

**From:** FLANAGAN, PATRICK S  
**Sent:** Monday, February 20, 2017 4:47 PM  
**To:** MCALEENAN, KEVIN K  
**Subject:** FW: Implementation Plan - Revised EO  
**Attachments:** CBP EO Implementation Plan (v4\_02202017).docx

Sir

Updates below.

1. Field guidance memos on stand by.
2. Team reviewed new Q&A.
3. Team is now shifted to the revised EO implementation plan.

4. (b)(7)(E)

Those were the five meter targets for today.

V/R  
Patrick

---

**From:** (b)(6), (b)(7)(C)  
**Sent:** Monday, February 20, 2017 9:43:16 PM  
**To:** (b)(6), (b)(7)(C)  
**Cc:** FLANAGAN, PATRICK S  
**Subject:** RE: Implementation Plan - Revised EO

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

Please find the updated Implementation Plan attached. I have maintained some of the explanatory comments for your awareness.

This plan should reflect the EO text as of this morning (before the noon call) and keeps the strong caveat that any changes to the EO will have to be reflected in the Implementation Plan.

OPA and OCA have drafted additional expected FAQs and drafted responses to the best of their ability – understanding that we may not be able to use these answers as drafted. OPA has also separated the questions out by public posting and just in case questions.

Thank you again for the iterative review (apologies if I have missed any of your prior edits, this document has been through a lot today)! Let me know if you have any questions.

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

(b)(6), (b)(7)(C) U.S. Customs and Border Protection (b)(6), (b)(7)(C)

**From:** (b)(6), (b)(7)(C)  
**Sent:** Monday, February 20, 2017 3:07 PM  
**To:** (b)(6), (b)(7)(C)  
 (b)(6), (b)(7)(C) HOFFMAN, TODD A  
 (b)(6), (b)(7)(C) HUTTON, JAMES R (b)(6), (b)(7)(C) FRIEL, MICHAEL J  
 (b)(6), (b)(7)(C) LOWRY, KIM M (b)(6), (b)(7)(C)  
 (b)(6), (b)(7)(C)  
**Cc:** (b)(6), (b)(7)(C)  
 (b)(6), (b)(7)(C) FLANAGAN, PATRICK S (b)(6), (b)(7)(C)  
**Subject:** RE: Implementation Plan - Revised EO

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

Just a few additional, minor edits building off of the latest version (b)(6), (b)(7)(C) OPA) sent directly below.

Thank you,

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

**From:** (b)(6), (b)(7)(C)  
**Sent:** Monday, February 20, 2017 2:17 PM  
**To:** (b)(6), (b)(7)(C)  
 (b)(6), (b)(7)(C) HOFFMAN, TODD A (b)(6), (b)(7)(C) HUTTON, JAMES R  
 (b)(6), (b)(7)(C) FRIEL, MICHAEL J (b)(6), (b)(7)(C) LOWRY, KIM M  
 (b)(6), (b)(7)(C)  
**Cc:** (b)(6), (b)(7)(C)  
 (b)(6), (b)(7)(C) FLANAGAN, PATRICK S (b)(6), (b)(7)(C)  
**Subject:** RE: Implementation Plan - Revised EO

Good afternoon,

OPA edits are attached. I added the questions suggested by AC Lowry, but was not able to provide answers for all of them.

I also tried to break out the questions for those we would post on CBP.gov and those that would be provided on an if/asked basis or to Congress.

Please let me know if you have any questions.

Thanks!

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

(b)(6), (b)(7)(C)  
 Office of Public Affairs  
 U.S. Customs and Border Protection  
 Office: (b)(6), (b)(7)(C) Cell: (b)(6), (b)(7)(C)



**From:** (b)(6), (b)(7)(C)  
**Sent:** Monday, February 20, 2017 12:24 PM  
**To:** (b)(6), (b)(7)(C) HOFFMAN, TODD A

(b)(6), (b)(7)(C) HUTTON, JAMES R; (b)(6), (b)(7)(C) FRIEL, MICHAEL J  
 (b)(6), (b)(7)(C) LOWRY, KIM M; (b)(6), (b)(7)(C)  
**(b)(6), (b)(7)(C)**  
 Cc: (b)(6), (b)(7)(C)  
 (b)(6), (b)(7)(C) FLANAGAN, PATRICK S; (b)(6), (b)(7)(C)  
**Subject:** Implementation Plan - Revised EO

All,

Please find the updated Implementation Plan (with edits/comments adjudicated) attached. Please provide any additional comments/edits or clearance by 3:00pm EST today.

Once all edits/comments are received from OFO, OCA, and OPA, I will provide the final document for OCC review.

Thank you and appreciate your reviewing this document in its multiple iterations.

Best,

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

(b)(6), (b)(7)(C) | U.S. Customs and Border Protection | (b)(6), (b)(7)(C)

---

**From:** (b)(6), (b)(7)(C)  
**Sent:** Monday, February 20, 2017 11:27 AM  
**To:** (b)(6), (b)(7)(C) FLANAGAN, PATRICK S; (b)(6), (b)(7)(C) HOFFMAN, TODD A; (b)(6), (b)(7)(C) HUTTON, JAMES R; (b)(6), (b)(7)(C) FRIEL, MICHAEL J; (b)(6), (b)(7)(C) LOWRY, KIM M  
**(b)(6), (b)(7)(C)**  
**Cc:** (b)(6), (b)(7)(C)  
**Subject:** RE: Revised EO for Review

All;

Please find adjudication of OCC comments and OFO edits attached for your review.

Respectfully,

(b)(6), (b)(7)(C)  
 (A)Director  
 Enforcement Programs  
 Washington, DC, 20229  
 Desk: (b)(6), (b)(7)(C)  
 BB: (b)(6), (b)(7)(C)  
 Email: (b)(6), (b)(7)(C)

**WARNING:** This document is LAW ENFORCEMENT SENSITIVE and is designated for OFFICIAL USE ONLY.  
 It contains information that may be exempt from public release under the Freedom of Information Act (5USC552). This document is to be controlled, handled, transmitted, distributed, and disposed of in accordance



with DHS policy relating to FOUO information, and is not to be released to the public or personnel who do not have a valid "need-to-know" without prior approval from CBPs Office of Field Operations.

**From:** (b)(6), (b)(7)(C)  
**Sent:** Monday, February 20, 2017 9:56 AM  
**To:** (b)(6), (b)(7)(C) FLANAGAN, PATRICK S (b)(6), (b)(7)(C) HOFFMAN, TODD A (b)(6), (b)(7)(C) HUTTON, JAMES R (b)(6), (b)(7)(C) FRIEL, MICHAEL J (b)(6), (b)(7)(C) LOWRY, KIM M (b)(6), (b)(7)(C)  
**Cc:** (b)(6), (b)(7)(C)  
**Subject:** RE: Revised EO for Review

Here is my best attempt on the Implementation Plan.

