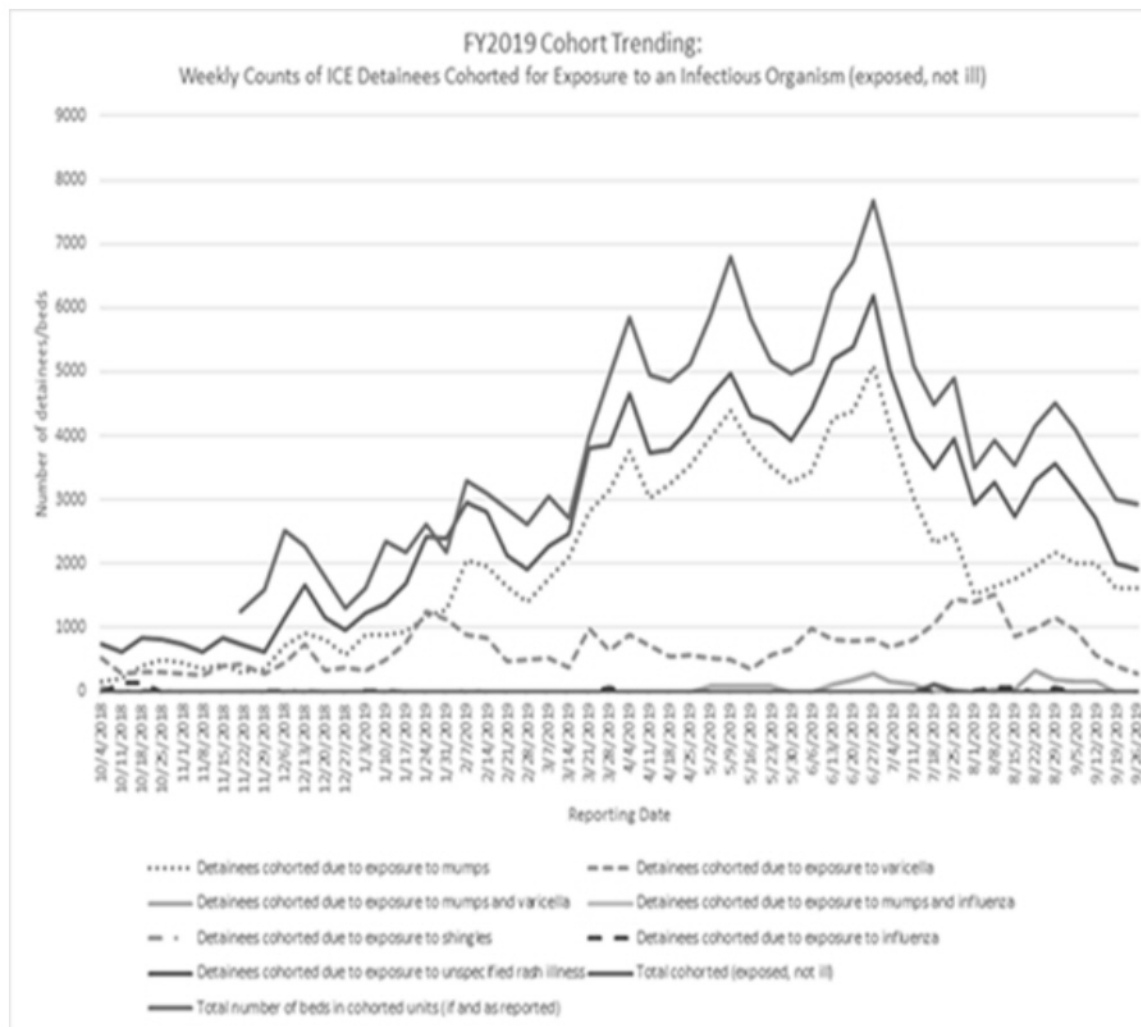
The long and short is that IHSC isn't able to report the total number of individuals cohorted last year because they don't track individuals just number of people in quarantine each day. The same person could be in quarantine for 1 day or 14 or 30 and is tracked as a unique stat every day.

Please see their explanation:

IHSC cannot provide this data. The only way to account for this is to have an individual physically manage the number of detainees cohorted at each facility. The information collected on cohorting is total counts of detainees cohorted in each facility and housing unit, stratified by the type of exposure. No detainee identifiers are reported to IHSC for cohort tracking. The actual number and/or estimated does not exist with IHSC.

They did provide the below chart:

At it's peak in July last year approximately 6000 individuals were cohorted. The 3500 ish average seems like a less than accurate number based on the sharp spike.



I'm adding this portion as well which was the previous response but frankly the chart isn't much help.

1. *How often does ICE deal with major disease outbreaks? Over the past 12-24 months, what have been the top five sources of such outbreaks?*

- ICE's IHSC tracks instances of cohorting - an infection-prevention strategy which involves housing detainees together who were exposed to a person with an infectious organism but are asymptomatic and in many cases, may never fall ill.
- The top five illnesses that have resulted in cohorting in the past two fiscal years are mumps, varicella, influenza, shingles, and unspecified rashes.
- The following summarizes the total number of weeks one or more detention facilities had one more unit cohorted by the exposure type during FY 19 and FY 20 to date. There have not been any ICE detainees with confirmed measles since 2016.

Top Cohorted Conditions and Weeks Spent in Cohorted Status	
FY2019	
Illness exposed to	Number of weeks spent in cohort status
Mumps	52 weeks
Varicella	52 weeks
Influenza	9 weeks
Shingles	8 weeks
Unspecified rash illness	2 weeks
FY2020 (Year to Date through 3/16/2020)	
Illness exposed to	Number of weeks spent in cohort status
Varicella	24 weeks
Mumps	19 weeks
Influenza	14 weeks
Shingles	4 weeks
Unspecified rash illness	2 weeks
Unspecified respiratory illness	2 weeks

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

Chief of Staff
U.S. Immigration and Customs Enforcement
Office of Enforcement & Removal Operations
500 12th Street SW
Washington, D.C. 20536

(b)(6); (b)(7)(C)@ice.dhs.gov

(202) 732 (b)(6) office)

(202) 770 (b)(6) cell)

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

Sent: Friday, April 17, 2020 2:03 PM

To: (b)(6); (b)(7)(C)@ice.dhs.gov>

Subject: FW: 2 early morning items

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

The long and short is that IHSC isn't able to report the total number of individuals cohorted last year.

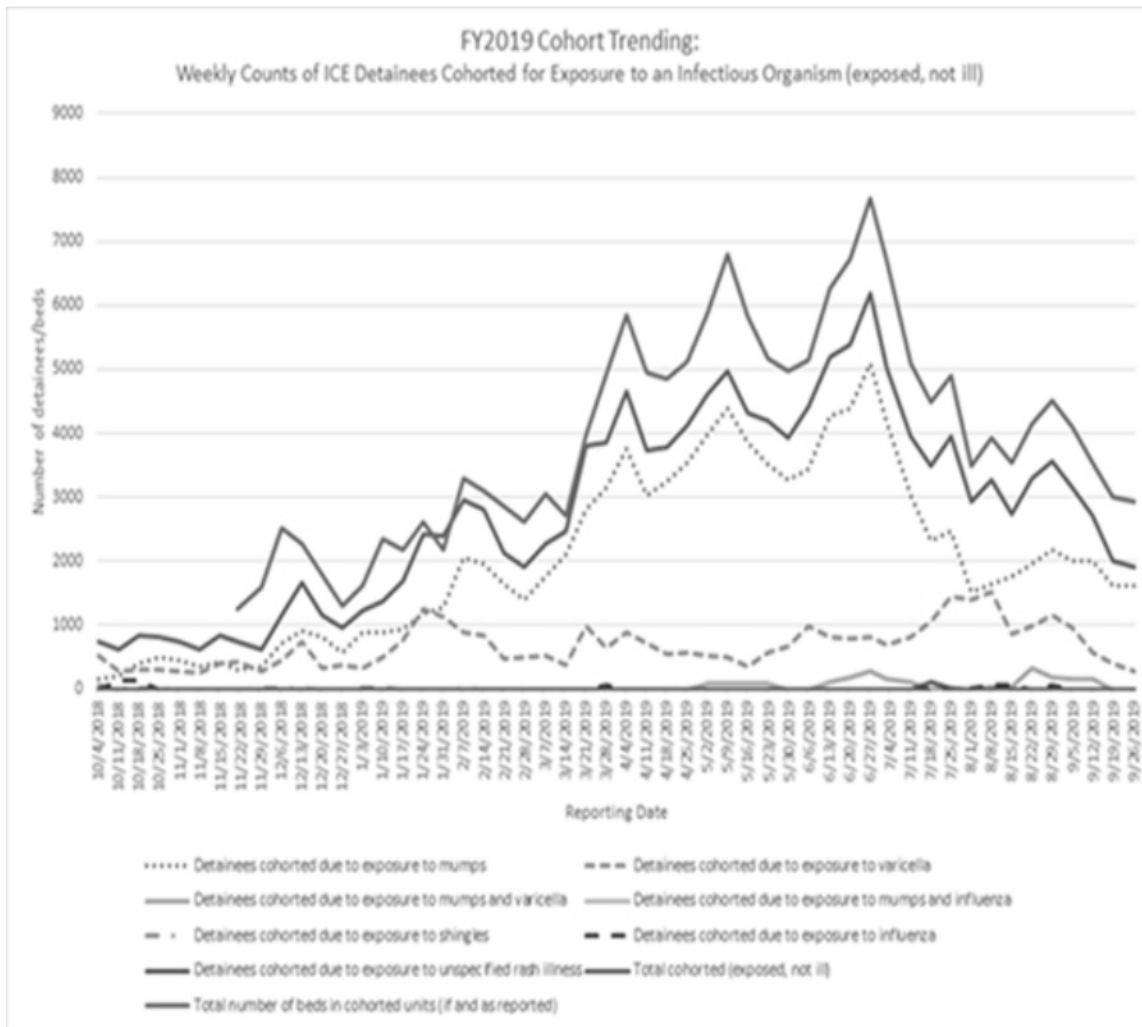
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They did provide the below chart:

(b)(5)

Thoughts?



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

Chief of Staff
 U.S. Immigration and Customs Enforcement
 Office of Enforcement & Removal Operations
 500 12th Street SW
 Washington, D.C. 20536
 (b)(6); (b)(7)(C)@ice.dhs.gov
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From: (b)(6); (b)(7)(C)@ice.dhs.gov>
Sent: Friday, April 17, 2020 1:01 PM
To: (b)(6); (b)(7)(C)@ice.dhs.gov>
Cc: #ERO CHIEFS OF STAFF (b)(6); (b)(7)(C)@ice.dhs.gov>; Smith, Stewart D (b)(6); (b)(7)(C)@ice.dhs.gov>; (b)(6); (b)(7)(C)@ice.dhs.gov>
Subject: RE: 2 early morning items

Upon following up, the following response was provided:

IHSC cannot provide this data. The only way to account for this is to have an individual physically manage the number of detainees cohorted at each facility.

The information collected on cohorting is total counts of detainees cohorted in each facility and housing unit, stratified by the type of exposure.

No detainee identifiers are reported to IHSC for cohort tracking.

The actual number and/or estimated does not exist with IHSC.

(b)(6); (b)(7)(C) MS
 Chief of Staff | ICE Health Service Corps
 Desk (b)(6)
 Email: (b)(6); (b)(7)(C)@ice.dhs.gov

IHSC: One Team, One Mission...Leading the Way in Immigration Health Care.

From: Johnson, Tae D
Sent: 27 Apr 2020 15:32:22 +0000
To: (b)(6); (b)(7)(C)
Cc: Lucero, Enrique M
Subject: FW: Follow up
Importance: High

Is IHSC working on this?

From: Kelly, Christopher S (b)(6); (b)(7)(C) @ice.dhs.gov>
Sent: Monday, April 27, 2020 11:30 AM
To: Johnson, Tae D (b)(6); (b)(7)(C) @ice.dhs.gov>; Lucero, Enrique M (b)(6); (b)(7)(C) @ice.dhs.gov>
Subject: FW: Follow up
Importance: High

FYSA.

From: Kelly, Christopher S
Sent: Monday, April 27, 2020 11:22 AM
To: (b)(6); (b)(7)(C) @ice.dhs.gov>
Subject: FW: Follow up
Importance: High

Need this ASAP.

From: AS2 (b) (b)(6); @hq.dhs.gov>
Sent: Monday, April 27, 2020 11:20 AM
To: Albence, Matthew (b)(6); (b)(7)(C) @ice.dhs.gov>
Cc: Kelly, Christopher S (b)(6); (b)(7)(C) @ice.dhs.gov>; ALFONSO-ROYALS, ANGELICA (b)(6); (b)(7)(C) @hq.dhs.gov>
Subject: Follow up

Matt,

Some time back, I had asked you all for your 2019 contagious disease information, and I wanted to circle back on this. Could I get this soon please?

Thx,

Ken Cuccinelli II
 Acting Deputy Secretary
 Department of Homeland Security



Homeland
 Security

As is noted in the attached from DUSM regarding the new PPE ordering process vendors have to give first priority to those with a Defense Priorities and Allocation System (DPAS) rating. DHS is working to get a DPAS rating to expedite ability to access PPE.

We are going to be submitting the PPE requirements as outlined in the attached dashboard to CRSO as soon as the ordering opens tomorrow. I would recommend that if a field office has an urgent need that they procure locally using their PCard to hold them over – we have hundreds of 10K P-Cards out there now which should help. (b)(6); (b)(7)(C) and team are going to be reaching out to your Mission Support leads today to coordinate discussions on how we want to address the logistics of PPE ordering through CRSO and any consideration you all want to give to moving existing inventory around so we have a plan that reduces risk of over allocating to any one office (e.g. may want to consider centralizing for some locations shipment of PPE to the main SAC/FOD/CC office for inventory control and distribution to satellite offices and only shipping directly to those offices that are more remote.) Also, we've posted the CDC guidance on our COVID-19 page on reuse of masks. We are working to get guidance in place within the next couple of days that parrots the CDC guidance on reuse as well as addresses when to use "end of shelf life" masks.

Will keep you advised and please let me know if you have questions.

Thanks
Staci

From: Johnson, Tae D
Sent: 15 Mar 2020 01:47:32 +0000
To: Robbins, Timothy S
Subject: FW: Further Guidance for OPLA on COVID-19-Related Issues

From: Johnson, Tae D
Sent: Saturday, March 14, 2020 9:43 PM
To: Lucero, Enrique M <(b)(6); (b)(7)(C)@ice.dhs.gov>; Klopp, Jacki Becker <(b)(6); (b)(7)(C)@ice.dhs.gov>
Subject: FW: Further Guidance for OPLA on COVID-19-Related Issues

JBK – I started drafting this before we spoke a few seconds ago, but I wanted to make sure Henry was looped into what I had discovered so far.

From the reports I've gotten thus far, very few folks have started to operationalize the guidance from the ODs office. OPR will take a closer look next week but is inclined to (b)(5)
 (b)(5) M&A also has not issued anything, but Staci was out on Friday and may not have been tracking all that closely. OHC will get back to me soon, but thought at first glance, what I was suggesting was (b)(5)
 (b)(5)

That being said, what Mike Davis sent out to OPLA staff in my view speaks volumes for a component that historically is not supportive of TW under any circumstances. I think (b)(5)
 (b)(5) I will have someone take a stab at crafting an ERO specific message and we can bounce off of the FODs, and coordinate a call to answer any questions if needed – as we discussed.

From: Davis, Mike P <(b)(6);@ice.dhs.gov>
Sent: Saturday, March 14, 2020 7:40 PM
To: Johnson, Tae D <(b)(6); (b)(7)(C)@ice.dhs.gov>
Subject: FW: Further Guidance for OPLA on COVID-19-Related Issues

FYI.

Michael P. Davis
 Executive Deputy Principal Legal Advisor
 U.S. Immigration and Customs Enforcement
 202.732.(b)(6);(office) | 202.904.(b)(6);(mobile)
 (b)(6);@ice.dhs.gov

Please note that this message may contain sensitive and/or legally privileged information (attorney work product, attorney-client communication, deliberative process, personally identifiable information, law enforcement sensitive, etc.) and should be handled accordingly.

From: Davis, Mike P (b)(6): [REDACTED]@ice.dhs.gov>
Date: Friday, Mar 13, 2020, 6:55 PM
To: OPLA Field Personnel (b)(6); (b)(7)(C) [REDACTED]@ice.dhs.gov>, OPLA HQ Personnel (b)(6); (b)(7)(C) [REDACTED]@ice.dhs.gov>
Subject: Further Guidance for OPLA on COVID-19-Related Issues

[With apologies for the duplicate message, here is a reformatted version of the message I sent at 5:40 P.M. EDT. The substance is identical, but this may be easier for some viewers to read on iPhone.]

OPLA Team—

Following up on my message from earlier today and subsequent ICE leadership guidance and direction, and in light of further discussions with the PLA, I am providing specific guidance and direction related to OPLA's COVID-19 response. Before I do so, however, I want to acknowledge the complexity of the issues presented by this pandemic. From legal authorities, to implementation policies and mission needs, to stakeholder and intergovernmental coordination, OPLA is one part of a much larger enterprise that is facing COVID-19 and trying to do the right thing. The PLA, his senior leadership team, and AFGE Local 511 leadership have all been extremely engaged in working through these complexities in a way that balances the very real needs and concerns of our workforce with the critical mission that we remain responsible for executing. Countless hours have been spent assessing options and gathering input and information.

Based on these extensive efforts and deliberations, and in consideration of ICE leadership's guidance issued today allowing waiver of general telework program policies and requirements, we are temporarily authorizing telework for OPLA divisions and field locations from Monday, March 16 through Friday, March 20, 2020, as follows:

- OPLA Field Locations: Chief Counsel should permit attorneys in their offices to telework on days on which they are not scheduled to appear in immigration court (including when they appear via VTC or telephonically from their offices), provided adequate portable work is available. Otherwise, employees who need to be out of the office (e.g., to care for children whose schools are temporarily closed) may request leave. Guidance on appropriate use of leave during a pandemic is available [here](#). We are working to identify a number of OPLA-wide document review projects in which our field attorneys can participate to help ICE meet its production obligations in ongoing civil litigation, and Field Legal Operations will be working with the Chief Counsel to arrange for the assignment of that portable work. Each Chief Counsel should ensure that at least one member of his or her management team is present in the office every day that the office is open. While support staff members and contractors in the field will generally be needed in the office to perform their key administrative functions and do not generally have a large amount of portable work available, Chief Counsel may permit situational telework for mission support employees if portable work assignments are or become

available and any ongoing critical administrative support needs in their office are met. Otherwise, support staff members who need to be out of the office may request leave.

- **OPLA Headquarters:** Subject to the caveats below, Division Chiefs should permit the attorneys on their teams to telework, provided adequate portable work is available and there is not a business need to have them report to the office for duty (e.g., to attend a hearing or mission-critical meeting). Each division should have at least one manager present in the office every day that the office is open. In addition to on-site management presence, the National Security Law Division should also have at least one non-supervisory attorney present in the office every day that the office is open, so that we are prepared to address national security threats that may emerge and promptly review any classified information. The OPLA Executive Team, including the PLA and DPLAs, will be present in the office, but their direct legal advisors (Senior Advisor, Special Counsels) may be permitted to telework, provided adequate portable work is available and there is not a business need to have them report to the office. OPLA headquarters support staff professionals may be permitted by their Division Chiefs to telework if adequate portable work is available and there is not a business need to have them present in the office but, as in the case of our field locations, much of the critical support staff upon which OPLA relies requires a presence in the office.

In order to be prepared to telework, employees need to do a few things. First, they should ensure that their government-furnished computer equipment (GFE) has up-to-date software, which can be verified using the “Software Center” app in Windows. Second, they need to provide a completed telework agreement to their supervisor, if they haven’t already done so. The agreement template for AFGE Local 511 bargaining unit employee team members is available [here](#), and the agreement template for other OPLA team members is available [here](#). Third, employees who are permitted to telework during this temporary period due to COVID-19 need to be particularly diligent in communicating with their supervisors about the work they are performing and their duty time. Fourth, employees should consider activating Workplace as a Service (WPAAS) on their home computers, as an alternative means of accessing the ICE network remotely in the event that their GFE has difficulty connect via the Virtual Private Network (VPN). WPAAS can function effectively even when the VPN is sluggish and, depending on the computer model being used, can offer a better user experience. A PIV card reader is necessary to allow WPAAS to be used on a home computer, and further information is available [here](#) for Windows devices, and [here](#) for Mac OS devices.

While the PLA and I are committed to being as flexible as we can during this challenging time, we fully expect considerable “after-the-fact” oversight of how OPLA fulfilled its mission commitments during this temporary period of increased reliance on telework. PLANet entries, including time spent performing specific tasks, cases, and projects, must be timely and accurately tracked as provided in relevant SOPs. WebTA entries need to be carefully reviewed. Employees should ensure that they notify their supervisors when they need to step away from their computers to address dependent care responsibilities. If such responsibilities prevent an employee who has been authorized to telework from completing his or her duty day, he or she should request leave for the balance of the time. The PLA himself will be auditing how teleworking impacted our productivity during this period (including how our clients viewed our

responsiveness and quality of service), and we will all be held accountable for ensuring that we lived up to our professional obligations, so it is incumbent upon managers to ensure strong accountability protections are in place. In addition to close and frequent contact with teleworkers, this may include active use and monitoring of virtual presence using Skype or other instant messaging software.

Relatedly, I am directing that all OPLA employees who have been issued portable GFE to take their devices home each night, even if they are not presently teleworking. The information and guidance surrounding COVID-19 is rapidly evolving, and the PLA and I wish to ensure that OPLA maximizes its flexibility to respond to future developments, including building closures and changes to the federal government's operating status. As a reminder for employees based at ICE headquarters, you may use your PIV card to enter and park in level P1 of the garage on weekends (entry on the right of the D Street guardhouse), should you wish to pick up your GFE in order to be able to telework starting Monday, as appropriate.

I recognize that this message does not answer every question that our team members have. The PLA is committed to making decisions promptly as COVID-19-related issues arise, but we must do so in concert with our chain-of-command and the rest of the DHS and ICE family. This current threat is going to tax all of us in the days to come, but our agency was created to confront existential threats to our homeland and OPLA has matured in the intervening years into a team of the most dedicated, resilient, and talented professionals I could ever imagine working with. Please know that the OPLA family will get through this together and take care of yourselves and your own families so that we can all look back at this time as a challenge we overcame together.

All the best,

Michael P. Davis
Executive Deputy Principal Legal Advisor
Office of the Principal Legal Advisor
U.S. Immigration and Customs Enforcement

From: Davis, Mike P <(b)(6); (b)(7)(C)>@ice.dhs.gov>
Sent: Friday, March 13, 2020 12:57 PM
To: OPLA Field Personnel <(b)(6); (b)(7)(C)>@ice.dhs.gov>; OPLA HQ Personnel <(b)(6); (b)(7)(C)>@ice.dhs.gov>
Subject: COVID-19 and OPLA

OPLA Team—

After robust discussion with the PLA, I wanted to send out a brief message to let you know that we are closely monitoring developments associated with the novel coronavirus 2019 (COVID-19) and actively planning for a variety of contingencies. OPLA has an extremely critical mission to perform, and we are working with DHS and ICE leadership, as well as interagency partners, to ensure that our response to COVID-19 balances those mission needs with the safety and welfare of our workforce. Moreover, the OPLA coronavirus leadership group that the PLA recently

established has been actively identifying the emerging COVID-19-related issues in need of resolution, exploring possible approaches to address them, and ensuring that the most up-to-date information about COVID-19 is made widely available to our team. I expect to have further guidance shortly from our chain-of-command, but in the meantime would ask that we support one another and remain resilient and focused on our important mission.

Thank you for all that you do! Please stay tuned.

Michael P. Davis
Executive Deputy Principal Legal Advisor
Office of the Principal Legal Advisor
U.S. Immigration and Customs Enforcement

From: Johnson, Tae D
Sent: 15 Mar 2020 01:46:28 +0000
To: Robbins, Timothy S
Subject: FW: Further Guidance for OPLA on COVID-19-Related Issues

From: Davis, Mike P [(b)(6);]@ice.dhs.gov>
Sent: Saturday, March 14, 2020 7:40 PM
To: Johnson, Tae D [(b)(6); (b)(7)(C)]@ice.dhs.gov>
Subject: FW: Further Guidance for OPLA on COVID-19-Related Issues

FYI.

Michael P. Davis
 Executive Deputy Principal Legal Advisor
 U.S. Immigration and Customs Enforcement
 202.732[(b)(6);]office) | 202.904[(b)(6);]mobile)
 [(b)(6);]@ice.dhs.gov

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From: Davis, Mike P [(b)(6);]@ice.dhs.gov>
Date: Friday, Mar 13, 2020, 6:55 PM
To: OPLA Field Personnel [(b)(6); (b)(7)(C)]@ice.dhs.gov>, OPLA HQ Personnel [(b)(6); (b)(7)(C)]@ice.dhs.gov>
Subject: Further Guidance for OPLA on COVID-19-Related Issues

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the most dedicated, resilient, and talented professionals I could ever imagine working with. Please know that the OPLA family will get through this together and take care of yourselves and your own families so that we can all look back at this time as a challenge we overcame together.

All the best,

Michael P. Davis
Executive Deputy Principal Legal Advisor
Office of the Principal Legal Advisor
U.S. Immigration and Customs Enforcement

From: Davis, Mike P [REDACTED]@ice.dhs.gov>
Sent: Friday, March 13, 2020 12:57 PM
To: OPLA Field Personnel [REDACTED]@ice.dhs.gov>; OPLA HQ Personnel [REDACTED]@ice.dhs.gov>
Subject: COVID-19 and OPLA

OPLA Team—

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Thank you for all that you do! Please stay tuned.

Michael P. Davis
Executive Deputy Principal Legal Advisor
Office of the Principal Legal Advisor
U.S. Immigration and Customs Enforcement

From: Johnson, Tae D
Sent: 15 Mar 2020 01:03:13 +0000
To: Barrera, Staci A
Subject: FW: Further Guidance for OPLA on COVID-19-Related Issues

From: Davis, Mike P [(b)(6):]@ice.dhs.gov>
Sent: Saturday, March 14, 2020 7:40 PM
To: Johnson, Tae D [(b)(6); (b)(7)(C)]@ice.dhs.gov>
Subject: FW: Further Guidance for OPLA on COVID-19-Related Issues

FYI.

Michael P. Davis
Executive Deputy Principal Legal Advisor
U.S. Immigration and Customs Enforcement
202.732.[(b)(6)](office) | 202.904[(b)(6);](mobile)
[(b)(6):]@ice.dhs.gov

Please note that this message may contain sensitive and/or legally privileged information (attorney work product, attorney-client communication, deliberative process, personally identifiable information, law enforcement sensitive, etc.) and should be handled accordingly.

From: Davis, Mike P [(b)(6);]@ice.dhs.gov>
Date: Friday, Mar 13, 2020, 6:55 PM
To: OPLA Field Personnel [(b)(6); (b)(7)(C)]@ice.dhs.gov>, OPLA HQ Personnel [(b)(6); (b)(7)(C)]@ice.dhs.gov>
Subject: Further Guidance for OPLA on COVID-19-Related Issues

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OPLA Team—

Following up on my message from earlier today and subsequent ICE leadership guidance and direction, and in light of further discussions with the PLA, I am providing specific guidance and direction related to OPLA's COVID-19 response. Before I do so, however, I want to acknowledge the complexity of the issues presented by this pandemic. From legal authorities, to implementation policies and mission needs, to stakeholder and intergovernmental coordination, OPLA is one part of a much larger enterprise that is facing COVID-19 and trying to do the right thing. The PLA, his senior leadership team, and AFGC Local 511 leadership have all been extremely engaged in working through these complexities in a way that balances the very real

needs and concerns of our workforce with the critical mission that we remain responsible for executing. Countless hours have been spent assessing options and gathering input and information.

Based on these extensive efforts and deliberations, and in consideration of ICE leadership's guidance issued today allowing waiver of general telework program policies and requirements, we are temporarily authorizing telework for OPLA divisions and field locations from Monday, March 16 through Friday, March 20, 2020, as follows:

- OPLA Field Locations: Chief Counsel should permit attorneys in their offices to telework on days on which they are not scheduled to appear in immigration court (including when they appear via VTC or telephonically from their offices), provided adequate portable work is available. Otherwise, employees who need to be out of the office (e.g., to care for children whose schools are temporarily closed) may request leave. Guidance on appropriate use of leave during a pandemic is available [here](#). We are working to identify a number of OPLA-wide document review projects in which our field attorneys can participate to help ICE meet its production obligations in ongoing civil litigation, and Field Legal Operations will be working with the Chief Counsel to arrange for the assignment of that portable work. Each Chief Counsel should ensure that at least one member of his or her management team is present in the office every day that the office is open. While support staff members and contractors in the field will generally be needed in the office to perform their key administrative functions and do not generally have a large amount of portable work available, Chief Counsel may permit situational telework for mission support employees if portable work assignments are or become available and any ongoing critical administrative support needs in their office are met. Otherwise, support staff members who need to be out of the office may request leave.
- OPLA Headquarters: Subject to the caveats below, Division Chiefs should permit the attorneys on their teams to telework, provided adequate portable work is available and there is not a business need to have them report to the office for duty (e.g., to attend a hearing or mission-critical meeting). Each division should have at least one manager present in the office every day that the office is open. In addition to on-site management presence, the National Security Law Division should also have at least one non-supervisory attorney present in the office every day that the office is open, so that we are prepared to address national security threats that may emerge and promptly review any classified information. The OPLA Executive Team, including the PLA and DPLAs, will be present in the office, but their direct legal advisors (Senior Advisor, Special Counsels) may be permitted to telework, provided adequate portable work is available and there is not a business need to have them report to the office. OPLA headquarters support staff professionals may be permitted by their Division Chiefs to telework if adequate portable work is available and there is not a business need to have them present in the office but, as in the case of our field locations, much of the critical support staff upon which OPLA relies requires a presence in the office.

In order to be prepared to telework, employees need to do a few things. First, they should ensure that their government-furnished computer equipment (GFE) has up-to-date software, which can be verified using the “Software Center” app in Windows. Second, they need to provide a completed telework agreement to their supervisor, if they haven’t already done so. The agreement template for AFGE Local 511 bargaining unit employee team members is available [here](#), and the agreement template for other OPLA team members is available [here](#). Third, employees who are permitted to telework during this temporary period due to COVID-19 need to be particularly diligent in communicating with their supervisors about the work they are performing and their duty time. Fourth, employees should consider activating Workplace as a Service (WPAAS) on their home computers, as an alternative means of accessing the ICE network remotely in the event that their GFE has difficulty connect via the Virtual Private Network (VPN). WPAAS can function effectively even when the VPN is sluggish and, depending on the computer model being used, can offer a better user experience. A PIV card reader is necessary to allow WPAAS to be used on a home computer, and further information is available [here](#) for Windows devices, and [here](#) for Mac OS devices.

While the PLA and I are committed to being as flexible as we can during this challenging time, we fully expect considerable “after-the-fact” oversight of how OPLA fulfilled its mission commitments during this temporary period of increased reliance on telework. PLANet entries, including time spent performing specific tasks, cases, and projects, must be timely and accurately tracked as provided in relevant SOPs. WebTA entries need to be carefully reviewed. Employees should ensure that they notify their supervisors when they need to step away from their computers to address dependent care responsibilities. If such responsibilities prevent an employee who has been authorized to telework from completing his or her duty day, he or she should request leave for the balance of the time. The PLA himself will be auditing how teleworking impacted our productivity during this period (including how our clients viewed our responsiveness and quality of service), and we will all be held accountable for ensuring that we lived up to our professional obligations, so it is incumbent upon managers to ensure strong accountability protections are in place. In addition to close and frequent contact with teleworkers, this may include active use and monitoring of virtual presence using Skype or other instant messaging software.

Relatedly, I am directing that all OPLA employees who have been issued portable GFE to take their devices home each night, even if they are not presently teleworking. The information and guidance surrounding COVID-19 is rapidly evolving, and the PLA and I wish to ensure that OPLA maximizes its flexibility to respond to future developments, including building closures and changes to the federal government’s operating status. As a reminder for employees based at ICE headquarters, you may use your PIV card to enter and park in level P1 of the garage on weekends (entry on the right of the D Street guardhouse), should you wish to pick up your GFE in order to be able to telework starting Monday, as appropriate.

I recognize that this message does not answer every question that our team members have. The PLA is committed to making decisions promptly as COVID-19-related issues arise, but we must do so in concert with our chain-of-command and the rest of the DHS and ICE family. This current threat is going to tax all of us in the days to come, but our agency was created to confront existential threats to our homeland and OPLA has matured in the intervening years into a team of

the most dedicated, resilient, and talented professionals I could ever imagine working with. Please know that the OPLA family will get through this together and take care of yourselves and your own families so that we can all look back at this time as a challenge we overcame together.

All the best,

Michael P. Davis
Executive Deputy Principal Legal Advisor
Office of the Principal Legal Advisor
U.S. Immigration and Customs Enforcement

From: Davis, Mike P. (b)(6): [REDACTED]@ice.dhs.gov>
Sent: Friday, March 13, 2020 12:57 PM
To: OPLA Field Personnel (b)(6); (b)(7)(C) [REDACTED]@ice.dhs.gov>; OPLA HQ Personnel (b)(6); (b)(7)(C) [REDACTED]@ice.dhs.gov>
Subject: COVID-19 and OPLA

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Michael P. Davis
Executive Deputy Principal Legal Advisor
Office of the Principal Legal Advisor
U.S. Immigration and Customs Enforcement

From: Johnson, Tae D
Sent: 15 Mar 2020 16:38:21 +0000
To: Meade, Michael W (b)(6); (b)(7)(C)
Subject: FW: Further Guidance for OPLA on COVID-19-Related Issues
Attachments: Broadcast.docx

Please let me know if you think this will create more questions than answers for the folks in the field, primarily. Thx

Sent with BlackBerry Work
(www.blackberry.com)

From: Johnson, Tae D (b)(6); (b)(7)(C) @ice.dhs.gov>
Date: Sunday, Mar 15, 2020, 12:16 PM
To: Klopp, Jacki Becker <(b)(6); (b)(7)(C) @ice.dhs.gov>
Subject: RE: Further Guidance for OPLA on COVID-19-Related Issues

Hi Jacki – please see attached.

From: Klopp, Jacki Becker (b)(6); (b)(7)(C) @ice.dhs.gov>
Sent: Saturday, March 14, 2020 11:32 PM
To: Johnson, Tae D (b)(6); (b)(7)(C) @ice.dhs.gov>
Subject: RE: Further Guidance for OPLA on COVID-19-Related Issues

Hi Tae— here is our first stab at a message. I made some edits to (b)(6); draft so whatever you like is all her and anything you don't is probably me ;)

A big missing piece, which we've been discussing, is the TBD highlighted portion. (I know I need to fix the spacing in the first sentence too).

I've cancelled my gym class in the AM so no longer will be offline as I mentioned before. Let me know if you want to circle up in the AM with your latest thoughts to hash out the meat of the message before broader input/discussions. Otherwise will await any next steps from you.

On a more particular note, my recommendation for OSD is to permit full time TW for at least next 2 weeks. Will send you details tomorrow on what specifically led me to that decision if you'd like.

Break:

(b)(5)

(b)(5)

From: Johnson, Tae D (b)(6); (b)(7)(C)@ice.dhs.gov>**Date:** Saturday, Mar 14, 2020, 9:43 PM**To:** Lucero, Enrique M (b)(6); (b)(7)(C)@ice.dhs.gov>, Klopp, Jacki Becker (b)(6); (b)(7)(C)@ice.dhs.gov>**Subject:** FW: Further Guidance for OPLA on COVID-19-Related Issues

JBK – I started drafting this before we spoke a few seconds ago, but I wanted to make sure Henry was looped into what I had discovered so far.

From the reports I've gotten thus far, very few folks have started to operationalize the guidance from the ODs office. OPR will take a closer look next week but is inclined to allow 3 days a week of TW; HSI has not considered issuing anything further but will take a closer look on Monday. M&A also has not issued anything, but Staci was out on Friday and may not have been tracking all that closely. OHC will get back to me soon, but thought at first glance, what I was suggesting was consistent with their plan forward was.

That being said, what Mike Davis sent out to OPLA staff in my view speaks volumes for a component that historically is not supportive of TW under any circumstances. I think we can

(b)(5)

(b)(5)

I will have someone take a stab at crafting an ERO specific message and we can

bounce off of the FODs, and coordinate a call to answer any questions if needed – as we discussed.

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Sent: Saturday, March 14, 2020 7:40 PM
To: Johnson, Tae D (b)(6); (b)(7)(C) [REDACTED]@ice.dhs.gov>
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Office of the Principal Legal Advisor
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Office of the Principal Legal Advisor
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ERO leadership continues to closely monitor and evaluate rapidly evolving developments with Coronavirus (COVID-19). The health and well-being of ERO employees are paramount. At the same time, our operational functions must continue to ensure public safety and national security. My goal is to balance the very real needs and concerns of our workforce with the critical mission ERO remains responsible for executing.

Based on countless hours gathering information and evaluating options and in consideration of recent ICE leadership guidance waiving general telework program policies and requirements, I am enacting several operational changes, to include authorizing ERO divisions and field locations to maximize telework from Monday, March 16th through Friday, April 10th. **This is not a blanket authorization for employees to telework**; rather, my intent is to provide requisite flexibility to employees and your families – to the extent possible and practicable in your respective work locations and functions.

Effective immediately, and for the next thirty (30) days:

1. Non-mission-critical training, travel, ceremonies, and operations should be cancelled and/or rescheduled. Only mission-critical operations will continue. Following this message, HQ components may send program-specific guidance regarding mission-critical activities to field leadership. *To determine what is mission critical, please consult with your leadership team, but guidance should mirror what was determined to be mission critical during past sequestration periods.*
2. International travel is restricted for certain regions designated as Risk Level 3 or higher by the Centers for Disease Control and Prevention (CDC).
3. For telework-eligible employees, telework should be maximized when operationally feasible, when telework is authorized by your local office or your respective HQ component. On a case-by-case basis, some telework restrictions may be waived. *See below for further telework guidance.*
4. Special leave categories for employees who are not telework-eligible may be instituted in certain situations and under certain conditions. *See below for further guidance.*

Telework Guidance:

- While ICE has waived several telework restrictions, which were outlined in (A) Deputy Director Benner’s message, supervisors may not waive the Telework Agreement requirement. Supervisors should ensure all employees who will be utilizing any form of telework have a signed telework agreement on file. Employees and supervisors can use the instructions in the “Telework Agreement with Directions to Sign Electronically” attachment to assist them with digitally signing the Telework Agreement. Field office employees should submit their signed agreement to their offices’ telework point-of-contact. Headquarters personnel should submit their signed agreement to the ERO HRU mailbox- EROHumanResources@ice.dhs.gov.
- Supervisors should thoughtfully evaluate which mission-critical duties definitively require on-site work, and which may be realized remotely, in part or in whole.

- Employees with Government-issued laptops who can work remotely should ensure that their government-furnished computer equipment (GFE) has up-to-date software, which can be verified using the “Software Center” app in Windows.
- Employees who have difficulty connecting via the Virtual Private Network (VPN) while teleworking and/or who do not have government-furnished laptops should consider activating Workplace as a Service (WPaaS) on their home computers as an alternative means of accessing the ICE network – including web-based applications such as ACRIME, TECs and EARM. The “ICE-Mobile-Tech WPaaS” attachment has additional information about WPaaS and further information is available [here](#) for Windows devices, and [here](#) for Mac OS devices. A PIV card reader is necessary to allow WPaaS to be used on a home computer.
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We are accountable for ensuring that we live up to our professional obligations during this time, so it is incumbent upon managers to ensure strong accountability protections are in place. Supervisors should carefully review WebTA entries. In addition to close and frequent contact with teleworkers, supervisors should consider active use and monitoring of virtual presence using Skype or other instant messaging software and/or conference calls or check-ins with employees.

I recognize that this message may not answer every question you may have. We are committed to making decisions promptly as COVID-19-related issues arise, but we must do so in concert with our local chains-of-command and the rest of the DHS and ICE family. Take care of yourselves and your families. We are adept at overcoming constant challenges, and I know that together, we will maintain our mission-critical operations and persevere.

From: Johnson, Tae D
Sent: 15 Mar 2020 16:33:46 +0000
To: (b)(6); (b)(7)(C)
Subject: FW: Further Guidance for OPLA on COVID-19-Related Issues
Attachments: Broadcast.docx

I sent the attached to
 JBK

Sent with BlackBerry Work
 (www.blackberry.com)

From: Johnson, Tae D (b)(6); (b)(7)(C)@ice.dhs.gov>
Date: Sunday, Mar 15, 2020, 12:16 PM
To: Klopp, Jacki Becker (b)(6); (b)(7)(C)@ice.dhs.gov>
Subject: RE: Further Guidance for OPLA on COVID-19-Related Issues

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Sent: Saturday, March 14, 2020 11:32 PM
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Subject: RE: Further Guidance for OPLA on COVID-19-Related Issues

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On a more particular note, my recommendation for OSD is to permit full time TW for at least next 2 weeks. Will send you details tomorrow on what specifically led me to that decision if you'd like.

Break:

(b)(5)

From: Johnson, Tae D
Sent: 15 Mar 2020 21:51:45 +0000
To: (b)(6); [redacted] Klopp, Jacki Becker; (b)(6); [redacted]
Cc: #ERO CHIEFS OF STAFF; (b)(6); (b)(7)(C) [redacted]
Subject: FW: Further Guidance for OPLA on COVID-19-Related Issues
Attachments: Broadcast (004)_jbk2.docx

(b)(6); [redacted]

This needs to be disseminated to all ERO and IHSC staff today – as soon as possible please, under the EAD banner. Thank you.

From: Johnson, Tae D
Sent: Sunday, March 15, 2020 5:46 PM
To: Lucero, Enrique M (b)(6); (b)(7)(C) [redacted]@ice.dhs.gov>
Subject: RE: Further Guidance for OPLA on COVID-19-Related Issues

Ten four. Will do. Under the EAD banner correct?

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Subject: RE: Further Guidance for OPLA on COVID-19-Related Issues

I'm good with the broadcast, make sure it goes to all of ERO to include IHsC.

From: Johnson, Tae D (b)(6); (b)(7)(C) [redacted]@ice.dhs.gov>
Date: Sunday, Mar 15, 2020, 4:38 PM
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Subject: RE: Further Guidance for OPLA on COVID-19-Related Issues

(b)(5) [redacted]
(b)(5) [redacted] Staci had some suggested edits which are incorporated in this draft.
The most significant edit is here:

(b)(5) [redacted]

(b)(5)

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Subject: RE: Further Guidance for OPLA on COVID-19-Related Issues

Good addition

From: Johnson, Tae D (b)(6); (b)(7)(C) @ice.dhs.gov>
Date: Sunday, Mar 15, 2020, 1:27 PM
To: Lucero, Enrique M (b)(6); (b)(7)(C) @ice.dhs.gov>
Subject: FW: Further Guidance for OPLA on COVID-19-Related Issues

(b)(5)

From: Meade, Michael W (b)(6); (b)(7)(C) @ice.dhs.gov>
Sent: Sunday, March 15, 2020 1:21 PM
To: Johnson, Tae D (b)(6); (b)(7)(C) @ice.dhs.gov> (b)(6); (b)(7)(C) @ice.dhs.gov>
Subject: RE: Further Guidance for OPLA on COVID-19-Related Issues

I agree

From: Johnson, Tae D <(b)(6); (b)(7)(C)@ice.dhs.gov>
Sent: Sunday, March 15, 2020 1:21 PM
To: (b)(6); (b)(7)(C)@ice.dhs.gov>; Meade, Michael W (b)(6); (b)(7)(C)@ice.dhs.gov>
Subject: RE: Further Guidance for OPLA on COVID-19-Related Issues

I like (b)(5)

From: Johnson, Tae D
Sent: Sunday, March 15, 2020 1:06 PM
To: (b)(6); (b)(7)(C)@ice.dhs.gov>; Meade, Michael W (b)(6); (b)(7)(C)@ice.dhs.gov>
Subject: RE: Further Guidance for OPLA on COVID-19-Related Issues

Thanks (b)(6): the original construction of that sentence in Derek’s message was:

(b)(5)

That didn’t make sense to me but perhaps I’m just dense. I didn’t want to change that much of what was in his original message, but I had trouble following.

From: (b)(6); (b)(7)(C)@ice.dhs.gov>
Sent: Sunday, March 15, 2020 12:59 PM
To: Johnson, Tae D (b)(6); (b)(7)(C)@ice.dhs.gov>; Meade, Michael W (b)(6); (b)(7)(C)@ice.dhs.gov>
Subject: RE: Further Guidance for OPLA on COVID-19-Related Issues

This sentence could use a little work:

(b)(5)

I’d just say this:

(b)(5)

Otherwise I wouldn't say it's confusing, (b)(5)

(b)(5)

From: Johnson, Tae D (b)(6); (b)(7)(C)@ice.dhs.gov>

Date: Sunday, Mar 15, 2020, 12:38 PM

To: Meade, Michael W (b)(6); (b)(7)(C)@ice.dhs.gov (b)(6); (b)(7)(C)@ice.dhs.gov>

Subject: FW: Further Guidance for OPLA on COVID-19-Related Issues

Please let me know if you think this will create more questions than answers for the folks in the field, primarily. Thx

Sent with BlackBerry Work
(www.blackberry.com)

From: Johnson, Tae D (b)(6); (b)(7)(C)@ice.dhs.gov>

Date: Sunday, Mar 15, 2020, 12:16 PM

To: Klopp, Jacki Becker (b)(6); (b)(7)(C)@ice.dhs.gov>

Subject: RE: Further Guidance for OPLA on COVID-19-Related Issues

Hi Jacki – please see attached.

From: Klopp, Jacki Becker (b)(6); (b)(7)(C)@ice.dhs.gov>

Sent: Saturday, March 14, 2020 11:32 PM

To: Johnson, Tae D (b)(6); (b)(7)(C)@ice.dhs.gov>

Subject: RE: Further Guidance for OPLA on COVID-19-Related Issues

Hi Tae— here is our first stab at a message. I made some edits to (b)(6); draft so whatever you like is all her and anything you don't is probably me ;)

A big missing piece, which we've been discussing, is the TBD highlighted portion. (I know I need to fix the spacing in the first sentence too).

I've cancelled my gym class in the AM so no longer will be offline as I mentioned before. Let me know if you want to circle up in the AM with your latest thoughts to hash out the meat of the message before broader input/discussions. Otherwise will await any next steps from you.

On a more particular note, my recommendation for OSD is to permit full time TW for at least next 2 weeks. Will send you details tomorrow on what specifically led me to that decision if you'd like.

Break:

(b)(5)

From: Johnson, Tae [(b)(6); (b)(7)(C)]@ice.dhs.gov>
Date: Saturday, Mar 14, 2020, 9:43 PM
To: Lucero, Enrique M [(b)(6); (b)(7)(C)]@ice.dhs.gov>, Klopp, Jacki Becker [(b)(6); (b)(7)(C)]@ice.dhs.gov>
Subject: FW: Further Guidance for OPLA on COVID-19-Related Issues

JBK – I started drafting this before we spoke a few seconds ago, but I wanted to make sure Henry was looped into what I had discovered so far.

From the reports I've gotten thus far, very few folks have started to operationalize the guidance from the ODs office. OPR will take a closer look next week but is inclined to allow 3 days a week of TW; HSI has not considered issuing anything further but will take a closer look on Monday. M&A also has not issued anything, but Staci was out on Friday and may not have been tracking all that closely. OHC will

thing. The PLA, his senior leadership team, and AFGE Local 511 leadership have all been extremely engaged in working through these complexities in a way that balances the very real needs and concerns of our workforce with the critical mission that we remain responsible for executing. Countless hours have been spent assessing options and gathering input and information.

Based on these extensive efforts and deliberations, and in consideration of ICE leadership's guidance issued today allowing waiver of general telework program policies and requirements, we are temporarily authorizing telework for OPLA divisions and field locations from Monday, March 16 through Friday, March 20, 2020, as follows:

- OPLA Field Locations: Chief Counsel should permit attorneys in their offices to telework on days on which they are not scheduled to appear in immigration court (including when they appear via VTC or telephonically from their offices), provided adequate portable work is available. Otherwise, employees who need to be out of the office (e.g., to care for children whose schools are temporarily closed) may request leave. Guidance on appropriate use of leave during a pandemic is available [here](#). We are working to identify a number of OPLA-wide document review projects in which our field attorneys can participate to help ICE meet its production obligations in ongoing civil litigation, and Field Legal Operations will be working with the Chief Counsel to arrange for the assignment of that portable work. Each Chief Counsel should ensure that at least one member of his or her management team is present in the office every day that the office is open. While support staff members and contractors in the field will generally be needed in the office to perform their key administrative functions and do not generally have a large amount of portable work available, Chief Counsel may permit situational telework for mission support employees if portable work assignments are or become available and any ongoing critical administrative support needs in their office are met. Otherwise, support staff members who need to be out of the office may request leave.
- OPLA Headquarters: Subject to the caveats below, Division Chiefs should permit the attorneys on their teams to telework, provided adequate portable work is available and there is not a business need to have them report to the office for duty (e.g., to attend a hearing or mission-critical meeting). Each division should have at least one manager present in the office every day that the office is open. In addition to on-site management presence, the National Security Law Division should also have at least one non-supervisory attorney present in the office every day that the office is open, so that we are prepared to address national security threats that may emerge and promptly review any classified information. The OPLA Executive Team, including the PLA and DPLAs, will be present in the office, but their direct legal advisors (Senior Advisor, Special Counsels) may be permitted to telework, provided adequate portable work is available and there is not a business need to have them report to the office. OPLA headquarters support staff professionals may be permitted by their Division Chiefs to telework if adequate portable work is available and there is not a business need to have them present in the office but, as in the case of our field locations, much of the critical support staff upon which OPLA relies requires a presence in the office.

In order to be prepared to telework, employees need to do a few things. First, they should ensure that their government-furnished computer equipment (GFE) has up-to-date software, which can be verified using the “Software Center” app in Windows. Second, they need to provide a completed telework agreement to their supervisor, if they haven’t already done so. The agreement template for AFGE Local 511 bargaining unit employee team members is available [here](#), and the agreement template for other OPLA team members is available [here](#). Third, employees who are permitted to telework during this temporary period due to COVID-19 need to be particularly diligent in communicating with their supervisors about the work they are performing and their duty time. Fourth, employees should consider activating Workplace as a Service (WPAAS) on their home computers, as an alternative means of accessing the ICE network remotely in the event that their GFE has difficulty connect via the Virtual Private Network (VPN). WPAAS can function effectively even when the VPN is sluggish and, depending on the computer model being used, can offer a better user experience. A PIV card reader is necessary to allow WPAAS to be used on a home computer, and further information is available [here](#) for Windows devices, and [here](#) for Mac OS devices.

While the PLA and I are committed to being as flexible as we can during this challenging time, we fully expect considerable “after-the-fact” oversight of how OPLA fulfilled its mission commitments during this temporary period of increased reliance on telework. PLANet entries, including time spent performing specific tasks, cases, and projects, must be timely and accurately tracked as provided in relevant SOPs. WebTA entries need to be carefully reviewed. Employees should ensure that they notify their supervisors when they need to step away from their computers to address dependent care responsibilities. If such responsibilities prevent an employee who has been authorized to telework from completing his or her duty day, he or she should request leave for the balance of the time. The PLA himself will be auditing how teleworking impacted our productivity during this period (including how our clients viewed our responsiveness and quality of service), and we will all be held accountable for ensuring that we lived up to our professional obligations, so it is incumbent upon managers to ensure strong accountability protections are in place. In addition to close and frequent contact with teleworkers, this may include active use and monitoring of virtual presence using Skype or other instant messaging software.

Relatedly, I am directing that all OPLA employees who have been issued portable GFE to take their devices home each night, even if they are not presently teleworking. The information and guidance surrounding COVID-19 is rapidly evolving, and the PLA and I wish to ensure that OPLA maximizes its flexibility to respond to future developments, including building closures and changes to the federal government’s operating status. As a reminder for employees based at ICE headquarters, you may use your PIV card to enter and park in level P1 of the garage on weekends (entry on the right of the D Street guardhouse), should you wish to pick up your GFE in order to be able to telework starting Monday, as appropriate.

I recognize that this message does not answer every question that our team members have. The PLA is committed to making decisions promptly as COVID-19-related issues arise, but we must do so in concert with our chain-of-command and the rest of the DHS and ICE family. This current threat is going to tax all of us in the days to come, but our agency was created to confront

existential threats to our homeland and OPLA has matured in the intervening years into a team of the most dedicated, resilient, and talented professionals I could ever imagine working with. Please know that the OPLA family will get through this together and take care of yourselves and your own families so that we can all look back at this time as a challenge we overcame together.

All the best,

Michael P. Davis
 Executive Deputy Principal Legal Advisor
 Office of the Principal Legal Advisor
 U.S. Immigration and Customs Enforcement

From: Davis, Mike P. <(b)(6); (b)(7)(C)@ice.dhs.gov>
Sent: Friday, March 13, 2020 12:57 PM
To: OPLA Field Personnel <(b)(6); (b)(7)(C)@ice.dhs.gov>; OPLA HQ Personnel <(b)(6); (b)(7)(C)@ice.dhs.gov>
Subject: COVID-19 and OPLA

OPLA Team—

After robust discussion with the PLA, I wanted to send out a brief message to let you know that we are closely monitoring developments associated with the novel coronavirus 2019 (COVID-19) and actively planning for a variety of contingencies. OPLA has an extremely critical mission to perform, and we are working with DHS and ICE leadership, as well as interagency partners, to ensure that our response to COVID-19 balances those mission needs with the safety and welfare of our workforce. Moreover, the OPLA coronavirus leadership group that the PLA recently established has been actively identifying the emerging COVID-19-related issues in need of resolution, exploring possible approaches to address them, and ensuring that the most up-to-date information about COVID-19 is made widely available to our team. I expect to have further guidance shortly from our chain-of-command, but in the meantime would ask that we support one another and remain resilient and focused on our important mission.

Thank you for all that you do! Please stay tuned.

Michael P. Davis
 Executive Deputy Principal Legal Advisor
 Office of the Principal Legal Advisor
 U.S. Immigration and Customs Enforcement

ERO leadership continues to closely monitor and evaluate rapidly evolving developments with Coronavirus (COVID-19). The health and well-being of ERO employees are paramount. At the same time, our operational functions must continue to ensure public safety and national security. My goal is to balance the very real needs and concerns of our workforce with the critical mission ERO remains responsible for executing.

Based on countless hours gathering information and evaluating options and in consideration of recent ICE leadership guidance waiving general telework program policies and requirements, I am enacting several operational changes, to include authorizing ERO divisions and field locations to maximize telework from Monday, March 16th through Friday, March 27th. **This is not a blanket authorization for employees to telework**; rather, my intent is to provide requisite flexibility to employees and your families – to the extent possible and practicable in your respective work locations and functions. This guidance may be extended or withdrawn at any time.

Effective immediately:

1. Non-mission-critical training, travel, ceremonies, and operations should be cancelled and/or rescheduled. Only mission-critical operations will continue. *To determine what is mission critical, please consult with your leadership team, but guidance should mirror what was determined to be mission critical during past sequestration periods.*
2. International travel is restricted for certain regions designated as Risk Level 3 or higher by the Centers for Disease Control and Prevention (CDC).
3. For telework-eligible employees, telework should be maximized when operationally feasible and when telework is authorized by your local office or your respective HQ division. On a case-by-case basis, some telework restrictions may be waived. *See below for further telework guidance.*
4. Special leave categories for employees who are not telework-eligible may be instituted in certain situations and under certain conditions. *See below for additional information.*

Telework Guidance:

- While ICE has waived several telework restrictions, which were outlined in (A) Deputy Director Benner’s message to the ICE workforce on 3/13/20, supervisors may not waive the Telework Agreement or Safety Checklist requirement. Supervisors should ensure all employees who will be utilizing any form of telework have a signed telework agreement and Safety Checklist on file. Employees and supervisors can use the instructions in the “Telework Agreement with Directions to Sign Electronically” attachment to assist them with digitally signing these documents. Field office employees should submit their signed agreement to their offices’ telework point-of-contact. Headquarters personnel should submit their signed agreement to the ERO HRU mailbox- EROHumanResources@ice.dhs.gov.
- Supervisors should thoughtfully evaluate which mission-critical duties definitively require on-site work, and which may be realized remotely, in part or in whole.

- Employees with Government-issued laptops who can work remotely should ensure that their government-furnished computer equipment (GFE) has up-to-date software, which can be verified using the “Software Center” app in Windows.
- Employees who have difficulty connecting via the Virtual Private Network (VPN) while teleworking and/or who do not have government-furnished laptops should consider activating Workplace as a Service (WPaaS) on their home computers as an alternative means of accessing the ICE network – including web-based applications such as ACRIME, TECs and EARM. The “ICE-Mobile-Tech WPaaS” attachment has additional information about WPaaS and further information is available [here](#) for Windows devices, and [here](#) for Mac OS devices. A PIV card reader is necessary to allow WPaaS to be used on a home computer.
- Employees who are permitted to telework during this temporary period due to COVID-19 need to be particularly diligent in communicating with their supervisors about the work they are performing and accurately reporting their duty/leave time in WebTA.
- As a reminder, an employee must always have a sufficient amount of work to perform throughout the workday when he/she teleworks. An employee performing telework who does not have enough work must notify his or her supervisor and receive additional work or discuss leave options such as annual leave, advanced annual leave, other paid time off (e.g., earned compensatory time off, earned credit hours), or leave without pay.
- Employees who need to be out of the office (e.g., to care for children whose schools are temporarily closed) may request leave. If such responsibilities prevent an employee who has been authorized to telework from completing his or her duty day, he or she should request leave for the balance of the time. Guidance on appropriate use of leave during a pandemic is available [here](#).

As conveyed in the aforementioned ICE leadership message, for those individual workers who are at **high risk** for contracting COVID-19 or complications from COVID-19, as delineated by the CDC, but perform location-dependent duties or work that is not appropriate for telework, or cannot travel to work safely without increased exposure (due to a "condition that prevents the employee or group of employees from safely traveling to or performing work at an approved location"), these high-risk employees may be provided Weather and Safety Leave. Medical certification of high-risk conditions is not required. This leave is limited to high-risk employees in these circumstances only; this is not for parents dealing with school closures or community spread of COVID-19.

We are accountable for ensuring that we live up to our professional obligations during this time, so it is incumbent upon managers to ensure strong accountability protections are in place. Supervisors should carefully review WebTA entries. In addition to close and frequent contact with teleworkers, supervisors should consider active use and monitoring of virtual presence using Skype or other instant messaging software and/or conference calls or check-ins with employees.

I recognize that this message may not answer every question you may have. We are committed to making decisions promptly as COVID-19-related issues arise, but we must do so in concert

with our local chains-of-command and the rest of the DHS and ICE family. Take care of yourselves and your families. We are adept at overcoming constant challenges, and I know that together, we will maintain our mission-critical operations and persevere.

From: Johnson, Tae D
Sent: 1 Apr 2020 18:11:15 +0000
To: (b)(6); (b)(7)(C) Smith, Stewart D
Cc: Lucero, Enrique M;Klopp, Jacki Becker
Subject: FW: ICE COVID-19 Response - Information Request

FYSA

From: (b)(6); (b)(7)(C) @ice.dhs.gov>
Sent: Wednesday, April 1, 2020 1:52 PM
To: Lucero, Enrique M (b)(6); (b)(7)(C) @ice.dhs.gov>; Johnson, Tae D (b)(6); (b)(7)(C) @ice.dhs.gov>
Cc: (b)(6); (b)(7)(C) @ice.dhs.gov>
Subject: FW: ICE COVID-19 Response - Information Request

Discussion for the 330pm.

(b)(6); (b)(7)(C)
Executive Assistant, Office of the Director
U.S. Immigration and Customs Enforcement
(D) 202-732-(b)(6)
(C) 202-819-(b)(7)

From: Kelly, Christopher S (b)(6); (b)(7)(C) @ice.dhs.gov>
Sent: Wednesday, April 1, 2020 1:28 PM
To: Benner, Derek N (b)(6); (b)(7)(C) @ice.dhs.gov>; Albence, Matthew (b)(6); (b)(7)(C) @ice.dhs.gov> (b)(6); (b)(7)(C) @ice.dhs.gov> (b)(6); (b)(7)(C) @ice.dhs.gov> (b)(6); (b)(7)(C) @ice.dhs.gov> (b)(6); (b)(7)(C) @ice.dhs.gov> (b)(6); (b)(7)(C) @ice.dhs.gov> (b)(6); (b)(7)(C) @ice.dhs.gov>
Cc: (b)(6); (b)(7)(C) @ice.dhs.gov>
Subject: RE: ICE COVID-19 Response - Information Request

Adding (b)(6); (b)(7)(C) to set a calm up this PM.

(b)(6); (b)(7)(C) please include OPA and Tae and Henry.

Sent with BlackBerry Work
(www.blackberry.com)

From: Benner, Derek N (b)(6); (b)(7)(C) @ice.dhs.gov>
Date: Wednesday, Apr 01, 2020, 1:09 PM
To: Albence, Matthew (b)(6); (b)(7)(C) @ice.dhs.gov>, Kelly, Christopher S (b)(6); (b)(7)(C) @ice.dhs.gov>, Barrera, Staci A (b)(6); (b)(7)(C) @ice.dhs.gov>, (b)(6); (b)(7)(C) @ice.dhs.gov> (b)(6); (b)(7)(C) @ice.dhs.gov> (b)(6); (b)(7)(C) @ice.dhs.gov> (b)(6); (b)(7)(C) @ice.dhs.gov>
Subject: FW: ICE COVID-19 Response - Information Request

Maybe we can go through this later today.

From: Joachim, Bob [(b)(6)]@mail.house.gov>
Sent: Wednesday, April 1, 2020 11:45 AM
To: [(b)(6); (b)(7)(C)]@ice.dhs.gov>
Subject: ICE COVID-19 Response - Information Request

Sir,

As promised, here is a somewhat restrained list of information that I compiled after reaching out to the other three corners. I did not reach out to authorizers, but I strongly recommend that we all receive the same information.

For Members:

Detention:

- Running Tally: Individuals (detainees, as well as ICE and detention contractor staff) who test positive for C-19 (**before it is made public**), and in what facilities/locations. (Website format works.)
- Each day: How many detainees are being monitored and medically isolated because of C-19 concerns?
- Running Tally: How many C-19 tests have been administered?
- Running Tally: How many detainees have been released to mitigate C-19 risks, and by what means (parole, bond, ATD)?
- Each day: A report on the percent capacity for each detention facility (trying to get a sense of population density at these facilities – so we can discuss this if need be).
- What is the total number of beds that ICE has on contract (i.e., what is ICE paying for compared to the population). Is ICE keeping beds on contract to deal with possible quarantine issues or cohorting?
- Each day: ICE detention population broken out by SA and FAMUs.

“Expulsions” and “Introductions” under Title 42:

- Each Day: Updates on the status of [repatriation and expulsion] agreements (and the basic terms of those agreements) made with each country regarding acceptance of expulsions (e.g., who will Mexico accept? Hearing that Guatemala is only accepting single adults, FAMUs, and single minors over age 14 – keep us apprised. What about Ecuador? Brazil? Etc.) (Caveat as needed to express how this is a fluid situation.)
- Each Day: How many flights to each country, and how many expulsions (broken out by Single Adults, FAMUs, and Single Minors (aka unaccompanied alien children (UAC))
 - Provide the breakout of Title 42 (“expulsions”) and title 8 actions for each flight.
- Running Tally: Total number of persons who sought, or attempted to seek, “introduction” into the USA either at the POE, or in between the POE, whether lawfully or unlawfully, as defined pursuant to CDC regulation (i.e., “sought entry” or “presented”)
- Running Tally: Total number of persons, expelled or returned, to a contiguous country, including age and nationality

- *In the first transmission - please provide a catch-update so we can tell our members how many were sent back from the start of the Title 42 declaration along with the corresponding details mentioned above.

General:

- Please keep us apprised of significant policy changes or events and please try to get ahead of the news. If something is bubbling up and you don't want to put it in writing – give us a call.

For Public Facing Website:

Everything you currently have but also monitor news/social media and respond to anything that seems inaccurate or misleading. (E.g., There are concerns that ICE is not providing detainees with soap, which is a CDC recommendation. Respond to that.) (People are reading this website, and I frequently direct people there if they haven't already heard about it. This helps to ensure that what they are told comes directly from ICE without any interpretation by me or others.)

Respectfully,
Bob

Bob Joachim
Committee on Appropriations
Subcommittee on Homeland Security
2006 Rayburn House Office Building

(b)(6)

This document and any related communications or documents generated by or communicated from the U.S. House of Representatives Committee on Appropriations are confidential congressional records, remain subject to congressional control, and are entrusted to you only for use in handling this matter. Any related communications to us in response to this document or to any related House communications are also confidential congressional records and remain subject to congressional control. Accordingly, the aforementioned materials are not "agency records" for purposes of the Freedom of Information Act or other law.

From: Johnson, Tae D
Sent: 5 Apr 2020 22:07:56 +0000
To: Lucero, Enrique M
Cc: (b)(6); (b)(7)(C)
Subject: FW: ICE COVID-19 Talking Points/Landing Page Updates

FYSA

Sent with BlackBerry Work
(www.blackberry.com)

From: Kelly, Christopher S (b)(6); (b)(7)(C) @ice.dhs.gov>
Date: Sunday, Apr 05, 2020, 6:06 PM
To: Johnson, Tae D (b)(6); (b)(7)(C) @ice.dhs.gov>
Cc: Asher, Nathalie R (b)(6); (b)(7)(C) @ice.dhs.gov>
Subject: RE: ICE COVID-19 Talking Points/Landing Page Updates

Thx.

Nathalie—Can we just make sure that the talking points are consistent with the below?

