

LOCAL ARRANGEMENT FOR REPATRIATION OF MEXICAN NATIONALS

The Consulate General of Mexico in El Paso, Texas, hereinafter referred to as “the Consulate”, the Regional Office of the National Institute of Migration in the State of Chihuahua (INM) of the Secretariat of Governance of the United Mexican States (Mexico), hereinafter referred to as the “Mexican Participants” and the U.S. Department of Homeland Security (DHS) of the United States of America (the United States or U.S.), through U.S. Immigration and Customs Enforcement (ICE) Offices of Enforcement and Removal Operations (ERO) and Homeland Security Investigations (HSI) in El Paso, and the El Paso Field Office (OFO) and El Paso Sector Border Patrol of U.S. Customs and Border Protection (CBP), hereinafter referred to as the “DHS Participants”, all together hereinafter referred to as “the Participants”:

RECOGNIZING the obligations of Mexico and the United States set forth in the Vienna Convention on Consular Relations of April 24, 1963, of which both are Contracting Parties, and in the Consular Convention between the United Mexican States and the United States of America of August 12, 1942;

BEARING IN MIND the provisions of the Memorandum of Understanding on Consular Protection of Mexican and United States Nationals, of May 7, 1996; and the Memorandum of Understanding on Consultation Mechanisms of the Immigration and Naturalization Service Functions and Consular Protection, of June 11, 1998;

RECOGNIZING the need to regulate the flow of persons, particularly on the common border, as was reflected in the Memorandum of Understanding between the Department of Homeland Security of the United States of America and the Secretariat of Governance and the Secretariat of Foreign Affairs of the United Mexican States, on the Safe, Orderly, Dignified and Humane Repatriation of Mexican Nationals, signed on February 20, 2004 (hereinafter the MOU);

CONSIDERING that the Governments of the United States and Mexico have approached the topic of migration at the highest level, and that the Joint Declaration

“Towards a Partnership for Prosperity: The Guanajuato Proposal” addresses this issue as a matter of cooperation and shared responsibility;

CONSIDERING that in 1997 the Working Group on Migration and Consular Affairs of the Mexico-U.S. Binational Commission was established as a means of developing improved procedures for repatriating Mexican nationals in a safe, dignified and orderly way with respect to their human rights, and that this Working Group has strengthened the mutual collaboration in the subsequent sessions on those matters; and

DESIRING to establish local arrangements on the safe and orderly repatriation of Mexican nationals, as mentioned in the Plan of Action for Cooperation on Border Safety, of June 21, 2001; the U.S.-Mexico Border Partnership Action Plan, of March 22, 2002, and the U.S.-Mexico Action Plan for Cooperation on Border Safety, of February 20, 2004.

Have established the following Local Arrangement:

CRITERIA AND PROCEDURES

SECTION 1

The purpose of this Arrangement is to establish local procedures for the orderly and safe repatriation of Mexican nationals from the United States to Mexico, consistent with the criteria and principles referred to in Article 3 of the February 20, 2004 Memorandum of Understanding on the Safe, Orderly, Dignified and Humane Repatriation of Mexican Nationals (the MOU).

SECTION 2

Consistent with the MOU, repatriations from the interior, ports of entry and at the border of the United States and Mexico should be conducted in a manner that is

consistent with respect for human rights and dignity of Mexican nationals found in the United States in violation of U.S. immigration law.

SECTION 3

Under this Arrangement:

The Consulate should take appropriate actions with respect to Mexican nationals found in, detained in or repatriated from the attached list of counties based on the consular jurisdiction.

[The Regional Office of the National Institute of Migration in the State of Chihuahua should take appropriate actions with respect to Mexican nationals repatriated to the established points of repatriation.]

The following DHS offices should take appropriate actions with respect to Mexicans found in, detained in or repatriated from the area(s) of responsibility listed above.

- a) U.S. Customs and Border Protection (CBP): El Paso Field Operations (OFO) [, El Paso Sector Border Patrol (USBP)];
- b) U.S. Immigration and Customs Enforcement (ICE): ERO El Paso Field Office; HSI El Paso Special Agent in Charge (SAC) Office.

When the repatriation of a Mexican national involves areas covered by this Arrangement and one or more additional local arrangements (e.g., the individual is detained by DHS in an area covered by this arrangement and is to be repatriated at a point of repatriation covered by another local arrangement), this Arrangement applies to the actions that take place within the area covered by this Arrangement, and the other local arrangement(s) apply to the actions that take place within the area(s) covered by the other local arrangement(s).