(b)(6), (b)(7)(C)  
 Deputy Associate Chief Counsel  
 Office of Chief Counsel  
 U.S. Customs and Border Protection  
 (office)  
 (b)(6), (b)(7)(C) (cell)

**From:** (b)(6), (b)(7)(C)  
**Sent:** Monday, February 20, 2017 3:51 AM  
**To:** FLANAGAN, PATRICK S (b)(6), (b)(7)(C) HOFFMAN, TODD A (b)(6), (b)(7)(C) HUTTON, JAMES R (b)(6), (b)(7)(C) FRIEL, MICHAEL J (b)(6), (b)(7)(C) LOWRY, KIM M (b)(6), (b)(7)(C) JENNIFER L (b)(6), (b)(7)(C)  
**Cc:** (b)(6), (b)(7)(C)  
**Subject:** RE: Revised EO for Review

All,  
 For ease of reference and consolidation I have attached the draft EO (with a few formatting edits) and the draft Implementation Plan here for your review.

Implementation Plan – I have included all of the FAQs including those we drafted on Friday; however, please delete as you deem necessary.

Best,  
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(b)(6), (b)(7)(C) U.S. Customs and Border Protection (b)(6), (b)(7)(C)

**From:** FLANAGAN, PATRICK S  
**Sent:** Sunday, February 19, 2017 11:03 PM  
**To:** HOFFMAN, TODD A (b)(6), (b)(7)(C) HUTTON, JAMES R (b)(6), (b)(7)(C) FRIEL, MICHAEL J (b)(6), (b)(7)(C) LOWRY, KIM M (b)(6), (b)(7)(C)  
 (b)(6), (b)(7)(C)



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

Cc: (b)(6), (b)(7)(C)

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

Subject: RE: Revised EO for Review

Please note the draft remains close hold. Please include counsel on all emails.

Thank you.

V/R  
Patrick

---

**From:** FLANAGAN, PATRICK S  
**Sent:** Monday, February 20, 2017 3:55:20 AM  
**To:** HOFFMAN, TODD A; HUTTON, JAMES R; FRIEL, MICHAEL J; LOWRY, KIM M; (b)(6), (b)(7)(C)  
(b)(6), (b)(7)(C)  
**Cc:** (b)(6), (b)(7)(C)  
**Subject:** Revised EO for Review

Team

Please see attached a draft revised EO.

C1 has request your review by 1100 (b)(6), (b)(7)(C) will consolidate any significant edits.

**(b)(5), (b)(6), (b)(7)(C)**

OFO please update implementation plan accordingly.

Thank you and appreciate everyone's hard work over the weekend and holiday.

V/R  
Patrick

**(b)(5)**

**(b)(5)**



**(b)(5)**

**(b)(5)**

**(b)(5)**



**(b)(5)**

**(b)(5)**

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(b)(6), (b)(7)(C) U.S. Customs and Border Protection (b)(6), (b)(7)(C)

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 Office: (b)(6), (b)(7)(C) Cell: (b)(6), (b)(7)(C)




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 Deputy Associate Chief Counsel  
 Office of Chief Counsel  
 U.S. Customs and Border Protection  
 (office)  
 (b)(6), (b)(7)(C) (cell)



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(b)(6), (b)(7)(C) U.S. Customs and Border Protection (b)(6), (b)(7)(C)

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**To:** HOFFMAN, TODD A; (b)(6), (b)(7)(C) HUTTON, JAMES R; (b)(6), (b)(7)(C)  
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**Cc:** (b)(6), (b)(7)(C)  
**Subject:** Revised EO for Review

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Patrick

**(b)(5)**



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**(b)(5)**

**From:** (b)(6), (b)(7)(C)  
**Sent:** Wednesday, February 15, 2017 12:59 PM  
**To:** (b)(6), (b)(7)(C)  
**Subject:** RE: PASS ID (b)(6), (b)(7)(C)

Please revoke this one

(b)(6), (b)(7)(C)  
Supervisory CBPO (Program Manager)  
U. S. Customs and Border Protection  
OFO/ Trusted Traveler Programs  
Washington, D.C.

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

---

**From:** (b)(6), (b)(7)(C)  
**Sent:** Wednesday, February 15, 2017 8:34 AM  
**To:** (b)(6), (b)(7)(C) >  
**Subject:** PASS ID (b)(6), (b)(7)(C)

Good morning sir,

Please take a look at this application. The arrest is a misdemeanor 2016 DWI, DISPOSITON: Held?? I did not find any other adjudication on this case.

Cordially,

(b)(6), (b)(7)(C)  
U. S. Customs and Border Protection  
Office of Field Operations  
Program Manager  
Trusted Traveler Program

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

**From:** (b)(6), (b)(7)(C)  
**Sent:** Monday, February 27, 2017 1:26 PM  
**To:** (b)(6), (b)(7)(C)  
**Subject:** RE: Scanned on Bizhub from NovaCopy.

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

The revocation of your Global Entry has no effect on your TSA Precheck if you **directly applied and enrolled with TSA**. However, if you did not directly apply with TSA to get Precheck and you only received that benefit because of your Global Entry membership, then you will not receive TSA Precheck anymore.

You could reapply to Global Entry for another \$100 but you will most likely be denial again because the initial denial was never addressed by the CBP Ombudsman. I feel your best course of action is to write to the Ombudsman for reconsideration and that does not cost you anymore money.

Regards.

(b)(6), (b)(7)(C)  
Program Manager  
Trusted Traveler Programs  
Office of Field Operations  
US Customs & Border Protection

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

**From:** (b)(6), (b)(7)(C)  
**Sent:** Monday, February 27, 2017 12:53 PM  
**To:** (b)(6), (b)(7)(C)  
**Subject:** RE: Scanned on Bizhub from NovaCopy.

Is my pre check still active? Also can I reapply for global entry?

On Feb 27, 2017 11:31 AM, (b)(6), (b)(7)(C) wrote:

Good afternoon (b)(6), (b)(7)(C)

I received the documents you provided and have attached to your Global Entry account. Upon further review, you do not meet standard requirements based on (b)(6), (b)(7)(C) DRVNG W/SUSPEND OR REVOKED LICENSE ACT 549 misdemeanor arrest and (b)(6), (b)(7)(C) misdemeanor conviction. I have attached and highlighted the section of your documents which lead me to your Global Entry revocation. If you believe your application was denied/revoked in error, you will need to write to the CBP Ombudsman for a reconsideration request. The CBP Ombudsman office is the only way a denied/revoked application could be granted discretion and overturned. Below is the CBP Ombudsman information:

U.S. Customs and Border Protection

PO BOX 946

Williston, VT 05495

Attention: CBP Ombudsman

Email: [CBPVC@cbp.dhs.gov](mailto:CBPVC@cbp.dhs.gov)

Regards,

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

Program Manager

Trusted Traveler Programs

Office of Field Operations

US Customs & Border Protection

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

**From:** (b)(6), (b)(7)(C) (b)(6), (b)(7)(C)

**Sent:** Friday, February 24, 2017 12:36 PM

**To:** N (b)(6), (b)(7)(C)

**Subject:** Fwd: Scanned on Bizhub from NovaCopy.

----- Forwarded message -----

**From:** (b)(6), (b)(7)(C)

**Date:** Feb 24, 2017 11:27 AM

**Subject:** Scanned on Bizhub from NovaCopy.

**To:** <(b)(6), (b)(7)(C)>

**Cc:**

The attached document was scanned on a (b)(6), (b)(7)(C) Bizhub from NovaCopy. Please do not reply to this address.

