

From:	GRANT, RAYNESE (b)(6)
	(b)(6)
	Blake, Michelle (b)(6)
	(b)(6)
To:	Hill, Andrea (b)(6)
	(b)(6)
	OLA Exec Sec (b)(6)
	(b)(6)
CC:	Carver, David (b)(6)
	(b)(6)
Subject:	RE: Letter Pull Needed for Hearing--Requesting for COB Tuesday, July 5
Date:	2022/07/05 12:37:42
Priority:	Normal
Type:	Note

Below is my half of the list for Emily:

Rob Portman (1 record)

1234176 – Open - Summary of Document: Writes with questions regarding how DHS plans to protect the safety of Supreme Court Justices following the recent overrule of Roe v. Wade.

Ron Johnson (6 records)

- 1234102 – Open - Summary of document: Writes regarding the crisis at the southern border.
- 1232751 – Closed – Summary of document: Write to request immediate access to all records and communications related to DHS's new Disinformation Governance Board
- 1232955 – Open – Summary of document: Writes requesting information regarding the Doyle Memorandum
- 1232219 – Open – Summary of document: Writes regarding the infant formula shortage
- 1232217 – Open – Summary of document: Writes regarding the recent politically-motivated attack on the Wisconsin Family Action office in Madison, Wisconsin
- 1231590 – Closed – Summary of document: Writes concerning the DHS Disinformation Board

Rand Paul (4 records)

- 1232751 – Closed – Summary of document: Write to request immediate access to all records and communications related to DHS's new Disinformation Governance Board
- 1232955 – Open – Summary of document: Writes requesting information regarding the Doyle Memorandum
- 1230655 – Open – Summary of document: Write with concern regarding the security of the southern border
- 1230523 – Open – Summary of document: Writes concerning Title 42

James Lankford (1 record)

1232751 – Closed – Summary of document: Write to request immediate access to all records and communications related to DHS's new Disinformation Governance Board

Mitt Romney (0 records)

Rick Scott

1232751 – Closed – Summary of document: Write to request immediate access to all records and communications related to DHS's new Disinformation Governance Board

1232955 – Open – Summary of document: Writes requesting information regarding the Doyle Memorandum

1231869 – Open – Summary of document: Write regarding an OIG report regarding improper use of sole source contracts for housing migrant families

Josh Hawley (8 records)

1234469 – Open – Summary of document: Writes with concern about the Department of Homeland Security's decision to create a new Disinformation Governance Board

1233909 – Closed – Summary of document: Writes regarding Oronogo Fire Protection District has submitted an application for FEMA's Assistance to Firefighters Grant program

1233485 – Closed – Summary of document: Writes with concerns regarding the DGB and its intended role in disinformation efforts

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1231591 – Closed – Summary of document: Writes with concern about the Department of Homeland Security's decision to create a new Disinformation Governance Board

1230465 – Open – Summary of document: Write to request that DHS disclose its findings of the investigation by CBP's Office of Professional Responsibility regarding horse patrol activity in Del Rio, TX in September 2021

1230454 – Open – Summary of document: Writes with concern at the coming surge of illegal immigration this spring

Raynese Grant

Correspondence Analyst
Department of Homeland Security
Office of Legislative Affairs

Ph: (b)(6)

Email: (b)(6)

From: Hill, Andrea

Sent: Friday, July 1, 2022 3:19 PM

To: OLA Exec Sec (b) (6); Carver, David (b) (6); GRANT, RAYNESE (b) (6) Bynum, Marsha (b) (6)
Cc: Blake, Michelle (b) (6) Hill, Andrea (b) (6)
Subject: FW: Letter Pull Needed for Hearing--Requesting for COB Tuesday, July 5
Importance: High

Hi Team,

Please see the below letter pull request from Emily which should would like **NLT COB Tuesday, July 5th**.

Please acknowledge that you have received this and let me know if there are any questions about the request that I need to address with Emily.

Thank you,

Andrea Hill

Assistant Director, Mission Support
DHS – Office of Legislative Affairs (OLA)
Cell: (b)(6)
Email: (b)(6)

From: Hymowitz, Emily (b)(6)
Sent: Friday, July 1, 2022 2:54 PM
To: Hill, Andrea (b)(6) Blake, Michelle (b)(6)
Cc: Readinger, Jeff (b)(6) Hymowitz, Emily (b)(6)
Subject: Letter Pull Needed for Hearing--Requesting for COB Tuesday, July 5
Importance: High

Good afternoon Michelle and Andrea,

We have an upcoming, quick turn hearing and need OLA Exec Sec's assistance in pulling letters for the hearing. However, we only need letter pulls from a very short period of time—only 3 months—so this should not be a heavy lift.

Can you please ask OLA Exec Sec to pull letters from April 2022 through June 2022 for HSGAC Members (link of the list of Members is here, [About the Senate Committee on Homeland Security & Governmental Affairs | Homeland Security & Governmental Affairs Committee](#) and include the IQ summary of the letter for each?

Happy 4th!!!

Thanks,

Emily Hymowitz
Director
Office of Legislative Affairs
Department of Homeland Security

(b)(6)

Sender:	GRANT, RAYNESE (b)(6) (b)(6)
Recipient:	Blake, Michelle (b)(6) (b)(6) Hill, Andrea (b)(6) (b)(6) OLA Exec Sec (b)(6) (b)(6) Carver, David (b)(6) (b)(6)
Sent Date:	2022/07/05 12:36:43
Delivered Date:	2022/07/05 12:37:42

United States Senate

WASHINGTON, DC 20510

April 6, 2022

RECEIVED

By ESEC at 12:25 pm, Apr 06, 2022

The Honorable Alejandro Mayorkas
Secretary of Homeland Security
300 7th Street SW
Washington, D.C. 20024

Dear Secretary Mayorkas,

We write you today to request that you disclose the investigative findings of the investigation by U.S. Customs and Border Protection's Office of Professional Responsibility (OPR) regarding horse patrol activity in Del Rio, TX in September.

On September 19, 2021, pictures were taken of U.S. Border Patrol agents on horseback using horse reins as part of an effort to prevent Haitian migrants from illegally crossing the border near Del Rio, TX.¹ This led to accusations from immigration activists and Democrat politicians that the reins were being used as whips,² despite numerous accounts to the contrary.

At the time, members of the Biden Administration very publicly and harshly condemned this patrol activity.³ Before any facts were gathered, President Biden vowed that the agents "will pay"⁴ for this patrol activity, and Vice President Harris called the agents' activity "horrible" and said that there "needs to be consequences and accountability,"⁵ despite that the photographer who captured the images in question said that the photographs were being "misconstrued" as whipping.⁶ The agents were placed on leave from their law enforcement duties pending an investigation.⁷

After initially explaining that agents use long reins like the ones depicted to control their horses, not as whips,⁸ you later changed your position and said that you were "horrified" and would be conducting a swift investigation, promising that the Department of Homeland Security (DHS) would act "with full force based on the facts that we learn."⁹ You stated

¹ <https://nypost.com/2021/09/24/border-patrol-pics-were-misconstrued-photographer-says/>.

² <https://nypost.com/2022/03/29/border-agents-whipping-investigation-still-open-months-after-quick-probe-promised/>.

³ <https://nypost.com/2021/09/24/border-patrol-pics-were-misconstrued-photographer-says/>.

⁴ <https://nypost.com/2021/09/24/border-patrol-pics-were-misconstrued-photographer-says/>.

⁵ <https://www.latimes.com/politics/story/2021-09-24/kamala-harris-says-footage-of-border-patrol-on-horseback-evokes-images-of-american-slavery>.

⁶ <https://nypost.com/2021/09/24/border-patrol-pics-were-misconstrued-photographer-says/>.

⁷ <https://nypost.com/2021/09/22/dhs-puts-border-agents-accused-of-whipping-migrants-on-desk-duty/>.

⁸ <https://nypost.com/2021/09/20/dhs-chief-alejandro-mayorkas-pushes-back-on-haitian-migrant-abuse-claims/>.

