

Question#:	1
Topic:	Executive Order
Hearing:	Oversight of Immigration Enforcement and Family Reunification Efforts
Primary:	The Honorable Richard Blumenthal
Committee:	JUDICIARY (SENATE)

Question: The President said that his executive order ended the administration's policy of family separation, but it is unclear whether that is true.

Is the administration still separating families? If so, under what circumstances is the administration separating families today?

Response: Although parents apprehended in family units are no longer being referred for prosecution under Zero Tolerance, CBP will continue to prioritize the welfare of children. Separation may be required if the adult parent poses a danger to the child, if the adult parent has a criminal history, or if the adult parent has a communicable disease.

Question: Would you provide an explanation for the families separated since the President's executive order purporting to ban family separation?

Response: In certain limited situations, such as when CBP has concerns that the purported parent or legal guardian is not, in fact, the parent or legal guardian; or when the parent or legal guardian has a criminal history, a communicable disease, or is determined to be or poses a danger to the child, CBP may separate the child from that adult. This is consistent with Judge Sabraw's June 26, 2018, preliminary injunction order.

Question#:	2
Topic:	Asylum Seekers Turned Away
Hearing:	Oversight of Immigration Enforcement and Family Reunification Efforts
Primary:	The Honorable Richard Blumenthal
Committee:	JUDICIARY (SENATE)

Question: In a press release, the Department of Homeland Security claimed that it "is [not] turning away asylum seekers at ports of entry." However, multiple media outlets have rebutted this assertion. For example, the Texas Tribune reported that a number of asylum seekers who came to international bridges in Texas and California were told by armed Customs and Border Protection agents not to enter the country.

How many asylum seekers have been turned away this year - including temporarily - at ports of entry? Please break this figure down by month.

Response: When necessary or appropriate to facilitate orderly processing and maintain the security of the port and safe and sanitary conditions for the traveling public, CBP may elect to inform travelers at the land border to take into account the port's processing capacity. Depending on port configuration and operating conditions, the CBP may establish and operate physical access controls at the borderline, including as close to the U.S.-Mexico border as operationally feasible. CBP does not create specific lines for asylum seekers, but could create a lines for those with appropriate travel documents and those without such documents. POEs may inform waiting travelers that processing at capacity is permitting travelers to enter the port once there is sufficient space and resources. CBP officers may not discourage a traveler from waiting to be processed, claiming fear, or seeking any other protection. CBP officers are prohibited from providing tickets or appointments or otherwise schedule any person for entry. Once a traveler is in the United States, he or she must be fully processed.

Question: When an asylum seeker is caught between ports of entry, does CBP attempt to determine whether he or she previously attempted to enter through a port of entry?

Response: Yes, through biometric database searches, CBP gains information regarding previous entries.

Question: Is it possible that CBP is referring individuals for prosecution simply because they were turned away at a port of entry and then chose to cross somewhere else?

Response: DHS does not currently have a way to determine why aliens are choosing to illegally cross into the United States, and specifically whether wait times at ports of entry are driving aliens to illegally cross the border. Any determination to refer an individual for prosecution is a case-by-case decision, based on the violations committed by the individual. If an alien presented themselves at a designated port of entry, decided not to

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wait to be processed, and then made an illegal entry into the United States, that alien has violated federal law as described in 8 U.S. Code § 1325.

Question: Do you know whether any of those turned away at ports of entry have subsequently been killed?

Response: CBP does not turn individuals away from ports of entry and its policies specifically prohibit officers from doing so. DHS is unaware of aliens being killed as a result of wait times at ports of entry.

Question#:	3
Topic:	Pregnant Women Exemption
Hearing:	Oversight of Immigration Enforcement and Family Reunification Efforts
Primary:	The Honorable Richard Blumenthal
Committee:	JUDICIARY (SENATE)

Question: In December 2017, ICE rescinded a policy exempting pregnant women from immigration detention. Since then, there have been reports in the media that pregnant women have received inadequate medical care and have experienced gross mistreatment, including malnutrition and insufficient bedding. The Hill reported that personnel in detention centers have ignored multiple women as they were miscarrying. These stories have become all too common. There have been reports of mistreatment in at least six facilities in Texas, New Mexico, Arizona, and California.

Will ICE consider reinstating the exemption from detention for pregnant women? If not, what steps is the agency taking to provide pregnant women with the specialized care that they need?

Response: U.S. Immigration and Customs Enforcement (ICE) Directive 11032.3, *Identification and Monitoring of Pregnant Detainees*, was revised for consistency with the President’s January 25, 2017 Executive Order 13768, *Enhancing Public Safety in the Interior of the United States*, to allow ICE officers and agents to exercise discretion when determining whether to arrest or detain a pregnant individual. The current policy allows for discretion to be exercised on a case-by-case basis and in a manner that no longer exempts a category of aliens from enforcement of the nation’s immigration laws.

In recent years, ICE has demonstrated its commitment to an immigration detention system that prioritizes the health, safety, and welfare of detainees. In particular, ICE has improved medical and mental healthcare, and increased protections for vulnerable populations, such as pregnant detainees. ICE detention facilities will continue to provide prenatal care and education, as well as access to specialists for pregnant women in custody. In addition, ICE ensures access to comprehensive counseling and assistance, postpartum follow up, lactation services, and family planning services.

Question: How many pregnant women are currently in detention? Do you have methods in place for tracking pregnant women and other vulnerable detainees?

Response: ICE has manually tracked pregnancy-related cases for detainees in custody since 2016. As of July 31, 2018, there were 64 pregnant detainees in ICE custody. ICE is notified by detention facilities, field offices, or ICE data systems when individuals with other vulnerabilities are identified. Detainees with other vulnerabilities may include detainees with mobility and communication impairments, detainees who self-identify as

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Committee:	JUDICIARY (SENATE)

transgender, and detainees in Special Management Units with medical and/or mental illnesses.

Question#:	4
Topic:	Miscarriages
Hearing:	Oversight of Immigration Enforcement and Family Reunification Efforts
Primary:	The Honorable Richard Blumenthal
Committee:	JUDICIARY (SENATE)

Question: Can you tell me how many miscarriages have occurred in immigration detention in the last year? Please break this information down by month.

Response: U.S. Immigration and Customs Enforcement (ICE) manually tracks pregnancy-related cases for detainees in custody. Though, while this approach allows for individualized, case-specific care for each woman, it is not suited for high-level statistical reporting. In an effort to respond to your request, ICE examined medical data related to pregnant detainees. These records show that, as of July 31, 2018, 17 women may have experienced a miscarriage just prior to, or while in, ICE custody in Fiscal Year 2018.^{1,2}

¹ Please note that this information is based on information collected for medical, rather than statistical reporting purposes. While ICE has sought to provide the most accurate information available, data may be subject to manual-entry errors.

² Most miscarriages happen very early in the pregnancy, often before a woman knows she is pregnant. Because ICE policy requires urinalysis testing for all females of reproductive age entering ICE custody, such testing is likely to pick up some early pregnancies and miscarriages of which may have been previously unknown to an individual. According to the American College of Obstetricians and Gynecologists, approximately 10-25% of pregnancies end in miscarriage. There is a myriad of reasons why miscarriages may occur, including but not limited to genetic problems with the fetus, problems with the uterus or cervix, chronic diseases, or external factors such as physical trauma. Generally, with limited insight into a pregnant detainee's medical history, ICE is unable to determine what caused a given miscarriage, and cannot confirm whether a miscarriage began before or after an individual entered ICE custody.

Question#:	5
Topic:	Shackling Pregnant Detainees
Hearing:	Oversight of Immigration Enforcement and Family Reunification Efforts
Primary:	The Honorable Richard Blumenthal
Committee:	JUDICIARY (SENATE)

Question: Under what circumstances will you shackle a pregnant detainee? What are the limitations on the ways in which you will shackle pregnant detainees?

Response: The use of restraints is covered in U.S. Immigration and Customs Enforcement's (ICE) policy and detention standards. ICE's most recent detention standards, the Performance-Based National Detention Standards (PBNDS) 2011, which covers the majority of ICE detainees, include detailed restrictions on the use of restraints for pregnant women, limiting it to the most extraordinary circumstances:

A pregnant woman or woman in post-delivery recuperation shall not be restrained absent truly extraordinary circumstances that render restraints absolutely necessary as documented by a supervisor and directed by the on-site medical authority. This general prohibition on restraints applies to all pregnant women in the custody of ICE, whether during transport, in a detention facility, or at an outside medical facility. Restraints are never permitted on women who are in active labor or delivery.

Additionally, both the National Detention Standards (NDS) and PBNDS 2008 included restrictions on the use of restraints as indicated below:

Medical staff shall prescribe the precautions required to protect the fetus, including the manner in which the pregnant detainee will be restrained, the advisability of a medical professional's presence when restraints are applied, and the medical necessity of restraining the detainee in the facility hospital or a local medical facility.

Question#:	6
Topic:	OIG Recommendations
Hearing:	Oversight of Immigration Enforcement and Family Reunification Efforts
Primary:	The Honorable Richard Blumenthal
Committee:	JUDICIARY (SENATE)

Question: Last month, the Department of Homeland Security's inspector general issued a report that was critical of ICE's inspections at its detention facilities. The report said that ICE fails to regularly comply with agency protocols as it conducts its inspections and that it has failed to follow up on many problems that have been called to its attention. The report also criticized ICE's Office of Detention Oversight for not regulating inspecting facilities. The inspector general issued five recommendations for improving ICE detention facilities. It called for 1) revising the scope of inspections, 2) reinstating a quality assurance program, 3) developing a specific plan for facilities with numerous problems, 4) updating procedures, and 5) implementing plans to verify and correct recurring issues. ICE has vowed to adopt each of these recommendations.