---

**From:** (b)(6), (b)(7)(C)  
**Sent:** Wednesday, February 01, 2017 8:52 AM  
**To:** (b)(6), (b)(7)(C)  
**Subject:** FW: Executive Order comments

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**From:** (b)(6), (b)(7)(C)  
**Sent:** Tuesday, January 31, 2017 4:30 PM  
**To:** (b)(6), (b)(7)(C)  
**Subject:** Executive Order comments

**Internal comments:**

Please reference the 1/27/2017 Executive Order regarding citizen of Iran, Iraq, Libya, Somalia, Sudan, Syria and Yemen.  
Status Revoked

**External comment must be the generic:**

You do not meet program eligibility requirements.

(b)(6), (b)(7)(C)  
Program Manager  
Trusted Traveler Programs  
Office of Field Operations  
US Customs & Border Protection  
Work: (b)(6), (b)(7)(C)  
Mobile: (b)(6), (b)(7)(C)

---

**From:** (b)(6), (b)(7)(C)  
**Sent:** Saturday, March 04, 2017 5:17 PM  
**To:** MCALEENAN, KEVIN K  
**Subject:** EO Fact Sheet and Q&A  
**Attachments:** Fact Sheet 03032017 (CBP Update 03042017\_clean).docx; Fact Sheet 03032017 (CBP Update 03042017).docx; QA 03032017 (CBP Updated 03042017\_clean).docx; QA 03032017 (CBP Updated 03042017).docx

Sir,

Please find CBP reviewed materials for the EO rollout attached. I have included two versions of each document – track changes to the documents DHS OPA provided on 3/3/2017 and clean documents. Please note that although I worked to reconcile across documents these materials may have to be updated to reflect the final EO text.

I will also share these materials with AC Friel for transmission to DHS OPA.

Best,

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

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

Office of the Commissioner

U.S. Customs and Border Protection

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

Cell: (b)(6), (b)(7)(C)

**(b)(5)**

**(b)(5)**



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**From:** MCALEENAN, KEVIN K  
**Sent:** Tuesday, February 21, 2017 8:35 PM  
**To:** (b)(6), (b)(7)(C)  
**Subject:** FW: EO Implementation Plan - Update  
**Attachments:** CBP EO Implementation Plan (v5\_02202017).docx

**From:** (b)(6), (b)(7)(C)  
**Sent:** Monday, February 20, 2017 8:07 PM  
**To:** MCALEENAN, KEVIN K (b)(6), (b)(7)(C) FLANAGAN, PATRICK S (b)(6), (b)(7)(C)  
**Cc:** (b)(6), (b)(7)(C)  
(b)(6), (b)(7)(C)  
**Subject:** EO Implementation Plan - Update

Sir,

The team is continuing to make progress on the EO Implementation Plan (attached). I think we are now at the stage where we need final EO text to finalize. We'll continue to refine this document as we get additional guidance on the EO.

Best,

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

(b)(6), (b)(7)(C) U.S. Customs and Border Protection (b)(6), (b)(7)(C)

**From:** (b)(6), (b)(7)(C)  
**Sent:** Monday, February 20, 2017 12:04 PM  
**To:** MCALEENAN, KEVIN K (b)(6), (b)(7)(C) FLANAGAN, PATRICK S (b)(6), (b)(7)(C)  
**Cc:** (b)(6), (b)(7)(C)  
(b)(6), (b)(7)(C)  
**Subject:** RE: Revised EO draft

(b)(5) ave

Best,

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

(b)(6), (b)(7)(C) U.S. Customs and Border Protection (b)(6), (b)(7)(C)

**From:** MCALEENAN, KEVIN K

**Sent:** Monday, February 20, 2017 11:54 AM

**To:** (b)(6), (b)(7)(C) FLANAGAN, PATRICK S (b)(6), (b)(7)(C)

**Cc:** (b)(6), (b)(7)(C)

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

**Subject:** RE: Revised EO draft

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

**(b)(5)**

KM

**From:** (b)(6), (b)(7)(C)

**Sent:** Monday, February 20, 2017 11:26 AM

**To:** MCALEENAN, KEVIN K (b)(6), (b)(7)(C) FLANAGAN, PATRICK S (b)(6), (b)(7)(C)

**Cc:** (b)(6), (b)(7)(C)

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

**Subject:** RE: Revised EO draft

Sir,

Please find the consolidated CBP edits to the Revised EO attached. (b)(5)

**(b)(5)**

I have also attached the updated Implementation Plan – however, there are still pending edits so I would like to request some additional time before we provide the Implementation Plan to DHS.

Best,

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

(b)(6), (b)(7)(C) U.S. Customs and Border Protection (b)(6), (b)(7)(C)

**From:** MCALEENAN, KEVIN K

**Sent:** Sunday, February 19, 2017 10:37 PM

**To:** FLANAGAN, PATRICK S (b)(6), (b)(7)(C)

**Cc:** (b)(6), (b)(7)(C)

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

**Subject:** FW: Revised EO draft

Team,

Let's review by 1100.

Also, need to have the OCA and OPA teams update the comms materials against this version. As you can see,

**(b)(5)**

Thanks,  
KM

---

**From:** (b)(6)  
**Sent:** Sunday, February 19, 2017 9:34:38 PM  
**To:** (b)(6) Hamilton, Gene;  
MCALEENAN, KEVIN K; Glawe, David; Maher, Joseph; (b)(6), (b)(7)(C)  
**Subject:** Revised EO draft

Dear WHCO and DHS,

(b)(5)

Thanks,

(b)(6)

**(b)(5)**

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*Press Office*  
**U.S. Department of Homeland Security**

# Press Release

February 20, 2017

Contact: DHS Press Office, 202-282-8010

## **SECRETARY KELLY ISSUES IMPLEMENTATION MEMORANDA ON BORDER SECURITY AND INTERIOR ENFORCEMENT EXECUTIVE ORDERS**

WASHINGTON – Today, Secretary John Kelly issued two memoranda to the Department of Homeland Security (DHS) workforce providing further direction to implement the recent executive orders on border security and enforcement of the immigration laws.

In accordance with the Department’s commitment to be transparent with the American people, and to more effectively implement policies and practices that serve the national interest and protect the homeland, consolidated information regarding DHS operations in relation to the executive orders is available at [www.dhs.gov/executiveorders](http://www.dhs.gov/executiveorders).

###



February 20, 2017

President Trump recently signed several executive orders that affect our Department's operations and impact the execution of our mission to secure the homeland. As you have likely seen reported, the implementation of these executive orders has generated a significant amount of interest in what we do, and reinforces the importance of securing the border and enforcing our nation's laws.

Today, I have issued implementation memos regarding two of the executive orders that impact Department operations, *Border Security and Immigration Enforcement Improvements*, and *Enhancing Public Safety in the Interior of the United States*.