From: Johnson, Tae D (b)(6); (b)(7)(C) @ice.dhs.gov>
Sent: Sunday, April 5, 2020 4:28 PM
To: Kelly, Christopher (b)(6); (b)(7)(C) @ice.dhs.gov>; Asher, Nathalie R (b)(6); (b)(7)(C) @ice.dhs.gov>
Subject: RE: ICE COVID-19 Talking Points/Landing Page Updates

Here is an explanation for the slight differences.

The CDC recommendation is 65 years old, but ICE exceeded the CDC recommendation by looking at anyone over age 60 as part of our case review.

The standard goal we are asking the local jails to try to achieve in terms of population to capacity is 75%. However - ICE has set a target of 70% at our dedicated facilities - again, in an effort to exceed the requirements (although this is more of a request) of local jails.

Sent with BlackBerry Work
(www.blackberry.com)

From: Johnson, Tae D (b)(6); (b)(7)(C) @ice.dhs.gov>
Date: Sunday, Apr 05, 2020, 4:08 PM
To: Kelly, Christopher S (b)(6); (b)(7)(C) @ice.dhs.gov>, Asher, Nathalie R (b)(6); (b)(7)(C) @ice.dhs.gov>

Subject: RE: ICE COVID-19 Talking Points/Landing Page Updates

Policy doc is what we'll go with.

Sent with BlackBerry Work
(www.blackberry.com)

From: Kelly, Christopher S (b)(6); (b)(7)(C) @ice.dhs.gov>
Date: Sunday, Apr 05, 2020, 2:45 PM
To: Asher, Nathalie R (b)(6); (b)(7)(C) @ice.dhs.gov>, Johnson, Tae D (b)(6); (b)(7)(C) @ice.dhs.gov>
Subject: FW: ICE COVID-19 Talking Points/Landing Page Updates

Presume the policy doc is correct and press doc wrong?

Sent with BlackBerry Work
(www.blackberry.com)

From: Gountanis, John (b)(6) @hq.dhs.gov>
Date: Sunday, Apr 05, 2020, 11:42 AM
To: Kelly, Christopher S (b)(6); (b)(7)(C) @ice.dhs.gov>, ALFONSO-ROYALS, ANGELICA (b)(6) @hq.dhs.gov> (b)(6) @hq.dhs.gov>
Cc: Asher, Nathalie R (b)(6); (b)(7)(C) @ice.dhs.gov> (b)(6) (b)(6) @hq.dhs.gov>
Subject: RE: ICE COVID-19 Talking Points/Landing Page Updates

Chris,

There appears to be some inconsistency between this document and the policy document you sent around earlier today. For instance, the policy document says 65 or older, while this one says 60. Also, the policy document says ICE will try to keep populations down to 75% capacity, while this document says 70%. I would suggest double-checking both documents so they are consistent.

John

From: Kelly, Christopher S (b)(6); (b)(7)(C) @ice.dhs.gov>
Sent: Sunday, April 5, 2020 11:24 AM
To: Gountanis, John (b)(6) @hq.dhs.gov>; ALFONSO-ROYALS, ANGELICA (b)(6) @hq.dhs.gov> (b)(6) @hq.dhs.gov>
Cc: Asher, Nathalie R (b)(6); (b)(7)(C) @ice.dhs.gov>; (b)(6) (b)(6) @hq.dhs.gov>
Subject: ICE COVID-19 Talking Points/Landing Page Updates

All:

Please see the attached talking points which will be utilized for a background call with the ERO EAD.

Please let us know if you have issues or concerns.

Thx.

-Chris

From: Johnson, Tae D
Sent: 10 Apr 2020 00:54:25 +0000
To: (b)(6); [redacted] #ERO CHIEFS OF STAFF
Subject: FW: ICE Detention Facilities COVID 19 Response Requirements
Attachments: ERO COVID-19 Response Requirements for Facilities_(v 4 8 20)_spw rc.docx

(b)(6); [redacted] Please share this with the ADs and see if there are any comments or concerns.
Thx

Sent with BlackBerry Work
(www.blackberry.com)

From: Johnson, Tae D (b)(6); (b)(7)(C) [redacted]@ice.dhs.gov>
Date: Thursday, Apr 09, 2020, 8:35 PM
To: (b)(6); (b)(7)(C) [redacted]@ice.dhs.gov>, Davis, Mike P (b)(6); [redacted]@ice.dhs.gov>, Loiacono, Adam V (b)(6); (b)(7)(C) [redacted]@ice.dhs.gov>
Cc: (b)(6); (b)(7)(C) [redacted]@ice.dhs.gov>, Lucero, Enrique M (b)(6); (b)(7)(C) [redacted]@ice.dhs.gov>
Subject: RE: ICE Detention Facilities COVID 19 Response Requirements

Gents - With edits in response to the CDC comments/recommendations. We do not concur with the one recommendation (b)(5)

(b)(5)
[Large redacted block]

From: (b)(6) [redacted]@hq.dhs.gov>
Sent: Thursday, April 9, 2020 6:03 PM
To: (b)(6); (b)(7)(C) (b)(6); [redacted]@ice.dhs.gov>
Cc: Davis, Mike P (b)(6); [redacted]@ice.dhs.gov>; Loiacono, Adam V (b)(6); (b)(7)(C) [redacted]@ice.dhs.gov>; Johnson, Tae D (b)(6); (b)(7)(C) [redacted]@ice.dhs.gov>; Maher, Joseph (b)(6) [redacted]@HQ.DHS.GOV>
Subject: FW: ICE Detention Facilities COVID 19 Response Requirements

Tony:

Attached please find CDC's input concerning ERO's draft guidance. As you will see, it is minimal, and as Dr. Cohn mentions below, the CDC reviewers believe the document is well aligned with the CDC guidance for detention facilities.

Kind regards,

(b)(6)

Attorney Advisor, Litigation
Legal Counsel Division
Office of the General Counsel
U.S. Department of Homeland Security

(b)(6)

(b)(6) @hq.dhs.gov

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From: Cohn, Amanda (CDC/DDID/NCIRD/OD) <anc0@cdc.gov>
Sent: Thursday, April 9, 2020 5:36 PM
To: Caneva, Duane (b)(6) @hq.dhs.gov
Cc: Strom, John (HHS/OGC) <John.Strom@hhs.gov>; Wall, Jonathan (HHS/OGC) <Jonathan.Wall@hhs.gov>; (b)(6) @hq.dhs.gov; (b)(6) @hq.dhs.gov; (b)(6) @hq.dhs.gov; Houry, Debra E. (CDC/DDID/NCIPC/OD) <vjz7@cdc.gov>; Brand, Jennifer S (b)(6) @HQ.DHS.GOV; (b)(6) @hq.dhs.gov; (b)(6) @hq.dhs.gov; Maher, Joseph (b)(6) @HQ.DHS.GOV; (b)(6) @hq.dhs.gov; (b)(6) @hq.dhs.gov; (b)(6) @hq.dhs.gov; (b)(6) @hq.dhs.gov; Smith, Stewart D <(b)(6); (b)(7)(C) @ice.dhs.gov>; (b)(6); (b)(7)(C) @ice.dhs.gov; Greco Kone, Rebecca (CDC/DDPHSIS/OD) <ftm1@cdc.gov>
Subject: RE: ICE Detention Facilities COVID 19 Response Requirements

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Hi Duane,

Attached are some comments from CDC SMEs for consideration. As CDC guidance is rapidly evolving there are a couple of suggestions for you to include updated guidance, but overall this document is well aligned with the CDC guidance for detention facilities.

Let us know if you have any questions!
Amanda

Amanda Cohn, MD
CAPT, USPHS
Deputy Incidence Commander
CDC COVID-19 Response

From: Caneva, Duane (b)(6) @hq.dhs.gov>
Sent: Wednesday, April 8, 2020 8:46 PM
To: Cohn, Amanda (CDC/DDID/NCIRD/OD) <anc0@cdc.gov>
Cc: Strom, John (HHS/OGC) <John.Strom@hhs.gov>; Wall, Jonathan (HHS/OGC) <Jonathan.Wall@hhs.gov> (b)(6)
 (b)(6) @hq.dhs.gov>; Brand, Jennifer S (b)(6) @HQ.DHS.GOV>; (b)(6) @hq.dhs.gov>; Maher, Joseph (b)(6) @HQ.DHS.GOV>; (b)(6) @hq.dhs.gov> (b)(6) @hq.dhs.gov>; (b)(6) @hq.dhs.gov>; Smith, Stewart D (b)(6); (b)(7)(C) @ice.dhs.gov>; (b)(6); (b)(7)(C) @ice.dhs.gov>

Subject: ICE Detention Facilities COVID 19 Response Requirements

Amanda,
 Attached, please find the ICE COVID-19 Response Requirements for Detention Facilities. ICE plans to use this instruction, to be issued to facilities housing ICE detainees, to further protect DHS employees, contractors, detainees, and visitors to those facilities. We would appreciate your review of this document to ensure consistency with CDC guidance, and we would appreciate any further suggestions you might have. As noted in the document, ICE is planning to augment the instructions with further refinements if circumstances warrant any changes.

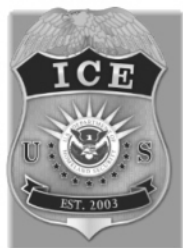
Best regards,
 Duane

Duane C. Caneva, MD, MS
 Chief Medical Officer
 Department of Homeland Security

(b)(6) }
 } @hq.dhs.gov
 (b)(6) @dhs.ic.gov

Executive Assistant: (b)(6)

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ERO

U.S. Immigration and Customs Enforcement Enforcement and Removal Operations

COVID-19 Pandemic Response Requirements



U.S. Immigration
and Customs
Enforcement

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ATTACHMENT A

**MEMORANDUM ON CORONAVIRUS DISEASE 2019 (COVID-19) ACTION
PLAN, REVISION 1**

Enforcement and Removal Operations

U.S. Department of Homeland Security
 500 12th Street, SW
 Washington, D.C. 20536




**U.S. Immigration
 and Customs
 Enforcement**

March 27, 2020

MEMORANDUM FOR: Detention Wardens and Superintendents

THROUGH: Field Office Directors

FROM: Enrique M. Lucero 
 Executive Associate Director
 Enforcement and Removal Operations

SUBJECT: Memorandum on Coronavirus Disease 2019 (COVID-19)
 Action Plan, Revision 1

Background:

U.S. Immigration and Customs Enforcement (ICE) continues to monitor the spread of Coronavirus Disease 2019 (COVID-19) and to work in conjunction with select U.S. Department of Homeland Security (DHS) Component leadership and the Acting Secretary to implement a mitigation strategy.

To ensure a unified and preventative response, the ICE Enforcement and Removal Operations (ERO), ICE Health Service Corps (IHSC), Custody Management Division, and Field Operations are providing the following guidance. The combination of a dense and highly transient detained population presents unique challenges for ICE efforts to mitigate the risk of infection and transmission. Consequently, these measures were developed to reduce exposure to COVID-19, protect the detained population, and optimize employee health and availability for duty.

This memorandum only applies to IHSC-staffed and non-IHSC-staffed, ICE-dedicated facilities. For intergovernmental partners and non-dedicated facilities, ICE defers to local, state, tribal, territorial, and federal public health policies and authorities, including adherence with state laws on communicable disease reporting, but recommends actions contained in this memorandum be considered as best practices. Questions and concerns related to the following Action Plan can be addressed to: ICE_ERO_CMD@ice.dhs.gov.

Please see the recently-issued Centers for Disease Control and Prevention (CDC) [Interim Guidance: Managing COVID-19 in Correctional/Detention Facilities](#) for additional information.

Memorandum on Coronavirus Disease 2019 (COVID-19) Action Plan, Revision 1

Page 2

Action Plan:

STAFF HIRING: Wardens and facility staff should continue to meet any personnel staffing plan and staffing criteria outlined in the Performance Work Statement (PWS) and terms and conditions of their negotiated contract or agreement for medical staff and guard services. Facilities are expected to be appropriately staffed to meet established work schedules, rest periods, and to ensure the delivery of detainee medical and mental health care as it relates to the continually evolving impact of COVID-19.

LOGISTICS: Wardens and Facility Administrators should assess their inventories of food, medicine, cleaning supplies, personal protective equipment (PPE), and facility operational practices, and consistently maintain services and supplies to assure the safety, security, health, and well-being of ICE detainees. Facilities should have updated pandemic plans and policies as well as established quarantine and/or isolation areas within their facilities in the event they are needed. Alcohol-based hand sanitizer with at least 60 percent alcohol should be available in visitor entrances, exits, and waiting areas. In addition, alcohol-based hand sanitizer should be made available to staff and detainees in the secure setting to the maximum extent possible.

SOCIAL VISITATION/TELEPHONIC COMMUNICATION: As of March 13, 2020, social visits to/with ICE detainees at all detention facilities are suspended until further notice in order to mitigate the potential introduction of COVID-19 into the facilities. ICE recognizes the considerable impact of suspending personal visitation, and requests maximizing detainee use of teleconferencing, video visitation (e.g., Skype, FaceTime), email, and/or tablets, with extended hours where possible.

Detention facilities should make a timely effort to identify indigence in the detainee population. A detainee is considered “indigent” if he/she has less than \$15.00 in his/her account for ten days. These detainees must be afforded the same telephone access and related privileges as other detainees. Each facility must ensure all detainees are able to make calls to the ICE-provided list of free legal service providers and consulates at no charge to the detainee or the receiving party, and that indigent detainees may request a call to immediate family or others in personal or family emergencies or on an as-needed basis to maintain community ties.

LEGAL VISITS: Detainee access to legal representatives remains a paramount requirement and should be accommodated to the maximum extent practicable. Legal visitation must continue unless determined to pose a risk to the safety and security of the facility.

Non-contact legal visitation (e.g., Skype or teleconference) should be offered first to limit exposure to ICE detainees, but in person contact should be permitted if determined essential by the legal representative. Prior to the in-person visit, the legal representative must undergo the same screening required for staff entry into the facility. The ultimate legal visit approving authority lies with the Warden or Facility Administrator; however, the facility should notify its local Field Office Director as soon as possible of any denied legal visits.

LEGAL RIGHTS GROUP PRESENTATIONS: Government-sponsored Legal Orientation Programs (LOPs), carried out by the Department of Justice Executive Office for Immigration Review (EOIR) and authorized by congressional appropriations, currently operate at a limited

Memorandum on Coronavirus Disease 2019 (COVID-19) Action Plan, Revision 1
Page 3

number of detention sites, and may continue to conduct detainee presentations. No more than four LOP presenters may be allowed in the facility at any time and must undergo the same screening required for staff entry into the facility. Non-LOP legal rights group presentations offered by volunteers are suspended until further notice.

STAFF-DETAINEE COMMUNICATION VISITS: Field Office Directors should remain aware that detainees may experience increased feelings of fear and confusion during this time. Regular communication with staff is particularly important. Detainees should have frequent opportunities for informal contact with facility managerial and supervisory staff and with ERO field office staff.

Field Office Directors should monitor both facility staff and ERO officers to ensure they continue to interact with detainees. ICE staff-detainee communication may be conducted in-person (with appropriate risk reduction protocols to protect ERO officers, detainees, and facility staff) or through non-contact visitation using videoconferencing, phone calls, e-mail, or other communication services.

CONTRACTORS: Contractors performing essential services or maintenance on essential systems in ICE detention facilities must continue to be provided facility access and must undergo the same screening required for staff entry into the facility. Examples of essential services include medical and mental health services, telephone access, cleaning, laundry, waste disposal, and critical infrastructure repairs.

Facility annual inspections by the ICE inspections contractor, The Nakamoto Group, are suspended for 30 days from the issuance date of this memorandum.

VOLUNTEERS: Volunteer visits to ICE detention facilities are suspended until further notice unless approved by the Assistant Directors for Field Operations and Custody Management. The only exception is the facility Chaplain, who may continue to offer availability for individual and group pastoral care but must undergo the same screening required for staff entry into the facility. Other volunteers, contractors, and community groups that augment and enhance the religious program are suspended until further notice to reduce the risk of possible transmission of COVID-19 to detainees.

TOURS: Facility tours are suspended until further notice, excluding Members of Congress, Congressional Member Delegations (CODELs), and Congressional Staff Delegations (STAFFDELS) who will not be prevented from accessing facilities for the purpose of conducting oversight. To safeguard visitors, detainees, ICE and facility staff, congressional visitors may be subject to special screening procedures congruent with staff facility entry screening. Congressional visitors should be advised of standard hygiene practices to help prevent the spread of disease (i.e., washing hands, avoiding close contact) and should be made aware of available hand washing stations within the facility.

STAFF TRAINING: All ERO in-person staff training related to the ICE detention standards or facility compliance is suspended until further notice, including conferences, Contracting Officer Representative (COR) training, and Field Office Compliance Training. Wardens and Facility Administrators will determine the training schedule for facility staff. All staff licenses and certifications shall be maintained.

Memorandum on Coronavirus Disease 2019 (COVID-19) Action Plan, Revision 1
Page 4

SCREENING OF FACILITY STAFF: Enhanced health screening of both ICE and facility staff should be implemented by ICE detention facilities in geographic areas with “sustained community transmission.” These geographical areas are determined by the CDC and information is available at:

<https://www.cdc.gov/coronavirus/2019-ncov/cases-in-us.html>. Health screening includes self-reporting symptoms associated with COVID-19 infection and a temperature check.

Wardens and Facility Administrators in those geographical areas should collaborate with their Health Services Administrator to designate a trained staff member available on all shifts to conduct verbal screening and record temperature checks. It is not required that the trained staff member be medical personnel; however, the staff member must have documented training and protect the privacy of those being screened.

Verbal screening for symptoms of COVID-19 and contact with COVID-19 cases should include the following questions based on Interim Guidance: Managing COVID-19 in Correctional/Detention Facilities:

- Today or in the past 24 hours, have you had any of the following symptoms?
 - Fever, felt feverish, or had chills?
 - Cough?
 - Difficulty breathing?
- In the past 14 days, have you had contact with a person known to be infected with COVID-19 where you were not wearing the recommended proper personal protective equipment (PPE)?

The following is a protocol to safely check an individual’s temperature:

- Perform hand hygiene.
- Put on a face mask, eye protection (goggles or disposable face shield that fully covers the front and sides of the face), gowns/coveralls, and a single pair of disposable gloves.
- Check the individual’s temperature.
- If performing a temperature check on multiple individuals, ensure that a clean pair of gloves is used for each individual and that the thermometer has been thoroughly cleaned in between each check.
- If disposable or non-contact thermometers are used and the screener did not have physical contact with an individual, gloves do not need to be changed before the next check. If non-contact thermometers are used, they should be cleaned routinely as recommended by CDC for infection control.
- Remove and discard PPE.
- Perform hand hygiene.

Staff who do not clear the screening process, or refuse the enhanced health screening must be denied entry and advised to follow CDC-recommended steps for persons who are sick with COVID-19 symptoms.

If PPE supply is limited, consider other PPE strategies based on CDC Guidance | Strategies for Optimizing the Supply of PPE.

Memorandum on Coronavirus Disease 2019 (COVID-19) Action Plan, Revision 1
Page 6

- Advise the detainee to avoid public transportation, commercial ride sharing (e.g., Uber, Lyft), and taxis.
- Provide the detainee the CDC's *What To Do if You Are Sick* fact sheet.

If this guidance creates any contractual issues, please contact your respective Contracting Officer Representative.

From: Johnson, Tae D
Sent: 10 Apr 2020 16:00:25 +0000
To: (b)(6); (b)(7)(C)
Cc: #ERO CHIEFS OF STAFF; Lucero, Enrique M
Subject: FW: ICE Detention Facilities COVID 19 Response Requirements

We should get the facility questionnaire on Monday. Just a heads up.

From: Loiacono, Adam V (b)(6); (b)(7)(C) @ice.dhs.gov>
Sent: Friday, April 10, 2020 11:36 AM
To: Johnson, Tae D (b)(6); (b)(7)(C) @ice.dhs.gov>
Subject: RE: ICE Detention Facilities COVID 19 Response Requirements

I think that is a good idea and what Matt wanted. I can have my folks work on the questions but that will likely not be ready until Monday.

Adam V. Loiacono
Deputy Principal Legal Advisor for Enforcement and Litigation
Office of the Principal Legal Advisor
U.S. Immigration and Customs Enforcement
Desk: 202-732 (b)(6);
Iphone: 202-500 (b)(6);
(b)(6); (b)(7)(C) @ice.dhs.gov

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From: Johnson, Tae D (b)(6); (b)(7)(C) @ice.dhs.gov>
Date: Friday, Apr 10, 2020, 11:35 AM
To: Loiacono, Adam V (b)(6); (b)(7)(C) @ice.dhs.gov>
Subject: FW: ICE Detention Facilities COVID 19 Response Requirements

So - do we now need to move forward with finalizing the questionnaire/survey of the facilities?

Sent with BlackBerry Work
(www.blackberry.com)

From: Johnson, Tae D (b)(6); (b)(7)(C) @ice.dhs.gov>
Date: Friday, Apr 10, 2020, 11:32 AM
To: (b)(6); (b)(7)(C) @ice.dhs.gov>
Cc: Lucero, Enrique M (b)(6); (b)(7)(C) @ice.dhs.gov>

Subject: RE: ICE Detention Facilities COVID 19 Response Requirements

We definitely need a broadcast with instructions that this document be shared with all the providers by a date certain. FODs should also confirm delivery of the document.

Sent with BlackBerry Work
(www.blackberry.com)

From: (b)(6); (b)(7)(C) @ice.dhs.gov>
Date: Friday, Apr 10, 2020, 11:27 AM
To: Johnson, Tae D (b)(6); (b)(7)(C) @ice.dhs.gov>
Cc: Lucero, Enrique M (b)(6); (b)(7)(C) @ice.dhs.gov>
Subject: RE: ICE Detention Facilities COVID 19 Response Requirements

Tae,

(b)(6); is consolidating any responses from the ADs now.

OCR asked that they get this first to appease the Hill.

Should we send it to them and then OPA with a 2 hr hold?

I'd also recommend a broadcast to the field pointing them to this once it lands on our sight.

Thoughts?

(b)(6);

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

Chief of Staff
 U.S. Immigration and Customs Enforcement
 Office of Enforcement & Removal Operations
 500 12th Street SW
 Washington, D.C. 20536
 (b)(6); @ice.dhs.gov
 (202) 732 (b)(6) (office)
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From: Johnson, Tae D (b)(6); (b)(7)(C) @ice.dhs.gov>
Sent: Friday, April 10, 2020 11:23 AM
To: (b)(6); (b)(7)(C) @ice.dhs.gov>
Cc: Lucero, Enrique M (b)(6); (b)(7)(C) @ice.dhs.gov>

Subject: FW: ICE Detention Facilities COVID 19 Response Requirements
Importance: High

(b)(6); - can we clean this up and dated and get it ready for dissemination and posting.

From: Loiacono, Adam V (b)(6); (b)(7)(C) @ice.dhs.gov>
Sent: Friday, April 10, 2020 11:19 AM
To: Johnson, Tae D (b)(6); (b)(7)(C) @ice.dhs.gov>
Cc: Loiacono, Adam V (b)(6); (b)(7)(C) @ice.dhs.gov>; Davis, Mike P (b)(6); (b)(7)(C) @ice.dhs.gov>; (b)(6); (b)(7)(C) @ice.dhs.gov>
Subject: FW: ICE Detention Facilities COVID 19 Response Requirements
Importance: High

Tae-

As you can see below, the PRR is cleared. Will ERO have ICE Policy clean up any formatting, and make sure OD is good with it going out? If we could get this out today, that would be great and limit what needs to be included in the declaration we discussed last night.

Adam V. Loiacono
 Deputy Principal Legal Advisor for Enforcement and Litigation
 Office of the Principal Legal Advisor
 U.S. Immigration and Customs Enforcement
 Iphone: 202-500-(b)(6);
 (b)(6); (b)(7)(C) @ice.dhs.gov

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From: (b)(6) @hq.dhs.gov>
Sent: Friday, April 10, 2020 11:12 AM
To: Loiacono, Adam V (b)(6); (b)(7)(C) @ice.dhs.gov>; (b)(6); (b)(7)(C) @ice.dhs.gov>
Cc: Davis, Mike P (b)(6); (b)(7)(C) @ice.dhs.gov>; Johnson, Tae D (b)(6); (b)(7)(C) @ice.dhs.gov>; Maher, Joseph (b)(6) @HQ.DHS.GOV>; Loiacono, Adam V (b)(6); (b)(7)(C) @ice.dhs.gov>
Subject: RE: ICE Detention Facilities COVID 19 Response Requirements
Importance: High

Good Morning Adam,

Thank you for your patience. The ICE ERO PRR is cleared with one minor edit (as seen in the attached) to adjust an inadvertent font change.

Please be sure to keep us apprised of any difficulty in obtaining the affidavits requested by DOJ to

(b)(5)

Kind regards,

(b)(6)

Attorney Advisor, Litigation
Legal Counsel Division
Office of the General Counsel
U.S. Department of Homeland Security

(b)(6)

(b)(6) @hq.dhs.gov

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From: Loiacono, Adam V <(b)(6); (b)(7)(C)@ice.dhs.gov>

Sent: Thursday, April 9, 2020 10:16 PM

To: (b)(6) @hq.dhs.gov; (b)(6); (b)(7)(C)

(b)(6); (b)(7)(C)@ice.dhs.gov

Cc: Davis, Mike P <(b)(6); @ice.dhs.gov>; Johnson, Tae D <(b)(6); (b)(7)(C)@ice.dhs.gov>; Maher, Joseph <Joseph.Maher@HQ.DHS.GOV>; Loiacono, Adam V <(b)(6); (b)(7)(C)@ice.dhs.gov>

Subject: RE: ICE Detention Facilities COVID 19 Response Requirements

Amber-

Attached please find a revised version of the draft ICE ERO COVID-19 Pandemic Response Requirements (PRR) document. This version is redlined, reflecting ERO's changes consistent with the CDC comments provided earlier this evening. As you will see, ERO declined only one of the CDC's recommendations. That said, in that instance, the ICE ERO PRR is more restrictive than the CDC recommendation. You will also see: (1) we inserted language in the Purpose and Scope section reflecting

(b)(5)

At this point, it appears from our perspective to be ready for issuance, but please confirm next steps. Of course, it would be great to have this issued in advance of Monday's filing deadline in the *NIPNLG* litigation.

Thanks,

Adam V. Loiacono
Deputy Principal Legal Advisor for Enforcement and Litigation
Office of the Principal Legal Advisor
U.S. Immigration and Customs Enforcement
Iphone: 202-500-(b)(6); (b)(7)(C)

(b)(6); (b)(7)(C) @ice.dhs.gov

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Subject: FW: ICE Detention Facilities COVID 19 Response Requirements

Tony:

Attached please find CDC's input concerning ERO's draft guidance. As you will see, it is minimal, and as Dr. Cohn mentions below, the CDC reviewers believe the document is well aligned with the CDC guidance for detention facilities.

Kind regards,

(b)(6)
Attorney Advisor, Litigation
Legal Counsel Division
Office of the General Counsel
U.S. Department of Homeland Security
(b)(6)
^ (b)(6) @hq.dhs.gov

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Sent: Thursday, April 9, 2020 5:36 PM
To: Caneva, Duane (b)(6) @hq.dhs.gov
Cc: Strom, John (HHS/OGC) <John.Strom@hhs.gov>; Wall, Jonathan (HHS/OGC) <Jonathan.Wall@hhs.gov> (b)(6) @hq.dhs.gov (b)(6) @hq.dhs.gov; Houry, Debra E. (CDC/DDID/NCIPC/OD) <viz7@cdc.gov>; Brand, Jennifer S (b)(6) @HQ.DHS.GOV (b)(6) @hq.dhs.gov; Maher, Joseph (b)(6) @HQ.DHS.GOV (b)(6) @hq.dhs.gov (b)(6)

(b)(6)@hq.dhs.gov; (b)(6)@hq.dhs.gov; Smith, Stewart D (b)(6); (b)(7)(C)@ice.dhs.gov; (b)(6); (b)(7)(C)@ice.dhs.gov; Greco Kone, Rebecca (CDC/DDPHSIS/OD) <ftm1@cdc.gov>

Subject: RE: ICE Detention Facilities COVID 19 Response Requirements

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Hi Duane,

Attached are some comments from CDC SMEs for consideration. As CDC guidance is rapidly evolving there are a couple of suggestions for you to include updated guidance, but overall this document is well aligned with the CDC guidance for detention facilities.

Let us know if you have any questions!

Amanda

Amanda Cohn, MD
CAPT, USPHS
Deputy Incidence Commander
CDC COVID-19 Response

From: Caneva, Duane (b)(6)@hq.dhs.gov
Sent: Wednesday, April 8, 2020 8:40 PM
To: Cohn, Amanda (CDC/DDID/NCIRD/OD) <anc0@cdc.gov>
Cc: Strom, John (HHS/OGC) <John.Strom@hhs.gov>; Wall, Jonathan (HHS/OGC) <Jonathan.Wall@hhs.gov>; (b)(6)@hq.dhs.gov; Cox, John <john.cox@hq.dhs.gov>; Brand, Jennifer S <Jennifer.Brand@HQ.DHS.GOV>; (b)(6)@hq.dhs.gov; (b)(6)@hq.dhs.gov; Maher, Joseph (b)(6)@HQ.DHS.GOV; (b)(6)@hq.dhs.gov; (b)(6)@hq.dhs.gov; (b)(6)@hq.dhs.gov; Smith, Stewart D (b)(6); (b)(7)(C)@ice.dhs.gov; (b)(6); (b)(7)(C)@ice.dhs.gov; (b)(6); (b)(7)(C)@ice.dhs.gov

Subject: ICE Detention Facilities COVID 19 Response Requirements

Amanda,
Attached, please find the ICE COVID-19 Response Requirements for Detention Facilities. ICE plans to use this instruction, to be issued to facilities housing ICE detainees, to further protect DHS employees, contractors, detainees, and visitors to those facilities. We would appreciate your review of this document to ensure consistency with CDC guidance, and we would appreciate any further suggestions you might have. As noted in the document, ICE is planning to augment the instructions with further refinements if circumstances warrant any changes.

Best regards,
Duane

Duane C. Caneva, MD, MS
Chief Medical Officer
Department of Homeland Security

(b)(6)

(b)(6)

(b)(6)

@hq.dhs.gov

pdhs.ic.gov

Executive Assistant:

(b)(6)

(b)(6)

@associates.hq.dhs.gov,

(b)(6)

The information in this e-mail may be privileged and confidential, intended only for the use of the addressee(s) above. Any unauthorized use or disclosure of this information is prohibited. If you have received this e-mail by mistake, please delete it and immediately contact the sender.

From: Johnson, Tae D
Sent: 27 May 2020 21:50:02 +0000
To: Lucero, Enrique M
Subject: FW: Guatemala Removals AD1_Consolidated_ CV2(MA)
Attachments: Guatemala Removals AD1_Consolidated_ CV2(MA).docx

Will need time to run down Matt's second question.

Sent with BlackBerry Work
(www.blackberry.com)

From: Johnson, Tae D <(b)(6); (b)(7)(C)@ice.dhs.gov>
Date: Wednesday, May 27, 2020, 4:53 PM
To: Pineiro, Marlen <(b)(6); (b)(7)(C)@ice.dhs.gov>
Cc: (b)(6); (b)(7)(C)@ice.dhs.gov>
Subject: Guatemala Removals AD1_Consolidated_ CV2(MA)

Marlen – See Matt's second comment in the attached. How long will it take to run down a few other countries for comparison? Thanks

U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT



**U.S. Immigration and Customs Enforcement
Enforcement and Removal Operations Response**
May 27, 2020

(b)(5)

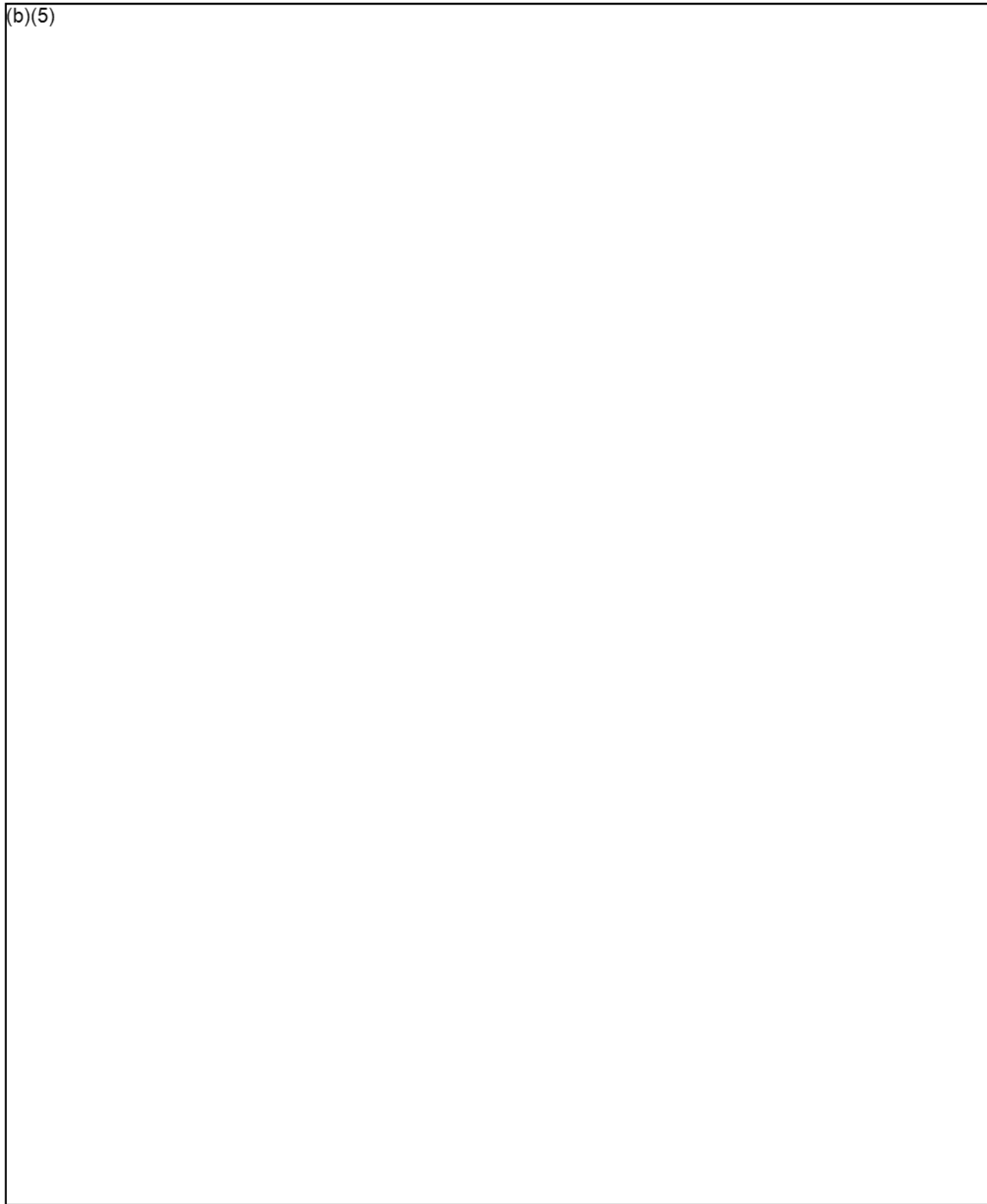
(b)(5)

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SENSITIVE**

U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT



(b)(5)

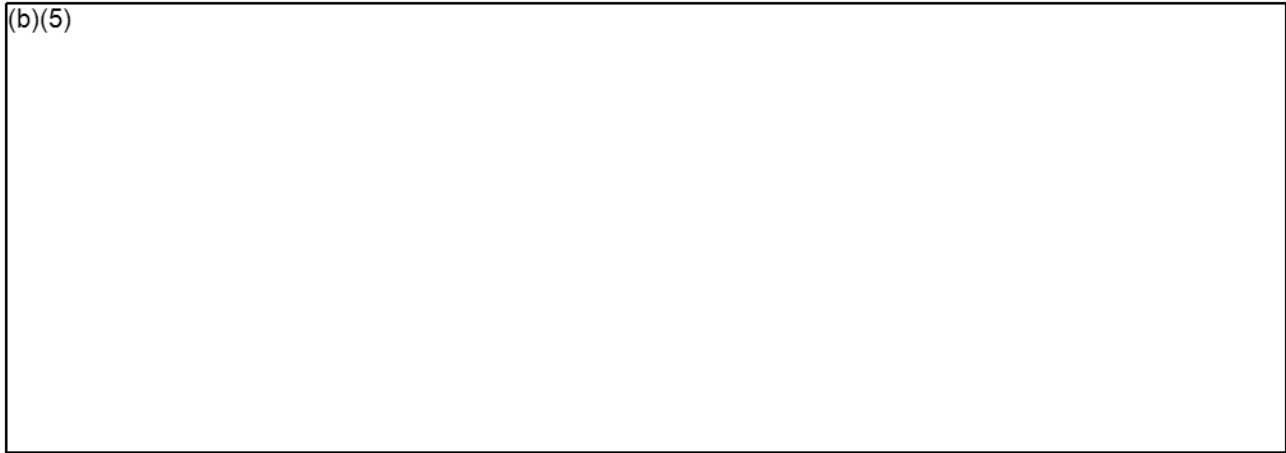


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SENSITIVE**

U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT



(b)(5)



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

From: Johnson, Tae D
Sent: 28 May 2020 12:06:26 +0000
To: (b)(6); (b)(7)(C)
Subject: FW: Guatemala Removals AD1_Consolidated_CV2

Please see below. Can we pull the info for ELSAL too? Thanks

From: Albence, Matthew (b)(6); (b)(7)(C) @ice.dhs.gov>
Date: Thursday, May 28, 2020, 7:50 AM
To: Johnson, Tae D (b)(6); (b)(7)(C) @ice.dhs.gov>, Lucero, Enrique M (b)(6); (b)(7)(C) @ice.dhs.gov>, Benner, Derek N (b)(6); (b)(7)(C) @ice.dhs.gov>
Cc: Kelly, Christopher S (b)(6); (b)(7)(C) @ice.dhs.gov>
Subject: RE: Guatemala Removals AD1_Consolidated_CV2

Any chance we can get the same data for El Sal?

Sent with BlackBerry Work
(www.blackberry.com)

From: Johnson, Tae D (b)(6); (b)(7)(C) @ice.dhs.gov>
Date: Wednesday, May 27, 2020, 7:36 PM
To: Albence, Matthew (b)(6); (b)(7)(C) @ice.dhs.gov>, Lucero, Enrique M (b)(6); (b)(7)(C) @ice.dhs.gov>, Benner, Derek N (b)(6); (b)(7)(C) @ice.dhs.gov>
Cc: Kelly, Christopher S (b)(6); (b)(7)(C) @ice.dhs.gov>
Subject: RE: Guatemala Removals AD1_Consolidated_CV2

Please see the totals for Colombia, Honduras and Ecuador.

COVID-19 Positive Colombian Removals

- Since May 11, 2020, ICE has removed 54/expelled 2 Colombian nationals.
 - Of those cases, zero (0) have been confirmed to be positive for COVID-19 upon arrival in country.

COVID-19 Positive Honduran Removals

- Since May 11, 2020, ICE has removed 578/expelled 27 Honduran nationals.
 - Of those cases, zero (0) have been confirmed to be positive for COVID-19 upon arrival in country.
- The Government of Honduras (GoH) has neither required pre-removal COVID-19 testing, nor tested detainees upon arrival in-country

COVID-19 Positive Ecuadorian Removals

- Since May 11, 2020, ICE has removed 62/expelled 40 Ecuadorian nationals.
 - Of those cases, 6 ERO removals and 3 CBP expulsions have been confirmed to be positive for COVID-19 upon arrival in country.

From: Albence, Matthew (b)(6); (b)(7)(C) @ice.dhs.gov>
Date: Wednesday, May 27, 2020, 7:05 PM
To: Johnson, Tae D (b)(6); (b)(7)(C) @ice.dhs.gov>, Lucero, Enrique M (b)(6); (b)(7)(C) @ice.dhs.gov>, Benner, Derek N (b)(6); (b)(7)(C) @ice.dhs.gov>
Cc: Kelly, Christopher S (b)(6); (b)(7)(C) @ice.dhs.gov>
Subject: RE: Guatemala Removals AD1_Consolidated_CV2

10-4 thanks

Sent with BlackBerry Work
(www.blackberry.com)

From: Johnson, Tae D (b)(6); (b)(7)(C) @ice.dhs.gov>
Date: Wednesday, May 27, 2020, 6:27 PM
To: Albence, Matthew (b)(6); (b)(7)(C) @ice.dhs.gov>, Lucero, Enrique M (b)(6); (b)(7)(C) @ice.dhs.gov>, Benner, Derek N (b)(6); (b)(7)(C) @ice.dhs.gov>
Cc: Kelly, Christopher S (b)(6); (b)(7)(C) @ice.dhs.gov>
Subject: RE: Guatemala Removals AD1_Consolidated_CV2

Matt - it will take us a little time to pull the info on removals to other NT countries over the last two weeks and the number of positive cases during the same timeframe.

As for Mexican removals, the bulk are largely from the interior, ATL, NOL and CHI.

Should know soon how long it will take.

From: Albence, Matthew (b)(6); (b)(7)(C) @ice.dhs.gov>
Date: Wednesday, May 27, 2020, 4:37 PM
To: Lucero, Enrique M (b)(6); (b)(7)(C) @ice.dhs.gov>, Benner, Derek N (b)(6); (b)(7)(C) @ice.dhs.gov>
Cc: Johnson, Tae D (b)(6); (b)(7)(C) @ice.dhs.gov>, Kelly, Christopher S (b)(6); (b)(7)(C) @ice.dhs.gov>
Subject: RE: Guatemala Removals AD1_Consolidated_CV2

Just a couple of questions. Thanks!

From: Lucero, Enrique M (b)(6); (b)(7)(C) @ice.dhs.gov>
Sent: Wednesday, May 27, 2020 1:42 PM
To: Albence, Matthew (b)(6); (b)(7)(C) @ice.dhs.gov>; Benner, Derek N (b)(6); (b)(7)(C) @ice.dhs.gov>
Cc: Johnson, Tae D (b)(6); (b)(7)(C) @ice.dhs.gov>; Kelly, Christopher S (b)(6); (b)(7)(C) @ice.dhs.gov>
Subject: FW: Guatemala Removals AD1_Consolidated_CV2

Matt,

Attached is the paper requested this morning. Our testing protocol is lengthy and DHS may edit for AS1.

Thanks,

Henry

From: (b)(6); (b)(7)(C) @ice.dhs.gov>
Sent: Wednesday, May 27, 2020 1:07 PM
To: Lucero, Enrique M <(b)(6); (b)(7)(C) @ice.dhs.gov>; Johnson, Tae D <(b)(6); (b)(7)(C) @ice.dhs.gov>
Subject: Guatemala Removals AD1_Consolidated_CV2

Henry,

Please see the attached.

The chart is a little redundant but is good visually. Can easily be deleted.

IHSC included a lot on our testing which I don't believe was in the ask so I bumped it down to page 2 just in case I was wrong. The first page is pretty clean. Let me know if you need anything more granular.

Thank you,

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

From: Johnson, Tae D
Sent: 31 Mar 2020 00:16:51 +0000
To: (b)(6); (b)(7)(C)
Subject: FW: Guatemalan Deportee tested positive COVID-19

Tomorrow is off but let's keep pushing. See below

Sent with BlackBerry Work
 (www.blackberry.com)

From: Johnson, Tae D <(b)(6); (b)(7)(C)@ice.dhs.gov>
Date: Monday, Mar 30, 2020, 8:13 PM
To: Albence, Matthew <(b)(6); (b)(7)(C)@ice.dhs.gov>, Lucero, Enrique M <(b)(6); (b)(7)(C)@ice.dhs.gov>, Benner, Derek N <(b)(6); (b)(7)(C)@ice.dhs.gov>
Cc: (b)(6); (b)(7)(C)@ice.dhs.gov>, Kelly, Christopher S <(b)(6); (b)(7)(C)@ice.dhs.gov>
Subject: RE: Guatemalan Deportee tested positive COVID-19

Copy and agreed. We will keep pushing.

Sent with BlackBerry Work
 (www.blackberry.com)

From: Albence, Matthew <(b)(6); (b)(7)(C)@ice.dhs.gov>
Date: Monday, Mar 30, 2020, 8:11 PM
To: Johnson, Tae D <(b)(6); (b)(7)(C)@ice.dhs.gov>, Lucero, Enrique M <(b)(6); (b)(7)(C)@ice.dhs.gov>, Benner, Derek N <(b)(6); (b)(7)(C)@ice.dhs.gov>
Cc: (b)(6); (b)(7)(C)@ice.dhs.gov>, Kelly, Christopher S <(b)(6); (b)(7)(C)@ice.dhs.gov>
Subject: RE: Guatemalan Deportee tested positive COVID-19

Primary goal will be to move the T42 UAC and fill in others with them. We can't get into a position where CBP is holding them for days on end waiting for the one weekly flight (as they proposed yesterday).

From: Johnson, Tae D <(b)(6); (b)(7)(C)@ice.dhs.gov>
Sent: Monday, March 30, 2020 8:09 PM
To: Albence, Matthew <(b)(6); (b)(7)(C)@ice.dhs.gov>; Lucero, Enrique M <(b)(6); (b)(7)(C)@ice.dhs.gov>; Benner, Derek N <(b)(6); (b)(7)(C)@ice.dhs.gov>
Cc: (b)(6); (b)(7)(C)@ice.dhs.gov>; Kelly, Christopher S <(b)(6); (b)(7)(C)@ice.dhs.gov>
Subject: RE: Guatemalan Deportee tested positive COVID-19

Nope, that's fine. We just didn't want to cancel if folks were actively working on them for Tuesday. Given the recent positive case, it may be in our best interest to take a short pause.

Sent with BlackBerry Work
(www.blackberry.com)

From: Albence, Matthew <(b)(6); (b)(7)(C)@ice.dhs.gov>
Date: Monday, Mar 30, 2020, 8:06 PM
To: Johnson, Tae D <(b)(6); (b)(7)(C)@ice.dhs.gov>, Lucero, Enrique M <(b)(6); (b)(7)(C)@ice.dhs.gov>, Benner, Derek N <(b)(6); (b)(7)(C)@ice.dhs.gov>
Cc: <(b)(6); (b)(7)(C)@ice.dhs.gov>, Kelly, Christopher S <(b)(6); (b)(7)(C)@ice.dhs.gov>
Subject: RE: Guatemalan Deportee tested positive COVID-19

10-4. Well I guess if we're fighting for Wednesday the tomorrow's off. Unless (b)(6); has received different info from (b)(6); or her folks down range. I haven't heard anything. I can ping State if you want.

From: Johnson, Tae D <(b)(6); (b)(7)(C)@ice.dhs.gov>
Sent: Monday, March 30, 2020 8:05 PM
To: Albence, Matthew <(b)(6); (b)(7)(C)@ice.dhs.gov>; Lucero, Enrique M <(b)(6); (b)(7)(C)@ice.dhs.gov>; Benner, Derek N <(b)(6); (b)(7)(C)@ice.dhs.gov>
Cc: <(b)(6); (b)(7)(C)@ice.dhs.gov>; Kelly, Christopher S <(b)(6); (b)(7)(C)@ice.dhs.gov>
Subject: RE: Guatemalan Deportee tested positive COVID-19

Wednesday - yes, tomorrow no.

Sent with BlackBerry Work
(www.blackberry.com)

From: Albence, Matthew <(b)(6); (b)(7)(C)@ice.dhs.gov>
Date: Monday, Mar 30, 2020, 8:03 PM
To: Johnson, Tae D <(b)(6); (b)(7)(C)@ice.dhs.gov>, Lucero, Enrique M <(b)(6); (b)(7)(C)@ice.dhs.gov>, Benner, Derek N <(b)(6); (b)(7)(C)@ice.dhs.gov>
Cc: <(b)(6); (b)(7)(C)@ice.dhs.gov>, Kelly, Christopher S <(b)(6); (b)(7)(C)@ice.dhs.gov>
Subject: RE: Guatemalan Deportee tested positive COVID-19

I thought based on (b)(6); last email on the topic was that we were still trying to at least get one on Wednesday. Or no?

From: Johnson, Tae D <(b)(6); (b)(7)(C)@ice.dhs.gov>
Sent: Monday, March 30, 2020 7:51 PM
To: Albence, Matthew <(b)(6); (b)(7)(C)@ice.dhs.gov>; Lucero, Enrique M <(b)(6); (b)(7)(C)@ice.dhs.gov>; Benner, Derek N <(b)(6); (b)(7)(C)@ice.dhs.gov>

Cc: (b)(6); (b)(7)(C); (b)(6); (b)(7)(C)@ice.dhs.gov>; Kelly, Christopher S (b)(6); (b)(7)(C)@ice.dhs.gov>
Subject: RE: Guatemalan Deportee tested positive COVID-19

Any idea whether anyone at DHS or the WH is working on getting Guatemala to take the flight tomorrow, or should we cancel until Wednesday.

From: Albence, Matthew (b)(6); (b)(7)(C)@ice.dhs.gov>
Sent: Monday, March 30, 2020 7:18 PM
To: Lucero, Enrique M (b)(6); (b)(7)(C)@ice.dhs.gov>; Benner, Derek N (b)(6); (b)(7)(C)@ice.dhs.gov>
Cc: Johnson, Tae D (b)(6); (b)(7)(C)@ice.dhs.gov>; (b)(6); (b)(7)(C)@ice.dhs.gov>; Kelly, Christopher S (b)(6); (b)(7)(C)@ice.dhs.gov>
Subject: RE: Guatemalan Deportee tested positive COVID-19

Have we even gotten confirmation from Guat that he is positive? Per the WH call today it was only media reports.

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From: Lucero, Enrique M (b)(6); (b)(7)(C)@ice.dhs.gov>
Date: Monday, Mar 30, 2020, 7:15 PM
To: Albence, Matthew (b)(6); (b)(7)(C)@ice.dhs.gov>; Benner, Derek N (b)(6); (b)(7)(C)@ice.dhs.gov>
Cc: Johnson, Tae D (b)(6); (b)(7)(C)@ice.dhs.gov>; (b)(6); (b)(7)(C)@ice.dhs.gov>; Kelly, Christopher S (b)(6); (b)(7)(C)@ice.dhs.gov>
Subject: FW: Guatemalan Deportee tested positive COVID-19

Given the sensitivities of this case, do you want to raise this to DHS to potentially present this information to the US Ambassador to Guatemala? He has asked for a timeline and medical information regarding the former detainee.

From: (b)(6); (b)(7)(C)@ice.dhs.gov>
Sent: Monday, March 30, 2020 6:16 PM
To: Johnson, Tae D (b)(6); (b)(7)(C)@ice.dhs.gov>; Lucero, Enrique M (b)(6); (b)(7)(C)@ice.dhs.gov>
Subject: FW: Guatemalan Deportee tested positive COVID-19

Gentlemen,

Here is the timeline since March 5th for the detainee that apparently tested positive for COVID-19 in Guatemala. In short, there was no indication of any symptoms or any reason to suspect he may have been exposed to COVID-19. Attached is an email originating from International Affairs

through (b)(6) asking for this information on behalf of the US Ambassador to Guatemala. I do not know what information can be shared, so are you comfortable with me sharing this with (b)(6) and letting them figure it out or should it go from you to Matt to DHS?

Thanks,

(b)(6):

From: Meade, Michael W (b)(6); (b)(7)(C) @ice.dhs.gov>

Sent: Monday, March 30, 2020 6:07 PM

To: (b)(6); (b)(7)(C) @ice.dhs.gov>

Cc: (b)(6); (b)(7)(C) @ice.dhs.gov>

Subject: FW: Guatemalan Deportee tested positive COVID-19

(b)(6); below is summary from San Diego and Phoenix, with IHCS input. (b)(6); was asymptomatic while in our custody. (b)(6); sent me an email also (attached), as I it appears the US Ambassador is looking for a timeline. The summary from both offices may cover what they are looking for (b)(6); never reported or presented with any signs of illness while in ICE custody. I have also attached his medical screening form and transfer summary from Imperial Valley.

The following encounters are all that are listed for his time in Imperial Valley Adult Center

- Contractor verified date of arrival as March 5, 2020 and departure to ICE Air on March 17, 2020. Temperature at intake: 97.1
- At the time of his transfer to Florence, his temperature and vital signs were within normal limits.
- Medical surveyed all medical files on the initial 12 arrivals from March 5, 2020, including (b)(6); and have determined that none of those on the roster have sought medical attention for symptoms similar to COVID-19 as of today.

The following encounters are all that are listed for his time in Florence

- Prescreen (March 18, 2020) denied current illness or health problems and was not taking any medications. T:97.0 at intake. Only listed hernia as past medical history.
- Intake (March 19, 2020) stated he felt good, T:98.2 O2:98%RA, no cough, fever, chills, or night sweats. Screening questions responses:
 - Have you been in close contact with a person with laboratory-confirmed 2019 novel coronavirus or their respiratory secretions in the past 14 days? *No*
 - Have you traveled from or through geographic area(s) with widespread or sustained community transmission in the past two weeks? *No*

- Transfer Sheet to La Palma (March 20, 2020) no issues noted and cleared for transport.

The following encounters are listed for his time at the La Palma Correctional Center

- Intake (March 21, 2020) consented to MMR vaccination, administered March 21, 2020, T:97.4 no complaints and negative answers to COVID-19 screening questions.
- Transfer out (March 24, 2020) T:98.4, TB PPD negative 3/23/20, no complaints.
- Admin note for temp check (March 25, 2020) 97.6 @1730.
- **IHSC LCDR** (b)(6); (b)(7)(C) Our infection prevention officer (EAZ/FLO), consulted the Western Regional Infection Prevention Supervisory Nurse regarding further action on our part for this case. Since the detainee was asymptomatic at his departure from ICE custody, IHSC is not recommending any further action. As they are unable to determine if he may have been exposed somewhere else after release from ICE custody. The Health Services Administrator for La Palma Correctional Center (LPCC) is cohorting a pod in Tewa building, out of an abundance of caution and after consultation with their medical director. This will have no impact on our ability to accept new arrival cases. I will update you both once I am notified if any responses change or are adjusted.

Michael W. Meade
(A) Deputy Assistant Director
Western Operations

U.S. Immigration and Customs Enforcement
Enforcement and Removal Operations

Desk: (202) 732 (b)(6);

Cell: (786) 229 (b)(7)(C)

E-mail: (b)(6); (b)(7)(C) @ice.dhs.gov

Field Operations | 500 12th Street SW Room (b)(6); Washington, DC 20536

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From: (b)(6); (b)(7)(C) @ice.dhs.gov>
Sent: Monday, March 30, 2020 7:18 AM
To: (b)(6); (b)(7)(C) @ice.dhs.gov>
Subject: FW: Guatemalan Deportee tested positive COVID-19

See (b)(6); message. Please reach out to Phoenix to let them know of the possibility that this person was positive in our custody, get some medical records from IHSC and see where the detainee was arrested and housed during his time with us.

Thanks.

(b)(6);

From: (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) @ice.dhs.gov>
Sent: Sunday, March 29, 2020 11:00 PM
To: Boyd, Valerie <Valerie.Boyd@hq.dhs.gov>; Cloe, David <David.Cloe@HQ.DHS.GOV>
Cc: Johnson, Tae D (b)(6); (b)(7)(C) @ice.dhs.gov>; Lucero, Enrique M (b)(6); (b)(7)(C) @ice.dhs.gov>; Albence, Matthew (b)(6); (b)(7)(C) @ice.dhs.gov>; (b)(6); (b)(7)(C) @ice.dhs.gov>; (b)(6); (b)(7)(C) @ice.dhs.gov>; Glabe, Scott <Scott.Glabe@hq.dhs.gov>; Kelly, Christopher S (b)(6); (b)(7)(C) @ice.dhs.gov>; (b)(6); (b)(7)(C) @ice.dhs.gov>; (b)(6); (b)(7)(C) @dhs.gov>; (b)(6); (b)(7)(C) @ice.dhs.gov>
Subject: Guatemalan Deportee tested positive COVID-19

Good evening,

VM (b)(6); just called to advised me that someone we deported on Thursday has tested positive for COVID-19. He apparently was told to self-quarantine and the next day was ill and went to the hospital. We were able to obtain the name from immigration which is (b)(6); (b)(6); (b)(7)(C) out of Florence according the manifest.

(b)(5)

More to follow tomorrow.

As for our flight, we will loop back and notify FOIC and crew.

(b)(6);

From: Johnson, Tae D
Sent: 19 Apr 2020 16:32:04 +0000
To: (b)(6); (b)(7)(C)
Cc: Lucero, Enrique M
Subject: FW: Haiti: 3 of the 61 April 7 ICE deportees test COVID positive; 4th being retested:

Can we run this down please?

From: Albence, Matthew (b)(6); (b)(7)(C) @ice.dhs.gov>
Sent: Sunday, April 19, 2020 12:31 PM
To: Johnson, Tae D (b)(6); (b)(7)(C) @ice.dhs.gov>; Lucero, Enrique M (b)(6); (b)(7)(C) @ice.dhs.gov>
Cc: Kelly, Christopher S (b)(6); (b)(7)(C) @ice.dhs.gov>
Subject: RE: Haiti: 3 of the 61 April 7 ICE deportees test COVID positive; 4th being retested:

10-4. When were they tested? They've been back almost two weeks.

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www.blackberry.com

From: Johnson, Tae D (b)(6); (b)(7)(C) @ice.dhs.gov>
Date: Sunday, Apr 19, 2020, 12:19 PM
To: Lucero, Enrique M (b)(6); (b)(7)(C) @ice.dhs.gov>
Cc: Albence, Matthew (b)(6); (b)(7)(C) @ice.dhs.gov>, Kelly, Christopher S (b)(6); (b)(7)(C) @ice.dhs.gov>
Subject: FW: Haiti: 3 of the 61 April 7 ICE deportees test COVID positive; 4th being retested:

FYSA

From: (b)(6); (b)(7)(C) @ice.dhs.gov>
Sent: Sunday, April 19, 2020 12:11 PM
To: Johnson, Tae D (b)(6); (b)(7)(C) @ice.dhs.gov>; Smith, Stewart D (b)(6); (b)(7)(C) @ice.dhs.gov>; (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) @ice.dhs.gov>; (b)(6); (b)(7)(C) @ice.dhs.gov> (b)(6); (b)(7)(C) @ice.dhs.gov>; (b)(6); (b)(7)(C) @dhs.gov>; (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) @ice.dhs.gov>
Subject: FW: Haiti: 3 of the 61 April 7 ICE deportees test COVID positive; 4th being retested:

Things just got a lot more complicate. See below, also I've asked her to see if we can get the names of the 4 cases in the meantime, KK's team will dig up the final manifest

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www.blackberry.com

Subject: FW: HEADS UP

Want to make sure you all are tracking.

(b)(6); (b)(7)(C) looped us in. A couple of points:

First, (b)(5)

(b)(5) We need to (b)(5)

(b)(5)

-Chris

Sent with BlackBerry Work

(www.blackberry.com)

From: Albence, Matthew (b)(6); (b)(7)(C) @ice.dhs.gov>

Date: Tuesday, Mar 10, 2020, 9:22 PM

To: Kelly, Christopher S (b)(6); (b)(7)(C) @ice.dhs.gov>, Benner, Derek N

(b)(6); (b)(7)(C) @ice.dhs.gov>

Subject: RE: HEADS UP

Yeah that will be a problem.

Sent with BlackBerry Work
(www.blackberry.com)

From: Kelly, Christopher S (b)(6); (b)(7)(C) @ice.dhs.gov>
Date: Tuesday, Mar 10, 2020, 9:21 PM
To: Albence, Matthew (b)(6); (b)(7)(C) @ice.dhs.gov>, Benner, Derek N (b)(6); (b)(7)(C) @ice.dhs.gov>
Subject: FW: HEADS UP

Note from one of my other messages they are threatening to turn off flights if this individual tests positive.

We may need to start planning for what happens if ENV flights are turned off. This is something DHS needs to start engaging with NT countries on for sure.

Sent with BlackBerry Work
(www.blackberry.com)

From: Swift, Heather (b)(6) @hq.dhs.gov>
Date: Tuesday, Mar 10, 2020, 8:33 PM
To: Kelly, Christopher S (b)(6); (b)(7)(C) @ice.dhs.gov> (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) @ice.dhs.gov> (b)(6); (b)(7)(C) @ice.dhs.gov>
Cc: Asher, Nathalie R (b)(6); (b)(7)(C) @ice.dhs.gov>, SEGUIN, DEBBIE W (b)(6); (b)(7)(C) @cbp.dhs.gov>, Lucero, Enrique M (b)(6); (b)(7)(C) @ice.dhs.gov>, Johnson, Tae D (b)(6); (b)(7)(C) @ice.dhs.gov> (b)(6); (b)(7)(C) @ice.dhs.gov> (b)(6); (b)(7)(C) @ice.dhs.gov>
Subject: Re: HEADS UP

Local press google translation

A Guatemalan who came on a flight of deportees from the city of Miami, Florida, United States, reported to authorities in the country that he had symptoms related to the coronavirus.

Although the Ministry of Public Health and Social Assistance (MSPAS) does not yet consider it as a suspected case of covid-19, this person was transferred to the National Hospital of Villa Nueva, enabled a few days ago to treat patients infected by it virus.

The flight arrived at the Guatemalan Air Force (FAG) at 12 noon on Tuesday March 10 and came with 90 Guatemalans, including 84 men, 3 women and 3 girls.

The head of the Department of Epidemiology of the MSPAS, Manuel Sagastume, confirmed that it is a man of approximately 28 years who was treated in the Epidemiological Surveillance Unit.

"Thanks to the epidemiological surveillance protocol that is being carried out both at the airport and in the Air Force where these types of flights are received, this Guatemalan citizen who had some respiratory symptoms could be identified," said Sagastume.

Ninety Guatemalans arrived in the country on the flight of deportees from Miami, United States. (Free Press Photo: Newspaper library)

The Guatemalan who just arrived in the country had an initial evaluation within the FAG facilities, but the health authorities decided to follow up at the Hospital de Especialidades de Villa nueva to be able to perform the laboratory tests and thus rule out or confirm that This is a case of Covid-19.

In total, in the United States there have been about 761 patients with covid-19 in 13 states. So far, Guatemala has not reported any cases and has ruled out 10 suspicious cases.

On March 7, the Health authorities showed the facilities and equipment at the Villa Nueva Hospital to treat possible patients with coronavirus.

“We have 33 doctors from different specialists and efforts are being made to hire exclusive personnel from the isolation area. We have 17 fans available for people with breathing difficulties, 17 vital signs monitors, nurses, among others,” said one of the doctors in charge of the area.

Thanks,

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

From: Kelly, Christopher S (b)(6); (b)(7)(C) @ice.dhs.gov>

Sent: Tuesday, March 10, 2020 8:23:14 PM

To: Pineiro, Marlen (b)(6); (b)(7)(C) @ice.dhs.gov>; Swift, Heather

(b)(6) @hq.dhs.gov>; Pallas, Charissa M (b)(6); (b)(7)(C) @ice.dhs.gov>

Cc: Asher, Nathalie R (b)(6); (b)(7)(C) @ice.dhs.gov>; SEGUIN, DEBBIE W (b)(6) @cbp.dhs.gov>; Lucero, Enrique M (b)(6); (b)(7)(C) @ice.dhs.gov>;

Johnson, Tae D (b)(6); (b)(7)(C) @ice.dhs.gov> (b)(6); (b)(7)(C) @ice.dhs.gov>;

(b)(6); (b)(7)(C) @ice.dhs.gov>

Subject: RE: HEADS UP

Thanks (b)(6):

Sent with BlackBerry Work

(www.blackberry.com)

From: (b)(6); (b)(7)(C) @ice.dhs.gov>

Date: Tuesday, Mar 10, 2020, 8:17 PM

To: Kelly, Christopher S (b)(6); (b)(7)(C) @ice.dhs.gov>, SWIFT, HEATHER

(b)(6) @hq.dhs.gov>, Pallas, Charissa M (b)(6); (b)(7)(C) @ice.dhs.gov>

Cc: Asher, Nathalie R (b)(6); (b)(7)(C) @ice.dhs.gov>, SEGUIN, DEBBIE W

(b)(6) @cbp.dhs.gov>, Lucero, Enrique M (b)(6); (b)(7)(C) @ice.dhs.gov>, Johnson,

Tae D (b)(6); (b)(7)(C) @ice.dhs.gov>, (b)(6); (b)(7)(C) @ice.dhs.gov>

Subject: RE: HEADS UP

It was a BP arrest on 3/3 and turned over to ERO on same day and remained in ERO custody until today's removal. We are working to find out more information on our side now. The vice minister told me that he was diagnosed with laryngitis but just a few minutes ago we were informed that cdc had gotten involved and is taking him to local place in Guatemala for testing.

I'm adding (b)(6); (b)(7)(C) who was working to get additional information from the field office

Sent with BlackBerry Work

(www.blackberry.com)

From: Kelly, Christopher S (b)(6); (b)(7)(C) @ice.dhs.gov>

Date: Tuesday, Mar 10, 2020, 6:12 PM

To: SWIFT, HEATHER (b)(6) @hq.dhs.gov>, Pallas, Charissa M

(b)(6); (b)(7)(C) @ice.dhs.gov>

Cc: Asher, Nathalie R (b)(6); (b)(7)(C) @ice.dhs.gov>, SEGUIN, DEBBIE W

(b)(6) @cbp.dhs.gov>, Lucero, Enrique M (b)(6); (b)(7)(C) @ice.dhs.gov>, Johnson,

Tae D (b)(6); (b)(7)(C) @ice.dhs.gov>, (b)(6); (b)(7)(C) @ice.dhs.gov>

Subject: RE: HEADS UP

Do we have any more info? Env case? Someone that was in ice custody?