⁹ https://www.washingtonpost.com/politics/mayorkas-border-patrol-haitians/2021/09/21/fd1fd09e-1ad4-11ec-a99a-5fea2b2da34b_story.html.

that this investigation would “be completed in days – not weeks,”¹⁰ because “[t]he public needs and deserves to know its results.”¹¹

We agree that the public deserves to know the results of this investigation. Yet, it has been more than six months since this episode occurred, and no report has been released. It appears that DHS last referenced OPR’s investigation on November 16, 2021.¹²

A news report from earlier this year quotes a DHS official noting that, in the agent’s experience, this report “would have been done within a period of weeks,” but adding: “I doubt that the current administration will release this report on the horse patrol incident because it makes the administration look terrible. They essentially convicted the mounted agents based upon a lie.”¹³ It remains unclear why these findings have not been released.¹⁴

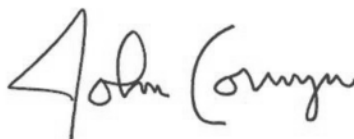
The American people—and especially your agents whose superiors publicly accused them of misconduct—deserve the transparency you promised, even if it is embarrassing for the Biden Administration.

Therefore, we request that you publicly release the OPR investigate findings, including any reports regarding such findings, by Wednesday, April 13, 2022.

Sincerely,



Bill Hagerty
United States Senator



John Cornyn
United States Senator



Ted Cruz
United States Senator



Kevin Cramer
United States Senator

¹⁰ <https://www.usatoday.com/story/news/politics/2021/09/22/photos-border-patrol-using-horse-reins-whips-prompts-dhs-probe/5812845001/>.

¹¹ https://www.washingtonpost.com/politics/mayorkas-border-patrol-haitians/2021/09/21/fd1fd09e-1ad4-11ec-a99a-5fea2b2da34b_story.html.

¹² <https://www.dhs.gov/news/2021/11/16/dhs-update-regarding-investigation-horse-patrol-activity-del-rio-texas-september-19>.

¹³ <https://www.washingtonexaminer.com/policy/report-on-texas-horse-patrol-incident-may-never-materialize>.

¹⁴ <https://nypost.com/2022/03/29/border-agents-whipping-investigation-still-open-months-after-quick-probe-promised/>.



Josh Hawley
United States Senator



Tommy Tuberville
United States Senator



Mike Lee
United States Senator

From:	Hill, Andrea (b)(6) (b)(6)
To:	Hymowitz, Emily (b)(6) (b)(6) Readinger, Jeff (b)(6) (b)(6)
CC:	GRANT, RAYNESE (b)(6) (b)(6) Carver, David (b)(6) (b)(6) OLA Exec Sec (b)(6) (b)(6) Blake, Michelle (b)(6) (b)(6) Hill, Andrea (b)(6) (b)(6)
Subject:	FW: Letter Pull Needed for Hearing--Requesting for COB Tuesday, July 5
Date:	2022/07/05 12:55:13
Priority:	Normal
Type:	Note

Good afternoon Emily,

Please see the final group below and attached from Raynese.

Thank you,

Andrea Hill

Assistant Director, Mission Support
DHS – Office of Legislative Affairs (OLA)

Cell: (b)(6)

Email: (b)(6)

From: GRANT, RAYNESE (b)(6)
Sent: Tuesday, July 5, 2022 12:37 PM
To: Blake, Michelle (b)(6) Hill, Andrea (b)(6) OLA Exec Sec (b)(6)
Cc: Carver, David (b)(6)
Subject: RE: Letter Pull Needed for Hearing--Requesting for COB Tuesday, July 5

Below is my half of the list for Emily:

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1232955 – Open – Summary of document: Writes requesting information regarding the Doyle Memorandum
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1230523 – Open – Summary of document: Writes concerning Title 42

James Lankford (1 record)

1232751 – Closed – Summary of document: Write to request immediate access to all records and communications related to DHS's new Disinformation Governance Board

Mitt Romney (0 records)

Rick Scott

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1230454 – Open – Summary of document: Writes with concern at the coming surge of illegal immigration this spring

Raynese Grant

Correspondence Analyst
Department of Homeland Security
Office of Legislative Affairs
Ph: (b)(6)
Email: (b)(6)

Sender:	Hill, Andrea (b)(6) (b)(6)
	Hymowitz, Emily (b)(6) (b)(6)
	Readinger, Jeff (b)(6) (b)(6)
	GRANT, RAYNESE (b)(6) (b)(6)
Recipient:	Carver, David (b)(6) (b)(6)
	OLA Exec Sec (b)(6) (b)(6)
	Blake, Michelle (b)(6) (b)(6)
	Hill, Andrea (b)(6) (b)(6)
Sent Date:	2022/07/05 12:54:49
Delivered Date:	2022/07/05 12:55:13

From: OLA Exec Sec (b)(6)
(b)(6)

SentVia: Carver, David (b)(6)
(b)(6)

To: HIMMEL, CHLOE (b)(6)
(b)(6)

CC: Blake, Michelle (b)(6)
(b)(6)
OLA Exec Sec (b)(6)
(b)(6)

Subject: FW: Stoplight Report for 7/7/2022

Date: 2022/07/07 07:48:11

Priority: Normal

Type: Note

FYSA

From: Fauquet, Stephanie (b)(6)
Sent: Thursday, July 7, 2022 7:47 AM
To: Component Exec Secs (b)(6)
Cc: O'CONNOR, KIMBERLY (b)(6); Blackwell, Juliana
(b)(6); ESEC-External Liaison (b)(6); BAILEY,
MARIA (b)(6)
Subject: Stoplight Report for 7/7/2022

Good Morning,
Please find the stoplight report for today's meeting attached!

Thank you!

Stephanie Fauquet

Assistant Executive Secretary

for Communications and Operations

Office of the Executive Secretary

U.S. Department of Homeland Security

(b)(6) (d) (b)(6) (c)

(b)(6)

Sender: OLA Exec Sec (b)(6)
(b)(6)
(b)(6) Carver, David (b)(6)

	(b)(6)	CARVER,
	DAV (b)(6)	
	HIMMEL, CHLOE (b)(6)	
	(b)(6)	
Recipient:	Blake, Michelle (b)(6)	
	(b)(6)	
	OLA Exec Sec (b)(6)	
	(b)(6)	
Sent Date:	2022/07/07 07:48:08	
Delivered Date:	2022/07/07 07:48:11	

ESEC External Actions Addressed to the Secretary and Deputy Secretary

● Due date greater than 3 days away


● Due date is within 1-3 days


● Today or Past Due

Stop Light Status	Type	Date Received	Days In Progress	Document Location	Location As of	Component	Final Due Date	Sender	Issue	Tracking # (IQ)/ES	Notes
●	Congressional	9/8/21	302	Packaged for S1	7/6/22	PLCY	9/28/21	Rep. Katko +1 **CHS**	Writes with questions regarding the ongoing situation in Afghanistan.	1220754 / 21-3939	
●	Congressional	5/25/22	43	Packaged for DCOS/COS	6/15/22	CISA	6/17/22	Sen. Klobuchar (MN)	Write to express concern over the potential impact of paper supply issues on upcoming elections.	1232888 / 22-3300	
●	Congressional	12/15/21	204	Packaged for DCOS/COS	2/9/22	I&A	12/30/21	Chairwoman Klobuchar +3 **HSGAC** **Senate Judiciary**	RE: The joint report, Examining the U.S. Capitol Attack: A Review of the Security, Planning, and Response Failures on January 6 before December 31, 2021.	1225108 / 21-6114	
●	Congressional	1/31/22	157	Packaged for DCOS/COS	7/6/22	ICE	2/14/22	Sen. Johnson (WI) **HSGAC**	Writes requesting data regarding immigration encounters at the Southwest Border for the year of 2021.	1227404 / 22-0705	
●	VIP Correspondence (Federal Officials, NGOs, Private Sector, etc.)	10/22/21	258	Packaged for DCOS/COS	1/21/22	OPE	11/8/21	Council on American-Islamic Relations	Write to express concerns re: the Law Enforcement Coordination Council.	1222796 / 21-4616	
●	Congressional	1/21/22	167	Packaged for DCOS/COS	4/7/22	PLCY	3/4/22	Sen. Menendez +14 **HSGAC** **Senate Judiciary**	Writes regarding denial rate for Afghan seeking humanitarian parole.	1227015 / 22-0710	