Has ICE begun to implement these recommendations? How much progress has it made?

When do you expect ICE to have fully implemented the recommendations?

Response: On June 26, 2018, the Office of the Inspector General (OIG) issued OIG-18-67, "U.S. Immigration and Customs Enforcement's (ICE) Inspections and Monitoring of Detention Facilities Do Not Lead to Sustained Compliance or Systemic Improvements." OIG determined that:

ICE uses two types of inspections to examine detention conditions in more than 200 detention facilities, yet, neither the inspections nor the onsite monitoring ensure consistent compliance with detention standards, nor do they promote comprehensive deficiency corrections. Further, the ICE inspections, follow-up processes, and onsite monitoring of facilities help correct some deficiencies; however, they do not ensure adequate oversight or systemic improvements in detention conditions, with some deficiencies remaining unaddressed for years.

For each recommendation, ICE will do the following:

- **Recommendation 1:** ICE will re-evaluate the existing inspection scope and methodology for annual and biennial contracted inspections to ensure that the inspection procedures are adequate and appropriately resourced to fully evaluate detention conditions at its facilities. The anticipated date of completion for this recommendation is July 2019.

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Committee:	JUDICIARY (SENATE)

- **Recommendation 2:** ICE has already initiated several action steps to bolster the Custody Management Division’s quality assurance process for contracted inspections including:
 - ICE is in the process of hiring additional journeyman-level federal staff, with subject matter expertise in ICE detention and facility inspections, to conduct onsite quality assurance reviews of ICE’s contract inspectors during the entirety of the inspection process. As of November 8, 2018, five Detention and Deportation Officers have been selected; three have entered on duty.
 - ICE has directed that docket officers assigned to the Detention Standards Compliance Unit (DSCU) attend all out-briefings provided to ICE Enforcement Removal Operations (ERO) field offices by the ICE inspections contractor. Attendance will be in-person or via conference call. On June 19, 2018, DSCU DDOs began participating in all Nakamoto exit briefings. As of November 8, 2018, DSCU DDOs have participated in 48 Nakamoto out-briefings. DSCU will continue this practice indefinitely and will provide pertinent input as needed.
 - ICE has required that the existing monthly meetings with the ICE inspections contractor incorporate a quality assurance component to enhance program oversight of the inspection methodology and related findings. The meetings will include quality assurance related input by the contracting officer and perspective contracting officer’s representatives. On September 25, 2018, ICE held a meeting with the Vice President of the Nakamoto Group Inc. During that meeting ICE discussed enhanced quality assurance oversight of ICE’s inspection contract and redefining ICE’s existing inspection scope and methodology. At the upcoming October 2018 meeting, ICE and the ICE Office of Acquisitions Contracting Officer will conduct a thorough review of the contract performance with The Nakamoto Group Inc.
 - On September 25, 2018, ICE Custody Management, including the contracting officer’s representative (COR), held a meeting with the Vice President of the Nakamoto Group Inc. During that meeting, ICE discussed enhanced quality assurance oversight of ICE’s inspection

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Committee:	JUDICIARY (SENATE)

contract, as well as redefining ICE's existing inspection scope and methodology.

- On November 6 and 7, 2018, the ICE Custody Management Division, including the COR, met with the Nakamoto Group to revisit quality assurance-related concerns and discuss inspections scope and methodology.

- **Recommendation 3:** In Fiscal Year (FY) 2018, ICE's Office of Professional Responsibility (OPR) has taken in response to OIG's findings that follow-up inspections ought to be conducted at select facilities where egregious deficiencies have been identified:
 - ICE OPR conducted two follow-up inspections in FY 2018. Those inspections were scheduled to review either the facility's response to the deficiencies ICE OPR previously identified during the facility's most recent compliance inspection or were conducted in response to areas of concern that may be identified by agency leadership and/or third parties.
 - Additionally, in FY 2018, the Office of Detention Oversight (ODO) has decreased the amount of advance notice provided to ICE detention facilities in preparation for an ODO inspection. Although ODO continues to consider the possibility of conducting some unannounced inspections in FY 2019, ODO conducts a significant amount of pre-inspection documentation review, which would make conducting unannounced inspections difficult. That pre-inspection review enables ODO to ensure its onsite inspection process is as efficient as possible, as well as to minimize disruption to facility operations and enable staff to focus a significant portion of its time in the facility on detainee interviews and onsite documentation review.

- **Recommendation 4:** ICE has already initiated several action steps to improve the existing corrective action process:
 - On June 19, 2018, ICE began requiring all ICE ERO field offices to provide validating documentation (e.g., photos, copies of logs, and checklists) to the DSCU to confirm that corrective actions identified in a facility's Uniform Corrective Action Plan (UCAP) have been

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implemented. The documentation will be saved to SharePoint and will track corrective actions by facility, responsible field office, and status of resolution.

- As of June 19, 2018, ICE confirmed all UCAPs are now being reviewed and signed by the local ICE ERO assistant field office director, or higher-level supervisor, to confirm the appropriateness of facility corrective actions and their implementation.
- ICE has directed the DSCU to provide copies of completed UCAPs to onsite federal detention service managers so they can validate that corrective actions have been implemented by management at their facilities. Detention service managers will monitor those implemented changes or processes to ensure they are being maintained between inspections.
- ICE has directed the DSCU to provide copies of completed UCAPs and the inspections contractor's most recent inspections findings to ODO for each facility scheduled for an ODO compliance inspection.
- ICE is in the process of updating the existing Detention Management Control Program (DMCP) directive. On June 12, 2018, an ICE ERO headquarters working group was formed to update the program directive and incorporate any new compliance-related and quality assurance program changes. Once finalized, a copy of the new directive will be distributed to ICE ERO field offices to enhance compliance of facilities with ICE detention standards.
- **Recommendation 5:** As mentioned above, on June 12, 2018, an ICE ERO headquarters working group began meeting to update the DMCP directive. The directive will include guidelines and requirements on how ICE ERO field office staff will work with on-site detention service managers to enhance and verify facility compliance with ICE detention standards. The working group will explore various options to enhance collaboration and support between field offices, facility staff, and on-site federal managers. The anticipated date of completion is July 2019.

Question#:	7
Topic:	Parental Waivers
Hearing:	Oversight of Immigration Enforcement and Family Reunification Efforts
Primary:	The Honorable Richard Blumenthal
Committee:	JUDICIARY (SENATE)

Question: Under the Flores Settlement Agreement, a child - whether accompanied or unaccompanied - cannot be detained for more than twenty days except in a facility certified to house children. Yet a parent can waive their child's rights under Flores in order to remain with their child. I am concerned that parents are waiving their children's rights without being told of their alternatives. That does not constitute consent, as it is neither informed nor truly voluntary.

How many families have been united but kept detained at an immigrant detention center?

What is the process for obtaining a parent's consent to waive their child's rights under Flores? Please provide any documents describing this process or documenting waiver by a parent.

Are they told of alternatives? If so, what alternatives? Are they told that they can be reunited outside of ICE custody?

Response: The Department of Homeland Security has not implemented a process by which a detained alien parent would be required to waive the rights of his or her minor child under the *Flores* Settlement Agreement in order to be reunited with his or her minor child.

Between May 4, 2018, and April 6, 2019,³ of the family units reunified pursuant to *Ms. L v. ICE*, U.S. Immigration and Customs Enforcement (ICE) detained 371 family units at an ICE Family Residential Center (FRC). As of April 11, 2019,⁴ there are no *Ms. L* class members detained at an ICE FRC.

³ Source: ICE Integrated Decision Support Database (IIDS) run date of 4/8/2019; Enforcement Integrated Database (EID) data through 4/6/2019. IIDS is a data warehouse that contains dynamic data extracts from the EID.

⁴ Source: ENFORCE Current Detainee Report run date of 4/11/2019 at 9:20 a.m.

Question#:	8
Topic:	Deported Parents
Hearing:	Oversight of Immigration Enforcement and Family Reunification Efforts
Primary:	The Honorable Richard Blumenthal
Committee:	JUDICIARY (SENATE)

Question: 431 migrant parents who were separated from their children at the southern border are no longer in the United States, according to a court filing by the Trump administration made on July 26th. The administration did not say why those parents are no longer in the United States, but many likely were deported. The administration insists that all parents who have been deported were told that they could take their children with them, but the ACLU has shown that many parents had no idea what forms they were signing or were only given a few moments to make the decision whether to leave their children behind.

What steps is the government taking to reunite children who are in the U.S. with parents who have been deported? Is ICE coordinating with the State Department to reunite these families?

Response: The reunification plan was filed with the district court on August 16, 2018, and approved by the court on August 17, 2018. Due to pending litigation, U.S. Immigration and Customs Enforcement (ICE) is unable to further respond to this question.

Question: Will you provide Congress with the list of parents who agreed to be deported without their children?

Response: Due to pending litigation, ICE is unable to further respond to this question.

Question#:	9
Topic:	Spending on Detention
Hearing:	Oversight of Immigration Enforcement and Family Reunification Efforts
Primary:	The Honorable Richard Blumenthal
Committee:	JUDICIARY (SENATE)

Question: In fiscal 2018, ICE's average cost of detaining a migrant adult has exceeded \$200 per day, while the average daily cost of detaining a migrant family has exceeded \$300. Alternatives to detention cost only around \$5 or \$6 per person, and they work. Yet this administration is intent on continuing to indefinitely detain migrants. It is planning to build tent cities all across the United States. The U.S. Navy estimated that it would spend \$233 million to run a facility for 25,000 people for six-months.

How much is the U.S. government spending on immigration detention? How much has spending on detention increased in the last year, and is it projected to increase?