From: Johnson, Tae D
Sent: 14 Mar 2020 13:42:28 +0000
To: Lucero, Enrique M
Subject: FW: ICE CAT Update 3/13/2020

See below. It appears that there was a delay in getting the information to the FMC or the FMC entering the info into the system used to track and report on lower respiratory illnesses. The 9 cases were entered at about 11pm last night so they should appear on future reports.

Sent with BlackBerry Work
(www.blackberry.com)

From: Smith, Stewart D <(b)(6); (b)(7)(C)@ice.dhs.gov>
Date: Saturday, Mar 14, 2020, 9:31 AM
To: Johnson, Tae D <(b)(6); (b)(7)(C)@ice.dhs.gov>
Subject: FW: ICE CAT Update 3/13/2020

Tae -

See below from my people.

Dr. Stewart D. Smith, MPH, CCHP, FACHE
Assistant Director | ICE Health Service Corps
Desk: 202-732-1161 Cell: 202-321-1161

From: (b)(6); (b)(7)(C)@ice.dhs.gov>
Date: Saturday, Mar 14, 2020, 9:27 AM
To: Smith, Stewart D <(b)(6); (b)(7)(C)@ice.dhs.gov>, (b)(6); (b)(7)(C)@ice.dhs.gov>
Cc: (b)(6); (b)(7)(C)@ice.dhs.gov>
Subject: RE: ICE CAT Update 3/13/2020

IHSC's Lower Respiratory Illness Tracking Tool is reliant on information being reported to IHSC by detention facility medical staff. For facilities without IHSC medical staffing, we depend on facility medical staff reporting information to the FMC so the FMC can enter the information into the Lower Respiratory Illness Tracking Tool. As of this morning there are no entries from Denver CDF of detainees under monitoring or isolation for epidemiologic risk for COVID-19. This is the only system I check throughout the day every day for reports of detainees with epidemiologic risk for COVID-19. There may be delays in reporting if extremely busy and understaffed facilities do not enter the information promptly.

After receiving your message, I checked the Cohort Tracking Tool, which I generally only check weekly for the weekly cohort report. The FMC entered information at 10:54pm last night documenting a cohort of 9 detainees cohorted for exposure to unspecified respiratory illness. I assume due to the late hour he has not had a chance to enter the detailed information yet into the Lower Respiratory Illness Tracking Tool and I will follow up with him shortly. The cohort tracker is only designed to collect aggregate information, not information for individual detainees.

(b)(6): [redacted] DrPH, MA, CAPT USPHS
Chief, Public Health, Safety, and Preparedness (PHSP) Unit
DHS/ICE/ERO/ICE Health Service Corps
Office: 202-732-(b)(6)-[redacted]
Cell: 202-210-(b)(6); [redacted]
Fax: 866-573-Refer [redacted]
Email: (b)(6); [redacted]@ice.dhs.gov
In office: Mon, Wed
Telework: Tue, Thu, Fri

From: Johnson, Tae D (b)(6); (b)(7)(C) [redacted]@ice.dhs.gov>
Date: Saturday, Mar 14, 2020, 9:08 AM
To: Smith, Stewart D (b)(6); (b)(7)(C) [redacted]@ice.dhs.gov>
Subject: RE: ICE CAT Update 3/13/2020

I still don't understand.

(b)(5)

Sent with BlackBerry Work
(www.blackberry.com)

From: Smith, Stewart D (b)(6); (b)(7)(C) [redacted]@ice.dhs.gov>
Date: Saturday, Mar 14, 2020, 7:12 AM
To: Johnson, Tae D (b)(6); (b)(7)(C) [redacted]@ice.dhs.gov>

Subject: RE: ICE CAT Update 3/13/2020

I had my folks check and received the following.

Yes, there was possible exposure from a detainee's attorney who visited the Aurora Detention Facility for an hour who had flu-like symptoms consistent with COVID-19. No laboratory confirmation. The FMC had no contact with the attorney. ICE and GEO were aware. The health department advised to continue operations as normal since there has been no formal diagnosis. The ICE attorney who was also present said the detainee's attorney exhibited no symptoms while at the facility. It seems this law firm is always causing some issues with ICE and GEO.

Dr. Stewart D. Smith, MPH, CCHP, FACHE
Assistant Director | ICE Health Service Corps
Desk: 202-732-(b)(6) | Cell: 202-321-(b)(6);

From: Johnson, Tae D <(b)(6); (b)(7)(C)>@ice.dhs.gov>
Date: Saturday, Mar 14, 2020, 12:14 AM
To: Smith, Stewart D <(b)(6); (b)(7)(C)>@ice.dhs.gov>
Subject: FW: ICE CAT Update 3/13/2020

My initial take is IHSC is not onsite in Denver. What say you?

Sent with BlackBerry Work
(www.blackberry.com)

From: Lucero, Enrique M <(b)(6); (b)(7)(C)>@ice.dhs.gov>
Date: Friday, Mar 13, 2020, 11:13 PM
To: Johnson, Tae D <(b)(6); (b)(7)(C)>@ice.dhs.gov>
Subject: FW: ICE CAT Update 3/13/2020

There is a disconnect in IHSC, please drill down tomorrow.

From: (b)(6); (b)(7)(C) <(b)(6); (b)(7)(C)>@ice.dhs.gov>
Date: Friday, Mar 13, 2020, 10:59 PM
To: Lucero, Enrique M <(b)(6); (b)(7)(C)>@ice.dhs.gov>, Smith, Stewart D <(b)(6); (b)(7)(C)>@ice.dhs.gov>
Subject: RE: ICE CAT Update 3/13/2020

DEN reports that IHSC is monitoring 9 out of 10. Apparently one bonded out.

Sent with BlackBerry Work
(www.blackberry.com)

From: Lucero, Enrique M (b)(6); (b)(7)(C) @ice.dhs.gov>
Date: Friday, Mar 13, 2020, 6:53 PM
To: Smith, Stewart D (b)(6); (b)(7)(C) @ice.dhs.gov>, (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) @ice.dhs.gov>
Subject: FW: ICE CAT Update 3/13/2020

Is Denver CDF monitoring anyone from yesterday's atty incident?

From: (b)(6); (b)(7)(C) @ice.dhs.gov>
Date: Friday, Mar 13, 2020, 6:39 PM
To: Albence, Matthew (b)(6); (b)(7)(C) @ice.dhs.gov>, Benner, Derek N (b)(6); (b)(7)(C) @ice.dhs.gov>
 C (b)(6); (b)(7)(C) @ice.dhs.gov>, Barrera, Staci A (b)(6); (b)(7)(C) @ice.dhs.gov>, (b)(6); (b)(7)(C) @ice.dhs.gov>, Lucero, Enrique M (b)(6); (b)(7)(C) @ice.dhs.gov> (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) @ice.dhs.gov>, Rodriguez, Waldemar (b)(6); (b)(7)(C) @ice.dhs.gov> (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) @ice.dhs.gov> (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) @ice.dhs.gov>, Cronen, C M (b)(6); (b)(7)(C) @ice.dhs.gov>, Kelly, Christopher S (b)(6); (b)(7)(C) @ice.dhs.gov> (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) @ice.dhs.gov>
Subject: ICE CAT Update 3/13/2020

Good afternoon Sirs,

Please see attached chart regarding updates for COVID-19 relating to ICE employees and/or facilities. At this time, there is still only 1 ICE employee that tested positive; the chart will give a summary and also a break down by program. Please note that this chart will be provided to the NOC daily moving forward.

IHSC is currently monitoring **10** detainees across **5** facilities with **2** in isolation in a detained population of **37,712**.

Facility	Total in isolation	Total under monitoring	Subset who have symptoms	Subset who were tested	Subset seen in ER for acute symptoms
Otay Mesa Detention Center (San	1	0	1	1	0

Diego CDF)					
Tacoma ICE Processing Center (Northwest Det Ctr)	0	2	0	0	0
Krome Monitoring Service Processing Center	1	0	1	1	0
Port Isabel	0	2	0	1	0
Karns County Residential Center	0	4	0	0	0
Subtotal	2	8	2	3	0
Total	10				

Please see attached DHS placemat.

There is no change in accountability of ICE IO employees, dependents, and FSNs in China, Hong Kong, Seoul, Tokyo, Rome, Singapore, and Italy.

Please see current changes in international posture:

- There are no MEDEVACs out of Italy. Embassy Rome is in discussions with other posts about alternate arrangements; Embassy London will no longer accept MEDEVAC requests from Italy.
- Thailand MEDEVACs are permitted, but transitioning to alternate routes to mitigate potential exposure.
- Vietnam MEDEVACs are permitted but routes to the U.S. are increasingly restricted.
- HSI Athens New Delhi will be transitioning to a mix of telework and minimal office staffing beginning Monday, 16 March, consistent with local DOS guidance.
- HSI Seoul personnel who rely on public transportation will be teleworking.
- TDYs into and out of El Salvador are cancelled through the end of March.
- Only mission critical travel, including in-country travel by HSI personnel, is allowed in Guatemala.

- All International Law Enforcement Academy (ILEA) worldwide has cancelled through 8 May.
- Europol facilities (in the Netherlands) are closed and all employees teleworking.

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

From: Johnson, Tae D
Sent: 16 Apr 2020 23:26:59 +0000
To: (b)(6); (b)(7)(C)
Subject: FW: is there any truth here?
Attachments: FW: Urgent ICE Statement

Just in case you hadn't gotten pinged already

Sent with BlackBerry Work
(www.blackberry.com)

From: Lucero, Enrique M <(b)(6); (b)(7)(C)@ice.dhs.gov>
Date: Thursday, Apr 16, 2020, 6:59 PM
To: Johnson, Tae D (b)(6); (b)(7)(C)@ice.dhs.gov>, (b)(6); (b)(7)(C)@ice.dhs.gov>
Subject: FW: is there any truth here?

fysa

Enrique M. Lucero
Executive Associate Director
Enforcement and Removal Operations
U.S. Immigration and Customs Enforcement
202 732 (b)(6) office)
(b)(6); (b)(7)(C)@ice.dhs.gov

From: Lucero, Enrique M
Sent: Thursday, April 16, 2020 6:59 PM
To: (b)(6); (b)(7)(C)@ice.dhs.gov>; Meade, Michael W
(b)(6); (b)(7)(C)@ice.dhs.gov>
Subject: FW: is there any truth here?

I need follow up information this evening, how long were forms required to be signed to obtain a mask at Otay Mesa? When and why did it stop? Was there any ICE involvement or was this strictly a Core Civic decision?

Enrique M. Lucero
Executive Associate Director
Enforcement and Removal Operations
U.S. Immigration and Customs Enforcement
202 732 (b)(6) office)
(b)(6); (b)(7)(C)@ice.dhs.gov

From: (b)(6); (b)(7)(C) @ice.dhs.gov>
Sent: Monday, April 13, 2020 10:21 AM
To: Lucero, Enrique M (b)(6); (b)(7)(C) @ice.dhs.gov>; Johnson, Tae D (b)(6); (b)(7)(C) @ice.dhs.gov>
Subject: FW: is there any truth here?

Short answer, there was a waiver but they ceased use. There was no disturbance or use of OC spray.

From: Meade, Michael W (b)(6); (b)(7)(C) @ice.dhs.gov>
Sent: Monday, April 13, 2020 9:08 AM
To: (b)(6); (b)(7)(C) @ice.dhs.gov>
Subject: RE: is there any truth here?

CoreCivic was asking detainees to sign a waiver, but ceased this practice. There was no disturbance or use of OC spray. There was also a vehicular protest involving cars driving by the facility with signs and honking horns. PAO sent a press release up their chain on Saturday for clearance. I have attached the email string on the OPA press release.

Here is CoreCivic's response to media:

From: (b)(6); (b)(7)(C) @corecivic.com>
Date: April 11, 2020 at 1:45:00 PM CDT
To: (b)(6); (b)(7)(C) @10news.com>
Cc: (b)(6); (b)(7)(C) @10news.com>
Subject: RE: ABC 10 NEWS SEEKING COMMENT

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

Thank you for reaching out to us for comment. Please use the following statement, attributable to me, for your story.

Yesterday (April 10), there was no use of force at the Otay Mesa Detention Center, nor were any chemical agents dispersed. Those allegations are patently false.

It is true that face masks were issued to every individual in our care at Otay Mesa. The temporary removal of three detainees from one of the pods was in direct response to their being disruptive during the issuance of the face masks. At no time was any force used to remove these individuals, and they were returned to the pod a short while later.

The facts and circumstances surrounding this event were shared with our government partner, Immigration and Customs Enforcement (ICE), and we encourage you to contact them for confirmation of the above information.

We're strongly encouraging reporters to vet their sources and validate their allegations with the same high standards with which we're providing responsive information.

Regarding masks, no signed waiver will be required to receive a mask.

We've been closely following Centers for Disease Control and Prevention (CDC) recommendations since the beginning of the COVID-19 pandemic. The CDC's guidance on the use of masks has recently changed, and we've worked hard to quickly ensure that all of our staff and those in our care have access to masks consistent with this new guidance.

The CDC makes it clear that the mask recommendation "complements but does not replace" other critical steps to help prevent the spread of COVID-19. To make sure that anyone wearing a mask fully understands that they may not be preventative and that it's important to continue measures like social distancing and proper hygiene recommendations, we will provide an educational handout. No signed waiver will be required to receive a mask.

As we all adjust to the rapid changes brought about by the COVID-19 pandemic, our company will continue to adapt our practices and policies in accordance with guidance from health experts to ensure the health and safety of our employees, those in our care and our communities.

For additional information on CoreCivic's response to the COVID-19 pandemic, we encourage you to visit our COVID-19 Response tab that we launched on our website. Our media statement can be found here.

Questions regarding detainee or ICE Health Services Corps (IHSC) cases should be directed to our government partners, Immigration and Customs Enforcement (ICE) and the U.S. Marshals Service. Additional information can be found at www.ICE.gov/COVID19 and www.usmarshals.gov/coronavirus.

Respectfully,

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

Manager, Public Affairs



CoreCivic Facility Support Center
PublicAffairs@corecivic.com – Media Inquiries
www.corecivic.com

From: (b)(6); (b)(7)(C) @ice.dhs.gov>
Sent: Monday, April 13, 2020 8:20 AM
To: Meade, Michael W (b)(6); (b)(7)(C) @ice.dhs.gov>
Subject: FW: is there any truth here?

Morning,

Can you check with Greg to find the ground truth?

Thanks,

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

Sent with BlackBerry Work
(www.blackberry.com)

From: Lucero, Enrique M (b)(6); (b)(7)(C) @ice.dhs.gov>
Date: Monday, Apr 13, 2020, 7:12 AM
To: (b)(6); (b)(7)(C) @ice.dhs.gov>
Cc: Johnson, Tae D (b)(6); (b)(7)(C) @ice.dhs.gov>
Subject: is there any truth here?

CAJ Detainees at Otay Mesa Detention Center were offered masks, but only if they signed contracts

Los Angeles Times [4/11/2020 6:24 PM, Kate Morrissey, 1907K] reports that detainees at Otay Mesa Detention Center had been asking for more protection from the COVID-19 pandemic all week, when a shipment of surgical masks arrived at the facility on Friday. The women of "a pod" would finally be able to ditch their own constructions made from rubber bands, panty liners and cut up shirts for proper masks. But by that afternoon, the mood quickly changed from excitement to anger, according to Briseida Salazar, a 23-year-old in the unit, which houses immigration detainees. At least 16 detainees - 12 in the custody of Immigration and Customs Enforcement and four under U.S. Marshals Service supervision - have tested positive for COVID-19 as of Friday afternoon, according to a facility document obtained by The San Diego Union-Tribune. The new surgical masks arrived Friday, but they initially came with conditions, according to Salazar. The document, as read over the phone to the Union-Tribune, included a section saying that detainees agree to "hold harmless" CoreCivic and its agents and employees "from any and all claims that I may have related directly to my wearing the face mask." Most refused to sign, noting that they should be given forms in their own languages. The unit manager reiterated that they would not be given masks without signing, Salazar said. Three women, including the one who had recognized the translation error, were taken away. ICE's deputy medical director, Dr. Philip Farabaugh, said in a court filing that soap and hand sanitizer are available in all units at Otay Mesa. ICE has said more generally in a statement on its website that soap is available to detainees, and hand sanitizer is when possible.

Enrique M. Lucero
 Executive Associate Director
 Enforcement and Removal Operations
 U.S. Immigration and Customs Enforcement
 202 732 (b)(6); (office)
 (b)(6); (b)(7)(C) @ice.dhs.gov

From: Archambeault, Gregory J
Sent: 13 Apr 2020 13:59:34 +0000
To: Meade, Michael W
Subject: FW: Urgent ICE Statement

This went up for clearance on Saturday.

Gregory J. Archambeault
 Field Office Director
 U.S. Immigration & Customs Enforcement
 Enforcement & Removal Operations
 San Diego, California

From: (b)(6); (b)(7)(C) @ice.dhs.gov>
Date: Saturday, Apr 11, 2020, 2:42 PM
To: Archambeault, Gregory J (b)(6); (b)(7)(C) @ice.dhs.gov>
Cc: (b)(6); (b)(7)(C) @ice.dhs.gov>
Subject: RE: Urgent ICE Statement

Cool thanks. on our way now

From: Archambeault, Gregor (b)(6); (b)(7)(C) @ice.dhs.gov>
Sent: Saturday, April 11, 2020 2:41 PM
To: (b)(6); (b)(7)(C) @ice.dhs.gov>
Cc: (b)(6); (b)(7)(C) @ice.dhs.gov>
Subject: RE: Urgent ICE Statement

Excellent! Cleared. Thanks (b)(6); (b)(7)(C)

Gregory J. Archambeault
 Field Office Director
 U.S. Immigration & Customs Enforcement
 Enforcement & Removal Operations
 San Diego, California

From: (b)(6); (b)(7)(C) @ice.dhs.gov>
Date: Saturday, Apr 11, 2020, 2:03 PM
To: Archambeault, Gregory J (b)(6); (b)(7)(C) @ice.dhs.gov>
Cc: (b)(6); (b)(7)(C) @ice.dhs.gov>
Subject: FW: Urgent ICE Statement

Hi (b)(6); (b)(7)(C) here's a draft statement for your review. Pls advise as soon as possible. HQ is waiting for us to provide a response.

(b)(5)



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

ICE Public Affairs
San Diego

Email: (b)(6); (b)(7)(C) ICE.DHS.GOV

Mobile: 619 719 (b)(6);

From: Johnson, Tae D
Sent: 1 Jun 2020 17:00:48 +0000
To: Lucero, Enrique M
Subject: FW: Known Positives/Exposures

Sent with BlackBerry Work
 (www.blackberry.com)

From: (b)(6); (b)(7)(C)@ice.dhs.gov>
Date: Monday, Jun 01, 2020, 12:58 PM
To: Johnson, Tae D (b)(6); (b)(7)(C)@ice.dhs.gov>, Smith, Stewart D (b)(6); (b)(7)(C)@ice.dhs.gov> (b)(6); (b)(7)(C)@ice.dhs.gov>
Subject: RE: Known Positives/Exposures

The following summarizes custody status during the estimated exposure period

Cumulative: ICE Detainees Testing Positive for COVID-19 by Custody Status During the Estimated Exposure Period

CUSTODY	ICE
FACILITY_REPORT	(All)
COUNTRY	(All)
Test Type	(All)

Count	Column	
Rows	COVID-19 test positive	
ICE Custody	1301	87.8%
Exposure period contains ICE custody	154	10.4%
Exposure period does not contains ICE custody	27	0.2%
Grand Total	1482	

Breakdown:

Cumulative: ICE Detainees Testing Positive for COVID-19 by Custody Status During the Estimated Exposure Period

CUSTODY	ICE
---------	-----

FACILITY_REPORT	(All)
COUNTRY	(All)
Test Type	(All)

Count	Column
Rows	COVID-19 test positive
ICE Custody	
ICE custody	1301
Exposure period contains ICE custody	
ICE custody;#Before apprehension	14
ICE custody;#Before apprehension;#Community-not in LE custody	1
ICE custody;#BOP Custody	13
ICE custody;#BOP Custody;#Before apprehension	2
ICE custody;#BOP Custody;#Local Law Enforcement Custody	2
ICE custody;#CBP custody	3
ICE custody;#Community-not in LE custody	4
ICE custody;#Local Law Enforcement Custody	71
ICE custody;#Local Law Enforcement Custody;#Before apprehension	23
ICE custody;#Local Law Enforcement Custody;#USMS Custody	1
ICE custody;#State law enforcement custody	5
ICE custody;#USMS Custody	13
Local Law Enforcement Custody;#ICE custody	1
Before apprehension;#ICE custody	1
Exposure period does not contains ICE custody	
BOP Custody	7
CBP custody	2
Community-not in LE custody	1
Local Law Enforcement Custody	11
Local Law Enforcement Custody;#Before apprehension	1
USMS Custody	1
Before apprehension;#CBP custody	1
Local Law Enforcement Custody;#State law enforcement custody	1
Before apprehension;#USMS Custody	2

Grand Total	1482
--------------------	-------------

Diana Elson, DrPH, MA, CAPT USPHS
DHS/ICE/ERO/ICE Health Service Corps
Cell: 202-210-(b)(6);
Email: (b)(6);@ice.dhs.gov

From: Johnson, Tae D (b)(6); (b)(7)(C)@ice.dhs.gov>
Sent: Monday, June 1, 2020 10:57 AM
To: (b)(6); (b)(7)(C)@ice.dhs.gov>; Smith, Stewart D
(b)(6); (b)(7)(C)@ice.dhs.gov>; (b)(6); (b)(7)(C)@ice.dhs.gov>
Subject: RE: Known Positives/Exposures

Thank you

From: (b)(6); (b)(7)(C)@ice.dhs.gov>
Sent: Monday, June 1, 2020 10:43 AM
To: Johnson, Tae D (b)(6); (b)(7)(C)@ice.dhs.gov>; Smith, Stewart D
(b)(6); (b)(7)(C)@ice.dhs.gov>; (b)(6); (b)(7)(C)@ice.dhs.gov>
Subject: RE: Known Positives/Exposures

We have a field for exposure period relative to ICE custody; it only populates for positives. I will provide that shortly.

(b)(6); DrPH, MA, CAPT USPHS
DHS/ICE/ERO/ICE Health Service Corps
Cell: 202-210-(b)(6);
Email: (b)(6);@ice.dhs.gov

From: Johnson, Tae D (b)(6); (b)(7)(C)@ice.dhs.gov>
Sent: Monday, June 1, 2020 10:41 AM
To: (b)(6); (b)(7)(C)@ice.dhs.gov>; Smith, Stewart D
(b)(6); (b)(7)(C)@ice.dhs.gov>; (b)(6); (b)(7)(C)@ice.dhs.gov>
Subject: RE: Known Positives/Exposures

Thank you (b)(6); Is there an updated list that shows the numbers for each (Known Positives and Known to be exposed) at intake? Henry would like to have this information for tomorrow's hearing.

From: (b)(6); (b)(7)(C)@ice.dhs.gov>
Sent: Monday, June 1, 2020 10:38 AM
To: Johnson, Tae D (b)(6); (b)(7)(C)@ice.dhs.gov>; Smith, Stewart D
(b)(6); (b)(7)(C)@ice.dhs.gov>; (b)(6); (b)(7)(C)@ice.dhs.gov>
Subject: RE: Known Positives/Exposures

Good morning,

We track all positives, including those known to be exposed or test positive before coming into ICE custody. In the tracking system we will record the test date, which may be prior to ICE custody.

For example, last week a detainee entered custody at Aurora that had previously tested positive before ICE custody and met the criteria for discontinuing isolation. After coming into ICE custody he went to the hospital and was still testing positive at the hospital. I decided to count his positive result because I wanted to have consistency with the hospital information.

(b)(6); [redacted] DrPH, MA, CAPT USPHS
 DHS/ICE/ERO/ICE Health Service Corps
 Cell: 202-210-(b)(6); [redacted]
 Email: (b)(6); [redacted]@ice.dhs.gov

From: Johnson, Tae D (b)(6); (b)(7)(C) [redacted]@ice.dhs.gov>
Sent: Monday, June 1, 2020 10:13 AM
To: Smith, Stewart D (b)(6); (b)(7)(C) [redacted]@ice.dhs.gov>; (b)(6); (b)(7)(C) [redacted]@ice.dhs.gov>; (b)(6); (b)(7)(C) [redacted]@ice.dhs.gov>
Subject: Known Positives/Exposures

Do we track the number of cases that come into our custody that are known positives or known to be exposed? I thought I saw something from (b)(6); (b)(7)(C) [redacted] I think that spoke to this. Am I not remembering this correctly? Thank you (b)(6); (b)(7)(C) [redacted]

From: Johnson, Tae D
Sent: 23 May 2020 00:07:54 +0000
To: Johnson, Jaylen D
Subject: FW: Latest Update on COVID-19 Efforts

Sent with BlackBerry Work
(www.blackberry.com)

From: ICE Office of the Director <(b)(6); (b)(7)(C)>@ice.dhs.gov>
Date: Friday, May 22, 2020, 6:26 PM
Subject: Latest Update on COVID-19 Efforts

A Message from Deputy Director and Senior Official Performing the Duties of the Director Matthew T. Albence

To All ICE Employees
May 22, 2020

Latest Update on COVID-19 Efforts

In my message to you last week, I mentioned the ICE Reconstitution Working Group (RWG). The RWG is charged with recommending a phased plan to leadership, both at headquarters and in the field, for gradually re-opening ICE facilities. The RWG is committed to developing a plan that ensures the safe return of employees to the office workplace.

Until the RWG guidance is completed and appropriately communicated, ICE will continue operating under maximum telework flexibilities. Any decisions for facility openings will be based on the most current county, state, and regional information. In addition, given that much of our workforce is facing many significant COVID-19 related issues, we plan to give employees at least two weeks' notice before reverting to a standard operational posture. This will ensure that employees have time to make appropriate plans given their individual circumstances. In addition, supervisors will have the authority to work with employees to provide additional flexibilities, as appropriate.

As we enter another week of the ongoing COVID-19 situation, I want to share with you some positive accomplishments happening across the agency. Although operating in extremely different circumstances, the ICE workforce continues to carry out its mission in service of our nation. Thanks to your efforts, ICE has maintained its dynamic tempo despite the many challenges posed by the pandemic. A very small sample of the significant accomplishments over the last ten weeks include the following:

- Through a joint effort by HSI, ERO, and OPLA, ICE has facilitated the return of over 23,000 U.S. Citizens (USCs) and Lawful Permanent Residents (LPRs) to the United States from foreign countries imposing travel restrictions as a result of the pandemic. This includes the return of over 1,000 USCs and LPRs by ICE Air Operations utilizing removal flights returning to the United States at the conclusion of removal missions.
- The Boston Fugitive Operations Team arrested Hector Edgardo Martinez-Cuellar, 26, a Salvadoran national who is a member of the 18th Street Gang. He initially entered the United States illegally at the Southern border in 2013, was removed to El Salvador in March 2014, and again in August 2015. In April 2019, Salvadoran law enforcement authorities issued a warrant for homicide and other gang-related and local criminal charges. Martinez-Cuellar was apprehended in Stratford, Connecticut, and removed to El Salvador on May 1, 2020, where he was subsequently turned over to law enforcement authorities.
- HSI launched Operation Stolen Promise to protect the Homeland from the increasing and evolving threat posed by COVID-19-related fraud and criminal activity. HSI is utilizing its vast expertise to investigate financial fraud schemes, the importation of prohibited pharmaceuticals and medical supplies, websites defrauding consumers, and any other illicit criminal activities associated with the pandemic. To date, the operation resulted in 593 seizures, the initiation of 429 investigations, 30 investigative disruptions, 32 search warrants, 15 arrests, and the seizure of over 3.5 million USD in illicit proceeds.
- Since March 30, 2020, OPLA has worked with EOIR to have non-detained immigration judges hear additional detained cases. As a result of this initiative, OPLA has completed over 210 additional detained cases, of which approximately 78% were orders of removal, with another 410 scheduled to be heard through mid-June. OPLA also worked with EOIR to appear at most hearings telephonically, greatly reducing the risk to all participants. Likewise, OPLA attorneys across the country volunteered to assist with the more than 300 habeas cases filed by aliens seeking release from ICE custody on account of COVID-19. Many field attorneys were also redirected to provide case support on discovery demands for all pending ICE civil litigation and Freedom of Information Act (FOIA) document reviews. This effort resulted in OPLA reviewing approximately one million pages of electronically stored information.
- OPR continues to complete background investigations, conduct mission-critical investigations, produce inspections reports, and maintain security operations, all in furtherance of the agency's greater mission.
- M&A continues to work in a "business as usual" fashion. There is very little in terms of functionality that M&A is not able to do in the virtual and telework environment – all while addressing the lion's share of the COVID-19 guidance and support for the agency. Of note, the Office of the Chief Information Officer was able to quickly deploy WebEx and Microsoft Teams across the agency, resulting in an extremely effective mechanism for ICE employees to communicate and continue critical meetings, briefings, and other important functions. In many cases, M&A is increasing and exceeding prior productivity levels. For instance, more FOIA cases are being closed each week than ever before, allowing ICE to

chip away at its significant FOIA backlog. Likewise, the Office of Acquisition Management (OAQ) had a goal of 900 total contract close-outs to complete in Fiscal Year 2020; however, as of May 1, 2020, OAQ already exceeded this goal by closing out 1,033 contracts.

To sum it up, ICE is and has been open for business, and we will continue to faithfully execute our critical responsibilities to safeguard our nation and protect the integrity of our trade, travel, and immigration systems.

Employees can continue to find information and support relevant to the pandemic on the Centers for Disease Control and Prevention's [COVID-19 website](#), the ICE Workplace Safety and Health Unit's [COVID-19 Coronavirus Updates and Guidance](#) page on inSight, and the DHS [Employee Resources](#) site. Additional support is also available from the [Employee Assistance Program](#) and [ICE Peer Support Program](#).

The uncertainty surrounding the COVID-19 pandemic response has served as a reminder of just how integral each of you are to the success of the mission of our agency and to the people of this great nation. I can't thank you enough for your dedication and commitment.

Remain strong, stand proud, and above all, be safe.

Matthew T. Albence
Deputy Director and Senior Official Performing the Duties of the Director
U.S. Immigration and Customs Enforcement

From: (b)(6); (b)(7)(C) CDC/DDPHSIS/CGH/DGHP <ebz0@cdc.gov>
Date: Wednesday, Apr 15, 2020, 22:20
To: (b)(6); (b)(7)(C) @ice.dhs.gov; (b)(6); (b)(7)(C) CDC/DDPHSIS/CGH/DGHP
 <bqp3@cdc.gov>
Subject: Manifest with positives for 4/13 to share up

Hi (b)(6);

We just received the list of names from Minister (b)(6) of the 48 positive people from the 73 who were tested (does not include the 3 who were originally ill). All the names matched with one that was close (age matched and some names), as noted on the attached. All of those who were positive on the Ministry's list are shaded in blue.

One question – does anyone in GOG receive the manifest or otherwise a list of the names upon the flight's arrival in Guatemala? We did not share the manifest, we matched the names ourselves to the list received from MPSAS.

Of these 47 were from Steward, 1 was from Atlanta.

CDC is requesting information from MSPAS about the rt-PCR testing run for the 4/13 flight, such as number of samples, test used, QA factors such as status of controls etc, type of swabs used, overall results for that day, etc. As mentioned on the call, The National Laboratory in Guatemala is using reagents provided by PAHO, as are used throughout the region. This is an experienced laboratory. Data as per above should provide information on any important variations. Irregularities with the testing are possible but are not expected.

CDC staff will visit the Parque de la Industria hospital facility to further confirm information about the 51 individuals who have tested positive.

Pending further confirmation of testing methods, this initial information suggests an urgent need to assess COVID-19 infection rates among staff and detainees in the Steward facility, in the interest of health and safety. Further positive results among staff and/or detainees at this facility would suggest the need for immediate mitigation steps and quarantine.

(b)(6);

(b)(6); (b)(7)(C) DrPH
 Regional Director, CDC Central America
 Program Director, Division of Global Health Protection Central America
 Universidad del Valle de Guatemala, 18 Avenida 11-37 Zona 15, Vista Hermosa 3
 CP 01015 Guatemala City, Guatemala
 Mobile (b)(6)
 Office:
 Lync: +
 Ebz0@cdc.gov

From: (b)(6); (b)(7)(C)@ice.dhs.gov
Sent: Wednesday, April 15, 2020 6:16 PM
To: (b)(6); (b)(7)(C) DC/DDPHSIS/CGH/DGHP <bqp3@cdc.gov>; (b)(6); (b)(7)(C) (CDC/DDPHSIS/CGH/DGHP) <ebz0@cdc.gov>
Subject: Manifests for all three flights

Hello Ladies

Attached are the manifest for the three flights in question.

- March 26 – Mission 20- 1059
- April 13 - Mission 20-1161
- April 14 – Mission 20-1164

Table to understand our flights:
Red- did not get on the flight.
Green- part of a family unit (FAMU)
Yellow- unaccompanied minor (UAC)

Please feel free to ask any questions you may have.

Have a good eveing.

(b)(6);

Ms. (b)(6); (b)(7)(C)
ICE ERO Attaché, Removal
U.S. Dept. Of Homeland Security
U.S. Immigration and Customs Enforcement
U.S. Embassy, Guatemala/Belize
+ (502) 2366 (b)(6) -Office
+ (502) 3340 (b)(6) - Cell
(b)(6); (b)(7)(C)@ice.dhs.gov

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a valid "need-to-know" without prior approval of an authorized DHS official. No portion of this report should be furnished to the media, either in written or verbal form.

From: Johnson, Tae D
Sent: 19 Apr 2020 22:41:30 +0000
To: (b)(6); (b)(7)(C)
Subject: FW: Matters regarding Jamaica's Involuntary Returned Migrants
Attachments: Letter - Assistant Secretary Valerie Boyd.pdf
Importance: High

Sent with BlackBerry Work
(www.blackberry.com)

From: Johnson, Tae D <(b)(6); (b)(7)(C)@ice.dhs.gov>
Date: Sunday, Apr 19, 2020, 6:32 PM
To: Lucero, Enrique M <(b)(6); (b)(7)(C)@ice.dhs.gov>, Albence, Matthew <(b)(6); (b)(7)(C)@ice.dhs.gov>, Kelly, Christopher S <(b)(6); (b)(7)(C)@ice.dhs.gov>
Subject: FW: Matters regarding Jamaica's Involuntary Returned Migrants

Heads up. The GoJ is asking for all Jamaican nationals to be tested prior to departure, or for ICE to give them the kits so they can test upon arrival. Neither of these are possible by Tuesday (we suspect) so it's possible that they may push for the flight to be cancelled or delayed.

From: (b)(6); (b)(7)(C) <(b)(6); (b)(7)(C)@ice.dhs.gov>
Sent: Sunday, April 19, 2020 6:27 PM
To: Johnson, Tae D <(b)(6); (b)(7)(C)@ice.dhs.gov>
Cc: (b)(6); (b)(7)(C)@ice.dhs.gov; (b)(6); (b)(7)(C)@ice.dhs.gov; Smith, Stewart D <(b)(6); (b)(7)(C)@ice.dhs.gov>; (b)(6); (b)(7)(C)@ice.dhs.gov; (b)(6); (b)(7)(C)@ice.dhs.gov; (b)(6); (b)(7)(C)@ice.dhs.gov; (b)(6); (b)(7)(C)@ice.dhs.gov
Subject: FW: Matters regarding Jamaica's Involuntary Returned Migrants
Importance: High

Tae,

Attached is a letter from the Ambassador of Jamaica in the US. As you know they had agreed to the April 21, 2020 flight (b)(5)

(b)(5)



EMBASSY OF JAMAICA

1520 New Hampshire Avenue, NW, Washington, DC 20036
 Telephone: (b)(6) Facsimile: (202) 452-(b)(6)

Ref. No.

17th April 2020

Assistant Secretary Valerie Smith Boyd
 International Affairs
 Department of Homeland Security
 2707 Martin Luther King Jr Ave SE
 Washington D.C. 20528

Dear Assistant Secretary Smith Boyd,

I write to confirm that all arrangements have been put in place by the Government of Jamaica to receive sixty-two Involuntary Returning Migrants on 21st April 2020, *via* the monthly Justice Prisoner and Alien Transportation System (JPATS) charter flight.

You may be aware that this situation is unfolding at a time of great concern in Jamaica, based on an unprecedented tripling in the number of COVID-19 cases over the past week in the country. Following this rapid increase of cases, Prime Minister Holness ordered the lock down of one of the largest parishes (state), and there is now the contemplation of a lock down of the entire country in order to contain the spread of the virus.

Also of great concern is that last week in the midst of preparing for accepting the deportation flight, the Executive Order by the USA authorizing sanctions for countries failing to accept removals in a timely manner was released. The impression is therefore, that the government has just made this decision by buckling under pressure from the USA. This also coincided with the announcement by the Government of Guatemala, that 75% of the migrants recently deported to that country on a single flight from the USA, were tested positive for Coronavirus. Consequently, the Government of Jamaica is facing severe backlash over accepting the ICE flight with suspected COVID-19 positive inmates while recently not accepting a ship, with 43 Jamaicans on board, in its territorial waters and other law-abiding citizens currently stranded outside of Jamaica.

.../2

E-mail address: (b)(6) jamaicaembassy.org

Ref. No.

17th April 2020

Assistant Secretary Valerie Smith Boyd
International Affairs
Department of Homeland Security

We understand the challenges and constraints being faced that the USA. However, under these politically volatile circumstances we are again requesting your assistance to have all inmates undertake the rapid tests (results in 20mins – 6hours) prior to their departure to Jamaica. Our understanding is that a temperature check will be undertaken prior to boarding the flight and that persons will not be permitted to embark if their temperatures fall outside of the normal range however, as proven by the Guatemala case, that a temperature check is not sufficient.

In the absence of your Government's ability to conduct these procedures, we are soliciting your support in the acquisition of testing kits. The Government of Jamaica is currently seeking to obtain 25,000 Covid-19 Test Kits; therefore, assistance in this area to ensure these tests can be done on arrival in Jamaica is an alternative solution to this very urgent problem.

Additionally, as previously agreed, Jamaica is only able to accept these flights at this time with the USG financial assistance with the refurbishing of the Fort Augusta facilities to be utilized as a quarantine facility for this occasion and as a half-way-house for deportees over the long term.

I recognize that time is now of the essence with this matter and look forward to your kind consideration and response at the earliest time.

Yours sincerely,



Audrey P. Marks
Ambassador

C.: Ambassador Michael Kozak
Assistant Secretary of State
Bureau of Western Hemisphere Affairs

E-mail address (b)(6) @jamaicaembassy.org

From: Johnson, Tae D
Sent: 16 Mar 2020 17:18:03 +0000
To: (b)(6); Meade, Michael W (b)(6); #ERO CHIEFS OF STAFF; (b)(6); (b)(6);
Cc: Lucero, Enrique M; Smith, Stewart D
Subject: FW: Medical Input for CRSO briefing slide
Attachments: Joint Quarantine Processing Centers concept and flow chart.pptx

Has Ops or CMD seen or weighed in on this document? I would propose the following revision at a minimum. Ops and CMD should review this is well

(b)(5)

From: Smith, Stewart D (b)(6); (b)(7)(C) @ice.dhs.gov>
Sent: Monday, March 16, 2020 12:20 PM
To: Lucero, Enrique M (b)(6); (b)(7)(C) @ice.dhs.gov>; Johnson, Tae D (b)(6); (b)(7)(C) @ice.dhs.gov>
Subject: Medical Input for CRSO briefing slide

Henry/Tae –

As I mentioned this morning, the DHS CMO has proposed a Joint Processing Center (JPC) – now called Joint Quarantine Processing Center (JQPC). From what I can tell, ICE would have a presence at the JQPC to coordinate (last slide purple circle). Last year, ICE pushed back on being the executive agent to oversee JPC operations. Be advised that the following will likely be advocated by the DHS CMO and CBP:

(b)(5)

May want o share with Matt and/or Derek.

R/ Stew

Dr. Stewart D. Smith, MPH, CCHP, FACHE
Assistant Director | ICE Health Service Corps
Desk: 202-732-(b)(6) Cell: 202-321-(b)(6)
Executive Assistant: Ms (b)(6); (b)(7)(C) @associates.ice.dhs.gov
Desk: 202-732-(b)(6) Cell: 202-893-(b)(6)
"IHSC: One Team, One Mission...Leading the Way in Immigration Health Care"

From: (b)(6) @hq.dhs.gov
Sent: Monday, March 16, 2020 11:59 AM
To: (b)(6) @hq.dhs.gov; (b)(6) @hq.dhs.gov; DHS.JIAG (b)(6) @hq.dhs.gov
Cc: Caneva, Duane (b)(6) @hq.dhs.gov; (b)(6) @hq.dhs.gov; (b)(6) @hq.dhs.gov; Smith, Stewart D (b)(6); (b)(7)(C) @ice.dhs.gov; (b)(6) DAVID A (b)(6) @cbp.dhs.gov; (b)(6) @hq.dhs.gov; (b)(6) @hq.dhs.gov; (b)(6) @HQ.DHS.GOV;
(b)(6) @hq.dhs.gov
Subject: RE: Medical Input for CRSO briefing slide

Team attached is a ROUGH DRAFT "swag" as to what the process for moving sick to quarantine could look like. Your input is welcome.

r/s Karl

(b)(6)
Deputy Director, Joint Incident Advisory Group
DHS Office of Operations Coordination
Office (b)(6)
Mobile (b)(6)
(b)(6) @hq.dhs.gov
(b)(6) @s.ic.gov

From: (b)(6)
Sent: Monday, March 16, 2020 8:16 AM
To: (b)(6) @hq.dhs.gov; DHS.JIAG <DHS.JIAG@hq.dhs.gov>
Cc: Caneva, Duane (b)(6) @hq.dhs.gov; (b)(6) @hq.dhs.gov; (b)(6) @hq.dhs.gov; Smith, Stewart D (b)(6); (b)(7)(C) @ice.dhs.gov; (b)(6) @cbp.dhs.gov; (b)(6) @hq.dhs.gov; (b)(6) @hq.dhs.gov; (b)(6) @HQ.DHS.GOV;
(b)(6) @hq.dhs.gov; (b)(6) @hq.dhs.gov
Subject: Medical Input for CRSO briefing slide

Ladies and Gentlemen:

The medical people participating in yesterday afternoon's teleconference have developed a slide for the CRSO presentation. This should allow incorporation in the presentation prior to the DHS Management briefing.

We recommend this be added as slide 8 to the version of Trae's presentation we saw over the weekend; but we'll leave final placement to his best judgement.

We will likely send an additional slide that includes schematics of what Quarantine and Isolation arrangements look like in a ICE detention facility. Hopefully this can be added to the presentation prior to the AS2 briefing later in the day.

Respectfully,

Dave

David S. Wade, MD, FACS
Department of Homeland Security

(b)(6)

e-mail: (b)(6)@hq.dhs.gov

Joint Quarantine Processing Centers (JQPC)

Quarantine Process

From: Johnson, Tae D
Sent: 10 Apr 2020 15:15:18 +0000
To: (b)(6); (b)(7)(C)
Cc: #ERO CHIEFS OF STAFF; Lucero, Enrique M
Subject: FW: ICE Detention Facilities COVID 19 Response Requirements
Attachments: ERO COVID-19 Response Requirements for Facilities_(v 4 8 20)_spw rc (002) (ICE 4.9.2020 10pm)(OGC LCD NAP 4 10).docx
Importance: High

From: (b)(6) @hq.dhs.gov>
Sent: Friday, April 10, 2020 11:12 AM
To: Loiacono, Adam V (b)(6); (b)(7)(C) @ice.dhs.gov>; (b)(6); (b)(7)(C); (b)(6); @ice.dhs.gov>
Cc: Davis, Mike P (b)(6); @ice.dhs.gov>; Johnson, Tae D (b)(6); (b)(7)(C) @ice.dhs.gov>; Maher, Joseph (b)(6) @HQ.DHS.GOV>; Loiacono, Adam V (b)(6); (b)(7)(C) @ice.dhs.gov>
Subject: RE: ICE Detention Facilities COVID 19 Response Requirements
Importance: High

Good Morning Adam,

Thank you for your patience. The ICE ERO PRR is cleared with one minor edit (as seen in the attached) to adjust an inadvertent font change.

Please be sure to keep us apprised of any difficulty in obtaining the affidavits requested by DOJ to support the government's position in the *NIPNLG* litigation so we can raise those issues early, and don't hesitate to let me know if I can be of assistance with anything else.

Kind regards,

(b)(6)

Attorney Advisor, Litigation
 Legal Counsel Division
 Office of the General Counsel
 U.S. Department of Homeland Security

(b)(6)

(b)(6) @hq.dhs.gov

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From: Loiacono, Adam V (b)(6); (b)(7)(C) @ice.dhs.gov>
Sent: Thursday, April 9, 2020 10:16 PM
To: (b)(6); (b)(7)(C) @hq.dhs.gov>; Pham, Tony H (b)(6); (b)(7)(C) @ice.dhs.gov>
Cc: Davis, Mike P (b)(6); @ice.dhs.gov>; Johnson, Tae D (b)(6); (b)(7)(C) @ice.dhs.gov>; Maher, Joseph (b)(6) @HQ.DHS.GOV>; Loiacono, Adam V (b)(6); (b)(7)(C) @ice.dhs.gov>
Subject: RE: ICE Detention Facilities COVID 19 Response Requirements

Amber-

Attached please find a revised version of the draft ICE ERO COVID-19 Pandemic Response Requirements (PRR) document. This version is redlined, reflecting ERO's changes consistent with the CDC comments provided earlier this evening. As you will see, ERO (b)(5)

(b)(5)

At this point, it appears from our perspective to be ready for issuance, but please confirm next steps. Of course, it would be great to have this issued in advance of Monday's filing deadline in the *NIPNLG* litigation.

Thanks,

Adam V. Loiacono
 Deputy Principal Legal Advisor for Enforcement and Litigation
 Office of the Principal Legal Advisor
 U.S. Immigration and Customs Enforcement
 Iphone: 202-500-(b)(6);
 (b)(6); (b)(7)(C) @ice.dhs.gov

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From: (b)(6); (b)(7)(C) @hq.dhs.gov>
Sent: Thursday, April 9, 2020 6:03 PM
To: Pham, Tony H (b)(6); (b)(7)(C) @ice.dhs.gov>
Cc: Davis, Mike P (b)(6); (b)(7)(C) @ice.dhs.gov>; Loiacono, Adam V (b)(6); (b)(7)(C) @ice.dhs.gov>; Johnson, Tae D (b)(6); (b)(7)(C) @ice.dhs.gov>; Maher, Joseph (b)(6) @HQ.DHS.GOV>
Subject: FW: ICE Detention Facilities COVID 19 Response Requirements

Tony:

Attached please find CDC's input concerning ERO's draft guidance. As you will see, it is minimal, and as Dr. Cohn mentions below, the CDC reviewers believe the document is well aligned with the CDC guidance for detention facilities.

Kind regards,

(b)(6)

Attorney Advisor, Litigation
Legal Counsel Division
Office of the General Counsel
U.S. Department of Homeland Security

(b)(6)

(b)(6)

@hq.dhs.gov

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Referred to Another Agency/Component

Amanda Cohn, MD
CAPT, USPHS
Deputy Incidence Commander
CDC COVID-19 Response

From: Caneva, Duane (b)(6) @hq.dhs.gov>
Sent: Wednesday, April 8, 2020 8:46 PM
To: Cohn, Amanda (CDC/DDID/NCIRD/OD) <anc0@cdc.gov>
Cc: Strom, John (HHS/OGC) <John.Strom@hhs.gov>; Wall, Jonathan (HHS/OGC) <Jonathan.Wall@hhs.gov>; (b)(6) @hq.dhs.gov>; Cox, John <john.cox@hq.dhs.gov>; Brand, Jennifer S (b)(6) @HQ.DHS.GOV>; (b)(6) @hq.dhs.gov>; Maher, Joseph (b)(6) @HQ.DHS.GOV>; (b)(6) @hq.dhs.gov>; (b)(6) @hq.dhs.gov>; (b)(6) @hq.dhs.gov>; (b)(6) @hq.dhs.gov>; Smith, Stewart D (b)(6); (b)(7)(C) @ice.dhs.gov>; (b)(6) (CDC ice.dhs.gov) (b)(6): @ice.dhs.gov>
Subject: ICE Detention Facilities COVID 19 Response Requirements

Amanda,
Attached, please find the ICE COVID-19 Response Requirements for Detention Facilities. ICE plans to use this instruction, to be issued to facilities housing ICE detainees, to further protect DHS employees, contractors, detainees, and visitors to those facilities. We would appreciate your review of this document to ensure consistency with CDC guidance, and we would appreciate any further suggestions you might have. As noted in the document, ICE is planning to augment the instructions with further refinements if circumstances warrant any changes.

Best regards,
Duane

Duane C. Caneva, MD, MS
Chief Medical Officer
Department of Homeland Security

(b)(6)

(b)(6) @hq.dhs.gov

(b)(6) @dhs.ic.gov

Executive Assistant: (b)(6)

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ERO

U.S. Immigration and Customs Enforcement Enforcement and Removal Operations

COVID-19 Pandemic Response Requirements



U.S. Immigration
and Customs
Enforcement

Enforcement and Removal Operations

U.S. Department of Homeland Security
500 12th Street, SW
Washington, D.C. 20536




**U.S. Immigration
and Customs
Enforcement**

March 27, 2020

MEMORANDUM FOR: Detention Wardens and Superintendents

THROUGH: Field Office Directors

FROM: Enrique M. Lucero 
Executive Associate Director
Enforcement and Removal Operations

SUBJECT: Memorandum on Coronavirus Disease 2019 (COVID-19)
Action Plan, Revision 1

Background:

U.S. Immigration and Customs Enforcement (ICE) continues to monitor the spread of Coronavirus Disease 2019 (COVID-19) and to work in conjunction with select U.S. Department of Homeland Security (DHS) Component leadership and the Acting Secretary to implement a mitigation strategy.

To ensure a unified and preventative response, the ICE Enforcement and Removal Operations (ERO), ICE Health Service Corps (IHSC), Custody Management Division, and Field Operations are providing the following guidance. The combination of a dense and highly transient detained population presents unique challenges for ICE efforts to mitigate the risk of infection and transmission. Consequently, these measures were developed to reduce exposure to COVID-19, protect the detained population, and optimize employee health and availability for duty.

This memorandum only applies to IHSC-staffed and non-IHSC-staffed, ICE-dedicated facilities. For intergovernmental partners and non-dedicated facilities, ICE defers to local, state, tribal, territorial, and federal public health policies and authorities, including adherence with state laws on communicable disease reporting, but recommends actions contained in this memorandum be considered as best practices. Questions and concerns related to the following Action Plan can be addressed to (b)(7)(E) @ice.dhs.gov.

Please see the recently-issued Centers for Disease Control and Prevention (CDC) Interim Guidance: Managing COVID-19 in Correctional/Detention Facilities for additional information.

Memorandum on Coronavirus Disease 2019 (COVID-19) Action Plan, Revision 1

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Action Plan:

STAFF HIRING: Wardens and facility staff should continue to meet any personnel staffing plan and staffing criteria outlined in the Performance Work Statement (PWS) and terms and conditions of their negotiated contract or agreement for medical staff and guard services. Facilities are expected to be appropriately staffed to meet established work schedules, rest periods, and to ensure the delivery of detainee medical and mental health care as it relates to the continually evolving impact of COVID-19.

LOGISTICS: Wardens and Facility Administrators should assess their inventories of food, medicine, cleaning supplies, personal protective equipment (PPE), and facility operational practices, and consistently maintain services and supplies to assure the safety, security, health, and well-being of ICE detainees. Facilities should have updated pandemic plans and policies as well as established quarantine and/or isolation areas within their facilities in the event they are needed. Alcohol-based hand sanitizer with at least 60 percent alcohol should be available in visitor entrances, exits, and waiting areas. In addition, alcohol-based hand sanitizer should be made available to staff and detainees in the secure setting to the maximum extent possible.

SOCIAL VISITATION/TELEPHONIC COMMUNICATION: As of March 13, 2020, social visits to/with ICE detainees at all detention facilities are suspended until further notice in order to mitigate the potential introduction of COVID-19 into the facilities. ICE recognizes the considerable impact of suspending personal visitation, and requests maximizing detainee use of teleconferencing, video visitation (e.g., Skype, FaceTime), email, and/or tablets, with extended hours where possible.

Detention facilities should make a timely effort to identify indigence in the detainee population. A detainee is considered “indigent” if he/she has less than \$15.00 in his/her account for ten days. These detainees must be afforded the same telephone access and related privileges as other detainees. Each facility must ensure all detainees are able to make calls to the ICE-provided list of free legal service providers and consulates at no charge to the detainee or the receiving party, and that indigent detainees may request a call to immediate family or others in personal or family emergencies or on an as-needed basis to maintain community ties.

LEGAL VISITS: Detainee access to legal representatives remains a paramount requirement and should be accommodated to the maximum extent practicable. Legal visitation must continue unless determined to pose a risk to the safety and security of the facility.

Non-contact legal visitation (e.g., Skype or teleconference) should be offered first to limit exposure to ICE detainees, but in person contact should be permitted if determined essential by the legal representative. Prior to the in-person visit, the legal representative must undergo the same screening required for staff entry into the facility. The ultimate legal visit approving authority lies with the Warden or Facility Administrator; however, the facility should notify its local Field Office Director as soon as possible of any denied legal visits.

LEGAL RIGHTS GROUP PRESENTATIONS: Government-sponsored Legal Orientation Programs (LOPs), carried out by the Department of Justice Executive Office for Immigration Review (EOIR) and authorized by congressional appropriations, currently operate at a limited

Memorandum on Coronavirus Disease 2019 (COVID-19) Action Plan, Revision 1
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number of detention sites, and may continue to conduct detainee presentations. No more than four LOP presenters may be allowed in the facility at any time and must undergo the same screening required for staff entry into the facility. Non-LOP legal rights group presentations offered by volunteers are suspended until further notice.

STAFF-DETAINEE COMMUNICATION VISITS: Field Office Directors should remain aware that detainees may experience increased feelings of fear and confusion during this time. Regular communication with staff is particularly important. Detainees should have frequent opportunities for informal contact with facility managerial and supervisory staff and with ERO field office staff.

Field Office Directors should monitor both facility staff and ERO officers to ensure they continue to interact with detainees. ICE staff-detainee communication may be conducted in-person (with appropriate risk reduction protocols to protect ERO officers, detainees, and facility staff) or through non-contact visitation using videoconferencing, phone calls, e-mail, or other communication services.

CONTRACTORS: Contractors performing essential services or maintenance on essential systems in ICE detention facilities must continue to be provided facility access and must undergo the same screening required for staff entry into the facility. Examples of essential services include medical and mental health services, telephone access, cleaning, laundry, waste disposal, and critical infrastructure repairs.

Facility annual inspections by the ICE inspections contractor, The Nakamoto Group, are suspended for 30 days from the issuance date of this memorandum.

VOLUNTEERS: Volunteer visits to ICE detention facilities are suspended until further notice unless approved by the Assistant Directors for Field Operations and Custody Management. The only exception is the facility Chaplain, who may continue to offer availability for individual and group pastoral care but must undergo the same screening required for staff entry into the facility. Other volunteers, contractors, and community groups that augment and enhance the religious program are suspended until further notice to reduce the risk of possible transmission of COVID-19 to detainees.

TOURS: Facility tours are suspended until further notice, excluding Members of Congress, Congressional Member Delegations (CODELs), and Congressional Staff Delegations (STAFFDELS) who will not be prevented from accessing facilities for the purpose of conducting oversight. To safeguard visitors, detainees, ICE and facility staff, congressional visitors may be subject to special screening procedures congruent with staff facility entry screening. Congressional visitors should be advised of standard hygiene practices to help prevent the spread of disease (i.e., washing hands, avoiding close contact) and should be made aware of available hand washing stations within the facility.

STAFF TRAINING: All ERO in-person staff training related to the ICE detention standards or facility compliance is suspended until further notice, including conferences, Contracting Officer Representative (COR) training, and Field Office Compliance Training. Wardens and Facility Administrators will determine the training schedule for facility staff. All staff licenses and certifications shall be maintained.

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SCREENING OF FACILITY STAFF: Enhanced health screening of both ICE and facility staff should be implemented by ICE detention facilities in geographic areas with “sustained community transmission.” These geographical areas are determined by the CDC and information is available at: <https://www.cdc.gov/coronavirus/2019-ncov/cases-in-us.html>. Health screening includes self-reporting symptoms associated with COVID-19 infection and a temperature check.

Wardens and Facility Administrators in those geographical areas should collaborate with their Health Services Administrator to designate a trained staff member available on all shifts to conduct verbal screening and record temperature checks. It is not required that the trained staff member be medical personnel; however, the staff member must have documented training and protect the privacy of those being screened.

Verbal screening for symptoms of COVID-19 and contact with COVID-19 cases should include the following questions based on Interim Guidance: Managing COVID-19 in Correctional/Detention Facilities:

- Today or in the past 24 hours, have you had any of the following symptoms?
 - Fever, felt feverish, or had chills?
 - Cough?
 - Difficulty breathing?
- In the past 14 days, have you had contact with a person known to be infected with COVID-19 where you were not wearing the recommended proper personal protective equipment (PPE)?

The following is a protocol to safely check an individual’s temperature:

- Perform hand hygiene.
- Put on a face mask, eye protection (goggles or disposable face shield that fully covers the front and sides of the face), gowns/coveralls, and a single pair of disposable gloves.
- Check the individual’s temperature.
- If performing a temperature check on multiple individuals, ensure that a clean pair of gloves is used for each individual and that the thermometer has been thoroughly cleaned in between each check.
- If disposable or non-contact thermometers are used and the screener did not have physical contact with an individual, gloves do not need to be changed before the next check. If non-contact thermometers are used, they should be cleaned routinely as recommended by CDC for infection control.
- Remove and discard PPE.
- Perform hand hygiene.

Staff who do not clear the screening process, or refuse the enhanced health screening must be denied entry and advised to follow CDC-recommended steps for persons who are sick with COVID-19 symptoms.

If PPE supply is limited, consider other PPE strategies based on CDC Guidance | Strategies for Optimizing the Supply of PPE.

Memorandum on Coronavirus Disease 2019 (COVID-19) Action Plan, Revision 1
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- Advise the detainee to avoid public transportation, commercial ride sharing (e.g., Uber, Lyft), and taxis.
- Provide the detainee the CDC's *What To Do if You Are Sick* fact sheet.

If this guidance creates any contractual issues, please contact your respective Contracting Officer Representative.

From: Johnson, Tae D
Sent: 10 Apr 2020 18:03:47 +0000
To: Lucero, Enrique M
Subject: FW: ICE ERO SWB SITREP 04-10-2020
Attachments: ICE ERO SITREP 04-10-20 .pdf

Hey – not sure about arrests but here is what we have booked into ICE custody from March 8 thru April 4 based on the last five weeks of migration call stats.

- From October 2020 thru Feb 2020 ICE booked into custody about 358 cases per day.
- From March 8-14, ICE booked into custody 2,751 cases, about 393 per day
- From March 15-21, ICE booked into custody 2,278 cases, about 325 per day
- From March 22-28, ICE booked into custody 1,608 cases, about 230 per day
- From March 29-April 4, ICE booked into custody 1,419 cases, about 203 per day.

From: Albence, Matthew (b)(6); (b)(7)(C) @ice.dhs.gov>
Sent: Friday, April 10, 2020 1:06 PM
To: Johnson, Tae D (b)(6); (b)(7)(C) @ice.dhs.gov>; Lucero, Enrique M (b)(6); (b)(7)(C) @ice.dhs.gov>
Subject: FW: ICE ERO SWB SITREP 04-10-2020

Do we have an idea of how many interior arrests we are now making per week since the modified guidance went out?

From: (b)(6); (b)(7)(C) @ice.dhs.gov>
Sent: Friday, April 10, 2020 12:39 PM
To: Albence, Matthew (b)(6); (b)(7)(C) @ice.dhs.gov>; Benner, Derek N (b)(6); (b)(7)(C) @ice.dhs.gov>
Cc: Johnson, Tae D (b)(6); (b)(7)(C) @ice.dhs.gov>; Lucero, Enrique M (b)(6); (b)(7)(C) @ice.dhs.gov>; #AD1 COS <#AD1COS@ice.dhs.gov>; #ICE DD STAFF (b)(6); @ice.dhs.gov>; #ERO CHIEFS OF STAFF (b)(6); (b)(7)(C) @ice.dhs.gov>
Subject: ICE ERO SWB SITREP 04-10-2020

Good afternoon,
Please see updates to the ICE ERO Weekly SWB SITREP.

Best,

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

Deputy Chief of Staff

Office of the Executive Associate Director
Enforcement & Removal Operations
Immigration & Customs Enforcement
U.S Department of Homeland Security
202.732.(b)(6)(O) | 703.400.(b)(6)(C)

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U.S. Immigration and Customs Enforcement Enforcement and Removal Operations Weekly SWB Situational Report

Report Date: 04/10/2020

ICE/ERO SWB Transfers

Cumulative measures beginning 12/21/18	FY19*	FY20 YTD	TOTAL
FAMU Transferred/Released	230,165	32,548	262,713
<i>FAMU Transferred to FRC</i>	26,144	5,398	31,542
Single Adult Transferred	137,390	39,675	177,065

	04/02/20	04/03/20	04/04/20	04/05/20	04/06/20	04/07/20	04/08/20	Last 7 Days
San Diego (SND)								
FAMU Transferred/Released	0	0	0	0	0	0	0	0
<i>FAMU accepted for transfer to FRC</i>	0	0	0	0	0	0	0	0
Single Adult Transferred	2	0	1	0	2	8	17	30
Phoenix (PHO)								
FAMU Transferred/Released	0	0	2	0	3	0	0	5
<i>FAMU accepted for transfer to FRC</i>	0	0	0	0	3	0	0	3
Single Adult Transferred	0	0	7	1	4	2	1	15
El Paso (ELP)								
FAMU Transferred/Released	2	4	3	3	0	9	4	25
<i>FAMU accepted for transfer to FRC</i>	0	4	3	3	0	9	4	23
Single Adult Transferred	6	19	59	0	5	70	49	208
San Antonio (SNA)								
FAMU Transferred/Released	28	5	15	0	0	4	0	52
<i>FAMU accepted for transfer to FRC</i>	23	0	12	0	0	2	0	37
Single Adult Transferred	9	14	26	2	0	9	10	70

*ICE ERO SWB transfer data is manually reported by the ERO SWB Areas of Responsibility (AORs) in coordination with CBP counterparts. FY19 data is as of 12/21/18 which is the date ERO started this manual count.

*57,225 FAMU and single adult cases were rejected and returned to CBP due to processing errors, medical issues or insufficient charging documents. Rejected cases are typically corrected onsite. ERO notes that no cases have been rejected due to lack of capacity for transport.

ICE/ERO SWB UAC Transfers

Scheduled UAC SWB Transfers

AOR	Fri 04/03/20	Sat 04/04/20	Sun 04/05/20	Mon 04/06/20	Tue 04/07/20	Wed 04/08/20	Thu 04/09/20	Totals
ELP	0	0	0	0	0	0	0	0
PHO	0	0	0	0	0	0	0	0
SNA	0	0	0	1	0	0	0	1
SNA-RGV	0	0	0	0	0	0	0	0
SND	0	0	0	0	0	0	0	0
Total	0	0	0	1	0	0	0	1

UAC transfers are scheduled daily.

ICE/ERO SWB UAC Transfers Continued

Completed UAC SWB Transfers

AOR	Thu 04/02/20	Fri 04/03/20	Sat 04/04/20	Sun 04/05/20	Mon 04/06/20	Tue 04/07/20	Wed 04/08/20	Totals
ELP	0	2	0	2	0	0	1	5
PHO	0	0	2	0	6	2	0	10
SNA	0	0	0	0	1	2	0	3
SNA-RGV	0	0	1	0	2	0	0	3
SND	0	0	0	0	0	0	0	0
Total	0	2	3	2	9	4	1	21

Internal reports reflect completed transfers from the previous day.

Top Issues

Detention

- As of April 9, 2020, ICE has **32,172** single adults along with **899** family unit members in custody, for a total population of **33,071**
 - The FY 2020 enacted funding supports a total average daily population (ADP) of 45,275 (42,475 for single adults and 2,500 for family unit members).
 - As of April 4, 2020, ICE's ADP for FY 2020 is 42,738.

Alternatives to Detention (ATD)

- ICE is operating on FY 2020 enacted funding which supports 101,000 ATD participants.
 - As of April 4, 2020, ICE has **89,851** participants actively enrolled in ATD.

Personnel

- Currently, ICE has approx. **64** ERO personnel in TDY status or reassigned in light of ICE's response to increased SWB operations. **In light of the COVID-19 pandemic, and a decrease in the overall number of detained cases, a significant amount of ERO personnel have returned to their duty station.**

Interior Enforcement Impacts

- Redeployment of ICE assets continues to adversely affect the number of enforcement actions that ICE can take against aliens, especially those released from state or local law enforcement custody in light of the increasing number of jurisdictions that refuse to cooperate with ICE's enforcement efforts. **In addition, due to the public safety threat posed by the COVID-19 outbreak, on March 18, 2020, ICE temporarily adjusted its enforcement posture to better promote the welfare and safety of the general public as well as its officers and agents.** Specifically, as of April 4, 2020, ERO notes the following decreases over the same period in FY 2019:
 - Overall ERO Administrative Arrests: **-10%**
 - Convicted Criminal Arrests: **-13%**
 - Other Immigration Violators Arrests: **2%**
 - ERO Charging Documents Issued: **-10%**
 - ICE Interior Removals: **-14%**
- While the overall administrative arrests continue to experience a decrease compared to the same period in FY 2019, ERO notes an increase in the "Other Immigration Violator Arrests" sub-category.