ESEC External Actions Addressed to the Secretary and Deputy Secretary

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Stop Light Status	Type	Date Received	Days In Progress	Document Location	Location As of	Component	Final Due Date	Sender	Issue	Tracking # (IQ)/ES	Notes
	Congressional	8/27/21	314	Packaged for DCOS/COS	1/19/22	PLCY	9/21/21	Rep. Espallat +21 **CHS** **HAC** **House Judiciary**	Write to urge to designate TPS for Afghan nationals within the United States.	1220382 / 21-3286	
	Congressional	5/12/22	56	With Front Office	6/7/22	FEMA	6/6/22	Sen. Klobuchar (MN) +13	Write to ask that DHS take steps to ensure state and local governments can effectively use funds from the HSGP and State and Local Cybersecurity Grant Program.	1232148 / 22-2393	
	Congressional	6/14/22	23	With Front Office	7/1/22	FLETC	7/7/22	Sen. Grassley (IW)	Writes with questions regarding FLETC closing.	1233809 / 22-3361	
	Congressional	2/28/22	129	With Front Office	4/29/22	ICE	3/8/22	Rep. Tlaib +24 **HAC** **House Judiciary** **CHS**	Write to express concern over the drastic increase in ICE's Intensive Supervision Appearance Program (ISAP).	1228583 / 22-0830	
	Congressional	6/24/22	13	With Front Office	7/5/22	MGMT	6/29/22	Sen. Grassley IA	Writes with questions regarding how DHS plans to protect the safety of Supreme Court Justices following the recent overrule of Roe v. Wade.	1234176 / 22-3514	
	Congressional	4/28/22	70	With Front Office	5/17/22	MGMT	5/19/22	Rep. Payne (NJ) +19	Write to urge S1 to show moral leadership for DHS employees that are	1231587 / 22-2384	

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									impacted by new anti-LGBTQ laws and policies adopted in several states.		
	Congressional	6/10/22	27	With Front Office	7/5/22	PLCY	6/30/22	Rep. Titus (NV)	Writes with concerns regarding the rise in Domestic Violent Extremists.	1233572 / 22-3352	
	Congressional	5/13/22	55	With Front Office	6/14/22	PLCY	6/7/22	Sen. Johnson (WI)	Writes regarding the recent politically-motivated attack on the Wisconsin Family Action office in Madison, Wisconsin.	1232217 / 22-2447	
	Congressional	1/27/22	161	With Front Office	6/24/22	PLCY	2/17/22	Sen. Grassley **HSGAC** **Senate Judiciary** **SAC**	Writes requesting information about the case of Malik Faisal Akram	1227252 / 22-0730	
	Congressional	4/26/22	72	With Front Office	5/25/22	TSA	5/17/22	Rep. Norman (SC)	Writes regarding gender identity politics.	1231511 / 22-2376	
	Congressional	4/1/22	97	With Front Office	6/3/22	TSA	4/25/22	Sen. Daines (MT)	Write in response to announcement that the TSA will no longer consider gender when validating the identity of individuals at checkpoints.	1230236 / 22-1291	
	Congressional	5/24/22	44	With Front Office	7/5/22	USCIS	6/16/22	Rep. Castro (TX)	RE: TPS protections for	1232750 / 22-2491	

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Stop Light Status	Type	Date Received	Days In Progress	Document Location	Location As of	Component	Final Due Date	Sender	Issue	Tracking # (IQ)/ES	Notes
●									migrants from Guatemala, El Salvador, Honduras, and Nicaragua.		
●	Congressional	4/13/22	85	Front Office Second Review	7/5/22	PLCY	5/4/22	Rep. Porter (CA)	Writes to request DHS to release its implementation plan of the National Strategy to Counter Domestic Terrorism.	1230726 / 22-2300	
●	VIP Correspondence (Federal Officials, NGOs, Private Sector, etc.)	3/22/22	107	With Special Assistants	6/30/22	CBP	4/20/22	Rick Tachuk AmCham Canada	Writes requesting comprehensive border policy following the pandemic and recent blockades.	1229784 / 22-1239	
●	Congressional	6/9/22	28	With Special Assistants	6/28/22	CISA	7/1/22	Sen. Klobuchar (MN)	Writes regarding the security of our elections during the 2022 federal election cycle.	1233623 / 22-3348	
●	Congressional	1/7/22	181	With Special Assistants	4/5/22	PLCY	1/28/22	Rep. Grijalva (AZ)	Writes reiterating concerns regarding the inconsistent approach of USCIS in relation to humanitarian parole applications submitted by 40,000 Afghans.	1226032 / 22-0017	
●	State, Local, Tribal, Territorial Officials	9/1/21	309	With Special Assistants	6/27/22	PLCY	9/23/21	Bob Ferguson	Writes supporting the resettlement of Afghan nationals under the SIV program.	1220483 / 21-2050	
	Congressional	4/26/22	72	With Interagency/NSC	6/10/22	CBP	5/17/22	Sen. Boozman (AR)	Write to POTUS to express	1231452 / 22-2362	

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Stop Light Status	Type	Date Received	Days In Progress	Document Location	Location As of	Component	Final Due Date	Sender	Issue	Tracking # (IQ)/ES	Notes
●									disapproval of a contingency plan which uses personnel from the Department of Veterans Affairs to deal with the escalation of the border crisis once the Administration rescinds Title 42.		
●	Congressional	7/5/22	2	With Component	7/5/22	CBP	7/25/22	Rep. Grijalva (TX)	Writes regarding the deployment from CBP PMOD of the 22-Meter Persistent Ground Surveillance System Aerostat blimp over the city of Nogales, Arizona.	1234621 / 22-3531	
●	Congressional	6/29/22	8	With Component	6/29/22	CBP	7/21/22	Rep. Burgess TX	Writes regarding recent disruptions to passenger air travel and requests DHS remove the vaccine mandate for international travelers.	1234340 / 22-3537	
●	VIP Correspondence (Federal Officials, NGOs, Private Sector, etc.)	6/22/22	15	With Component	6/22/22	CBP	7/15/22	Ronald D. Vitiello	Writes regarding corrective action currently being considered against United States Border Patrol agents following incidents that occurred in Del Rio, Texas last September.	1234059 / 23-3502	

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	Congressional	6/21/22	16	With Component	6/21/22	CBP	7/14/22	Chairman Thompson (MS)	Writes regarding unofficial challenge coin circulating among CBP agents.	1233994 / 22-3501	
	Congressional	6/21/22	16	With Component	6/21/22	CBP	7/14/22	Rep. Payne NJ	Writes seeking assistance in rectifying a matter of retaliation from a CBP employee, against a union shop steward.	1234010 / 22-3510	
	Congressional	6/17/22	20	With Component	6/17/22	CBP	7/12/22	Rep. Payne (NJ)	Writes regarding unofficial challenge coin circulating among CBP agents.	1233951 / 22-3397	
	Congressional	6/17/22	20	With Component	6/17/22	CBP	7/12/22	Rep. Correa (CA)	Writes regarding a potential public health crisis surrounding the collection of blood plasma in the United States that is being exacerbated by a policy implemented by CBP.	1233953 / 22-3399	
	State, Local, Tribal, Territorial Officials	6/16/22	21	With Component	6/16/22	CBP	7/11/22	Gov. Lujan Grisham NM	Writes requesting DHS halt any planned or expanded efforts to transport migrants within the United States.	1233918 / 22-3391	
	Congressional	6/14/22	23	With Component	6/14/22	CBP	7/7/22	Rep. Pfluger (TX)	Writes regarding the potential release of migrants to Texas.	1233768 / 22-3359	

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	Congressional	6/24/22	13	With Component	6/24/22	CBP	7/6/22	Rep. Roy (TX)	Writes requesting the release of any investigative report of CBP agents whipping migrants, and provide Members of Congress with a briefing on the investigation and proposed disciplinary action.	1234124 / 22-3511	
	Congressional	6/7/22	30	With Component	6/7/22	CBP	6/28/22	Rep. Kim (CA) +5	Write requesting information about DHS's previously procured technologies and equipment to secure the border.	1233472 / 22-3342	
	Congressional	5/26/22	42	With Component	5/26/22	CBP	6/27/22	Rep. Donalds (FL)	Write seeking clarification and answers about the supply of infant formula at CBP detention facilities along the southern border.	1233005 / 22-3301	
	Congressional	6/2/22	35	With Component	6/2/22	CBP	6/16/22	Rep. Westerman (AR) +1	Write requesting a document production on the environmental effects of migration at the southern border.	1233288 / 22-3337	
	Congressional	5/13/22	55	With Component	5/13/22	CBP	6/7/22	Sen. Johnson (WI)	Writes regarding the infant formula shortage.	1232219 / 22-2437	

