

<b>Question#:</b>	1
<b>Topic:</b>	Manpower Directed
<b>Hearing:</b>	At the Breaking Point: The Humanitarian and Security Crisis at our Southern Border
<b>Primary:</b>	The Honorable Dianne Feinstein
<b>Committee:</b>	JUDICIARY (SENATE)

**Question:** According to CBP data, there has been a 66 percent increase in the amount of cocaine, heroin, methamphetamine, and fentanyl seized by its Office of Field Operations between fiscal years 2014 and 2018. In 2017 alone, these substances contributed to more than 70,000 deaths in the United States. Clearly these illicit narcotics pose a grave threat to our country.

What percentage of your agency's resources and manpower is directly and primarily focused on drug trafficking?

**Response:** U.S. Customs and Border Protection (CBP) is a multi-mission agency. CBP Officers (CBPOs) and CBP Agriculture Specialists perform the full range of inspection, intelligence analysis, examination, and law enforcement activities related to the arrival and departure of persons, conveyances, and merchandise at ports of entry. These enforcement activities prevent the entry of terrorists, harmful pests and diseases, illegal drugs and contraband, illegal aliens, and importations/exportations contrary to law and trade agreements from entering/exiting the United States. CBP enforce laws and regulations relating to the admissibility of people, cargo, and conveyances. In addition to its own laws and regulations, CBP enforces over 400 laws on behalf of over 40 other U.S. Government agencies.

In Fiscal Year (FY) 2019, roughly 23 percent of CBP resources were dedicated to narcotics enforcement (per CBP's input to the Office of National Drug Control Policy FY 2019 Budget).

CBP allocates resources to its ports of entry based on current and expected workload levels, to include inspecting for illicit drugs and carrying out drug seizure activities. CBP uses its Workload Staffing Model (WSM) to analyze and provide recommendations for changes to CBPO staffing requirements. This decision-support tool calculates recommended staffing levels for each port of entry based on current and projected enforcement and facilitation workload, including recognizing risk and emerging threats.

CBP applies similar approaches for allocating equipment, such as non-intrusive inspection (NII) technology. CBP bases new NII technology deployment decisions based on an assessment of field office needs (i.e., new ports, port expansions, port reconfigurations), interdiction and volume trends, port infrastructure and technology footprint, and the availability of personnel and funding resources.

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In recognition of the higher level of workload on the Southwest Border compared to the Northern Border, including significantly higher drug seizure rates, CBP has allocated staff and equipment accordingly. CBP currently has 7,049 CBPOs allocated to the Southwest Border compared to 3,910 on the Northern Border.

In FY 2018, the Southern Border seized over 250,000 pounds of marijuana, almost 2,000 pounds of cocaine and 5,000 pounds of heroin. In contrast, the Northern Border seized less than 3,000 pounds of marijuana, 5 pounds of cocaine and 1 pound of heroin. Similarly, at the end of FY2018, CBP had 118 large-scale NII systems deployed to the Southwest Border POEs compared to 57 deployed to the Northern Border POEs.

Air & Marine Operations (AMO) conducts law enforcement operations with domestic and foreign partners that target the illegal trafficking of narcotics, people and contraband across our land and maritime borders. In FY 2018, AMO conducted over 76,000 enforcement flight hours and 27,000 enforcement underway hours. These enforcement hours were 80% of all flight operations and 75% of all maritime vessel operations last year. This enforcement presence led to the seizure or disruption of over 283,000 pounds of Cocaine, 300,000 pounds of Marijuana, 328 pounds of Fentanyl, 776 pounds of Heroin, 180,000 pounds of Methamphetamine, and the apprehension of over 47,000 individuals attempting to unlawfully enter the United States. AMO is unable to break down our enforcement categories to immigration and counter-drug as AMO does not typically launch missions with a specific result in mind.

**Question:** What percentage is directly and primarily focused on immigration enforcement?

**Response:** Individuals seeking entry into the United States are inspected at POEs by CBPOs who determine their admissibility. The inspection process includes all work performed in connection with the entry of aliens and U.S. citizens into the United States, including pre-inspection performed by CBPOs deployed outside the United States. An officer is responsible for determining the nationality and identity of each individual and for preventing the entry of ineligible aliens, including criminals, terrorists, and drug traffickers, among others. Aliens are questioned and their documents are examined to determine admissibility based on the requirements of U.S. immigration law.

