

**From:** (b)(6), (b)(7)(C)  
**Sent:** Tuesday, June 28, 2016 6:06 PM  
**To:**

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

**Cc:**  
**Subject:** FW: 06-28-16\_ Unaccompanied Alien Children Screening\_ 151583  
**Attachments:** 06-28-16\_ Unaccompanied Alien Children Screening\_ 151583.pdf  
**Importance:** High

All,

Please review the attached memorandum regarding screening unaccompanied alien children. As indicated in the memorandum, the following topics must be re-emphasized:

- Independent Decision-Making Ability for UAC from contiguous countries.
- Fear of return due to credible fear of prosecution/persecution; and,
- Victim of severe trafficking or credible evidence of risk of being trafficked upon

Ensure all pertinent Trafficking Victims Protection and Reauthorization Act screening information continues to be documented in the narratives of Form I-213.

Thank you!

(b)(6), (b)(7)(C)  
Patrol Agent in Charge  
Hebbronville Station

(b)(6), (b)(7)(C) Office  
Cellular

**From:** (b)(6), (b)(7)(C) On Behalf Of LRTSECURITYPOLICYCOMPLIANCE  
**Sent:** Tuesday, June 28, 2016 10:18 AM  
**To:** LRT STAFF TASKS (b)(7)(E) LRT SECTOR PROGRAM MANAGERS  
(b)(7)(E) LRT STATION COMMAND GML  
(b)(7)(E)  
**Cc:** LRT SECURITY POLICY & COMPLIANCE (b)(7)(E)  
**Subject:** 06-28-16\_ Unaccompanied Alien Children Screening\_ 151583

Good morning: (b)(6), (b)(7)(C)

Please see attached.

Thank You

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

Mission Support Specialist  
Security, Policy & Compliance  
OBP, Laredo Sector

SPC Email: (b)(7)(E)

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

SPC  
OFFICE

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(b)(7)(E)



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

JUN 28 2016

MEMORANDUM FOR: Patrol Agents in Charge and Program Managers  
Laredo Sector

FROM: Mario Martinez  
Chief Patrol Agent  
Laredo Sector

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

SUBJECT: Unaccompanied Alien Children Screening

On October 7, 2015, Michael J. Fisher, Chief, U.S. Border Patrol, issued the attached memorandum titled "Unaccompanied Alien Children Screening." Within the memorandum, he directs all Chief Patrol Agents to comply with the guidelines identified in the preceding memorandum of the same title, issued on September 18, 2015, by Customs and Border Protection (CBP) Commissioner R. Gil Kerlikowski. Therein, a report by the U.S. Government Accountability Office is noted as identifying several opportunities for improvement related to our requirements under the Trafficking Victims Protection and Reauthorization Act of 2008 (TVPRA).

As a result of the aforementioned report, a complete review and, if applicable, revision of CBP's Unaccompanied Alien Children (UAC) screening process is being conducted to assure consistency with the TVPRA. In the interim, the following topics must be re-emphasized:

- Independent Decision-Making Ability for UAC from Contiguous Countries,
- Fear of Return Due to a Credible Fear of Prosecution; and,
- Victim of Severe Trafficking or Credible Evidence of Risk of Being Trafficked Upon.

Please review your station's processing procedures and ensure all pertinent TVPRA screening findings and any other relevant information are documented on Form I-213.

Direct questions to Supervisory Border Patrol Agent (b)(6), (b)(7)(C) at (b)(6), (b)(7)(C)

Attachments

(b)(7)(E)



U.S. Customs and  
Border Protection

OCT 19 2015

MEMORANDUM FOR: Patrol Agents in Charge and Program Managers  
Laredo Sector

FROM: Mario Martinez (b)(6), (b)(7)(C)  
Chief Patrol Agent  
Laredo Sector

SUBJECT: Unaccompanied Alien Children Screening

The attached memorandum from Michael J. Fisher, Chief, U.S. Border Patrol regards the, September 18, 2015, memorandum by Commissioner R. Gil Kerlikowske, *Unaccompanied Alien Children Screening*. Within it is a directive that enhances interim guidance issued March 20, 2009, *Implementation of the William Wilberforce Trafficking Victims Protection and Reauthorization Act of 2008 (TVPRA)*.