ESEC External Actions Addressed to the Secretary and Deputy Secretary


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●	Congressional	5/12/22	56	With Component	5/12/22	CBP	5/23/22	Rep. Banks (ID)	Writes regarding the scheduled termination of Title 42 and the worsening baby formula shortage.	1232183 / 22-2446	
●	Congressional	4/27/22	71	With Component	6/30/22	CBP	5/18/22	Rep. Murphy (NC)	Writes regarding 42 individuals on the TSDB were arrested while entering the country illegally.	1231538 / 22-2378	
●	Congressional	4/18/22	80	With Component	4/18/22	CBP	5/9/22	Rep. Biggs (AZ)	Writes requesting extensive data on border encounters.	1230949 / 22-2311	
●	Congressional	4/11/22	87	With Component	4/11/22	CBP	5/3/22	Rep. Sherrill (NJ)	Write to ask CBP how it will spend recently-approved appropriations for border security, specifically funding for new technology.	1230656 / 22-1705	
●	Congressional	4/6/22	92	With Component	4/6/22	CBP	4/28/22	Sen. Hagerty +6 **HSGAC** **Senate Judiciary**	Write to request that DHS disclose its findings of the investigation by CBP's Office of Professional Responsibility regarding horse patrol activity in Del Rio, TX in September 2021.	1230465 / 22-1729	
●	Congressional	3/22/22	107	With Component	3/22/22	CBP	4/5/22	RM Comer and RM Katko **CHS**	Write requesting a document production related to apprehensions of foreign nationals	1229743 / 22-1270	

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									with terrorist ties at the southern border.		
	Congressional	11/17/21	232	With Component	12/2/21	CBP	12/10/21	Rep. Katko **CHS**	Follow up letter regarding the current state of the SWB. Ref WF: 1219887	1223717 / 21-4607	
	State, Local, Tribal, Territorial Officials	6/30/22	7	With Component	6/30/22	CISA	7/29/22	Gov. Walz (MN)	Write in response to March 18th letter to Governors regarding the heightened cybersecurity threat stemming from Russia's ongoing attack on Ukraine.	1234429 / 22-3526	
	Congressional	6/16/22	21	With Component	6/16/22	CISA	7/11/22	Sen. Klobuchar (MN) +21	Write expressing concern about the alarming rise in threats against election workers.	1233888 / 22-3378	
	Congressional	6/30/22	7	With Component	6/30/22	CWMD	7/29/22	Rep. Rodgers (KY)	Write regarding the April 2022 GAO Report regarding CWMD's acquisition strategy to recapitalize approximately 1,400 aging RPMs that CBP operates at U.S. ports of entry.	1234473 / 22-3528	
	Congressional	6/27/22	10	With Component	6/27/22	FEMA	7/25/22	Sen. Smith (MN)	Writes regarding infrastructure grant.	1234228 / 22-3523	

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●	Congressional	6/14/22	23	With Component	6/14/22	FEMA	7/14/22	Sen. Warren (MA) +1	Write in support of the application submitted by the Massachusetts Bay Transportation Authority for the FY2022 Transit Security Grant Program.	1233806 / 22-2396	
●	VIP Correspondence (Federal Officials, NGOs, Private Sector, etc.)	2/15/22	142	With Component	6/30/22	FRTF	6/17/22	Claudia Tristán Immigration Campaign Director, MomsRising	Writes with recommendations regarding family separation policies.	1227961 / 22-0812	
●	Congressional	5/24/22	44	With Component	5/24/22	FRTF	6/16/22	Sen. Cruz (TX)	Writes with questions regarding FRTF.	1232752 / 22-2493	
●	VIP Correspondence (Federal Officials, NGOs, Private Sector, etc.)	6/30/22	7	With Component	6/30/22	I&A	7/8/22	General Paul Nakasone Director, NSA/Chief, CSS	Writes regarding the nomination of Leeann Hora to succeed Mr. Shawn G. Turskey as the National Security Agency/Central Security Service Representative to DHS.	1234476 / 22-3543	
●	Congressional	6/24/22	13	With Component	6/24/22	I&A	6/30/22	Rep. Bishop (NC)	Writes regarding threats that left-wing extremists are making against houses of worship.	1234156 / 22-3512	
●	Congressional	5/27/22	41	With Component	5/27/22	I&A	6/21/22	Rep. Turner (OH)	Writes regarding I&A's analytic activity related to COVID-19 origins and consultation	1233024 / 22-3302	

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									with outside experts.		
●	State, Local, Tribal, Territorial Officials	6/16/22	21	With Component	6/16/22	ICE	7/29/22	State Rep. Daisy Morales (FL)	Writes regarding processing times at the ICE Orlando Facility.	1233911 / 22-3396	
●	VIP Correspondence (Federal Officials, NGOs, Private Sector, etc.)	7/5/22	2	With Component	7/5/22	ICE	7/26/22	Peter Schey Center for Human Rights and Constitutional Law	Writes regarding protection for immigrant workers.	1234629 / 22-3534	
●	Congressional	6/23/22	14	With Component	6/23/22	ICE	7/6/22	Ranking Member Johnson (WI)	Writes regarding the crisis at the southern border.	1234102 / 22-3504	
●	Congressional	6/8/22	29	With Component	6/8/22	ICE	6/30/22	Rep. McClain (MI)	Write with follow up questions to a previous letter regarding illegal migration, ICE coordination with local law enforcement, and CBP's release of a man flagged by the FBI Terrorist Screening Center.	1233571 / 22-3344	
●	Congressional	6/2/22	35	With Component	6/2/22	ICE	6/23/22	Rep. Ocasio-Cortez (NY) +28	Write to express concerns with the current implementation of the Guidelines for the Enforcement of Civil Immigration Law and to request that DHS publicly releases enforcement data.	1233275 / 22-3322	

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●	Congressional	5/25/22	43	With Component	5/25/22	ICE	6/17/22	Rep. Hinson (IA)	Writes regarding an individual on the FBI Terrorism Watchlist that was released into the country by CBP.	1232966 / 22-3310	
●	Congressional	5/26/22	42	With Component	5/26/22	ICE	6/16/22	Sen. Scott FL	Writes requesting information regarding the Doyle Memorandum.	1232955 / 22-2469	
●	Congressional	5/5/22	63	With Component	5/5/22	ICE	5/27/22	Sen. Moran (KS) +6	Write regarding an OIG report regarding improper use of sole source contracts for housing migrant families.	1231869 / 22-2409	
○	VIP Correspondence (Federal Officials, NGOs, Private Sector, etc.)	6/16/22	21	With Component	6/16/22	MGMT	7/11/22	Vince Micone Co-Chairperson, CFC +1	Writes asking for DHS leadership to volunteer for the CFC.	1233890 / 22-3394	
●	Congressional	6/13/22	24	With Component	6/13/22	MGMT	7/1/22	Rep. Connolly (VA) +1	Write requesting an update on DHS's implementation of the Modernizing Government Technology (MGT) Act and to ask about DHS's efforts to pursue adequate funding to update IT systems.	1233710 / 22-3356	
●	Congressional	5/20/22	48	With Component	5/20/22	MGMT	6/14/22	Sen. Grassley (IA)	Writes requesting information on how DHS has updated its procedures, including misconduct-	1232589 / 22-2486	

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									disclosure procedures, in light of the COPS Counseling Act becoming law.		
●	Congressional	6/30/22	7	With Component	6/30/22	OGC	7/29/22	Chairman Thompson (MS)	Write to request additional information regarding the Department's plans for further use of JTF's.	1234433 / 22-3527	
●	Congressional	6/14/22	23	With Component	6/14/22	OGC	7/7/22	Rep. Jordan (OH)	Writes regarding DHS's involvement in the Biden Administration's use of federal law enforcement, with respect to school board-related threats.	1233783 / 22-3350	
●	Congressional	6/16/22	21	With Component	6/16/22	OLA	7/11/22	Rep. Ross (NC)	Write to provide comments to DHS's notice of proposed rulemaking, RIN 165-AC64, on DACA.	1233896 / 22-3362	
●	Congressional	6/2/22	35	With Component	6/2/22	OPE	6/23/22	Chairman Thompson (MS)	Writes with concern that the HSAC has an absence of members who represent labor's perspective that would advocate on behalf of the Department's employees.	1233277 / 22-3323	
	Congressional	6/24/22	13	With Component	6/24/22	PLCY	7/18/22	Rep. Kind (WI)	Writes with concerns regarding	1234171 / 22-2472	

