

Exhibit H

90 K Street NE
MS 1181
Washington, DC 20229

CBP-2017-020151



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

February 22, 2018

Karolina Walters
American Immigration Council
1331 G St, NW Suite 200
Washington, DC 20005

Dear Ms. Walters:

This acknowledges receipt of your Freedom of Information Act (FOIA) to U.S. Customs and Border Protection (CBP) dated January 3, 2017. You requested documents regarding any and all records prepared, received, transmitted, collected and/or maintained by CBP that describe, refer, or relate to the procedures used by CBP personnel to process noncitizens asylum or claim credible fear.

During our search for responsive records, our office located a total of 47 pages, including records already made available to the public. Additional information responsive to your request can be accessed online from the Media Relations page of CBP's website:

<https://www.cbp.gov/newsroom/national-media-release/cbp-implements-agencywide-national-standards-transport-escort> , accessed February 21, 2018. Pursuant to 5 U.S.C. § 552 (a)(1) and (a)(2), CBP need not make available under FOIA records that are publicly available. For future reference, CBP also maintains a reading room at <https://foiarr.cbp.gov/> .

CBP has determined that 16 pages of the records are partially releasable, pursuant to Title 5 U.S.C. § 552 (b)(6), (b)(7)(C) and (b)(7)(E). Enclosed are 16 pages with certain information withheld as described below:

FOIA Exemption (b)(6) exempts from disclosure personnel or medical files and similar files the release of which would cause a clearly unwarranted invasion of personal privacy. This requires a balancing of the public's right to disclosure against the individual's right privacy. The types of documents and/or information that we have withheld may consist of birth certificates, naturalization certificates, driver license, social security numbers, home addresses, dates of birth, or various other documents and/or information belonging to a third party that are considered personal. The privacy interests of the individuals in the records you have requested outweigh any minimal public interest in disclosure of the information. Any private interest you may have in that information does not factor into the aforementioned balancing test.

FOIA Exemption (b)(7)(C) protects records or information compiled for law enforcement purposes that could reasonably be expected to constitute an unwarranted invasion of personal privacy. This exemption takes particular note of the strong interests of individuals, whether they are suspects, witnesses, or investigators, in not being unwarrantably associated with alleged

Ms. Karolina Walters

Page 2

criminal activity. That interest extends to persons who are not only the subjects of the investigation, but those who may have their privacy invaded by having their identities and information about them revealed in connection with an investigation. Based upon the traditional recognition of strong privacy interest in law enforcement records, categorical withholding of information that identifies third parties in law enforcement records is ordinarily appropriate.

FOIA Exemption (b)(7)(E) protects records compiled for law enforcement purposes, the release of which would disclose techniques and/or procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law. CBP has determined that disclosure could reasonably be expected to risk circumvention of the law.

This completes the CBP response to your request. You may contact a FOIA Public Liaison by sending an email via your FOIAonline account, or call (202) 325-0150. Please notate file number CBP-2017-020151 on any future correspondence to CBP related to this request.

If you are not satisfied with the response to this request, you have a right to appeal the final disposition. Should you wish to do so, you must file your appeal within 90 days of the date of this letter following the procedures outlined in the DHS regulations at Title 6 C.F.R. §5.8. Please include as much information as possible to help us understand the grounds for your appeal. You should submit your appeal via FOIAonline by clicking on the "Create Appeal" button that appears when you view your initial request. If you do not have computer access, you may send your appeal and a copy of this letter to: FOIA Appeals, Policy and Litigation Branch, U.S. Customs and Border Protection, 90 K Street, NE, 10th Floor, Washington, DC 20229-1177. Your envelope and letter should be marked "FOIA Appeal." Copies of the FOIA and DHS regulations are available at www.dhs.gov/foia.