These implementation memoranda, along with fact sheets and Q&A documents, are available at [www.dhs.gov/executiveorders](http://www.dhs.gov/executiveorders). I will continue to keep you informed and provide substantive information to help you to successfully perform your duties. As part of this, we will ensure this page is updated early and often, as appropriate.

As we implement these executive orders to help keep the American people safe, we are and will remain in compliance with all federal court orders. As always, I ask each of you to continue to exercise your authority and responsibilities in the most respectful and professional manner.

Thank you again for your service to our great nation and for all you do to accomplish our vital missions.

Sincerely,

John F. Kelly  
Secretary of Homeland Security

*With honor and integrity, we will safeguard the American people, our homeland, and our values.*





Press Office  
U.S. Department of Homeland Security

# FACT SHEET

February 20, 2017 4:30 p.m. EST  
Contact: DHS Press Office, 202-282-8010

## **BORDER SECURITY AND IMMIGRATION ENFORCEMENT IMPROVEMENTS**

Federal immigration law both imposes the responsibility and provides the means for the federal government, in cooperation with the states, to secure the nation's borders. The purpose of Executive Order No. 13767 entitled "Border Security and Immigration Enforcement Improvements" is to direct executive departments and agencies to deploy all lawful means to secure the nation's southern border with Mexico, to prevent further illegal immigration into the United States, and to repatriate illegal aliens swiftly, consistently, and humanely.

This includes, among other provisions, establishing operational control of the border, establishing and controlling a physical barrier, detaining illegal aliens at or near the border, ending the practice of "catch and release," and returning aliens to the territory from which they came pending formal proceedings.

This order also directs the Secretary of Homeland Security to hire an additional 5,000 border agents and to empower state and local law enforcement to support federal enforcement of immigration law, to the maximum extent permitted by law, and to ensure that prosecution guidelines place a high priority on crimes having a nexus to our southern border.

### **Authorities**

This executive order and its implementation is grounded in authorities vested in the President by the Constitution and the laws of the United States of America, including the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) (INA), the Secure Fence Act of 2006 (Public Law 109 367) (Secure Fence Act), and the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Public Law 104 208 Div. C) (IIRIRA), in furtherance of the safety and territorial integrity of the United States as well as responsibilities to ensure that the nation's immigration laws are faithfully executed.

### **Actions**

- **Enforcing the law.** Under this executive order, with extremely limited exceptions, DHS will not exempt classes or categories of removal aliens from potential enforcement. All of those in violation of the immigration laws may be subject to enforcement proceedings, up to and including removal from the United States. The guidance makes clear, however, that ICE should prioritize several categories of removable aliens who have committed crimes, beginning with those convicted of a criminal offense.
- **Establishing policies regarding the apprehension and detention of aliens.** U.S. Customs and Border Protection (CBP) and U.S. Immigration and Customs Enforcement (ICE) will release aliens from custody only under limited circumstances, such as when removing them from the country, when an alien obtains an order granting relief by statute, when it is determined that the alien is a U.S. citizen, legal permanent resident, refugee, or asylee, or that the alien holds another protected status, when an arriving alien has been found to have a credible fear of persecution or torture and the alien satisfactorily establishes his identity and that he is not a security or flight risk, or when otherwise required to do so by statute or order by a competent judicial or administrative authority.
- **Hiring more CBP agents and officers.** CBP will immediately begin the process of hiring 5,000 additional Border Patrol agents, as well as 500 Air & Marine agents and officers, while ensuring consistency in training and standards.
- **Identifying and quantifying sources of aid to Mexico.** The President has directed the heads of all executive departments to identify and quantify all sources of direct and indirect federal aid or assistance to the government of Mexico. DHS will identify all sources of aid for each of the last five fiscal years.
- **Expansion of the 287(g) program in the border region.** Section 287(g) of the INA authorizes written agreements with a state or political subdivision to authorize qualified officers or employees to perform the functions of an immigration officer. Empowering state and local law enforcement agencies to assist in the enforcement of federal immigration law is critical to an effective enforcement strategy, and CBP and ICE will work with interested and eligible jurisdictions.
- **Commissioning a comprehensive study of border security.** DHS will conduct a comprehensive study of the security of the southern border (air, land, and maritime) to identify vulnerabilities and provide recommendations to enhance border security. This will include all aspects of the current border security environment, including the availability of federal and state resources to develop and implement an effective border security strategy that will achieve complete operational control of the border.
- **Constructing and funding a border wall.** DHS will immediately identify and allocate all sources of available funding for the planning, design, construction, and maintenance of a wall, including the attendant lighting, technology (including sensors), as well as patrol and access roads, and develop requirements for total ownership cost of this project.
- **Expanding expedited removal.** The DHS Secretary has the authority to apply expedited removal provisions to aliens who have not been admitted or paroled into the United States, who are inadmissible, and who have been continuously physically present in the United States for the two-year period immediately prior to the determination of their inadmissibility, so that such aliens are immediately removed unless the alien is an unaccompanied minor, intends to apply for asylum or has a fear of persecution or torture in their home country, or claims to have lawful immigration status. To date, expedited removal has been exercised only for aliens encountered within 100 air miles of the border

and 14 days of entry, and aliens who arrived in the United States by sea other than at a port of entry. The Department will publish in the *Federal Register* a new Notice Designating Aliens Subject to Expedited Removal Under Section 235(b)(1)(a)(iii) of the Immigration and Nationality Act that expands the category of aliens subject to expedited removal to the extent the DHS Secretary determines is appropriate, and CBP and ICE are directed to conform the use of expedited removal procedures to the designations made in this notice upon its publication.

- **Returning aliens to contiguous countries.** When aliens apprehended do not pose a risk of a subsequent illegal entry, returning them to the foreign contiguous territory from which they arrived, pending the outcome of removal proceedings, saves DHS detention and adjudication resources for other priority aliens. CBP and ICE personnel shall, to the extent lawful, appropriate and reasonably practicable, return such aliens to such territories pending their hearings.
- **Enhancing Asylum Referrals and Credible Fear Determinations.** U.S. Citizenship and Immigration Services (USCIS) officers will conduct credible fear interviews in a manner that allows the interviewing officer to elicit all relevant information from the alien as is necessary to make a legally sufficient determination. USCIS will also increase the operational capacity of the Fraud Detection and National Security Directorate.
- **Allocating resources and personnel to the southern border for detention of aliens and adjudication of claims.** CBP and ICE will allocate available resources to expand detention capabilities and capacities at or near the border with Mexico to the greatest extent practicable. CBP will focus on short-term detention of 72 hours or less; ICE will focus on all other detention capabilities.
- **Properly using parole authority.** Parole into the United States will be used sparingly and only in cases where, after careful consideration of the circumstances, parole is needed because of demonstrated urgent humanitarian reasons or significant public benefit. Notwithstanding other more general implementation guidance, and pending further review by the Secretary and further guidance from the Director of ICE, the ICE policy directive with respect to parole for certain arriving aliens found to have a credible fear of persecution or torture shall remain in full force and effect.
- **Processing and treatment of unaccompanied alien minors encountered at the border.** CBP, ICE, and USCIS will establish standardized review procedures to confirm that alien children who are initially determined to be unaccompanied alien children continue to fall within the statutory definition when being considered for the legal protections afforded to such children as they go through the removal process.
- **Putting into place accountability measures to protect alien children from exploitation and prevent abuses of immigration laws.** The smuggling or trafficking of alien children into the United States puts those children at grave risk of violence and sexual exploitation. CBP and ICE will ensure the proper enforcement of our immigration laws against those who facilitate such smuggling or trafficking.
- **Prioritizing criminal prosecutions for immigration offenses committed at the border.** To counter the ongoing threat to the security of the southern border, the directors of the Joint Task Forces-West, -East, and -Investigations, as well as the ICE-led Border Enforcement Security Task Forces (BESTs), are directed to plan and implement enhanced counter-network operations directed at disrupting transnational criminal organizations, focused on those involved in human smuggling.