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●									reports of discriminatory treatment of American passport holders by the Government of Israel.		
●	Congressional	6/22/22	15	With Component	6/22/22	PLCY	7/15/22	Rep. Gottheimer NJ	Writes regarding the recently published "Mapping Project" seeking information on how DHS plans to investigate and respond to DVE, HVE, and FTOs.	1234033 / 22-2471	
●	Congressional	6/22/22	15	With Component	6/22/22	PLCY	7/14/22	Rep. Mullin (OK)	Writes regarding administration's plans to handle the extreme influx of migrants at our southern border in light of repeal of Title 42.	1234094 / 22-3503	
●	Congressional	6/17/22	20	With Component	6/17/22	PLCY	7/12/22	Sen. Tillis +8	Writes concerning the rise in the illegal immigrant population.	1233971 / 22-3500	
●	State, Local, Tribal, Territorial Officials	6/2/22	35	With Component	6/2/22	PLCY	6/23/22	Toks Omishakin Secretary, California State Transportation Agency	Writes regarding California's compliance with federal REAL ID Act requirements.	1233263 / 22-3321	
●	VIP Correspondence (Federal Officials, NGOs, Private Sector, etc.)	5/25/22	43	With Component	5/25/22	PLCY	6/17/22	HIAS +4 organizations	Write urging the administration to oppose efforts to force the continuation of Title	1232857 / 22-3308	

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									42 through litigation or legislation and take all legally available steps to end the policy.		
	Congressional	5/19/22	49	With Component	5/19/22	PLCY	6/13/22	Rep. Gottheimer (NJ)	Writes urging the Administration to postpone ending Title 42.	1232559 / 22-2451	
	Congressional	5/18/22	50	With Component	5/18/22	PLCY	6/9/22	Rep. Gohmert (TX) +4	Write regarding Title 42.	1232414 / 22-2438	
	Congressional	4/19/22	79	With Component	5/2/22	PLCY	5/20/22	RM Jim Jordan **House Judiciary**	Writes regarding the condition of the SWB and requests data and answers to the questions posed at the upcoming Judiciary hearing.	1231036 / 22-2321	
	Congressional	4/20/22	78	With Component	4/20/22	PLCY	5/18/22	Rep. Slotkin +1 **CHS**	Writes regarding Title 42 and the Departments approach to the SWB.	1231055 / 22-2322	
	Congressional	4/26/22	72	With Component	4/26/22	PLCY	5/17/22	Rep. Schrier (WA)	Writes regarding whether the administration is prepared for the end of Title 42.	1231515 / 22-2364	
	Congressional	5/3/22	65	With Component	5/3/22	PLCY	5/13/22	Rep. Herrell NM	Writes regarding synthetic opioid epidemic and concern for the ending of Title 42.	1231777 / 22-2372	

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●	Congressional	4/12/22	86	With Component	4/12/22	PLCY	5/3/22	Rep. Thompson (MS) **CHS**	Writes regarding the termination of Title 42.	1230697 / 22-1797	
●	Congressional	4/8/22	90	With Component	4/8/22	PLCY	5/2/22	Rep. Miller-Meeks +62 **House Judiciary** **CHS** **HAC**	Writes regarding Title 42.	1230610 / 22-1794	
●	Congressional	4/7/22	91	With Component	4/7/22	PLCY	4/29/22	Sen. Tillis +20 **SAC** **Senate Judiciary** **HSGAC**	Writes concerning Title 42.	1230523 / 22-1787	
●	Congressional	4/5/22	93	With Component	4/5/22	PLCY	4/27/22	Rep. Comer +18 **CHS** **House Judiciary**	Writes regarding Title 42.	1230398 / 22-1760	
●	Congressional	4/5/22	93	With Component	4/5/22	PLCY	4/27/22	Sen. Tester **SAC**	Writes regarding DHS's preparedness for ending Title 42.	1230409 / 22-1758	
●	Congressional	3/30/22	99	With Component	3/30/22	PLCY	4/21/22	Rep. Roy (TX) **House Judiciary**	Writes regarding S1's decision to discontinue the use of Title 42.	1230126 / 22-1725	
●	Congressional	3/30/22	99	With Component	3/30/22	PLCY	4/21/22	Sen. Cornyn +21 **CHS** **HAC** **Senate Judiciary**	Writes regarding Title 42.	1230125 / 22-1722	
	VIP Correspondence (Federal Officials,	3/29/22	100	With Component	3/29/22	PLCY	4/20/22	Eddie Trevino Texas Border Coalition	Writes regarding Title 42 and the need for additional	1230094 / 22-1721	

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●	NGOs, Private Sector, etc.)								personnel on southern border.		
●	Congressional	3/28/22	101	With Component	3/28/22	PLCY	4/19/22	Rep. Escobar **House Judiciary**	Writes with issues concerning MPP and Title 42.	1230011 / 22-1718	
●	Congressional	3/21/22	108	With Component	3/21/22	PLCY	4/12/22	Rep. Correa +2 **HSGAC** **House Judiciary** **CHS** **HAC**	Write to request an end to Title 42.	1229623 / 22-1254	
●	Congressional	3/17/22	112	With Component	5/26/22	PLCY	4/8/22	Rep. Cherfilus-McCormick (FL)	Writes urging DHS end the mistreatment of Haitian asylum seekers and migrants.	1229444 / 22-0889	
●	Congressional	3/16/22	113	With Component	5/26/22	PLCY	4/7/22	Rep. Jones (NY) +1 **House Judiciary**	Write to request that DHS stop deporting and expelling people to Haiti under Title 42.	1229413 / 22-1250	
●	Congressional	6/17/22	20	With Component	6/17/22	USCG	7/13/22	Rep. Crow CO	Writes requesting broader access to abortion and other reproductive healthcare services for servicemembers.	1233967 / 22-3392	
●	Congressional	6/28/22	9	With Component	6/28/22	USCIS	7/27/22	Rep. Jeffries (NY)	Writes regarding Applications that have been submitted by constituent, Dr. Sabeel Rahman.	1234293 / 22-3525	

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●	Congressional	7/5/22	2	With Component	7/5/22	USCIS	7/26/22	Rep. Stansbury (NV)	Writes regarding private immigration detention.	1234622 / 22-3532	
●	Congressional	7/1/22	6	With Component	7/1/22	USCIS	7/25/22	Rep. Norton (DC)	Write regarding immigration for Ukraine refugee's.	1234493 / 22-3530	
●	Congressional	6/29/22	8	With Component	6/29/22	USCIS	7/21/22	Rep. Banks IN	Writes requesting DHS look into and reconsider the immigration status of Iranian actor Parviz Parastui's due to his support for the Iran's Islamic Revolutionary Guards Corps (IRGC).	1234341 / 22-3538	
●	VIP Correspondence (Federal Officials, NGOs, Private Sector, etc.)	6/17/22	20	With Component	6/17/22	USCIS	7/20/22	Miriam Feldblum PAHEI	Writes expressing support for the Administrations work to assist students fleeing violence and humanitarian crises.	22-3393 / 1233972	
●	Congressional	6/27/22	10	With Component	6/27/22	USCIS	7/20/22	Sen. Shaheen (NH)	Writes to express concern about the Department's increased delays in processing applications for initial EADs.	1234204 / 22-3521	
●	VIP Correspondence (Federal Officials,	6/27/22	10	With Component	6/27/22	USCIS	7/20/22	Joseph DePete Airline Pilots Association	Writes regarding airlines abusing the "special occupation" visa to	1234212 / 22-3516	