Response: In Fiscal Year (FY) 2017, U.S. Immigration and Customs Enforcement (ICE) spent \$3 billion on custody operations. In FY 2018, ICE projects to spend \$3.2 billion for custody operations, an increase of \$200 million (6.7 percent) over the previous fiscal year. The FY 2019 President's Budget requests \$3.3 billion for custody operations. The FY 2018 enacted bed rate for adults is \$137.19 per day. The family bed rate in FY 2018 \$319.37 per day. These figures only reflect ICE's cost for immigration detention.

ICE's Alternatives to Detention (ATD) program uses technology and case management to monitor compliance with release conditions, and serves to supervise alien compliance with court hearings. ATD is not a substitute for detention, and ICE does not support the release of individuals who pose a public safety risk or flight risk that cannot be mitigated with ATD. While ATD has been moderately effective at ensuring court appearances, ATD it is not an effective tool for ensuring removal once an individual's case has concluded.⁵

⁵ Widely reported "compliance rates" above 90 percent refer to the hearing appearance rate for all scheduled immigration hearings only, which in most cases are only initial hearings. Many individuals are not required to attend any immigration hearings during the short period they are enrolled in the ATD program due to the significant backlog in proceedings for those assigned to the non-detained docket. In some locations, aliens on the non-detained docket may wait more than one year for their first hearing. Additionally, in light of the length of time it takes cases to be completed on the non-detained docket, where cases may linger for years, the cost of ATD will outweigh the costs of detention in many cases. Specifically, while the cost of detention per day is higher than the cost of ATD per day, because those enrolled in the ATD program will need to be enrolled for several years or more, while those subject to detention have an average length of stay of approximately 40 days, the cost of ATD may outweigh the costs of detention.

Further, ATD has proved to be substantially less effective and cost-efficient in securing removals than detention. Specifically, while the ATD program averages 75,000 participants, in FY 2017, only 2,430 of

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Committee:	JUDICIARY (SENATE)

Question: How is immigration detention paid?

Response: ICE has three sources of funding for custody operations: base appropriations, immigration user fee, and breached bond detention funds fees.

Question: Are you dipping into funds that are not reserved for detention?

Response: No. In accordance with authority within its annual appropriation, the Department of Homeland Security requested congressional permission to reallocate resources to support custody operations.

those who were enrolled in the ATD program were removed from the country, accounting for only 1 percent of the 226,119 removals conducted by ICE during that time.

Question#:	10
Topic:	Appropriately Discharged
Hearing:	Oversight of Immigration Enforcement and Family Reunification Efforts
Primary:	The Honorable Richard Blumenthal
Committee:	JUDICIARY (SENATE)

Question: Last Monday, the Trump administration announced that it had reunited or "appropriately discharged" 1,187 of the 2,551 children ages five and older who were forcibly separated from their parents. The administration also claimed that the separated children of 917 parents are either not eligible or "not yet known to be eligible" for reunification.

What does it mean to be "appropriately discharged," and why is the government not distinguishing the number of children who have been "appropriately discharged" from the number of children who have been reunited with their parents?

Response: The Department of Homeland Security defers to the Department of Health and Human Services.

Question#:	11
Topic:	Ineligible for Reunification
Hearing:	Oversight of Immigration Enforcement and Family Reunification Efforts
Primary:	The Honorable Richard Blumenthal
Committee:	JUDICIARY (SENATE)

Question: Why are the children of nearly 1,000 parents either ineligible or "not yet known to be eligible" for reunification? How many of these children does the government expect to determine will be permanently ineligible for reunification?

Response: Parents can be determined to be ineligible for reunification for a variety of reasons. The Department of Health and Human Services (HHS) makes the determination whether to reunite a family unit that was separated as a result of the parents' prosecution as part of the zero-tolerance policy. The Department of Homeland Security supports HHS with this effort by providing criminal history information to HHS, which is used in the reunification determination.

Question#:	12
Topic:	Longstanding Policy
Hearing:	Oversight of Immigration Enforcement and Family Reunification Efforts
Primary:	The Honorable Mazie Hirono
Committee:	JUDICIARY (SENATE)

Question: At the hearing, I asked you what was the Department of Homeland Security's (DHS) long- term plan for the children who were separated from their parents by DHS. Your response was that Immigration and Customs Enforcement (ICE) "has had longstanding policy that facilitates reunification of a parent and a child at the time of removal. That has been our policy and that would have been the process we would have followed and had followed prior to this judge's order."

Please provide a copy of this "longstanding policy" of reunification to the Senate Judiciary Committee.

Please provide a copy of any memoranda or other documentation detailing the reunification plans or other long-term plans for the children who were separated from their parents by DHS from April 2018 to the present.

Response: Pursuant to U.S. Immigration and Customs Enforcement's (ICE) Policy 11064.2, *The Detention and Removal of Alien Parents or Legal Guardians*, in which detained alien parents or legal guardians who maintain their parental rights are subject to a final order of removal and ICE is effectuating their removal, ICE Field Office Directors or their appropriate designees should accommodate, to the extent practicable, the detained parent or legal guardian's individual efforts to make arrangements for their minor child(ren). Such provisions may include the parent or legal guardian's attempt to arrange guardianship for his/her minor children to remain in the United States or to obtain travel documents for their child(ren) to accompany them during the repatriation process.

Consistent with this policy, ICE's long-standing practice has been to reunify parent(s) and child(ren) for the purposes of removal when there are no additional factors, including danger to the child, and when the parent wants to be repatriated with his or her child. In some cases, however, parents do not wish to be returned to their countries of origin with their child(ren). Instead, they want their child(ren) to be placed with another parent or sponsor in the United States in order for the child(ren) to seek available immigration protection or relief, or to simply continue to reside illegally within the United States.

On June 26, 2018, the U.S. District Court for the Southern District of California issued a nationwide preliminary injunction in the case of *Ms. L. v. I.C.E.*, No. 18-cv-0428 (S.D. Cal. filed Feb. 26, 2018), which, in part, directs ICE and the Department of Health and Human Services (HHS) to take steps to reunify class member parents and children who had been previously separated. The court's order is applicable to all adult parents who

Question#:	12
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Hearing:	Oversight of Immigration Enforcement and Family Reunification Efforts
Primary:	The Honorable Mazie Hirono
Committee:	JUDICIARY (SENATE)

enter the United States at, or between, designated ports of entry and who have been, are, or will be detained in immigration custody by the Department of Homeland Security (DHS) and have a minor child who is or will be separated from them by DHS and detained in HHS Office of Refugee Resettlement (ORR) custody, ORR foster care, or DHS custody, absent a determination that the parent is unfit or presents a danger to the child. The court noted that the class “does not include migrant parents with criminal history or communicable disease, or those who are in the interior of the United States or subject to the [June 20 Executive Order].” On August 16, 2018, the government filed with the district court its plan for reunifying children of parents who have been removed, and it was approved by the court on August. 17, 2018.

Question#:	13
Topic:	Initial ICE Plan
Hearing:	Oversight of Immigration Enforcement and Family Reunification Efforts
Primary:	The Honorable Mazie Hirono
Committee:	JUDICIARY (SENATE)

Question: If ICE's initial plan was to reunify parents with their children at the time of removal, why were more than 400 parents deported without their children?

If ICE's initial plan was to reunify parents with their children at the time of removal, why did the government not maintain clear records of the identity and location of the parents of the separated children? Why did the Department of Health and Human Services report to a federal court in San Diego that it had to conduct a manual review of the case files for all of the children in its custody- about 11,800 children-to determine which children had been separated from their parents by DHS?

If ICE's initial plan was to reunify parents with their children at the time of removal, why did the government have no parental information for about 40 children who had been separated from their parents by the court's July 26, 2018 deadline for family reunifications?

Response: As noted during testimony, U.S. Immigration and Customs Enforcement's (ICE) long-standing policy has been to reunify parent and child for the purposes of removal when there are no additional factors such as danger to the child and when the parent wants to be repatriated with his or her child. In some cases, parents do not want to be returned to their countries of origin with their child(ren). Instead, they want their child(ren) to be placed with another parent or sponsor in the United States in order for the child to seek available immigration relief.

Under the zero-tolerance policy, approximately 2,500 children were separated from their parents after their parents were referred for prosecution for illegal entry. Most of these separations occurred at the Southwest Border after families were apprehended by U.S. Border Patrol, and prior to the parents' transfer to ICE custody. On September 12, 2018, the U.S. Government and parties involved in the *Ms. L v. ICE*, No. 18-428 litigation submitted a plan for the Court's approval that addresses reunification in cases where the parents who have been removed have asked to be reunified, even if they waived reunification at the time of removal.

To the extent the questions request information about the Department of Health and Human Services' (HHS) actions, ICE defers to HHS for a reply.

Question#:	14
Topic:	Parents with Asylum Claims
Hearing:	Oversight of Immigration Enforcement and Family Reunification Efforts
Primary:	The Honorable Mazie Hirono
Committee:	JUDICIARY (SENATE)

Question: Your response regarding the long-term plan for the children who were separated from their parents by DHS seemed to assume that all of these parents would be removed from the United States.

Before implementing the "zero-tolerance" policy, did ICE have any plan in place to reunify children with their parents with asylum claims or other claims that do not involve immediate removal from the United States?

If so, what was that plan?

For how long did DHS or ICE intend to keep these children separated from their parents?

Response: U.S. Immigration and Customs Enforcement (ICE) notes that prior to the announcement of the zero-tolerance policy and consistent with current practice, ICE makes independent custody determinations on every individual or family unit. As part of this process, factors are taken into consideration such as equities or sponsors in the United States, criminal and immigration history of the adults, and public safety concerns such as gang affiliations and flight risk. Absent exigent circumstances, family units that have final orders of removal, and are from countries where repatriation is possible, will be housed at a Family Residential Center (FRC) pending their removal from the United States.