Top Issues

Healthcare

- ICE Health Service Corps (IHSC) facilities are experiencing a substantial increase in demand to deliver detainee health care that is exceeding available medical staff.
 - As of **April 9, 2020**, IHSC has **262** clinical health care staff vacancies. Efforts to fill the vacancies are ongoing.
 - IHSC has **119** vacancies at its most critical sites.
 - In FY 2020, out of 175 new IHSC positions added; to date, **73** field GS positions were filled.
- As of **April 9, 2020**, ERO had **2016** medically quarantined detainees in custody at **24** separate detention facilities impacting **2289** total detention beds.
 - **1** for Epidemiologic risk; no known exposure.
 - **769** for exposure to unspecified respiratory illness.
 - **1246** for exposure to confirmed COVID-19
- Projected quarantine lift dates range from **April 6, 2020 to May 6, 2020**.
 - Until quarantines are lifted, **52** detention pods are directly impacted, resulting in an overall increase in ADP due to loss of available bed space, inability to transfer detainees in/out of facilities, inability to effect removal of eligible quarantined detainees, and inability to schedule consular/travel document interviews for quarantined detainees.

ICE Detainees Reported to ICE Health Service Corps as Being Under Monitoring or Isolation for Meeting CDC Epidemiologic Risk Criteria for 2019 Novel Coronavirus (COVID-19) by Isolation or Monitoring Status, and COVID-19 test results (if tested) 04/10/2020

Count	COVID-19 test results if tested						
Facility	COVID-19 test positive	COVID-19 test negative	Test Result Pending	Pending decision to test	Specimen collection pending	Not Tested	Grand Total
ICE							
ADAMS COUNTY CORRECTIONAL CENTER			1				1
Isolated-III; fever or symptoms present			1				1
ADELANTO ICE PROCESSING CENTER		2	2			1	5
Isolated-III; fever or symptoms present		1	2				3
Monitored-Not III; no fever or symptoms		1				1	2
ALEXANDRIA STAGING FACILITY		1				9	10
Isolated-III; fever or symptoms present		1					1
Monitored-Not III; no fever or symptoms						9	9
BERGEN COUNTY JAIL	1					1	2
Isolated-III; fever or symptoms present	1						1
Monitored-Not III; no fever or symptoms						1	1
BUFFALO (BATAVIA) SERVICE PROCESSING CENTER	4		6				10
Isolated-III; fever or symptoms present	4		5				9
Monitored-Not III; no fever or symptoms			1				1
CAROLINE DETENTION FACILITY						2	2
Isolated-III; fever or symptoms present						1	1
Monitored-Not III; no fever or symptoms						1	1
EL VALLE DETENTION FACILITY				3		6	9
Isolated-III; fever or symptoms present				3			3
Monitored-Not III; no fever or symptoms						6	6
ELIZABETH CONTRACT DETENTION FACILITY	8		1			1	10
Isolated-III; fever or symptoms present	8		1			1	10
ESSEX COUNTY JAIL (NY)	2			2		3	7
Isolated-III; fever or symptoms present	2						2
Monitored-Not III; no fever or symptoms				2		3	5
FARMVILLE						2	2
Isolated-III; fever or symptoms present						2	2
FLORENCE SERVICE PROCESSING CENTER	3	1	4				8
Isolated-III; fever or symptoms present	3	1	4				8
HOUSTON CONTRACT DETENTION FACILITY		1					1
Isolated-III; fever or symptoms present		1					1
HUDSON COUNTY JAIL	3						3
Isolated-III; fever or symptoms present	3						3
IAH POLK ADULT DETENTION FACILITY				1			1
Isolated-III; fever or symptoms present				1			1
IMPERIAL REGIONAL DETENTION FACILITY		1					1
Isolated-III; fever or symptoms present		1					1
IRWIN COUNTY DETENTION CENTER		1	1				2
Isolated-III; fever or symptoms present		1	1				2
JOE CORLEY DETENTION CENTER			2				2
Isolated-III; fever or symptoms present			2				2
KARNES COUNTY RESIDENTIAL CENTER			1				1
Isolated-III; fever or symptoms present			1				1
KROME NORTH SERVICE PROCESSING CENTER	2	2	2				6
Isolated-III; fever or symptoms present	2	2	2				6
LA PALMA	2						2
Isolated-III; fever or symptoms present	2						2
LASALLE ICE PROCESSING CENTER (JENA)			2				2
Isolated-III; fever or symptoms present			2				2
MONTGOMERY PROCESSING CENTER (HOUSTON)			3				3
Isolated-III; fever or symptoms present			3				3
OKMULGEE COUNTY JAIL			1				1
Isolated-III; fever or symptoms present			1				1
OTAY MESA DETENTION CENTER (SAN DIEGO CDF)	11	2	2	1	1	5	20
Isolated-III; fever or symptoms present	11		2	1	1	5	20
OTERO COUNTY PROCESSING CENTER	1						1
Isolated-III; fever or symptoms present	1						1
PIKE COUNTY CORRECTIONAL FACILITY	4					1	5
Isolated-III; fever or symptoms present	4						4
Monitored-Not III; no fever or symptoms						1	1
PINE PRAIRIE ICE PROCESSING CENTER	1						1
Isolated-III; fever or symptoms present	1						1
PORT ISABEL			1				1
Monitored-Not III; no fever or symptoms			1				1
PULASKI COUNTY DETENTION CENTER	3						3
Isolated-III; fever or symptoms present	3						3
RICHWOOD CORRECTIONAL CENTER	1						1
Isolated-III; fever or symptoms present	1						1
RIO GRANDE DETENTION CENTER			1				1
Isolated-III; fever or symptoms present			1				1
ROLLING PLAINS DETENTION CENTER	1						1
Monitored-Not III; no fever or symptoms	1						1
SAINT CLAIR COUNTY JAIL	2			1		1	4
Isolated-III; fever or symptoms present	2			1		1	4
STEWART DETENTION CENTER	5						5
Isolated-III; fever or symptoms present	5						5
WINN CORRECTIONAL CENTER	2		1				3
Isolated-III; fever or symptoms present	2		1				3
YORK COUNTY PRISON	1						1
Isolated-III; fever or symptoms present	1						1
USMS							
OTAY MESA DETENTION CENTER (SAN DIEGO CDF)	4		1			1	7
Isolated-III; fever or symptoms present	4					1	5
Monitored-Not III; no fever or symptoms			1			1	2
Grand Total	61	9	32	8	2	33	145

ICE Air Operations (IAO)

On March 16, 2020, some ICE AIR removals began to be affected due to travel restrictions caused by the global impact of COVID-19.

Completed IAO Charter Removals

NT Destination	Friday, April 3, 2020					NT Destination	Monday, April 6, 2020				
	Removal Break Out			Daily Removals	Daily Stops		Removal Break Out			Daily Removals	Daily Stops
	FAMU	UAC	Single Adults				FAMU	UAC	Single Adults		
Guatemala	6	0	81	87	1	Guatemala	0	0	0	0	0
ENV	6	0	81	87		ENV	0	0	0	0	
El Salvador	0	0	121	121	1	El Salvador	0	0	0	0	0
ENV	0	0	0	0		ENV	0	0	0	0	
Honduras	4	0	114	118	1	Honduras	0	0	104	104	1
ENV	0	0	0	0		ENV	0	0	0	0	
Daily Count	10	0	316	326	3	Daily Count	0	0	104	104	1
Daily ENV	6	0	81	87		Daily ENV	0	0	0	0	

NT Destination	Tuesday, April 7, 2020					NT Destination	Wednesday, April 8, 2020				
	Removal Break Out			Daily Removals	Daily Stops		Removal Break Out			Daily Removals	Daily Stops
	FAMU	UAC	Single Adults				FAMU	UAC	Single Adults		
Guatemala	0	0	0	0	0	Guatemala	0	0	0	0	0
ENV	0	0	0	0		ENV	0	0	0	0	
El Salvador	0	0	71	71	1	El Salvador	0	0	0	0	0
ENV	0	0	71	71		ENV	0	0	0	0	
Honduras	0	0	0	0	0	Honduras	22	0	179	201	2
ENV	0	0	0	0		ENV	0	0	0	0	
Daily Count	0	0	71	71	1	Daily Count	22	0	179	201	2
Daily ENV	0	0	71	71		Daily ENV	0	0	0	0	

NT Destination	Thursday, April 9, 2020					NT Destination	5-DAY COMPLETED TOTALS				
	Removal Break Out			Daily Removals	Daily Stops		Removal Break Out			Weekly Removals	Weekly Stops
	FAMU	UAC	Single Adults				FAMU	UAC	Single Adults		
Guatemala	0	0	0	0	0	Guatemala	6	0	81	87	1
ENV	0	0	0	0		ENV	6	0	81	87	
El Salvador	0	0	0	0	0	El Salvador	0	0	192	192	2
ENV	0	0	0	0		ENV	0	0	71	71	
Honduras	0	0	0	0	0	Honduras	26	0	397	423	4
ENV	0	0	0	0		ENV	0	0	0	0	
Daily Count	0	0	0	0	0	Week Total	32	0	670	702	7
Daily ENV	0	0	0	0		Week ENV	6	0	152	158	

Title 42 (T42) Charter Returns				
Nationality	04/03/20 - 04/09/20			TOTAL
	Removal Breakout			
	FAMU Total	UAC	Single Adults	
Guatemala	0	40	0	40
El Salvador	0	7	1	8
Haiti	9	1	5	15
Ecuador	0	0	0	0
Honduras	0	43	0	43
TOTAL	9	91	6	106

From: Johnson, Tae D
Sent: 15 Apr 2020 21:06:31 +0000
To: (b)(6); (b)(7)(C)
Cc: Lucero, Enrique M;#ERO CHIEFS OF STAFF
Subject: FW: ICE Response to COVID-19 and Detention Planning
Attachments: Attachment 1 - Interim Reference Sheet on Novel Coronavirus, Wuhan, China.pdf, Attachment 2 - Interim Reference Sheet on 2019-Novel Coronavirus (COVID-19) Detainee Care.pdf, Attachment 3 - Assistant Director Peter Berg, Enforcement and Removal Operations, Updated Guidance - COVID-19 Detained Docket Review (Apr. 4, 2020)..pdf, Attachment 4 - COVID-19 Response Plan Facility Memorandum.pdf, Attachmnt 5 - Check list for Ill Travelers Identified during ICE Air Operations Flight.docx, ICE Response to COVID-19 and Detention Planning_ ERO final v9 (OPLA 4.13.2020) (003)v14.docx

This is cleared. Thanks (b)(6); and team.

From: (b)(6); (b)(7)(C)@ice.dhs.gov>
Sent: Tuesday, April 14, 2020 1:21 PM
To: Lucero, Enrique M (b)(6); (b)(7)(C)@ice.dhs.gov>; Johnson, Tae D <(b)(6); (b)(7)(C)@ice.dhs.gov>
Cc: #ERO CHIEFS OF STAFF (b)(6); (b)(7)(C)@ice.dhs.gov>
Subject: FW: ICE Response to COVID-19 and Detention Planning

Tae,

Please see what appears to be V-14 with OPLA most recent comments addressed.

A few things to note:

(b)(5)

For your further review.

Thanks,

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

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

Chief of Staff
U.S. Immigration and Customs Enforcement
Office of Enforcement & Removal Operations

500 12th Street SW
 Washington, D.C. 20536
 (b)(6); [redacted]@ice.dhs.gov
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From: Loiacono, Adam V <(b)(6); (b)(7)(C) [redacted]@ice.dhs.gov>
Sent: Monday, April 13, 2020 3:44 PM
To: (b)(6); (b)(7)(C) [redacted]@ice.dhs.gov>; Davis, Mike P <(b)(6); [redacted]@ice.dhs.gov>
Cc: #ERO CHIEFS OF STAFF <(b)(6); (b)(7)(C) [redacted]@ice.dhs.gov>; (b)(6); (b)(7)(C) [redacted]@ice.dhs.gov>; Loiacono, Adam V <(b)(6); (b)(7)(C) [redacted]@ice.dhs.gov>
Subject: Re: ICE Response to COVID-19 and Detention Planning

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

Please find OPLA edits and comments in the attached.

Thanks,

Adam V. Loiacono
 Deputy Principal Legal Advisor for Enforcement and Litigation
 DHS/ICE/OPLA
 Desk: 202-732-(b)(6); [redacted]
 Mobile: 202-500-(b)(6); [redacted]

--- ATTORNEY/CLIENT PRIVILEGE --- ATTORNEY WORK PRODUCT ---

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From: (b)(6); (b)(7)(C) [redacted]@ice.dhs.gov>
Sent: Monday, April 13, 2020 11:13 AM
To: Loiacono, Adam V <(b)(6); (b)(7)(C) [redacted]@ice.dhs.gov>; Davis, Mike P <(b)(6); [redacted]@ice.dhs.gov>
Cc: #ERO CHIEFS OF STAFF <(b)(6); (b)(7)(C) [redacted]@ice.dhs.gov>
Subject: FW: ICE Response to COVID-19 and Detention Planning

Good morning Gents,

One last pass. Please let us know if you have any concerns.

Thank you,

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

Chief of Staff
U.S. Immigration and Customs Enforcement
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NOTICE: This communication may contain privileged or otherwise confidential information. If you are not an intended recipient or believe you have received this communication in error, please do not print, copy, retransmit, disseminate, or otherwise use this information. Please inform the sender that you received this message in error and delete the message.

From: Johnson, Tae D (b)(6); (b)(7)(C)@ice.dhs.gov>

Sent: Monday, April 13, 2020 10:51 AM

To: (b)(6); (b)(7)(C)@ice.dhs.gov>

Subject: RE: ICE Response to COVID-19 and Detention Planning

This can be returned to OPLA for one final review (hopefully). Thanks (b)(6); [redacted]

From



Interim Reference Sheet on Novel Coronavirus, Wuhan, China

ICE Health Service Corps

Version 1.0, January 22, 2020 4:30 pm EST

Situation Summary

The Centers for Disease Control and Prevention (CDC) is closely monitoring an outbreak caused by a novel (new) coronavirus (2019-nCoV) first identified in Wuhan City, Hubei Province, China. The situation is evolving. For the most current information, check the CDC information page at <https://www.cdc.gov/coronavirus/2019-ncov/index.html> frequently for updates.

While most of the people identified with 2019-nCoV have association with Wuhan City, there have been a few people identified with 2019-nCoV in other countries in Asia. On January 21, 2020, the CDC announced that an individual was identified in the U.S. with confirmed 2019-nCoV with recent travel from Wuhan City.

CDC interim guidance for health care professionals, including clinical criteria, is available at <https://www.cdc.gov/coronavirus/2019-nCoV/clinical-criteria.html>

ICE Health Service Corps Recommendations

Note: recommendations will be updated if and as necessary to address the evolving public health situation.

1. During intake medical screening:

- a. Ask Chinese national detainees if they have traveled from or through China in the past 14 days
- b. If yes → ask detainee if they have been in Wuhan City in the past 14 days (i.e., recent relevant travel history)
- c. If yes → for IHSC-staffed medical clinics, add note in electronic health record “yellow sticky note” area that states, “*Intake travel history includes Wuhan City, China. The last reported day in Wuhan City was mm/dd/yyyy*”
- d. For detainees with recent, relevant travel history, and symptoms of respiratory illness → refer to #3 below
- e. For detainees with recent, relevant travel history, and no symptoms of respiratory illness → observe for 14 days; house in a single cell room if available. If a single cell room is not available, staff should accommodate social distancing to the extent feasible

- i. If detainee is housed in a facility without ICE Health Service Corps medical staffing, medical staff should notify their assigned ICE Health Service Corps Field Medical Coordinator
 - ii. Request a medical hold in following usual protocols stating that “the detainee is under observation through mm/dd/yyyy due to recent travel from or through Wuhan, China.” Release the medical hold at the completion of the 14-day observation period
 - iii. If an asymptomatic detainee under observation with a relevant recent travel history must be released in the U.S., notify the local health department including of the intended address and telephone number
2. ***During sick call, physical examinations, or other clinical encounter in which a detainee presents with or complains of respiratory illness, or is observed with signs of respiratory illness:***
 - a. Ask the detainee if they have traveled from or through China in the past 14 days
 - b. If yes → ask detainee if they have been in Wuhan City in the past 14 days
 - c. If yes → refer to #3 below
3. ***For detainees with recent relevant travel history and symptoms of respiratory illness:***
 - a. Place a tight-fitting surgical mask on the detainee
 - b. Promptly consult with a medical provider, preferably the Clinical Director or designee
 - c. Place the detainee in a private medical housing room, ideally in an airborne infection isolation room if available. If no single occupancy medical housing unit room is available, placement in other areas of the facility may be utilized to house the ill detainee separately from the general detention population
 - d. Implement airborne and contact precautions, including use of eye protection
 - e. Call the local and/or state health department for notification and to request guidance on medical evaluation and testing; currently, all testing is only available through coordination between the local health department and the CDC
 - f. If the detainee is referred to a local hospital, call the hospital in advance to notify of the recent relevant travel history and respiratory symptoms
 - g. Promptly notify the facility’s staff responsible for infection prevention and control (e.g., in ICE Health Service Corps facilities, notify the Infection Prevention Officer, or the Facility Healthcare Program Manager if the facility does not have an Infection Prevention Officer position); if the Infection Prevention Officer or Facility Healthcare Program Manager is not available, IHSC staff should notify the Infection Prevention Group at (b)(7)(E)@ice.dhs.gov
 - h. Facilities without ICE Health Service Corps medical staffing should notify their assigned Field Medical Coordinator
 - i. ICE Health Service Corps Infection Prevention Officers, Facility Healthcare Program Managers, Field Medical Coordinators, or designees should notify the Regional Infection Prevention Supervisory Nurse immediately. Detainees in

isolation for respiratory illness and relevant recent travel history should wear a tight-fitting surgical mask when outside of the room under airborne and contact precautions

4. Infectious disease public health actions:

- a. Implement cohorting with restricted movement for detainees housed with the ill detainee or who have been in close contact¹ with the ill detainee for the duration of the most recent incubation period (14 days from the most recent symptom onset)
- b. Monitor cohorted detainees daily to observe for fever and symptoms of respiratory illness
- c. Refer exposed detainees with new onset respiratory illness to a medical provider for evaluation
- d. Report cohorting through routine ICE Health Service Corps cohort reporting protocols
- e. Recommend to ICE Enforcement and Removal Operations that cohorted detainees not be transferred or transported
- f. If a cohorted detainee must be released in the U.S., notify the local health department including of the intended address and telephone numbers
- g. Discontinue cohorting when:
 - i. The index patient receives an alternate diagnosis that excludes 2019-nCoV, or
 - ii. A 14-day incubation period completes with no new cases

¹Per CDC 2019-nCoV guidance (<https://www.cdc.gov/coronavirus/2019-nCoV/clinical-criteria.html>), a close contact is currently defined as:

a) being within approximately 6 feet (2 meters), or within the room or care area, of a novel coronavirus case for a prolonged period of time while not wearing recommended personal protective equipment or PPE (e.g., gowns, gloves, NIOSH-certified disposable N95 respirator, eye protection); close contact can include caring for, living with, visiting, or sharing a health care waiting area or room with a novel coronavirus case.— *or* —

b) having direct contact with infectious secretions of a novel coronavirus case (e.g., being coughed on) while not wearing recommended personal protective equipment.

See CDC's [Interim Healthcare Infection Prevention and Control Recommendations for Patients Under Investigation for 2019 Novel Coronavirus](#). Data to inform the definition of close contact are limited. Considerations when assessing close contact include the duration of exposure (e.g., longer exposure time likely increases exposure risk) and the clinical symptoms of the person with novel coronavirus (e.g., coughing likely increases exposure risk as does exposure to a severely ill patient). Special consideration should be given to those exposed in health care settings.

POCs for questions:

ICE Health Service Corps Staff: PHSP Unit Chief and Regional Infection Prevention Supervisory Nurses
Facilities without ICE Health Service Corps Medical Staffing: Assigned Field Medical Coordinators
 Public health agencies: IHSC_InfectionPrevention@ice.dhs.gov

**ICE**

ICE Health Service Corps

Interim Reference Sheet on 2019-Novel Coronavirus (COVID-19): Detainee Care

Version 9.0, April 1, 2020

Key changes

Version 9.0

- Discontinued the following actions as part of our COVID-19 response due to CDC's guidance for ALL international travelers to *stay home for 14 days from the time you returned home* from international travel and due to widespread, ongoing transmission in the U.S.
 - Asking detainees during intake if they have traveled from or through specific countries in the past 14 days
 - 14-day monitoring of asymptomatic, afebrile detainees that have traveled from or through specific countries in the past 14 days
 - Documenting individual asymptomatic, afebrile detainees that have traveled from or through specific countries in the past 14 days in the Lower Respiratory Illness Tracker
- Added information about contagiousness and releasing transmission-based precautions
- The following actions shall continue:
 - Intake screening to identify detainees with fever and/or symptoms of respiratory illness
 - Asking detainees during intake if they have had exposure to a person with COVID-19 in the past 14 days.
 - Cohorting as a group of people exposed to a person with suspected or confirmed COVID-19 and tracking cohorted units on the [Cohort Tracker](#).
 - Documenting individual detainees in isolation with fever and/or symptoms of respiratory illness in the [Lower Respiratory Illness Tracking Tool](#).
- Added information to recommend to the Field Office Director or Designee and/or Facility Administrator to consider housing newly arriving detainees separately for 14 days before releasing to the general population.

Version 8.0

- Revised recommendation for observation of detainees under monitoring or cohorting
- Added a section with recommendation to the Field Office Director or designee with considerations for domestic release and movement of detainees for medically necessary continuity of care
- Added information on reporting staff with confirmed COVID-19 to local health departments for public health investigations and interventions and to avert threats to public health and safety
- Added links to [Dental Care - Prioritizing Care and Staying Safe](#)
Moved information on documentation in the [Lower Respiratory Illness Tracking Tool](#) and on documentation in the [Cohort Tracker](#) to a separate section on REPORTING

Situation Summary

The CDC is closely monitoring an outbreak caused by a novel (new) coronavirus (COVID-19). The situation is evolving and expanding with community transmission occurring in multiple countries including the United States. For the most current information, check the CDC information pages at <https://www.cdc.gov/coronavirus/2019-ncov/index.html> frequently for updates. CDC interim guidance for health care professionals, including clinical criteria, is available at <https://www.cdc.gov/coronavirus/2019-nCoV/clinical-criteria.html>.

ICE Health Service Corps Recommendations

- *Note: recommendations will be updated if and as necessary to address the evolving public health situation. See also [2019 Novel Coronavirus Resource Page](#) including [Reducing the Risk of COVID-19 Transmission](#) and [Dental Care - Prioritizing Care and Staying Safe](#)*

1. *During intake medical screening:*

- Ask all detainees if they have had close contact¹ with a person with laboratory-confirmed COVID-19 in the past 14 days**
 - If the detainee responded yes to 1a),** assess for fever and symptoms of respiratory illness.
 - If the detainee has a fever and/or symptoms of respiratory illness, refer to ISOLATION below.
 - If the detainee does not have fever or respiratory illness, refer to EXPOSURE-BASED COHORTING, below.
 - If the detainee has fever and/or symptoms or respiratory illness and if they have not had close contact¹ with a person with laboratory-confirmed COVID-19 or their respiratory secretions in the past 14 days → refer to a medical provider (see ENCOUNTER below).
 - Educate all detainees to include the importance of hand washing and hand hygiene, covering coughs with the elbow instead of with hands, and requesting sick call if they feel ill.
 - [Illness Prevention and Patient Education](#) resources in multiple languages are available on the [2019 Novel Coronavirus Resource Page](#).

2. *ENCOUNTER. During sick call, health assessment, or other clinical encounter in which a detainee presents with or complains of fever and/or respiratory illness, or is observed with signs of fever and/or respiratory illness:*

- If the detainee had close contact¹ with a person with laboratory-confirmed COVID-19 or their respiratory secretions in the past 14 days**
 - refer to ISOLATION below.
- If the detainee has not had close contact¹ with a person with laboratory-confirmed COVID-19 or their respiratory secretions in the past 14 days, then

- i. → Providers should use their judgment to determine if a patient has signs and symptoms compatible with COVID-19 and whether the patient should be isolated and tested. Decisions on which patients receive testing should be based on the epidemiology of COVID-19, as well as the clinical course of illness. Providers are strongly encouraged to test for other causes of respiratory illness, including infections such as influenza.
- ii. See [Reducing the Risk of COVID-19 Transmission](#) and [Dental Care - Prioritizing Care and Staying Safe](#)
- iii. See SPECIMEN COLLECTION AND LABORATORY TESTING below.
- c. Educate detainees to include the importance of hand washing and hand hygiene, covering coughs with the elbow instead of with hands, and requesting sick call if they feel ill.
 - i. [Illness Prevention and Patient Education](#) resources in multiple languages are available on the [2019 Novel Coronavirus Resource Page](#).

3. ISOLATION and management of detainees with fever and/or symptoms of respiratory illness and who are suspected or confirmed to have COVID-19:

- a. See [Coronavirus Disease 2019 \(COVID-19\) | Housing Symptomatic Detainees](#)
- b. See [Reducing the Risk of COVID-19 Transmission](#) and [Dental Care - Prioritizing Care and Staying Safe](#).
- c. Place a tight-fitting surgical mask on the detainee.
- d. Promptly consult with a medical provider, preferably the Clinical Director or designee.
- e. Place the detainee in a private medical housing room, ideally in an airborne infection isolation room if available. If no single occupancy medical housing unit room is available, placement in other areas of the facility may be utilized to house the ill detainee separately from the general detention population.
- f. Call the local and/or state health department for notification and guidance.
- g. Laboratory testing for COVID-19 is now available through commercial laboratories including LabCorp and through local and/or state health departments.
 - i. See SPECIMEN COLLECTION AND LABORATORY TESTING below.
 - ii. Report positive test results for COVID-19 promptly to the local or state health department
- h. If the detainee has underlying illness or is acutely ill, or symptoms do not resolve, consult with the Regional Clinical Director, and/or Infectious Disease program.
- i. If the detainee is referred to a local hospital, call the hospital in advance to notify of the recent relevant travel history and respiratory symptoms and to coordinate how manage the detainee safely.
- j. Promptly notify the facility's staff responsible for infection prevention and control (e.g., in IHSC facilities, notify the Infection Prevention Officer, or the Facility Healthcare Program Manager (if the facility does not have an Infection Prevention Officer position); if the Infection Prevention Officer or Facility Healthcare Program

- Manager is not available, IHSC staff should notify the Infection Prevention Group at #IHSC_PHSP_IPO@ice.dhs.gov.
- k. Facilities without IHSC medical staffing should notify their assigned Field Medical Coordinator.
 - l. IHSC Infection Prevention Officers, Facility Healthcare Program Managers, Field Medical Coordinators, or designees should notify the Regional Infection Prevention Supervisory Nurse immediately.
 - m. Detainees isolated for respiratory illness and who have epidemiologic risk for COVID-19 exposure should wear a tight-fitting surgical mask when outside of the isolation room.
 - n. See REPORTING below.
 - o. The contagious period for COVID-19 is still uncertain.
 - i. A person with COVID-19 is thought to be contagious starting 48 hours before symptom onset
 - ii. The decision to discontinue Transmission-Based Precautions should be made using a test-based strategy or a non-test-based strategy (i.e., time-since-illness-onset and time-since-recovery strategy). Meeting criteria for discontinuation of Transmission-Based Precautions is not a prerequisite for discharge.
 - ***Test-based strategy (preferred if the patient is immunocompromised)***
 - *Resolution* of fever without the use of fever-reducing medications **and**
 - *Improvement* in respiratory symptoms (e.g., cough, shortness of breath), **and**
 - Negative results of an FDA Emergency Use Authorized COVID-19 molecular assay for detection of SARS-CoV-2 RNA from at least two consecutive nasopharyngeal swab specimens collected ≥ 24 hours apart (total of two negative specimens). See Interim Guidelines for Collecting, Handling, and Testing Clinical Specimens for 2019 Novel Coronavirus.
 - ***Non-test-based strategy***
 - At least 3 days (72 hours) have passed *since recovery* defined as resolution of fever without *the* use of fever-reducing medications **and** improvement in respiratory symptoms (e.g., cough, shortness of breath); **and**,
 - At least 7 days have *passed since symptoms first appeared*
 - iii. If the detainee tests negative for COVID-19 and fever and/or symptoms persist, consult with the Regional Clinical Director and/or Infectious Disease Program
 - p. Educate detainees to include the importance of hand washing and hand hygiene, covering coughs with the elbow instead of with hands, and requesting sick call if they feel ill.
 - i. Illness Prevention and Patient Education resources in multiple languages are available on the 2019 Novel Coronavirus Resource Page.

4. ***SPECIMEN COLLECTION AND LABORATORY TESTING for COVID-19***

- a. Laboratory testing for COVID-19 is available through commercial laboratories including LabCorp and through local and/or state health departments.
- b. See **Specimen Collection instructions on the 2019 Novel Coronavirus Resource Page**.
 - i. LabCorp ordering codes are 2019 Novel Coronavirus (COVID-19), NAA; TEST: 139900.

5. ***INFECTIOUS DISEASE PUBLIC HEALTH ACTIONS***

- a. Educate detainees to include the importance of hand washing and hand hygiene, covering coughs with the elbow instead of with hands, and requesting sick call if they feel ill.
 - i. Illness Prevention and Patient Education resources in multiple languages are available on SharePoint.
- b. See also 05-06-G-02 Infectious Disease Public Health Actions Guide: Isolation and Management of Detainees Exposed to Infectious Organisms.

6. ***EXPOSURE-BASED COHORTING***

- a. **Known exposure to a person with suspected or confirmed COVID-19**
 - i. Implement cohorting with restricted movement for detainees housed with the ill detainee or who have been in close contact¹ with the ill person for the duration of the most recent incubation period (14 days after most recent exposure to an ill person).
 - ii. Refer exposed detainees with new onset fever and/or respiratory illness to a medical provider for evaluation.
 - iii. Discontinue cohorting when 14-day incubation period completes with no new cases.
- b. **Exposure to a person with fever or symptoms being evaluated or under investigation for COVID-19 but not confirmed to have COVID-19**
 - i. Implement cohorting with restricted movement for detainees housed with the ill detainee or who have been in close contact¹ with the ill person for the duration of the most recent incubation period.
 - ii. Refer exposed detainees with new onset fever and/or respiratory illness to a medical provider for evaluation.
 - iii. If the index patient is subsequently confirmed to have COVID-19, see ***Known exposure to a person with confirmed COVID-19*** above.
 - iv. Discontinue cohorting if the index patient receives an alternate diagnosis that excludes COVID-19.
 - v. Any of the cohorted detainees with exposure risk should complete their initial 14-day monitoring period (i.e., for asymptomatic monitoring).

- c. **Visit dorms daily and remind detainees that medical services are available.**
 - i. Educate patients to report if they feel ill or feverish.
 - ii. Remind custody staff to report any patients they are concerned about, with special attention to those who might have fever, cough, or shortness of breath.
 - iii. Promote access to care through sick call and urgent care services.
 - iv. *Provide frequent patient education via town halls and similar dorm visits to reinforce detainee knowledge about how to access care.*

7. Recommendations to the Field Office Director or Designee and the Facility Administrator or Warden for routine intake cohorting

- a. Consider housing separately from GP all new intakes for 14 days before they enter the facility's general population (SEPARATELY from other individuals who are cohorted due to contact with a COVID-19 case).
- b. This could be individual housing or as a routine intake cohort.
- c. If housed as a routine intake cohort, consider allowing each individual to be moved to the general population after 14 days if no fever or symptoms.
- d. If any person in the routine intake cohort does develop fever or symptoms, the cohort status would be changed to an *exposure-based cohort*
- e. Routine intake cohorts do not require tracking or reporting

8. Recommendations to the Field Office Director or Designee Regarding Detainee Release and Special Circumstance Movement

- a. Recommend all detainees being released be given the fact sheets *Steps to help prevent the spread of COVID-19 if you are sick* and *Stop the spread of germs*.
- b. Recommend the following considerations if decisions are made to release in the U.S. detainees with confirmed or suspected COVID-19 and detainees exposed to a person with confirmed or suspected COVID-19:
 - i. If the detainee will be released before the recommended medical isolation or cohorting period is complete, discuss release of the individual with state or local health department
 - Provide the health department with the detainee's name, intended address, email address, and all available telephone numbers
 - ii. Facilitate safe transport, continued shelter, and medical care, as part of release planning.
 - Make direct linkages to community resources to ensure proper medical isolation and access to medical care if needed.
 - Coordinate with the detainee for a family member or friend to provide transportation
 - Advise the detainee to avoid public transportation, commercial ride sharing (e.g., Uber, Lyft), and taxis

- iii. Give the detainee the CDC's *What To Do if You Are Sick* fact sheet (see [2019 Novel Coronavirus Resource Page | Illness Prevention Patient Education](#))
- c. Detainees under isolation or cohorting should be permitted to attend other medically necessary appointments with advance coordination with the receiving facility
- d. Detainees under isolation or cohorting should not be restricted from movement to facilitate a medically- or behaviorally-necessary placement
- e. If a detainee under isolation or cohorting must be moved to another facility; the receiving facility must be notified of the isolation or cohorting end dates
- f. Recommend to Field Office Director or designee that detainees cohorted due to exposure to an ill person not be transferred or transported unless medically necessary.
 - i. See [IHSC Interim COVID-19 Risk Assessment](#) on the [2019 Novel Coronavirus Resource Page](#).

9. **REPORTING**

- a. Document any ill detainee who is suspected of having COVID-19 on the [Lower Respiratory Illness Tracking Tool](#).
- b. Document exposure-based cohorting through routine IHSC cohort reporting protocols using the [Cohort Tracker](#).
- c. Any employee known to have a positive test result for COVID-19 must be promptly reported to the local or state health department in accordance with local or state public health laws and permissible exemptions under the Health Insurance Portability and Accountability Act (HIPAA) requiring notifications to public health departments for conducting investigations and interventions and to avert a serious threat to public health and safety. Reported must include the employee's name, date of birth, address, phone number, and testing location.

¹**Close contact** is defined as:

a) being within approximately 6 feet (2 meters) of a COVID-19 case for a prolonged period of time; close contact can occur while caring for, living with, visiting, or sharing a healthcare waiting area or room with a COVID-19 case

– or –

b) having direct contact with infectious secretions of a COVID-19 case (e.g., being coughed on)

If such contact occurs while not wearing recommended personal protective equipment or PPE (e.g., gowns, gloves, NIOSH-certified disposable N95 respirator, eye protection), criteria for PUI consideration are met.

Resources and references

- [2019 Novel Coronavirus Resource Page](#) on SharePoint
- [Reducing the Risk of COVID-19 Transmission](#)
- [Illness Prevention and Patient Education](#) resources in multiple languages are available on SharePoint.
- [COVID-19 Questions and Responses](#) on SharePoint for submitting questions, receiving responses from IHSC subject matter experts, and viewing all questions and responses

IHSC Official Guidance

Guidance number	Guidance name	Type
05-02	Occupational Health Directive	Policy
05-02 G-04	Occupational Health Guide: Workforce Health	Guide
05-02 G-1	Occupational Health Guide: Bloodborne Pathogens and Other Potentially Infectious Materials	Guide
05-02 G-2	Occupational Health Guide: Personal Protective Equipment Program	Guide
05-02-G-03	Occupational Health Guide: Respiratory Protection Program	Guide
05-04	Environmental Health Directive	Policy
05-04 G-01	IHSC Environmental Health Guide	Guide
05-06	Infectious Disease Public Health Actions Directive	Policy
05-06 G-01	Infectious Disease Public Health Actions Guide: Contact and Outbreak Investigation Guide	Guide
05-06 G-02	Infectious Disease Public Health Actions Guide: Isolation and Management of Detainees Exposed to Infectious Organisms	Guide

Guidance number	Guidance name	Type
05-06 G-03	<u>Infectious Disease Public Health Actions Guide: Surveillance and Reporting</u>	Guide

- [Infection Control: Novel Coronavirus 2019 \(COVID-19\) | CDC](#)
- [Interim Guidance: Healthcare Professionals 2019-nCoV | CDC \(including CDC website listing of geographic area\(s\) with widespread or sustained community transmission](#)
- [Resources for Correctional and Detention Facilities | CDC](#)
- [CDC | Coronavirus Disease 2019 \(COVID-19\)](#)
- [2019 Novel Coronavirus \(2019-nCoV\) | TDSHS](#)
- [nCOV2019 | CDPH](#)
- [Novel Coronavirus Outbreak 2020 | Washington State Department of Health](#)
- [ADHS - Highlighted Infectious Diseases for Arizona - Coronavirus Disease 2019 \(COVID-19\)](#)
- [Coronavirus | NYC Health](#)
- [2019 Novel \(New\) Coronavirus | NYDOH](#)
- [2019 Novel Coronavirus \(2019-nCoV\) | Florida Department of Health](#)
- [NJ Department of Health | Communicable Disease Service | COVID-2019 \(Novel Coronavirus\)](#)
- [Pennsylvania Department of Health | Coronavirus](#)
- [2019 Novel Coronavirus \(2019 nCoV\) | Frequently Asked Questions | IDPH](#)

Points of contact for questions

- [IHSC Staff: COVID-19 Questions and Responses](#) on SharePoint for submitting questions, receiving responses from IHSC subject matter experts, and viewing all questions and responses
 - Regional Infection Prevention Supervisory Nurses, PHSP Unit Senior Public Health Analyst, PHSP Unit Chief
- [Facilities without IHSC Medical Staffing](#): Assigned Field Medical Coordinators
- [Public health agencies](#): (b)(6); (b)(7)(C) [@ice.dhs.gov](mailto:ice.dhs.gov)

Appendix A: Intake Screening Questions

Updated April 1, 2020

1. **Have you been in close contact with a person with laboratory-confirmed 2019 novel coronavirus or their respiratory secretions in the past 14 days?**
 - Last date you had contact with that person: mm/dd/yyyy
2. If yes to #1:
 - **Have you had fever and/or respiratory illness with onset in the past 14 days?**
 - **If yes, what date did you first notice symptoms?: mm/dd/yyyy**
 - **If yes**, isolate and refer to a medical provider, add Medical Hold, notify FHPM, IPO, or designee.
 - See [Reducing the Risk of COVID-19 Transmission](#)
 - **If no, implement EXPOSURE-BASED COHORTING**; house in single room (preferred) if available, implement daily checks for 14 days after initial DHS apprehension, add Medical Hold, notify FHPM, IPO, or designee.
3. If no travel from or through geographic area(s) with widespread or sustained community transmission* in the past 14 days AND no close contact with a person with laboratory-confirmed 2019 novel coronavirus or their respiratory secretions in the past 14 days?
 - ***Please see CDC website listing of international area(s) with sustained transmission at <https://www.cdc.gov/coronavirus/2019-ncov/hcp/clinical-criteria.html>**
 - Routine intake
 - If the initial DHS apprehension date (i.e., initial CBP or ICE encounter) documented in ENFORCE is \geq 14 days prior, the detainee is outside the 14 day window and does not require monitoring for the epidemiologic risk of COVID-19 exposure
 - Facility Infection Prevention Officers and/or PHSP Unit staff can help confirm the date of initial DHS apprehension in ENFORCE

***Please see CDC website listing of international area(s) with sustained transmission at <https://www.cdc.gov/coronavirus/2019-ncov/hcp/clinical-criteria.html>**

ISOU Check list for Ill Travelers Identified during IAO Flight

This is for IAO Flight Missions during detainee transport.

Step one: Report travelers with specific symptoms to CDC/IHSC/IAO.

- Report travelers with
 - fever (person feels warm to the touch, gives a history of feeling feverish, or has an actual measured temperature of 100.4°F [38° C] or higher) that has persisted for more than 48 hours

OR

- fever AND one of the following:
 - persistent cough
 - difficulty breathing
 - appears obviously unwell
- Report, as soon as possible before arrival, by one of the methods described in the Guidance for Air Travel Industry Reporting of Onboard Death or Illnesses to CDC.

Step two: PPE and Handwashing, refer to CDC. Airlines and cabin crew should review CDC's Infection Control Guidelines for Cabin Crew

Step three: Identify sick travelers who meet the above description.

- Minimize contact between passengers and cabin crew and the sick person. Separate the sick person from others (by a distance of 2 meters or 6 feet, ideally) and designate/assign staff/MAM/security or crew member to serve the sick person to avoid further exposure, to include a dedicated bathroom in the rear of the aircraft.
- Move the sick person to the back of the plane.
- Place a surgical facemask, ask the sick person to cover their mouth and nose with tissues when coughing or sneezing.
- Treat all body fluids (such as respiratory secretions, diarrhea, vomit, or blood) as infectious.
 - a. PPE instructions can be found in the Reducing the Risk of COVID-19 Transmission (Appendix A). When tending to a sick traveler who has fever, persistent cough, or difficulty breathing, use additional personal protective equipment (PPE) in the PPE for Symptomatic Detainees suspected to be COVID: Full PPE as recommended (face shield or goggles, N95 respirator (or if in short supply surgical face mask), gown, and clean non-sterile gloves) should always be worn . Please carefully follow proper donning and doffing procedures. Strict hand hygiene. Please follow guidance on re-use of PPE.
 - b. PPE for Asymptomatic Detainees when providing care where the 6-foot distancing cannot always be maintained: Use of surgical face mask/clean non-sterile gloves is recommended. Practice strict hand hygiene.
 - c. Designate area for doffing and proper disposal of gloves and other disposable items that came in contact with the sick person or body fluids in biohazard bag or a secured plastic bag labeled as "biohazard."
- Clean and disinfect contaminated surfaces according to airline protocol.

Step four: All passengers/crew members/ISOU/IAO must be listed with names and phone numbers for exposure purposes for CDC/IHSC/ISOU/ICE.

ISOU please print the Safety Alert for Operators and CDC documents on the hyperlinks as they will guide you in the managing of a sick traveler. Also please keep the Medical control/ICE FOIC/Chief/IHSC involved.

Resources

<https://www.cdc.gov/quarantine/air/managing-sick-travelers/ncov-airlines.html>

<https://www.cdc.gov/coronavirus/2019-ncov/faq.html>

<https://www.cdc.gov/quarantine/air/managing-sick-travelers/commercial-aircraft/infection-control-cabin-crew.html>

<https://www.cdc.gov/quarantine/air/reporting-deaths-illness/guidance-reporting-onboard-deaths-illnesses.html>

Appendix A

Please note only portions of this document which pertain to ISOU were included. Due to the nature and the changes of COVID-19, this document will be updated as new instructions are obtained. Not all wording will pertain to ISOU please use judgment.

Reducing the Risk of COVID-19 Transmission

Updated April 6, 2020

Refer also to [COVID-19: Strategies for Optimizing the Supply of PPE | CDC](#)

Preventing the spread of infections and protecting staff requires a multi-faceted approach that encompasses engineering controls, administrative controls, and personal protective equipment (PPE). PPE is the least effective measure for preventing the spread of infection and should not be a substitute or take priority over engineering and administrative controls. Utilizing a broad range of controls and measures can add protection against the spread of infection even when one measure or control fails or is not available. Using PPE appropriately can ensure that PPE is available for use when needed.

IHSC staff should maintain awareness of current PPE supply, anticipate near-, medium-, and long-term disruptions in the PPE supply chain, anticipate shortages, and anticipate inability to replenish PPE supplies. Healthcare staff have priority for PPE supplies. Therefore, IHSC staff shall:

- **For all face-to-face patient encounter, use a minimum of standard precautions and surgical masks**
- Manage and distribute medical PPE (surgical masks, N95 respirators, gowns, face shields, gloves) for use by DIRECT CARE staff for use when providing DIRECT PATIENT CARE
- Homemade masks should meet the criteria listed in Appendix A Protocol and are not recommended for use when providing DIRECT PATIENT CARE
- Homemade masks are recommended for use by clinical care staff when they are not providing DIRECT PATIENT CARE and by non-clinical care staff (HSAs, AHSAs, FHPMs, Medical Records) staff to preserve medical PPE for clinical care
- Refrain from providing PPE to non-ill detainees
- Refrain from providing PPE to cohorted detainees
- Refrain from providing PPE to non-medical staff or visitors

Optimal standard and transmission-based precautions for health care encounters with febrile and/or symptomatic detainees with confirmed and suspected COVID-19 include the following if there are no current or anticipated supply chain issues:

Standard precautions, including

MULTI-DHS-ICE-20-0602-J-000240

- Strict adherence to hand hygiene
- The proper use of PPE (gloves when touching a patient or their belonging)
- Respiratory hygiene/cough etiquette
- Appropriate patient placement
- Properly handle, clean, and disinfect patient care equipment and devices
- Clean and disinfect the environment appropriately
- Handle textiles and laundry carefully
- Follow safe injection practices
- Ensure proper handling of needles and sharps

Transmission-based precautions

- Standard precautions
- Face shield (preferred) or goggles
- N95 filtering facepiece respirator
- Clean nonsterile gloves
- Gown

IHSC recommends extended use of N95 respirators (to protect the wearer) or surgical masks (to protect others). See extended use protocols below.

- N95 respirators use should be prioritized for aerosol generating procedures (specimen collection); see definitions below
- **When there is a shortage of N95 respirators the following can be utilized in order of priority:**
 1. Prioritize N95 respirator use for those healthcare personnel (HCP) who are at highest risk of complications due to infection
 2. A standard surgical mask can be used for both provider and patient during evaluation and non-aerosol generating procedures
 3. Limited reuse of N95 respirators conditions that do not require contact precautions (TB patient care)
 4. Extended use of N95 respirators when caring for patients with the same health condition in the same location (medical housing unit/All rooms)
 5. Limited reuse of N95 respirators when caring for patients with the same health condition in the same location (the medical housing unit/All rooms)

Extended use of facemasks is the practice of wearing the same facemask for repeated close contact encounters with several different patients, without removing the facemask between patient encounters.

- The facemask should be removed and discarded if soiled, damaged, or hard to breathe through.
- HCP must take care not to touch their facemask. If they touch or adjust their facemask, they must immediately perform hand hygiene.
- HCP should leave the patient care area if they need to remove the facemask.

Consider restricting facemasks to use by HCP, rather than patients for source control. Have patients with symptoms of respiratory infection use tissues or other barriers to cover their mouth and nose.

Extended Use of respirators refers to the practice of wearing the same N95 respirator for repeated close contact encounters with several patients, without removing the respirator between patient encounters.

Extended use may be implemented when multiple patients are infected with the same respiratory pathogen and patients are placed together in dedicated waiting rooms or hospital wards. Extended use has been recommended as an option for conserving respirators during previous respiratory pathogen outbreaks and pandemics.

- The staff member must ensure proper fit and function prior to respirator use
- A N95 respirator can be used continuously or intermittently for a maximum of 8 hours
- Discard N95 respirators following use during aerosol generating procedures.
- Discard N95 respirators contaminated with blood, respiratory or nasal secretions, or other bodily fluids from patients.

- Discard N95 respirators following close contact with, or exit from, the care area of any patient co-infected with an infectious disease requiring contact precautions.
- Discard the N95 respirator if it is torn, visibly soiled, difficult to breathe through or no longer fits appropriately (straps become too loose, cannot ensure adequate seal)
- We recommend use of a cleanable face shield over an N95 respirator and/or other steps (e.g., masking patients, use of engineering controls) to reduce respirator surface contamination.
- Perform hand hygiene with soap and water or an alcohol-based hand sanitizer before and after touching or adjusting the respirator (if necessary, for comfort or to maintain fit)

Reuse of respirators refers to the practice of using the same N95 respirator for multiple encounters with patients but removing it ('doffing') appropriately after each encounter. The respirator is stored in between encounters to be put on again ('donned') appropriately prior to the next encounter with a patient. For pathogens in which contact transmission (e.g., fomites) is not a concern, non-emergency reuse can be practiced safely. For example, for tuberculosis prevention, CDC recommends that a respirator classified as disposable can be reused by the same worker as long as it remains functional and is used in accordance with local infection control procedures. Even when N95 respirator reuse is practiced or recommended, restrictions must be in place which limit the number of times the same filtering facepiece respirator (FFR) is reused. Thus, N95 respirator reuse is often referred to as "limited reuse". Limited reuse has been recommended and widely used as an option for conserving respirators during previous respiratory pathogen outbreaks and pandemics.

- Each respirator should only be used by 1 individual and should not be shared.
- Consult with the respirator manufacturer regarding the maximum number of donnings or uses they recommend for the N95 respirator model(s) used. If no manufacturer guidance is available, preliminary data limit the number of reuses to no more than five uses per device in to ensure an adequate safety margin.
- Prior to each donning
 - Inspect the respirator for signs of any damage, tears, soiling; if the respirator is damaged, it must be discarded.
 - Follow the manufacturer's user instructions, including conducting a user seal check.
 - Discard any respirator that is obviously damaged or becomes hard to breathe through.
- Discard N95 respirators following use during aerosol generating procedures.
- Discard N95 respirators contaminated with blood, respiratory or nasal secretions, or other bodily fluids from patients.
- Discard N95 respirators following close contact with any patient co-infected with an infectious disease requiring contact precautions.
- Use a cleanable face shield (preferred) or a surgical mask over an N95 respirator and/or other steps (e.g., masking patients, use of engineering controls), when feasible to reduce surface contamination of the respirator.
- Clean hands with soap and water or an alcohol-based hand sanitizer before and after touching or adjusting the respirator (if necessary, for comfort or to maintain fit).
- Avoid touching the inside of the respirator. If inadvertent contact is made with the inside of the respirator, perform hand hygiene as described above.
- Use a pair of clean (non-sterile) gloves when donning a used N95 respirator and performing a user seal check. Discard gloves after the N95 respirator is donned and any adjustments are made to ensure the respirator is sitting comfortably on your face with a good seal.
- Storing respirators for reuse:
 - **Hang** used respirators in a designated storage area or keep them in a clean, breathable container such as a **paper bag** between uses.
 - To minimize potential cross-contamination, store respirators so that they do not touch each other and the person using the respirator is clearly identified. Storage containers should be disposed of or cleaned regularly.

- Label storage containers and mask with the wearers name to prevent inadvertent sharing of respirators

Implement limited re-use of facemasks.

Limited re-use of facemasks is the practice of using the same facemask by one HCP for multiple encounters with different patients but removing it after each encounter. As it is unknown what the potential contribution of contact transmission is for SARS-CoV-2, care should be taken to ensure that HCP do not touch outer surfaces of the mask during care, and that mask removal and replacement be done in a careful and deliberate manner.

- The facemask should be removed and discarded if soiled, damaged, or hard to breathe through.
- Not all facemasks can be re-used.
 - Facemasks that fasten to the provider via ties may not be able to be undone without tearing and should be considered only for extended use, rather than re-use.
 - Facemasks with elastic ear hooks may be more suitable for re-use.
- HCP should leave patient care area if they need to remove the facemask. Facemasks should be carefully folded so that the outer surface is held inward and against itself to reduce contact with the outer surface during storage. The folded mask can be stored between uses in a clean sealable paper bag or breathable container.

Prioritize facemasks for selected activities such as:

- For provision of essential surgeries and procedures
- During care activities where splashes and sprays are anticipated
- During activities where prolonged face-to-face or close contact with a potentially infectious patient is unavoidable
- For performing aerosol generating procedures, if respirators are no longer available

References:

- <https://www.cdc.gov/coronavirus/2019-ncov/hcp/ppe-strategy/eye-protection.html>
- <https://www.cdc.gov/niosh/topics/eye/eye-infectious.html>
- <https://www.cdc.gov/hai/pdfs/ppe/PPE-Sequence.pdf>
- <https://www.cdc.gov/infectioncontrol/guidelines/isolation/appendix/ppe.html>
- <https://www.cdc.gov/HAI/prevent/ppe.html>
- <https://www.cdc.gov/coronavirus/2019-ncov/hcp/ppe-strategy/isolation-gowns.html>

U.S. Department of Homeland Security
500 12th St, SW
Washington, DC 20536



**U.S. Immigration
and Customs
Enforcement**

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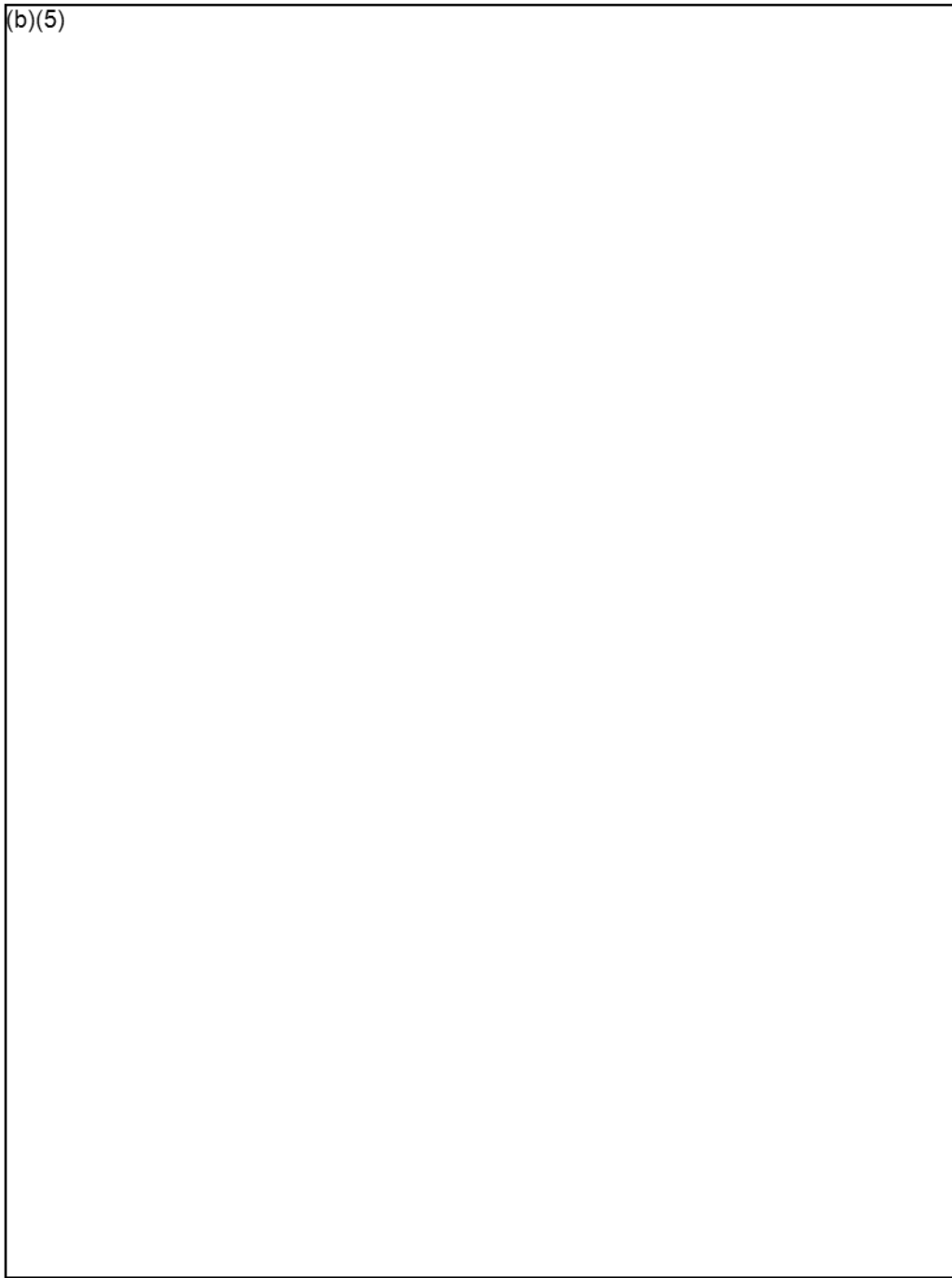


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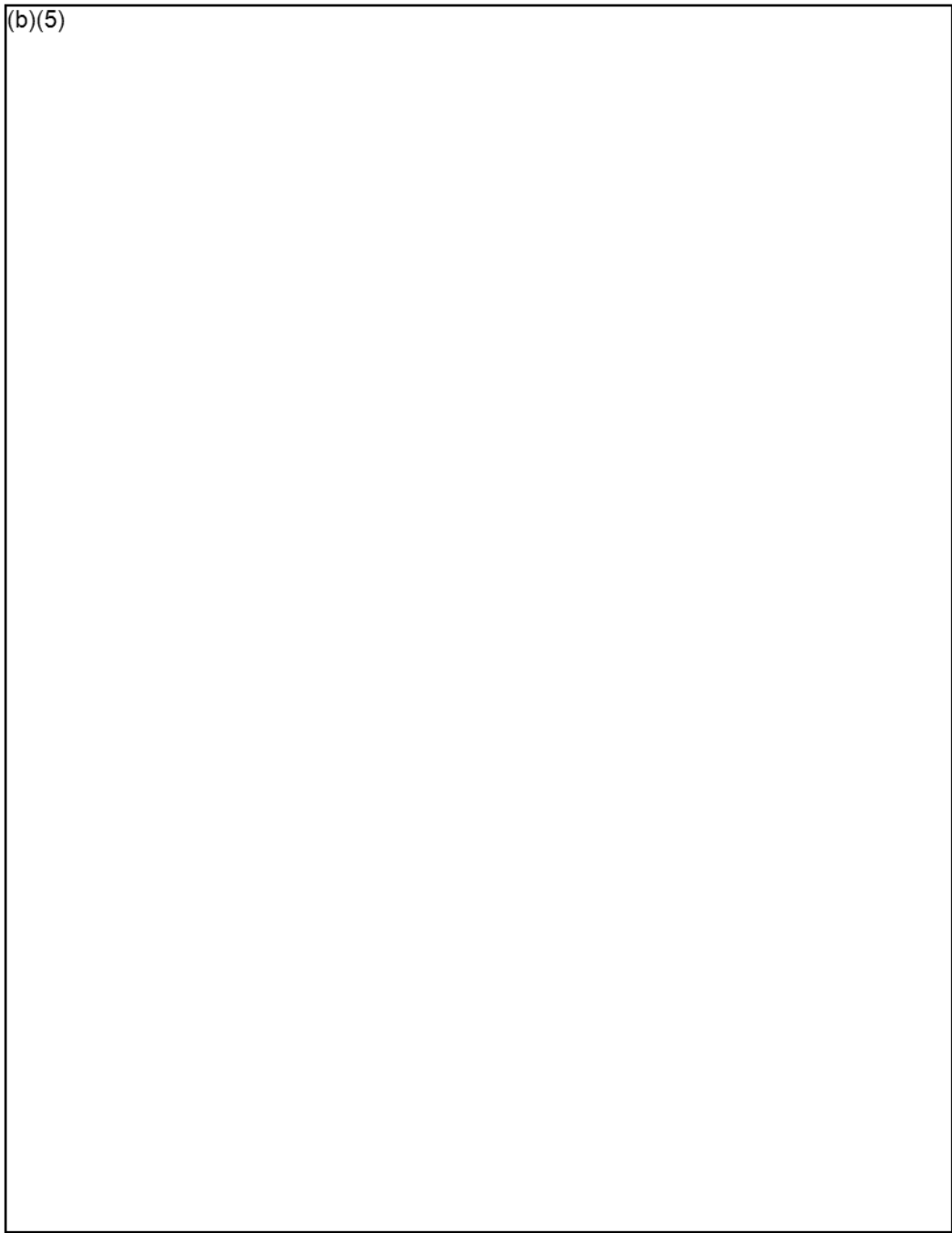


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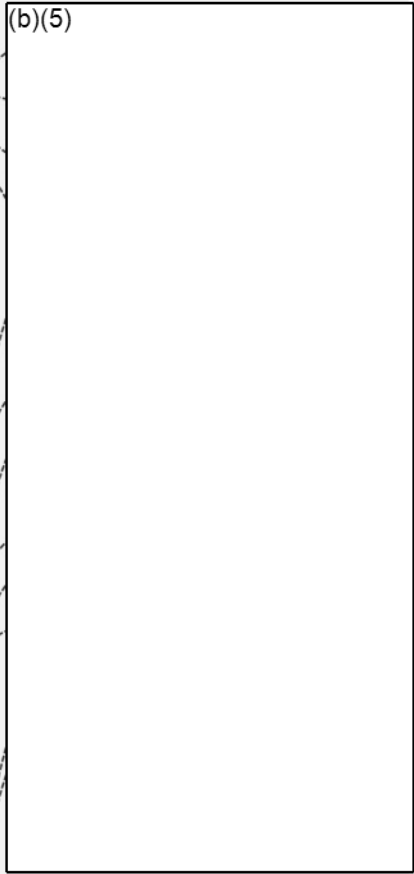


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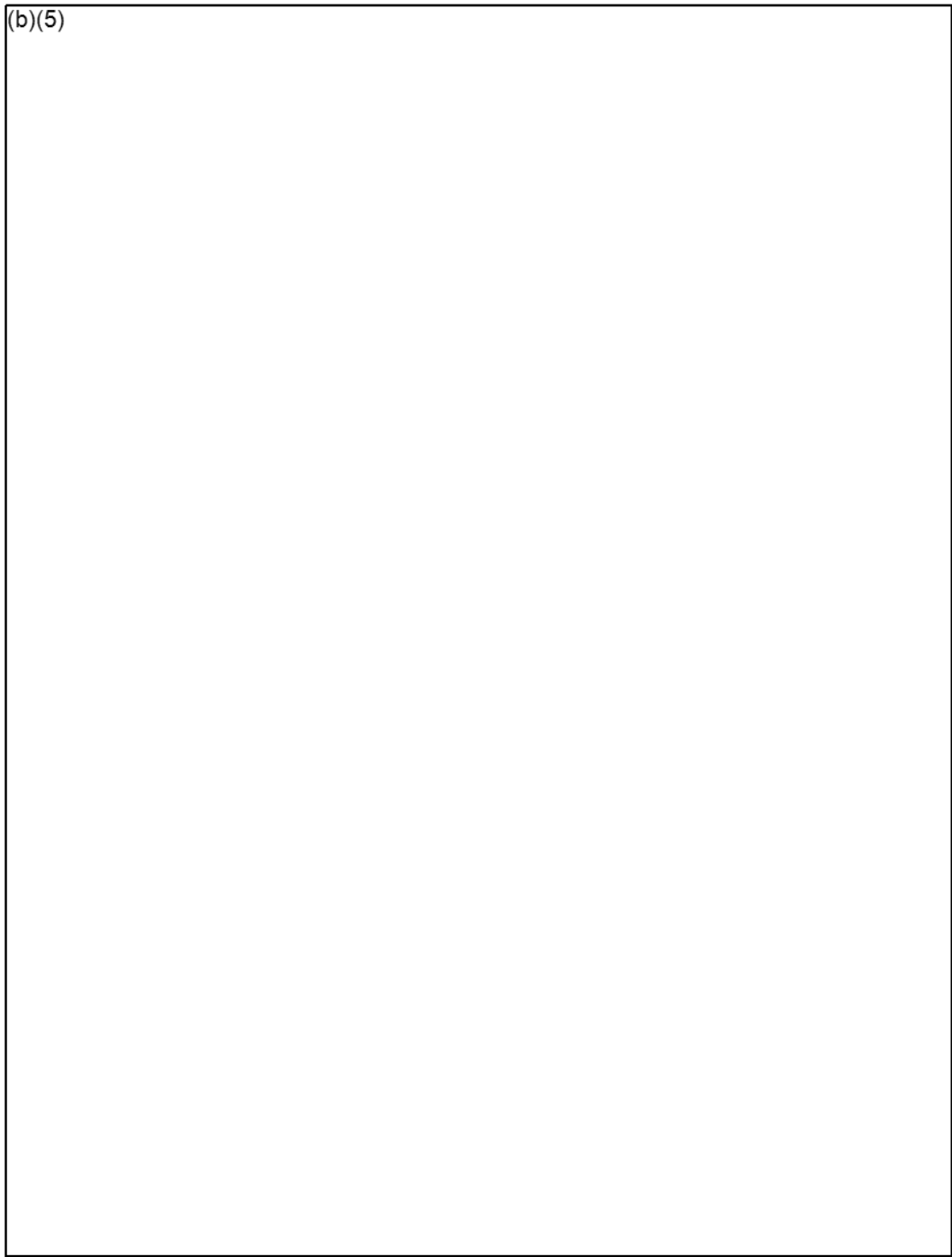
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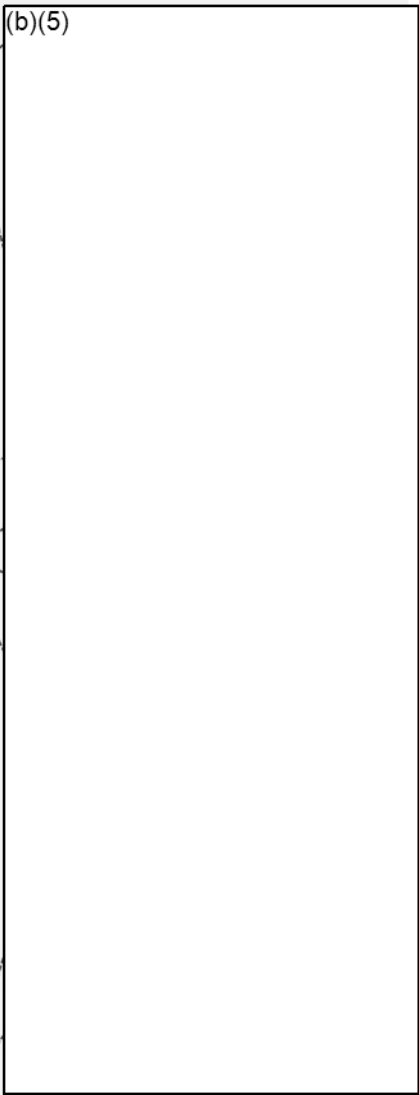
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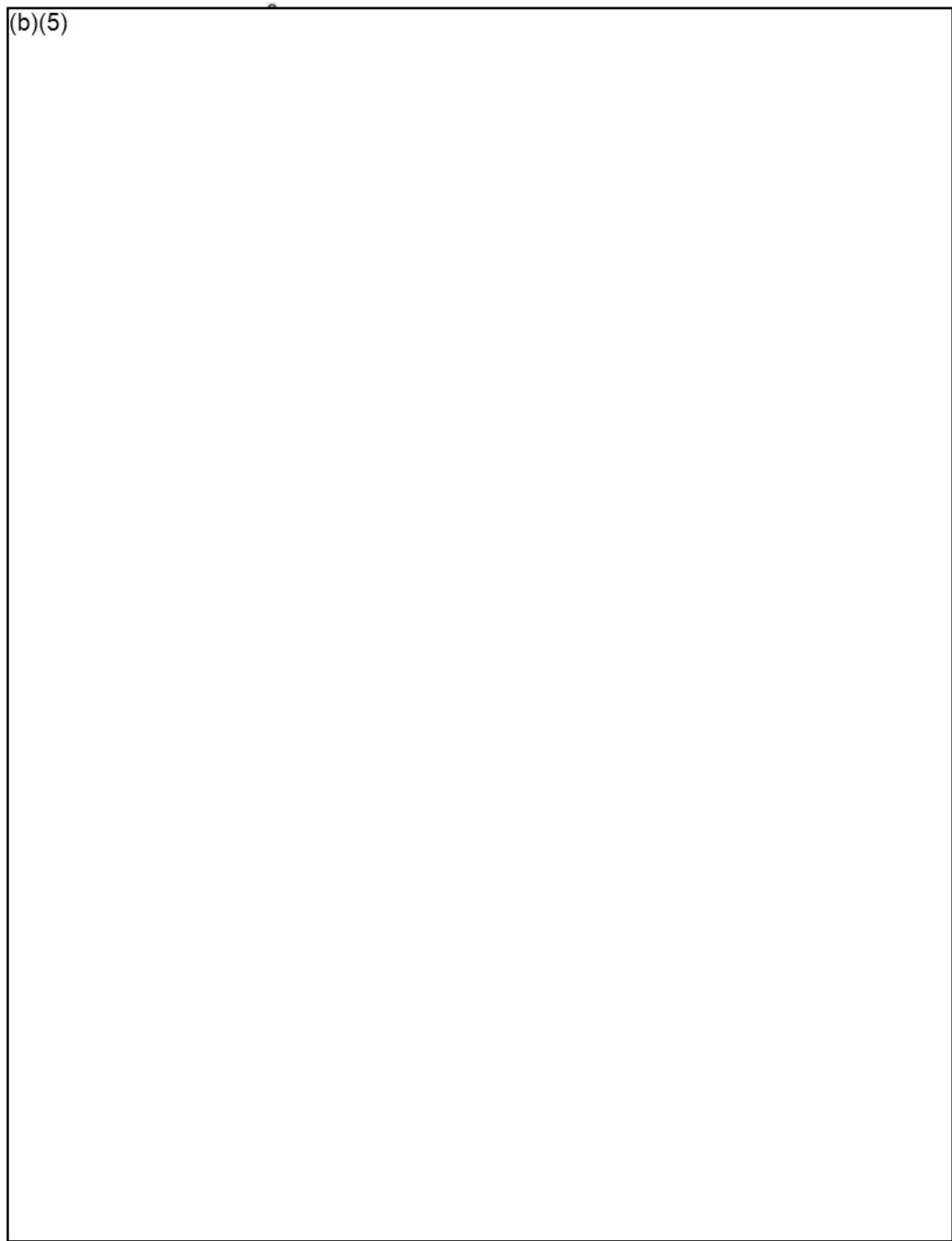
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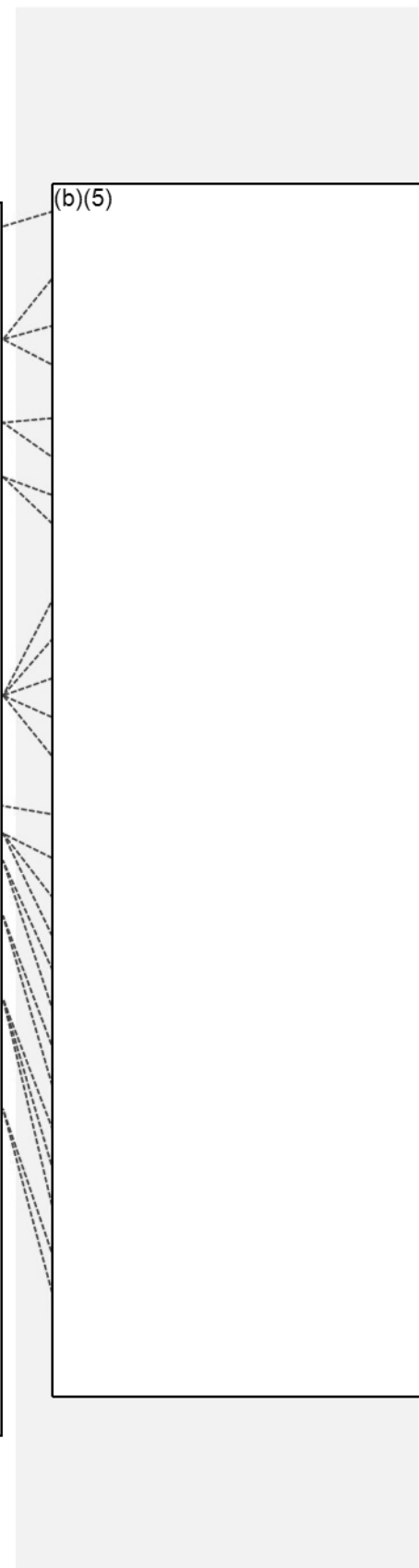
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Page 6 of 12