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	NGOs, Private Sector, etc.)								overcompensate for poor employee retention.		
●	VIP Correspondence (Federal Officials, NGOs, Private Sector, etc.)	6/23/22	14	With Component	6/23/22	USCIS	7/18/22	America's Voice	Writes to request immediate review and 18-month extension and redesignation of Temporary Protected Status for Venezuela.	1234123 / 22-3505	
●	VIP Correspondence (Federal Officials, NGOs, Private Sector, etc.)	6/24/22	13	With Component	6/24/22	USCIS	7/18/22	Clooney Foundation for Justice	Writes in support of the humanitarian parole application of Alfateh Younous Haroun.	1234174 / 22-3519	
●	Congressional	6/14/22	23	With Component	6/14/22	USCIS	7/14/22	Sen. Schatz HI	Writes with concerns regarding how the Immigration and Naturalization Act impacts the fishing industry in Hawaii.	1233803 / 22-3371	
●	VIP Correspondence (Federal Officials, NGOs, Private Sector, etc.)	6/3/22	34	With Component	6/3/22	USCIS	7/12/22	Jill Marie Bussey Director for Public Policy, Lutheran Immigration and Refugee Service	Request to Resume Legal Services and Processing for Afghan Allies at the National Conference Center.	1233345 / 22-3339	
●	VIP Correspondence (Federal Officials, NGOs, Private Sector, etc.)	6/17/22	20	With Component	6/17/22	USCIS	7/12/22	Almar Latour	Writes regarding concerns for the P2 Program.	1233952 / 22-3398	
	VIP Correspondence (Federal Officials,	6/10/22	27	With Component	6/10/22	USCIS	7/5/22	Brian Crawford	Writes regarding suggestions related	1233669 / 22-3349	

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●	NGOs, Private Sector, etc.)								to the H-2B program.		
●	VIP Correspondence (Federal Officials, NGOs, Private Sector, etc.)	5/26/22	42	With Component	5/26/22	USCIS	6/27/22	Wilouse Sanon Charles Fair Justice Now for All +3	Write regarding the H-2A and H-2B visa programs.	1232990 / 22-3311	
●	Congressional	6/2/22	35	With Component	6/2/22	USCIS	6/23/22	Sen. Reed (RI) +6	Write asking for an extension of DED for Liberia.	1233283 / 22-3336	
●	Congressional	6/7/22	30	With Component	6/7/22	USCIS	6/21/22	Rep. Jordan (OH)	Writes regarding terrorists exploiting the immigration system.	1233517 / 22-3346	
●	Congressional	5/26/22	42	With Component	5/26/22	USCIS	6/20/22	Sen. Markey (MA) +7	Write concerning the inconsistency between the treatment of Afghans and Ukrainians seeking humanitarian parole into the United States.	1232998 / 22-3313	
●	Congressional	5/16/22	52	With Component	5/16/22	USCIS	6/1/22	Rep. Curtis (UT)	Write to encourage DHS and USCIS to consider innovative approaches to digitize USCIS-controlled immigration records.	1232281 / 22-2448	
●	Congressional	4/15/22	83	With Component	4/15/22	USCIS	5/6/22	Rep. Velazquez (NY)	Writes requesting information and data on the administration's use	1230867 / 22-2306	

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									of the TPS and DED programs.		
●	Congressional	4/1/22	97	Component Adjudication	6/17/22	CBP	4/25/22	Rep. Biggs **HAC** **CHS** **House Judiciary**	Write regarding illegal Russian immigration to America.	1230238 / 22-1293	(Assigned to ICE to adjudicate FO edits)
●	Congressional	4/8/22	90	Component Adjudication	5/17/22	ICE	5/2/22	Rep. Cawthorn (NC)	Writes regarding visa sanctions.	1230601 / 22-1791	
●	Congressional	3/11/22	118	Component Adjudication	6/16/22	ICE	4/4/22	Sen. Cruz +21 **HSGAC** **Senate Judiciary** **SAC**	Writes with concerns regarding an alleged increase in violent crimes committed by undocumented persons.	1229207 / 22-1220	
●	Congressional	4/7/22	91	Component Adjudication	7/1/22	ICE	2/28/22	Sen. Tillis (NC)	Writes regarding noncitizen flights from the border to the interior.	1227519 / 22-0745	
●	Congressional	11/29/21	220	Component Adjudication	6/14/22	PLCY	12/21/21	Rep. McKinley (WV)	Writes how the crisis at the southern border has expedited the flow of deadly narcotics, like fentanyl into the United States.	1224042 / 21-4761	
●	VIP Correspondence (Federal Officials, NGOs, Private Sector, etc.)	5/25/22	43	Component Adjudication	7/6/22	TSA	6/17/22	Sonya Hightower-LaBosco Executive Director, Air Marshal National Council	Writes with concerns that the Federal Air Marshal Services has directed Federal Air Marshals to go to the southwest	1232962 / 22-3309	

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									border to assist CBP.		
●	Congressional	12/9/21	210	Component to Transmit - OLA	7/5/22	CBP	12/23/21	Rep. Katko **CHS**	Write regarding COVID-19 travel requirements.	1224457 / 21-4765	(OLA to transmit S1-signed response.)
●	VIP Correspondence (Federal Officials, NGOs, Private Sector, etc.)	5/20/22	48	Component to Transmit	6/28/22	CISA	6/14/22	David Logsdon	Writes regarding cyber security issues and funding solutions related to state and local governments.	1232594 / 22-2452	
●	Congressional	5/3/22	65	Component to Transmit	7/5/22	ICE	5/24/22	Rep. Soto (FL)	Writes requesting that DHS and ICE investigate the reported delays at the Orlando Immigration and Customs Enforcement facility.	1231743 / 22-2403	
●	Congressional	4/14/22	84	Component to Transmit	7/5/22	ICE	5/5/22	Rep. Roy (TX) **House Judiciary** **HAC** **CHS**	Write requesting that ICE immediately release a report containing ERO enforcement data for FY21 in a comparable format to the FY20 enforcement report.	1230828 / 22-1774	
●	Congressional	2/15/22	142	Component to Transmit - OLA	6/27/22	OLA	3/11/22	Ranking Member Comer (KY)	Writes requesting documents related to the withdrawal from Afghanistan.	1227984 / 22-0814	
●	VIP Correspondence (Federal Officials,	3/29/22	100	Component to Transmit - OPE	5/12/22	OPE	4/27/22	Ned Norris Chairman - Tohono Nation	Writes following up on previous written correspondence	1230092 / 22-1720	

ESEC External Actions Addressed to the Secretary and Deputy Secretary

● Due date greater than 3 days away

● Due date is within 1-3 days

● Today or Past Due

Stop Light Status	Type	Date Received	Days In Progress	Document Location	Location As of	Component	Final Due Date	Sender	Issue	Tracking # (IQ)/ES	Notes
	NGOs, Private Sector, etc.)								and to request a meeting between S1 and the Tohono Nation.		
●	Congressional	6/8/22	29	Component to Transmit - OLA	7/6/22	PLCY	6/30/22	Rep. Tlaib (MI)	Writes regarding Israel's eligibility for the Visa Waiver Program.	1233581 / 22-3347	
●	State, Local, Tribal, Territorial Officials	5/9/22	59	Component to Transmit - OPE	6/29/22	PLCY	6/1/22	AG Wasden (Idaho)	Writes in opposition of the "Disinformation Governance Board."	1231982 / 22-2411	
●	State, Local, Tribal, Territorial Officials	5/9/22	59	Component to Transmit - OPE	6/29/22	PLCY	6/1/22	AG Brnovich	Writes regarding the newly created DHS "Disinformation Governance Board."	1231987 / 22-2431	
●	State, Local, Tribal, Territorial Officials	5/9/22	59	Component to Transmit - OPE	6/29/22	PLCY	5/31/22	Jason Miyares AG - Virginia	Writes regarding the newly created DHS "Disinformation Governance Board."	1231920 / 22-2414	
●	VIP Correspondence (Federal Officials, NGOs, Private Sector, etc.)	5/4/22	64	Component to Transmit - OPE	6/29/22	PLCY	5/26/22	Protect Democracy	Writes regarding significant concerns about the "Disinformation Governance Board."	1231821 / 22-2404	
●	Congressional	4/11/22	87	Component to Transmit - OLA	7/1/22	PLCY	5/3/22	Sen. Moran (KS) +12 **SAC** **Senate Judiciary** **HSGAC**	Write with concern regarding the security of the southern border.	1230655 / 22-1704	