In the unusual event that ICE determines that a parent or legal guardian of a family unit poses a threat to the safety and well-being of the child, or when custody and parentage cannot be established, or when the parent should remain in detention for other reasons, the parent or legal guardian of the family unit will be transferred to an appropriate adult detention facility. As the parent or legal guardian would no longer be available to provide care and physical custody, the minor would be considered an unaccompanied alien child and transferred into the custody of the Department of Health and Human Services Office of Refugee Resettlement consistent with the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (TVPRA).

One constraining factor for the detention of arriving alien family units includes limited detention space in ICE's FRCs. Moreover, under the court's interpretation of the *Flores* Settlement Agreement (FSA), the Department of Homeland Security may only detain alien children with a family member for approximately 20 days before releasing them

Question#:	14
Topic:	Parents with Asylum Claims
Hearing:	Oversight of Immigration Enforcement and Family Reunification Efforts
Primary:	The Honorable Mazie Hirono
Committee:	JUDICIARY (SENATE)

from ICE custody. In some circumstances, this effectively results in family units being released into the interior of the United States.

Lastly, as noted during the testimony, ICE's long-standing policy has been to reunify parent and child(ren) for the purposes of removal when there are no additional factors such as danger to the child, and when the parent wants to be repatriated with his or her child. In some cases, parents do not want to be returned to their countries of origin with their child(ren). Instead, they want their children to be placed with another parent or sponsor in the United States in order for the child to seek available immigration protection or relief.

Question#:	15
Topic:	Southern Border Apprehensions
Hearing:	Oversight of Immigration Enforcement and Family Reunification Efforts
Primary:	The Honorable Mazie Hirono
Committee:	JUDICIARY (SENATE)

Question: The Transactional Records Access Clearinghouse (TRAC) at Syracuse University analyzed U.S. Border Patrol records and data on federal prosecutions, and its report shows that at most only 38 percent of adults apprehended without children were referred for criminal prosecution by Customs and Border Protection (CBP) following the Justice Department's announcement of the "zero-tolerance" policy on April 6, 2018. Moreover, TRAC found that that at most only 32 percent of all adults apprehended at the border, including those with children, were criminally prosecuted. This data indicates that most of the people apprehended at or near the southern border were not referred for criminal prosecution and, in fact, it appears that thousands of adults without children were not referred for prosecution while up to 3,000 children may have been separated from their parents under the guise of the "zero- tolerance" policy.

How many adults who were accompanied by children were apprehended at or near the southern border? Please provide data broken out by month from April 2018 to the present.

Response: From April 19, 2018 through August 31, 2018 there were 21,101 adults apprehended with children in family units along the southern border. Family unit is defined as one of more children with a parent or legal guardian and his or her minor children.

As broken out by month:

April 19-30: 2,028
May: 4,423
June: 4,357
July: 4,285
August: 6,009

Question#:	16
Topic:	Referred for Prosecution
Hearing:	Oversight of Immigration Enforcement and Family Reunification Efforts
Primary:	The Honorable Mazie Hirono
Committee:	JUDICIARY (SENATE)

Question: How many adults who were accompanied by children and apprehended at or near the southern border were referred for criminal prosecution? Please provide data broken out by month from April 2018 to the present.

Response: CBP referred 2,502 family unit adults on the Southwest Border for prosecution between April 19, 2018 and January 31, 2019.

Current & Separated FMUA Adults includes adults that are Current FMUAs (always a part of a family unit or reunited back into a family unit) as well as Separated FMUA (those that were separated and remained separated from the family unit upon leaving CBP custody).

Question: Who made the initial decision of whether to refer an adult accompanied by children for criminal prosecution?

Response: U.S. Border Patrol Agents work through the subject's criminal and immigration history, to determine the best consequence to deliver or apply to the alien who illegally entered the country.

Question: Who made the final decision of whether to refer an adult accompanied by children for criminal prosecution?

Response: The Watch Commander or Patrol Agent in Charge of the station has the ultimate authority or final signatory authority for all referrals for prosecution within their station's area of responsibility.

Question#:	17
Topic:	ICE Referrals for Prosecution
Hearing:	Oversight of Immigration Enforcement and Family Reunification Efforts
Primary:	The Honorable Mazie Hirono
Committee:	JUDICIARY (SENATE)

Question: Given that less than a third of all adults apprehended at or near the southern border were referred for criminal prosecution, what guidance, if any, did ICE receive in determining whether to refer an adult accompanied by children for criminal prosecution?

Given that at most only 38 percent of adults apprehended without children by CBP at or near the southern border were referred for criminal prosecution, what factors did ICE consider and what guidelines, if any, did ICE follow in determining whether to refer an adult accompanied by children for criminal prosecution as compared to an adult who was not accompanied by children?

Response: U.S. Immigration and Customs Enforcement, Enforcement and Removal Operations did not refer any such cases for prosecution under the zero-tolerance policy and defers to U.S. Customs and Border Protection.

Question#:	18
Topic:	Separated Children
Hearing:	Oversight of Immigration Enforcement and Family Reunification Efforts
Primary:	The Honorable Mazie Hirono
Committee:	JUDICIARY (SENATE)

Question: TRAC also reported that only one adult apprehended by CBP as a family unit was actually referred for criminal prosecution in all of April 2018, even though the "zero-tolerance" policy was announced on April 6, 2018 and a large number of family separations occurred in April 2018. This is inconsistent with the Trump administration's claim that the separation of children from their parent was a consequence of referring all adults apprehended at the border for criminal prosecution under the "zero-tolerance" policy. In fact, TRAC found that "it would appear most separations through at least April of this year took place for entirely different reasons than the rationale the Administration has given."

How many adults were separated from their children under the "zero-tolerance" policy where the adults were not referred for criminal prosecution?

Response: CBP is currently working with its interagency partners to identify the correct data associated with the determined timeframe.

Question: How many children were separated from their parents in these circumstances? Please provide data broken out by month from April 2018 to the present.

Response: Please see prior response.

Question: Who made the decision of whether a family unit – ie., adults accompanied by children – apprehended at or near the southern border would be separated?

Response: There was no decision to separate families, but rather a decision to refer an adult for prosecution. Following the President's April 6, 2018 memorandum on "Ending Catch and Release at the Border of the United States" and the Attorney General's April 6 memorandum on "Zero Tolerance for Offenses Under U.S.C. 1325(a)," on May 4, the Secretary of Homeland Security approved a recommendation from her immigration agencies on how to implement these directives, including pursuing prosecution for all amenable adults who cross the border illegally. The Secretary of Homeland Security subsequently issued amplifying guidance in a memorandum dated May 11, 2018 directing that no categories of adults crossing the border illegally are exempt from prosecution.

Question#:	19
Topic:	Separations on the Southern Border
Hearing:	Oversight of Immigration Enforcement and Family Reunification Efforts
Primary:	The Honorable Mazie Hirono
Committee:	JUDICIARY (SENATE)

Question: Who made the decision of whether a family unit-i.e., adults accompanied by children-apprehended at or near the southern border would be separated?

Response: Prior to June 20, 2018, the Watch Commander or Patrol Agent in Charge of the station made the determination that a separation was warranted as a result of a referral for criminal prosecution of the parent or legal guardian.

Question: Who, if anyone, reviewed the decisions of whether a family unit apprehended at or near the southern border would be separated?

Response: Since June 20, 2018, all separations are initially reviewed by a Division Chief of that particular sector, and if approved will be reviewed again at USBP HQ.

Question: If only one adult who was apprehended at or near the southern border as a family unit was actually referred for criminal prosecution in April 2018, why were hundreds of children separated from their parents during that time period?

Response: CBP is currently working with its interagency partners to identify the correct data associated with the determined timeframe. However, there are numerous reasons why a minor would be separated from a parent or legal guardian. In the event CBP determines that the parent or legal guardian of a family unit poses a threat to the safety and well-being of the child, when CBP has evidence that indicates the adult is likely not the child's parent or legal guardian, or when the parent is transferred to a criminal detention setting for reasons other than illegally crossing the border—the parent or legal guardian of the family unit will be transferred to an appropriate adult detention facility. Because that parent or legal guardian would no longer be available to provide care and physical custody, the minor is considered an unaccompanied alien child and transferred into the custody of the Department of Health and Human Services, Office of Refugee Resettlement, pursuant to applicable law.

Question#:	20
Topic:	ICE Separation Guidelines
Hearing:	Oversight of Immigration Enforcement and Family Reunification Efforts
Primary:	The Honorable Mazie Hirono
Committee:	JUDICIARY (SENATE)

Question: What factors did ICE consider and what guidelines, if any, did ICE follow in determining whether to separate adults accompanied by children where the adults were not referred for criminal prosecution?

Response: If a parent is not being criminally prosecuted, U.S. Immigration and Customs Enforcement (ICE) will rarely separate that parent from his or her child(ren).

In the event ICE determines that the parent or legal guardian of a family unit poses a threat to the safety and well-being of the child, when ICE has evidence that indicates the adult is likely not the child's parent or legal guardian, or when the parent is transferred to a criminal detention setting for reasons other than illegally crossing the border— the parent or legal guardian of the family unit will be transferred to an appropriate adult detention facility. Because that parent or legal guardian would no longer be available to provide care and physical custody, the minor is considered an unaccompanied alien child and transferred into the custody of the Department of Health and Human Services, Office of Refugee Resettlement, pursuant to applicable law.

Question#:	21
Topic:	Consulting
Hearing:	Oversight of Immigration Enforcement and Family Reunification Efforts
Primary:	The Honorable Mazie Hirono
Committee:	JUDICIARY (SENATE)

Question: Prior to implementing the "zero-tolerance" policy and separating families, who, if anyone, did ICE consult with to properly account for the best interests of the children being separated?