Additionally, you have a right to seek dispute resolution services from the Office of Government Information Services (OGIS) which mediates disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. If you are requesting access to your own records (which is considered a Privacy Act request), you should know that OGIS does not have the authority to handle requests made under the Privacy Act of 1974. You may contact OGIS as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001, e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

Sincerely,



Miranda Oyler
Government Information Specialist
CBP FOIA Division



U.S. Customs and
Border Protection

JUN 22 2012

MEMORANDUM FOR: Directors, Field Operations
Director, Preclearance Operations
Office of Field Operations

Director, Field Operations Academy
(b) (6), (b) (7)(C)

FROM: Executive Director
Admissibility and Passenger Programs

SUBJECT: Processing of Asylee Follow to Join Applicants

This memorandum provides guidance to U.S. Customs and Border Protection (CBP) officers at Ports of Entry (POE) concerning the admission of derivative asylees who are “following-to-join” their principal asylee relatives residing in the United States in accordance with 8 C.F.R. §208.21 (Visas 92). The admission procedures for asylee follow-to-join cases – (b) (7)(E) – are outlined below. Following-to-join asylees may enter the United States at virtually any POE.

The spouse and unmarried, under age 21 children of a principal asylee may also be granted asylum if they are accompanying or following-to-join the principal asylee, even if the principal has already adjusted to permanent resident status under section 209 of the *Immigration and Nationality Act (INA)*. Asylum may also be granted if the child is age 21 or over and is covered by provisions protecting him or her from “aging out” in the *Child Status Protection Act (CSPA)*(see Note to INA, §§ 201; 208).

The relationship with the principal must have existed at the time his or her asylum application was finally approved. A child who was *in utero* at the time his or her parent was granted asylum as a principal also satisfies this requirement. If the child’s mother is not the principal asylee, she must have been the spouse of the principal asylee on the date of the principal’s asylum grant. 8 C.F.R. §208.21(b).

Case Processing

A principal asylee residing in the United States may file a Form I-730, *Refugee/Asylee Relative Petition*, for his or her following-to-join spouse and children with U.S. Citizenship and Immigration Services (USCIS). The Form I-730 is adjudicated by USCIS, and asylee follow-to-join beneficiaries overseas are interviewed by either a USCIS officer or a Department of State (DOS) officer on DHS’ behalf, to verify the

beneficiary's identity and qualifying relationship with the petitioner in the United States, and to ensure that the individual is not subject to any bars to asylum status.

If the interviewing officer finds the beneficiary can be approved to travel to the United States, the interviewing office will issue appropriate travel documents and a "travel packet" for the beneficiary to present to CBP at any POE. The travel documentation will be in the form of either a transportation letter or a DOS-issued machine-readable boarding foil [REDACTED] (b) (7)(E)

No foil or letter will be issued *unless* there is an underlying approved Form I-730 for the beneficiary. [REDACTED] (b) (7)(E)

[REDACTED] (b) (7)(E)

Proper Class of Admission

Asylee beneficiaries of approved Forms I-730 are *not* Lawful Permanent Residents (LPRs) upon their initial admission to the United States. They must be admitted as asylee derivatives using the Class of Admission (COA) of AS2 (for beneficiary spouses) or AS3 (for beneficiary children). These asylee derivatives are eligible to file for adjustment of status after one year under section 209 of the *INA*. [REDACTED] (b) (7)(E)

[REDACTED] (b) (7)(E)

ADMISSION PROCEDURES FOR ASYLEE FOLLOW-TO-JOIN CASES

When asylee follow-to-join beneficiaries apply for admission at a POE with the requisite travel documentation and accompanying travel packet, the CBP officer will follow the admission procedures below:

A. Verify the beneficiary's identity and review his or her travel document and travel packet

- i. [REDACTED] (b) (7)(E)

ii. [REDACTED] (b) (7)(E)

a. (b) (7)(E)
b. (b) (7)(E)

Note: (b) (7)(E)

iii. (b) (7)(E)

iv. (b) (7)(E)

B. Endorse I-94 and travel document (if applicable) with the asylee admission stamp.

i. (b) (7)(E)
ii. (b) (7)(E)

iii.

(b) (7)(E)

iv.

v.