ESEC External Actions Addressed to the Secretary and Deputy Secretary

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Stop Light Status	Type	Date Received	Days In Progress	Document Location	Location As of	Component	Final Due Date	Sender	Issue	Tracking # (IQ)/ES	Notes
●	Congressional	4/6/22	92	Component to Transmit - OLA	6/27/22	PLCY	4/28/22	Sen. Hawley **HSGAC** **Senate Judiciary**	Writes regarding the decision to discontinue the use of Title 42.	1230454 / 22-1766	
●	Congressional	3/10/22	119	Component to Transmit - OLA	6/27/22	PLCY	4/5/22	Sen. Lankford +1 **HSGAC** **Senate Judiciary**	Writes with concerns regarding DHS' efforts to re-implement MPP.	1229090 / 22-1219	
●	Congressional	11/4/21	245	Component to Transmit - OLA	7/5/22	PLCY	12/16/21	Rep. Hern OK	Writes requesting Afghanistan migrant information for the state of Oklahoma.	1223319 / 21-4680	
●	Congressional	9/1/21	309	Component to Transmit - OLA	7/5/22	PLCY	9/23/21	Sen. Grassley **Senate Judiciary**	Writes with numerous questions surrounding the ongoing situation in Afghanistan.	1220484 / 21-3917	(OLA to transmit S1-signed response.)
●	Congressional	8/23/21	318	Component to Transmit	7/5/22	PLCY	9/15/21	Rep. Posey (FL)	Writes to ask DHS to secure our border from any individual who would seek to bring harm to the American people.	1220207 / 21-3259	(CBP to sign/transmit)
●	Congressional	8/18/21	323	Component to Transmit - OLA	7/5/22	PLCY	9/2/21	Rep. Katko +15 **CHS**	Writes requesting information regarding various components plans to combat terrorist attacks to the homeland in response to the ongoing crisis in Afghanistan.	1220103 / 21-3090	(OLA to transmit S1-signed response.)

ESEC External Actions Addressed to the Secretary and Deputy Secretary

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Stop Light Status	Type	Date Received	Days In Progress	Document Location	Location As of	Component	Final Due Date	Sender	Issue	Tracking # (IQ)/ES	Notes
	Congressional	4/30/21	433	Component to Transmit - OLA	7/5/22	PLCY	5/17/21	Sen. Menendez +9 **Senate Judiciary** **SAC**	Writes to urge DHS to take additional steps to ensure federal law enforcement agencies are in full compliance with the Lautenberg Amendment.	1212961 / 21-1402	
	Congressional	5/24/22	44	Component to Transmit - OLA	7/6/22	USCIS	6/16/22	Rep. Correa CA	Writes with concerns regarding migrants at the SWB.	1232796 / 22-2496	
	Congressional	5/10/22	58	Component to Transmit	6/29/22	USCIS	6/2/22	Rep. Nadler (NY)	Write regarding USCIS's regional centers and compliance with the new EB-5 Reform and Integrity Act of 2022.	1232008 / 22-2435	
	VIP Correspondence (Federal Officials, NGOs, Private Sector, etc.)	2/15/22	142	Component to Transmit	6/27/22	USCIS	3/11/22	#AfghanEvac Coalition + many NGOs	Write to request for the creation of a long-term parole program for at-risk Afghans.	1227960 / 22-0811	

From: CANEGALLO, KRISTIE (b)(6)
(b)(6)

SentVia: BAILEY, MARIA (b)(6)
(b)(6)

Houser, Jason P (b)(6)
(b)(6)

O'CONNOR, KIMBERLY (b)(6)
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Blackwell, Juliana (b)(6)
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Chalkley, Marie (b)(6)
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Taylor, Sandra (b)(6)
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CLAVEL, LISE (b)(6)
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Escobar Carrillo, Felicia (b)(6)
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Coen Jr, Michael (b)(6)
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To: SUNSTEIN, CASS (b)(6)
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Truhlar, Steven (b)(6)
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BRAUN, JACOB (b)(6)
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BAILEY, MARIA (b)(6)
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BRANE, MICHELLE (b)(6)
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Platt, Michael E CAPT USCG BASE NCR (USA) (b)(6)
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Little, Ralph R. (Bob) CAPT USCG COMDT (USA) (b)(6)
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Merson, Gary (b)(6)
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SNYDER, NATHANIEL (b)(6)
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Wilson, Laura C.T. (She/Her) (b)(6)
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Saoud, Rana (h)(6)
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Chaudhary, Masoom (She/Her) (b)(6)
cc: (b)(6)
Merrick, Kelly (b)(6)
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Hyams, Emilie R (b)(6)
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Saupp, Kevin (b)(6)
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NOYES, ANGELA (b)(6)
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Christy, David D (b)(6)
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Watson, Wilborne E CAPT USCG SEC NOLA (USA) (b)(6)
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RYAN, CARA (b)(6)
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Schallip, Michele L CDR USCG COMDT (USA) (b)(6)
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	(b)(6)
Subject:	Weekly Stoplight Report Huddle w/ DHS-wide COS
Date:	2022/07/07 15:01:13
Start Date:	2022/07/07 15:30:00
End Date:	2022/07/07 16:15:00
Priority:	Normal
Type:	Schedule.Meeting.Request
Location:	Microsoft Teams Meeting
Attendees:	Wilson, Laura C.T. (She/Her); HIDALGO, ANGELINA; (b)(6) Saoud, Rana; Fauquet, Stephanie; Hill, John W; McCleary, Stephen; Peters, Jenna; Chaudhary, Masoom (She/Her); Merrick, Kelly; Hyams, Emilie R; Saupp, Kevin; NOYES, ANGELA; Christy, David D; Dargan, John; Watson, Wilborne E CAPT USCG SEC NOLA (USA); Houser, Jason P; O'CONNOR, KIMBERLY; Blackwell, Juliana; Chalkley, Marie; Taylor, Sandra; Nichols, Kate; CLAVEL, LISE; Escobar Carrillo, Felicia; Coen Jr, Michael; SUNSTEIN, CASS; Truhlar, Steven; BRAUN, JACOB; BAILEY, MARIA; Canevari, Holly; FONG, HEATHER; Wilcox, Cassie; MCMILLAN, ALEXA; NEITZEL, BETH; BRANE, MICHELLE; Platt, Michael E CAPT USCG BASE NCR (USA); ABDELALL, BRENDA; SHAH, SARASWATI; Luke, Adam; HIMMEL, CHLOE; CALLAHAN, MARY ELLEN; Todt, Kiersten (She/Her); REZMOVIC, JEFFREY; ULLOA, ISABELLA; Corrado, Janene; Palmer, David; Hymowitz, Emily; Howard, Tammy; Tocco, Jennifer E; ANTOGNOLI, ANTHONY; Johnson, Staci M; Heinz, Todd; Kolstad, Kate; KAINE, NATHANIEL C; ROTH, STEVEN; TUTONI VINCENT A; APJOKE, JENNIFER; SCHMIDT, PATRICK R; FIROZVI, NADIA; Little, Ralph R. (Bob) CAPT USCG COMDT (USA); Merson, Gary; SNYDER, NATHANIEL; RYAN, CARA; Schallip, Michele L CDR USCG COMDT (USA)

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If there are any questions, please contact: (b)(6)

*****Attendance required @ COS or DCOS level*****

Lead: Kristie Canegallo, Chief of Staff

Platform: Microsoft Teams

Attendees:

- Kristie Canegallo, Chief of Staff
- Jeff Rezmovic, Deputy Chief of Staff
- Isa Ulloa, Deputy Chief of Staff
- Mary Ellen Callahan Chief of Staff to the Deputy Secretary
- Maria Bailey, Advisor
- Cassie Wilcox, Special Assistant to the Secretary
- Sara Shah, Special Assistant to the Secretary
- Cass Sunstein, Senior Counselor to the Secretary
- Heather Fong, Senior Counselor to the Secretary
- Beth Neitzel, Senior Counselor to the Secretary
- Ricki Seidman, Senior Counselor to the Secretary
- Royce Murray, (A) Senior Counselor to the Secretary
- Michelle Brane, ED of Family Reunification Taskforce
- Jennifer Apjoke, FRTF
- Jacob Braun, Senior Counselor