Did ICE consult with any child welfare or medical experts to determine the impact that separating a child from her or his parent would have on that child? If so, with whom did ICE consult and how did that affect ICE's response to this crisis created by the "zero-tolerance" policy?

Response: U.S. Immigration and Customs Enforcement cannot comment due to pending litigation.

Question#:	22
Topic:	Quickly Reunited
Hearing:	Oversight of Immigration Enforcement and Family Reunification Efforts
Primary:	The Honorable Mazie Hirono
Committee:	JUDICIARY (SENATE)

Question: In implementing the "zero-tolerance" policy, what steps did ICE take to ensure that families could be reunited as quickly as possible? For example, did ICE inform the parents where their children were going to be sent? How did ICE keep track of the family units to ensure that the records of parents and their children were connected?

Response: U.S. Customs and Border Protection policy and procedure requires that familial information, including the alien registration or "A number" of family members is entered on the I-213 form that follows each individual through their immigration proceedings.

In the event the parent or legal guardian is in U.S. Immigration and Customs Enforcement (ICE) custody and the child(ren) is/are in Department of Health and Human Services (HHS) Office of Refugee Resettlement (ORR) custody, the two agencies have worked together to establish multiple options for communication between the parent/guardian and the child. ICE Enforcement and Removal Operations (ERO) officers and HHS ORR staff and contractors work to schedule communications via telephone, Skype, or FaceTime. ICE ERO has created posters, in multiple languages, that explain to a parent/legal guardian how to request an opportunity to communicate with his or her child. ICE ERO officers in adult detention facilities, working with the ICE ERO Field Office juvenile coordinators, identify the HHS facility in which the child is housed, notify the parent/legal guardian of the child's location, and coordinate with HHS for possible times for the parent/legal guardian to communicate with the child. Whenever possible, communication is conducted via video, but at a minimum is conducted telephonically.

Question#:	23
Topic:	Reunification Waivers
Hearing:	Oversight of Immigration Enforcement and Family Reunification Efforts
Primary:	The Honorable Mazie Hirono
Committee:	JUDICIARY (SENATE)

Question: There have been multiple reports that the parents who agreed to waive reunification with their children did not understand what they were signing, were forced into signing the documents, or were misled into believing that signing these papers would actually help them reunite with their children.

What steps does DHS take to confirm that parents who agree to waive reunification with their children are doing so with a full understanding of their rights and without any coercion?

Who at DHS obtains these reunification waivers from the parents and how do the DHS officials explain to the parents their rights and the potential consequences of the waiver? Do you have translators for all of the languages spoken by these parents, including indigenous languages?

Are parents being reunited or connected with their children first before they are required to make the decision of whether to leave their children in the custody of the Department of Health and Human Services or an approved sponsor?

Given the traumatic manner in which parents were separated from their children at the border and the vulnerable situation of remaining separated from their children, is DHS ensuring that any parents who have waived their right to be reunited with their children are doing so with the advice of legal counsel?

Has the government suggested or encouraged any parents to waive their rights to seek asylum in order to be reunited or connected with their children?

Response: Issues related to these questions are in active litigation, and U.S. Immigration and Customs Enforcement (ICE) respectfully declines to comment on some aspects of this query. ICE is committed to providing detained individuals with meaningful access to their legal representatives while in ICE custody. This goal is explained in our 2011 Performance-Based National Detention Standards, which are designed to improve the safety, security, and conditions of confinement for detainees.

ICE notes that for reunifications ordered by Judge Sabraw in the case of *Ms. L. v. I.C.E.*, No. 18-cv-0428 (S.D. Cal. filed Feb. 26, 2018), ICE currently uses the notice and election form created by the American Civil Liberties Union that was approved by the court.

Question#:	23
Topic:	Reunification Waivers
Hearing:	Oversight of Immigration Enforcement and Family Reunification Efforts
Primary:	The Honorable Mazie Hirono
Committee:	JUDICIARY (SENATE)

When presented with this form, parents with executable final orders of removal are asked to elect whether they are requesting (1) to reunite with their child for the purpose of repatriation to their country of citizenship, (2) to be removed to their country of citizenship without their child, or (3) if they do not have a lawyer, they can elect to talk to a lawyer before making a decision. These instructions are given to the parent in his/her native language.

All Family Residential Centers have pro bono legal service programs. The South Texas Family Residential Center and the Karnes County Residential Center have pro bono immigration legal service providers onsite. The Berks County Residential Center (BCRC) has a relationship with a pro bono immigration legal service provider who visits all residents at BCRC.

Question#:	24
Topic:	Mental Health Care
Hearing:	Oversight of Immigration Enforcement and Family Reunification Efforts
Primary:	The Honorable Mazie Hirono
Committee:	JUDICIARY (SENATE)

Question: Medical and mental health experts have warned of the "toxic stress" created by forcibly separating families that can result in long-term consequences, such as adverse brain development, mental illness, and substance abuse.

How is ICE ensuring that separated children in ICE custody receive adequate medical and mental health care?

Response: U.S. Immigration and Customs Enforcement (ICE) does not detain unaccompanied alien children (UAC). When a child arrives at the border unaccompanied, or is otherwise separated from their parent or legal guardian, ICE refers that child to the Department of Health and Human Services (HHS) Office of Refugee Resettlement (ORR). *See* 8 U.S.C. §§ 1232(b)(1), 1232(b)(3). Therefore, ICE defers questions related to the care of UAC's to HHS.

Question: Has DHS engaged any medical or mental health professionals, such as the American Academy of Pediatrics or the American Psychological Association, to assess the medical and mental health care provided to children in their custody?

Response: ICE's Family Residential Standards (FRS) were developed in consultation with nongovernmental organizations with relevant expertise, and are specifically designed to ensure the well-being of their residents. ICE's FRS focus on living conditions that provide access to educational, medical, and social services. All family residential centers must maintain compliance with applicable state and federal regulations, as well as ICE's FRS, and are subject to an independent compliance inspection program through a contracted team of juvenile subject matter experts.

In addition, U.S. Customs and Border Protection (CBP) is leveraging organic medical capabilities, contracted medical professionals, and other Federal medical teams (from United States Department of Defense, HHS and United States Coast Guard) to provide coverage in at-risk locations along the Southwest border (SWB). CBP has also been consulting with medical and mental health associations, including the American Academy of Pediatrics at both the federal and local levels, to inform policies and procedures. CBP has also tasked the experts on the Homeland Security Advisory Council to review best practices for care of families and children in CBP custody. The subcommittee, which includes a pediatrician, has conducted interviews with experts from relevant professions and visited CBP facilities along the border as it develops its recommendations.

Question#:	24
Topic:	Mental Health Care
Hearing:	Oversight of Immigration Enforcement and Family Reunification Efforts
Primary:	The Honorable Mazie Hirono
Committee:	JUDICIARY (SENATE)

Question: What guidance has ICE provided to ICE staff or contracted shelters about the unique medical and mental health needs of children who have been separated from their parents?

What kind of training in child development and trauma-informed care is currently being provided to ICE officials who interact children who were separated from their parents?

Response: The Department of Homeland Security (DHS) takes its responsibility to provide appropriate treatment to children in its custody seriously, particularly when many have recently endured a hazardous journey to the SWB.

While ICE does not detain UAC, it may be responsible for the custody of the separated parent and likewise takes seriously it’s responsibility to provide appropriate care. In June 2018, ICE Enforcement and Removal Operations (ERO) Custody Management Division developed a training entitled “Recognizing and Responding to Trauma in Separated Parents: A Training for ICE ERO and Contract Detention Staff at ICE Detention Facilities.” ICE ERO staff delivered the training at the Port Isabel Detention Center in June 2018, where sixty ICE ERO and contract detention staff participated in two 1.5-hour training sessions.

The purpose of the training is to recognize the signs and symptoms of trauma in separated parents and how to appropriately respond to trauma. It is available to be delivered upon request, and can be customized to the particular needs of a facility or situation.

The training includes the following topics:

1. Types of trauma detainees may have suffered pre-migration, during migration, and post-migration;
2. Why it is important for staff to understand and respond to trauma;
3. Overview, definitions, and causes of trauma, including chronic trauma;
4. Signs and symptoms of trauma—behavioral, physical, emotional, psychological;
5. How staff can reduce re-traumatization in detention;
6. How to respond to signs and symptoms of trauma in detainees;
7. How to recognize signs and symptoms of suicide risk; and
8. How to respond to suspected suicide risk.

Question#:	24
Topic:	Mental Health Care
Hearing:	Oversight of Immigration Enforcement and Family Reunification Efforts
Primary:	The Honorable Mazie Hirono
Committee:	JUDICIARY (SENATE)

While children are in HHS ORR custody, that agency provides for medical care, mental health care, and educational programs. DHS defers to HHS with respect to the care of UAC in the custody of the HHS Office of Refugee Resettlement.

Question: What type of mental health services are being provided to children after they have been reunited with their parents to address the trauma of family separation? The American Academy of Pediatrics has stated that its members are willing to provide medical care to children released into the community. Are you working with this group to provide such medical care?

Response: DHS cannot comment due to pending litigation on this issue.