C. Process Form I-765, *Application for Employment Authorization*, for every alien, regardless of age.

Follow to join beneficiaries who have been granted Asylum status in the U.S. are entitled to employment authorization incident to their status, regardless of age, and will receive an Employment Authorization Document (EAD) from USCIS.

(b) (7)(E)

i.

(b) (7)(E)

ii.

iii.

(b) (7)(E)

iv.

(b) (7)(E)

D. Route the Medical Envelope, if applicable.

- i. Asylee follow-to-join travel packets may contain a medical envelope (b) (7)(E)

[Redacted]

[REDACTED] (b) (7)(E)

E. Route the Travel Packet and Form I-765 to the [REDACTED] (b) (7)(E) [REDACTED] for priority processing.

- i. Send the travel packet, including the processed Form I-765 [REDACTED] (b) (7)(E) [REDACTED] (b) (7)(E)

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

(b) (7)(E)

- ii. [REDACTED] (b) (7)(E) [REDACTED] (b) (6), (b) (7)(C)

Please ensure that this memorandum and muster are disseminated to all ports of entry within your jurisdiction.

If you have any questions or require additional information, please contact [REDACTED] (b) (6), (b) (7)(C) [REDACTED] (b) (6), (b) (7)(C) Director, Enforcement Programs at [REDACTED] (b) (6), (b) (7)(C)

Attachment

Weekly Muster

Week of Muster: Upon receipt

Topic: Processing of Asylee Follow to Join Beneficiaries

HQ POC/Office: (b) (6), (b) (7)(C)

Office: Enforcement Programs

- This memorandum provides guidance to U.S. Customs and Border Protection (CBP) officers at Ports of Entry (POE) concerning the admission of derivative asylees who are “following-to-join” their principal asylee relatives residing in the United States in accordance with 8 C.F.R. §208.21 (Visas 92).
- Unlike refugees and refugee follow-to-join cases (b) (7)(E) (b) (7)(E) following-to-join asylees may enter the United States at virtually any POE. The admission procedures for asylee follow-to-join cases – (b) (7)(E) *Application for Employment Authorization* processing requirements and travel packet routing to (b) (7)(E) – are outlined below. (b) (7)(E)
- The spouse and unmarried, under age 21 children of a principal asylee may also be granted asylum if they are accompanying or following-to-join the principal asylee, even if the principal has already adjusted to permanent resident status under section 209 of the *Immigration and Nationality Act (INA)*. Asylum may also be granted if the child is age 21 or over and is covered by provisions protecting him or her from “aging out” in the *Child Status Protection Act (CSPA)*(see Note to INA, §§ 201; 208).
- The relationship with the principal must have existed at the time his or her asylum application was finally approved. A child who was *in utero* at the time his or her parent was granted asylum as a principal also satisfies this requirement. If the child’s mother is not the principal asylee, she must have been the spouse of the principal asylee on the date of the principal’s asylum grant. 8 C.F.R. §208.21(b).

Case Processing

A principal asylee residing in the United States may file a Form I-730, *Refugee/Asylee Relative Petition*, for his or her following-to-join spouse and children with U.S. Citizenship and Immigration Services (USCIS). The Form I-730 is adjudicated by USCIS, and asylee follow-to-join beneficiaries overseas are interviewed by either a USCIS officer or a Department of State (DOS) officer (b) (7)(E)

If the interviewing officer finds the beneficiary can be approved to travel to the United States, the interviewing office will issue appropriate travel documents and a "travel packet" for the beneficiary to present to CBP at any POE. The travel documentation will be in the form of either a transportation letter or a DOS-issued machine-readable boarding foil [REDACTED] (b) (7)(E).