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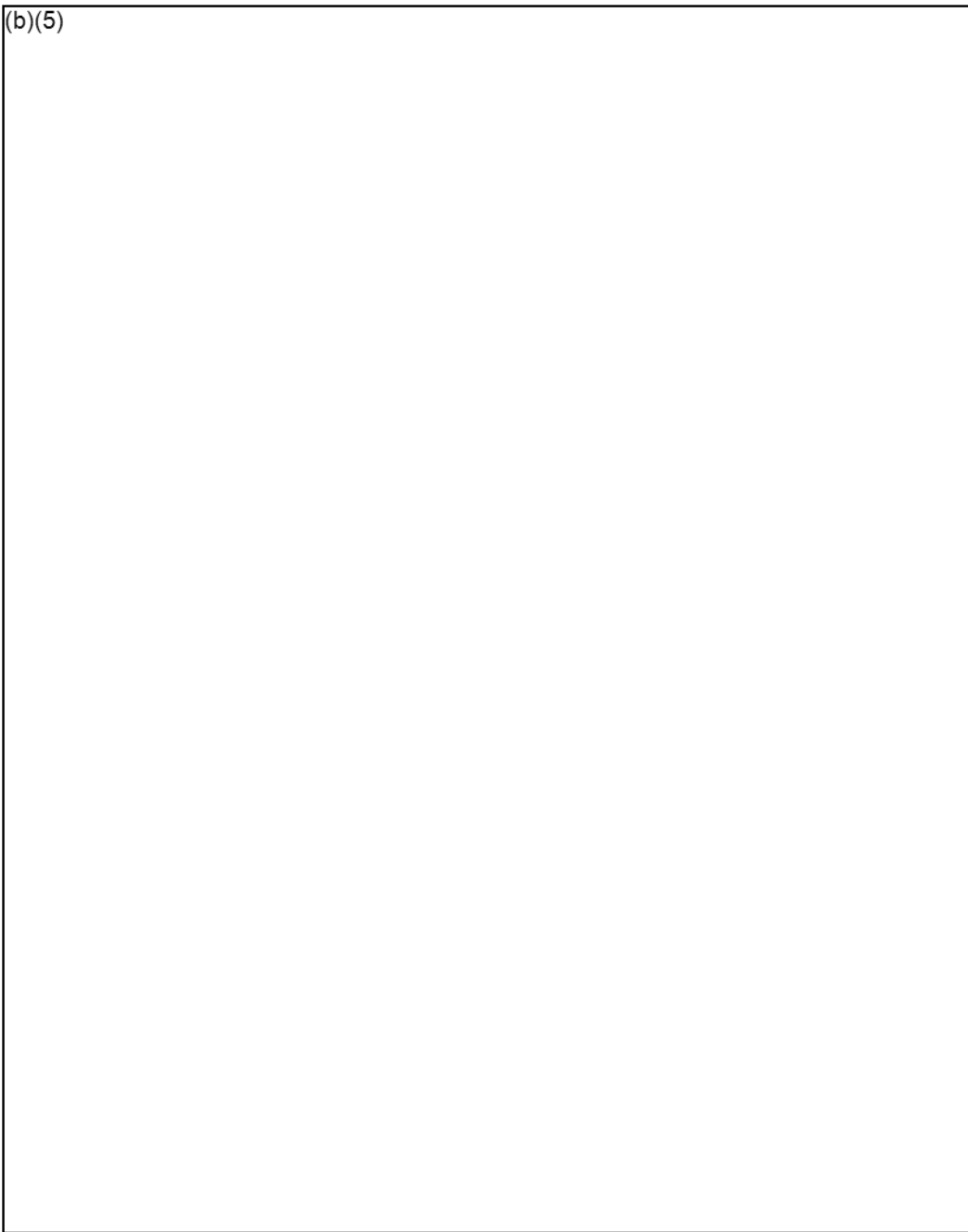
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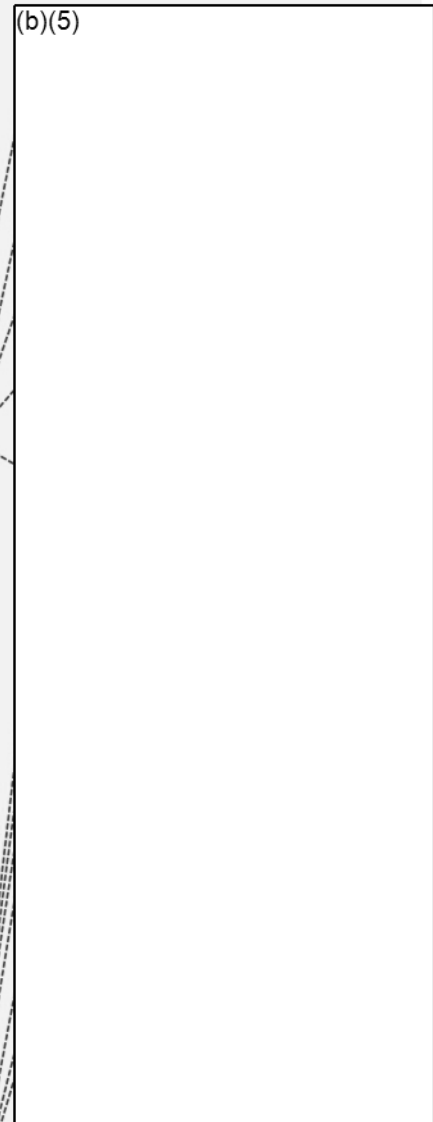
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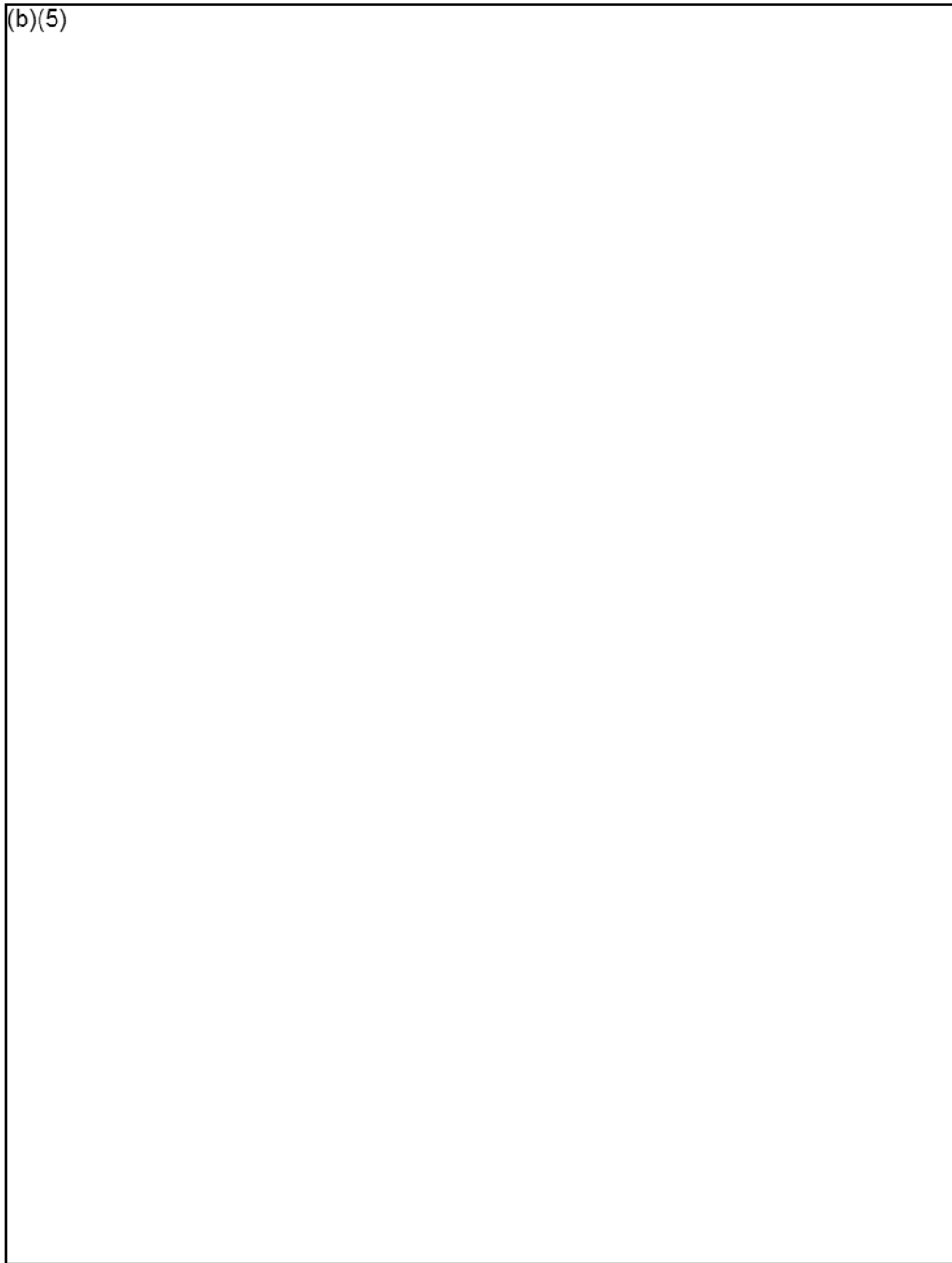


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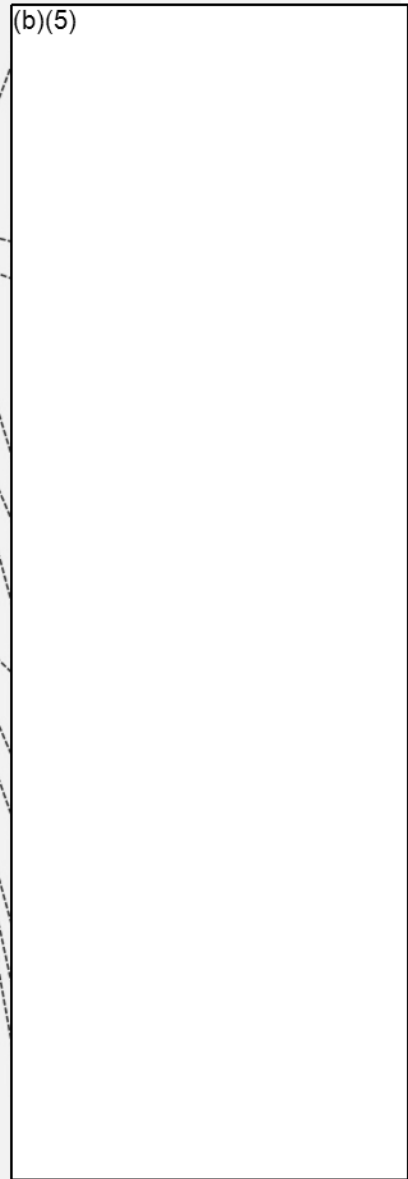
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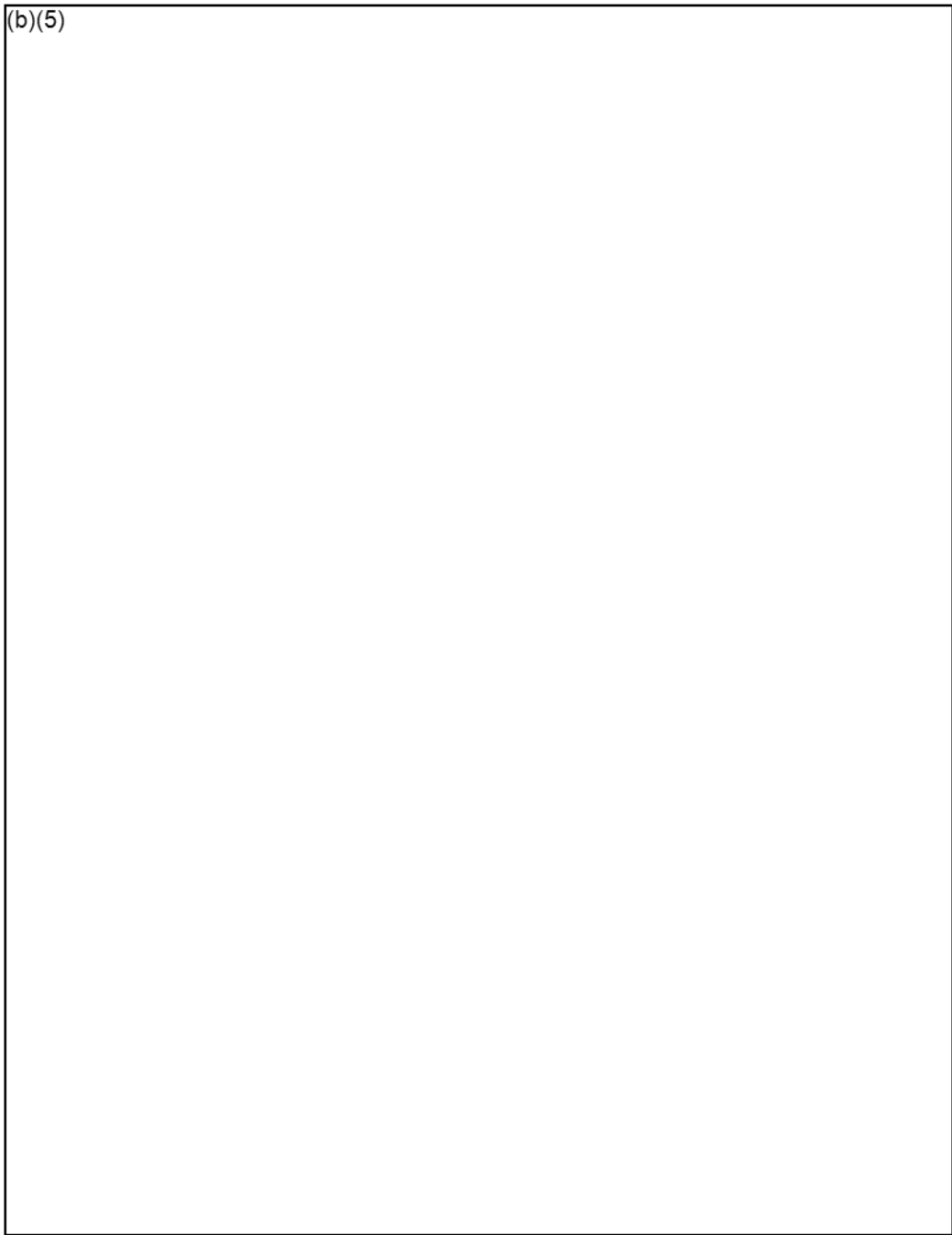
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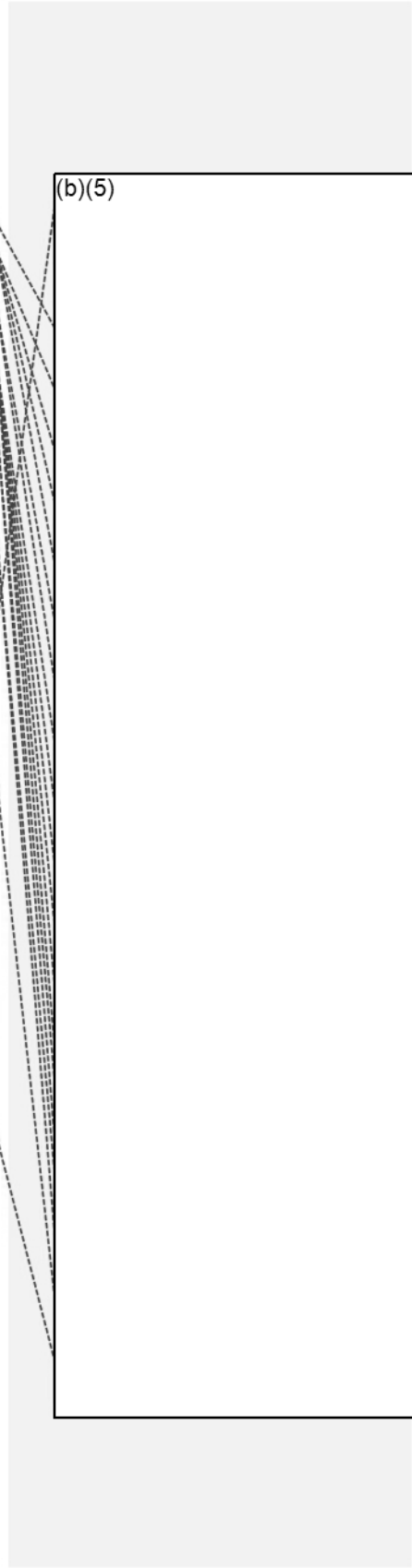
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From: Johnson, Tae D
Sent: 28 May 2020 12:26:13 +0000
To: Albence, Matthew; Kelly, Christopher S; Benner, Derek N; Lucero, Enrique M
Subject: FW: ICE Testing Paper - follow up from 9:15am meeting
Attachments: ICE Testing Paper 5.28.20.docx

Here is the latest Testing Paper.

From: Smith, Stewart D (b)(6); (b)(7)(C) @ice.dhs.gov>
Date: Thursday, May 28, 2020, 8:09 AM
To: Lucero, Enrique M (b)(6); (b)(7)(C) @ice.dhs.gov>, Johnson, Tae D (b)(6); (b)(7)(C) @ice.dhs.gov>
Subject: FW: ICE Testing Paper - follow up from 9:15am meeting

FYSA. Looks like this has been punted to me. I'll continue to massage and keep you informed.

Dr. Stewart D. Smith, MPH, CCHP, FACHE
 Assistant Director | ICE Health Service Corps
 Desk: 202-732-(b)(6); Cell: 202-321-(b)(6);

Executive Assistant: Ms (b)(6); (b)(7)(C) @associates.ice.dhs.gov
 Desk: 202-732-(b)(6); Cell: 202-893-(b)(6);
 "IHSC: One Team, One Mission... Learning the Way in Immigration Health Care"

From: Smith, Stewart D
Sent: Thursday, May 28, 2020 6:11 AM
To: McCament, James (b)(6) t@hq.dhs.gov>
Subject: RE: ICE Testing Paper - follow up from 9:15am meeting

James –

Attached for your review. New additions are in blue font.

R/ Stew

Dr. Stewart D. Smith, MPH, CCHP, FACHE
 Assistant Director | ICE Health Service Corps
 Desk: 202-732-(b)(6); Cell: 202-321-(b)(6);

Executive Assistant: Ms (b)(6); (b)(7)(C) @associates.ice.dhs.gov
 Desk: 202-732-(b)(6); Cell: 202-893-(b)(6);
 "IHSC: One Team, One Mission... Learning the Way in Immigration Health Care"

From: McCament, James (b)(6) @hq.dhs.gov>
Sent: Wednesday, May 27, 2020 7:12 PM
To: Smith, Stewart D (b)(6); (b)(7)(C) @ice.dhs.gov>
Subject: RE: ICE Testing Paper - follow up from 9:15am meeting

You're very welcome Stew. Thanks for all your tireless work.

James W. McCament

Under Secretary (*Senior Official Performing the Duties of*)
Deputy Under Secretary for Strategy, Policy & Plans
U.S. Department of Homeland Security



From: Smith, Stewart D (b)(6); (b)(7)(C) @ice.dhs.gov>
Sent: Wednesday, May 27, 2020 7:11 PM
To: McCament, James (b)(6) @hq.dhs.gov>
Subject: RE: ICE Testing Paper - follow up from 9:15am meeting

Many thanks, James. Much appreciated.

R/ Stew

Dr. Stewart D. Smith, MPH, CCHP, FACHE
Assistant Director | ICE Health Service Corps

Desk: 202-732 (b)(6); (b)(7)(C) | Cell: 202-321 (b)(6); (b)(7)(C)

From: McCament, James (b)(6) @hq.dhs.gov>
Date: Wednesday, May 27, 2020, 7:05 PM
To: Smith, Stewart D (b)(6); (b)(7)(C) @ice.dhs.gov>
Subject: RE: ICE Testing Paper - follow up from 9:15am meeting

Thanks very much for checking Stew. Yes, tomorrow AM should work. I've advised AS1 and the FO that we're yet waiting on the DOS information. So the paper won't be coming tonight.

James W. McCament

Under Secretary (*Senior Official Performing the Duties of*)
Deputy Under Secretary for Strategy, Policy & Plans
U.S. Department of Homeland Security



From: Smith, Stewart D (b)(6); (b)(7)(C) @ice.dhs.gov>
Sent: Wednesday, May 27, 2020 7:03 PM
To: McCament, James (b)(6) @hq.dhs.gov>
Subject: RE: ICE Testing Paper - follow up from 9:15am meeting

When is this due? Would the morning work or do you need it tonight?

R/ Stew

Dr. Stewart D. Smith, MPH, CCHP, FACHE
 Assistant Director | ICE Health Service Corps
 Desk: 202-732-(b)(6); (b)(7)(C) Cell: 202-321-(b)(6); (b)(7)(C)

From: McCament, James (b)(6) @hq.dhs.gov>
Date: Wednesday, May 27, 2020, 6:40 PM
To: (b)(6) @hq.dhs.gov>, Smith, Stewart D (b)(6); (b)(7)(C) @ice.dhs.gov>, Alles, Randolph (b)(6) @hq.dhs.gov>, Albence, Matthew (b)(6); (b)(7)(C) @ice.dhs.gov>, (b)(6) @hq.dhs.gov>
Cc: Boyd, Valerie (b)(6) @hq.dhs.gov>
Subject: RE: ICE Testing Paper - follow up from 9:15am meeting

Doctors, thanks to both of you for the further follow-up on the test data. Can you please consolidate that further detailed explanation into the testing paper document? That will provide the support for pressing back to Guatemala regarding the test validity.

Matt, thanks for providing latest on the Guatemala process and for asking Hugo for the two other government processes. Once received, and incorporated, I believe we'll have the background information regarding the viability of this for AS1/AS2.

Thanks again all,

James W. McCament

Under Secretary (*Senior Official Performing the Duties of*)
 Deputy Under Secretary for Strategy, Policy & Plans
 U.S. Department of Homeland Security



From: (b)(6) @hq.dhs.gov>
Sent: Wednesday, May 27, 2020 6:16 PM
To: Smith, Stewart D (b)(6); (b)(7)(C) @ice.dhs.gov>; Alles, Randolph (b)(6) @hq.dhs.gov>; Albence, Matthew (b)(6); (b)(7)(C) @ice.dhs.gov> (b)(6) @hq.dhs.gov>
Cc: McCament, James (b)(6) @hq.dhs.gov>; Boyd, Valerie (b)(6) @hq.dhs.gov>
Subject: RE: ICE Testing Paper - follow up from 9:15am meeting

All tests have false negatives. You pick a test and threshold then accept certain constraints depending upon what you plan to do clinically.

I would like to echo Stew's statement that testing is constantly evolving during this pandemic. There are currently several ongoing tests and evaluations for the Abbott. I'm providing the link here for the press release on the *interim* analysis but the key point that Abbott says the ID NOW platform performs best in patients tested earlier *post symptom onset*. Therefore those without

symptoms may not have enough of a viral load yet to be detected with this test along with some of the challenges of specimen collection or storage. Currently there is no ideal test given the highly variable symptoms with this disease that also has an incubation period thought to be up to 14 days.

<https://abbott.mediaroom.com/2020-05-21-Abbott-Releases-Interim-Clinical-Study-Data-on-ID-NOW-COVID-19-Rapid-Test-Showing-Strong-Agreement-to-Lab-Based-Molecular-PCR-Tests>

Take care,

(b)(6)

Workforce Health and Safety /Office of the Chief Human Capital Officer

U. S. Department of Homeland Security

Desk (b)(6)

DHS Mob (b)(6)

(b)(6) @hq.dhs.gov

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From: Smith, Stewart D (b)(6); (b)(7)(C) @ice.dhs.gov>

Sent: Wednesday, May 27, 2020 5:48 PM

To: Alles, Randolph (b)(6) @hq.dhs.gov>; Albence, Matthew (b)(6); (b)(7)(C) @ice.dhs.gov>; (b)(6) @hq.dhs.gov>;

(b)(6) @hq.dhs.gov>

Cc: McCament, James (b)(6) @hq.dhs.gov>; Boyd, Valerie

(b)(6) @hq.dhs.gov>

Subject: RE: ICE Testing Paper - follow up from 9:15am meeting

Good afternoon –

Data is still coming in and will likely be studied for quite some time. A recent study by bioRxiv mentioned the Cleveland Clinic revealed a lower sensitivity for the Abbott ID NOW, with a false negative rate of 14.8%.

The CDC-developed test, which returns results in a few days, detected 100% of positive samples. A similar test from Roche detected 96.5% of samples, and a test from Cepheid that produces results in less than hour detected 98.2% of positive samples. However, Abbott's ID NOW test — one that returns results in less than 15 minutes — detected virus in only 85.2% of positive

samples, meaning it had a false negative rate of 14.8%. So we can see from current literature that the ID NOW machine is less accurate. I wasn't able to find exact comparisons of false negatives, but we can extrapolate that the ID NOW machine produces less positive samples and likely less negative samples.

LabCorp (ICE's contract Lab) uses the COVID-19 RT-PCR test is a real-time reverse transcription polymerase chain reaction (rRT-PCR). Negative results must be combined with clinical observations, patient history, and epidemiological information.

Key Point: False-negative' test results refer to cases where someone who truly has the disease tests negative instead of positive. For RT-PCR tests, like those used to diagnose COVID-19, false negatives occur for a variety of reasons, such as the level of viral RNA being below the limit of detection of the test. Meaning they are infected, but the viral load is sufficient in the body to produce an adequate specimen that results in a positive reading

We are learning something new every day about the best specimen types, collection methods and testing platforms for SARS2-CoV detection. These variables could help explain why some SARS-CoV-2 tests are negative when in fact, the patient has clinical disease.

Dr. Stewart D. Smith, MPH, CCHP, FACHE
Assistant Director | ICE Health Service Corps
Desk: 202-732-(b)(6) | Cell: 202-321-(b)(6);

Executive Assistant: M (b)(6); (b)(7)(C) @associates.ice.dhs.gov
Desk: 202-732-(b)(6) Cell: 202-893-(b)(6);
"IHSC: One Team, One Mission...Leading the way in Immigration Health Care"

From: Alles, Randolph (b)(6) @hq.dhs.gov>
Sent: Wednesday, May 27, 2020 5:21 PM
To: Albence, Matthew (b)(6); (b)(7)(C) @ice.dhs.gov>; (b)(6) (b)(6) @hq.dhs.gov>; (b)(6) (b)(6) @hq.dhs.gov>; Smith, Stewart D (b)(6); (b)(7)(C) @ice.dhs.gov>
Cc: McCament, James (b)(6) @hq.dhs.gov>; Boyd, Valerie (b)(6) @hq.dhs.gov>
Subject: RE: ICE Testing Paper - follow up from 9:15am meeting

Understand Matt.

Docs,

Can you answer the Director's question on the false negative rates between the two types of tests? I thought they all had a certain false negative rate.

V/R

R. D. "Tex" Alles

(b)(6)

From: Albence, Matthew (b)(6); (b)(7)(C) @ice.dhs.gov>
Sent: Wednesday, May 27, 2020 17:14
To: Alles, Randolph (b)(6) @hq.dhs.gov>; McCament, James

(b)(6) @hq.dhs.gov>; Boyd, Valerie <(b)(6)@hq.dhs.gov>
Subject: RE: ICE Testing Paper - follow up from 9:15am meeting

Thanks, Tex. I think what is critical is the false negative rate between the two types of tests. If it's a 5% difference vs. a 25% difference, that would certainly be informative w/regard to the process going forward and the efficacy of making wholesale operational changes. Can we get that type of data?

Also, for sake of the discussion, I posted below the reception process in Guatemala as provided by (b)(6); I would highlight the fact that they are only testing 10-15% of the returnees, a fact that is not included on the attached document but extremely relevant. I've asked (b)(6) for similar information from Honduras and El Sal so that we could compare/contrast processes.

I would add one further note to the conversation-back in April when we had the flight with large numbers of returnees who tested positive, we also had large numbers of contractors and staff from that same flight (or at the air wing) who also tested positive. We have not had a similar occurrence on subsequent flights in which Guatemala claimed to have large numbers of positive returnees. No way to prove, but that seems to me like the infection is occurring once they are in Guatemala., or else we would be seeing staff/contractor infection.

Reception process for Guatemalan Deportees

Step 1: Reception Process & Migration Control

1. Deportees arrive at the Guatemalan Airforce Reception Center (refurbished and expanded by USAID/IOM) via ICE/ERO flights.
 1. ICE greets immigration officials and Ministry of Health (MOH) officials at landing. An ICE officer on the ERO flight hands an immigration official all documents and paperwork for the returnees. The ERO flight nurse hands over all the medical information and prescriptions to the MOH official present. The senior immigration official present signs the flight manifest and confirms reception of the deportees.
2. Deportees go to the USAID/IOM-supplied/equipped airport clinic, where the MOH conducts basic triage to identify possible symptomatic cases (e.g. temperature testing, health questionnaire)
3. Deportees receive basic information handouts about COVID-19 protection measures, sponsored by USAID/IOM
4. Migration Institute completes migration control process.

Step 2: Transfer to Temporary Shelter for Observation

1. Deportees are transferred from airport by USAID/IOM to temporary shelter (Ramiro de Leon Carpio) or Guatemalan government-designated hotel*.
2. Deportees receive USAID/IOM-procured hygiene kits.

3. At the shelter, MOH selects 10-15% of arrivals, at random, for retesting for COVID-19. A swab is collected by a designated healthcare provider, and is tested using either the laboratory techniques GeneXpert and/or reverse transcription polymerase chain reaction (rt-PCR) with the Hospital Charité protocol [Note: Per CDC's understanding, even when GeneXprt is used it is confirmed at the national lab with 'conventional' RT-PCR. CDC has requested that they clarify the approach being used at present. End note].
4. All deportees remain at shelter for an observation period (48-72 hours), until test results are available. According to post, the living arrangements are co-mingled; multiple people are placed in one room. The GOG tries to isolate deportees according to the flight groups in which they arrived; however, deportees from different flights have mixed in the past. The GOG wants to avoid that situation in the future and is seeking to develop protocols.
5. If test results are negative, deportees are cleared by MOH and proceed to step 3.
6. If any of the "retests" are COVID-19 positive, the individuals are then transferred to one of the COVID specialty hospitals for isolation, and swabs are taken from the remaining individuals who arrived on the same flight. These additional samples are tested at the national lab (similar to above). Any additional positive individuals are sent to the hospital and negative individuals remain in observation.
7. Once there is evidence of infection from a particular flight, even the individuals who tested negative will remain in official quarantine for 14 days post arrival to ensure they are not incubating infection, before being transferred to their communities. Due to lack of capacity at hospitals, official quarantine has sometimes taken place at temporary shelter for deportees.
8. On the flight of 13 April, more individuals (in that case, all) eventually were COVID-19 positive, but it was difficult to ascertain for those testing later on whether it was due to exposure while in the US (though possible as it was still within the 14 day window), or related to
9. *GoG is trying to ensure that the individuals from one flight are separated from those who arrived on any other flight. This is done either by separating areas of the shelter, to the degree feasible, or through the use of a hotel. On the current schedule, on Mondays and Fridays, USAID/IOM transports deportees to the Ramiro de Leon Shelter and on Wednesdays to a hotel sponsored by USAID/IOM (75 returnees per week for up to three days, including three daily meals). Observation process and random sampling is the same for the temporary shelter and hotel.

Step 3: Transportation to their Communities

1. MOH clears returnees for travel, after completing observation period and negative test results from sampling
2. Deportees are transported to their communities in buses supported by IOM/USAID
3. Migration Institute liaises with national police and municipal authorities to facilitate reception at community level.

Step 4: Home Quarantine Process

1. Deportees remain in a 14-day home quarantine process, with limited monitoring from MOH

From: Alles, Randolph (b)(6) <(b)(6)@hq.dhs.gov>
Sent: Wednesday, May 27, 2020 3:49 PM
To: McCament, Jame (b)(6) <(b)(6)@hq.dhs.gov>; Boyd, Valerie (b)(6) <(b)(6)@hq.dhs.gov>; Albence, Matthew <(b)(6): (b)(7)(C)@ice.dhs.gov>
Subject: FW: ICE Testing Paper - follow up from 9:15am meeting

Here's the input. Not exactly a resounding endorsement of the machines we are using. If you read some of this material on line you will discover the test is dependent on how well the sample is taken (does it get to the infected locations) and when in the life of the virus the test is given (is the virus still in the throat or has it descended into the lungs). It's more about how and when the test is given than the machine itself. It seems to me it's a battle of our test versus the one being used in Guatemala and the fact only Guatemala is turning up so many positives on return.

V/R
 R. D. "Tex" Alles

(b)(6)

From: (b)(6) <(b)(6)@hq.dhs.gov>
Sent: Wednesday, May 27, 2020 15:28
To: Alles, Randolph (b)(6) <(b)(6)@hq.dhs.gov>
Cc: (b)(6) <(b)(6)@hq.dhs.gov>; Bailey, Angela (b)(6) <(b)(6)@hq.dhs.gov>
Subject: ICE Testing Paper - follow up from 9:15am meeting

Sir:

Attached is the info paper regarding testing with inputs from ICE Health Service Corps and CMO's office.

Respectfully,

(b)(6)

Workforce Health and Safety /Office of the Chief Human Capital Officer
 U. S. Department of Homeland Security
 Desk: (b)(6)
 DHS Mobile (b)(6)
 (b)(6)@hq.dhs.gov

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ICE Testing for COVID-19 and Guatemala**BOTTOM LINE UP FRONT:**

- The predictive value of a test varies with time from exposure and symptoms onset, so ICE is ramping up the use of certified laboratory tests through their current contracts for offsite testing which appears to be more reliable.
- ICE will be begin testing *all* new intakes and removals at its IHSC-staffed facilities with recommendations for its contracted facilities to do the same.
- ICE protocols have been reviewed by the CDC.

DHS/DISCUSSION PRIORITIES:**Testing for COVID-19:**

- The predictive value of a test varies with time from exposure and symptoms onset.
- This is an area of active research for the novel SARS-CoV-2 virus given the multitude of testing platforms and Emergency Use Authorization (EUA).
- If clinical suspicion of disease is high, testing cannot rule out COVID-19 disease.
- Data suggests that false-negative rate for RT-PCR is lowest 3 days after onset of symptoms or approximately 8 days after single exposure. (Annals of Internal Medicine 13 May 2020)
- Understanding the follow-on testing in the clinical context is important to identify if it is truly false negative versus shedding or clearance of the infection.

Reliability of Tests:

- The Cleveland Clinic revealed a lower sensitivity for the Abbott ID NOW, with a false negative rate of 14.8%.
- The CDC-developed test detected 100% of positive samples. A similar test from Roche detected 96.5% of samples, and a test from Cepheid that produces results in less than hour detected 98.2% of positive samples.
- Abbott's ID NOW test — one that returns results in less than 15 minutes — detected virus in only 85.2% of positive samples, meaning it had a false negative rate of 14.8%.
- Data show that negative test results must be combined with clinical observations, patient history, and epidemiological information.
- False negatives can occur from the level of viral RNA being below the limit of detection of the test - meaning they are infected, but the viral load is insufficient in the body to produce an adequate specimen that results in a positive reading.
- Currently there is no ideal test given the highly variable symptoms with this disease that also has an incubation period thought to be up to 14 days.
- We are learning something new every day about the best specimen types, collection methods and testing platforms for SARS2-CoV detection. These variables could help explain why some SARS-CoV-2 tests are negative when in fact, the patient has clinical disease.

CDC Guatemala:

- Per CDC Guatemala (Dr. (b)(6); (b)(7)(C)), within 24-hours of arrival, detainees from the US are tested using polymerase chain reaction tests that are sent to the local lab for testing.
- Guatemala returnees are cohorted for 24-72 hours after testing and then sent home for the remainder of the 14-day quarantine period.

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ICE Testing

- Abbott ID Now technology was selected by DHHS for use across USG agencies and DHS relies on HHS expertise and provision of equipment for government operations.
- ICE acquired 10 Abbott ID NOW testing machines and accompanying swabs and transport medium from DHHS to provide onsite testing just prior to the detainees removal.
- Tests are conducted on removals not later than 48-hours prior to removal.
- Tests are also conducted on flight crew and other ICE personnel that may be accompanying detainees on the flight. Detainees or ICE personnel who refuse to be tested are not placed on the flight. Detainees who refuse are quarantined for 14 days.
- The Abbott ID NOW testing machines are authorized for use under an FDA EUA.
- ID NOW COVID-19 assay is performed on the ID NOW Instrument is a rapid molecular in vitro diagnostic test utilizing an isothermal nucleic acid amplification technology intended for the qualitative detection of nucleic acid from the SARS-CoV-2 viral RNA in direct nasal, nasopharyngeal or throat swabs from individuals who are suspected of COVID-19 by their healthcare provider.
- The ID NOW test uses a different technology and reagents than those performed in a lab setting.
- ID NOW COVID-19 is a rapid (13 minutes or less), instrument-based isothermal test for the qualitative detection and diagnosis of SARS-CoV-2 from nasal, nasopharyngeal and throat swabs.
- Testing is authorized for laboratories certified under the Clinical Laboratory Improvement Amendments of 1988 (CLIA), 42 U.S.C. §263a, to perform moderate complexity/high complexity tests. IHSC has these certifications.
- The ID NOW COVID-19 assay is also authorized to be distributed and used in patient care settings outside of the clinical laboratory environment, which is the case for IHSC.
- False negative results may occur if a specimen is improperly collected, transported or handled. False negative results may also occur if amplification inhibitors are present in the specimen or if inadequate levels of viruses are present in the specimen. IHSC is following protocols to reduce the potential of false negatives.
- The FDA issued an alert on 14 May 2020 regarding the accuracy of the ID NOW Rapid Test for COVID-19 citing that preliminary data suggest that Abbott Labs' ID NOW test for COVID-19, currently being used, may give false negative test results.
- On May 7, 2020, the FDA stated that negative results from the ID NOW test should be considered presumptive and that additional PCR tests should be sent to a certified lab to confirm negative results.
- As of May 15, 2020, the FDA has received 15 adverse event reports about the Abbott ID NOW test that suggest some users are receiving inaccurate negative results.
- Other non-FDA sources cite that between 15-20% of ID NOW tests produce false negatives.
- ICE is electing to use certified labs to conduct PCR testing whenever feasible.

Staff Responsible for Briefing Memo:

(b)(6); (b)(7)(C) DCMO and Executive Director WHS, m. 202 (b)(6); (b)(7)(C)

Stewart D. Smith, Assistant Director ICE HSC, m. 202 (b)(6); (b)(7)(C)

(b)(6); (b)(7)(C) Acting Deputy Senior Medical Advisor, CWMD/CMO, m. 202 (b)(6); (b)(7)(C)

From: Johnson, Tae D
Sent: 25 May 2020 18:57:14 +0000
To: (b)(6); (b)(7)(C)
Subject: FW: IHSC COVID-19 Reporting 5/24/2020 at 0900
Attachments: COVID-19 Reporting.xlsx

Perhaps one of these tabs have all the A-numbers

Sent with BlackBerry Work
(www.blackberry.com)

From: Smith, Stewart D (b)(6); (b)(7)(C) @ice.dhs.gov>
Date: Sunday, May 24, 2020, 9:10 AM
To: Lucero, Enrique M (b)(6); (b)(7)(C) @ice.dhs.gov>, Johnson, Tae D
<(b)(6); (b)(7)(C) @ice.dhs.gov> <(b)(6); (b)(7)(C) @ice.dhs.gov>, (b)(6); (b)(7)(C)
<(b)(6); (b)(7)(C) @ice.dhs.gov>, Meade, Michael W
<(b)(6); (b)(7)(C) @ice.dhs.gov>, Wong, Ricardo (b)(6); (b)(7)(C) @ice.dhs.gov> <(b)(6); (b)(7)(C)
<(b)(6); (b)(7)(C) @ice.dhs.gov>
Cc: (b)(6); (b)(7)(C) @ice.dhs.gov>
Subject: FW: IHSC COVID-19 Reporting 5/24/2020 at 0900

FYSA

Dr. Stewart D. Smith, MPH, CCHP, FACHE
Assistant Director | ICE Health Service Corps
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From: (b)(6); (b)(7)(C) @ice.dhs.gov>
Date: Sunday, May 24, 2020, 9:05 AM
To: (b)(6); (b)(7)(C) @ice.dhs.gov>, IHSC Taskings
<(b)(6); (b)(7)(C) @ice.dhs.gov> <(b)(6); (b)(7)(C) @ice.dhs.gov> <(b)(6); (b)(7)(C)
<(b)(6); (b)(7)(C) @ice.dhs.gov>, Smith, Stewart D
<(b)(6); (b)(7)(C) @ice.dhs.gov> <(b)(6); (b)(7)(C) @ice.dhs.gov> <(b)(6); (b)(7)(C)
<(b)(6); (b)(7)(C) @ice.dhs.gov>, <(b)(6); (b)(7)(C) @ice.dhs.gov>, <(b)(6); (b)(7)(C)
<(b)(6); (b)(7)(C) @ice.dhs.gov> <(b)(6); (b)(7)(C) @ice.dhs.gov>, <(b)(6); (b)(7)(C)
<(b)(6); (b)(7)(C) @ice.dhs.gov> <(b)(6); (b)(7)(C) @ice.dhs.gov>, <(b)(6); (b)(7)(C)
<(b)(6); (b)(7)(C) @ice.dhs.gov> <(b)(6); (b)(7)(C) @ice.dhs.gov>
Cc: (b)(6); (b)(7)(C) @ice.dhs.gov> <(b)(6); (b)(7)(C) @ice.dhs.gov> CDR
<(b)(6); (b)(7)(C) @ice.dhs.gov> <(b)(6); (b)(7)(C) @ice.dhs.gov>
Subject: IHSC COVID-19 Reporting 5/24/2020 at 0900

Good Morning,

The attached report is updated as of 5/24/2020 @ 0900.

V/r,
LCDR (b)(6): [REDACTED]

(b)(6): (b)(7)(C) [REDACTED] PharmD, MPH, BCPS
LCDR, United States Public Health Service
Senior Public Health Analyst
Public Health, Safety, and Preparedness (PHSP) Unit
DHS/ICE/ERO/ICE Health Service Corps
Desk: (202) 732-[REDACTED]u, Fr)
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(b)(6): [REDACTED]@ice.dhs.gov

"The best way out is always through." – Robert Frost

Cumulative Summary: ICE Detainees (Only) Tested for COVID-19 AND Reported to IHSC, Test Results

***Table below shows all testing completed for clinical reasons as of 5/24/2020 at 0900. IHSC Facility Abbott IDNow test results are inclusive through 5/21/2020.

*****Does not include negative results of widespread testing of asymptomatic and afebrile detainees; these data should not be interpreted as complete reporting of all testing of ICE detainees nationally (e.g., may not include all testing with negative results of all detainees or of all cohorted detainees at a facility)

FACILITY_REPORT	(All)	
COUNTRY	(All)	
CUSTODY	ICE	
SYMPTOMS_SIGNS_YN	(All)	
Test Type	(All)	
Count of ID	Columns	
Test Result (Tested)	Tested	Grand Total
COVID-19 test positive	1310	1310
Test Result Pending	74	74
COVID-19 test negative	1138	1138
Grand Total	2522	2522

Current Summary: ICE Detainees (Only) Tested for COVID-19 AND Reported to IHSC, Test Results, currently documented as under isolation or monitoring

***Table below shows all testing completed for clinical reasons as of 5/24/2020 at 0900. IHSC Facility Abbott IDNow test results are inclusive through 5/21/2020.

*****Does not include negative results of widespread testing of asymptomatic and afebrile detainees; these data should not be interpreted as complete reporting of all testing of ICE detainees nationally (e.g., may not include all testing with negative results of all detainees or of all cohorted detainees at a facility)

FACILITY_REPORT	(All)
COUNTRY	(All)
CUSTODY	ICE
COVID-19_TESTING_INITIATED	(All)
SYMPTOMS_SIGNS_YN	(All)
Count of ID	Isolation or monitoring status
Test Result (Tested)	Currently under isolation or monitoring
COVID-19 test positive	875
Test Result Pending	65
COVID-19 test negative	160
Grand Total	1100

Cumulative Summary: ICE Detainees Tested for COVID-19 by Abbott IDNow Rapid Test at IHSC- Staffed facilities AND Reported to IHSC through 5/21/2020, Test Results, by Country

Test Type	Molecular (Rapid)													
Months2	(All)													
COVID-19_TEST_DATE	(All)													
CUSTODY	ICE													
TESTING_REASON	Removal Facility													
Count														
Nationality/Test Result	NDRIA STAGING	FALA CORRECTION	RVICE PROCESSING	AL CONTRACT	CONTRACT DETENT	REY DETENTION	PROCESSING CEY	PORT ISABEL	D CORRECTION	LY RESIDENTIE	PROCESSING CEY	Grand Total		
Brazil												5	5	
COVID-19 test negative												5	5	
COVID-19 test positive	38							5				2	45	
Colombia								5				2	42	
COVID-19 test negative												2	2	
COVID-19 test positive	3												3	
Dominican Republic												1	1	
COVID-19 test positive												1	1	
Ecuador												4	4	
COVID-19 test negative												4	4	
COVID-19 test positive												1	1	
Guatemala												10	10	
COVID-19 test negative	167	1			9	163				106	1	4	462	
COVID-19 test positive	134				1	161				106		4	425	
Haiti												3	3	
COVID-19 test negative	23											3	26	
COVID-19 test positive	22											3	25	
Honduras												2	2	
COVID-19 test positive	1											2	2	
India												2	2	
COVID-19 test negative	86											2	88	
COVID-19 test positive	74												74	
Nicaragua												2	2	
COVID-19 test negative	12											1	13	
COVID-19 test positive	13											3	16	
Peru												2	2	
COVID-19 test negative	28											2	30	
COVID-19 test positive	26												26	
Turkey												1	1	
COVID-19 test positive	2											1	3	
Venezuela												1	1	
COVID-19 test negative	2											1	3	
Grand Total	357	1	6	9	163	4	1	114	1	21	7		684	

Cumulative Summary: ICE Detainees Testing Positive for COVID-19 AND Reported to IHSC, by currently under isolation or Monitoring or Released from isolation or monitoring

***Table below shows all testing completed for clinical reasons as of 5/24/2020 at 0900. IHSC Facility Abbott IDNow test results are inclusive through 5/21/2020.

****Does not include negative results of widespread testing of asymptomatic and afebrile detainees; these data should not be interpreted as complete reporting of all testing of ICE detainees nationally (e.g., may not include all testing with negative results of all detainees or of all cohorted detainees at a facility)

FACILITY_REPORT	(All)		
COUNTRY	(All)		
CUSTODY	ICE		
AOR	(All)		
Count of ID	Isolation or released from isolation		
Test Result (Tested)	Currently under isolation or monitoring	Released from isolation or monitoring	Grand Total
COVID-19 test positive	875	435	1310
Grand Total	875	435	1310

Cumulative Summary: ICE Detainees Tested Positive for COVID-19 by Isolation or Monitoring Status AND Reported to IHSC | by AOR and Facility

***Table below shows all testing completed for clinical reasons as of 5/24/2020 at 0900. IHSC Facility Abbott IDNow test results are inclusive through 5/21/2020.

****Does not include negative results of widespread testing of asymptomatic and afebrile detainees; these data should not be interpreted as complete reporting of all testing of ICE detainees nationally (e.g., may not include all testing with negative results of all detainees or of all cohorted detainees at a facility)

TEST_RESULTS	COVID-19 test positive		
CUSTODY	ICE		
Count	on or Monitoring	Status	
AOR / Facility	Currently under isolation or monitoring	Released from isolation or monitoring	Grand Total
ATL			
FOLKSTON ICE PROCESSING CENTER (D. RAY JAMES)	3		3
IRWIN COUNTY DETENTION CENTER	7		7
STEWART DETENTION CENTER	18		18
BOS			
BRISTOL COUNTY DETENTION CENTER	1		1
STRAFFORD COUNTY CORRECTIONS	2		2
WYATT DETENTION CENTER	2		2
BUF			
BUFFALO (BATAVIA) SERVICE PROCESSING CENTER		49	49
CHI			
LINCOLN COUNTY DETENTION CENTER	1		1
PULASKI COUNTY DETENTION CENTER	28		28
DAL			
BLUEBONNET DETENTION FACILITY	115		115
JOHNSON COUNTY LAW ENFORCEMENT CENTER (TX)	1		1
PRAIRIELAND DETENTION FACILITY	30	13	43
ROLLING PLAINS DETENTION CENTER	39	2	41
DEN			
DENVER CONTRACT DETENTION FACILITY	2		2
DET			
CALHOUN COUNTY CORRECTIONAL CENTER	2		2
MORROW COUNTY CORRECTIONAL FACILITY	48		48
SAINT CLAIR COUNTY JAIL	9	1	10
ELP			
EL PASO SERVICE PROCESSING CENTER	20	2	22
OTERO COUNTY PROCESSING CENTER	77	13	90
TORRANCE COUNTY DETENTION FACILITY	2		2
HOU			
HOUSTON CONTRACT DETENTION FACILITY	67	7	74
IAH POLK ADULT DETENTION FACILITY		16	16
JOE CORLEY DETENTION CENTER	25	15	40
MONTGOMERY PROCESSING CENTER (HOUSTON)	5	2	7
LOS			
LA STAGING		1	1
MIA			
BROWARD TRANSITIONAL CENTER	19		19
KROME NORTH SERVICE PROCESSING CENTER	2	12	14
NEW			
ELIZABETH CONTRACT DETENTION FACILITY		18	18
ESSEX COUNTY JAIL	8		8
NOL			
ADAMS COUNTY CORRECTIONAL CENTER	1	14	15
ALEXANDRIA STAGING FACILITY	53		53
CATAHOULA CORRECTIONAL CENTER	33	9	42
ETOWAH COUNTY JAIL (AL)	1		1
LASALLE ICE PROCESSING CENTER (JENA)		11	11
LASALLE OLLA (LA)	2		2
PINE PRAIRIE ICE PROCESSING CENTER	3	27	30
RICHWOOD CORRECTIONAL CENTER		64	64
RIVER CORRECTIONAL CENTER	1	1	2
WINN CORRECTIONAL CENTER	51	21	72
NYC			

BERGEN COUNTY JAIL		2	2
HUDSON COUNTY JAIL	8	6	14
PHI			
PIKE COUNTY CORRECTIONAL FACILITY	20	2	22
YORK COUNTY PRISON		1	1
PHO			
FLORENCE SERVICE PROCESSING CENTER	1	10	11
LA PALMA	23	52	75
SEA			
TACOMA ICE PROCESSING CENTER (NORTHWEST DET	1		1
SLC			
NEVADA SOUTHERN DETENTION CENTER	1		1
SNA			
PORT ISABEL		1	1
SOUTH TEXAS ICE PROCESSING CENTER (PEARSALL)	32		32
WEBB COUNTY DETENTION CENTER (CCA)	1		1
SND			
IMPERIAL REGIONAL DETENTION FACILITY	1		1
OTAY MESA DETENTION CENTER (SAN DIEGO CDF)	98	60	158
SPM			
POLK COUNTY JAIL	8	1	9
WAS			
CAROLINE DETENTION FACILITY	1	2	3
IMMIGRATION CENTERS OF AMERICA FARMVILLE	2		2
Grand Total	875	435	1310

Current Summary: ICE Detainees Currently under isolation or monitoring by Symptomatic or Asymptomatic Status AND Reported to IHSC | by AOR and Facility

***Table below shows all testing completed for clinical reasons as of 5/24/2020 at 0900. IHSC Facility Abbott IDNow test results are inclusive through 5/21/2020.

****Does not include negative results of widespread testing of asymptomatic and afebrile detainees; these data should not be interpreted as complete reporting of all testing of ICE detainees nationally (e.g., may not include all testing with negative results of all detainees or of all cohorted detainees at a facility)

TEST_RESULTS	(All)		
CUSTODY	ICE		
RELEASED_MONITORING_ISOLATION	tly under isolation or monitoring		
Count	Symptomatic or Asymptomatic		
AOR / Facility	YES_signs or symptoms present	NO_signs or symptoms not present	Grand Total
ATL			
FOLKSTON ICE PROCESSING CENTER (D. RAY JAMES)	3		3
IRWIN COUNTY DETENTION CENTER	4	5	9
STEWART DETENTION CENTER	17	3	20
BOS			
BRISTOL COUNTY DETENTION CENTER	1		1
STRAFFORD COUNTY CORRECTIONS	2		2
WYATT DETENTION CENTER	1	1	2
BUF			
BUFFALO (BATAVIA) SERVICE PROCESSING CENTER	7	1	8
CHI			
LINCOLN COUNTY DETENTION CENTER		1	1
PULASKI COUNTY DETENTION CENTER	19	9	28
DAL			
BLUEBONNET DETENTION FACILITY	36	87	123
JOHNSON COUNTY LAW ENFORCEMENT CENTER (TX)	1		1
PRAIRIELAND DETENTION FACILITY	21	14	35
ROLLING PLAINS DETENTION CENTER	4	46	50
DEN			
DENVER CONTRACT DETENTION FACILITY	3		3
DET			
CALHOUN COUNTY CORRECTIONAL CENTER	2		2
MORROW COUNTY CORRECTIONAL FACILITY	10	41	51
SAINT CLAIR COUNTY JAIL	8	1	9
ELP			
EL PASO SERVICE PROCESSING CENTER	24	12	36
OTERO COUNTY PROCESSING CENTER	7	71	78
TORRANCE COUNTY DETENTION FACILITY		2	2
HOU			
HOUSTON CONTRACT DETENTION FACILITY	35	50	85
JOE CORLEY DETENTION CENTER	19	6	25
MONTGOMERY PROCESSING CENTER (HOUSTON)	7	13	20
LOS			
ADELANTO ICE PROCESSING CENTER	4	3	7
MIA			
BROWARD TRANSITIONAL CENTER	6	16	22
GLADES COUNTY DETENTION CENTER	2		2
KROME NORTH SERVICE PROCESSING CENTER	1	1	2
NEW			
ESSEX COUNTY JAIL	2	11	13
NOL			
ADAMS COUNTY CORRECTIONAL CENTER	1		1
ALEXANDRIA STAGING FACILITY	5	48	53
CATAHOULA CORRECTIONAL CENTER	23	19	42
ETOWAH COUNTY JAIL (AL)	1		1
LASALLE ICE PROCESSING CENTER (JENA)	3		3
LASALLE OLLA (LA)	3		3
PINE PRAIRIE ICE PROCESSING CENTER	3	2	5
RICHWOOD CORRECTIONAL CENTER	1		1
RIVER CORRECTIONAL CENTER	2		2
WINN CORRECTIONAL CENTER	60		60
NYC			
BERGEN COUNTY JAIL		1	1
HUDSON COUNTY JAIL	6	2	8
PHI			
PIKE COUNTY CORRECTIONAL FACILITY	25	6	31
YORK COUNTY PRISON	1		1
PHO			
ELOY FEDERAL CONTRACT FACILITY	3	3	6

FLORENCE SERVICE PROCESSING CENTER	9	18	27
LA PALMA	28		28
SEA			
TACOMA ICE PROCESSING CENTER (NORTHWEST DET	1	4	5
SLC			
NEVADA SOUTHERN DETENTION CENTER	2		2
SNA			
KARNES COUNTY RESIDENTIAL CENTER	1		1
RIO GRANDE DETENTION CENTER	1		1
SOUTH TEXAS FAMILY RESIDENTIAL CENTER (DILLEY)	2	1	3
SOUTH TEXAS ICE PROCESSING CENTER (PEARSALL)	9	28	37
WEBB COUNTY DETENTION CENTER (CCA)	1		1
SND			
HALL COUNTY SHERIFF		1	1
IMPERIAL REGIONAL DETENTION FACILITY	2		2
OTAY MESA DETENTION CENTER (SAN DIEGO CDF)	131	8	139
SAN LUIS DETENTION CENTER	1		1
SPM			
HALL COUNTY SHERIFF		2	2
KANDIYOH COUNTY JAIL	1		1
POLK COUNTY JAIL	4	5	9
WAS			
CAROLINE DETENTION FACILITY	2		2
IMMIGRATION CENTERS OF AMERICA FARMVILLE	16	2	18
Grand Total	594	544	1138

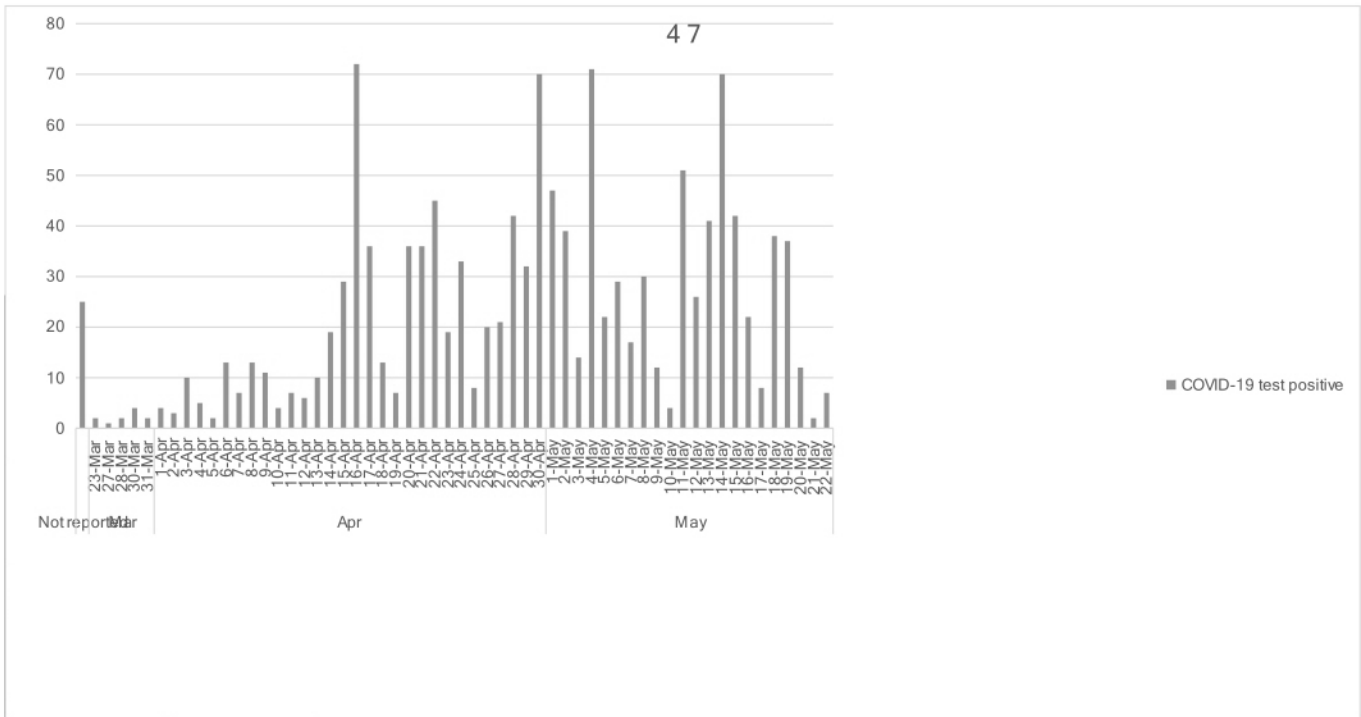
Cumulative Summary: ICE Detainees (only) Tested for COVID-19 AND Reported to IHSC, Test Results; BY AOR and Facility

***Table below shows all testing completed for clinical reasons as of 5/24/2020 at 0900. IHSC Facility Abbott IDNow test results are inclusive through 5/21/2020.