Question#:	25
Topic:	Mistreatment of Children
Hearing:	Oversight of Immigration Enforcement and Family Reunification Efforts
Primary:	The Honorable Mazie Hirono
Committee:	JUDICIARY (SENATE)

Question: There have been multiple reports of abuse and mistreatment of children who were separated from their parents while they were in the government's custody. For example, a six-year-old girl was reportedly sexually abused at a government-contracted facility run by Southwest Key and then made to sign a form acknowledging that she was told to maintain her distance from her alleged abuser. In fact, USA Today reported several additional allegations of sexual abuse of children at facilities run by Southwest Keys, which houses more than 1,500 migrant children under a \$458 million contract with the federal government. Children have also recounted being treated "like a prisoner," called insulting names by staff members, and watching other children "getting injected with something after he misbehaved in class" while in government facilities. Parents have also reported that their children were returned to them after months of separation with bruises, illness

What mechanisms does DHS have in place for children or others to report abuse or misconduct against children in DHS facilities?

Response: U.S. Immigration and Customs Enforcement (ICE) does not detain unaccompanied alien children (UAC).

U.S. Customs and Border Protection (CBP) ensures that all minors (including UACs) in its custody are treated with dignity and respect, and with concern for their particular vulnerability as minors. CBP complies with its National Standards on Transport, Escort, Detention and Search (TEDS) policy outlining detention requirements for subjects in CBP facilities. Furthermore, both USBP and OFO have internal policies, which are routinely verified for compliance.

The TEDS requires staff to accept sexual abuse reports made verbally, in writing, anonymously, and from third parties, inform detainees of multiple ways to privately report sexual abuse; retaliation for reporting sexual abuse, or staff neglect or violations of responsibilities that may have contributed to such incidents; provide instructions how detainees may contact the DHS Office of Inspector General; promptly record such reports according to the operational office's policies and procedures; and provide and inform the detainees of at least one way for detainees to report sexual abuse anonymously to a public or private entity or office outside of CBP in accordance with the operational office's policies and procedures.

Question#:	25
Topic:	Mistreatment of Children
Hearing:	Oversight of Immigration Enforcement and Family Reunification Efforts
Primary:	The Honorable Mazie Hirono
Committee:	JUDICIARY (SENATE)

Furthermore, the USBP requires that copies of the Reporting Misconduct Poster as well as the Zero Tolerance of Sexual Abuse Poster be placed in all muster rooms, processing areas, checkpoints and other areas deemed appropriate. OFO stated they post these signs in secondary processing areas, detention cells, and other areas throughout the ports as well. These posters provide employees, detainees, and citizens with the appropriate points of contact to report misconduct or abuse by referring them to the Customs and Border Protection Office of Professional Responsibility and the Department of Homeland Security Office of the Inspector General.

Question: How many complaints of physical or sexual abuse or mistreatment of children at DHS facilities has DHS received in the past two years?

Response: ICE does not detain UAC.

CBP has received 67 allegations of physical or sexual abuse or mistreatment of children in CBP Facilities in the past two years.

Question: What actions has DHS taken in response to these allegations of mistreatment or abuse at DHS facilities?

Response: ICE does not detain UAC.

U.S. Customs and Border Protection takes all allegations of misconduct very seriously. All received allegations of mistreatment or abuse are initially reported to the Department of Homeland Security Office of the Inspector General pursuant to Management Directive 810.1. These allegations will either be investigated by the DHS Inspector General's Office or referred back to CBP for investigation by the Office of Professional Responsibility or delegated to the relevant component management for inquiry.

Question: Will DHS consider appointing an independent monitor to conduct oversight and provide recommendations to address allegations of mistreatment or abuse in DHS facilities?

Response: ICE does not detain UAC.

Question#:	26
Topic:	Completing Reunifications
Hearing:	Oversight of Immigration Enforcement and Family Reunification Efforts
Primary:	The Honorable Mazie Hirono
Committee:	JUDICIARY (SENATE)

Question: On July 26, 2018, the government reported to Judge Sabraw in San Diego that the parents of 431 children are no longer in the United States-i.e., these parents were deported or removed from the United States without their children. In addition, the government reported that it could not reunify 76 children whose parents had been released inside the United States. On August 2, 2018, the government reported that the parents of 410 children are no longer in the United States.

In one week, why was the government able to reunite apparently only 21 children with their parents who were removed from the United States?

At that rate, it would take nearly 5 months to complete reunifications of children whose parents were removed from the United States. What is your timeframe for completing these family reunifications?

How many of these parents has ICE successfully contacted?

Who are the specific government officials responsible for locating these parents and reuniting them their children?

Response: The Department of Homeland Security defers to the Department of Health and Human Services for response.

As background, on August 9, 2018, the government presented to district court its plan for reunifications of children with parents who have been removed. At a hearing on August 10, 2018, the court did not object to any portions of the plan, but provided opposing counsel with an opportunity to submit objections and proposed modifications to the plan. The parties met and conferred on proposed modifications. A joint status report with a revised plan was filed with the court on August 16, 2018. The court approved the plan on August 17, 2018. The parties regularly report to the court on the status of reunifications for those removed parents who elected to be reunified with their child(ren).

Question#:	27
Topic:	Locating the Parents
Hearing:	Oversight of Immigration Enforcement and Family Reunification Efforts
Primary:	The Honorable Mazie Hirono
Committee:	JUDICIARY (SENATE)

Question: After the government deported hundreds of parents without their children, it seems the burden of locating these parents has fallen on the ACLU and nonprofit organizations. In fact, on August 2, 2018, the government argued in a court filing that the ACLU should be responsible for locating these parents, verifying parentage, and coordinating reunifications. Judge Sabraw rejected that argument, making clear that the government is fully responsible and admonishing the government for its slow rate of locating the parents it deported without their children. Although the government has claimed these parents were deported willingly without their children, that claim is disputed by multiple sworn statements filed in court that explain that some parents signed documents they did not understand, felt coerced into signing, or believed would enable them to get their children back.

What specific steps has ICE already taken to locate the parents who it deported and reunite them with their children?

Response: Due to ongoing litigation, in *Ms. L vs. ICE*, which involves family unit processing at the border, U.S. Immigration and Customs Enforcement can only provide a limited response. The parties filed a reunification plan for removed parents on August 16, 2018. Since class members are represented by opposing counsel, the government provided available information to class counsel, which was then responsible for communicating with their respective clients and determining the parent's wishes. Parents had the option of electing for reunification in their home country or electing not to be reunified. If the parent elected reunification, the government then facilitated transportation of the child for reunification in the home country. As of the April 12, 2019 joint status report, the parties reported that there is only one parent for whom class counsel has not yet communicated a parental choice regarding reunification. The district court has expressed its approval of this process.

Question#:	28
Topic:	Reunification Plans
Hearing:	Oversight of Immigration Enforcement and Family Reunification Efforts
Primary:	The Honorable Mazie Hirono
Committee:	JUDICIARY (SENATE)

Question: Please identify, step by step, how DHS plans to reunite these families? Will DHS allow these parents to return to the United States by granting them humanitarian parole? If so, will DHS force these parents to submit an application for humanitarian parole and pay the \$575 filing fee or will DHS automatically grant them humanitarian parole? Will DHS pay for all costs related to the reunification, including travel costs, fees for paperwork, and other associated costs?

Response: For the purposes of reunifying deported-members of the class certified in *Ms. L v. ICE* with their minor children in their country of origin, the government has submitted to the District Court of the Southern District of California a plan entitled the “Interagency Plan for Reunification of Separated Minors with Removed Parents.” The plan may be located through the Public Access to Court Electronic Records (PACER) database.

Question#:	29
Topic:	Coerced Agreements
Hearing:	Oversight of Immigration Enforcement and Family Reunification Efforts
Primary:	The Honorable Mazie Hirono
Committee:	JUDICIARY (SENATE)

Question: What steps is DHS taking to determine whether any deported parent was coerced into agreeing to voluntary removal or agreed to voluntary removal unknowingly or involuntarily?

For those who were coerced into signing deportation orders - for example, if they were led to believe that signing those papers would allow them to reunite with their children - will DHS allow those parents to reopen their removal proceedings?

Response: Several of these questions are the subject of active litigation, and U.S. Immigration and Customs Enforcement (ICE) respectfully declines to comment on those. However, ICE notes that for reunifications ordered by Judge Sabraw in the case of *Ms. L. v. I.C.E.*, No. 18-cv-0428 (S.D. Cal. filed Feb. 26, 2018), ICE currently uses the notice and election form created by the American Civil Liberties Union that was approved by the court.

When given this form, parents with executable final orders of removal are asked to specify whether they are requesting (1) to reunite with their child for the purpose of repatriation to their country of citizenship, (2) to be removed to their country of citizenship without their child, or (3) if they do not have a lawyer, they can elect to talk to a lawyer before making a decision. These instructions are given to the parent in their native language.

Question#:	30
Topic:	Children's Cases
Hearing:	Oversight of Immigration Enforcement and Family Reunification Efforts
Primary:	The Honorable Mazie Hirono
Committee:	JUDICIARY (SENATE)

Question: As the government reunites these children with the parents who were deported, what will happen to the children's immigration cases, such as those seeking asylum?

Response: The plan for reunifications abroad addresses this issue. The plan was filed with the court in *Ms. L v. ICE*, No. 18-428 (S.D. Cal. filed February 26, 2018) on August 16, 2018. If the parent waived reunification, the child would remain in proceedings as an unaccompanied alien child and the U.S. Department of Health and Human Services, Office of Refugee Resettlement will pursue placement of the child with a sponsor in the United States. If the parent has elected reunification abroad, the child's proceedings are handled in accordance with Process 4 of the reunification plan for reunifications abroad. In most cases, if the child is in proceedings, the plan provides for the dismissal of child's proceedings without prejudice before the child is returned to his or her parent abroad. If the reunification is not authorized by the *Ms. L* court's order, reunification will not be completed until the child's immigration procedures are completed in the ordinary course.

