

**Southwest Border Prosecutions**  
**El Paso Sector**  
**May 4, 2018**

**Objective:**

- Achieve increased level of Border Security in the El Paso Sector (EPT) area of responsibility (AOR) through consistent application of all legal authorities via consequence delivery.

**Key Messages:** This effort is not new. Each day, those that violate our immigration laws are referred for prosecution. In order to ensure the sovereignty of our Nation and secure our borders, the Department of Justice (DOJ) and the Department of Homeland Security are maximizing their capabilities to deliver the appropriate consequences to violators. In order to break the cycle of those who seek to enter unlawfully, all amenable adults who violate 8 U.S.C. § 1325(a) will be referred for prosecution. This includes those adults who are accompanying children. We will not exempt adults who engage in this criminal activity, including those who choose to put their children in harm's way by crossing the border between the ports of entry.

**Execution:**

EPT, under the direction of the Chief Patrol Agent (CPA), will implement (b) (7)(E)

(b) (7)(E)

- Currently, EPT already presents for prosecution all single adults who are amenable to prosecution under 8 U.S.C. § 1325(a). (b) (7)(E)

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- EPT has historical success in prosecuting all amenable 8 U.S.C. § 1325(a) cases. As a result, both districts have built their capacity to facilitate the expected increase in prosecutions.
- Commencing May 5, 2018, EPT will begin processing all adults who are amenable for prosecution under 8 U.S.C. § 1325(a). This includes adults who are part of family units. The only limiting factors that would prevent prosecution are as follows:

➤ (b) (7)(E)  
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- EPT has already notified their DOJ and Immigration and Customs Enforcement (ICE) partners of the initiative.

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- **(b) (7)(E)**
- The CPA will consider DOJ requests for Sector resources to support increased prosecutions on a case-by-case basis, in coordination with Headquarters LEOD. All requests for Chief Counsel resources will be referred to the Office of Chief Counsel.
  - The Las Cruces, New Mexico Assistant United States Attorney's Office (AUSA) has already received a Special Assistant United States Attorney (SAUSA) to assist with caseload.
- The CPA will maintain current operations with respect to enforcement activities and prosecutions.
- All aliens referred for prosecution within each sector will be entered into the **(b) (7)(E)** module, with reasons for declinations recorded accurately.

- **(b) (7)(E)**

**Prosecution Priorities in the following order:**

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

**Reporting Requirements: (weekly statistics)**

- Report requests from U.S. Attorney or U.S. Marshal's Offices for CBP resources to assist with implementation.
- Report the number of apprehensions in the sector.
- Report the total number of prosecution referrals by sector for each priority throughout sector.
- Report the percentage of referred prosecutions for each priority.
- Report the percentage of declinations for each priority sub-categorized by reason.
- Report the total number of non-referred (for prosecution) by priority sub-categorized by reason.
- Any requests for reporting of prosecutions by SAUSAs from the Office of Chief Counsel, or reporting on Chief Counsel SAUSA resources, will be referred to the Office of Chief Counsel.

**Metrics:**

- Total number of prosecutions – increase or decrease
- Total number of apprehensions in relation to increase/decrease of prosecutions

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- Demographic shift of aliens entering illegally
  - Number of OTMs entering illegally
  - Number of family units entering illegally
- Increase/decrease in presentations at the ports of entry

**Execution Timeline:**

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