- **Public Reporting of Border Apprehensions Data.** In order to promote transparency, CBP and ICE will develop a standardized method for public reporting of statistical data regarding aliens apprehended at or near the border for violating the immigration law.

**Transparency**

In order to be more transparent with the American people and to more effectively implement policies and practices that serve the national interest, DHS will make data on aliens apprehended at or near the southern border available to the public.



Press Office  
U.S. Department of Homeland Security

# FACT SHEET

UPDATED February 20, 2017 4:30 p.m. EST  
Contact: DHS Press Office, 202-282-8010

## ENHANCING PUBLIC SAFETY IN THE INTERIOR OF THE UNITED STATES

Interior enforcement of our nation's immigration laws is critically important to the national security and public safety of the United States. Aliens who illegally enter the United States and those who overstay or otherwise violate the terms of their visas have violated our nation's laws and can pose a threat to national security and public safety. This is particularly true for aliens who engage in criminal conduct in the United States. We are charged with faithfully executing the laws of the United States and we will not exempt classes or categories of removable aliens from potential enforcement. The Executive Order No. 13768 entitled "Enhancing Public Safety in the Interior of the United States" directs our Department and agencies to enforce the law, and we will do so professionally and humanely.

The Department of Homeland Security (DHS) will make use of all available systems and resources to enforce the law. DHS will also ensure that aliens ordered removed from the United States are promptly removed. The victims of crimes committed by removable aliens and the families of victims will also receive support from the Department.

### Authorities

The executive order and its implementation is grounded in authorities vested in the President by the Constitution and laws of the United States of America, including authority of the Immigration and Nationality Act (INA) (8 U.S.C. 1101 *et seq.*) and implements responsibilities to ensure that the nation's immigration laws are faithfully executed.

### Actions

- **Enforcing the law.** Under this executive order, with extremely limited exceptions, DHS will not exempt classes or categories of removal aliens from potential enforcement. All of those in violation of the immigration laws may be subject to enforcement proceedings, up to and including removal from the United States. The guidance makes clear, however,

that ICE should prioritize several categories of removable aliens who have committed crimes, beginning with those convicted of a criminal offense.

- **The Department's Enforcement Priorities.** Congress has defined the Department's role and responsibilities regarding the enforcement of the immigration laws of the United States. Effective immediately, and consistent with Article II, Section 3 of the U.S. Constitution and Section 3331 of Title 5, U.S. Code, Department personnel shall faithfully execute the immigration laws of the United States against all removable aliens.
- **Strengthening Programs to Facilitate the Efficient and Faithful Execution of the Immigration Laws of the United States.** Facilitating the efficient and faithful execution of the immigration laws of the United States—and prioritizing the Department's resources—requires the use of all available systems and enforcement tools by Department personnel.
- **Exercise of Prosecutorial Discretion.** Unless otherwise directed, Department personnel may initiate enforcement actions against removable aliens encountered during the performance of their official duties. Department personnel should act consistently with the President's enforcement priorities as identified in his executive order and any further guidance issued by the director of ICE, the commissioner of CBP, and the director of USCIS prioritizing the removal of particularly dangerous aliens, such as convicted felons, gang members, and drug traffickers.
- **Establishing the Victims of Immigration Crime Engagement (VOICE) Office.** The Victims of Immigration Crime Engagement (VOICE) Office within the Office of the Director of U.S. Immigration and Customs Enforcement (ICE) will create a programmatic liaison between ICE and the known victims of crimes committed by removable aliens. The liaison will facilitate engagement with the victims and their families to ensure, to the extent permitted by law, that they are provided with information about the offender, including the offender's immigration status and custody status, and that their questions and concerns regarding immigration enforcement efforts are addressed.
- **Hiring Additional ICE Officers and Agents.** To effectively enforce the immigration laws in the interior of the United States in accordance with the president's directives, additional ICE agents and officers are necessary. The director of ICE shall—while ensuring consistency in training and standards—take all appropriate action to expeditiously hire 10,000 agents and officers, as well as additional mission support and legal staff necessary to support their activities.
- **Establishment of Programs to Collect Authorized Civil Fines and Penalties.** As soon as practicable, the director of ICE, the commissioner of U.S. Customs and Border Protection (CBP), and the director of U.S. Citizenship and Immigration Services (USCIS) shall issue guidance and promulgate regulations, where required by law, to ensure the assessment and collection of all fines and penalties for which the Department is authorized under the law to assess and collect from removable aliens and from those who facilitate their unlawful presence in the United States.
- **Aligning the Department's Privacy Policies with the Law.** The Department will no longer afford Privacy Act rights and protections to persons who are neither U.S. citizens nor lawful permanent residents.
- **Collecting and Reporting Data on Alien Apprehensions and Releases.** The collection

of data regarding aliens apprehended by ICE and the disposition of their cases will assist in the development of agency performance metrics and provide transparency in the immigration enforcement mission.

- **No Private Right of Action.** This document provides only internal DHS policy guidance, which may be modified, rescinded, or superseded at any time without notice.

### **Transparency**

To promote transparency and make the public aware of the nature of the number of criminal aliens in the United States, the Secretary and the Attorney General will collect relevant data and provide quarterly reports on the immigration status of all aliens incarcerated under the supervision of the Federal Bureau of Prisons; the immigration status of all aliens incarcerated as federal pretrial detainees under the supervision of the U.S. Marshals Service; and the immigration status of all convicted aliens incarcerated in state prisons and local detention centers throughout the United States.





Press Office  
U.S. Department of Homeland Security

# Q&A

UPDATED February 20, 2017 4:30 p.m. EST  
Contact: DHS Press Office, 202-282-8010

## **DHS IMPLEMENTATION OF THE EXECUTIVE ORDER ON ENHANCING PUBLIC SAFETY IN THE INTERIOR OF THE UNITED STATES**

WASHINGTON – On February 20, 2017, Secretary John Kelly signed a memorandum implementing the president’s Executive Order No. 13768 entitled “Enhancing Public Safety in the Interior of the United States,” issued on January 25, 2017. This document is designed to answer some frequently asked questions about how the Department will operationally implement the guidance provided by the president’s order.

### **Q1: Under what authority is DHS implementing this executive order?**

A1: This executive order is being implemented under the Immigration and Nationality Act (INA), 8 U.S.C. 1101 et seq., and other immigration laws.