Question#:	31
Topic:	Jeopardizing Safety
Hearing:	Oversight of Immigration Enforcement and Family Reunification Efforts
Primary:	The Honorable Mazie Hirono
Committee:	JUDICIARY (SENATE)

Question: Since the government has engaged the help of the State Department to find these parents, what steps is DHS taking to ensure that DHS does not jeopardize the safety of those immigrants who may be fleeing governmental persecution?

Response: With regards to the aliens certified in the *Ms. L v. ICE* class action, DHS's cooperation with the State Department (as well as the Department of Health and Human Services) in fulfilling the court's order is comprehensively detailed in the aforementioned interagency plan.

Question#:	32
Topic:	Red Flags
Hearing:	Oversight of Immigration Enforcement and Family Reunification Efforts
Primary:	The Honorable Mazie Hirono
Committee:	JUDICIARY (SENATE)

Question: The government's court filing on July 26, 2018 identified 67 children whose parents or associated adult had red flags either in their case files or their background checks that deemed them ineligible for reunification. Moreover, the government identified 40 children for whom it had no parental information. On August 2, 2018, the government notified the court that 57 children were not reunified because of these red flags.

What specifically were the "red flags" that kept these children from being reunited with their parents?

Who determined what constituted a "red flag" that barred reunification by the July 26 deadline?

What specific criteria was used to determine something was a "red flag" warranting continued separation between a child and the parent?

Response: U.S. Immigration and Customs Enforcement cannot comment due to pending litigation.

Question#:	33
Topic:	40 Children
Hearing:	Oversight of Immigration Enforcement and Family Reunification Efforts
Primary:	The Honorable Mazie Hirono
Committee:	JUDICIARY (SENATE)

Question: Why was the government unable to identify the parents of 40 children by the court's July 26 deadline?

Response: Due to ongoing litigation, U.S. Immigration and Customs Enforcement (ICE) is unable to provide the requested information.

Question: What were the circumstances of how these children were separated from their parents by DHS?

Response: Due to ongoing litigation, ICE is unable to provide the requested information.

Question: What are the ages of these 40 children?

Response: DHS defers to the Department of Health and Human Services as the care and custody of UAC falls under that agency's jurisdiction.

Question: For how many of these 40 children has the government failed to identify the parents and reunify these families?

Response: DHS defers to the Department of Health and Human Services.

Question#:	34
Topic:	Alternatives to Family Detention
Hearing:	Oversight of Immigration Enforcement and Family Reunification Efforts
Primary:	The Honorable Mazie Hirono
Committee:	JUDICIARY (SENATE)

Question: The Trump administration's June 20, 2018 Executive Order on family separations identified a policy of detaining families "where appropriate and consistent with law and available resources." The American Academy of Pediatrics and 13 American medical and mental health organizations have made clear that family detention is not an appropriate solution to family separation. They have pointed to the serious physical and emotional harm that detention inflicts on children.

Will DHS consider using more cost-effective alternatives to family detention, such as the Family Case Management Program, which the DHS Office of Inspector General determined had a success rate of 99 percent of immigrants making their court appearances and ICE check-ins?

What are the alternatives to family detention that DHS is currently using for reunited families?

Response: U.S. Immigration and Customs Enforcement's (ICE) Alternatives to Detention (ATD) program uses technology and case management to monitor compliance with release conditions and attendance at court hearings. ATD is not a substitute for detention. While ATD may in some circumstances be somewhat effective at ensuring court appearances, ATD has not shown itself to be an effective tool for ensuring removal once an individual's case has concluded.⁶

There are currently two options available to ICE for those in removal proceedings. Individuals can be detained while their immigration cases are adjudicated before the court, generally within a month or two, or an individual can be released and have their cases processed many years later. When detained, ICE can ensure the court order is executed once a final decision is rendered.

However, ICE is unable to ensure that orders are followed for those (approximately 1.6 million) who are not detained given current resource constraints and the difficulty

⁶ Widely reported "compliance rates" above 90% refer to whether an alien attended a specific, scheduled court hearing. However, they do not fully capture the likelihood that a participant will ultimately abscond. Most aliens attend their court hearings while there is a likelihood that their cases will be legally successful, but become far more likely to abscond or otherwise fail to comply with program requirements after they have been unsuccessful at obtaining relief in court. As a result, the fact that an alien attended a given court hearing shows that ATD was successful this particular instance, but does not speak to success across the entire immigration process.

Question#:	34
Topic:	Alternatives to Family Detention
Hearing:	Oversight of Immigration Enforcement and Family Reunification Efforts
Primary:	The Honorable Mazie Hirono
Committee:	JUDICIARY (SENATE)

associated with locating individuals who do not wish to be found. Current data does not indicate that the use of ATD on about 5 percent of the population significantly improves ICE's ability to locate and effectuate removal of ATD participants, when compared to the other 95 percent of the population who are also not detained.

ICE has conducted analysis on the effectiveness of its ATD program. The ATD program is not effective at ensuring the removal of aliens from the United States when ordered removed by an immigration judge, ensuring the whereabouts of aliens when their cases have concluded, ensuring cases are adjudicated quickly before the courts, or ensuring that all individuals are required to attend hearings during the time they are enrolled.

The ATD program is not sufficiently resourced to ensure that all family units can be enrolled in ATD through the duration of their proceedings, or to ensure that ICE may quickly respond to alerts or provide adequate oversight of program participants. Here, ICE notes that ATD is less effective than detention at ensuring compliance with orders from the judge. To that end, it is important to note that while there are typically approximately 75,000 ATD participants, the program only resulted in 2,430 removals in fiscal year (FY) 2017.

As instructed by Congress, ICE recently incorporated many of the Family Case Management Program (FCMP) case management principles into its traditional ATD program through the Limited Eligibility Enrollment Program. The contract modification mirrors all services that were available under FCMP, in more cities, at a fraction of the cost, and is part of the ATD – ISAP III contract. With additional funding, ICE may expand the FCMP principles across more of the non-detained ATD population and continue to identify and deploy other robust case management concepts.

ICE will continue to use its ATD program (as ATD resources allow) to more closely monitor a very small segment of the non-detained docket when detention is not possible or necessary in a given case. ICE is committed to implementing policies that are humane to all individuals, including asylum-seeking families, consistent with current immigration laws.

ICE is currently utilizing ATD for certain qualified family units, though there are significant challenges with expanding the ATD program for recently arrived members of this population. Most traditional non-family unit participants have significant ties to the local community that make them more likely to demonstrate compliance and easier to locate if they do not. However, many arriving family units may not know their final geographic destination, and may end up in areas of the country that are not near an ICE

Question#:	34
Topic:	Alternatives to Family Detention
Hearing:	Oversight of Immigration Enforcement and Family Reunification Efforts
Primary:	The Honorable Mazie Hirono
Committee:	JUDICIARY (SENATE)

office, making oversight and any necessary follow-up challenging. ICE believes that these factors have contributed to an absconder rate among family units that is significantly higher than the absconder rate among non-family unit participants,⁷ a trend which has continued over the past several years:

In FY 2015, the absconder rate for family units was 24.9%, while it was 8.6% for non-family unit participants.

In FY 2016 YTD, the absconder rate for family units was 31.3%, while it was 12.1% for non-family unit participants.

In FY 2017 YTD, the absconder rate for family units was 23%, while it was 15.1% for non-family unit participants.

In FY 2018 YTD, the absconder rate for family units was 28.4%, while it was 16.7% for non-family unit participants.

Question#:	35
Topic:	Children 5 to 17 Reunited
Hearing:	Oversight of Immigration Enforcement and Family Reunification Efforts
Primary:	The Honorable Mazie Hirono
Committee:	JUDICIARY (SENATE)

Question: How many of the 1,442 children age 5 to 17 who have been reunited with their parents so far have been released into the community, with or without monitoring mechanisms such as ankle monitors?

How many of the 1,442 children age 5 to 17 who have been reunited with their parents so far are now being detained with their parents?

Response: None were released with monitoring mechanisms. U.S. Immigration and Customs Enforcement does not place monitoring mechanisms on children under 18 years old.

None of the children aged 5 to 17, who have been reunited with their parent, are currently residing at a Family Residential Center.

Question#:	36
Topic:	Children Under 5 Reunited
Hearing:	Oversight of Immigration and Family Reunification Efforts
Primary:	The Honorable Mazie Hirono
Committee:	JUDICIARY (SENATE)

Question: How many of the children under age 5 who have been reunited with their parents so far have been released into the community, with or without monitoring mechanisms such as ankle monitors s?

Response: There were 82 children under the age of 5 who were reunited with their parents and subsequently released into the community. There were no children released with monitoring mechanisms. U.S. Immigration and Customs Enforcement does not place monitoring mechanisms on children (under 18 years old).

Question: How many of the children under age 5 who have been reunited with their parents so far are now being detained with their parents?

Response: No children under the age of 5, who have been reunited with their parent, are currently residing at a Family Residential Center.

Question#:	37
Topic:	Family Monitoring Mechanisms
Hearing:	Oversight of Immigration Enforcement and Family Reunification Efforts
Primary:	The Honorable Mazie Hirono
Committee:	JUDICIARY (SENATE)

Question: Who makes the determination of whether a reunited family is detained together or released, with or without monitoring mechanisms such as ankle monitors?

What criteria does DHS use to determine whether a reunited family is detained together or released, with or without monitoring mechanisms such as ankle monitors? Please provide the Senate Judiciary Committee with a copy of any guidelines used in this determination.

What process does DHS follow to determine whether a reunited family is detained together or released, with or without monitoring mechanisms such as ankle monitors and does each case begin with a presumption of detention?

Response: U.S. Immigration and Customs Enforcement (ICE) makes custody determinations on a case-by-case basis. Adults 18 years of age or older may be eligible for Alternatives to Detention (ATD) participation if they are not subject to mandatory detention and are currently in removal proceedings or subject to removal.