*****Does not include negative results of widespread testing of asymptomatic and afebrile detainees; these data should not be interpreted as complete reporting of all testing of ICE detainees nationally (e.g., may not include all testing with negative results of all detainees or of all cohorted detainees at a facility)

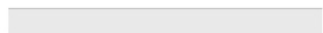
COUNTRY	(All)				
CUSTODY	ICE				
SYMPTOMS_SIGNS_YN	(All)				
Count of ID	Test Result if Tested				Grand Total
	COVID-19 test positive	Test Result Pending	COVID-19 test negative	Refused Testing	
AOR/Facility					
ATL					
FOLKSTON ICE PROCESSING CENTER (D. RAY JAMES)	3				3
IRWIN COUNTY DETENTION CENTER	7		2		9
STEWART DETENTION CENTER	18	1	1	1	21
BOS					
BRISTOL COUNTY DETENTION CENTER	1				1
STRAFFORD COUNTY CORRECTIONS	2				2
WYATT DETENTION CENTER	2				2
BUF					
BUFFALO (BATAVIA) SERVICE PROCESSING CENTER	49		46		95
CHI					
LINCOLN COUNTY DETENTION CENTER	1				1
PULASKI COUNTY DETENTION CENTER	28		2		30
DAL					
BLUEBONNET DETENTION FACILITY	115		34		149
JOHNSON COUNTY LAW ENFORCEMENT CENTER (TX)	1				1
OKMULGEE COUNTY JAIL			1		1
PRAIRIELAND DETENTION FACILITY	43	2	46		91
ROLLING PLAINS DETENTION CENTER	41		14		55
DEN					
DENVER CONTRACT DETENTION FACILITY	2		1		3
DET					
BUTLER COUNTY JAIL (OH)			1		1
CALHOUN COUNTY CORRECTIONAL CENTER	2				2
MORROW COUNTY CORRECTIONAL FACILITY	48		2		50
SAINT CLAIR COUNTY JAIL	10		1		11
ELP					
EL PASO SERVICE PROCESSING CENTER	22		21		43
OTERO COUNTY PROCESSING CENTER	90	1	2		93
TORRANCE COUNTY DETENTION FACILITY	2		1		3
HOU					
HOUSTON CONTRACT DETENTION FACILITY	74	8	177		259
IAH POLK ADULT DETENTION FACILITY	16				16
JOE CORLEY DETENTION CENTER	40		8		48
MONTGOMERY PROCESSING CENTER (HOUSTON)	7	15	15		37
LOS					
ADELANTO ICE PROCESSING CENTER			13		13
LA STAGING	1				1
MIA					
BROWARD TRANSITIONAL CENTER	19	3	3		25
GLADES COUNTY DETENTION CENTER		2			2
KROME NORTH SERVICE PROCESSING CENTER	14		8		22
NEW					
ELIZABETH CONTRACT DETENTION FACILITY	18		1		19
ESSEX COUNTY JAIL	8				8
NOL					
ADAMS COUNTY CORRECTIONAL CENTER	15		1		16

ALEXANDRIA STAGING FACILITY	53		309		362
CATAHOULA CORRECTIONAL CENTER	42	18			60
ETOWAH COUNTY JAIL (AL)	1				1
JACKSON PARISH CORRECTIONAL			1		1
LASALLE ICE PROCESSING CENTER (JENA)	11		12		23
LASALLE OLLA (LA)	2		1		3
PINE PRAIRIE ICE PROCESSING CENTER	30	2	9		41
RICHWOOD CORRECTIONAL CENTER	64	1	5		70
RIVER CORRECTIONAL CENTER	2		1		3
WINN CORRECTIONAL CENTER	72	9	5		86
NYC					
BERGEN COUNTY JAIL	2				2
HUDSON COUNTY JAIL	14				14
PHI					
BERKS FAMILY RESIDENTIAL			2		2
CAMBRIA COUNTY JAIL			1		1
PIKE COUNTY CORRECTIONAL FACILITY	22	1	10		33
YORK COUNTY PRISON	1		2		3
PHO					
ELOY FEDERAL CONTRACT FACILITY			14		14
FLORENCE SERVICE PROCESSING CENTER	11		17		28
LA PALMA	75		16		91
SEA					
TACOMA ICE PROCESSING CENTER (NORTHWEST DET CTR)	1	1	16		18
SLC					
NEVADA SOUTHERN DETENTION CENTER	1		1		2
SNA					
EL VALLE DETENTION FACILITY			3		3
KARNES COUNTY RESIDENTIAL CENTER			6		6
PORT ISABEL	1		121		122
RIO GRANDE DETENTION CENTER			1		1
SOUTH TEXAS FAMILY RESIDENTIAL CENTER (DILLEY)			24		24
SOUTH TEXAS ICE PROCESSING CENTER (PEARSALL)	32	1	73		106
WEBB COUNTY DETENTION CENTER (CCA)	1		2		3
SND					
IMPERIAL REGIONAL DETENTION FACILITY	1	1	1		3
OTAY MESA DETENTION CENTER (SAN DIEGO CDF)	158	8	61	3	230
SAN LUIS DETENTION CENTER			1		1
SPM					
POLK COUNTY JAIL	9		1		10
WAS					
CAROLINE DETENTION FACILITY	3		2		5
IMMIGRATION CENTERS OF AMERICA FARMVILLE	2		19		21
Grand Total	1310	74	1138	4	2526



3-Apr	10
4-Apr	5
5-Apr	2
6-Apr	13
7-Apr	7
8-Apr	13
9-Apr	11
10-Apr	4
11-Apr	7
12-Apr	6
13-Apr	10
14-Apr	19
15-Apr	29
16-Apr	72
17-Apr	36
18-Apr	13
19-Apr	7
20-Apr	36
21-Apr	36
22-Apr	45
23-Apr	19
24-Apr	33
25-Apr	8
26-Apr	20
27-Apr	21
28-Apr	42
29-Apr	32
30-Apr	70
May	
1-May	47
2-May	39
3-May	14
4-May	71
5-May	22
6-May	29
7-May	17
8-May	30
9-May	12
10-May	4
11-May	51
12-May	26
13-May	41
14-May	70

15-May	42
16-May	22
17-May	8
18-May	38
19-May	37
20-May	12
21-May	2
22-May	7
Grand Total	1310



CURRENT SUMMARY: ICE Detainees(only) Reported to ICE Health Service Corps CURRENTLY Under Monitoring or Isolation for 2019 Novel Coronavirus (COVID-19) AND Reported to IHSC by Isolation or Monitoring Status, and COVID-19 test results (if tested)

***Table below shows all testing completed for clinical reasons as of 5/24/2020 at 0900. IHSC Facility Abbott IDNow test results are inclusive through 5/21/2020.

****Does not include negative results of widespread testing of asymptomatic and afebrile detainees; these data should not be interpreted as complete reporting of all testing of ICE detainees nationally (e.g., may not include all testing with negative results of all detainees or of all cohorted detainees at a facility)

RELEASED_MONITORING_ISOLATION	No					
COUNTRY	(All)					
CUSTODY	ICE					
SYMPTOMS_SIGNS_YN	(All)					
Count	COVID-19 test results, if tested	Test Result Pending	COVID-19 test negative	Not Tested	Refused Testing	Grand Total
Facility / Isolated or Monitored Status	COVID-19 test positive					
ADAMS COUNTY CORRECTIONAL CENTER	1					1
Isolated-III; positive test, fever or symptoms present		1				1
ADELANTO ICE PROCESSING CENTER			6	1		7
Monitored-Not III; no fever or symptoms			3	1		4
Isolated-III; positive test, fever or symptoms present			3			3
ALEXANDRIA STAGING FACILITY		53				53
Isolated-III; positive test, fever or symptoms present		53				53
BERGEN COUNTY JAIL				1		1
Monitored-Not III; no fever or symptoms				1		1
BLUEBONNET DETENTION FACILITY	115		8			123
Monitored-Not III; no fever or symptoms			8			8
Isolated-III; positive test, fever or symptoms present		115				115
BRISTOL COUNTY DETENTION CENTER		1				1
Isolated-III; positive test, fever or symptoms present		1				1
BROWARD TRANSITIONAL CENTER	19	3				22
Isolated-III; positive test, fever or symptoms present	19	3				22
BUFFALO (BATAVIA) SERVICE PROCESSING CENTER			8			8
Monitored-Not III; no fever or symptoms			2			2
Isolated-III; positive test, fever or symptoms present			6			6
CALHOUN COUNTY CORRECTIONAL CENTER	2					2
Isolated-III; positive test, fever or symptoms present	2					2
CAROLINE DETENTION FACILITY	1		1			2
Isolated-III; positive test, fever or symptoms present	1		1			2
CATAHOULA CORRECTIONAL CENTER	33	9				42
Monitored-Not III; no fever or symptoms		1				1
Isolated-III; positive test, fever or symptoms present	33	8				41
DENVER CONTRACT DETENTION FACILITY	2		1			3
Monitored-Not III; no fever or symptoms			1			1
Isolated-III; positive test, fever or symptoms present	2					2
EL PASO SERVICE PROCESSING CENTER	20		16			36
Monitored-Not III; no fever or symptoms			14			14
Isolated-III; positive test, fever or symptoms present	20		2			22
ELOY FEDERAL CONTRACT FACILITY			3	3		6
Monitored-Not III; no fever or symptoms			1	2		3
Isolated-III; positive test, fever or symptoms present			2	1		3
ESSEX COUNTY JAIL	8			5		13
Monitored-Not III; no fever or symptoms				5		5
Isolated-III; positive test, fever or symptoms present	8					8
ETOWAH COUNTY JAIL (AL)	1					1
Isolated-III; positive test, fever or symptoms present	1					1
FLORENCE SERVICE PROCESSING CENTER	1		9	17		27
Monitored-Not III; no fever or symptoms			2	16		18
Isolated-III; positive test, fever or symptoms present	1		7	1		9
FOLKSTON ICE PROCESSING CENTER (D. RAY JAMES)	3					3
Isolated-III; positive test, fever or symptoms present	3					3
GLADES COUNTY DETENTION CENTER		2				2
Isolated-III; positive test, fever or symptoms present		2				2

HALL COUNTY SHERIFF				3	3
Monitored-Not Ill; no fever or symptoms				3	3
HOUSTON CONTRACT DETENTION FACILITY	67	8	10		85
Monitored-Not Ill; no fever or symptoms		4	5		9
Isolated-III; positive test, fever or symptoms present	67	4	5		76
HUDSON COUNTY JAIL	8				8
Isolated-III; positive test, fever or symptoms present	8				8
IMMIGRATION CENTERS OF AMERICA FARMVILLE	2		14	2	18
Monitored-Not Ill; no fever or symptoms			2		2
Isolated-III; positive test, fever or symptoms present	2		12	2	16
IMPERIAL REGIONAL DETENTION FACILITY	1	1			2
Isolated-III; positive test, fever or symptoms present	1	1			2
IRWIN COUNTY DETENTION CENTER	7		2		9
Monitored-Not Ill; no fever or symptoms			1		1
Isolated-III; positive test, fever or symptoms present	7		1		8
JOE CORLEY DETENTION CENTER	25				25
Isolated-III; positive test, fever or symptoms present	25				25
JOHNSON COUNTY LAW ENFORCEMENT CENTER (TX)	1				1
Isolated-III; positive test, fever or symptoms present	1				1
KANDIYOH COUNTY JAIL				1	1
Isolated-III; positive test, fever or symptoms present				1	1
KARNES COUNTY RESIDENTIAL CENTER				1	1
Isolated-III; positive test, fever or symptoms present				1	1
KROME NORTH SERVICE PROCESSING CENTER	2				2
Isolated-III; positive test, fever or symptoms present	2				2
LA PALMA	23		5		28
Isolated-III; positive test, fever or symptoms present	23		5		28
LASALLE ICE PROCESSING CENTER (JENA)			3		3
Isolated-III; positive test, fever or symptoms present			3		3
LASALLE OLLA (LA)	2		1		3
Isolated-III; positive test, fever or symptoms present	2		1		3
LINCOLN COUNTY DETENTION CENTER	1				1
Isolated-III; positive test, fever or symptoms present	1				1
MONTGOMERY PROCESSING CENTER (HOUSTON)	5	15			20
Monitored-Not Ill; no fever or symptoms		12			12
Isolated-III; positive test, fever or symptoms present	5	3			8
MORROW COUNTY CORRECTIONAL FACILITY	48		2	1	51
Monitored-Not Ill; no fever or symptoms			2		2
Isolated-III; positive test, fever or symptoms present	48			1	49
NEVADA SOUTHERN DETENTION CENTER	1		1		2
Isolated-III; positive test, fever or symptoms present	1		1		2
OTAY MESA DETENTION CENTER (SAN DIEGO CDF)	98	8	32		139
Monitored-Not Ill; no fever or symptoms		8	28	1	37
Isolated-III; positive test, fever or symptoms present	98		4		102
OTERO COUNTY PROCESSING CENTER	77	1			78
Isolated-III; positive test, fever or symptoms present	77	1			78
PIKE COUNTY CORRECTIONAL FACILITY	20	1	9	1	31
Monitored-Not Ill; no fever or symptoms			1	1	2
Isolated-III; positive test, fever or symptoms present	20	1	8		29
PINE PRAIRIE ICE PROCESSING CENTER	3	2			5
Monitored-Not Ill; no fever or symptoms		2			2
Isolated-III; positive test, fever or symptoms present	3				3
POLK COUNTY JAIL	8		1		9
Monitored-Not Ill; no fever or symptoms			1		1
Isolated-III; positive test, fever or symptoms present	8				8
PRAIRIELAND DETENTION FACILITY	30	2	3		35
Monitored-Not Ill; no fever or symptoms		2	2		4
Isolated-III; positive test, fever or symptoms present	30		1		31
PULASKI COUNTY DETENTION CENTER	28				28
Isolated-III; positive test, fever or symptoms present	28				28
RICHWOOD CORRECTIONAL CENTER		1			1
Isolated-III; positive test, fever or symptoms present		1			1
RIO GRANDE DETENTION CENTER			1		1
Isolated-III; positive test, fever or symptoms present			1		1
RIVER CORRECTIONAL CENTER	1		1		2
Isolated-III; positive test, fever or symptoms present	1		1		2
ROLLING PLAINS DETENTION CENTER	39		11		50

Monitored-Not Ill; no fever or symptoms			10			10
Isolated-III; positive test, fever or symptoms present	39		1			40
SAINT CLAIR COUNTY JAIL	9					9
Isolated-III; positive test, fever or symptoms present	9					9
SAN LUIS DETENTION CENTER			1			1
Isolated-III; positive test, fever or symptoms present			1			1
SOUTH TEXAS FAMILY RESIDENTIAL CENTER (DILLEY)			3			3
Monitored-Not Ill; no fever or symptoms			3			3
SOUTH TEXAS ICE PROCESSING CENTER (PEARSALL)	32	1	4			37
Monitored-Not Ill; no fever or symptoms			4			4
Isolated-III; positive test, fever or symptoms present	32	1				33
STEWART DETENTION CENTER	18	1			1	20
Isolated-III; positive test, fever or symptoms present	18	1			1	20
STRAFFORD COUNTY CORRECTIONS	2					2
Isolated-III; positive test, fever or symptoms present	2					2
TACOMA ICE PROCESSING CENTER (NORTHWEST DET CTR)	1	1	3			5
Monitored-Not Ill; no fever or symptoms			3			3
Isolated-III; positive test, fever or symptoms present	1	1				2
TORRANCE COUNTY DETENTION FACILITY	2					2
Isolated-III; positive test, fever or symptoms present	2					2
WEBB COUNTY DETENTION CENTER (CCA)	1					1
Isolated-III; positive test, fever or symptoms present	1					1
WINN CORRECTIONAL CENTER	51	9				60
Isolated-III; positive test, fever or symptoms present	51	9				60
WYATT DETENTION CENTER	2					2
Isolated-III; positive test, fever or symptoms present	2					2
YORK COUNTY PRISON			1			1
Isolated-III; positive test, fever or symptoms present			1			1
Grand Total	875	65	160	36	2	1138

CURRENT SUMMARY: ICE Detainees(only) Reported to ICE Health Service Corps CURRENTLY Under Monitoring or Isolation for 2019 Novel Coronavirus (COVID-19) AND Tested for COVID-19 AND Reported to IHSC by Isolation or Monitoring Status by Facility

***Table below shows all testing completed for clinical reasons as of 5/24/2020 at 0900. IHSC Facility Abbott IDNow test results are inclusive through 5/21/2020.

*****Does not include negative results of widespread testing of asymptomatic and afebrile detainees; these data should not be interpreted as complete reporting of all testing of ICE detainees nationally (e.g., may not include all testing with negative results of all detainees or of all cohorted detainees at a facility)

RELEASED_MONITORING_ISOLATION	No		
CUSTODY	ICE		
COVID-19_TESTING_INITIATED	(All)		
SYMPTOMS_SIGNS_YN	(All)		
Count	COVID-19 test results, if tested		
Facility	Not III; positive test, fever or symptoms	Monitored-Not III; no fever or symptoms	Grand Total
ADAMS COUNTY CORRECTIONAL CENTER	1		1
ADELANTO ICE PROCESSING CENTER	3	4	7
ALEXANDRIA STAGING FACILITY	53		53
BERGEN COUNTY JAIL		1	1
BLUEBONNET DETENTION FACILITY	115	8	123
BRISTOL COUNTY DETENTION CENTER	1		1
BROWARD TRANSITIONAL CENTER	22		22
BUFFALO (BATAVIA) SERVICE PROCESSING CENTER	6	2	8
CALHOUN COUNTY CORRECTIONAL CENTER	2		2
CAROLINE DETENTION FACILITY	2		2
CATAHOULA CORRECTIONAL CENTER	41	1	42
DENVER CONTRACT DETENTION FACILITY	2	1	3
EL PASO SERVICE PROCESSING CENTER	22	14	36
ELOY FEDERAL CONTRACT FACILITY	3	3	6
ESSEX COUNTY JAIL	8	5	13
ETOWAH COUNTY JAIL (AL)	1		1
FLORENCE SERVICE PROCESSING CENTER	9	18	27
FOLKSTON ICE PROCESSING CENTER (D. RAY JAMES)	3		3
GLADES COUNTY DETENTION CENTER	2		2
HALL COUNTY SHERIFF		3	3
HOUSTON CONTRACT DETENTION FACILITY	76	9	85
HUDSON COUNTY JAIL	8		8
IMMIGRATION CENTERS OF AMERICA FARMVILLE	16	2	18
IMPERIAL REGIONAL DETENTION FACILITY	2		2
IRWIN COUNTY DETENTION CENTER	8	1	9
JOE CORLEY DETENTION CENTER	25		25
JOHNSON COUNTY LAW ENFORCEMENT CENTER (TX)	1		1
KANDIYOH COUNTY JAIL	1		1
KARNES COUNTY RESIDENTIAL CENTER	1		1
KROME NORTH SERVICE PROCESSING CENTER	2		2
LA PALMA	28		28
LASALLE ICE PROCESSING CENTER (JENA)	3		3
LASALLE OLLA (LA)	3		3
LINCOLN COUNTY DETENTION CENTER	1		1
MONTGOMERY PROCESSING CENTER (HOUSTON)	8	12	20
MORROW COUNTY CORRECTIONAL FACILITY	49	2	51
NEVADA SOUTHERN DETENTION CENTER	2		2
OTAY MESA DETENTION CENTER (SAN DIEGO CDF)	102	37	139
OTERO COUNTY PROCESSING CENTER	78		78
PIKE COUNTY CORRECTIONAL FACILITY	29	2	31
PINE PRAIRIE ICE PROCESSING CENTER	3	2	5
POLK COUNTY JAIL	8	1	9
PRAIRIELAND DETENTION FACILITY	31	4	35
PULASKI COUNTY DETENTION CENTER	28		28
RICHWOOD CORRECTIONAL CENTER	1		1
RIO GRANDE DETENTION CENTER	1		1
RIVER CORRECTIONAL CENTER	2		2
ROLLING PLAINS DETENTION CENTER	40	10	50
SAINT CLAIR COUNTY JAIL	9		9
SAN LUIS DETENTION CENTER	1		1
SOUTH TEXAS FAMILY RESIDENTIAL CENTER (DILLEY)		3	3
SOUTH TEXAS ICE PROCESSING CENTER (PEARSALL)	33	4	37
STEWART DETENTION CENTER	20		20

STRAFFORD COUNTY CORRECTIONS	2		2
TACOMA ICE PROCESSING CENTER (NORTHWEST DET CTR)	2	3	5
TORRANCE COUNTY DETENTION FACILITY	2		2
WEBB COUNTY DETENTION CENTER (CCA)	1		1
WINN CORRECTIONAL CENTER	60		60
WYATT DETENTION CENTER	2		2
YORK COUNTY PRISON	1		1
Grand Total	986	152	1138



CURRENT SUMMARY: ICE Detainees (only) Reported to ICE Health Service Corps CURRENTLY Under Monitoring or Isolation for 2019 Novel Coronavirus (COVID-19) AND Reported to IHSC

***Table below shows all testing completed for clinical reasons as of 5/24/2020 at 0900. IHSC Facility Abbott IDNow test results are inclusive through 5/21/2020.

****Does not include negative results of widespread testing of asymptomatic and afebrile detainees; these data should not be interpreted as complete reporting of all testing of ICE detainees nationally (e.g., may not include all testing with negative results of all detainees or of all cohorted detainees at a facility)

RELEASED_MONITORING_ISOLATION	No			
CUSTODY	ICE			
Count	Hospital Status (if sent to hospital)			
Facility	Sent to ER and admitted	Sent to ER and returned to facility	Sent to ER pending evaluation	Grand Total
ADELANTO ICE PROCESSING CENTER	1	2		3
ALEXANDRIA STAGING FACILITY	1			1
BLUEBONNET DETENTION FACILITY	1			1
BRISTOL COUNTY DETENTION CENTER	1			1
BROWARD TRANSITIONAL CENTER		1		1
CATAHOULA CORRECTIONAL CENTER	1			1
DENVER CONTRACT DETENTION FACILITY			1	1
EL PASO SERVICE PROCESSING CENTER	1			1
ESSEX COUNTY JAIL	3			3
FLORENCE SERVICE PROCESSING CENTER		2		2
HOUSTON CONTRACT DETENTION FACILITY	1	1		2
IRWIN COUNTY DETENTION CENTER	1			1
JOE CORLEY DETENTION CENTER		1		1
KROME NORTH SERVICE PROCESSING CENTER		1		1
LA PALMA	1			1
LASALLE ICE PROCESSING CENTER (JENA)	1		1	2
MONTGOMERY PROCESSING CENTER (HOUSTON)		1		1
MORROW COUNTY CORRECTIONAL FACILITY	1			1
OTAY MESA DETENTION CENTER (SAN DIEGO CDF)	2	3		5
PIKE COUNTY CORRECTIONAL FACILITY	2	2		4
PRAIRIELAND DETENTION FACILITY	2			2
PULASKI COUNTY DETENTION CENTER		1		1
RIO GRANDE DETENTION CENTER	1			1
RIVER CORRECTIONAL CENTER		1		1
SAINT CLAIR COUNTY JAIL	1			1
SOUTH TEXAS FAMILY RESIDENTIAL CENTER (DILLEY)	1			1
SOUTH TEXAS ICE PROCESSING CENTER (PEARSALL)	1			1
STEWART DETENTION CENTER	5			5
STRAFFORD COUNTY CORRECTIONS	1			1
WINN CORRECTIONAL CENTER	3			3
YORK COUNTY PRISON	1			1
Grand Total	34	16	2	52

CUMULATIVE SUMMARY: ICE Detainees (only) Reported to ICE Health Service Corps Under Monitoring or Isolation for 2019 Novel Coronavirus (COVID-19) AND Reported to IHSC by Hospital Status (if sent to hospital) and Facility

***Table below shows all testing completed for clinical reasons as of 5/24/2020 at 0900. IHSC Facility Abbott IDNow test results are inclusive through 5/21/2020.

*****Does not include negative results of widespread testing of asymptomatic and afebrile detainees; these data should not be interpreted as complete reporting of all testing of ICE detainees nationally (e.g., may not include all testing with negative results of all detainees or of all cohorted detainees at a facility)

RELEASED_MONITORING_ISOLATION	(All)			
CUSTODY	ICE			
Count	Hospital Status (if sent to hospital)			
Facility	Sent to ER and admitted	Sent to ER and returned to facility	Sent to ER pending evaluation	Grand Total
ADAMS COUNTY CORRECTIONAL CENTER	1			1
ADELANTO ICE PROCESSING CENTER	5	3		8
ALEXANDRIA STAGING FACILITY	2	1		3
BERGEN COUNTY JAIL	1	1		2
BERKS FAMILY RESIDENTIAL		1		1
BLUEBONNET DETENTION FACILITY	1			1
BRISTOL COUNTY DETENTION CENTER	1			1
BROWARD TRANSITIONAL CENTER		1		1
BUFFALO (BATAVIA) SERVICE PROCESSING CENTER		2		2
CAROLINE DETENTION FACILITY	1	2		3
CATAHOULA CORRECTIONAL CENTER	1			1
DENVER CONTRACT DETENTION FACILITY			1	1
EL PASO SERVICE PROCESSING CENTER	1			1
ELIZABETH CONTRACT DETENTION FACILITY		1		1
ESSEX COUNTY JAIL	3			3
FLORENCE SERVICE PROCESSING CENTER	1	4		5
HOUSTON CONTRACT DETENTION FACILITY	1	1		2
HUDSON COUNTY JAIL	1			1
IRWIN COUNTY DETENTION CENTER	1			1
JOE CORLEY DETENTION CENTER	1	2		3
KROME NORTH SERVICE PROCESSING CENTER	8	7	1	16
LA PALMA	4	4		8
LA STAGING		1		1
LASALLE ICE PROCESSING CENTER (JENA)	1	5	1	7
MONTGOMERY PROCESSING CENTER (HOUSTON)	4	1		5
MORROW COUNTY CORRECTIONAL FACILITY	1			1
OTAY MESA DETENTION CENTER (SAN DIEGO CDF)	6	14		20
PIKE COUNTY CORRECTIONAL FACILITY	2	2		4
PORT ISABEL		3		3
PRAIRIELAND DETENTION FACILITY	3			3
PULASKI COUNTY DETENTION CENTER		1		1
RICHWOOD CORRECTIONAL CENTER	5	2		7
RIO GRANDE DETENTION CENTER	1			1
RIVER CORRECTIONAL CENTER		1		1
SAINT CLAIR COUNTY JAIL	1		1	2
SOUTH TEXAS FAMILY RESIDENTIAL CENTER (DILLEY)	1			1
SOUTH TEXAS ICE PROCESSING CENTER (PEARSALL)	2			2
STEWART DETENTION CENTER	5			5
STRAFFORD COUNTY CORRECTIONS	1			1
TACOMA ICE PROCESSING CENTER (NORTHWEST DET CTR)		1		1
WINN CORRECTIONAL CENTER	3	1		4
YORK COUNTY PRISON	1			1
Grand Total	71	62	4	137

Cumulative Summary: ICE Detainees (Only) COVID-19 POSITIVE AND Reported to IHSC, DIED, by highest level of care and reporting facility

***Table below shows all testing completed for clinical reasons as of 5/24/2020 at 0900. IHSC Facility Abbott IDNow test results are inclusive through 5/21/2020.

TEST_RESULTS	(Multiple Items)	
COVID-19_TESTING_INITIATED	(All)	
COUNTRY	(All)	
CUSTODY	ICE	
Count of ID	DIED?	
Highest level of care / Reporting Facility	Yes	Grand Total
Hospital Intensive Care Unit		
OTAY MESA DETENTION CENTER (SAN DIEGO CDF)	1	1
Grand Total	1	1

From: Johnson, Tae D
Sent: 19 Mar 2020 19:25:14 +0000
To: (b)(6); (b)(7)(C)
Subject: FW: IHSC Updated COVID-19

(b)(6); can we confirm that Essex will take ALL new intakes and if so, we can proceed with discontinuing intake at Elizabeth.

From: Lucero, Enrique M (b)(6); (b)(7)(C) @ice.dhs.gov>
Sent: Thursday, March 19, 2020 2:55 PM
To: Johnson, Tae D (b)(6); (b)(7)(C) @ice.dhs.gov>
Subject: RE: IHSC Updated COVID-19

10-4, please let (b)(6) know

thx

Enrique M. Lucero
Executive Associate Director
Enforcement and Removal Operations
U.S. Immigration and Customs Enforcement
(b)(6) office)
(b)(6); (b)(7)(C) @ice.dhs.gov

From: Johnson, Tae D <(b)(6); (b)(7)(C)@ice.dhs.gov>
Sent: Thursday, March 19, 2020 2:49 PM
To: Lucero, Enrique M (b)(6); (b)(7)(C) @ice.dhs.gov>
Subject: RE: IHSC Updated COVID-19

(b)(5)
(b)(5) in my view.

From: Lucero, Enrique M (b)(6); (b)(7)(C) @ice.dhs.gov>
Sent: Thursday, March 19, 2020 2:36 PM
To: Johnson, Tae D <(b)(6); @ice.dhs.gov>
Subject: RE: IHSC Updated COVID-19

Thoughts?

Enrique M. Lucero
Executive Associate Director
Enforcement and Removal Operations
U.S. Immigration and Customs Enforcement
202 732 (b)(6); office)
(b)(6); (b)(7)(C) @ice.dhs.gov

From: (b)(6); (b)(7)(C) @ice.dhs.gov>
Sent: Thursday, March 19, 2020 2:33 PM
To: Lucero, Enrique M (b)(6); (b)(7)(C) @ice.dhs.gov>
Cc: Johnson, Tae D (b)(6); (b)(7)(C) @ice.dhs.gov>
Subject: FW: IHSC Updated COVID-19

Henry,

(b)(5)

(b)(5) That would be my recommendation. (b)(5)

(b)(6);

From: (b)(6); (b)(7)(C) @ice.dhs.gov>
Sent: Thursday, March 19, 2020 1:21 PM
To: (b)(6); (b)(7)(C) @ice.dhs.gov>
Cc: (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) @ice.dhs.gov>; Meade, Michael W (b)(6); (b)(7)(C) @ice.dhs.gov>
Subject: RE: IHSC Updated COVID-19

(b)(5)

From: (b)(6); (b)(7)(C) @ice.dhs.gov>
Sent: Thursday, March 19, 2020 1:07 PM
To: (b)(6); (b)(7)(C) @ice.dhs.gov>
Cc: (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) @ice.dhs.gov>; Meade, Michael W (b)(6); (b)(7)(C) @ice.dhs.gov>
Subject: RE: IHSC Updated COVID-19

If you had to put CBP cases somewhere other than Elizabeth, where would it be?

Sent with BlackBerry Work
(www.blackberry.com)

From: (b)(6); (b)(7)(C) @ice.dhs.gov>
Date: Thursday, Mar 19, 2020, 12:57 PM

To: (b)(6); (b)(7)(C) @ice.dhs.gov
Cc: (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) @ice.dhs.gov, Meade, Michael W (b)(6); (b)(7)(C) @ice.dhs.gov
Subject: RE: IHSC Updated COVID-19

(b)(5)

(b)(5)

From: (b)(6); (b)(7)(C) @ice.dhs.gov
Sent: Thursday, March 19, 2020 12:43 PM
To: (b)(6); (b)(7)(C) @ice.dhs.gov
Cc: (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) @ice.dhs.gov; Meade, Michael W (b)(6); (b)(7)(C) @ice.dhs.gov
Subject: FW: IHSC Updated COVID-19

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

(b)(5)

Let me know.

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

Sent with BlackBerry Work
(www.blackberry.com)

From: Lucero, Enrique M (b)(6); (b)(7)(C) @ice.dhs.gov
Date: Thursday, Mar 19, 2020, 12:21 PM
To: (b)(6); (b)(7)(C) @ice.dhs.gov (b)(6); (b)(7)(C) @ice.dhs.gov
Subject: FW: IHSC Updated COVID-19

Enrique M. Lucero
Executive Associate Director
Enforcement and Removal Operations

U.S. Immigration and Customs Enforcement

202 732 (b)(6); office)

(b)(6); (b)(7)(C) @ice.dhs.gov

From: Smith, Stewart D <(b)(6); (b)(7)(C)@ice.dhs.gov>
Sent: Thursday, March 19, 2020 12:17 PM
To: Lucero, Enrique M <(b)(6); (b)(7)(C)@ice.dhs.gov>; Johnson, Tae D <(b)(6); (b)(7)(C)@ice.dhs.gov>
Subject: RE: IHSC Updated COVID-19

No other actions. Our protocol is that all clinicians and required admin support continue on duty unless they become symptomatic. Otherwise, if we go by what is generally recommended, we would have to send multiple staff home that were exposed. It would shut down operations.

They stay and provide care, just like the civilian hospitals are doing.

R/ Stew

Dr. Stewart D. Smith, MPH, CCHP, FACHE
 Assistant Director | ICE Health Service Corps
 Desk: 202-732 (b)(6); Cell: 202-321 (b)(6);
 Executive Assistant: M <(b)(6); (b)(7)(C)@associates.ice.dhs.gov>
 Desk: 202-732 (b)(6); Cell: 202-893 (b)(6);
"IHSC: One Team, One Mission...Leading the Way in Immigration Health Care"

From: Lucero, Enrique M <(b)(6); (b)(7)(C)@ice.dhs.gov>
Sent: Thursday, March 19, 2020 12:02 PM
To: Smith, Stewart D <(b)(6); (b)(7)(C)@ice.dhs.gov>; Johnson, Tae D <(b)(6); (b)(7)(C)@ice.dhs.gov>
Subject: RE: IHSC Updated COVID-19

10-4, what else is being done at Elizabeth?

Enrique M. Lucero
 Executive Associate Director
 Enforcement and Removal Operations
 U.S. Immigration and Customs Enforcement
 202 732 (b)(6); office)
 (b)(6); (b)(7)(C) @ice.dhs.gov

From: Smith, Stewart D <(b)(6); (b)(7)(C)@ice.dhs.gov>
Sent: Thursday, March 19, 2020 11:36 AM
To: Lucero, Enrique M <(b)(6); (b)(7)(C)@ice.dhs.gov>; Johnson, Tae D <(b)(6); (b)(7)(C)@ice.dhs.gov>
Subject: IHSC Updated COVID-19

RN at Elizabeth popped positive. See attached.

R/ Stew

Dr. Stewart D. Smith, MPH, CCHP, FACHE
Assistant Director | ICE Health Service Corps
Desk: 202-732-(b)(6) | Cell: 202-321-(b)(6)
Executive Assistant: Ms. (b)(6): (b)(7)(C) @associates.ice.dhs.gov
Desk: 202-732-(b)(6) | Cell: 202-893-(b)(6)
"IHSC: One Team, One Mission...Leading the Way in Immigration Health Care"

From: Johnson, Tae D
Sent: 10 Apr 2020 14:21:43 +0000
To: Loiacono, Adam V; Davis, Mike P; (b)(6); (b)(7)(C)
Subject: FW: Implications of COVID-19 Travel Restrictions on Post-Order Custody Reviews [FO]

FYSA

Sent with BlackBerry Work
(www.blackberry.com)

From: (b)(6); (b)(7)(C) @ice.dhs.gov>
Date: Friday, Apr 10, 2020, 10:19 AM
To: Johnson, Tae D (b)(6); (b)(7)(C) @ice.dhs.gov>, Lucero, Enrique M (b)(6); (b)(7)(C) @ice.dhs.gov>
Subject: FW: Implications of COVID-19 Travel Restrictions on Post-Order Custody Reviews [FO]

Tae,

Per your request, here's the COVID POCR broadcast.

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

Chief of Staff
U.S. Immigration and Customs Enforcement
Office of Enforcement & Removal Operations
500 12th Street SW
Washington, D.C. 20536
(b)(6): @ice.dhs.gov
(202) 732 (b)(6); office
(202) 770 (b)(7)(cell)

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From: (b)(6); (b)(7)(C) @ice.dhs.gov>
Sent: Friday, April 10, 2020 10:17 AM
To: (b)(6); (b)(7)(C) @ice.dhs.gov>
Subject: FW: Implications of COVID-19 Travel Restrictions on Post-Order Custody Reviews [FO]

From: Office of the Executive Associate Director for ERO
(b)(6); (b)(7)(C) @ice.dhs.gov>

Sent: Wednesday, April 8, 2020 7:15 PM

Subject: Implications of COVID-19 Travel Restrictions on Post-Order Custody Reviews [FO]



Enforcement and Removal Operations Office of the Executive Associate Director

To: Field Office Directors, Assistant Directors, Deputy Field Office Directors, and Deputy Assistant Directors

Please immediately distribute this guidance to your employees.

This message serves as a reminder of the requirements for post-order custody reviews (POCR) and the potential impacts of the Coronavirus Disease 2019 (COVID-19) pandemic on continued detention.

The COVID-19 pandemic has prompted many countries to suspend international travel, including removals, in an effort to mitigate the spread of the disease. In addition, some countries have limited or eliminated embassy staff necessary to process travel document requests. As a result, some removal missions may be delayed or postponed until the crisis abates. Individual aliens whose removal is delayed as a result of such measures are not automatically entitled to release from U.S. Immigration and Customs Enforcement (ICE) custody.

As you are aware, when an alien is subject to an administratively final order of removal, the Immigration and Nationality Act (INA) provides a 90-day removal period for the Department of Homeland Security to remove the alien from the United States. INA § 241(a)(1). The statute also provides that inadmissible aliens, nonimmigrant status violators, certain deportable criminal and terrorist aliens, and those determined "to be a risk to the community or unlikely to comply with the order of removal, may be detained beyond the removal period." *Id.* § 241(a)(6). The U.S. Supreme Court has recognized that a detention period of up to 180 days of post-order detention is presumptively reasonable. After 180 days, an alien may be continued in detention until it has been determined that there is no significant likelihood of removal in the reasonably foreseeable future.

During this time, field offices are advised to follow existing POCR and continue to heed the regulatory requirement that any alien detained in ICE custody who is subject to an administratively final order of removal and has not been removed or released by the expiration of the statutory 90-day removal period described in section 241(a)(1)(A) of the Immigration and Nationality Act (INA) be provided a personal interview under 8 C.F.R. §

241.4(i). See the December 30, 2019, field broadcast entitled *Personal Interviews in the Post-order Custody Process* for specific implementation guidance ensuring interviews are conducted timely prior to transferring custody review jurisdiction to the ERO Removal Division, pursuant to 8 C.F.R. § 241.4(c)(2).

Should Enforcement and Removal Operations (ERO) officers need to detain an alien beyond 180 days in order to effectuate removal, they should continue to follow procedures and refer the POCR to HQERO a decision based on HQERO's review of the information obtained from the personal interview, as applicable, and whether removal is significantly likely in the reasonably foreseeable future, consistent with the POCR requirements, considering the totality of the circumstances presented in each individual case. This is a fact-intensive inquiry.

A temporary moratorium on international travel or the issuance of travel documents alone should not generally result in a determination that removal is not "reasonably foreseeable," for an alien whose removal was foreseeable before the COVID-19 pandemic. ERO Officers should continue to take steps toward removal, including requesting any necessary travel documents or authorizations from the country of removal, and document these efforts.

ERO officers should continue to assess the totality of the circumstances in the POCR process, including any applicable COVID-19 travel restrictions in the country of removal and any transit countries.

The COVID-19 situation continues to evolve. Accordingly, this guidance may be updated should this emergency continue for a significant period or if dictated by other circumstances.

If you have questions about country-specific limitations on removals, please contact the Desk Officer for the country at issue.

If you have any questions about the legal requirements for POCR or the legal implications of COVID-19 in post-order detention cases, please contact the Office of the Principal Legal Advisor (OPLA). Should you encounter an alien for whom there may no longer be significant likelihood of removal in the reasonably foreseeable future but who has a confirmed diagnosis of COVID-19, please consult with OPLA immediately to determine whether such alien may nonetheless be subject to continued detention as an alien with a highly contagious disease that is a threat to public safety pursuant to 8 C.F.R. § 241.14(b).

Limitation on the Applicability of this Guidance. This message is intended to provide internal guidance to the operational components of ICE. It does not, is not intended to, shall not be construed to, and may not be relied upon to create any rights, substantive or procedural, enforceable at law by any person in any matter, civil or criminal.

Tae D. Johnson

*Deputy Executive Associate Director
Enforcement and Removal Operations*

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From: Johnson, Tae D
Sent: 18 Apr 2020 17:19:50 +0000
To: Erichs, Alysa (b)(6); (b)(7)(C) Allen, Matthew C
Subject: FW: Personal Protective Equipment (PPE) Quotes

FYSA

Sent with BlackBerry Work
(www.blackberry.com)

From: Smith, Stewart D (b)(6); (b)(7)(C) @ice.dhs.gov>
Date: Saturday, Apr 18, 2020, 1:08 PM
To: Klopp, Jacki Becker (b)(6); (b)(7)(C) @ice.dhs.gov>, Johnson, Tae D
(b)(6); (b)(7)(C) @ice.dhs.gov>, (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) @ice.dhs.gov>
Subject: FW: Personal Protective Equipment (PPE) Quotes

FYSA. Something you may want to investigate.

R/ Stew

Dr. Stewart D. Smith, MPH, CCHP, FACHE
Assistant Director | ICE Health Service Corps
Desk: 202-732-(b)(6); Cell: 202-321-(b)(6);
Executive Assistant: Ms (b)(6); (b)(7)(C) @associates.ice.dhs.gov
Desk: 202-732-(b)(6); | Cell: 202-893-(b)(6);
"IHSC: One Team, One Mission...Leading the Way in Immigration Health Care"

From: (b)(6); @rebus-solutions.com (b)(6); (b)(7)(C) @rebus-solutions.com>
Sent: Friday, April 17, 2020 1:01 PM
To: Smith, Stewart (b)(6); (b)(7)(C) @ice.dhs.gov>
Subject: Personal Protective Equipment (PPE) Quotes

Assistant Director Smith,

I understand that you are the ERO AD with oversight of health care issues and facilities. I retired as the SAC for HSI in Los Angeles in 2015 and I now have my own consulting business. One of the things I do is connect clients with government agencies who may have a need for the clients' products or services.

I have a client with a medical supply business that distributes PPE. They have established supply chains and people on the ground in China to ensure they get quality FDA certified PPE, not counterfeit or sub-standard garbage. Below are individual item price ranges for some of the products ERO may need. The prices vary based on manufacturer and features of the products. Prices do not include shipping costs and export duties from China. Keep in mind that these prices are changing daily depending on supply and demand. For example, the cost of N-95 masks increased 8% in one day recently.

N-95 Respirator Masks:
KN-95 Respirator Masks:
Surgical Masks:
Non-Medical Masks:
Protective Gloves:
EBOS Face Shield:
Level 3/Cat 5-6 Protective Suits:

(b)(4); (b)(5)

If there is anything else ERO may need; COVID-19 test kits, non-contact infrared thermometers, etc., my client also has those products. The best pricing available is when buying in bulk and some items need to be purchased in orders of at least 100,000. If you believe ERO or ICE have a need for any of my client's products, let me know and I'll put your appropriate POC directly in contact with my client.

Thank you for your time, I remember my HQ days and I'm sure you're crazy busy. Call or send me an email if you have any questions.

Be safe,

(b)(6):

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

Principal Consultant

Rebus Solutions

Mobile: (562) 225-(b)(6)

(b)(6):@rebus-solutions.com



to test for COVID at their request. Please let me know if anything else is needed from IOD. We currently have 38 manifested for this flight – manifest attached.

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

**Deputy Assistant Director
International Operations Division
U. S. Immigration and Customs Enforcement
Enforcement & Removal Operations**

500 12th Street, SW
Washington, DC 20536

202-732-(b)(6); desk

303-328-(b)(7)(C) cell



From: Johnson, Tae D
Sent: 6 Apr 2020 17:14:01 +0000
To: Lucero, Enrique M
Subject: FW: Positive COVID-19 HCJ- ICE Detainee (b)(6); (b)(7)(C)

From: Meade, Michael W (b)(6); (b)(7)(C) @ice.dhs.gov>
Sent: Monday, April 6, 2020 1:06 PM
To: Lucero, Enrique M (b)(6); (b)(7)(C) @ice.dhs.gov>; Johnson, Tae D (b)(6); (b)(7)(C) @ice.dhs.gov>
Cc: (b)(6); (b)(7)(C) @ice.dhs.gov>
Subject: FW: Positive COVID-19 HCJ- ICE Detainee (b)(6); (b)(7)(C)

Two nurses from Hudson County hospitalized and in critical condition with COVID-19. Tom has been reviewing his cases there and working on handling hearings telephonically.

From: (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) @ice.dhs.gov>
Sent: Monday, April 6, 2020 12:54 PM
To: (b)(6); (b)(7)(C) @ice.dhs.gov>; Meade, Michael W (b)(6); (b)(7)(C) @ice.dhs.gov>
Cc: (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) @ice.dhs.gov>
Subject: FW: Positive COVID-19 HCJ- ICE Detainee (b)(6); (b)(7)(C)

Gents,

Very busy day today with COVID-19 cases. Please see the report below from Tom about two nurses from the Hudson County medical staff who are in the hospital under critical condition due to COVID-19 confirmed results.

Thanks

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

Deputy Assistant Director
 Immigration and Customs Enforcement
 Enforcement and Removal Operations
 Domestic Operations, Eastern Operations
 500 12th Street S.W. MS5201
 Washington, D.C. 20536

(b)(6); (b)(7)(C) @ice.dhs.gov
 (202) 732 (b)(6); (Desk)

From: Decker, Thomas (b)(6); (b)(7)(C) @ice.dhs.gov>
Sent: Monday, April 6, 2020 11:38 AM
To: (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) @ice.dhs.gov>; (b)(6); (b)(7)(C) @ice.dhs.gov>; (b)(6); (b)(7)(C) @ice.dhs.gov>; (b)(6); (b)(7)(C) @ice.dhs.gov>
Cc: (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) @ice.dhs.gov> (b)(6); (b)(7)(C)

(b)(6); (b)(7)(C)@ice.dhs.gov>

Subject: RE: Positive COVID-19 HCJ- ICE Detainee (b)(6); (b)(7)(C)

Good afternoon (b)(6);

We were just notified that two nurses of the Hudson County Jail medical staff are in critical condition in the hospital from complications of COVID 19.

We are working through all of the detained cases of our facilities. Also, based on the reduction of Hudson County staff, jail lockdown and lack of PPE supplies, we will have to hold off VTC temporarily at Hudson County Jail to limit our staff to exposure. However, we are trying to work with the jail in using telephonic hearing instead.

Thanks, Tom

Sent with BlackBerry Work
(www.blackberry.com)

From: (b)(6); (b)(7)(C) (b)(6); (b)(7)(C)@ice.dhs.gov>

Date: Monday, Apr 06, 2020, 11:15 AM

To: (b)(6); (b)(7)(C)@ice.dhs.gov; (b)(6); (b)(7)(C)@ice.dhs.gov>,
(b)(6); (b)(7)(C) (b)(6); (b)(7)(C)@ice.dhs.gov>

(b)(6); (b)(7)(C) (b)(6); (b)(7)(C)@ice.dhs.gov>

Cc: (b)(6); (b)(7)(C) (b)(6); (b)(7)(C)@ice.dhs.gov>, Decker, Thomas (b)(6); (b)(7)(C)@ice.dhs.gov>

Subject: RE: Positive COVID-19 HCJ- ICE Detainee (b)(6); (b)(7)(C)

Gents,

In light of these events, please ensure that we are taking special precautions and reviewing the detained population at this facility.

Thanks

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

Deputy Assistant Director
Immigration and Customs Enforcement
Enforcement and Removal Operations
Domestic Operations, Eastern Operations

500 12th Street S.W. MS5201

Washington, D.C. 20536

(b)(6); (b)(7)(C)@ice.dhs.gov

(202) 732(b)(6); Desk

From: (b)(6); (b)(7)(C)@ice.dhs.gov>

Sent: Monday, April 6, 2020 8:25 AM

To: (b)(6); (b)(7)(C) (b)(6); (b)(7)(C)@ice.dhs.gov>; (b)(6); (b)(7)(C)@ice.dhs.gov>;

(b)(6); (b)(7)(C) (b)(6); (b)(7)(C)@ice.dhs.gov>

Cc: (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) @ice.dhs.gov>; Decker, Thomas (b)(6); (b)(7)(C) @ice.dhs.gov>

Subject: RE: Positive COVID-19 HCJ- ICE Detainee (b)(6); (b)(7)(C)

Good morning all:

Article on the corrections officer:

<https://www.nj.com/coronavirus/2020/04/udson-county-jail-correctional-officer-56-dies-from-coronavirus.html>

Article on the nurse:

<https://www.newsbreakapp.com/n/00fECjsP?pd=02F5Cwj5&s=i4>

Regards,

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

Deputy Field Office Director
ICE ERO New York City
(b)(6); (b)(7)(C) @ice.dhs.gov
973-334 (b)(6);

From: (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) @ice.dhs.gov>
Date: Monday, Apr 06, 2020, 09:20
To: (b)(6); (b)(7)(C) @ice.dhs.gov> (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) @ice.dhs.gov>
Cc: (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) @ice.dhs.gov>, (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) @ice.dhs.gov>, Decker, Thomas (b)(6); (b)(7)(C) @ice.dhs.gov>
Subject: RE: Positive COVID-19 HCJ- ICE Detainee (b)(6); (b)(7)(C)

Please provide as much as you can on both of them so I can send it up the chain.

Thanks

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

Deputy Assistant Director
Immigration and Customs Enforcement
Enforcement and Removal Operations
Domestic Operations, Eastern Operations
500 12th Street S.W. MS5201
Washington, D.C. 20536
(b)(6); (b)(7)(C) @ice.dhs.gov
(202) 732 (b)(6); Desk)

From: (b)(6); (b)(7)(C) @ice.dhs.gov>
Sent: Monday, April 6, 2020 8:18 AM

To: (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) @ice.dhs.gov; (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) @ice.dhs.gov>
Cc: (b)(6); (b)(7)(C) @ice.dhs.gov; (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) @ice.dhs.gov>
(b)(6); (b)(7)(C) @ice.dhs.gov>; Decker, Thomas (b)(6); (b)(7)(C) @ice.dhs.gov>
Subject: RE: Positive COVID-19 HCJ- ICE Detainee (b)(6); (b)(7)(C)

Yes. However, they are Hudson County employees – not ICE employees.

From: (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) @ice.dhs.gov>
Sent: Monday, April 6, 2020 9:17 AM
To: (b)(6); (b)(7)(C) @ice.dhs.gov; (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) @ice.dhs.gov>
Cc: Dalton, Michael D (b)(6); (b)(7)(C) @ice.dhs.gov; (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) @ice.dhs.gov>; Decker, Thomas (b)(6); (b)(7)(C) @ice.dhs.gov>
Subject: RE: Positive COVID-19 HCJ- ICE Detainee ARIAS Jimenez

Two people died? Was this reported up the chain?

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

Deputy Assistant Director
Immigration and Customs Enforcement
Enforcement and Removal Operations
Domestic Operations, Eastern Operations
500 12th Street S.W. MS5201
Washington, D.C. 20536

(b)(6); (b)(7)(C) @ice.dhs.gov
(202) 732 (b)(6); (b)(7)(C) Desk

From: (b)(6); (b)(7)(C) @ice.dhs.gov>
Sent: Monday, April 6, 2020 8:16 AM
To: (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) @ice.dhs.gov; (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) @ice.dhs.gov>
Cc: (b)(6); (b)(7)(C) @ice.dhs.gov; (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) @ice.dhs.gov>; Decker, Thomas (b)(6); (b)(7)(C) @ice.dhs.gov>
Subject: RE: Positive COVID-19 HCJ- ICE Detainee (b)(6); (b)(7)(C)

That is correct. One was a nurse and the other was a corrections officer.

From: (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) @ice.dhs.gov>
Sent: Monday, April 6, 2020 9:14 AM
To: (b)(6); (b)(7)(C) @ice.dhs.gov; (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) @ice.dhs.gov>
Cc: (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) @ice.dhs.gov; (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) @ice.dhs.gov>; Decker, Thomas (b)(6); (b)(7)(C) @ice.dhs.gov>
Subject: RE: Positive COVID-19 HCJ- ICE Detainee ARIAS Jimenez

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

On our call with the ERO front office this morning (b)(6); (b)(7)(C) mentioned that there was a contact staff at Hudson who contracted COVID-19 had passed away. Can you confirm this please.

Thanks

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

Deputy Assistant Director
Immigration and Customs Enforcement
Enforcement and Removal Operations
Domestic Operations, Eastern Operations
500 12th Street S.W. MS5201
Washington, D.C. 20536

(b)(6); (b)(7)(C) @ice.dhs.gov
(202) 732-(b)(6); Desk

From: (b)(6); (b)(7)(C) @ice.dhs.gov>
Sent: Monday, April 6, 2020 7:46 AM
To: (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) @ice.dhs.gov>
Cc: (b)(6); (b)(7)(C) @ice.dhs.gov>; (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) @ice.dhs.gov>; Decker, Thomas (b)(6); (b)(7)(C) @ice.dhs.gov>; (b)(6); (b)(7)(C) @ice.dhs.gov>
Subject: RE: Positive COVID-19 HCJ- ICE Detainee (b)(6); (b)(7)(C)

X-IV. Will do.

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

Deputy Field Office Director
DHS ICE ERO – New York, New York
(212) 863 – (b)(6); desk
(972) 800 – (b)(7)(ell)

From: (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) @ice.dhs.gov>
Sent: Monday, April 6, 2020 8:45 AM
To: (b)(6); (b)(7)(C) @ice.dhs.gov>
Cc: (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) @ice.dhs.gov>; (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) @ice.dhs.gov>; Decker, Thomas (b)(6); (b)(7)(C) @ice.dhs.gov>; (b)(6); (b)(7)(C) @ice.dhs.gov>
Subject: RE: Positive COVID-19 HCJ- ICE Detainee (b)(6); (b)(7)(C)

The attached is cleared. Just so are aware the DAD no longer needs to clear the SIRs. Please ensure you continue to make notification to the DADs once you become aware of a COVID-19 positive detainee. We have to let (b)(6) Tae and Henry know before the SEN goes out.

Thank you

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

Unit Chief
Domestic Operations Division-East
Enforcement and Removal Operations
U.S. Immigration and Customs Enforcement
500 12th St, SW
Washington, DC 20024
202-732-(b)(6) Desk
202-359-(b)(7) Cell

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From: (b)(6); (b)(7)(C) @ice.dhs.gov>
Sent: Monday, April 6, 2020 5:37 AM
To: (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) @ice.dhs.gov>
Cc: (b)(6); (b)(7)(C) @ice.dhs.gov> (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) @ice.dhs.gov>; Decker, Thomas (b)(6); (b)(7)(C) @ice.dhs.gov>
Subject: Positive COVID-19 HCJ- ICE Detainee (b)(6); (b)(7)(C)

Good morning -

Attached is a draft SIR for review.

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

From: Johnson, Tae D
Sent: 29 Mar 2020 02:03:20 +0000
To: (b)(6); (b)(7)(C)
Subject: FW: Positive CV19 Results

FYSA

From: Johnson, Tae D
Sent: Saturday, March 28, 2020 10:01 PM
To: Benner, Derek N <(b)(6); (b)(7)(C)@ice.dhs.gov>; Albence, Matthew
<(b)(6); (b)(7)(C)@ice.dhs.gov>
Cc: Lucero, Enrique M <(b)(6); (b)(7)(C)@ice.dhs.gov>
Subject: Positive CV19 Results

Derek/Matt-

Just a heads up, we had another two detainees test positive for CV19 in both Bergen and Hudson county detention facilities in NJ. Still gathering info on whether the detainee in Bergen was either housed or worked with the first positive Bergen case. We will provide an update as soon as this information is available. There are two additional presumptive positive detainees that we are tracking - one in Bergen, NJ (which would make a total of 3 at this facility) and another in Houston TX. We should have additional information on these two cases tomorrow. Thanks

From: Johnson, Tae D
Sent: 28 Feb 2020 16:07:57 +0000
To: Klopp, Jacki Becker
Subject: FW: PPE Distributed to ICE ERO AORs from IHSC
Attachments: Updated N-95 Mask Count 2-28-2020.xlsx

How many masks are we ordering again – just 5K?

From: (b)(6); (b)(7)(C) @ice.dhs.gov>
Sent: Friday, February 28, 2020 11:05 AM
To: Johnson, Tae D (b)(6); (b)(7)(C) @ice.dhs.gov>
Subject: RE: PPE Distributed to ICE ERO AORs from IHSC

I don't know where that number came from. I told Jacki 40,000. Nothing has been ordered yet though. She was still waiting for a breakdown of sizes. I don't have that yet. Personally I think we should just

(b)(5)

From: Johnson, Tae D (b)(6); (b)(7)(C) @ice.dhs.gov>
Sent: Friday, February 28, 2020 11:02 AM
To: (b)(6); (b)(7)(C) @ice.dhs.gov>
Subject: RE: PPE Distributed to ICE ERO AORs from IHSC

This shows about a 13,000 N95 mask shortfall. Why are we only buying 5K? I like the 40K number better.

From: (b)(6); (b)(7)(C) @ice.dhs.gov>
Sent: Friday, February 28, 2020 10:51 AM
To: Johnson, Tae D (b)(6); (b)(7)(C) @ice.dhs.gov>
Subject: FW: PPE Distributed to ICE ERO AORs from IHSC

Tae,

Attached is the spreadsheet that shows what N-95 masks went where and who already had some. I assigned the ISRU to figure out how many more we need to purchase and of what size.

Thanks,

(b)(6);

From: (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) @ice.dhs.gov>
Sent: Friday, February 28, 2020 8:54 AM
To: (b)(6); (b)(7)(C) @ice.dhs.gov>
Cc: Meade, Michael W (b)(6); (b)(7)(C) @ice.dhs.gov> (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) @ice.dhs.gov> (b)(6); (b)(7)(C) @ice.dhs.gov> (b)(6); (b)(7)(C) @ice.dhs.gov> (b)(6); (b)(7)(C) @ice.dhs.gov>
Subject: RE: PPE Distributed to ICE ERO AORs from IHSC

Good morning (b)(6); (b)(7)(C)

Please see the updated spreadsheet as requested. This is the version we will all use moving forward to track the N-95 distribution/counts. We will add columns to it as needed.

Thanks

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

Deputy Assistant Director
Immigration and Customs Enforcement
Enforcement and Removal Operations
Domestic Operations, Eastern Operations
500 12th Street S.W. MS5201
Washington, D.C. 20536

(b)(6); (b)(7)(C) @ice.dhs.gov
(202) 732 (b)(6); (b)(7)(C) Desk



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From: (b)(6); (b)(7)(C)
Sent: Friday, February 28, 2020 8:08 AM
To: (b)(6); (b)(7)(C) @ice.dhs.gov >
Cc: Meade, Michael W (b)(6); (b)(7)(C) @ice.dhs.gov >; (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) @ice.dhs.gov >; (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) @ice.dhs.gov >; (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) @ice.dhs.gov >; (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) @ice.dhs.gov >
Subject: RE: PPE Distributed to ICE ERO AORs from IHSC

As requested.

Thanks

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

Deputy Assistant Director
Immigration and Customs Enforcement
Enforcement and Removal Operations
Domestic Operations, Eastern Operations
500 12th Street S.W. MS5201
Washington, D.C. 20536

(b)(6); (b)(7)(C) @ice.dhs.gov

(202) 731-(b)(6); (b)(7)(C) Desk



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From: (b)(6); (b)(7)(C) @ice.dhs.gov>

Sent: Thursday, February 27, 2020 5:22 PM

To: (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) @ice.dhs.gov>

Cc: Meade, Michael W <(b)(6); (b)(7)(C) @ice.dhs.gov> (b)(6); (b)(7)(C)

<(b)(6); (b)(7)(C) @ice.dhs.gov> (b)(6); (b)(7)(C) @ice.dhs.gov>; (b)(6); (b)(7)(C)

(b)(6); (b)(7)(C) @ice.dhs.gov> (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) @ice.dhs.gov>

Subject: RE: PPE Distributed to ICE ERO AORs from IHSC

Thank you. Can we add this information to the spreadsheet we developed the first weekend of the travel restrictions?

From: (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) @ice.dhs.gov>

Sent: Thursday, February 27, 2020 3:33 PM

To: (b)(6); (b)(7)(C) @ice.dhs.gov>

Cc: Meade, Michael W (b)(6); (b)(7)(C) @ice.dhs.gov> (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) @ice.dhs.gov> (b)(6); (b)(7)(C) @ice.dhs.gov> (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) @ice.dhs.gov> (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) @ice.dhs.gov> (b)(6); (b)(7)(C) @ice.dhs.gov>

Subject: PPE Distributed to ICE ERO AORs from IHSC

Hello (b)(6); (b)(7)(C)

I wanted to get this information to you timely, but I am still waiting for IHSC to let us know what sizes they sent to the field. Please see below all the N-95 masks that were sent to the field by AORs from IHSC.

Also, (b)(6); (b)(7)(C) Division Chief, Safety and Sustainability from M&A stated the below in reference to fit testing. It appears she is asking for a meeting with ERO leadership to discuss further.

“ICE employees qualitatively or quantitatively fit testing each other is an effort which I think needs to be discussed so that all parties understand the liabilities and potentials exist for that scenario. If a decision is made to put the full workforce into an RPP, it is my understanding that OAQ is looking at what nationwide providers exist, and the OSH Unit will offer whatever assistance is required.”

Atlanta

- San Diego shipped 500 N-95s to the ATL AOR.

El Paso

- IHSC-El Paso supplied 65 N-95s and ICE does have two officers who can do their fit testing for the rest of the field office. ICE already had 200 N-95s.

Los Angeles

- IHSC-Port Isabel shipped 1000 N-95.

Newark

- IHSC-Elizabeth will assist with fit testing if needed.
- IHSC-Buffalo shipped 160 N-95s.

New Orleans

- IHSC-San Diego shipped 760 N-95s.

New York City

- IHSC-Port Isabel shipped 600 N-95s.

Philadelphia

- IHSC-Caroline will ship 200 N-95s.

Seattle

- IHSC-Port Isabel shipped 300 N-95s.

Washington

- IHSC-Port Isabel shipped 500 N-95s.

Houston

- IHSC-Montgomery will supply the AOR with 400 N-95s.
- IHSC-Montgomery can do fit testing if needed.

Thanks

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

Deputy Assistant Director
 Immigration and Customs Enforcement
 Enforcement and Removal Operations
 Domestic Operations, Eastern Operations
 500 12th Street S.W. MS5201
 Washington, D.C. 20536

(b)(6); (b)(7)(C) @ice.dhs.gov

(202) 734-(b)(6); (b)(7)(C) Desk



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From: Johnson, Tae D
Sent: 11 Apr 2020 18:51:45 +0000
To: Klopp, Jacki Becker; (b)(6); (b)(7)(C)
(b)(6); Smith, Stewart D; Cronen, C M
Subject: FW: PPE update
Importance: High

FYSA

Sent with BlackBerry Work
(www.blackberry.com)

From: Barrera, Staci A (b)(6); (b)(7)(C) @ice.dhs.gov>
Date: Saturday, Apr 11, 2020, 2:02 PM
To: Albence, Matthew (b)(6); (b)(7)(C) @ice.dhs.gov>, Benner, Derek N (b)(6); (b)(7)(C) @ice.dhs.gov>, Lucero, Enrique M (b)(6); (b)(7)(C) @ice.dhs.gov>, Johnson, Tae D (b)(6); @ice.dhs.gov>, Erichs, Alysa (b)(6); (b)(7)(C) @ice.dhs.gov> (b)(6); (b)(6); (b)(7)(C) @ice.dhs.gov>, Rodriguez, Waldemar (b)(6); (b)(7)(C) @ice.dhs.gov>, Fenton, Jennifer M (b)(6); (b)(7)(C) @ice.dhs.gov> (b)(6); (b)(6); (b)(7)(C) @ice.dhs.gov>, Davis, Mike P <Mike.P.Davis@ice.dhs.gov>
Cc: Aguilar, Max (b)(6); @ice.dhs.gov> (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) @ice.dhs.gov>, (b)(6); (b)(7)(C) @ice.dhs.gov>, (b)(6); (b)(7)(C) @ice.dhs.gov>, Kelly, Christopher S (b)(6); (b)(7)(C) @ice.dhs.gov>, (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) @ice.dhs.gov>, (b)(6); (b)(6); (b)(7)(C) @ice.dhs.gov>, (b)(6); (b)(6); (b)(7)(C) @ice.dhs.gov>, (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) @ice.dhs.gov>, (b)(6); (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) @ice.dhs.gov>
Subject: FW: PPE update

Please see update on PPE acquisition below. OCFO will continue to work with program POCs on validating requirements by office location to support ordering.

Sent with BlackBerry Work
(www.blackberry.com)

From: Roncone, Stephen (b)(6); (b)(7)(C) @ice.dhs.gov>
Date: Saturday, Apr 11, 2020, 1:51 PM
To: Barrera, Staci A (b)(6); (b)(7)(C) @ice.dhs.gov>, Aguilar, Max (b)(6); @ice.dhs.gov>
Cc: (b)(6); (b)(6); @ice.dhs.gov>
Subject: PPE update

Based on guidance from the WH Task Force on the Pandemic as well as DHS senior leadership, and in order to get a Defense Priorities and Allocation System (DPAS) Rating, DHS needs to focus its DPAS/FPAS request for PPE to front line PPE requirements that have a stressed supply chain. Thus, DHS (via OCRSO) will be

evaluating and prioritizing its DPAS rating request based on the requirements of 6 front line Components (including ICE) for respirators and surgical masks only. The initial order will be limited to a 30-day supply.

PPE supplies remain very limited and the Administration has directed PPE priority to front line hospitals and other healthcare settings (they have a DPAS/FPAS PPE rating already). Thus, the very focused request for DHS PPE FPAS request. The plan is to have these priority requests in the process at the HQ DHS NLT Monday so these priority requests will be ready to go (award) quickly once the rating is approved. The DPAS/FPAS rating will move the delivery dates to the forefront of the supply chain (right behind the previously identified DPAS/ FPAS ratings for medical staff).

Components will continue to order other PPE items through DHS PORT since those supplies are more readily available and aren't subject to a request from DHS for a DPAS.

There is a meeting of our POCs and OCRSO at 2 pm to share this guidance and get the priority orders going.

Stephen Roncone, CFO
U.S. Immigration and Customs Enforcement

202 819 (b)(6);
(b)(7)(C)

From: Johnson, Tae D
Sent: 19 Mar 2020 16:16:02 +0000
To: (b)(6); (b)(7)(C)
Subject: FW: Precautions inside our Detention Facilities

Can we schedule a meeting for this afternoon on this please - with a call in number.

Sent with BlackBerry Work
(www.blackberry.com)

From: Johnson, Tae D (b)(6); (b)(7)(C) @ice.dhs.gov>
Date: Thursday, Mar 19, 2020, 12:03 PM
To: Smith, Stewart D (b)(6); (b)(7)(C) @ice.dhs.gov>; (b)(6); (b)(7)(C) @ice.dhs.gov>,
(b)(6); (b)(7)(C) @ice.dhs.gov>; (b)(6); (b)(7)(C) @ice.dhs.gov> (b)(6); (b)(7)(C)
(b)(6); @ice.dhs.gov>; (b)(6); (b)(7)(C) @ice.dhs.gov>; Meade, Michael W
(b)(6); (b)(7)(C) @ice.dhs.gov>
Subject: RE: Precautions inside our Detention Facilities

Apparently - there is a prep call today related to this. Here are some of the questions being posed.