As a result of a report released by U.S. Government Accountability Office (GAO) identifying areas of improvement within the UAC screening process, the following points must be re-emphasized:

- Independent Decision-Making Ability for UAC from Contiguous Countries
- Fear of Return Due to a Credible Fear of Prosecution
- Victim of Severe Trafficking or Credible Evidence of Risk of Being Trafficked Upon Return

Ensure to review the attached, *Unaccompanied Alien Children Screening*, processing procedures with all agents and supervisors. Documentation of pertinent TVPRA screening findings and any other relevant information are to be annotated on Form I-213.

Direct questions to Assistant Chief Patrol Agent (b)(6), (b)(7)(C) at (b)(6), (b)(7)(C)

Attachments

(b)(7)(E)

OCT 07 2015



U.S. Customs and  
Border Protection

MEMORANDUM FOR: All Chief Patrol Agents  
All Directorate Chiefs  
All Directorate ~~Executive Directors~~

FROM:

Michael J. Fisher  
Chief  
U.S. Border Patrol

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

SUBJECT: Unaccompanied Alien Children Screening

On September 18, 2015, Commissioner R. Gil Kerlikowske issued the attached memorandum, *Unaccompanied Alien Children (UAC) Screening*. The directive within it provides enhancements to interim guidance issued March 20, 2009, *Implementation of the William Wilberforce Trafficking Victims Protection and Reauthorization Act of 2008 (TVPRA)*.

The U.S. Government Accountability Office (GAO) recently released a report in which CBP can improve upon existing practices regarding the screening process of UACs. To ensure consistency throughout all sectors, the following points must be re-emphasized:

- Independent Decision-Making Ability for UAC from Contiguous Countries
  - The age of a UAC must be considered relative to his or her ability to make an independent decision.
  - UAC's intelligence, education level, mental state, and other factors also should be considered at the time of processing.
- Fear of Return Due to a Credible Fear of Persecution
  - Agents must be alert to identify factors indicating a fear is likely to exist.
- Victim of Severe Trafficking or Credible Evidence of Risk of Being Trafficked Upon Return
  - Agents must use their training and experience, as well as CBP Form 93, to be able to assess indicators of trafficking victimization.

Chief Patrol Agents should review processing procedures within their sectors to ensure that Border Patrol agents document pertinent TVPRA screening findings and any other relevant information on Form I-213.

Direct questions to Associate Chief (b)(6), (b)(7)(C) in the Law Enforcement Operations Directorate at (b)(6), (b)(7)(C) or Assistant Chief (b)(6), (b)(7)(C) at (b)(6), (b)(7)(C)

Attachment



U.S. Customs and  
Border Protection

SEP 18 2015

MEMORANDUM FOR: See Distribution

FROM: R. Gil Kerlikowske  
Commissioner

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

SUBJECT: Unaccompanied Alien Children Screening

In the summer of 2014, an unprecedented number of Unaccompanied Alien Children (UAC) and families crossed the Southwest border. The men and women of U.S. Customs and Border Protection (CBP) worked tirelessly, compassionately, and with pride and professionalism to respond to the influx. Your dedication and innovation led the whole of government surging in response, and led to a multitude of process improvements that are now standardized practices. This policy memorandum enhances these efforts and allows for the continued maturation of our screening methods for UAC.

Recently, the U.S. Government Accountability Office issued a report examining, among other things, the Department of Homeland Security's ability to screen UAC in accordance with the Trafficking Victims Protection Reauthorization Act (TVPRA). The report identifies several opportunities for improvement related to our requirements under the TVPRA.