CONSULAR NOTIFICATION AND ACCESS

SECTION 4

The DHS Participants should advise every detained Mexican national (who is not also a U.S. national) that he/she may communicate with a consular official. When a detained Mexican national requests consular access, the DHS Participants should notify the Consulate, facilitate access and provide Mexican consular officials, to the extent practicable, the opportunity to conduct interviews in private. The DHS Participants should make available to the Mexican Participants copies of applicable regulations and DHS detention standards concerning detained persons.

SECTION 5

The Participants have listed in Attachment 1 the names and titles of, and contact information for, their officials who are responsible for the delivery to, or reception of Mexican nationals, in Mexico, or for the coordination of repatriation activities.

SECTION 6

The DHS Participants should provide to the appropriate points of contact designated by the Mexican Participants in Attachment 1 the names and appropriate DHS information of Mexican nationals being directly repatriated at the ports of entry or from the borders of the United States for whom notifications have not previously been made but who are suspected of committing, or known to have committed criminal violations, in the United States or Mexico, as well as those identified as being of special interest to the Government of Mexico. Such notification should be provided in a timely manner prior to any repatriation.

Local procedures should be developed as necessary to achieve the coordinated repatriation through a mechanism developed by the appropriate officials of both countries when an individual who is suspected of committing, or known to

have committed, criminal violations has been identified as being of special interest to the Government of Mexico in response to a previous notification.

SECTION 7

The Participants should set forth the conditions for routine notification of repatriations of Mexican nationals from the interior, ports of entry, and at the border of the United States and Mexico. Notification of routine repatriations should be done in a manner consistent with logistical and operational needs.

The DHS Participants should whenever possible, consistent with logistical and operational needs, deliver to the appropriate Mexican Participants at established points of repatriation and at the time of repatriation, DHS information regarding the list of Mexican nationals to be repatriated, which includes at least name, sex, date and place of birth.

The Mexican Participants should provide appropriate officials at the established points of repatriation to receive the requested information.

SECTION 8

The Participants have established the points of repatriation, and their hours of scheduled operation and staffing, in Attachment 2. The Participants should update the Attachment whenever the points of repatriation or their hours of scheduled operation and staffing change. The Mexican Participants should make every effort to adequately staff the identified points of repatriation with appropriate local, state and/or federal entities responsible for the health, welfare and safety of Mexican nationals.

SECTION 9

The Participants have listed in Attachment 3 the points of contact to receive and/or convey information about incidents involving reported alleged misconduct, mistreatment or violations of human rights.

In regard to the solution of differences in the application or interpretation of this Arrangement, the procedures established in Articles 8 and 1 (b) of the MOU remain applicable.

INTERIOR AND BORDER COORDINATION

SECTION 10

The unity of families should be preserved during repatriation, within administrative and legal parameters. For purposes of this Arrangement, the Participants define “family” as including spouses (including common law spouses), children, siblings (brothers and sisters), parents, grandparents, aunts and uncles. When doubts about kinship between children, adolescents and adults exist, DHS participants should coordinate with the Consulate in order to safe-guard the well-being of the juveniles.

SECTION 11

The Participants should repatriate persons with special needs during daylight hours to achieve their safety. For purposes of this Arrangement, “persons with special needs” may include, but are not limited to, unaccompanied minors, the elderly, pregnant women, and individuals who are mentally or medically incapacitated. The Mexican Participants should make every effort to have the appropriate representatives receive such persons upon repatriation from the United States. Repatriation of such persons should generally be arranged in a timely manner.

SECTION 12

If additional preparation is necessary to receive an unaccompanied minor or an individual with medical, mental or other special needs, the DHS Participants should provide the information specified in Attachment 4 to the Mexican Participants.

ARRANGEMENT'S EVALUATION

SECTION 13

Based on the framework of Article 5 of the MOU, when specific circumstances warrant and if deemed feasible, the Repatriation Technical Working Group intends to explore bilateral mechanisms for repatriation of Mexican nationals to their places of origin, conforming to jointly identified principles.

The Participants may also propose special programs for consideration by the Repatriation Technical Working Group.

The Participants should develop local procedures to implement approved special programs.

SECTION 14

The Participants should meet no less than two times per year to review the Arrangement and discuss repatriation issues. The Participants should refer to the Repatriation Technical Working Group: (a) unresolved issues; (b) best practices; (c) new or emerging repatriation issues, and (d) proposed changes in, or proposed discontinuation of cooperation under the Local Repatriation Arrangement.

The local repatriation procedures should be reviewed and updated in consultation with the Repatriation Technical Working Group at least on an annual basis.

Signed in duplicate in the Spanish and English languages in El Paso, Texas on this 23rd day of February, 2016.