DHS –

Please hold 2:30PM on Thursday 3/19 for an internal **PREP call** before we speak with House Oversight Staff re: the Chairwoman’s 3/11 letter on COVID-19 preparations in detention facilities (attached), currently scheduled for Friday 3/20. For ease of reference, below are the specific items they requested in their letter:

1. Whether DHS is testing detainees for COVID-19, and, if so:
 - a. what testing protocol DHS is using;
 - b. when the testing began;
 - c. how many detainees have been tested and in which facilities; and
 - d. how many of the tested detainees in each facility tested positive for the virus how many tested negative, and how many had test results that were inconclusive;
2. How DHS will house or quarantine presumptive or confirmed cases of COVID-19 to protect both high risk and otherwise healthy detainees and staff from contracting the virus
3. What medical care DHS will provide to detainees with presumptive or confirmed cases of COVID-19
4. How DHS will collect data and keep records on detainees with presumptive or confirmed cases of diagnosed COVID-19;
5. What steps DHS will take to reduce overcrowding in DHS facilities and free up space for effective quarantines of sick detainees, including by reducing the number of migrants detained unnecessarily

- 6. How DHS will ensure that detainees will be able to receive meaningful access to their attorneys even if the detainee or the facility is subject to quarantine procedures or take other steps to ensure their cases are not prejudiced by limited access to their attorneys should this occur
- 7. Whether and how DHS is coordinating with state and local governments on COVID-19 matters in areas where detention facilities are located
- 8. How DHS will address the potential spread of coronavirus in its detention facilities;
- 9. What steps DHS will take to remove barriers to immigrants receiving testing or treatment for COVID-19, including whether DHS will suspend the public charge rule for immigrants using public benefits to seek testing or treatment for COVID-19.

Sent with BlackBerry Work
(www.blackberry.com)

From: Johnson, Tae D (b)(6); (b)(7)(C) @ice.dhs.gov>
Date: Thursday, Mar 19, 2020, 11:11 AM
To: Smith, Stewart D (b)(6); (b)(7)(C) @ice.dhs.gov>, (b)(6); (b)(7)(C) @ice.dhs.gov>, (b)(6); (b)(7)(C) @ice.dhs.gov>, (b)(6); (b)(7)(C) @ice.dhs.gov>, (b)(6); (b)(7)(C) @ice.dhs.gov>, (b)(6); (b)(7)(C) @ice.dhs.gov>, Meade, Michael W (b)(6); (b)(7)(C) @ice.dhs.gov>
Subject: Precautions inside our Detention Facilities

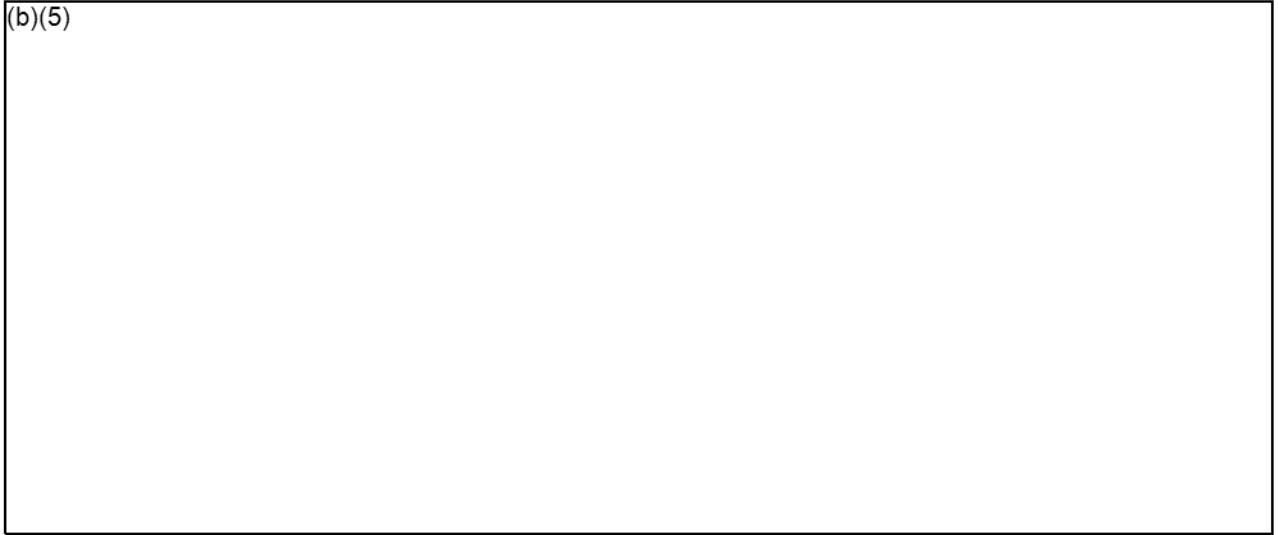
Couple of thoughts on minimizing movements of elderly and at risk individuals. Is there

(b)(5)

To start, perhaps we can begin with:

(b)(5)

(b)(5)



From: Johnson, Tae D
Sent: 6 Apr 2020 11:54:21 +0000
To: Smith, Stewart D
Subject: FW: Public Facing Messaging: COVID-19 national detention policy

Are you tracking these pending IHSC responses?

From: (b)(6); (b)(7)(C)@ice.dhs.gov>
Sent: Sunday, April 5, 2020 1:55 PM
To: Lucero, Enrique M (b)(6); (b)(7)(C)@ice.dhs.gov>; Johnson, Tae D (b)(6); (b)(7)(C)@ice.dhs.gov>
Subject: RE: Public Facing Messaging: COVID-19 national detention policy

We have addressed most of OPLAs comments and still have some items pending with IHSC. Some items will need to be updated based on language included in the guidance doc that went up to DHS this morning. Over all I think we're close. When is this one due? I know a number of things got pushed in favor of the Guidance document.

(b)(6); (b)(7)(C)
 Chief of Staff
 U.S. Immigration and Customs Enforcement
 Office of Enforcement & Removal Operations
 500 12th Street SW
 Washington, D.C. 20536
 (b)(6);@ice.dhs.gov
 (202) 734-(b)(6); office)
 (202) 770-(b)(7)(C) (cell)

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From: Lucero, Enrique M (b)(6); (b)(7)(C)@ice.dhs.gov>
Sent: Sunday, April 5, 2020 10:42 AM
To: Johnson, Tae D (b)(6); (b)(7)(C)@ice.dhs.gov> (b)(6);@ice.dhs.gov> (b)(6);@ice.dhs.gov>
Subject: RE: Public Facing Messaging: COVID-19 national detention policy

Last email I have this one, did we address OPLAs comments?

Enrique M. Lucero
 Executive Associate Director
 Enforcement and Removal Operations
 U.S. Immigration and Customs Enforcement
 202 734-(b)(6); office)
 (b)(6); (b)(7)(C)@ice.dhs.gov

From: Johnson, Tae D (b)(6); (b)(7)(C)@ice.dhs.gov>
Sent: Friday, April 3, 2020 11:11 AM
To: (b)(6); (b)(6);@ice.dhs.gov>
Cc: Lucero, Enrique M (b)(6); (b)(7)(C)@ice.dhs.gov>
Subject: RE: Public Facing Messaging: COVID-19 national detention policy

Thanks (b)(6);

From: (b)(6); (b)(6);@ice.dhs.gov>
Sent: Friday, April 3, 2020 11:09 AM
To: Johnson, Tae D (b)(6); (b)(7)(C)@ice.dhs.gov>
Cc: Lucero, Enrique M (b)(6); (b)(7)(C)@ice.dhs.gov>
Subject: RE: Public Facing Messaging: COVID-19 national detention policy

We're addressing comments now.

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

Chief of Staff
U.S. Immigration and Customs Enforcement
Office of Enforcement & Removal Operations
500 12th Street SW
Washington, D.C. 20536
(b)(6);@ice.dhs.gov
(202) 732-(b)(6);office
(202) 770-(b)(7)cell

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From: Johnson, Tae D (b)(6); (b)(7)(C)@ice.dhs.gov>
Sent: Friday, April 3, 2020 11:01 AM
To: Loiacono, Adam V (b)(6); (b)(7)(C)@ice.dhs.gov> (b)(6); (b)(6);@ice.dhs.gov>;
Lucero, Enrique M (b)(6); (b)(7)(C)@ice.dhs.gov>; Davis, Mike P (b)(6);@ice.dhs.gov>
Cc: Pham, Tony H (b)(6); (b)(7)(C)@ice.dhs.gov>
Subject: RE: Public Facing Messaging: COVID-19 national detention policy

Thanks Adam.

From: Loiacono, Adam V (b)(6); (b)(7)(C)@ice.dhs.gov>
Sent: Friday, April 3, 2020 10:36 AM
To: Johnson, Tae D (b)(6); (b)(7)(C)@ice.dhs.gov> (b)(6); (b)(6);@ice.dhs.gov>; Lucero,
Enrique M (b)(6); (b)(7)(C)@ice.dhs.gov>; Davis, Mike P (b)(6); (b)(7)(C)@ice.dhs.gov>
Cc: Pham, Tony H (b)(6); (b)(7)(C)@ice.dhs.gov>; Loiacono, Adam V (b)(6); (b)(7)(C)@ice.dhs.gov>
Subject: RE: Public Facing Messaging: COVID-19 national detention policy

Thanks, Tae. Attached please find comments and proposed edits from OPLA. Happy to discuss.

Adam V. Loiacono
 Deputy Principal Legal Advisor for Enforcement and Litigation
 Office of the Principal Legal Advisor
 U.S. Immigration and Customs Enforcement
 Iphone: 202-500-(b)(6);
 (b)(6); (b)(7)(C) @ice.dhs.gov

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From: Johnson, Tae D (b)(6); (b)(7)(C) @ice.dhs.gov>
Sent: Thursday, April 2, 2020 8:24 PM
To: (b)(6); (b)(6); (b)(6); (b)(7)(C) @ice.dhs.gov>; Loiacono, Adam V (b)(6); (b)(7)(C) @ice.dhs.gov>;
 Lucero, Enrique M (b)(6); (b)(7)(C) @ice.dhs.gov>; Davis, Mike P (b)(6); (b)(7)(C) @ice.dhs.gov>
Cc: Pham, Tony H (b)(6); (b)(7)(C) @ice.dhs.gov>; Loiacono, Adam V (b)(6); (b)(7)(C) @ice.dhs.gov>
Subject: RE: Public Facing Messaging: COVID-19 national detention policy

While the format of this particular document is still to be determined, this is the second document that was required to formulate our litigation strategy. This was the national policy that was intended to lay out everything the agency is doing in response to the pandemic. It was going to be used to create our public facing doc on the website and hopefully assist with eliminating some of the stuff that's been required in the declarations.

So we understood the lawyers were looking for both of these documents to be completed around the same time.

So tomorrow seems fine unless you guys think it's not nearly as critical as the one folks are chopping on now.

Sent with BlackBerry Work
 (www.blackberry.com)

From: (b)(6); (b)(7)(C) (b)(6); (b)(6); (b)(7)(C) @ice.dhs.gov>
Date: Thursday, Apr 02, 2020, 8:03 PM
To: Loiacono, Adam V (b)(6); (b)(7)(C) @ice.dhs.gov>, Johnson, Tae D (b)(6); (b)(7)(C) @ice.dhs.gov>,
 Lucero, Enrique M (b)(6); (b)(7)(C) @ice.dhs.gov>, Davis, Mike P (b)(6); (b)(7)(C) @ice.dhs.gov>
Cc: Pham, Tony H (b)(6); (b)(7)(C) @ice.dhs.gov>, Loiacono, Adam V (b)(6); (b)(7)(C) @ice.dhs.gov>
Subject: RE: Public Facing Messaging: COVID-19 national detention policy

Defer to Henry but I. Elusive they were hoping by COB tomorrow.

Sent with BlackBerry Work
 (www.blackberry.com)

From: Loiacono, Adam V <(b)(6); (b)(7)(C)@ice.dhs.gov>
Date: Thursday, Apr 02, 2020, 8:02 PM
To: (b)(6); (b)(7)(C)@ice.dhs.gov>, Johnson, Tae D <(b)(6);@ice.dhs.gov>, Lucero, Enrique M <(b)(6); (b)(7)(C)@ice.dhs.gov>, Davis, Mike P <(b)(6);@ice.dhs.gov>
Cc: Pham, Tony H <(b)(6); (b)(7)(C)@ice.dhs.gov>, Loiacono, Adam V <(b)(6); (b)(7)(C)@ice.dhs.gov>
Subject: RE: Public Facing Messaging: COVID-19 national detention policy

Sure, (b)(6); When are you hoping to hear back?

Adam V. Loiacono
Deputy Principal Legal Advisor for Enforcement and Litigation
Office of the Principal Legal Advisor
U.S. Immigration and Customs Enforcement
Desk: 202-732-(b)(6);
Iphone: 202-500-(b)(6);
(b)(6); (b)(7)(C)@ice.dhs.gov

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From: (b)(6); <(b)(6);@ice.dhs.gov>
Date: Thursday, Apr 02, 2020, 7:36 PM
To: Loiacono, Adam V <(b)(6); (b)(7)(C)@ice.dhs.gov>, Johnson, Tae D <(b)(6); (b)(7)(C)@ice.dhs.gov>, Lucero, Enrique M <(b)(6); (b)(7)(C)@ice.dhs.gov>, Davis, Mike P <(b)(6);@ice.dhs.gov>
Cc: Pham, Tony H <(b)(6);@ice.dhs.gov>
Subject: RE: Public Facing Messaging: COVID-19 national detention policy

OPLA,

Can you please take a look at the attached as well. I believe there's one comment that needs your special attention but as always we appreciate your insight anywhere applicable.

Thanks,

(b)(6);

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

Chief of Staff
U.S. Immigration and Customs Enforcement
Office of Enforcement & Removal Operations
500 12th Street SW
Washington, D.C. 20536
(b)(6);@ice.dhs.gov
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(202) 770-(b)(7)(C) (cell)

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From: Loiacono, Adam V (b)(6); (b)(7)(C) @ice.dhs.gov>
Sent: Thursday, April 2, 2020 7:29 PM
To: Johnson, Tae D (b)(6); (b)(7)(C) @ice.dhs.gov>; Lucero, Enrique M (b)(6); (b)(7)(C) @ice.dhs.gov>; Davis, Mike P (b)(6); (b)(7)(C) @ice.dhs.gov>
Cc: (b)(6); (b)(7)(C) @ice.dhs.gov>; Pham, Tony H (b)(6); (b)(7)(C) @ice.dhs.gov>; Loiacono, Adam V (b)(6); (b)(7)(C) @ice.dhs.gov>
Subject: RE: ERO draft

Of course.

Adam V. Loiacono
 Deputy Principal Legal Advisor for Enforcement and Litigation
 Office of the Principal Legal Advisor
 U.S. Immigration and Customs Enforcement
 Desk: 202-732-~~(b)(6); (b)(7)(C)~~
 Iphone: 202-500-~~(b)(6); (b)(7)(C)~~
~~(b)(6); (b)(7)(C)~~ @ice.dhs.gov

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From: Johnson, Tae D (b)(6); (b)(7)(C) @ice.dhs.gov>
Date: Thursday, Apr 02, 2020, 7:28 PM
To: Loiacono, Adam V (b)(6); (b)(7)(C) @ice.dhs.gov>; Lucero, Enrique M (b)(6); (b)(7)(C) @ice.dhs.gov>; Davis, Mike P (b)(6); (b)(7)(C) @ice.dhs.gov>
Cc: (b)(6); (b)(7)(C) @ice.dhs.gov>; Pham, Tony H (b)(6); (b)(7)(C) @ice.dhs.gov>; Loiacono, Adam V (b)(6); (b)(7)(C) @ice.dhs.gov>
Subject: RE: ERO draft

Adam - we will likely need until tomorrow to turn this one around. Please let us know if you get anything back from OGC before then. Thanks

Sent with BlackBerry Work
www.blackberry.com

From: Loiacono, Adam V (b)(6); (b)(7)(C) @ice.dhs.gov>
Date: Thursday, Apr 02, 2020, 5:49 PM

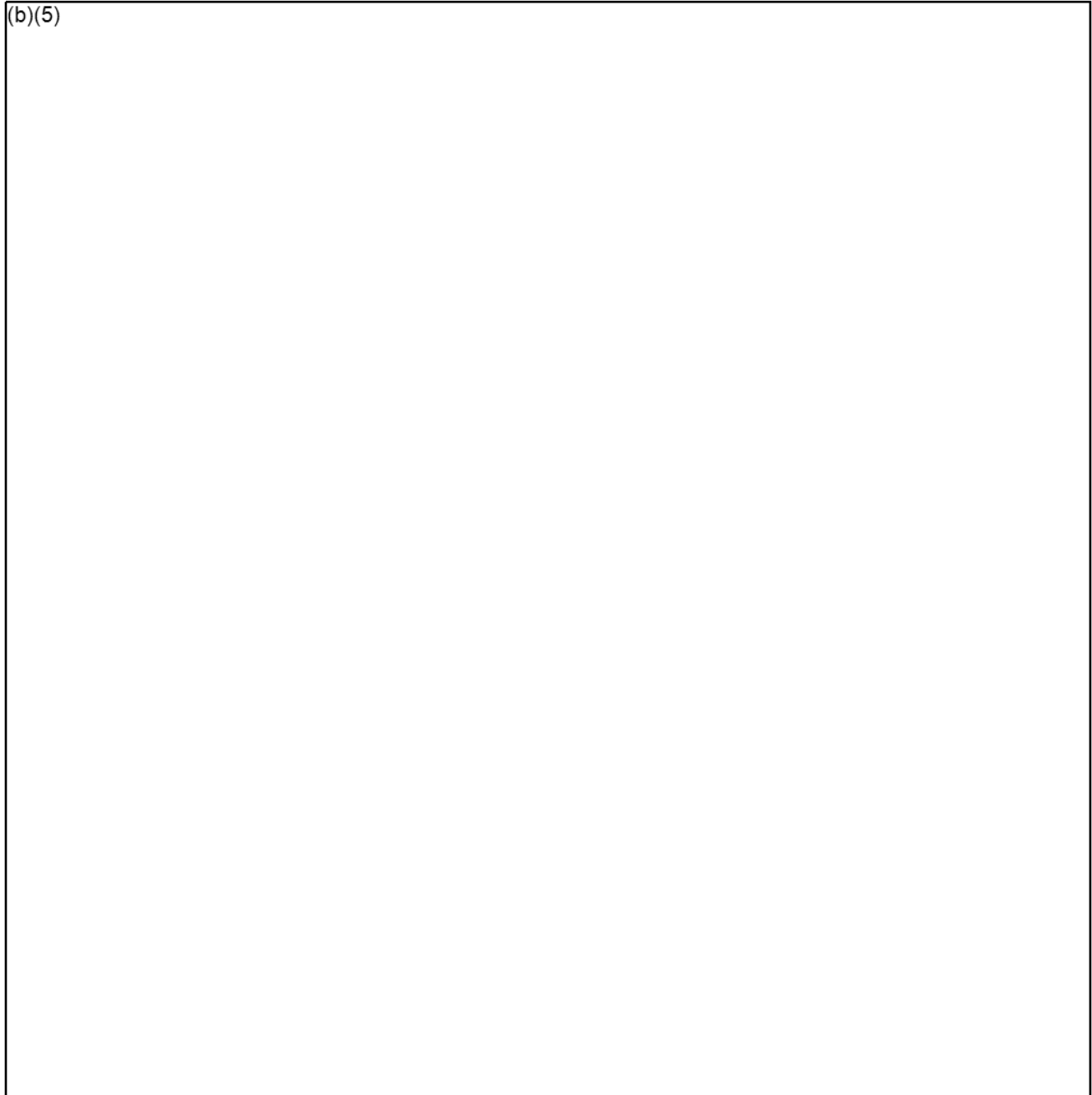
To: Lucero, Enrique M [(b)(6); (b)(7)(C)]@ice.dhs.gov>, Johnson, Tae D [(b)(6)]@ice.dhs.gov>, Davis, Mike P [(b)(6)]@ice.dhs.gov>
Cc: [(b)(6)] [(b)(6)]@ice.dhs.gov>, Pham, Tony H [(b)(6); (b)(7)(C)]@ice.dhs.gov>, Loiacono, Adam V [(b)(6); (b)(7)(C)]@ice.dhs.gov>
Subject: RE: ERO draft

Henry-

OGC HQ just forwarded the following from HHS. Still waiting on DOJ.

There are only two general comments from HHS at this point:

(b)(5)



(b)(5)

Adam V. Loiacono
 Deputy Principal Legal Advisor for Enforcement and Litigation
 Office of the Principal Legal Advisor
 U.S. Immigration and Customs Enforcement
 Desk: 202-732-(b)(6);
 Iphone: 202-500-(b)(6);
 (b)(6); (b)(7)(C) @ice.dhs.gov

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From: Lucero, Enrique M (b)(6); (b)(7)(C) @ice.dhs.gov>
Date: Thursday, Apr 02, 2020, 5:09 PM
To: Loiacono, Adam V (b)(6); (b)(7)(C) @ice.dhs.gov>, Johnson, Tae D (b)(6); (b)(7)(C) @ice.dhs.gov>, Davis, Mike P (b)(6); @ice.dhs.gov>
Cc: (b)(6); (b)(7)(C) @ice.dhs.gov>, Loiacono, Adam V (b)(6); (b)(7)(C) @ice.dhs.gov>, Pham, Tony H (b)(6); (b)(7)(C) @ice.dhs.gov>
Subject: RE: ERO draft

Thanks Adam

From: Loiacono, Adam V (b)(6); (b)(7)(C) @ice.dhs.gov>
Date: Thursday, Apr 02, 2020, 5:05 PM
To: Lucero, Enrique M (b)(6); (b)(7)(C) @ice.dhs.gov>, Johnson, Tae D (b)(6); @ice.dhs.gov>, Davis, Mike P (b)(6); @ice.dhs.gov>
Cc: Vitello, Caleb (b)(6); @ice.dhs.gov>, Loiacono, Adam V (b)(6); (b)(7)(C) @ice.dhs.gov>, Pham, Tony H (b)(6); @ice.dhs.gov>
Subject: RE: ERO draft

Adding Tony for visibility.

Henry-

Attached please find comments and proposed edits to the draft ERO PRR document from OPLA and OGC HQ. Please note that OGC HQ shared the clean version to DOJ and HHS (noting that it had not been cleared by ICE leadership yet) and is expecting additional feedback from them. That said, we wanted to get you these comments and edits to avoid delaying your ability to review them.

Of course, let us know if you have any questions or need anything.

Thanks,

Adam V. Loiacono
 Deputy Principal Legal Advisor for Enforcement and Litigation
 Office of the Principal Legal Advisor
 U.S. Immigration and Customs Enforcement
 Iphone: 202-500-(b)(6);
 (b)(6); (b)(7)(C) @ice.dhs.gov

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From: Lucero, Enrique M (b)(6); (b)(7)(C) @ice.dhs.gov>
Sent: Thursday, April 2, 2020 12:41 PM
To: Loiacono, Adam V (b)(6); (b)(7)(C) @ice.dhs.gov>; Johnson, Tae D (b)(6); (b)(7)(C) @ice.dhs.gov>; Davis, Mike P (b)(6); (b)(7)(C) @ice.dhs.gov>
Cc: (b)(6); (b)(7)(C) @ice.dhs.gov>
Subject: ERO draft

Please review as I have made last edits and cleared this document.

Thank you,

Henry

Enrique M. Lucero
 Executive Associate Director
 Enforcement and Removal Operations
 U.S. Immigration and Customs Enforcement
 202 732 (b)(6); office)
 (b)(6); (b)(7)(C) @ice.dhs.gov

From: Loiacono, Adam V (b)(6); (b)(7)(C) @ice.dhs.gov>
Sent: Thursday, April 2, 2020 11:31 AM
To: Lucero, Enrique M (b)(6); (b)(7)(C) @ice.dhs.gov>; Johnson, Tae D (b)(6); (b)(7)(C) @ice.dhs.gov>; Davis, Mike P (b)(6); @ice.dhs.gov>
Subject: RE: Rough draft

Thanks, sir.

Adam V. Loiacono
 Deputy Principal Legal Advisor for Enforcement and Litigation

Office of the Principal Legal Advisor
U.S. Immigration and Customs Enforcement

Iphone: 202-500-(b)(6);
(b)(6); (b)(7)(C) (b)(7)(C)

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From: Lucero, Enrique M (b)(6); (b)(7)(C) @ice.dhs.gov>
Sent: Thursday, April 2, 2020 11:31 AM
To: Loiacono, Adam V (b)(6); (b)(7)(C) @ice.dhs.gov>; Johnson, Tae D (b)(6); (b)(7)(C) @ice.dhs.gov>; Davis, Mike P (b)(6); @ice.dhs.gov>
Cc: Loiacono, Adam V (b)(6); (b)(7)(C) @ice.dhs.gov>
Subject: RE: Rough draft

Adam,

Making final edits to the document now, hope to have this to you guys in about 30-45 minutes.

From: Loiacono, Adam V (b)(6); (b)(7)(C) @ice.dhs.gov>
Date: Thursday, Apr 02, 2020, 10:04 AM
To: Johnson, Tae D (b)(6); (b)(7)(C) @ice.dhs.gov>, Lucero, Enrique M (b)(6); (b)(7)(C) @ice.dhs.gov>, Davis, Mike P (b)(6); @ice.dhs.gov>
Cc: Loiacono, Adam V (b)(6); (b)(7)(C) @ice.dhs.gov>
Subject: RE: Rough draft

Tae-

For your awareness, Gene Hamilton pinged to OGC HQ Front Office asked when this would be issued (expecting it would be issued today – I take no position on the viability of that). Joe Maher noted that we would have a draft for review today. I just want to make sure you are aware of the very significant interest in this at the DHS and DOJ leadership level and check when you think we will have a near-final version for review.

Thanks,

Adam V. Loiacono
Deputy Principal Legal Advisor for Enforcement and Litigation
Office of the Principal Legal Advisor
U.S. Immigration and Customs Enforcement
Iphone: 202-500-(b)(6);
(b)(6); (b)(7)(C) @ice.dhs.gov

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Customs Enforcement. This document is for INTERNAL GOVERNMENT USE ONLY and may be exempt from disclosure under the Freedom of Information Act, 5 U.S.C. §§ 552(b)(5), (b)(7).

From: Johnson, Tae D [(b)(6); (b)(7)(C)]@ice.dhs.gov>
Sent: Wednesday, April 1, 2020 8:49 PM
To: Loiacono, Adam V [(b)(6); (b)(7)(C)]@ice.dhs.gov>; Lucero, Enrique M [(b)(6); (b)(7)(C)]@ice.dhs.gov>; Davis, Mike P [(b)(6); (b)(7)(C)]@ice.dhs.gov>
Cc: Loiacono, Adam V [(b)(6); (b)(7)(C)]@ice.dhs.gov>
Subject: RE: Rough draft

With the others

10-4, will get back to you shortly. Thx Adam

Sent with BlackBerry Work
www.blackberry.com

From: Loiacono, Adam V [(b)(6); (b)(7)(C)]@ice.dhs.gov>
Date: Wednesday, Apr 01, 2020, 8:37 PM
To: Johnson, Tae D [(b)(6); (b)(7)(C)]@ice.dhs.gov>, Lucero, Enrique M [(b)(6); (b)(7)(C)]@ice.dhs.gov>, Davis, Mike P [(b)(6); (b)(7)(C)]@ice.dhs.gov>
Cc: Loiacono, Adam V [(b)(6); (b)(7)(C)]@ice.dhs.gov>
Subject: RE: Rough draft

I definitely think this is the type of framework we were all expecting. Let us know when it is ready for us to review.

Adam V. Loiacono
 Deputy Principal Legal Advisor for Enforcement and Litigation
 Office of the Principal Legal Advisor
 U.S. Immigration and Customs Enforcement
 Desk: 202-732-[(b)(6)]
 Iphone: 202-500-[(b)(6)]
 [(b)(6); (b)(7)(C)]@ice.dhs.gov

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From: Johnson, Tae D [(b)(6); (b)(7)(C)]@ice.dhs.gov>
Date: Wednesday, Apr 01, 2020, 8:15 PM
To: Loiacono, Adam V [(b)(6); (b)(7)(C)]@ice.dhs.gov>, Lucero, Enrique M [(b)(6); (b)(7)(C)]@ice.dhs.gov>, Davis, Mike [(b)(6); (b)(7)(C)]@ice.dhs.gov>
Subject: RE: Rough draft

Adam – this is still a very rough draft but let me know if this gets us a little closer. We will need to

(b)(5)

(b)(5)

Thanks.

From: Loiacono, Adam V (b)(6); (b)(7)(C) @ice.dhs.gov>

Sent: Wednesday, April 1, 2020 4:59 PM

To: Lucero, Enrique M (b)(6); (b)(7)(C) @ice.dhs.gov>; Davis, Mike P (b)(6); @ice.dhs.gov>

Cc: Johnson, Tae D (b)(6); (b)(7)(C) @ice.dhs.gov>

Subject: RE: Rough draft

Henry-

Just looked very quickly. I think this (b)(5)

(b)(5)

Thanks,

Adam V. Loiacono
Deputy Principal Legal Advisor for Enforcement and Litigation
Office of the Principal Legal Advisor
U.S. Immigration and Customs Enforcement
Iphone: 202-500 (b)(6);
(b)(6); (b)(7)(C) @ice.dhs.gov

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From: Lucero, Enrique M (b)(6); (b)(7)(C) @ice.dhs.gov>

Sent: Wednesday, April 1, 2020 4:40 PM

To: Loiacono, Adam V (b)(6); (b)(7)(C) @ice.dhs.gov>; Davis, Mike P (b)(6); @ice.dhs.gov>

Cc: Johnson, Tae D (b)(6); (b)(7)(C) @ice.dhs.gov>

Subject: Rough draft

We are still reviewing this but wanted you to take a quick look to make sure we are on the right path. Goal is to have this reviewed in the next two hours to send to OPLA and Policy.

Enrique M. Lucero
Executive Associate Director
Enforcement and Removal Operations
U.S. Immigration and Customs Enforcement

202 732 (b)(6); office)

(b)(6); (b)(7)(C) @ice.dhs.gov

From: Johnson, Tae D
Sent: 20 Apr 2020 13:09:42 +0000
To: Lucero, Enrique M
Subject: FW: Purchase 4-Emergency Tent Housing - COVID 19

From: (b)(6); (b)(7)(C)@ice.dhs.gov>
Sent: Monday, April 20, 2020 8:52 AM
To: Johnson, Tae D (b)(6); (b)(7)(C)@ice.dhs.gov>
Subject: RE: Purchase 4-Emergency Tent Housing - COVID 19

The tents are fully outfitted with HVAC and electrical. The boat beds and/or temporary furniture are on hand so no additional purchases. Marc is looking to use this as the 14-day cohort site for new intake.

From: Johnson, Tae D (b)(6); (b)(7)(C)@ice.dhs.gov>
Sent: Monday, April 20, 2020 8:40 AM
To: (b)(6); (b)(7)(C)@ice.dhs.gov>
Subject: RE: Purchase 4-Emergency Tent Housing - COVID 19

Makes sense to have a few on hand for emergencies. Will we need to buy stuff to go inside the tents, whatever that might be?

From: (b)(6); (b)(7)(C)@ice.dhs.gov>
Sent: Monday, April 20, 2020 8:38 AM
To: Johnson, Tae D (b)(6); (b)(7)(C)@ice.dhs.gov>
Subject: RE: Purchase 4-Emergency Tent Housing - COVID 19

Good morning Tae,

Given the new atmosphere in Prairieland and other locations, I've been revisiting the DAL proposal for the tents.

In a post-COVID world, these tents could be repurposed by the SRTs for deployments in hurricane disasters, etc.

(b)(5)

Would you agree or would you still prefer that I hold?

Thanks,

(b)(6);

From: Johnson, Tae D (b)(6); (b)(7)(C)@ice.dhs.gov>
Sent: Monday, April 6, 2020 8:48 PM

To: (b)(6); (b)(7)(C)@ice.dhs.gov>
Subject: RE: Purchase 4-Emergency Tent Housing - COVID 19

Good ole (b)(6); (b)(7)(C) agreed.

Sent with BlackBerry Work
(www.blackberry.com)

From: (b)(6); (b)(7)(C)@ice.dhs.gov>
Date: Monday, Apr 06, 2020, 1:53 PM
To: Johnson, Tae D (b)(6); (b)(7)(C)@ice.dhs.gov>
Subject: FW: Purchase 4-Emergency Tent Housing - COVID 19

Good afternoon Tae,

Just for awareness, (b)(7)(C); (b)(5); (b)(6)
(b)(5)

Thanks,
(b)(6);

From: (b)(6); (b)(7)(C)@ice.dhs.gov>
Sent: Monday, April 6, 2020 8:50 AM
To: (b)(6); (b)(7)(C)@ice.dhs.gov>
Cc: (b)(6); (b)(7)(C)@ice.dhs.gov> (b)(6); (b)(7)(C)@ice.dhs.gov>
Subject: FW: Purchase 4-Emergency Tent Housing - COVID 19

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

(b)(5)

Thx,
(b)(6);

From: (b)(6); (b)(7)(C)@ice.dhs.gov>
Sent: Friday, April 3, 2020 5:04 PM
To: (b)(6); (b)(7)(C)@ice.dhs.gov>
Cc: (b)(6); (b)(7)(C)@ice.dhs.gov>
Subject: FW: Purchase 4-Emergency Tent Housing - COVID 19

I haven't digested this yet...

From: (b)(6); (b)(7)(C)@ice.dhs.gov>
Date: Friday, Apr 03, 2020, 17:02
To: (b)(6); (b)(7)(C)@ice.dhs.gov>
Cc: (b)(6); (b)(7)(C)@ice.dhs.gov> (b)(6); (b)(7)(C)@ice.dhs.gov>
Subject: FW: Purchase 4-Emergency Tent Housing - COVID 19

(b)(6);

I have been informed that the FOD for Dallas has requested I move forward with procuring the below , and he wants to ensure this is processed as priority, as noted it takes the vendor about 30 days to deliver. (b)(5)

(b)(5)

I ll submit a completed package once we have discussed.

.....
In preparation for a possible cohort crisis within an ERO Dallas detention facility, FOD Moore has approved the emergency purchasing of four (4) housing tent packages. Please immediately begin the procurement process for these items.

Justification: In response to COVID-19, ERO Dallas detention management and the field medical coordinators have identified a secondary cohort/triage plan to care for detainees that may become symptomatic or infected with the virus. In order to accomplish the secondary plan, outdoor tent packages must be purchased and available for deployment at one of eight ERO Dallas detention centers. Due to the rapid nature of this virus and potential of significant exposure rates within detention centers, ERO Dallas proposes the following immediate preparatory actions:

- Purchase four (4) 24x16 inflatable tents (each tent capable of housing 17-19 detainees)
- Tents would be used as back-up/cohort housing for up to 76 ICE detainees across different ERO Dallas locations

The attached sunbelt quote is all inclusive for this tent purchase and would meet the immediate needs for caring for the individuals in ERO Dallas care if emergency housing were required.

(b)(5)

Since the vendor turnaround time is roughly 30 days out, please prioritize this purchase request however necessary. We need items in place for deployment as soon as possible.



Here is the feedback from the vendor for our follow up questions:

Would you mind following up with the below additional information. Do you possibly have the contact information for the Dallas County rehab you did so we can speak with them about their product? Thanks again for all of your assistance!

Contact info for both Dallas EM and City of Bryan (TX) are on the attached references page. Thought it would be good for you to have two local contacts. Photos of Bryan's rehab are on my previous email that also had the Nashville FD video.

- How does the HVAC unit work inside the tent? Does it self-regulate or is there a thermostat? Is it a comfortable setting of just dumping tons of air in the tent? Etc.

HVAC has a thermostat that hangs inside tent. Adjust temp same as in a house

- Does the tent come with an elevated floor system that will layer under the vinyl? This would help with durability, protection against the elements, etc. If not, what is the cost of adding an elevated underlayer such as plastic interlocking crates or something similar

Tent does not come with elevated floor and we do not offer elevated floor. Our floor is 14oz vinyl (the black material sample in your packet). It is very durable.

-
- What is the divider option? What are the costs?

(b)(5)

-
- What are the waterlogs? What are the costs?

Water logs are made from same material as frame (22oz vinyl) and have port for filling with water hose. Each are apx 7' long and hold apx 200 pounds of water. Two logs would connect to each side tube along the base tube under windows. Additional tube would be on each corner for connection to the end wall straps. I have attached view of how sandbags/stakes connect to show where water logs would attach to frame and to the two tie down straps on each corner

-
- Do they have patch kits? What are the costs?

Patch kit is included. The glue ships separate from patch pieces to avoid worry of glue leaking inside tent. Would send can of glue for each tent. DO NOT pack glue with tent. Glue is super strong. Doubtful you will need glue so please keep it and patch pieces separate from tent

NOTE: If you order more than one rehab, we will add the outside connection rings at no charge. This will allow you to connect rehab end to end creating one giant tent. Because our design does not require end walls to be removed, you can easily “separate” tents by dropping the roll-up doors. You would still have access from one tent to the other. Attached photo to show how two tent connected look and to show roll-up doors opened to have one large tent.

Let me know if you have any additional questions. It is big purchase and we want you to know details.

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

Face Book post from Wyandanch

facebook.com

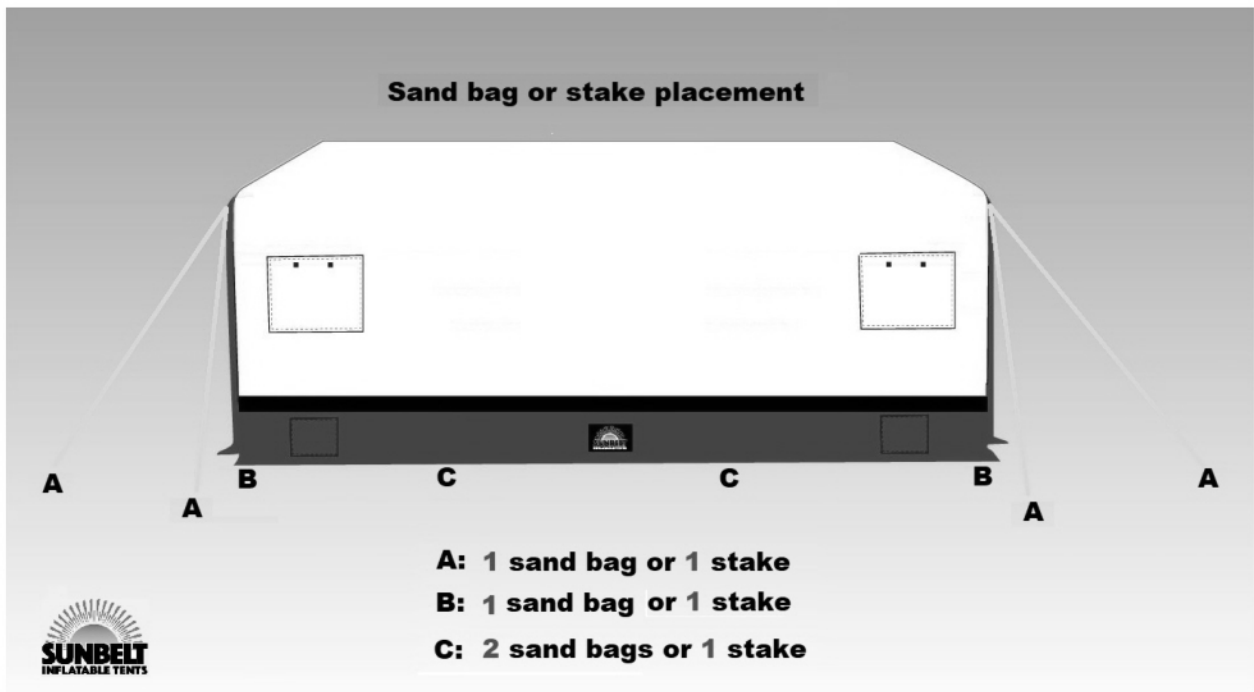


(b)(6); (b)(7)(C)

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

Sunbelt Inflatable Tents

just wanted to send a few pictures on our tents in action at our annual Wounded Warriors Bike Ride. (b)(6); (b)(7)(C) I also wanted to let you know the 3.5 ton A/C units worked great in the 94 degree conditions. Thank you again for all your help and I'm still praying fir you.



Good afternoon,

In preparation for a possible cohort crisis within an ERO Dallas detention facility, aAFOD Johnson and the FMC's propose the following preparatory measures:

ERO Dallas Facilities – Large Scale **Primary** Cohort/Triage Plan:

- PDC will utilize special housing unit to cohort – this will accommodate 80-90 in double occupancy cells
 - This is in addition to any available medical beds and cohort dorms as required
- BBDC will utilize special housing unit to cohort – this will accommodate 16-20 in double occupancy cells
 - This is in addition to any available medical beds and cohort dorms as required

ERO Dallas Facilities – Large Scale **Secondary** Cohort/Triage Plan:

(b)(5)

(b)(5)

These are all preliminary estimates and numbers. FMC's are highly encouraging us to consider in preparation for the weeks to come. It is possible the IGSA's would take these steps, but they may need their orders from (b)(6); (b)(7)(C)

(b)(6); (b)(7)(C) ERO
Contracting Officer Representative
Desk Phone: 214-424-(b)(6); (b)(7)(C)
I-Phone: 972-689-(b)(6);
Email: (b)(6); (b)(7)(C)@ice.dhs.gov

From: Johnson, Tae D
Sent: 26 Apr 2020 20:54:16 +0000
To: (b)(6); (b)(7)(C)
Subject: FW: Ready to utilize new COVID-19 testing machines

Need to make sure we are all in the same page. Let me know once you've had time to digest.

Sent with BlackBerry Work
(www.blackberry.com)

From: Johnson, Tae D (b)(6); (b)(7)(C)@ice.dhs.gov>
Date: Sunday, Apr 26, 2020, 3:37 PM
To: Smith, Stewart D (b)(6); (b)(7)(C)@ice.dhs.gov>, Lucero, Enrique M (b)(6); (b)(7)(C)@ice.dhs.gov>
Cc: (b)(6); (b)(7)(C) CDR (b)(6); (b)(7)(C)@ice.dhs.gov> (b)(6); (b)(7)(C)@ice.dhs.gov>
Subject: RE: Ready to utilize new COVID-19 testing machines

Thanks Stew. Once we finish testing folks in HOU and SNA, moving machines (or detainees around when it makes most sense) and removing as many from the NT as we can, we will move to phase 2 - El Paso, Miami and Dallas. It might be helpful to share our training materials with those facilities that have NT cases ready to go. The vendors for El Paso and Dallas likely include MTC; CCA and/or La Salle in these locations and perhaps GEO in Miami. For all these locations, but particularly Miami, we will need to work closely with Ops to determine which local jails - if any would need to run tests. My guess is that Miami and Dallas houses some final order cases in their local jails.

It may be easier for IHSC to draft a broadcast with its ID Now training materials to send to the FODs to share with all their vendors who may be required to test these NT cases. In that broadcast, we can either ask the field if any of their testing facilities require any additional onsite training from IHSC or have the FMCs follow up with each location after the materials are received to see if they need additional training.

The priority of the training should be based on the the locations of each phase and then the sizes of the NT populations at each site. My hope is that most of these locations can figure it out based on our training materials alone, and we can walk them thru any issues telephonically or via webex once the machines are received. I defer to you and your team on the best approach. It may be helpful for the FMCS to reach to their FODs to get a better sense of what the testing locations might be in their AORs.

If you have other thoughts for achieving the goal please let me know. Thx

From: Smith, Stewart D (b)(6); (b)(7)(C)@ice.dhs.gov>
Date: Sunday, Apr 26, 2020, 9:26 AM
To: Lucero, Enrique M (b)(6); (b)(7)(C)@ice.dhs.gov>
Cc: Johnson, Tae D (b)(6); (b)(7)(C)@ice.dhs.gov> (b)(6); (b)(7)(C) CDR (b)(6); (b)(7)(C)@ice.dhs.gov>

Subject: RE: Ready to utilize new COVID-19 testing machines

There were 10 machines sent out. They were sent out to Karnes Family Residential, Houston Processing (formerly HCDF), El Paso SPC, and PIDC SPC. These four facilities are ready to test. Are there more facilities I'm not aware of?

Dr. Stewart D. Smith, MPH, CCHP, FACHE
Assistant Director | ICE Health Service Corps
Desk: 202-732- (b)(6); (b)(7)(C) Cell: 202-321- (b)(6); (b)(7)(C)

From: Lucero, Enrique M (b)(6); (b)(7)(C) @ice.dhs.gov>
Date: Sunday, Apr 26, 2020, 9:00 AM
To: Smith, Stewart D (b)(6); (b)(7)(C) @ice.dhs.gov>
Cc: Johnson, Tae D (b)(6); (b)(7)(C) @ice.dhs.gov> (b)(6); (b)(7)(C) @ice.dhs.gov>, (b)(6); (b)(7)(C) CDR (b)(6); (b)(7)(C) @ice.dhs.gov>, (b)(6); (b)(7)(C) @ice.dhs.gov> (b)(6); (b)(7)(C) @ice.dhs.gov> (b)(6); (b)(7)(C) @ice.dhs.gov>
Subject: RE: Ready to utilize new COVID-19 testing machines

10-4, so should I consider all GEO locations ready to test if they have the equipment? What about Core Civic and MTC facilities where they run medical?

I simply requested a list of Houston and San Antonio facilities that are ready to test. The information below is helpful but only tells me Karnes is ready. I presume Houston is ready and that Houston is the CDF known as the Houston Processing Center.

From: Smith, Stewart D (b)(6); (b)(7)(C) @ice.dhs.gov>
Date: Sunday, Apr 26, 2020, 8:11 AM
To: Lucero, Enrique M (b)(6); (b)(7)(C) @ice.dhs.gov>
Cc: Johnson, Tae D (b)(6); (b)(7)(C) @ice.dhs.gov> (b)(6); (b)(7)(C) @ice.dhs.gov>, (b)(6); (b)(7)(C) CDR (b)(6); (b)(7)(C) @ice.dhs.gov>, (b)(6); (b)(7)(C) @ice.dhs.gov> (b)(6); (b)(7)(C) @ice.dhs.gov> (b)(6); (b)(7)(C) @ice.dhs.gov>
Subject: RE: Ready to utilize new COVID-19 testing machines

GM Henry –

The following is the status of training and testing:

- The sites identified 2-3 PHS/GS employees who were trained and test detainees for the two flights. They will eventually train others.
- The sites conducted Abbott WebEx training Thursday and Friday.
- All facilities received their machines and test kits.
 - Houston: 4 machines
 - El Paso: 2 machines
 - Port Isabel: 2 machines
 - Karnes: 2 machines
 - Dilley: We are not moving a machine to Dilley yet, but are poised to do so once we get through the bulk of the testing at Karnes
- Yesterday was the travel day for the two MTs we deployed to the sites and they will complete training and check off competencies this morning. Testing will begin NLT 10:00 EST today. A report will be generated at 1400 EST to show progression.
 - Houston: MT is onsite today.
 - El Paso: MT is onsite today.
 - Port Isabel: Site will be trained virtually by MT at Houston and will begin testing today. MT will arrive at PIDC tomorrow to check off competencies today.
 - Karnes: FMC and RFMC communicated that Karnes will not need an MT to conduct the training. I asked and verified twice and received the same response.
- It takes each machine 15 minutes to run the test and receive a negative result, therefore it will take about 25 minutes to collect, process, and receive results. If a positive is received, we will send to LabCorp to confirm (takes one to two days). These results will be charted in eCW. In addition to sending to LabCorp, the following infection prevention protocols are in place:
 - For those that test positive, another test (swabbed but not using the ID NOW) will be performed and sent to LabCorp for confirmation.
 - If the results return negative from LabCorp, then that detainee needs to put in a clean area and removed as soon as possible.
 - Any placement back into a non-cohorted general population means that person would have stay for a few days and be retested with ID NOW.
 - If the result is negative, then put clean pop and transport as soon as possible
- IHSC will send a report each morning identifying the number of: machines, tests administered, positive results, negative results and pending results, per Caleb's email (attached).
- Once Karnes has gotten through this flight of detainees, we will move one of their machines over to Dilley and our third MT will train and prepare them for testing.

R/ Stew

Dr. Stewart D. Smith, MPH, CCHP, FACHE
Assistant Director | ICE Health Service Corps

Desk: 202-732-(b)(6) Cell: 202-321-(b)(6);
(b)(7)(C)

Executive Assistant: Ms. (b)(6): (b)(7)(C) @associates.ice.dhs.gov

Desk: 202-732-(b)(6) Cell: 202-893-(b)(6)

"IHSC: One Team, One Mission...Leading the Way in Immigration Health Care"

From: Lucero, Enrique M (b)(6); (b)(7)(C)@ice.dhs.gov>
Sent: Saturday, April 25, 2020 9:46 PM
To: Smith, Stewart D (b)(6); (b)(7)(C)@ice.dhs.gov>
Cc: Johnson, Tae D (b)(6); (b)(7)(C)@ice.dhs.gov>
Subject: RE: Ready to utilize new COVID-19 testing machines

Good evening Stew,

Have you confirmed what facilities in the HOU and SNA AORs are prepared to conduct testing utilizing the new Abbott COVID-19 machines?

I realize not all facilities have the machine but many attended the training provided by Abbott. When will you have this information available? This is critical to contingency planning.

From: Lucero, Enrique M (b)(6); (b)(7)(C)@ice.dhs.gov>
Date: Saturday, Apr 25, 2020, 7:45 PM
To: Smith, Stewart D (b)(6); (b)(7)(C)@ice.dhs.gov>
Cc: Johnson, Tae D (b)(6); (b)(7)(C)@ice.dhs.gov>
Subject: RE: Ready to utilize new COVID-19 testing machines

10-4, any update on facilities that are ready? Did we move a machine to Dilley yet?

From: Smith, Stewart D (b)(6); (b)(7)(C)@ice.dhs.gov>
Date: Saturday, Apr 25, 2020, 3:48 PM
To: Lucero, Enrique M (b)(6); (b)(7)(C)@ice.dhs.gov>
Cc: Johnson, Tae D (b)(6); (b)(7)(C)@ice.dhs.gov>
Subject: FW: Ready to utilize new COVID-19 testing machines

Henry -

Lots of emails today. See the string below. Currently, we seem aligned.

I'll be getting a sitrep tonite from (b)(6) and will keep you apprised.

R/ Stew

Dr. Stewart D. Smith, MPH, CCHP, FACHE
Assistant Director | ICE Health Service Corps

Desk: 202-732-(b)(6) | Cell: 202-321-(b)(6); (b)(7)(C)

From: (b)(6); (b)(7)(C) CDR (b)(6); @ice.dhs.gov>
Date: Saturday, Apr 25, 2020, 3:31 PM
To: Smith, Stewart D (b)(6); (b)(7)(C) @ice.dhs.gov>, Johnson, Tae D (b)(6); (b)(7)(C) @ice.dhs.gov>
Subject: RE: Ready to utilize new COVID-19 testing machines

When I looked at the numbers yesterday I saw there were about 24 Guates in Dilley and they would benefit from a machine from Karnes when the bulks are some. Same for MPC as you discussed. MPC's staff is going over to HCDF to train and test as well.

Respectfully,

(b)(6); (b)(7)(C) MSHS, BSN, RN, CCHP
CDR, U.S. Public Health Service
Deputy Assistant Director, Health Systems Support
(202) 732-(b)(6); Office
(202) 836-(b)(7)(C)

From: Johnson, Tae D
Sent: 16 Mar 2020 12:29:58 +0000
To: (b)(6); (b)(7)(C)
Subject: FW: Reducing interaction at ERO Offices
Attachments: White_Paper_Reducing_office_visitors - .docx

The final doc

Sent with BlackBerry Work
(www.blackberry.com)

From: Johnson, Tae D (b)(6); (b)(7)(C)@ice.dhs.gov>
Date: Sunday, Mar 15, 2020, 10:09 PM
To: Lucero, Enrique M (b)(6); (b)(7)(C)@ice.dhs.gov>; (b)(6); (b)(7)(C)@ice.dhs.gov>; (b)(6); (b)(7)(C)@ice.dhs.gov>; Meade, Michael W (b)(6); (b)(7)(C)@ice.dhs.gov>
Cc: Asher, Nathalie R (b)(6); (b)(7)(C)@ice.dhs.gov>; (b)(6); (b)(7)(C)@ice.dhs.gov>; (b)(6); (b)(7)(C)@ice.dhs.gov>; (b)(6); (b)(7)(C)@ice.dhs.gov>
Subject: RE: Reducing interaction at ERO Offices

IO-4. Will do.

Pete/Mike – can we get a meeting scheduled with the OPA, CFO and OCR team tomorrow to discuss. Thank you.

From: Lucero, Enrique M (b)(6); (b)(7)(C)@ice.dhs.gov>
Sent: Sunday, March 15, 2020 9:54 PM
To: Johnson, Tae D (b)(6); (b)(7)(C)@ice.dhs.gov>; (b)(6); (b)(7)(C)@ice.dhs.gov>; (b)(6); (b)(7)(C)@ice.dhs.gov>
Subject: FW: Reducing interaction at ERO Offices

Lets start working with OPE and OPA to get the message right and prepare a broadcast for the field. Similar to visitation, lets prepare a formal memo after the broadcast.

From: Lucero, Enrique M
Sent: Sunday, March 15, 2020 9:52 PM
To: Albence, Matthew (b)(6); (b)(7)(C)@ice.dhs.gov>; Benner, Derek N (b)(6); (b)(7)(C)@ice.dhs.gov>
Cc: Kelly, Christopher S (b)(6); (b)(7)(C)@ice.dhs.gov>; Johnson, Tae D (b)(6); (b)(7)(C)@ice.dhs.gov>
Subject: RE: Reducing interaction at ERO Offices

1. You mentioned we will encourage non-contact legal and congressional visits. Does that mean that if they choose to have contact visits, they will be allowed?

Yes, we will still allow the contact visitation for legal and congressional visits, if they elect for contact they may be required to wear PPE to protect detainees and staff.

2. Do you have a ballpark figure as to how many of our detained cases have VTC capabilities (and this may be a better question for OPLA).

I would not want to guess the number but I believe the vast majority of court rooms have this capability (we can do a data call tomorrow), we would ask OPLA to engage in this discussion at the HQ level with EOIR.

From: Albence, Matthew (b)(6); (b)(7)(C) @ice.dhs.gov>
Sent: Sunday, March 15, 2020 9:45 PM
To: Lucero, Enrique M (b)(6); (b)(7)(C) @ice.dhs.gov>; Benner, Derek N (b)(6); (b)(7)(C) @ice.dhs.gov>
Cc: Kelly, Christopher S (b)(6); (b)(7)(C) @ice.dhs.gov>; Johnson, Tae D (b)(6); (b)(7)(C) @ice.dhs.gov>
Subject: RE: Reducing interaction at ERO Offices

Thanks, Henry. Fully support.

Just a couple questions:

1. You mentioned we will encourage non-contact legal and congressional visits. Does that mean that if they choose to have contact visits, they will be allowed?
2. Do you have a ballpark figure as to how many of our detained cases have VTC capabilities (and this may be a better question for OPLA).

Sent with BlackBerry Work
www.blackberry.com

From: Lucero, Enrique M (b)(6); (b)(7)(C) @ice.dhs.gov>
Date: Sunday, Mar 15, 2020, 9:38 PM
To: Albence, Matthew (b)(6); (b)(7)(C) @ice.dhs.gov>; Benner, Derek N (b)(6); (b)(7)(C) @ice.dhs.gov>
Cc: Kelly, Christopher S (b)(6); (b)(7)(C) @ice.dhs.gov>; Johnson, Tae D (b)(6); (b)(7)(C) @ice.dhs.gov>
Subject: Reducing interaction at ERO Offices

Attached is a white paper that has been reviewed and cleared by OPLA to temporarily limit interaction at ERO Offices.

Biggest change will be to suspend in person reporting to telephonic reporting, limit locations where we accept bonds, request Asylum to conduct telephonic interviews, and accept Stay of Removals via mail.

These are all temporary measures that I recommend begin effective on Tuesday for 30 days and then we can reevaluate the need to extend. If approved, we will notify stakeholders on Monday to include the CFO, OCR, OPA, and NGOs. We would like to post information on ice.gov as well and proactively issue a press release to the media on Monday.

Thank you for your consideration,

Henry

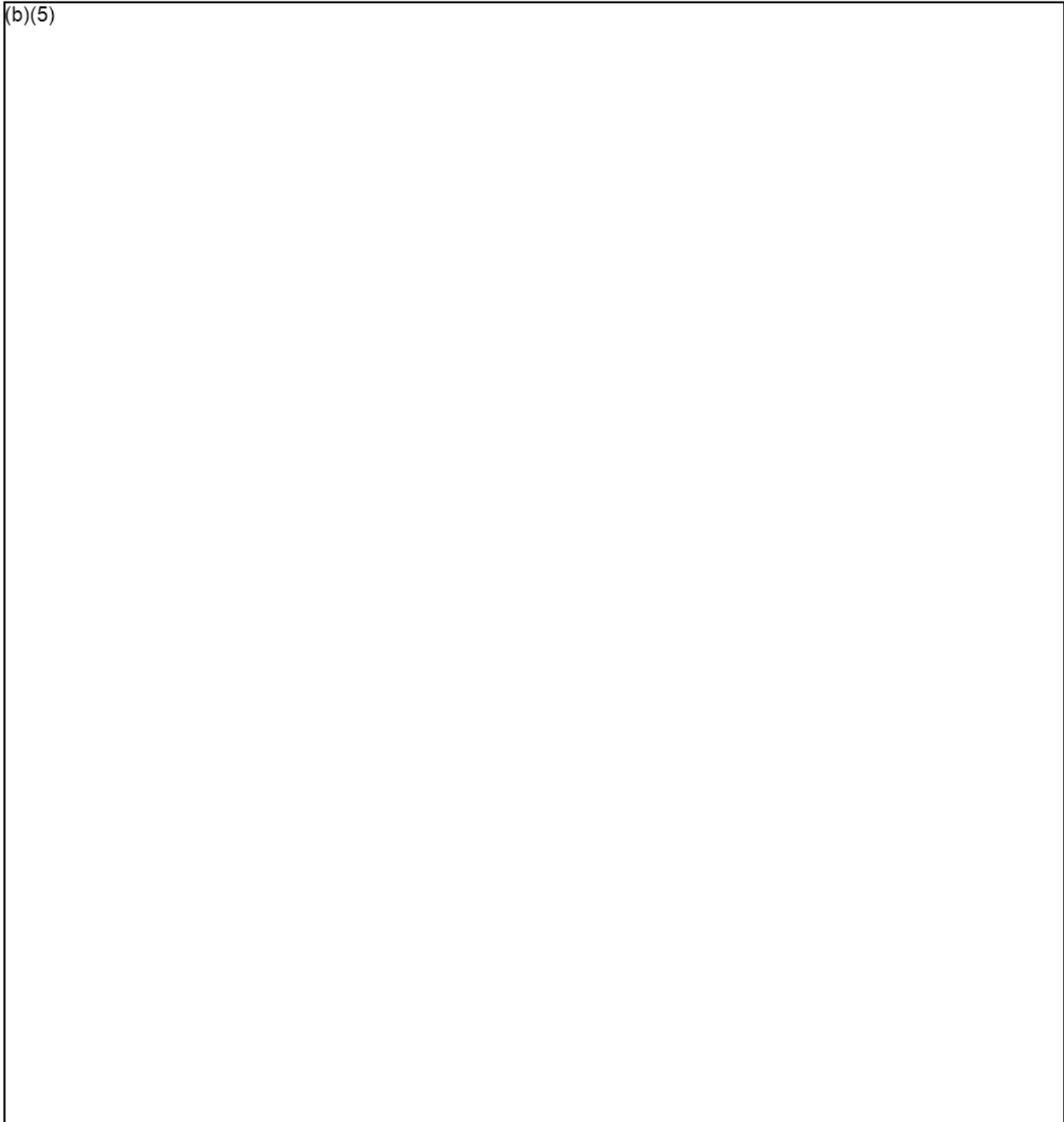
U.S. Immigration and Customs Enforcement
Enforcement and Removal Operations
Field Operations Division



**U.S. Immigration and Customs Enforcement (ICE)
Office of Enforcement and Removal Operations (ERO)**

**Proposed Temporary Measures to Reduce the Potential for COVID-19 Exposure at ERO
Field Offices**

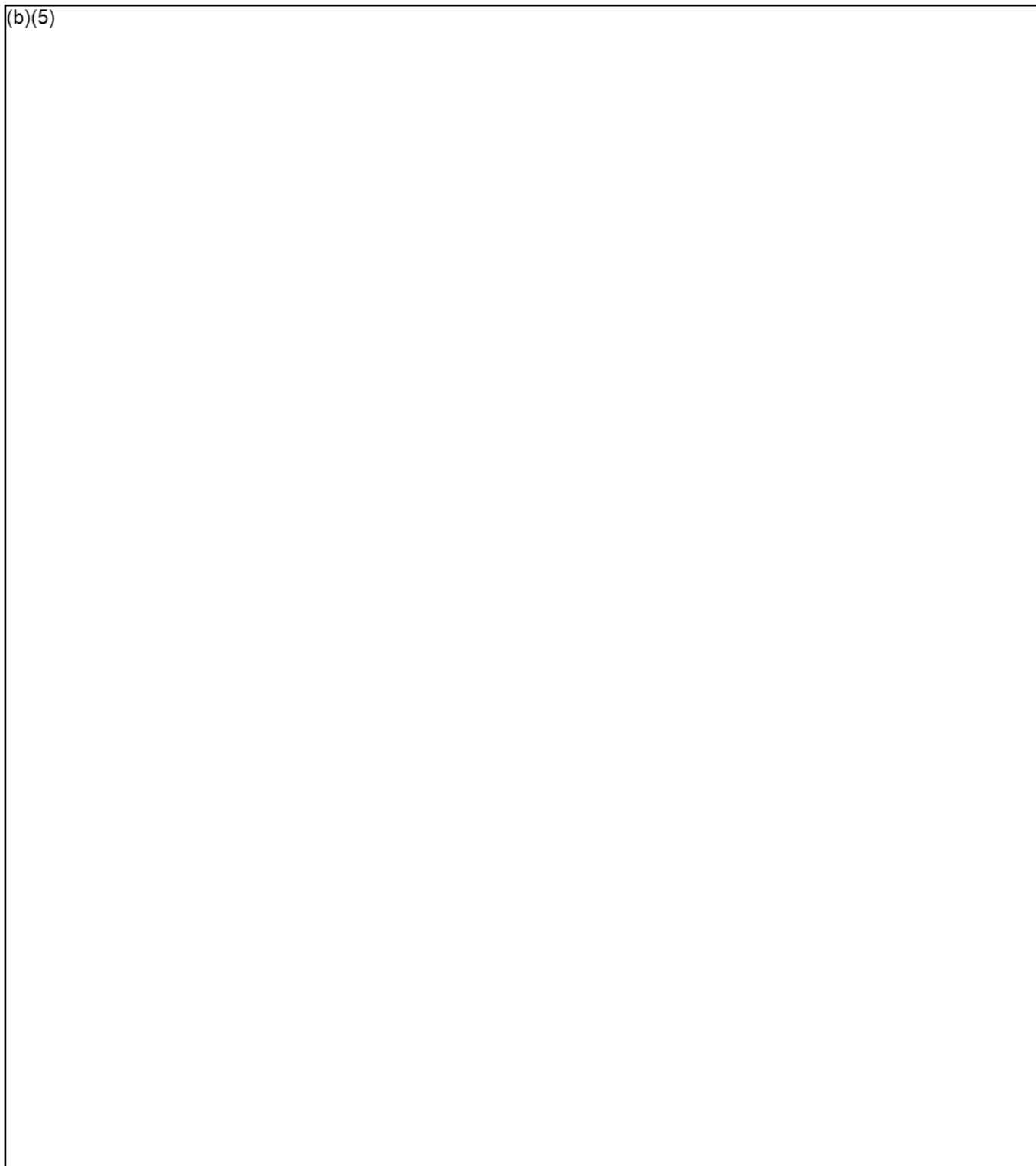
(b)(5)



U.S. Immigration and Customs Enforcement
Enforcement and Removal Operations
Field Operations Division



(b)(5)



From: Johnson, Tae D
Sent: 25 Mar 2020 16:27:28 +0000
To: Hott, Russell (b)(6); (b)(7)(C) #ERO CHIEFS OF STAFF
Subject: FW: Releases of vulnerable population (70 years old and over)
Attachments: Facility Actions in Response to COVID-19 (002) (003) RR edits.docx

Can we add any updates from the Social Distancing paper to this version – that (b)(6); updated?
 Thank you.

From: Lucero, Enrique M (b)(6); (b)(7)(C) @ice.dhs.gov>
Sent: Wednesday, March 25, 2020 11:37 AM
To: Johnson, Tae D (b)(6); (b)(7)(C) @ice.dhs.gov>
Subject: FW: Releases of vulnerable population (70 years old and over)

Just in case you are interested in his edits

Enrique M. Lucero
 Executive Associate Director
 Enforcement and Removal Operations
 U.S. Immigration and Customs Enforcement
 202 732 (b)(6); office)
 (b)(6); (b)(7)(C) @ice.dhs.gov

From: (b)(6); (b)(7)(C) @ice.dhs.gov>
Sent: Wednesday, March 25, 2020 10:10 AM
To: Lucero, Enrique M (b)(6); (b)(7)(C) @ice.dhs.gov>
Subject: RE: Releases of vulnerable population (70 years old and over)

Good morning ...

I'm not sure who the audience is on this... but I made a couple of suggestions for your consideration and explained them in the remarks.