### **Q2: How is ICE conducting interior enforcement operations based on this executive order?**

A2: Effective immediately, ICE will direct its personnel as well as its state and local partners through the 287(g) program to apply the enforcement priorities stated in Executive Order No. 13768.

To that end, within 180 days, ICE will carry out a number of actions to implement the enforcement priorities stated in the executive order. Some of those actions include, but are not limited to, conducting targeted enforcement operations and allocating resources to work in jurisdictions with violent crime tied to gang activities.

### **Q3: Does this new memoranda substantively change the authority of immigration enforcement officers throughout DHS to exercise traditional law enforcement discretion?**

A3: DHS officers and agents maintain discretion to determine which action(s) to take against removable aliens, but they have been provided with additional prioritization guidance by the president and secretary.



**Q4: How is ICE holding recalcitrant countries responsible for their failure to cooperate with the removal of their nationals?**

A4: The Secretary of Homeland Security and Secretary of State will coordinate to impose appropriate, lawful consequences on foreign governments who refuse to accept the repatriation of their nationals. These consequences range from formal diplomatic communications to visa sanctions.

**Q5: What are ICE's priorities under this executive order?**

A5: Under this Executive Order, ICE will not exempt classes or categories of removal aliens from potential enforcement. All of those in violation of the immigration laws may be subject to immigration arrest, detention and, if found removable by final order, removal from the United States. The guidance makes clear, however, that ICE should prioritize several categories of removable aliens who have committed crime, beginning with those convicted of a criminal offence.

**Q6: What is ICE doing to support victims, and the family members of victims, of crimes committed by removable aliens?**

A6: ICE is currently identifying resources and realigning existing personnel to support and establish the Victims of Immigration Crime Engagement (VOICE) Office. ICE is in the process of drafting outreach materials for victims and families impacted by immigration crime.

**Q7: Does this focus on victims of immigration crime mean that ICE will no longer engage with NGOs and other stakeholders?**

A7: ICE will continue to engage with all stakeholders to include NGOs.

**Q8: Is it true that under this executive order, ICE has done away with priorities?**

A8: Under this Executive Order, ICE will not exempt classes or categories of removal aliens from potential enforcement. All of those present in violation of the immigration laws may be subject to immigration arrest, detention, and, if found removable by final order, removal from the United States. The guidance makes clear, however, that ICE should prioritize several categories of removable aliens who have committed crime, beginning with those convicted of a criminal offence.

**Q9: How soon will you hire the additional 10,000 employees mandated in the executive order? Will the hiring be completed all at once or in phases? Will all of the hires be law enforcement personnel?**

A9: ICE is working on implementing a hiring plan.

**Q10: Will these additional resources be solely focused on immigration enforcement?**

A10: Those hired pursuant to the President's direction under the executive order will focus on both civil and criminal immigration enforcement. Additional personnel will also be hired to carry out support functions of the executive order.

**Q11: What is the 287(g) and how will it be used by ICE?**

A11: The 287(g) program allows local law enforcement agencies to participate as an active partner in identifying criminal aliens in their custody, and placing ICE detainers on these

individuals. Removing criminal aliens from our communities produces a higher level of public safety for everyone. To strengthen the 287(g) program, ICE field leadership has begun examining local operational needs and liaising with potential 287(g) partners. Existing 287(g) applications are also undergoing an expedited review process.

**Q12: Are 287(g) officers now going to do ICE's job?**

A12: The 287(g) program, one of ICE's top partnership initiatives, enables a state and local law enforcement entity to enter into a partnership with ICE, under a joint memorandum of agreement. The state or local entity receives delegated authority for immigration enforcement within their jurisdictions.

**Q13: How will ICE and CBP engage with governors and others for the purpose of preparing to enter into agreements under 287(g)?**

A13: As part of ICE's outreach, agency personnel will discuss the 287(g) program and how interested parties can enter into a memorandum of agreement.

**Q14: When is the Priority Enforcement Program (PEP) being terminated?**

A14: ICE has terminated the Priority Enforcement Program (PEP) and restored Secure Communities, directing its personnel to take enforcement action consistent with the priorities set forth in the executive orders.

**Q15: Has the DHS Secretary reviewed all agency regulations, policies and procedures to ensure consistency with this Executive Order? If so, have any regulations, policies and/or procedures been rescinded?**

A15: ICE has terminated the Priority Enforcement Program (PEP) and restored Secure Communities, directing its personnel to take enforcement action consistent with the priorities set forth in the executive orders. ICE has also rescinded priority enforcement categories that previously exempted classes or categories of removable aliens from potential enforcement.

**Q16: Is the Secretary of Homeland Security working to develop and implement a program that ensures adequate resources are devoted to the prosecution of criminal immigration offenses in the United States?**

A16: ICE is using a three pronged approach to ensuring criminal immigration offenses are prosecuted to the fullest extent possible. First, ICE will coordinate with each U.S. Attorney's Office to revisit local prosecution threshold requirements and advocate for a lower threshold. Second, ICE developed a proposal for a National Lead Development Center to focus on immigration fraud and refer those cases to Document and Benefit Fraud Task Forces. Third, ICE will coordinate with state and local law enforcement partners to support criminal investigations involving illegal aliens engaged in fraud schemes.

**Q17: What are you doing to reduce the reach of violent crime and transnational criminal organizations?**

A17: To better target gang members responsible for violent crime and transnational criminal activities, ICE has notified field leadership to immediately assess and, if possible, realign resources to support Operation Community Shield, an international law enforcement initiative that combines Homeland Security Investigations' (HSI) expansive statutory and civil

enforcement authorities to combat the growth and proliferation of transnational criminal street gangs, prison gangs and outlaw motorcycle gangs throughout the United States. With assistance from state, local, tribal and foreign law enforcement partners, the initiative helps HSI locate, investigate, prosecute, and where applicable, immediately remove gang members from our neighborhoods and ultimately from the United States.

**Q18: What threshold of abuse of a public benefit program will render someone removable?**

A18: Those who have knowingly defrauded the government or a public benefit system will be priority enforcement targets.

**Q19: Is there any class of removable individuals in the United States that ICE will deprioritize for removal?**

A19: Under this executive order, ICE will not exempt classes or categories of removal aliens from potential enforcement. All of those in violation of the immigration laws may be subject to immigration arrest, detention and, if found removable by final order, removal from the United States.

**Q20: Does ICE still prioritize criminal enforcement priorities?**

A20: Under this executive order, ICE will not exempt classes or categories of removal aliens from potential enforcement. All of those in violation of the immigration laws may be subject to immigration arrest, detention and, if found removable by final order, removal from the United States. The guidance makes clear, however, that ICE should prioritize several categories of removable aliens who have committed crime, beginning with those convicted of a criminal offence.

**Q21: What training do immigration officers receive to make them valid determinations of who could possibly pose a risk to public safety or national security?**

A21: ICE officers and agents as well as state and local 287(g) officers are trained to enforce immigration laws both in civil and criminal environments. All of those in violation of immigration law are subject to immigration arrest, detention and, if found removable by final order, removal from the United States.

**Q22: Do these memoranda affect recipients of Deferred Action for Childhood Arrivals (DACA)?**

A22: No.