When determining whether an individual should be enrolled in the ATD program, numerous factors are taken into account during each individual case review. Factors considered include, but are not limited to: criminal and immigration history, supervision history, family and/or community ties, being a caregiver or provider, and other humanitarian or medical considerations.

Family unit custody decisions related to ATD follow the normal ATD program evaluation process. ICE reviews all family unit cases individually. If a family unit is ready for removal, then they most likely will be detained at a family residential center absent exigent circumstances.

Question#:	38
Topic:	Records Misplaced or Destroyed
Hearing:	Oversight of Immigration Enforcement and Family Reunification Efforts
Primary:	The Honorable Mazie Hirono
Committee:	JUDICIARY (SENATE)

Question: The New York Times reported that records linking children to their parents have disappeared or in some cases, been destroyed.

What actions were taken to investigate the disappearance or destruction of these records? If these allegations have been confirmed, who is responsible for the missing records?

What corrective actions were taken to address this issue?

Were there any mechanisms in place to prevent such important records from being misplaced or destroyed? If so, what were they and how were they circumvented?

What steps has ICE taken to ensure that all records involving the families separated at the southern border and the "zero-tolerance" policy are preserved?

Response: U.S. Immigration and Customs Enforcement (ICE) takes the preservation and appropriate retention and disposition of records generated in the course of the execution of the agency's mission seriously. To date, the ICE Records Division in the Office of Information Governance and Privacy has not received any reports of lost or unlawful destruction of records documenting family separation.

In accordance with 36 C.F.R. § 1230, ICE employees must promptly report unauthorized disposition of federal records to the ICE Records Division. Unauthorized disposition includes unlawful or accidental destruction, defacement, alteration, or removal from federal custody. Unauthorized disposition of federal records is against the law (44 U.S.C. § 3106) and may lead to fines, imprisonment, termination from employment, or permanent disqualification from holding any office under the United States.

Records documenting the custody and transfer of individuals are retained as part of the Alien Registration File (A-File). The A-file documents an individual's interaction with the Department of Homeland Security, its Components, and its legacy agencies as prescribed by the Immigration and Nationality Act and regulations. A-files are retained permanently in accordance with the National Archives and Records Administration approved records schedule.

Question#:	39
Topic:	Reunifications Court Order
Hearing:	Oversight of Immigration Enforcement and Family Reunification Efforts
Primary:	The Honorable Mazie Hirono
Committee:	JUDICIARY (SENATE)

Question: Judge Sabraw ordered the government to provide the ACLU notice of each family reunification at least 12 hours in advance so that the ACLU could provide timely legal counsel, arrange for organizations to assist families in meeting their immediate needs, and independently verify each reunification. The government has reportedly failed to provide such notice. Moreover, The New York Times reported that the reunifications have been "chaotic," with children being sent to the wrong location, parents being forced to wait for days without access to showers or phones in "staging facilities," and parents being documented as "released" when they still remained in government custody.

For how many of the family reunifications completed under court order has the government failed to provide advance notice to the ACLU, in accordance with Judge Sabraw's directive?

With respect to the family reunifications for which the government failed to provide the required notice to the ACLU, what documentation does the government have to confirm that the reunifications properly took place and that each child was reunited with the correct parent?

Where is the breakdown in communication that is preventing the government from providing advance notice of reunification to the families' counsel?

What steps has DHS taken to ensure that families are not left stranded alone without any support services or access to counsel upon being reunited?

Response: There is not a 12- hour notification requirement in place. The question refers to a notification requirement in Judge Sabraw's July 13, 2018 order following a status conference. However, on July 16, 2018, Judge Sabraw vacated that order following another status conference. *See* Order (1) Granting Plaintiffs' Motion For Emergency TRO Pending Ruling On Motion To Stay and (2) Amending July 13, 2018 Order Following Status Conference, *Ms. L v. ICE*, No. 18-428 (S.D. Cal. filed Feb. 26, 2018), ECF No. 116 ("The Court's order requiring Defendants to provide Plaintiffs with 12-hour advance notice of every individual reunification is vacated.").

Question#:	40
Topic:	Reunification Costs
Hearing:	Oversight of Immigration Enforcement and Family Reunification Efforts
Primary:	The Honorable Mazie Hirono
Committee:	JUDICIARY (SENATE)

Question: The ACLU and others have reported that parents are being asked to pay for reunification costs, including flights and other reunification expenses, despite the fact that it was the government that separated children from their parents, in some cases, by thousands of miles. Although the government claimed that it was a "huge ask" to pay for these expenses, Judge Sabraw ordered the government to cover these costs.

Which federal agency is paying for the costs of reunification costs, including travel and other reunification expenses?

Response: U.S. Immigration and Customs Enforcement (ICE) funds the reunification expenses for adults. The Department of Health and Human Services funds reunification expenses for unaccompanied alien children.

Question: Is DHS aware of any parent, relative, or sponsor of a child who has been separated from his or her parent, being asked or forced to pay for reunification- related expenses? If so, will DHS reimburse them for what they have paid?

Response: ICE is not aware of any parent, relative, or sponsor of a child being asked to pay for reunification related expenses.

Question: What steps has DHS taken to ensure that no parent is being asked or forced to pay for reunification-related expenses?

Response: As stated in the previous response, ICE is funding the reunification expenses for the adults and ICE is not aware of an instance where any parent, relative, or sponsor of a child is being asked to pay for reunification related expenses.

Question: What written guidance has been provided to ICE local offices and detention facilities to make clear that they should not be asking or requiring families to pay for transportation costs or other funds to facilitate reunification?

Response: ICE is following standard operating procedures. ICE is funding the reunification expenses for the adults and ICE is not aware of an instance where any parent, relative, or sponsor of a child is being asked to pay for reunification related expenses.

Question#:	41
Topic:	Call Charges
Hearing:	Oversight of Immigration Enforcement and Family Reunification Efforts
Primary:	The Honorable Mazie Hirono
Committee:	JUDICIARY (SENATE)

Question: At the hearing, Senator Harris asked you about excessive out-of-pocket telephone fees that parents in ICE detention facilities are being charged. In fact, she pointed out that parents at one ICE detention facility were being charged \$0.85 a minute for a telephone call and having to clean toilets for \$1 per day.

What guidelines or directives have been given to ICE detention facilities, including those run by private companies, to ensure that they are not charging separated parents for calls with their children, legal counsel, and those caring for their children, including case managers and child welfare professionals?

Please identify which ICE detention facilities are charging separated parents for telephone calls and the rates being charged?

What specific steps is ICE taking to make sure that every parent who was separated from his or her child at the border is able to connect regularly with his or her child at no cost?

Response: In the event the parent or legal guardian is in U.S. Immigration and Customs Enforcement (ICE) custody and the child(ren) is/are in Department of Health and Human Services (HHS) Office of Refugee Resettlement (ORR) custody, the two agencies work together to establish multiple options for communication between the parent/legal guardian and the child. ICE Enforcement and Removal Operations (ERO) officers and ORR staff and contractors work together to schedule communications via telephone, Skype, or FaceTime.

During the recent court-ordered reunification process, all parents were able to place free phone calls to their children who had been separated. Parents were not charged for these calls, although the frequency of these calls depended on logistical factors, including the number of available phones and facilitators to receive calls at ORR facilities. However, if a parent chooses on their own to make additional calls to other family members, then those calls are subject to the normal phone use policy and rates. Telephone access in ICE detention is governed by the ICE detention standards applicable to the relevant facility. While the costs of telephone services in ICE detention vary by detention location, ICE notes that at ICE-run detention facilities, ICE's phone provider (Talton) has very affordable rates. ICE is unable to control phone rates at various local jails but understands that phone rates in jails for inter-state calls are capped by a Federal Communications Commission rule. However, all facilities (including those at local jails)

Question#:	41
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Hearing:	Oversight of Immigration Enforcement and Family Reunification Efforts
Primary:	The Honorable Mazie Hirono
Committee:	JUDICIARY (SENATE)

do allow ICE detainees to access the ICE pro bono platform provided by Talton, which allows for free calls to courts, consulates, and free legal service providers.

Lastly, ICE ERO notes that it has created posters in multiple languages that explain to a parent/legal guardian how to request an opportunity to communicate with his or her child. ICE ERO officers in adult detention facilities, working with ICE ERO field office juvenile coordinators, identify the HHS facility where the child is housed and coordinate with HHS for possible times for the parent/legal guardian to communicate with their child. Whenever possible, the communication is conducted via video, but at a minimum is conducted via telephone.

Question#:	42
Topic:	Connecting with Children
Hearing:	Oversight of Immigration Enforcement and Family Reunification Efforts
Primary:	The Honorable Mazie Hirono
Committee:	JUDICIARY (SENATE)

Question: How many times per week are detained parents being connected with their children by phone or video and for how long?

Response: In the event the parent or legal guardian is in U.S. Immigration and Customs Enforcement (ICE) custody and the child(ren) in Office of Refugee Resettlement (ORR) custody, the two agencies work together to establish multiple options for communication between the parent/legal guardian and the child. ICE Enforcement and Removal Operations (ERO) Officers and ORR staff and contractors will work to schedule communications via telephone, Skype, or FaceTime.

ICE ERO has created posters, in multiple languages, that explain to a parent/legal guardian how to request an opportunity to communicate with his or her child. ICE ERO Officers in adult detention facilities, working with the ICE ERO Field Office Juvenile Coordinators, identify the Department of Health and Human Services (HHS) facility where the child is housed and coordinate with HHS possible times for the parent/guardian to communicate with the child. Whenever possible, the communication is conducted via video, but at a minimum is conducted telephonically. Frequency of communication is dependent upon operational availability given that ICE and ORR must coordinate to establish said communication between parents and children.