Thank you,

(b)(6); (b)(7)(C)
 Assistant Director (A)
 Office of Partnership and Engagement (OPE)
 U.S. Immigration and Customs Enforcement (ICE)
 202-407 (b)(6); ell
 (b)(6); (b)(7)(C) @ice.dhs.gov

From: Lucero, Enrique M (b)(6); (b)(7)(C) @ice.dhs.gov>
Sent: Wednesday, March 25, 2020 8:32 AM
To: (b)(6); (b)(7)(C) @ice.dhs.gov>
Subject: FW: Releases of vulnerable population (70 years old and over)

Enrique M. Lucero
 Executive Associate Director
 Enforcement and Removal Operations
 U.S. Immigration and Customs Enforcement
 202 732 (b)(6) (office)
 (b)(6); (b)(7)(C) @ice.dhs.gov

From: Johnson, Tae D (b)(6); (b)(7)(C) @ice.dhs.gov>
Sent: Tuesday, March 24, 2020 8:14 PM
To: Lucero, Enrique M (b)(6); (b)(7)(C) @ice.dhs.gov>
Subject: FW: Releases of vulnerable population (70 years old and over)

Use this version

Sent with BlackBerry Work
 (www.blackberry.com)

From: (b)(6); (b)(7)(C) @ice.dhs.gov>
Date: Tuesday, Mar 24, 2020, 6:45 PM
To: Johnson, Tae D (b)(6); (b)(7)(C) @ice.dhs.gov>, #ERO CHIEFS OF STAFF
 (b)(6); (b)(7)(C) @ice.dhs.gov>
Subject: RE: Releases of vulnerable population (70 years old and over)

Good copy. Please see attached.

(b)(6); (b)(7)(C)
 Chief of Staff
 U.S. Immigration and Customs Enforcement
 Office of Enforcement & Removal Operations
 500 12th Street SW
 Washington, D.C. 20536
 (b)(6); @ice.dhs.gov
 (202) 732 (b)(6); (office)
 (202) 770 (b)(7)(C) (cell)

NOTICE: This communication may contain privileged or otherwise confidential information. If you are not an intended recipient or believe you have received this communication in error, please do not print, copy, retransmit, disseminate, or otherwise use this information. Please inform the sender that you received this message in error and delete the message.

From: Johnson, Tae D (b)(6); (b)(7)(C) @ice.dhs.gov>
Sent: Tuesday, March 24, 2020 6:40 PM
To: (b)(6); (b)(6); @ice.dhs.gov>
Subject: RE: Releases of vulnerable population (70 years old and over)

With edits in red.

(b)(5)

From: (b)(6); (b)(7)(C)@ice.dhs.gov>
Sent: Tuesday, March 24, 2020 6:35 PM
To: Johnson, Tae D (b)(6); (b)(7)(C)@ice.dhs.gov>
Subject: FW: Releases of vulnerable population (70 years old and over)

Tae,

Please take a quick look, does this answer the mail?

Here's what was added.

(b)(5)

(b)(6); (b)(7)(C)
Chief of Staff
U.S. Immigration and Customs Enforcement
Office of Enforcement & Removal Operations
500 12th Street SW
Washington, D.C. 20536
(b)(6); (b)(7)(C)@ice.dhs.gov
(202) 732 (b)(6); office
(202) 770 (b)(7); cell

NOTICE: This communication may contain privileged or otherwise confidential information. If you are not an intended recipient or believe you have received this communication in error, please do not print, copy, retransmit, disseminate, or otherwise use this information. Please inform the sender that you received this message in error and delete the message.

From: (b)(6); (b)(7)(C)@ice.dhs.gov>
Sent: Tuesday, March 24, 2020 6:28 PM
To: (b)(6); (b)(7)(C)@ice.dhs.gov>; #ERO CHIEFS OF STAFF

<(b)(7)(E)@ice.dhs.gov>; (b)(6); (b)(7)(C)@ice.dhs.gov>
Subject: RE: Releases of vulnerable population (70 years old and over)

I have inserted the language from CDC at the bottom of this document, which Tae referenced.

From: (b)(6); (b)(7)(C)@ice.dhs.gov>
Sent: Tuesday, March 24, 2020 5:58 PM
To: #ERO CHIEFS OF STAFF (b)(7)(E)@ice.dhs.gov>; (b)(6); (b)(7)(C)@ice.dhs.gov>; (b)(6); (b)(7)(C)@ice.dhs.gov>
Subject: FW: Releases of vulnerable population (70 years old and over)

CMD,

Can you make the necessary additions referenced below please?

Thx,

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

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

Chief of Staff
U.S. Immigration and Customs Enforcement
Office of Enforcement & Removal Operations
500 12th Street SW
Washington, D.C. 20536
(b)(6); (b)(7)(C)@ice.dhs.gov
(202) 732 (b)(6); (office)
(202) 770 (b)(7)(C) (cell)

NOTICE: This communication may contain privileged or otherwise confidential information. If you are not an intended recipient or believe you have received this communication in error, please do not print, copy, retransmit, disseminate, or otherwise use this information. Please inform the sender that you received this message in error and delete the message.

From: Johnson, Tae D (b)(6); (b)(7)(C)@ice.dhs.gov>
Sent: Tuesday, March 24, 2020 5:52 PM
To: (b)(6); (b)(7)(C)@ice.dhs.gov>; (b)(6); (b)(7)(C)@ice.dhs.gov>
Cc: (b)(6); (b)(7)(C)@ice.dhs.gov>
Subject: FW: Releases of vulnerable population (70 years old and over)

(b)(5)

From: (b)(6); (b)(7)(C)@ice.dhs.gov>
Sent: Tuesday, March 24, 2020 5:22 PM
To: (b)(6); (b)(7)(C)@ice.dhs.gov>; Johnson, Tae D (b)(6); (b)(7)(C)@ice.dhs.gov>
Subject: RE: Releases of vulnerable population (70 years old and over)

Here you go. Cleared by CMD

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

Chief of Staff
U.S. Immigration and Customs Enforcement
Office of Enforcement & Removal Operations
500 12th Street SW
Washington, D.C. 20536

(b)(6); (b)(7)(C) @ice.dhs.gov

(202) 732-(b)(6); (office)

(202) 770-(b)(7)(C) (cell)

NOTICE: This communication may contain privileged or otherwise confidential information. If you are not an intended recipient or believe you have received this communication in error, please do not print, copy, retransmit, disseminate, or otherwise use this information. Please inform the sender that you received this message in error and delete the message.

From: Lucero, Enrique M <(b)(6); (b)(7)(C)@ice.dhs.gov>

Sent: Tuesday, March 24, 2020 5:15 PM

To: Johnson, Tae D <(b)(6); (b)(7)(C)@ice.dhs.gov>; (b)(6); (b)(7)(C)@ice.dhs.gov>

Subject: RE: Releases of vulnerable population (70 years old and over)

Do we have this one back from CMD?

Enrique M. Lucero
Executive Associate Director
Enforcement and Removal Operations
U.S. Immigration and Customs Enforcement
202 732-(b)(6); (office)
(b)(6); (b)(7)(C)@ice.dhs.gov

From: Johnson, Tae D <(b)(6); (b)(7)(C)@ice.dhs.gov>

Sent: Monday, March 23, 2020 5:55 PM

To: (b)(6); (b)(7)(C)@ice.dhs.gov>

Cc: Lucero, Enrique M <(b)(6); (b)(7)(C)@ice.dhs.gov>

Subject: RE: Releases of vulnerable population (70 years old and over)

By 3pm tomorrow

Sent with BlackBerry Work
(www.blackberry.com)

From: (b)(6); (b)(7)(C)@ice.dhs.gov>

Date: Monday, Mar 23, 2020, 5:51 PM

To: Johnson, Tae D <(b)(6); (b)(7)(C)@ice.dhs.gov>

Cc: Lucero, Enrique M <(b)(6); (b)(7)(C)@ice.dhs.gov>

Subject: RE: Releases of vulnerable population (70 years old and over)

10-4 When do you want it?

Sent with BlackBerry Work
(www.blackberry.com)

From: Johnson, Tae D <(b)(6); (b)(7)(C)@ice.dhs.gov>
Date: Monday, Mar 23, 2020, 5:50 PM
To: (b)(6); (b)(7)(C)@ice.dhs.gov>
Cc: (b)(6); (b)(7)(C)@ice.dhs.gov>
Subject: FW: Releases of vulnerable population (70 years old and over)

(b)(6); (b)(7)(C) - Can we task this out to CMD?

Sent with BlackBerry Work
(www.blackberry.com)

From: Albence, Matthew <(b)(6); (b)(7)(C)@ice.dhs.gov>
Date: Monday, Mar 23, 2020, 5:45 PM
To: Lucero, Enrique M <(b)(6); (b)(7)(C)@ice.dhs.gov>, Benner, Derek N <(b)(6); (b)(7)(C)@ice.dhs.gov>
Cc: Kelly, Christopher S <(b)(6); (b)(7)(C)@ice.dhs.gov>, Johnson, Tae D <(b)(6); (b)(7)(C)@ice.dhs.gov>
Subject: RE: Releases of vulnerable population (70 years old and over)

10-4. Thanks.

Can we also lay out steps we have taken in the detained environment to deal with this situation? Obviously the medical has been well messaged, but other things that are compliant w/CDC guidance. I believe you or Tae mentioned spreading out the aliens to increase distance, any additional cleaning measures the contractors have taken, etc.

From: (b)(6); (b)(7)(C)@ice.dhs.gov>
Sent: Monday, March 23, 2020 5:43 PM
To: Albence, Matthew <(b)(6); (b)(7)(C)@ice.dhs.gov>; Benner, Derek N <(b)(6); (b)(7)(C)@ice.dhs.gov>
Cc: Kelly, Christopher S <(b)(6); (b)(7)(C)@ice.dhs.gov>; Johnson, Tae D <(b)(6); (b)(7)(C)@ice.dhs.gov>
Subject: Releases of vulnerable population (70 years old and over)

This is the over-70 year old list:

Continued Detention, Released, Pending Release/Removal

CD	Released	Pending
31	17	8

There were a total of 56 detained and 17 have been released with an additional 8 pending release or imminent removal. Cases that were released on ATD will be coded in our system to track their compliance. Several cases were in the POCR process with no SLRFF.

Two more lists are being worked on which include 60 years old and over and pregnant females.



**U.S. Immigration
and Customs
Enforcement**

Actions Taken in Detention Facilities in Response to COVID-19

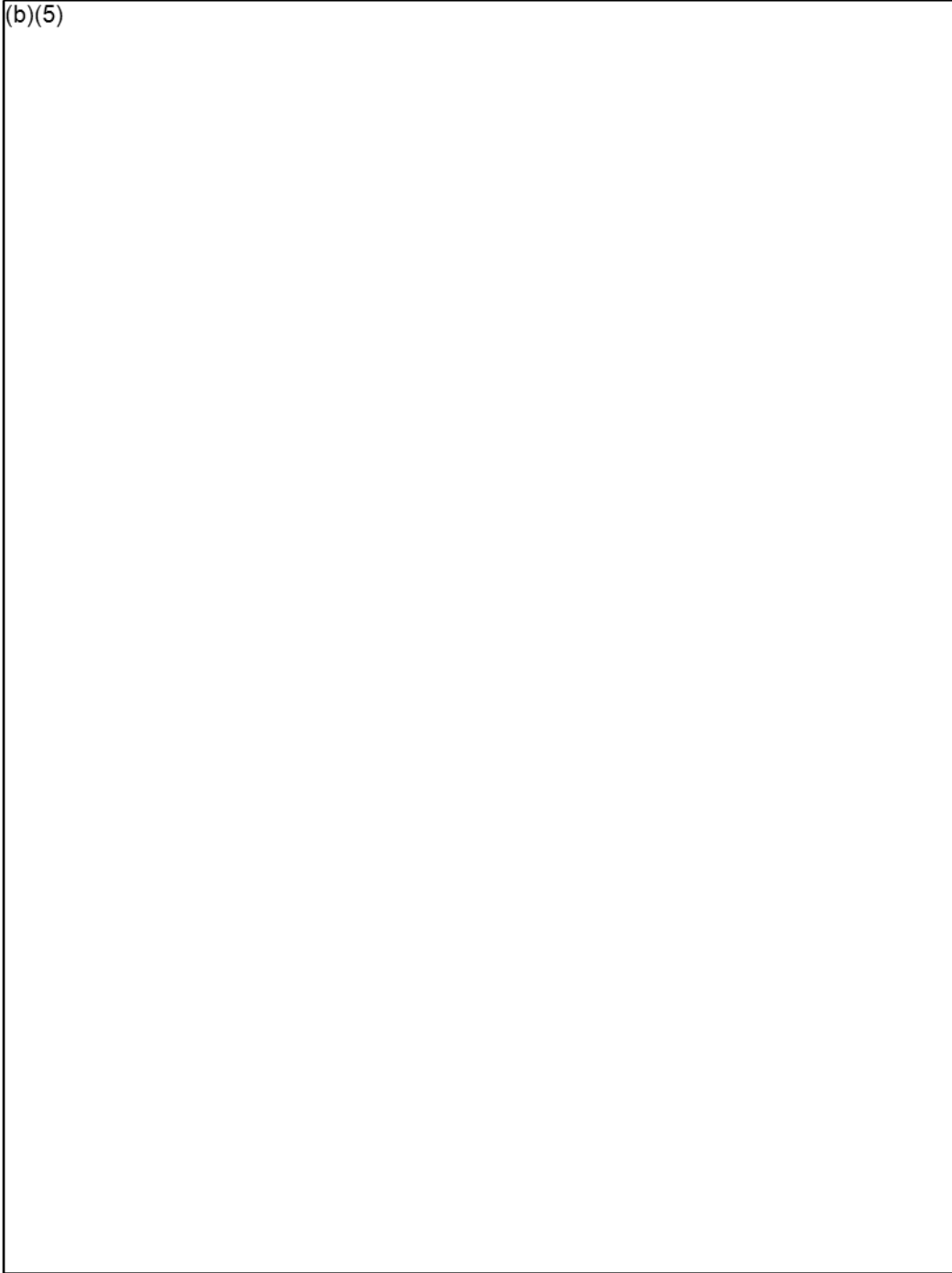
(b)(5)

(b)(5)



U.S. Immigration
and Customs
Enforcement

(b)(5)



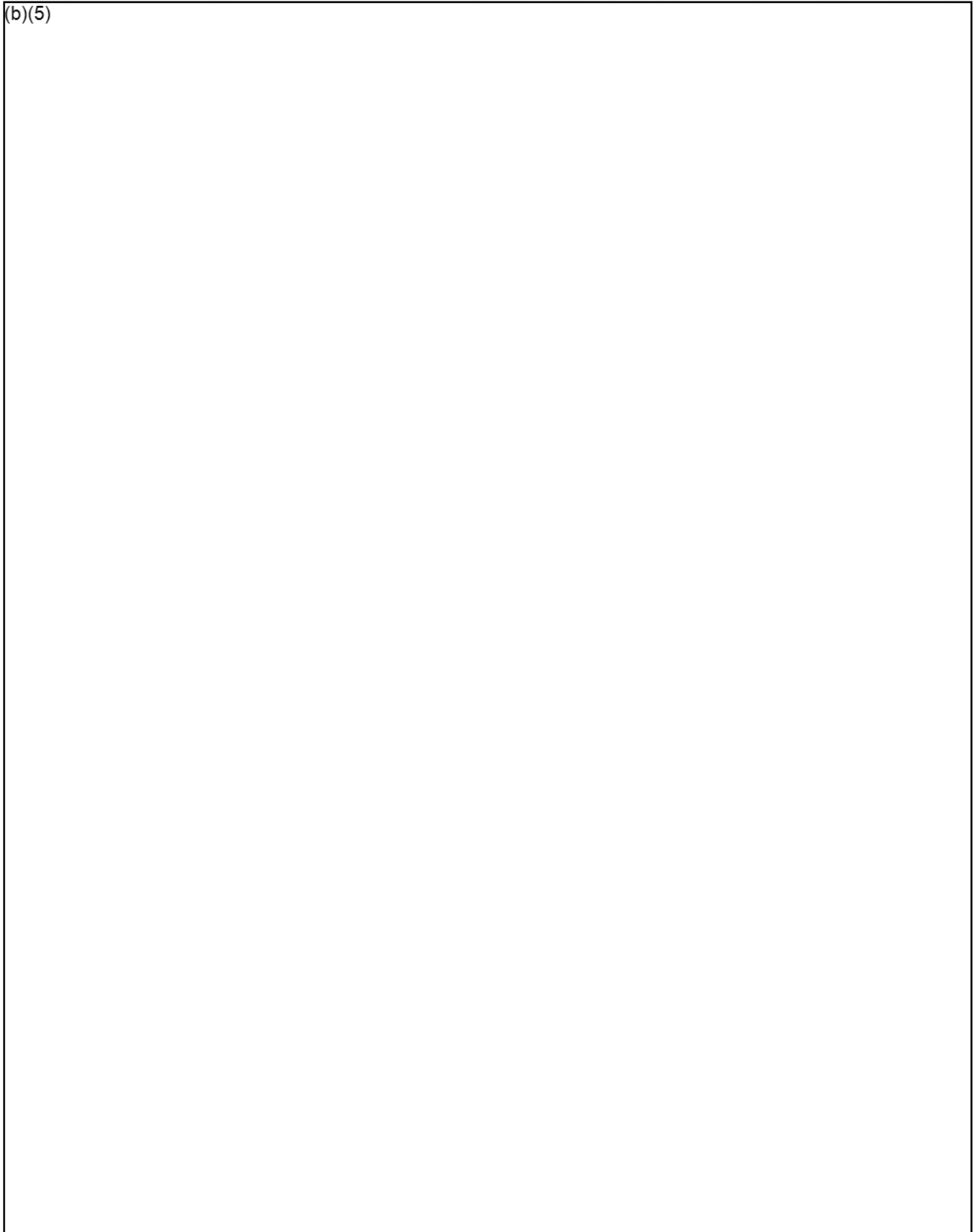
(b)(5)





U.S. Immigration
and Customs
Enforcement

(b)(5)





U.S. Immigration
and Customs
Enforcement

(b)(5)

[Redacted content]

(b)(5)

[Redacted content]

DETAINEE TRANSFERS:



U.S. Immigration
and Customs
Enforcement

(b)(5)

[Redacted content]

(b)(5)

[Redacted content]

[Redacted content]



U.S. Immigration
and Customs
Enforcement

From: Johnson, Tae D
Sent: 20 Apr 2020 12:10:06 +0000
To: (b)(6); (b)(7)(C)
Subject: FW: Mitigation Strategy for COVID-19 Removal Options
Attachments: COVID-19 Mitigation Removal Options(MA)_sds.docx

GM (b)(6); can someone consolidate the responses so we can get this back to Matt.
 Thanks

Sent with BlackBerry Work
 (www.blackberry.com)

From: Smith, Stewart D (b)(6); (b)(7)(C)@ice.dhs.gov>
Date: Monday, Apr 20, 2020, 7:31 AM
To: Johnson, Tae D (b)(6); (b)(7)(C)@ice.dhs.gov>, Pineiro, Marlen (b)(6); (b)(7)(C)@ice.dhs.gov>
Cc: (b)(6); (b)(6);@ice.dhs.gov>, (b)(6); (b)(7)(C)@ice.dhs.gov> (b)(6); (b)(6); (b)(7)(C)@ice.dhs.gov>
Subject: RE: Mitigation Strategy for COVID-19 Removal Options

Please see IHSC answer to Matt's question in the attached.

R/ Stew

Dr. Stewart D. Smith, MPH, CCHP, FACHE
 Assistant Director | ICE Health Service Corps
 Desk: 202-732-3524 | Cell: 202-321-6177
 Executive Assistant: Ms. (b)(6); (b)(7)(C)@associates.ice.dhs.gov
 Desk: 202-732-(b)(6); Cell: 202-893-(b)(6);
 "IHSC: One Team, One Mission...Leading the Way in Immigration Health Care"

From: Johnson, Tae D (b)(6); (b)(7)(C)@ice.dhs.gov>
Sent: Sunday, April 19, 2020 10:46 PM
To: Pineiro, Marlen (b)(6); (b)(7)(C)@ice.dhs.gov>
Cc: (b)(6); (b)(7)(C)@ice.dhs.gov> (b)(6); (b)(7)(C)@ice.dhs.gov>;
 Smith, Stewart D (b)(6); (b)(7)(C)@ice.dhs.gov>; (b)(6); (b)(7)(C)@ice.dhs.gov>
Subject: RE: Mitigation Strategy for COVID-19 Removal Options

I think that just leaves IHSC to address the one remaining comment.

From: Pineiro, Marlen (b)(6); (b)(7)(C)@ice.dhs.gov>
Sent: Sunday, April 19, 2020 10:39 PM
To: Johnson, Tae D (b)(6); (b)(7)(C)@ice.dhs.gov>
Cc: (b)(6); (b)(7)(C)@ice.dhs.gov>; (b)(6); (b)(7)(C)@ice.dhs.gov>;
 Smith, Stewart D (b)(6); (b)(7)(C)@ice.dhs.gov>; (b)(6); (b)(7)(C)@ice.dhs.gov>
Subject: FW: Mitigation Strategy for COVID-19 Removal Options

I addressed comments in our portion.

From: Johnson, Tae D <(b)(6); (b)(7)(C)@ice.dhs.gov>
Sent: Sunday, April 19, 2020 10:23 PM
To: (b)(6); (b)(7)(C)@ice.dhs.gov <(b)(6); (b)(7)(C)@ice.dhs.gov>; Pineiro, Marlen <(b)(6); (b)(7)(C)@ice.dhs.gov>; Smith, Stewart D <(b)(6); (b)(7)(C)@ice.dhs.gov> <(b)(6); (b)(7)(C)@ice.dhs.gov>
Subject: FW: Mitigation Strategy for COVID-19 Removal Options

Please see attached

Sent with BlackBerry Work
www.blackberry.com

From: Albence, Matthew <(b)(6); (b)(7)(C)@ice.dhs.gov>
Date: Sunday, Apr 19, 2020, 10:21 PM
To: Lucero, Enrique M <(b)(6); (b)(7)(C)@ice.dhs.gov>, Benner, Derek N <(b)(6); (b)(7)(C)@ice.dhs.gov>
Cc: Johnson, Tae D <(b)(6); (b)(7)(C)@ice.dhs.gov>, (b)(6); (b)(7)(C)@ice.dhs.gov, Kelly, Christopher S <(b)(6); (b)(7)(C)@ice.dhs.gov> <(b)(6); (b)(7)(C)@ice.dhs.gov>
Subject: RE: Mitigation Strategy for COVID-19 Removal Options

Henry:

This was really well done and I greatly appreciate all the work that went into it on a weekend. I have just a few comments, and I made a few edits as well (if for some reason these are inaccurate or you disagree, you don't need to accept).

W/regard to the testing itself, can IHSC put together a "jump team" that has the proper training and could go to the various facilities and perform these tests? If so, that would be much quicker than trying to get HHS or someone else to give us personnel/contractors.

Thanks again. You guys are doing an awesome job under incredibly challenging circumstances, and it has been noticed at all levels.

Matt

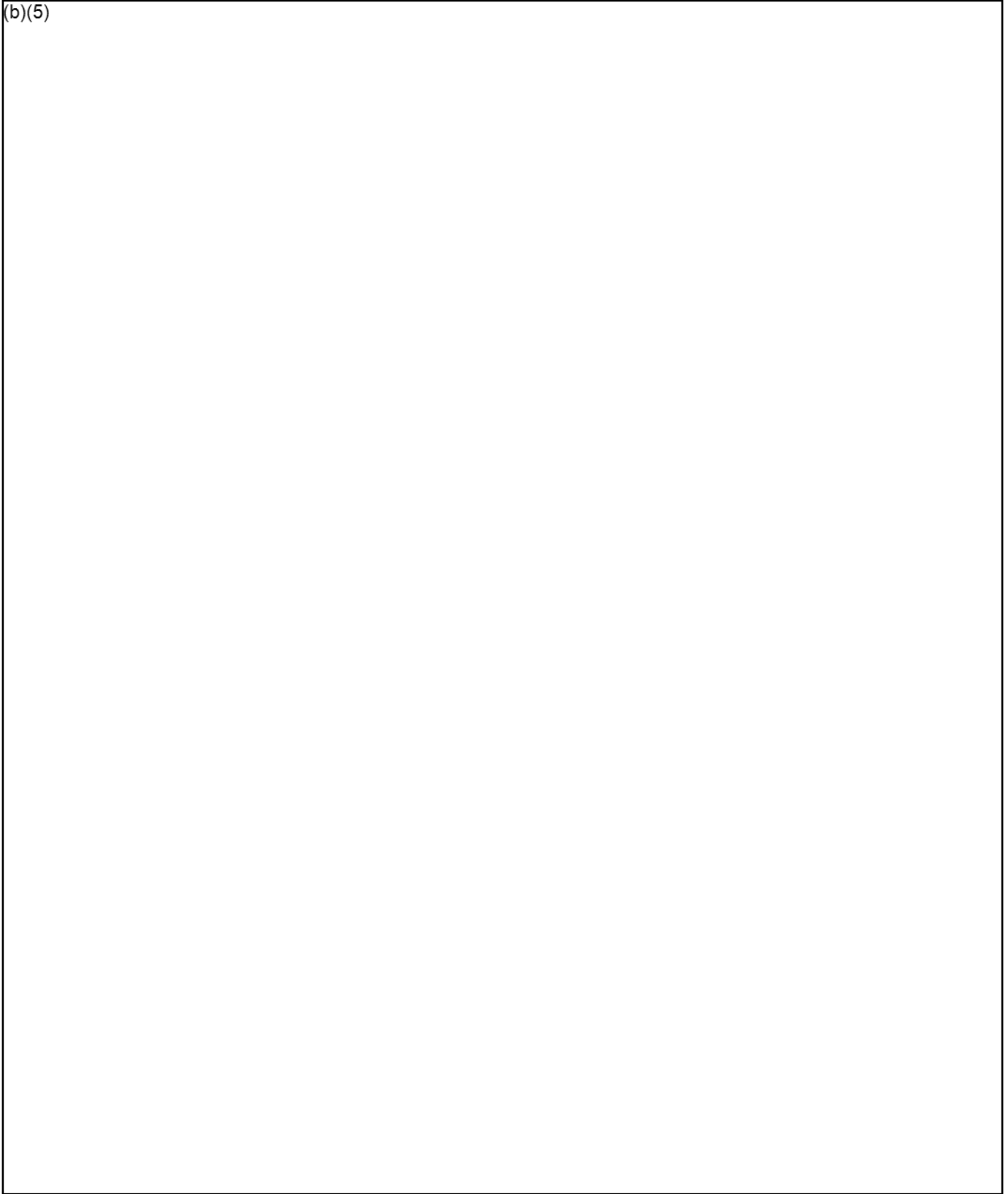
From: Lucero, Enrique M <(b)(6); (b)(7)(C)@ice.dhs.gov>
Sent: Sunday, April 19, 2020 2:49 PM
To: Albence, Matthew <(b)(6); (b)(7)(C)@ice.dhs.gov>; Benner, Derek N <(b)(6); (b)(7)(C)@ice.dhs.gov>
Cc: Johnson, Tae D <(b)(6); (b)(7)(C)@ice.dhs.gov> <(b)(6); (b)(7)(C)@ice.dhs.gov>; Kelly, Christopher S <(b)(6); (b)(7)(C)@ice.dhs.gov> <(b)(6); (b)(7)(C)@ice.dhs.gov>
Subject: Mitigation Strategy for COVID-19 Removal Options

Please see attached paper with multiple options for removal and mitigation of COVID-19. Options will be dependent on test equipment, swabs available to ICE, and individuals available (certified) to run the test and read the results.

FOR OFFICIAL USE ONLY
PRE-DECISIONAL//DELIBERATIVE

COVID-19 Mitigation Removal Options

(b)(5)



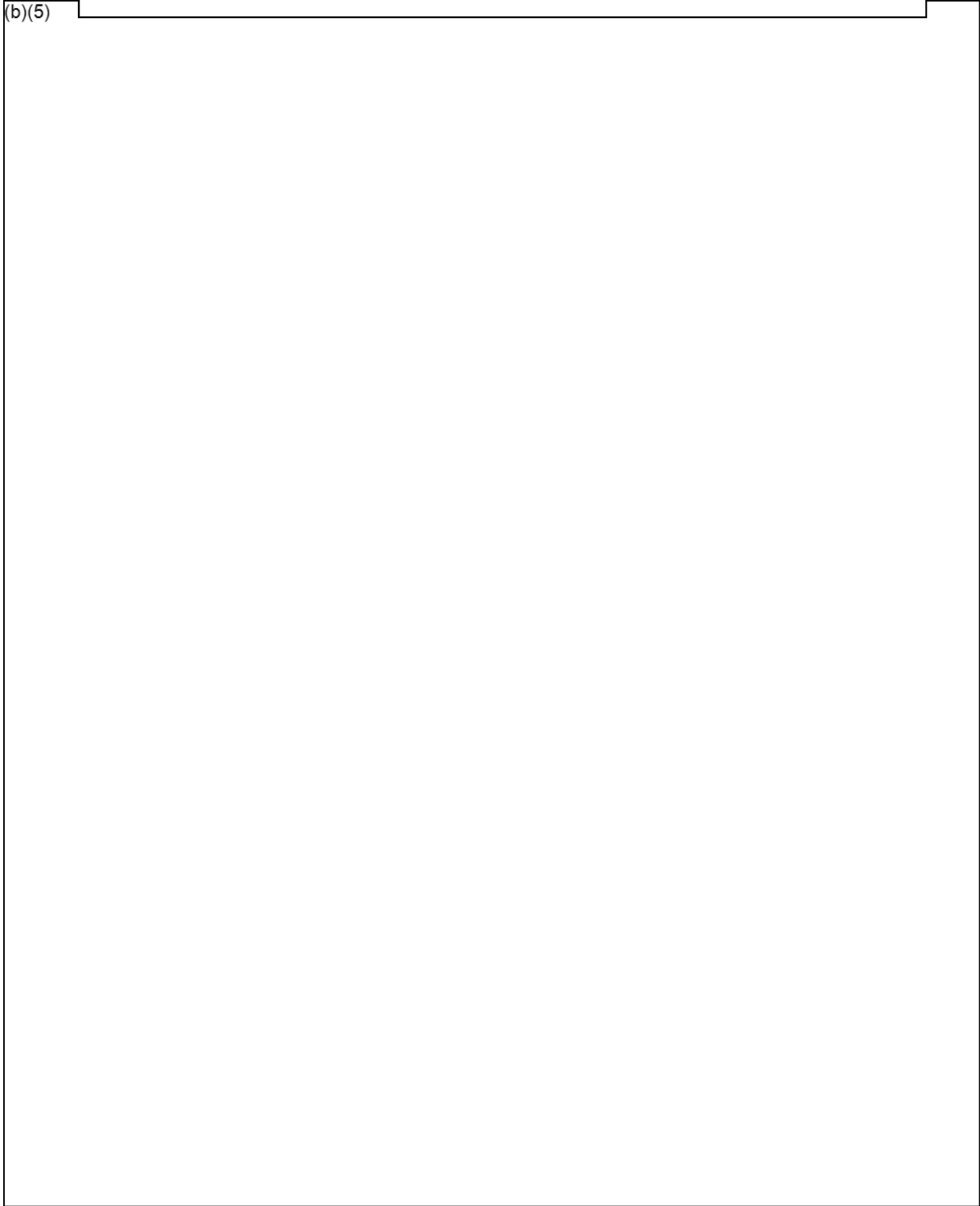
FOR OFFICIAL USE ONLY
PRE-DECISIONAL//DELIBERATIVE

MULTI-DHS-ICE-20-0602-J-000370

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PRE-DECISIONAL//DELIBERATIVE

(b)(5)

(b)(5)



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PRE-DECISIONAL//DELIBERATIVE

MULTI-DHS-ICE-20-0602-J-000371

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PRE-DECISIONAL//DELIBERATIVE

(b)(5)

[Redacted content]

(b)(5)

[Redacted content]

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PRE-DECISIONAL//DELIBERATIVE

FOR OFFICIAL USE ONLY
PRE-DECISIONAL//DELIBERATIVE

(b)(5)

(b)(5)

FOR OFFICIAL USE ONLY
PRE-DECISIONAL//DELIBERATIVE

FOR OFFICIAL USE ONLY
PRE-DECISIONAL//DELIBERATIVE

(b)(5)



From: Johnson, Tae D
Sent: 27 Apr 2020 02:23:56 +0000
To: Albence, Matthew; Kelly, Christopher S; Benner, Derek N; Lucero, Enrique M
Subject: FW: Morning 4/27/20

Latest update below

Sent with BlackBerry Work
(www.blackberry.com)

From: (b)(6); (b)(7)(C) @ice.dhs.gov>
Date: Sunday, Apr 26, 2020, 10:21 PM
To: Boyd, Valerie <(b)(6); @hq.dhs.gov> (b)(6); (b)(7)(C) @HQ.DHS.GOV>, Johnson, Tae D (b)(6); (b)(7)(C) @ice.dhs.gov>, Lucero, Enrique M (b)(6); (b)(7)(C) @ice.dhs.gov>
Cc: (b)(6); (b)(7)(C) @ice.dhs.gov>, (b)(6); (b)(7)(C) @HQ.DHS.GOV> (b)(6); (b)(7)(C) @ice.dhs.gov>, (b)(6); (b)(7)(C) @ice.dhs.gov>, (b)(6); (b)(7)(C) @ice.dhs.gov>, (b)(6); (b)(7)(C) @ice.dhs.gov>
Subject: Morning 4/27/20

Nicaragua

(b)(5)

Guatemala

As of the afternoon of April 25, 2020, 32 detained Guatemalan citizens have been tested with negative results. AD Removal advised the VM that ERO had 30+ cases already tested and that ERO would soon have a flight, possibly two flights, ready for Tuesday, April 28, 2020. Earlier in the day, the VM immediately contacted AD Removal and advised that he had reviewed the newly implemented ERO protocols as it relates to COVID -19 and had no initial questions, however, the VM is very concerned that the quarantine site the GoG is currently using will not be ready to receive a flight. ERO recommended that the GoG begin looking for alternate sites to receive the repatriation

flights. ERO also explained to the VM that in besides the limited number of test kits available worldwide, ERO cannot risk testing deportees, then leaving those individuals for possible subsequent exposure. The VM appeared very nervous because he advised he doesn't have oversight of Ministry of Public Health, but the VM stated he is pushing as hard as he can. ERO let the VM know that ERO would elevate and the VM agreed to that.

This evening, the VM contact AD Removal again and advised that the quarantine site would not be ready by Tuesday and that once the VM knows when the site will be ready, he would again contact the AD and advised.

Peru

On April 24, 2020, AAR requested an update on the status of the diplomatic note that officially is requesting concurrence for an ICE charter flight to arrive in Peru. The HSI Attaché in Lima, Peru has inquired with the U.S. Embassy Lima, Peru front office on the status of the diplomatic note . AAR will continue to check with the HSI Attaché until ERO has confirmation and a copy of the final diplomatic note confirming that the charter mission has been approved by the Government of Peru.

As of April 21, 2020, HSI Attaché submitted a dip note on April 20 requesting Government of Peru's (GoP) approval of a May 5, 2020, ICE charter, to include Title 42 cases, UACs and FAMUs.

Monday, April 27, 2020

Honduras – Approved

Departure: 0520 EDT

Foreign Departure: 0910 EDT

Routing: Miami, FL – Houston, TX – Honduras – Miami, FL

- UAC – 6
- Title 42 – 0
- Total – 83

Colombia – (Postponed until 05.04.20) – ERO is exploring the possibility of testing this group or at least percentage of the group prior to removal

Departure: 0700 EDT

Foreign Departure: 0700 EDT

Routing: Alexandria, LA – Brownsville, TX – Colombia -Alexandria, LA

- UAC – 0
- Title 42 – 4 (4 Single Adults)
- Total – 77

Tuesday, April 28, 2020

El Salvador – Approved

Departure: 0525 EDT

Foreign Departure: 0910 EDT

Routing: San Antonio, TX – Houston, TX – El Salvador – San Antonio, TX

- UAC – 3 (Title 42)
- Title 42 – 3 (3 Title 42)
- Total – 57

Guatemala – Pending

Departure: Pending

Foreign Departure: Pending

Routing: Brownsville, TX – Houston, TX – Guatemala – Brownsville, TX

- UAC – 0
- Title 42 – 0
- Total – 120

Wednesday, April 29, 2020

Honduras – Approved

Departure: 1000 EDT

Foreign Departure: 1210 EDT

Routing: Mesa, AZ – El Paso, TX – Honduras – Mesa, AZ

- UAC – 1 (Title 42)
- Title 42 – 1 (1 UAC)
- Total – Manifest Pending

Departure: 0730 EDT

Foreign Departure: 0730 EDT

Routing: Brownsville, AZ – Honduras – Brownsville, TX

- UAC – 2 (Title 42)
- Title 42 – 2 (UAC)
- Total – Manifest Pending

Nicaragua – Pending - ERO is exploring the possibility of testing this group or at least percentage of the group prior to removal

Departure: 0725 EDT

Foreign Departure: 1000 EDT

Routing: Alexandria, LA – Brownsville, TX – Nicaragua – Alexandria, LA

- UAC – 0
- Title 42 – 2 (2 Single Adults)
- Total – 36

From: Johnson, Tae D
Sent: 21 Apr 2020 02:08:04 +0000
To: Albence, Matthew; Kelly, Christopher S
Cc: Lucero, Enrique M
Subject: FW: Morning Flight Schedule 04.21.20

Latest update.

Sent with BlackBerry Work
(www.blackberry.com)

From: Pineiro, Marlen <(b)(6); (b)(7)(C)@ice.dhs.gov>
Date: Monday, Apr 20, 2020, 10:06 PM
To: Lucero, Enrique M <(b)(6); (b)(7)(C)@ice.dhs.gov>, Johnson, Tae D <(b)(6); (b)(7)(C)@ice.dhs.gov>, <(b)(6); (b)(7)(C)@HQ.DHS.GOV>, <(b)(6); (b)(7)(C)@hq.dhs.gov>
Cc: <(b)(6); (b)(7)(C)@HQ.DHS.GOV>, <(b)(6); (b)(7)(C)@ice.dhs.gov>, <(b)(6); (b)(7)(C)@ice.dhs.gov>, <(b)(6); (b)(7)(C)@ice.dhs.gov>, <(b)(6); (b)(7)(C)@ice.dhs.gov>, <(b)(6); (b)(7)(C)@ice.dhs.gov>
Subject: Morning Flight Schedule 04.21.20

Guatemala

As of April 20, 2020, ERO is not scheduling any new missions until further notice, but stands ready to adjust if needed.

Haiti

(b)(5)

(b)(5)

Jamaica

On April 20, 2020 ERO received diplomatic clearance to land the charter mission on April 21, 2020. ERO has reviewed all foreign flights as well as domestic transfer flights against any possible connections to Stewart or Richwood, or other facilities with positive cases, and have pulled subjects from both.

India

The next Small-Group led the NSC met on April 20 and ERO is no closer to scheduling removals and/or even obtaining travel documents. India moved to the Uncooperative list in Dec 2019.

Tuesday, April 21, 2020**Guatemala – Cancelled**

Departure: 0925 EDT

Foreign Departure: 1420 EDT

Routing: Miami, FL – Columbus, GA – Raleigh, NC – Guatemala – Miami, FL

- UAC – 0
- Title 42 – 0
- Total – 120
- USC – 0

Departure: 1220 EDT – **Cancelled**

Foreign Departure: 1430 EDT

Routing: Brownsville, TX – San Antonio, TX – Houston, TX - Guatemala – Brownsville, TX

- UAC – 0
- Title 42 - 0
- Total – 113
- USC – 0

El Salvador – Approved

Departure: 0640 EDT

Foreign Departure: 0955 EDT

Routing: San Antonio, TX – Alexandria, LA – El Salvador – San Antonio, TX

- UAC – 0
- Title 42 – 0
- Total – 74
- USC – 0

Jamaica – Combo w/ Dominican Republic - Approved

Departure: 0545 EDT

Foreign Departure: 0545EDT

Routing: Alexandria, LA– Jamaica – Dominican Republic – Alexandria, LA

- UAC - 0
- Total – 56
- USC – 0

Dominican - Combo Mission - Approved

Departure Jamaica: 1000 EDT

Routing: Alexandria, LA– Jamaica – Dominican Republic – Alexandria, LA

- UAC - 0
- Total – 77
- USC – 0

Wednesday, April 22, 2020**Guatemala – Cancelled**

Departure: 1235 EDT

Foreign Departure: 1445 EDT

Routing: Mesa, AZ – El Paso, TX - Guatemala – Mesa, AZ

- UAC – 0
- Title 42 – 0
- Total – 111
- USC – 0

Departure: 1435 EDT – **Cancelled**

Foreign Departure: 1435 EDT

Routing: Alexandria, LA - Guatemala – Alexandria, LA

- UAC – 0
- Title 42 – 0
- Total – 120
- USC – 0

Honduras – Approved

Departure: 0800 EDT

Foreign Departure: 1010 EDT

Routing: Mesa, AZ – El Paso, TX - Honduras – Mesa, AZ

- UAC – 0
- Title 42 – 1 (1 Single Adult)
- Total – 133

Departure: 07300 EDT

Foreign Departure: 0730 EDT

Routing: Brownsville, TX - Honduras – Brownsville, TX

- UAC – 2

- Title 42 – 2 (2 UAC)
- Total – 22 (Manifest Pending)

Thursday, April 23, 2020

Haiti – Pending (Postponed from April 21- now scheduled for 4/23)

Departure: 0700 EDT

Foreign Departure: 0700 EDT

Routing: San Antonio, TX – Haiti – San Antonio, TX

- UAC – 0 (Title 42)
- Title 42 – 0 (UAC)
- Total – 129
- USC – 0

Brazil – Approved

Departure: 2120 EDT

Foreign Departure: 0555 EDT (4/24/20)

Routing: Mesa, AZ – El Paso, TX – Puerto Rico (Tech Stop only) - Brazil – Mesa, AZ

- - UAC – 0
- - Title 42 – 31 (5 Single Adult Females / 26 Single Adult Males)
- - Total – 106

From: Johnson, Tae D
Sent: 28 Apr 2020 02:21:59 +0000
To: Albence, Matthew; Kelly, Christopher S; Benner, Derek N; Lucero, Enrique M
Subject: FW: Morning flight schedule 04.28.20

Latest update.

Sent with BlackBerry Work
(www.blackberry.com)

From: Pineiro, Marlen (b)(6); (b)(7)(C) @ice.dhs.gov>
Date: Monday, Apr 27, 2020, 10:19 PM
To: Lucero, Enrique M (b)(6); (b)(7)(C) @ice.dhs.gov>, Johnson, Tae D (b)(6); (b)(7)(C) @ice.dhs.gov>, (b)(6); (b)(7)(C) @hq.dhs.gov>, (b)(6); (b)(7)(C) HQ.DHS.GOV>
Cc: (b)(6); (b)(7)(C) @ice.dhs.gov>, (b)(6); (b)(7)(C) @HQ.DHS.GOV>, (b)(6); (b)(7)(C) @ice.dhs.gov>, (b)(6); (b)(7)(C) @ice.dhs.gov>, (b)(6); (b)(7)(C) @ice.dhs.gov>, (b)(6); (b)(7)(C) @ice.dhs.gov>
Subject: Morning flight schedule 04.28.20

Nicaragua

As of April 27, 2020, in response to the previous denial, ERO has submitted a diplomatic note to Post for presentation to the GON to reschedule the upcoming flight and informing that Nicaraguan citizens on this flight will be COVID-19 tested. ERO has not made a commitment at this time that all future flights/individuals will be tested. Additionally, ERO will reschedule the flight for Monday, May 4, 2020, to allow for testing and GON to review the dip note and accept the revised date.

Guatemala

ERO is awaiting confirmation from VM on acceptance of flight on Tuesday, April 28th.

Peru

On April 24, 2020, AAR requested an update on the status of the diplomatic note that officially is requesting concurrence for an ICE charter flight to arrive in Peru. The HSI Attaché in Lima, Peru has inquired with the U.S. Embassy Lima, Peru front office on the status of the diplomatic note. AAR will continue to check with the HSI Attaché until ERO has confirmation and a copy of the final diplomatic note confirming that the charter mission has been approved by the Government of Peru.

As of April 21, 2020, HSI Attaché submitted a dip note on April 20 requesting Government of Peru's (GoP) approval of a May 5, 2020, ICE charter, to include Title 42 cases, UACs and FAMUs.

Tuesday, April 28, 2020

El Salvador – Approved

Departure: 0525 EDT

Foreign Departure: 0910 EDT

Routing: San Antonio, TX – Houston, TX – El Salvador – San Antonio, TX

- UAC – 3 (Title 42)
- Title 42 – 3 (3 Title 42)
- Total – 57

Guatemala – Pending

Departure: 1300 EDT

Foreign Departure: 1515 EDT

Routing: Brownsville, TX – Houston, TX – Guatemala – Brownsville, TX

- UAC – 0
- Title 42 – 0
- Total – 120

Wednesday, April 29, 2020

Honduras – Approved

Departure: 1000 EDT

Foreign Departure: 1210 EDT

Routing: Mesa, AZ – El Paso, TX – Honduras – Mesa, AZ

- UAC – 1 (Title 42)
- Title 42 – 1 (1 UAC)
- Total – 79

Departure: 0730 EDT

Foreign Departure: 0730 EDT

Routing: Brownsville, TX – Honduras – Brownsville, TX

- UAC – 3 (Title 42)
- Title 42 – 3 (UAC)
- Total – 96

From: Johnson, Tae D
Sent: 1 May 2020 02:09:43 +0000
To: Albence, Matthew; Kelly, Christopher S; Benner, Derek N
Cc: Lucero, Enrique M
Subject: FW: Morning flight schedule 05.01.20

Latest update

Sent with BlackBerry Work
(www.blackberry.com)

From: Pineiro, Marlen <(b)(6); (b)(7)(C)>@ice.dhs.gov>
Date: Thursday, Apr 30, 2020, 9:58 PM
To: (b)(6); (b)(7)(C) <(b)(6); (b)(7)(C)>@hq.dhs.gov> (b)(6); (b)(7)(C) <(b)(6); (b)(7)(C)>@HQ.DHS.GOV>, Lucero, Enrique M <(b)(6); (b)(7)(C)>@ice.dhs.gov>, Johnson, Tae D <(b)(6); (b)(7)(C)>@ice.dhs.gov>
Cc: (b)(6); (b)(7)(C) <(b)(6); (b)(7)(C)>@ice.dhs.gov>, (b)(6); (b)(7)(C) <(b)(6); (b)(7)(C)>@ice.dhs.gov>, (b)(6); (b)(7)(C) <(b)(6); (b)(7)(C)>@ice.dhs.gov>, (b)(6); (b)(7)(C) <(b)(6); (b)(7)(C)>@ice.dhs.gov>, (b)(6); (b)(7)(C) <(b)(6); (b)(7)(C)>@ice.dhs.gov>, (b)(6); (b)(7)(C) <(b)(6); (b)(7)(C)>@HQ.DHS.GOV>
Subject: Morning flight schedule 05.01.20

Honduras

On April 30, 2020, DHS received a call from DOS in Tegucigalpa suggesting transmittal of an *oficio* instead of a diplomatic note. The *oficio* has been completed and transmitted to GoH. ERO and DHS are working to get the May 4, 2020, ENV flight back on track ASAP, especially with the holiday May 1, 2020.

On April 29, 2020, ERO and DHS participated on a conference call with Honduran Ambassador Aguero to discuss furthering the ENV program for aliens in ERO custody. Consistent with the agreement reached on the call, ERO has drafted a diplomatic note and sent to the US Embassy for consideration and transmission.

Nicaragua

No additional updates available, continued higher level engagement is necessary.

As of the evening of April 29, 2020, the (A) DCM at Post Managua is waiting to hear back from the GON Vice FM on what ERO and GON can do to get the upcoming mission on May 4, 2020, accepted and back on schedule.

On April 27, 2020, the GoN had formally denied the ERO flight for Monday, May 4, 2020. AAR will continue working with the U.S. Ambassador, but given the relationship with GON, ERO anticipates this will be a huge hurdle to overcome.

As of April 27, 2020, in response to the previous denial, ERO has submitted a diplomatic note to Post for presentation to the GON to reschedule the upcoming flight and informing that Nicaraguan citizens on this flight will be COVID-19 tested. ERO has not made a commitment at this time that all future flights/individuals will be tested. Additionally, ERO will reschedule the flight for Monday, May 4, 2020, to allow for testing and GON to review the dip note and accept the revised date.

Guatemala

Guatemala is now requesting COVID negative results certificate be sent ahead of flight for approval. This is very logistically difficult and will add an additional detention day. ERO is hoping to be able to push back on this request, meanwhile ERO is exploring ways to operationalize this request.

ERO is requesting a flight on Saturday and will await arrival of Thursday's flight before reengaging. In addition, US Ambassador will also be having a follow-up conversation with (b)(6) later today.

The April 30, 2020, removal flight to Guatemala arrived and all cases were accepted. ERO has since learned everyone was held and is being tested again. No additional information available at this time.

Peru

On April 30, 2020, A/S Boyd spoke with the U. S. Ambassador at Post Lima, Peru who confirmed the May 5, 2020, flight date approval. ICE Attaché in Lima also received word from MFA that the flight has been approved.

Haiti

On April 30, 2020, after discussions with the U.S. Ambassador in Haiti, ERO is rescheduling the Haiti removal flight from Tuesday, May 5, 2020, to Monday, May 11, 2020, at the request of the GOH. With this, ERO will manifest all Haitian subjects ready for removal, to include the criminal alien removals previously removed from the manifest. ERO has also agreed to test all Haitian removals on this upcoming flight for COVID-19 to reassure the GOH.

On April 30, 2020, ERO notified the U.S. Ambassador that ERO will agree to the proposed date of May 11, provided ERO is able to include criminal removals in addition to the already manifested non-criminal cases. ERO has offered to provide COVID testing if requested by GOH.

There are currently 101 manifested for this flight: 50 non-criminals, with 32 being FAMUs, and 51 criminals.

Friday, May 01, 2020

El Salvador – Approved

Departure: 0900 EDT

Foreign Departure: 1100 EDT

Routing: El Paso, TX – Alexandria, LA – El Salvador – Mesa, AZ

- UAC – 1 (Title 42)
- Title 42 – 1 (UAC)
- Total – 122

Saturday, May 02, 2020**Guatemala – PENDING**

Departure: 1250 EDT

Foreign Departure: 1500 EDT

Sunday, May 03, 2020

No Removal Flights Scheduled

Monday, May 04, 2020**Honduras – Approved**

Departure: 0725 EDT

Foreign Departure: 1310 EDT

Routing: Miami, FL – Columbus, GA – Houston, TX – Honduras – Miami, FL

- UAC – 0 (Title 42)
- Title 42 – 0 (UAC)
- Total – 93

Departure: 0700 EDT

Foreign Departure: 0915 EDT

Routing: San Antonio, TX – Alexandria, LA – Honduras – San Antonio, TX

- UAC – 0
- Title 42 – 0
- Total – 55

Nicaragua – Pending

Departure: 0905 EDT

Foreign Departure: 1140 EDT

Routing: Brownsville, TX – Alexandria, LA - Nicaragua – Brownsville, TX

- UAC – 0
- Title 42 – 2 (2 Single Adults)
- Total – 36

Ecuador –Pending

Departure: 0620 EDT

Foreign Departure: 0855 EDT

Routing: Alexandria, LA - Harlingen, TX – Ecuador - Alexandria, LA

- UAC – 0
- Title 42 – 58
 - 56 Single Adults
 - 1 FAMU (1 Adult / 1 Juvy)
- Total – 120

Colombia –Pending

Departure: 0640 EDT

Foreign Departure: 0915 EDT

Routing: Alexandria, LA - Brownsville, TX – Colombia - Alexandria, LA

- UAC – 0
- Title 42 – 4 (4 Single Adults)
- Total – 77

ERO continues to request the highest level of engagement possible and Sanctions considerations.

Mexico

On Thursday, May 21, 2020, during the U.S. Embassy Mexico City daily migration call with the U.S. Ambassador, DHS reported that the GOM agreed to extend the Mexican Relocation Operation (MRO) flights through June 12, 2020, with the same established schedule.

Sunday, May 24, 2020

No Removal Flights Scheduled

Monday, May 25, 2020

Honduras- Approved

Departure: 0700 EDT

Foreign Departure: 0915 EDT

Routing: San Antonio, TX – Alexandria, LA - Honduras – San Antonio, TX

- UAC – 0 (Title 42)
- Title 42 – 0 (UAC)
- Total – 66

Departure: 0725 EDT

Foreign Departure: 1310 EDT

Routing: Miami, FL – Columbus, GA – Houston, TX - Honduras – Miami, FL

- UAC – 1
- Title 42 – 0
- Total – 86

Colombia- Pending

Departure: 0640 EDT

Foreign Departure: 0915 EDT

Routing: Alexandria, LA – Brownsville, TX - Colombia – Alexandria, LA

- UAC – 0
- Title 42 – 3 (Single Adults)
- Total – 80

Tuesday, May 27, 2020

Mexico- Approved

Departure: 0625 EDT

Foreign Departure: 0940 EDT

Routing: Mesa, AZ – San Diego, CA - Mexico – Mesa, AZ

- UAC – 0
- Title 42 – 0
- Total – Manifest Pending

Departure: 0925 EDT

Foreign Departure: 0925 EDT

Routing: Brownsville, TX – Mexico – Brownsville, TX

- UAC – 0
- Title 42 – 0
- Total – Manifest Pending

Haiti- Approved

Departure: 0500 EDT

Foreign Departure: 0735 EDT

Routing: Brownsville, TX – Alexandria, LA - Haiti – Brownsville, TX

- UAC – 0
- Title 42 – 2 (Single Adults)
- Total – 78

El Salvador- Approved

Departure: 0815 EDT

Foreign Departure: 1010 EDT

Routing: San Antonio, TX – Laredo, TX – El Salvador – San Antonio, TX

- UAC – 0
- Title 42 – 0
- Total – 34

From: Johnson, Tae D
Sent: 26 May 2020 04:26:20 +0000
To: Albence, Matthew; Benner, Derek N; Kelly, Christopher S; Lucero, Enrique M
Subject: FW: Morning flight schedule 05.25.20

Latest update

Sent with BlackBerry Work
(www.blackberry.com)

From: Pineiro, Marlen (b)(6); (b)(7)(C) @ice.dhs.gov>
Date: Monday, May 25, 2020, 9:31 PM
To: Boyd, Valerie (b)(6); (b)(7)(C) @hq.dhs.gov>, Cloe, David (b)(6) HQ.DHS.GOV>,
Lucero, Enrique M (b)(6); (b)(7)(C) @ice.dhs.gov>, Johnson, Tae D
(b)(6); (b)(7)(C) @ice.dhs.gov>
Cc: (b)(6); (b)(7)(C) @ice.dhs.gov>, (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) @ice.dhs.gov>, (b)(6); (b)(7)(C) @HQ.DHS.GOV>, (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) @ice.dhs.gov>, (b)(6); (b)(7)(C) @ice.dhs.gov>, (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) @ice.dhs.gov>, (b)(6); (b)(7)(C) @ice.dhs.gov>
Subject: Morning flight schedule 05.25.20

India

On May 25, 2020, ERO received the names of 21 alleged positive COVID-19 cases and have notified all respective parties for contact tracing.

As of this writing, ERO has not received the names of alleged positive cases. As soon as we receive the list, we will work to identify the individuals that tested positive and will notify all respective parties for contact tracing.

On May 23, 2020, the GOI shared an India news article reporting that 22 Indian citizens aboard the Tuesday, May 19th charter flight tested positive for COVID-19. As a result, Indian Embassy in DC is requesting that ICE change the testing regime from rapid antibody test to RtPCR test for all deportees. ERO is exploring options to see if we can make the change prior to the next scheduled flight to New Delhi on June 1st.

Guatemala

On May 25, 2020, the GOG has advised that up to six (6) UACs returned to Guatemala on Friday, May 22, 2020, have been tested and identified as COVID-19 positive. Two (2) of the UACs were retested and confirmed positive. The second test results of the remaining four (4) are pending confirmation. All parties, including CBP, have been notified of the identifying information for proper contact tracing.

There are currently no additional missions scheduled at this time to Guatemala.

On May 20th, the VM advised ADR that the GOG is awaiting updated protocols from CDC. However, ERO is still unaware of any specific request from Guatemala.

ERO continues to request the highest level of engagement possible and Sanctions considerations.

Mexico

Mexican Relocation Operation (MRO) is currently scheduled to occur on Tuesdays and Fridays through June 12, 2020.

Tuesday, May 26, 2020

Mexico- Approved

Departure: 0625 EDT

Foreign Departure: 0940 EDT

Routing: Mesa, AZ – San Diego, CA - Mexico – Mesa, AZ

- UAC – 0
- Title 42 – 0
- Total – Manifest Pending

Departure: 0925 EDT

Foreign Departure: 0925 EDT

Routing: Brownsville, TX – Mexico – Brownsville, TX

- UAC – 0
- Title 42 – 0
- Total – Manifest Pending

Haiti- Approved

Departure: 0500 EDT

Foreign Departure: 0735 EDT

Routing: Brownsville, TX – Alexandria, LA - Haiti – Brownsville, TX

- UAC – 0
- Title 42 – 2 (Single Adults)
- Total – 78

El Salvador- Approved

Departure: 0815 EDT

Foreign Departure: 1010 EDT

Routing: San Antonio, TX – Laredo, TX – El Salvador – San Antonio, TX

- UAC – 0
- Title 42 – 0
- Total – 34

Wednesday, May 27, 2020

Honduras- Approved

Departure: 0925 EDT

Foreign Departure: 1240 EDT

Routing: Mesa, AZ– Dallas, TX - Honduras – Mesa, AZ

- UAC – 0
- Title 42 – 0
- Total – 57

Departure: 0730 EDT (ENV Flight)

Foreign Departure: 0730 EDT

Routing: Brownsville, TX - Honduras – Brownsville, TX

- UAC – 2 (Title 42)
- Title 42 – 3 (2 UACs / 1 Single Adult)
- Total – 19

Thursday, May 28, 2020

Brazil- Approved

Departure: 1820 EDT

Foreign Departure: 0435 EDT (5/29/20)

Routing: Mesa, AZ – El Paso, TX - Puerto Rico (Tech Stop only) - Brazil – Mesa, AZ

- UAC – 0
- Title 42 – 2 (2 Single Adults)
- Total – 29

Jamaica- Pending (Combo w/Grenada)

Departure: 0845 EDT

Foreign Departure: 0845 EDT

Routing: Alexandria, LA - **Jamaica** - Grenada – Jamaica (Tech Stop) – Alexandria, LA

- UAC – 0
- Title 42 – 2 (2 Single Adults)
- Total – 29

- **Grenada- Pending (Combo w/Jamaica)**

Departure from Jamaica: 1300 EDT

Routing: Alexandria, LA - Jamaica - **Grenada** – Jamaica (Tech Stop) – Alexandria, LA

- UAC – 0
- Title 42 – 0
- Total – 3

From: Johnson, Tae D
Sent: 24 Apr 2020 16:45:35 +0000
To: (b)(6); (b)(7)(C) Smith, Stewart D
Subject: FW: Morning Flight Schedule 4.24.20

FYSA

From: Lucero, Enrique M (b)(6); (b)(7)(C) @ice.dhs.gov>
Sent: Friday, April 24, 2020 12:44 PM
To: Albence, Matthew (b)(6); (b)(7)(C) @ice.dhs.gov>; Benner, Derek N (b)(6); (b)(7)(C) @ice.dhs.gov>
Cc: Johnson, Tae D (b)(6); (b)(7)(C) @ice.dhs.gov>; (b)(6); (b)(7)(C) @ice.dhs.gov>; Kelly, Christopher S (b)(6); (b)(7)(C) @ice.dhs.gov>
Subject: RE: Morning Flight Schedule 4.24.20

Yesterday the GoG was "checking" but (b)(6); didn't press hard at the time because she didn't want them to come back and say test all the FAMU.

She is pinging again now and we will give you a update when he responds.

We had two UACs removed from the flight today because of a Consulate interview stating they might be "ill" apparently although neither had temperatures.

Training is presently occurring on the machines and we anticipate starting to test on Sunday to work out any kinks and utilize Monday as our buffer to complete the tests.

From: Albence, Matthew (b)(6); (b)(7)(C) @ice.dhs.gov>
Sent: Friday, April 24, 2020 12:20 PM
To: Lucero, Enrique M (b)(6); (b)(7)(C) @ice.dhs.gov>; Benner, Derek N (b)(6); (b)(7)(C) @ice.dhs.gov>
Cc: Johnson, Tae D (b)(6); (b)(7)(C) @ice.dhs.gov>; (b)(6); (b)(7)(C) (b)(6); @ice.dhs.gov>; Kelly, Christopher S (b)(6); (b)(7)(C) @ice.dhs.gov>
Subject: RE: Morning Flight Schedule 4.24.20

Have all the requisite medical personnel been trained on the test kits? Are we still anticipating testing Monday for a Tuesday flight? Was Guat receptive?

Sent with BlackBerry Work
www.blackberry.com

From: Lucero, Enrique M (b)(6); (b)(7)(C) @ice.dhs.gov>
Date: Thursday, Apr 23, 2020, 11:36 PM
To: Albence, Matthew (b)(6); (b)(7)(C) @ice.dhs.gov>; Benner, Derek N (b)(6); (b)(7)(C) @ice.dhs.gov>
Cc: Johnson, Tae D (b)(6); (b)(7)(C) @ice.dhs.gov>; (b)(6); (b)(7)(C) @ice.dhs.gov>; Kelly, Christopher S (b)(6); (b)(7)(C) @ice.dhs.gov>

Subject: FW: Morning Flight Schedule 4.24.20

Latest update

From: (b)(6); (b)(7)(C) @ice.dhs.gov
Date: Thursday, Apr 23, 2020, 11:05 PM
To: Johnson, Tae D (b)(6); (b)(7)(C) @ice.dhs.gov, Lucero, Enrique M (b)(6); (b)(7)(C) @ice.dhs.gov, Boyd, Valerie (b)(6); @hq.dhs.gov (b)(6); (b)(7)(C) @HQ.DHS.GOV
Cc: (b)(6); (b)(7)(C) @ice.dhs.gov, (b)(6); (b)(7)(C) @HQ.DHS.GOV, (b)(6); (b)(7)(C) @ice.dhs.gov, (b)(6); (b)(7)(C) @ice.dhs.gov, (b)(6); (b)(7)(C) @ice.dhs.gov, (b)(6); (b)(7)(C) @ice.dhs.gov, (b)(6); (b)(7)(C) @ice.dhs.gov, (b)(6); (b)(7)(C) @ice.dhs.gov
Subject: Morning Flight Schedule 4.24.20

Guatemala

On April 23, 2020, the GoG VM advised ERO that the GoG will accept FAMUs and UACs. Preparations were made and consuls visited both families and UACs. Later on it was revealed that there was miscommunication between DHS & DOS and as such the families were dropped from the flight. In addition, the GoG refused to take two UACs even though three are no signs of COVID (according to the RN with them at the hotel) the don't have a fever and having been eating and performing daily activities with no issues. The flight is tentatively scheduled to arrive on Friday, April 24, 2020, at 4pm local time.

Colombia

The Government of Colombia is requesting a two-week delay of the next ICE Charter, currently scheduled for Monday April 27th with 77 removals manifested. HSI has relayed that the Deputy Chief of Mission, US Embassy, Bogota, Colombia and Ambassador support the delay. They base this request on the necessary time to ensure proper facilities and coordination for quarantine as per GOC's current policy for all individuals entering Colombia, however the last flight to Colombia was on March 30, 2020.

Haiti

On April 23, 2020, the Haiti charter was successfully completed, repatriating a total of 124 nationals (4 single female adults, 4 single male adults, 38 Family Units (116 members), 36 female mothers, 30 male fathers, 18 female children, and 32 male children).

Peru

As of April 21, 2020, HSI Attaché submitted a dip note on April 20 requesting Government of Peru's (GoP) approval of a May 5, 2020, ICE charter, to include Title 42 cases, UACs and FAMUs.

India

The next Small-Group led by the NSC met on April 20 and ERO is no closer to scheduling removals and/or even obtaining travel documents. India moved to the Uncooperative list in Dec 2019.

Friday, April 24, 2020**Guatemala – Approved – Families and 2 UACs were Denied**

Departure: 0900 EDT

Foreign Departure: 1415 EDT

Routing: Pending

- UAC – 15 (Title 42)
- Title 42 – 17
 - 15 UAC
 - 1 FAMU (17yr old mother / 1 child)
- Total – 17
- USC – 0

El Salvador – Approved

Departure: 0800 EDT

Foreign Departure: 1100 EDT

Routing: El Paso, TX – Alexandria, LA – El Salvador – Mesa, AZ

- UAC – 1 (Title 42)
- Title 42 – 1 (UAC)
- Total – 125
- USC – 0

Honduras – Approved

Departure: 0645 EDT

Foreign Departure: 0920 EDT

Routing: Alexandria, LA – Brownsville, TX - Honduras – Alexandria, LA

- UAC – 18 (16 Title 42)
- Title 42 – 16 (16 UAC)
- Total – 133

Saturday, April 25, 2020

No Removal Flights Scheduled

Sunday, April 26, 2020

No Removal Flights Scheduled

Monday, April 27, 2020**Honduras – Approved**

Departure: 0525 EDT

Foreign Departure: 0910 EDT

Routing: Miami, FL – Houston, TX – Honduras – Miami, FL

- UAC – 6
- Title 42 – 0
- Total – 83

Colombia – PENDING

Departure: 0700 EDT

Foreign Departure: 0700 EDT

Routing: San Antonio, TX – Alexandria, LA – Honduras – San Antonio, TX

- UAC – 0
- Title 42 – 4 (4 Single Adults)
- Total – 77