*Press Office*  
**U.S. Department of Homeland Security**

# Q&A

February 20, 2017 4:00 p.m. EST  
Contact: DHS Press Office, 202-282-8010

## **DHS IMPLEMENTATION OF THE EXECUTIVE ORDER ON BORDER SECURITY AND IMMIGRATION ENFORCEMENT**

WASHINGTON – On February 20, 2017, Secretary John Kelly signed a memorandum implementing the president’s Executive Order entitled “Border Security and Immigration Enforcement Improvements,” issued on January 25, 2017. This document is designed to answer some frequently asked questions about how the Department will operationally implement the guidance provided by the president’s order.

### **Q1. What is CBP currently doing as part of the construction of the wall?**

**A1.** CBP is taking immediate action in response to the president’s executive order. We have identified locations near El Paso, Texas, Tucson, Arizona, and El Centro, California, where we will build a wall in areas where the fence or old brittle landing-mat fencing are no longer effective.

The Border Patrol is also in the midst of an operational assessment, which will identify priority areas where CBP can build a wall or similar physical barrier on the border where it currently does not exist.

### **Q2. What does this assessment include?**

**A2.** CBP is considering the following factors:

- The current state of southern border security
- All geophysical and topographical aspects of the southern border
- The availability of federal and state resources necessary to achieve operational control of the southern border

This analysis will inform DHS’s strategy to obtain and maintain operational control of the southern border.

**Q3. How long will this assessment take?**

A3. The executive order directs DHS to produce a comprehensive study of the security of the southern border within 180 days. However, the Border Patrol's operational assessment should be completed well before the deadline.

**Q4. Where will the initial construction be located?**

A4. As noted above, initial construction of new infrastructure will focus on locations near El Paso, Texas, El Centro, California, and in Southern Arizona.

**Q5. Will the new wall be uniform in design, scope, and function?**

A5: The Border Patrol is in the midst of an assessment of the southern border to identify operational requirements to inform wall design decisions.

**Q6. Do you have the funds to construct the wall?**

A6. CBP has identified funding to begin immediate construction and is working with the Administration in these efforts.

**Q7: Does the Alternatives to Detention program fall under the umbrella of “catch and release” policies being abolished?**

A7: No. The use of Alternatives to Detention, including the use of ankle monitors, will continue on a case-by-case basis at the discretion of the officers on the ground.

**Q8: What are ICE's priorities under this executive order?**

A8: Under the executive order, ICE will not exempt classes or categories of removable aliens from potential enforcement. All of those in violation of immigration law may be subject to immigration arrest, detention and, if found removable by final order, removal from the United States. ICE and CBP priorities are realigned consistent with those set forth in section 5 of Executive Order 13768.

**Q9: Will ICE deport people for driving without a license, since it's often an immigration-related issue?**

A9: All of those in violation of immigration law may be subject to immigration arrest, detention and, if found removable by final order, removal from the United States.

**Q10: What is the new goal for ICE's detention capacity?**

A10: Although detention space may be limited at times, ICE is committed to arresting and processing all removable aliens. ICE agents and officers will make individualized custody determinations in every case, prioritizing detention resources on aliens subject to expedited removal and aliens removable on any criminal ground, national security or related ground or for fraud or material misrepresentation.

**Q11: What is ICE planning in terms of obtaining additional detention centers or bed space? Have any contracts or RFPs yet been drafted? How long will it take to obtain additional bed space? How much will it cost per bed/day? Where will they be located?**

A11: Following the issue of this order, ICE has already increased its detention capacity by approximately 1,100 beds.

To support the further need for increased detention capacity, particularly along the Southwest Border, ICE is currently defining contracting requirements. A list of potential detention locations is under review, which would supply additional beds.

**Q12: Will ICE still be hiring the 10,000 officers called for in the executive orders?**

A12: ICE is currently developing a hiring plan.

**Q13: What is the 287(g) program and how will it be used by ICE?**

A13: The 287(g) program allows local law enforcement agencies to participate as an active partner in identifying criminal aliens in their custody, and placing ICE detainers on these individuals. Removing criminal aliens from our communities produces a higher level of public safety for everyone. To strengthen the 287(g) program, ICE field leadership has begun examining local operational needs and liaising with potential 287(g) partners and will collaborate with CBP in these efforts. Existing 287(g) applications are also undergoing an expedited review process.

**Q14: Are 287(g) officers now going to do ICE's job?**

A14: The 287(g) program, one of ICE's top partnership initiatives, enables state and local law enforcement agencies to enter into a partnership with ICE, under a joint memorandum of agreement. The state or local entity receives delegated authority for immigration enforcement within their jurisdictions.

**Q15: When will 287(g) task force agreements be available to local jurisdictions? Will these new task force agreements be modeled after the previously cancelled task force model?**

A15: ICE and CBP is developing a strategy to further expand the 287(g) Program, to include types of 287(g) programs, locations, and recruitment strategies. To strengthen the 287(g) Program, ICE field leadership has begun examining local operational needs and liaising with potential 287(g) partners and will collaborate with CBP in these efforts. Existing 287(g) applications are also undergoing an expedited review process. To support the training needed for existing and new 287(g) partners, ICE is updating the 287(g) training curriculum.

**Q16: How will ICE accommodate an immigration judge in each of its facilities? How about asylum officers?**

A16: ICE is working with the Department of Justice Executive Office for Immigration Review and U.S. Citizenship and Immigration Services to review current procedures and resources in order to identify efficiencies and best practices to improve the system. Most dedicated detention facilities already house immigration courts and have enough space to accommodate asylum officers. ICE is also seeking to increase the use of technology, mainly through the use of video conferencing, in locations with insufficient space or staffing.

**Q17: What are you doing to reduce the reach of violent crime and transnational criminal organizations?**

A17: To better target gang members responsible for violent crime and transnational criminal activities, ICE has notified field leadership to immediately assess and, if possible, realign resources to support Operation Community Shield.

**Q18: Could USCIS customers be affected by the policies on the detention of aliens seeking admission pending a final determination of their inadmissibility and deportability, including eligibility for immigration relief?**

A18: The policies are consistent with INA provisions that mandate the detention of certain aliens seeking admission and allow for the exercise of discretionary parole authority only on a case-by-case basis, and only for urgent humanitarian reasons or significant public benefit.

**Q19: The Secretary's memorandum outlines certain situations where CBP and ICE may release an alien detained under section 235(b) of the INA, who was apprehended or encountered after illegally entering or attempting to illegally enter the United States. One of the situations is where the alien obtains an administratively final order granting relief or protection from removal or DHS determines that the individual is a U.S. citizen or an alien who is a lawful permanent resident, refugee, or asylee; or holds another valid immigration status such as Temporary Protected Status or a valid non-immigrant visa.**

A19: The guidance is effective upon the establishment of a plan to surge immigration judges and asylum officers to process recent border entrants, and the establishment of appropriate processing and detention facilities.

**Q20: How does the expansion of expedited removal account for those who may be eligible for immigration benefits?**

A20: The Secretary's intentions regarding expedited removal are under development and will be set forth and effective upon publication of a notice in the Federal Register.