No foil or letter will be issued *unless* there is an underlying approved Form I-730 for the beneficiary. [REDACTED] (b) (7)(E)

[REDACTED] (b) (7)(E)

Proper Class of Admission

Asylee beneficiaries of approved Forms I-730 are *not* Lawful Permanent Residents (LPRs) upon their initial admission to the United States. They must be admitted as asylee derivatives using [REDACTED] (b) (7)(E)

[REDACTED] (b) (7)(E) These asylee derivatives are eligible to file for adjustment of status after one year under section 209 of the *INA*. [REDACTED] (b) (7)(E)

[REDACTED] (b) (7)(E)

ADMISSION PROCEDURES FOR ASYLEE FOLLOW-TO-JOIN CASES

When asylee follow-to-join cases present at a POE with the requisite travel documentation and accompanying travel packet, the CBP officer will follow the admission procedures below:

- A. Verify the beneficiary's identity and review his or her travel document and travel packet**

[REDACTED] (b) (7)(E)

b.

(b) (7)(E)

Note:

(b) (7)(E)

iii.

(b) (7)(E)

iv.

(b) (7)(E)

B. Endorse I-94 and travel document (if applicable) with the asylee admission stamp.

i.

ii.

iii.

iv.

v.

(b) (7)(E)

vi.

(b) (7)(E)

C. Process Form I-765, *Application for Employment Authorization*, for every alien, regardless of age.

Follow to join beneficiaries who have been granted Asylum status in the U.S. are entitled to employment authorization incident to their status, regardless of age, and will receive an Employment Authorization Document (EAD) from USCIS.

(b) (7)(E)

i.

(b) (7)(E)

ii.

iii.

iv.

(b) (7)(E)

D. Route the Medical Envelope, if applicable.

i. Asylee follow-to-join travel packets may contain a medical envelope (b) (7)(E)

E. Route the Travel Packet and Form I-765 to the (b) (7)(E) (b) (7)(E) for priority processing.

i. Send the travel packet, including the processed Form I-765 (b) (7)(E)

(b) (7)(E)

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

(b) (7)(E)

ii. (b) (7)(E)

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

If you have any questions or require additional information, please contact (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) Director, Enforcement Programs at (b) (6), (b) (7)(C)

U.S. Department of Homeland Security
Washington, DC 20229



U.S. Customs and
Border Protection

JAN 23 2015

MEMORANDUM FOR: Directors, Field Operations
 Director, Preclearance Operations
 Office of Field Operations (b) (6), (b) (7)(C)

FROM: Acting Executive Director
 Admissibility and Passenger Programs

SUBJECT: CBP Policy Regarding Inadmissible Aliens

Customs and Border Protection (CBP) policy as well as Federal law dictates that a CBP Officer cannot admit an inadmissible alien. Any alien who cannot prove him/herself admissible into the United States will otherwise be considered inadmissible and the appropriate adverse action should be performed. In certain circumstances, a parole may be authorized for an inadmissible alien; i.e.

(b) (7)(E)
 (b) (7)(E)

This memorandum serves as a reminder to OFO that CBP Officers working at ports of entry are the sole entity authorized to adjudicate applications for admission presented by arriving aliens.

(b) (7)(E)
 (b) (7)(E)

(b) (7)(E)

- a) (b) (7)(E)
- b) (b) (7)(E)
- c) (b) (7)(E)

CBP Policy Regarding Inadmissible Aliens

Page 2

d)

e)

(b) (7)(E)

(b) (7)(E), (b) (6), (b) (7)(C)

Should you have any questions or require additional information, please contact (b) (6), (b) (7)(C)
Director, Enforcement Programs Division (EPD) at (b) (6), (b) (7)(C)

1300 Pennsylvania Avenue NW
Washington, DC 20229



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

MAY 12 2015

MEMORANDUM FOR: Directors, Field Operations
Director, Preclearance Operations
Office of Field Operations

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

FROM: Acting Executive Director
Admissibility and Passenger Programs

SUBJECT: Parole of Inadmissible Nonimmigrant Aliens

This memorandum is to further clarify guidance previously issued on November 19th, 2014 titled: *Parole of Inadmissible Nonimmigrant Aliens* and on December 16, 2014 Titled: *Parole of Inadmissible Nonimmigrant Aliens*.