To capitalize on those opportunities, I have directed that the Office of Policy and Planning create a Screening Working Group which will review and, if appropriate, revise CBP's current process of screening UACs consistent with the TVPRA. The screening should assess: a UAC's ability to make independent decisions; whether the UAC has a fear of return due to a credible fear of persecution; and whether the UAC is a victim of a severe form of human trafficking or is at risk of being trafficked if he/she is returned. This group will be informed by selected subject matter experts from the field as well as through benchmarking and information gathering efforts at the headquarters level. Until this work is completed, and in addition to CBP's current screening process, I am providing you more specific guidelines under the TVPRA and other CBP policies.

Specifically, based on the information available at the time of screening while the UAC is in CBP custody, I am directing that all components ensure CBP agents and officers act in a manner consistent with the guidelines taken from the TVPRA, including those listed below:

- Independent Decision-Making Ability for UAC from Contiguous Countries
  - The age of a UAC must be considered relative to his/her ability to make an independent decision.
  - Other factors should be considered including, but not limited to: the UAC's intelligence, education level, familiarity with the immigration process, and physical and mental state at the time of processing.

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**LAW ENFORCEMENT SENSITIVE**

- To the extent it is identified by agents/officers, consider a UAC's (b)(7)(E) (b)(7)(E) its impact on a UAC's ability to make an independent decision.
- (b)(7)(E)
- **Fear of Return Due to a Credible Fear of Persecution**
  - Removal proceedings under Section 240 of the INA must be initiated if a UAC indicates a fear, whether verbally or non-verbally, (b)(7)(E) (b)(7)(E)
  - While CBP conducts the initial UAC screening, validity of claims of credible fear are decided by United States Citizenship and Immigration Services.
- **Victim of Severe Trafficking or Credible Evidence of Risk of Being Trafficked Upon Return:**
  - Agents/Officers must use their training and experience as well as the trafficking questions on the current version of CBP Form 93 to assess indicators of past, current, or future trafficking victimization.
  - A UAC who indicates a risk of trafficking, or who has been a victim of a severe form of trafficking in persons, must be put into removal proceedings under Section 240 of the INA.
- **Documentation**
  - Agents/Officers must consistently and accurately document the above factors and any other relevant considerations on the Form I-213.

Finally, I appreciate your continued efforts to safeguard our borders while upholding our duty to protect the children in our custody.

This memorandum does not create or confer any right or benefit, substantive or procedural, enforceable by any third party against the United States, or the officers, employees, agents, or associated personnel thereof. Nothing in this document is intended to restrict the authority to act as provided by law, statute, or regulation or to restrict any agency from enforcing any laws within its authority or jurisdiction.

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**From:** (b)(6), (b)(7)(C)  
**Sent:** Wednesday, August 23, 2017 4:42 PM  
**To:** (b)(6), (b)(7)(C)  
**Cc:**  
**Subject:** UACs

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

We received a complaint today via sector by the Mexican Consulate regarding a 12 year old Mex UAC who was processed last night between Eves and Mids. The processing agent is a Mid agent. Long story short, an attorney is calling alleging that the juvenile claimed fear and requested asylum but was processed as a V/R instead. According to the agents involved, the mother of the UAC resides in the US and was contacted. While they state that at no time did the mother or UAC claim fear or request asylum, it appears that we didn't go over the options of a V/R or placement with the mother. Given the fact that the UAC is 12, that should have happened. We are currently waiting on a path forward which may include reprocessing the UAC. Please cover this with your unit. We must consider whether UACs are capable of making the decision on their own and address to whom we intend to repatriate a UAC if the parent is in the US. We also need to go over the options with the parent or legal guardian and get the Juvenile Coordinator involved in cases like this.

After discussing this with your unit, if there are any details we're missing, please let us know. I have already discussed this with (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C).

V/R,

(b)(6), (b)(7)(C)  
Patrol Agent in Charge  
Hebbronville Station

(b)(6), (b)(7)(C) Office  
Cellular

*This message contains information intended only for the addressee named above. If you believe you have received this email in error, please notify the sender immediately.*