CBP uses its WSM to analyze and provide recommendations for CBPO staffing requirements. CBP allocates resources to its ports of entry based on current and expected workload levels, to include all activities performed by CBPOs such as counterterrorism, trade, narcotics, and immigration enforcement.

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The current WSM calculates approximately 30 percent of the total workload to be directly associated with immigration enforcement activities.

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<b>Topic:</b>	MPP
<b>Hearing:</b>	At the Breaking Point: The Humanitarian and Security Crisis at our Southern Border
<b>Primary:</b>	The Honorable Patrick J. Leahy
<b>Committee:</b>	JUDICIARY (SENATE)

**Question:** According to DHS, the Migrant Protection Protocols (MPP) are a "methodical commonsense approach" designed to address the humanitarian crisis and helping to "end the exploitation of our generous immigration laws" at the Southern Border. DHS also states that Mexico will provide people returned the country through MPP "with all appropriate humanitarian protections for the duration of their stay." However, there are allegations that people returned to Mexico are subject to unsafe conditions, violent crime, lack of medical and mental health care, and a dearth of legal representation options.

Following the recent 9th Circuit decision in *Innovation Lab v. Nielsen* allowing MPP to continue while litigation is ongoing, is DHS considering expanding the use of MPP? If so, please provide information about how any expansion will be implemented, what geographic areas the expansion is expected to cover, and any additional precautions being considered to ensure that DHS is not implementing MPP in violation of its legal obligations, including those with respect to non-refoulement.

**Response:** DHS began implementation of MPP at the San Ysidro port of entry, processing a relatively small, amenable population, and has expanded to additional locations, to include the Calexico, CA and El Paso, TX ports of entry, using a measured approach. Priority consideration has been given to locations that have sufficient infrastructure and resources to hold immigration proceedings. In addition, MPP is being implemented in locations where there is consensus with the Government of Mexico (GoM), whose primary consideration is that Mexican cities that house returned migrants have sufficient shelter and social services to provide humanitarian needs while they await immigration proceedings.

**Question:** Given reports that many asylum seekers experience violent crime while waiting in Mexico, what specific efforts are being made by DHS to ensure that conditions on the ground in Mexico are safe for people returned under MPP? Is DHS or CBP working with the Mexican government to conduct risk assessments about the safety of areas that asylum seekers are being taken to in Mexico?

**Response:** The Government of Mexico (GOM) has noted publicly that individuals under MPP "are accorded all rights and freedoms recognized in [Mexico's] Constitution, the international treaties to which Mexico is a party, and its Migration Law." In the United States-Mexico Joint Declaration reached on June 7, 2019, GOM agreed to provide employment, healthcare, and education to migrants in MPP who are waiting in Mexico. The United States cannot dictate how Mexico places migrants in shelters, etc. That would be contrary to Mexico's sovereignty. Rather, in conversations between

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governments, Mexico has consistently asserted its commitment to provide these services; the United States accepts those commitments in good faith.

**Question:** How many people claiming fear of return to Mexico have been allowed to stay in the United States?

**Response:** CBP refers anyone expressing a fear of returning to Mexico to a USCIS asylum officer for a positive fear assessment. CBP will not process those aliens assessed to be more likely than not to be persecuted as a result of a protected characteristic, or tortured if returned to Mexico, for MPP.

**Question:** Are people who have been the victims of crimes while in Mexico being allowed to stay in the United States while their asylum claims are considered?

**Response:** Anyone found amenable for MPP who affirmatively indicates a fear of being returned to Mexico to await his or her removal hearing is referred to USCIS for an assessment of the fear claim. If the alien establishes that he or she is more likely than not to be persecuted on account of a protected characteristic or tortured if returned to Mexico, USCIS will issue a positive assessment, and will provide the assessment to CBP. CBP will not process those aliens assessed to be more likely than not to be persecuted on account of a protected characteristic or tortured if returned to Mexico for MPP. However, CBP retains discretion to process the alien accordingly for any available disposition. The alien would not be processed for MPP and returned to Mexico, but would be processed (or re-processed) for any other available disposition, including expedited removal, NTA, waivers, or parole.

**Question:** Are people who have limited Spanish skills, including indigenous language speakers, being returned to Mexico under MPP?