Effective immediately, any parole under Section 212(d)(5) of the Immigration and Nationality Act (INA) for nonimmigrant alien(s) that meet the following criteria:

1. **(b) (7)(E)**
2. **(b) (7)(E)**
3. **(b) (7)(E)**
4. **(b) (7)(E)**

Authorization of such parole may **(b) (7)(E)**

(b) (7)(E)

Both Title 8, Code of Federal Regulations (CFR) Section 235.3(b)(iii) and 8 CFR 217.4(c) requires the detention of inadmissible nonimmigrant aliens placed in removal proceedings or order removed, except where parole "... is required to meet a medical emergency or is necessary for a legitimate law enforcement purpose."

(b) (7)(E)

This memorandum does not supersede CBP Directive #3340-043, *The Exercise of Discretion*, but is intended to address and clarify issues regarding travelers (b) (7)(E) (b) (7)(E)

Please ensure that this memorandum and attached muster is disseminated to all ports of entry within your jurisdiction. Should you have any questions or require additional information, please contact (b) (6), (b) (7)(C) Director, Enforcement Programs Division (EPD) at (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) Branch Chief at (b) (6), (b) (7)(C)

U.S. Department of Homeland Security
Washington, DC 20229



U.S. Customs and
Border Protection

NOV 09 2015

MEMORANDUM FOR: Directors (b) (6), (b) (7)(C)
Office of Field Operations

FROM: Todd C. Owen (b) (6), (b) (7)(C)
Assistant Commissioner
Office of Field Operations

SUBJECT: Implementation of *U.S. Customs and Border Protection (CBP) National Standards on Transport, Escort, Detention, and Search (TEDS)*

The first nationwide standards governing the safety, security and care of those in CBP custody have been developed and will now be implemented, *U.S. Customs and Border Protection (CBP) National Standards on Transport, Escort, Detention, and Search (TEDS)*. These standards set policy requirements that govern CBP's interaction with detained individuals and continue our commitment to the safety, security and care of those in our custody.

In addition to transport, escort, detention and search provisions, TEDS also incorporates requirements related to: sexual abuse and assault prevention and response; care of at-risk individuals in custody; and personal property. These standards were developed with current policies and procedures from the Office of Field Operations (OFO) and the United States Border Patrol as well as several other CBP-wide documents, current guidance to the field, best practices, and requirements found in applicable Federal law and regulation.

As a public facing document TEDS provides the overarching CBP national standards, it does not supercede current OFO policy and procedures. Please ensure that this memorandum is disseminated to all ports of entry within your jurisdiction. If you have any questions or require additional information, please contact (b) (6), (b) (7)(C) Acting Director, Enforcement Programs Division at (b) (6), (b) (7)(C) or (b) (6), (b) (7)(C)

Weekly Muster

Week of Muster: Immediate

Topic: Implementation of U.S. Customs and Border Protection (CBP) National Standards on Transport, Escort, Detention, and Search (TEDS)

HQ POC/Office: (b) (6), (b) (7)(C) Enforcement Programs Division

The first nationwide CBP standards governing the safety, security and care of individuals in our custody were recently announced by Commissioner Kerlikowske. The *U.S. Customs and Border Protection (CBP) National Standards on Transport, Escort, Detention, and Search (TEDS)* set the policy requirements that govern CBP's interaction with detained individuals and maintain CBP's commitment to the safety, security and care of those in our custody. TEDS provides the overarching CBP national standards.

TEDS incorporates CBP-wide guidance to the field, best practices, and requirements found in applicable Federal laws and regulations. TEDS standards were developed utilizing Office of Field Operations (OFO) policies and procedures and does not supercede current OFO policy and procedures, although some language may be unfamiliar. Accordingly, some aspects of OFO policy will be updated to incorporate TEDs requirements not already within current OFO policy.

A new provision of TEDS is the mandatory requirement for electronic recordation of detention and transportation actions. (b) (7)(E) detention module now reflects this update. Additionally, TEDS reemphasizes OFO's current policy to make an assessment of all detainees prior to detention or transportation, and incorporates the DHS requirements under the Prison Rape Elimination Act (PREA). To that end, (b) (7)(E)

(b) (7)(E)