**Q21: How soon will DHS make changes to more closely align its use of the expedited removal authority with Congressional intent?**

A21: DHS is working to issue appropriate parameters in which expedited removal in these kinds of cases will be used.

**Q22: Is it true that DHS is going to make the threshold for meeting credible fear in asylum cases more difficult to meet?**

A22: The goal of DHS is to ensure the asylum process is not abused. Generally speaking, to establish a credible fear of persecution, an alien must demonstrate that there is a "significant possibility" that the alien could establish eligibility for asylum, taking into account the credibility of the statements made by the alien in support of the claim and such other facts as are known to the officer.

Asylum officers are being directed to conduct credible fear interviews in a manner that allows the interviewing officer to elicit all relevant information from the alien as is necessary to make a legally sufficient determination. In determining whether the alien has demonstrated a significant possibility that the alien could establish eligibility for asylum or torture protection, the asylum officer shall consider the statements of the alien and determine the credibility of the alien's

statements made in support of his or her claim and shall consider other facts known to the officer, consistent with the statute.

The asylum officer shall make a positive credible fear finding only after the officer has considered all relevant evidence and determined, based on credible evidence, that the alien has a significant possibility of establishing eligibility for asylum, or torture protection.

**Q23: How will the enhancements to asylum referrals and credible fear determinations under INA section 235(b)(1) affect the work of USCIS?**

A23: The Secretary's memorandum outlines several points:

- The director of USCIS shall ensure that asylum officers conduct credible fear interviews in a manner that allows the interviewing officer to elicit all relevant information from the alien as is necessary to make a legally sufficient determination.
- The director shall also increase the operational capacity of Fraud Detection and National Security (FDNS) and continue to strengthen its integration to support the Field Operations Directorate (FOD), Refugee Asylum and International Operations (RAIO), and Service Center Operations (SCOPS), consulting with Operational Policy and Strategy (OP&S) as appropriate.
- The USCIS director, CBP commissioner, and ICE director shall review their agencies' fraud detection, deterrence, and prevention measures and report to the Secretary within 90 days regarding fraud vulnerabilities in the asylum and benefits adjudication processes, and propose measures to enhance fraud detection, deterrence, and prevention.
- The asylum officer, as part of making a credible fear finding, shall determine the credibility of statements made by the individual in support of his or her claim. This determination should include, but is not limited to, consideration of the statistical likelihood that the claim would be granted by the Department of Justice's Executive Office for Immigration Review (EOIR).
- The asylum officer shall make a positive credible fear finding only after the officer has considered all relevant evidence and determined, based on credible evidence, that the alien has a significant possibility of establishing eligibility for asylum, or for withholding or deferral of removal under the Convention Against Torture, based on established legal authority.

**Q24: How does the memorandum address the processing and treatment of unaccompanied alien minors at the border?**

A24: The Secretary's memorandum instructs the USCIS director, CBP commissioner, and ICE director to develop uniform written guidance and training for all employees and contractors of those agencies regarding the proper processing of unaccompanied alien children, the timely and fair adjudication of their claims for relief from removal, and, if appropriate, their safe repatriation at the conclusion of removal proceedings. In developing such guidance and training, they shall establish standardized review procedures to confirm that alien children who are initially determined to be "unaccompanied alien child[ren]," as defined in 6 U.S.C. § 279(g)(2), continue to fall within the statutory definition when being considered for the legal protections afforded to such children as they go through the removal process.



**Q25: Is it true that in cases of UACs who travel to the U.S. to reunite with a parent, if a parent is identified by ORR as an appropriate guardian, that parent could also be prosecuted for possibly having their child smuggled into the U.S.?**

A25: Correct. The parents and family members of these children, who are often illegally present in the United States, often pay smugglers several thousand dollars to bring their children into this country. Tragically, many of these children fall victim to robbery, extortion, kidnapping, sexual assault, and other crimes of violence by the smugglers and other criminal elements along the dangerous journey through Mexico to the United States. Regardless of the desires for family reunification, or conditions in other countries, the smuggling or trafficking of alien children is intolerable. Accordingly, DHS shall ensure the proper enforcement of our immigration laws against those who—directly or indirectly—facilitate the smuggling or trafficking of alien children into the United States. This includes placing parents or guardian who are removable aliens into removal proceedings, or referring such individuals for criminal prosecution, as appropriate.

**Q26: How might the allocation of additional resources and personnel to the southern border for detention of aliens and adjudication of claims affect USCIS personnel?**

A26: The screening of credible fear claims by USCIS and adjudication of asylum claims by EOIR at detention facilities located at or near the point of apprehension will facilitate an expedited resolution of those claims and result in lower detention and transportation costs. Accordingly, to the greatest extent practicable, the director of USCIS is directed to increase the number of asylum officers and FDNS officers assigned to detention facilities located at or near the border with Mexico to properly and efficiently adjudicate credible fear and reasonable fear claims and to counter asylum-related fraud.

**Q27: How does the Secretary's memorandum address the use of parole authority, as set forth in INA section 212(d)(5)?**

A27: The memo notes that the statutory language appears to strongly counsel in favor of using the parole authority sparingly and only in individual cases where, after careful consideration of the circumstances, parole is needed because of demonstrated urgent humanitarian reasons or significant public benefit. It states the practice of granting parole to certain aliens in pre-designated categories in order to create immigration programs not established by Congress has contributed to a border security crisis, undermined the integrity of the immigration laws and the parole process, and created an incentive for additional illegal immigration.

Therefore, the USCIS director, CBP commissioner, and ICE director are directed to ensure that appropriate written policy guidance and training is provided to employees exercising parole authority, including advance parole. These employees should be familiar with the proper exercise of parole under section 212(d)(5) of the INA and exercise such parole authority only on a case-by-case basis, consistent with the law and written policy guidance. Notwithstanding other implementation guidance, and pending further review by the Secretary and additional guidance from the Director of ICE, the ICE policy directive establishing standards and procedures for the parole of certain arriving aliens found to have a credible fear of persecution or torture shall remain in full force and effect.

**Q28: The implementation guidance references rescinding all previous immigration enforcement memos. Does this include the ICE and CBP memorandum on sensitive locations?**

A28: No, the sensitive locations guidance remains in effect for both ICE and CBP.

**Q29: Is DHS going to be immediately sending Mexican nationals and individuals of other nationalities who traveled through Mexico to the U.S. back to Mexico while they await the outcome of their removal proceedings?**

A29: DHS is working with the Mexican government and the Department of State to determine how to best implement this guidance. However, consistent with the law and U.S. international treaty obligations, CBP and ICE personnel shall, to the extent appropriate and reasonably practicable, return aliens described in section 235(b)(2)(A) of the INA, who are placed in removal proceedings under section 240 of the INA—and who, consistent with the guidance of an ICE Field Office Director, CBP Chief Patrol Agent, or CBP Director of Field Operations, pose no risk of recidivism—to the territory of the foreign contiguous country from which they arrived pending such removal proceedings.

**Q30: Do these memoranda affect recipients of Deferred Action for Childhood Arrivals (DACA)?**

A30: No.