**Response:** Aliens in the following categories are not amenable to the MPP:

- Unaccompanied alien children,
- Citizens or nationals of Mexico,
- Aliens processed for expedited removal,
- Aliens in special circumstances:
  - Returning LPRs seeking admission (subject to INA section 212)
  - Aliens with an advance parole document or in parole status
  - Aliens with known physical/mental health issues

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- Criminals or aliens with a history of violence
- Aliens who are a Government of Mexico or USG interest,
- Any alien who is more likely than not to face persecution based on a protected characteristic or torture in Mexico, or
- Other aliens at the discretion of the Port Director

Presently, there is no exception for indigenous language speakers.

**Question:** What protections are in place to ensure that people whose primary language is not Spanish are provided with appropriate language access?

**Response:** In accordance with the 2016 CBP Language Access Plan, CBP has a protocol for law enforcement personnel when limited English proficient (LEP) individuals are encountered. In instances where in-house language capabilities are not sufficient, CBP has instituted use of contract telephonic translation services. Depending on the specific languages available by a contract telephonic translation service that the CBP office has contacted, rare and indigenous languages may be available. The requirements for using translation services, if the inadmissible applicant for admission cannot understand a language spoken by the inspecting officer, is a long-standing practice regardless of whether the applicant is amenable to MPP.

<b>Question#:</b>	3
<b>Topic:</b>	Identification Documents
<b>Hearing:</b>	At the Breaking Point: The Humanitarian and Security Crisis at our Southern Border
<b>Primary:</b>	The Honorable Patrick J. Leahy
<b>Committee:</b>	JUDICIARY (SENATE)

**Question:** There have been recent reports that migrants are being returned to Mexico under the Migrant Protection Protocols without their birth certificates or other identification documents. These identity documents are presumably in the possession of U.S. government officials. Without documents, it is difficult for these people to apply for temporary Visas or obtain employment in Mexico.

Please provide all CBP policies, guidance, and training regarding the handling of migrants' identification documents under the Migrant Protection Protocols.

**Response:** CBP complies with the *National Standards on Transportation, Escort, Detention, and Search* policy (TEDS). All property is returned to aliens upon their release from CBP custody, including when aliens are released from CBP custody to return to Mexico under the MPP.

Per TEDS, documents determined to be genuine, unaltered, and issued under the proper authority to the detainee, must be returned to the detainee upon release, removal or repatriation or maintained in the detainees' personal property. Documents will not be retained based solely on apparent gender-related discrepancies in gender designations, names, or photographs, absent any other indication the document is not genuine or unaltered.

CBP has issued the Fraudulent Document Processing Directive, which states in part, "... It is the policy of CBP to remove from circulation all counterfeit, fraudulent, and altered travel documents, as well as lost or stolen travel documents presented for use by an individual other than the rightful holder, such as stolen documents and those presented by imposters."

<b>Question#:</b>	4
<b>Topic:</b>	Suspending Humanitarian Assistance
<b>Hearing:</b>	At the Breaking Point: The Humanitarian and Security Crisis at our Southern Border
<b>Primary:</b>	The Honorable Amy Klobuchar
<b>Committee:</b>	JUDICIARY (SENATE)

**Question:** In April, the President directed the State Department to suspend humanitarian assistance to Guatemala, Honduras, and El Salvador. This assistance is used in an effort to improve conditions in these countries and to help address violence, corruption, and poverty.

Is there any evidence that suggests that suspending humanitarian assistance to Guatemala, Honduras, and El Salvador will decrease the number of people from these countries who seek asylum in the United States?

**Response:** CBP defers to the U.S. Department of State (DOS) and the United States Agency for International Development (USAID) on the impact of aid funding to Guatemala, Honduras, and El Salvador.



<b>Question#:</b>	5
<b>Topic:</b>	Border Wall
<b>Hearing:</b>	At the Breaking Point: The Humanitarian and Security Crisis at our Southern Border
<b>Primary:</b>	The Honorable Mazie K. Hirono
<b>Committee:</b>	JUDICIARY (SENATE)

**Question:** You previously told NPR that the migrants currently crossing between ports of entry at the border are not trying to evade Border Patrol but are actively looking for agents to turn themselves in to seek asylum. You stated that "the wall is not going to do anything with this population."

Is that still your view?

Do you believe spending billions of dollars on a border wall will alleviate the humanitarian concerns at the border? If so, please explain how.

**Response:** Walls, fencing, barricades and other physical impediments to human passage are all well-established security tools. We see this as a force multiplier. This allows CBP to secure greater swaths of the border with fewer agents.