LT Steve Roth, Special Assistant the Secretary's Military Advisor
Kim O'Conner, Executive Secretary, ESEC
Juliana Blackwell, ESEC
Janene Corrado, Chief of Staff, MGMT
Jake Braun, Senior Advisor, MGMT
Jon McEntee, (A) Chief of Staff, S&T
Marie Chalkley, Chief of Staff, PLCY
David Palmer, Chief of Staff, OGC
Chloe Himmel, Chief of Staff, OLA
Tammy Howard, Chief of Staff, OPA
Jennifer Tocco, Chief of Staff, FLETC
Anthony Antognoli, Chief of Staff, CWMD
Kate Kolstad, Deputy Chief of Staff, CWMD
Jason Mayer, Chief of Staff, OPE
Staci Johnson, Deputy Chief of Staff, OPE
Adam Luke, (A) Chief of Staff, I&A or Kelly Merrick
Todd Heinz, Chief of Staff, OPS
John Hill, (A) Chief of Staff for Office of Immigration Detention Ombudsman
Stacy Shore, (A) Chief of Staff, CISOMB
Sandra Taylor, Chief of Staff, PRIV
Nadia Firozvi, Chief of Staff, CRCL
Nat Kaine, (A) Chief of Staff, CBP
Felicia Escobar Carillo, Chief of Staff, USCIS
Michael Coen, Chief of Staff, FEMA
CAPT Ralph (Bob) Little, Chief of Staff, USCG
Jason Houser, (A) Chief of Staff, ICE
Vincent Tutoni, Chief of Staff, USSS
Holly Canevari, Chief of Staff, TSA
Steven Truhlar, Chief of Staff, JRC
Kiersten Todt, Chief of Staff CISA

Briefing Materials: None

mdb

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Sender:	CANEGALLO, KRISTIE (b)(6)
	(b)(6)
	ADMINISTRATIVE GROUP
	(b)(6)
Recipient:	Houser, Jason P (b)(6)
	(b)(6)
	O'CONNOR, KIMBERLY (b)(6)
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	Blackwell, Juliana (b)(6)
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RYAN, CARA (b)(6)
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Schallip, Michele L CDR USCG COMDT (USA) (b)(6)
(b)(6)

Sent Date: 2022/07/07 15:00:24

Delivered Date: 2022/07/07 15:01:13

From:	Blake, Michelle (b)(6) (b)(6)
To:	HIMMEL, CHLOE (b)(6) (b)(6)
	Hill, Andrea (b)(6) (b)(6) OLA Exec Sec (b)(6) (b)(6)
CC:	Carver, David (b)(6) (b)(6) Marsha Bynum (b)(6) GRANT, RAYNESE (b)(6) (b)(6)
Subject:	ESEC External Actions Stoplight Report 07072022 - OLA Updates
Date:	2022/07/07 15:04:00
Priority:	Urgent
Type:	Note

Hi Chloe,

Please see OLA updates. Thanks.

Sender:	Blake, Michelle (b)(6) (b)(6)
	HIMMEL, CHLOE (b)(6) (b)(6)
	Hill, Andrea (b)(6) (b)(6) OLA Exec Sec (b)(6) (b)(6)
Recipient:	Carver, David (b)(6) (b)(6) Marsha Bynum (b)(6) GRANT, RAYNESE (b)(6) (b)(6)
Sent Date:	2022/07/07 15:04:06
Delivered Date:	2022/07/07 15:04:00

ESEC External Actions Addressed to the Secretary and Deputy Secretary

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● Today or Past Due

Stop Light Status	Type	Date Received	Days In Progress	Document Location	Location As of	Component	Final Due Date	Sender	Issue	Tracking # (IQ)/ES	Notes
●	Congressional	9/8/21	302	Packaged for S1	7/6/22	PLCY	9/28/21	Rep. Katko +1 **CHS**	Writes with questions regarding the ongoing situation in Afghanistan.	1220754 / 21-3939	
●	Congressional	5/25/22	43	Packaged for DCOS/COS	6/15/22	CISA	6/17/22	Sen. Klobuchar (MN)	Write to express concern over the potential impact of paper supply issues on upcoming elections.	1232888 / 22-3300	
●	Congressional	12/15/21	204	Packaged for DCOS/COS	2/9/22	I&A	12/30/21	Chairwoman Klobuchar +3 **HSGAC** **Senate Judiciary**	RE: The joint report, Examining the U.S. Capitol Attack: A Review of the Security, Planning, and Response Failures on January 6 before December 31, 2021.	1225108 / 21-6114	
●	Congressional	1/31/22	157	Packaged for DCOS/COS	7/6/22	ICE	2/14/22	Sen. Johnson (WI) **HSGAC**	Writes requesting data regarding immigration encounters at the Southwest Border for the year of 2021.	1227404 / 22-0705	
●	VIP Correspondence (Federal Officials, NGOs, Private Sector, etc.)	10/22/21	258	Packaged for DCOS/COS	1/21/22	OPE	11/8/21	Council on American-Islamic Relations	Write to express concerns re: the Law Enforcement Coordination Council.	1222796 / 21-4616	
●	Congressional	1/21/22	167	Packaged for DCOS/COS	4/7/22	PLCY	3/4/22	Sen. Menendez +14 **HSGAC** **Senate Judiciary**	Writes regarding denial rate for Afghan seeking humanitarian parole.	1227015 / 22-0710	

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	Congressional	8/27/21	314	Packaged for DCOS/COS	1/19/22	PLCY	9/21/21	Rep. Espallat +21 **CHS** **HAC** **House Judiciary**	Write to urge to designate TPS for Afghan nationals within the United States.	1220382 / 21-3286	
	Congressional	5/12/22	56	With Front Office	6/7/22	FEMA	6/6/22	Sen. Klobuchar (MN) +13	Write to ask that DHS take steps to ensure state and local governments can effectively use funds from the HSGP and State and Local Cybersecurity Grant Program.	1232148 / 22-2393	
	Congressional	6/14/22	23	With Front Office	7/1/22	FLETC	7/7/22	Sen. Grassley (IW)	Writes with questions regarding FLETC closing.	1233809 / 22-3361	
	Congressional	2/28/22	129	With Front Office	4/29/22	ICE	3/8/22	Rep. Tlaib +24 **HAC** **House Judiciary** **CHS**	Write to express concern over the drastic increase in ICE's Intensive Supervision Appearance Program (ISAP).	1228583 / 22-0830	
	Congressional	6/24/22	13	With Front Office	7/5/22	MGMT	6/29/22	Sen. Grassley IA	Writes with questions regarding how DHS plans to protect the safety of Supreme Court Justices following the recent overrule of Roe v. Wade.	1234176 / 22-3514	
	Congressional	4/28/22	70	With Front Office	5/17/22	MGMT	5/19/22	Rep. Payne (NJ) +19	Write to urge S1 to show moral leadership for DHS employees that are	1231587 / 22-2384	

ESEC External Actions Addressed to the Secretary and Deputy Secretary

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Stop Light Status	Type	Date Received	Days In Progress	Document Location	Location As of	Component	Final Due Date	Sender	Issue	Tracking # (IQ)/ES	Notes
									impacted by new anti-LGBTQ laws and policies adopted in several states.		
●	Congressional	6/10/22	27	With Front Office	7/5/22	PLCY	6/30/22	Rep. Titus (NV)	Writes with concerns regarding the rise in Domestic Violent Extremists.	1233572 / 22-3352	
●	Congressional	5/13/22	55	With Front Office	6/14/22	PLCY	6/7/22	Sen. Johnson (WI)	Writes regarding the recent politically-motivated attack on the Wisconsin Family Action office in Madison, Wisconsin.	1232217 / 22-2447	
●	Congressional	1/27/22	161	With Front Office	6/24/22	PLCY	2/17/22	Sen. Grassley **HSGAC** **Senate Judiciary** **SAC**	Writes requesting information about the case of Malik Faisal Akram	1227252 / 22-0730	
●	Congressional	4/26/22	72	With Front Office	5/25/22	TSA	5/17/22	Rep. Norman (SC)	Writes regarding gender identity politics.	1231511 / 22-2376	
●	Congressional	4/1/22	97	With Front Office	6/3/22	TSA	4/25/22	Sen. Daines (MT)	Write in response to announcement that the TSA will no longer consider gender when validating the identity of individuals at checkpoints.	1230236 / 22-1291	
	Congressional	5/24/22	44	With Front Office	7/5/22	USCIS	6/16/22	Rep. Castro (TX)	RE: TPS protections for	1232750 / 22-2491	

ESEC External Actions Addressed to the Secretary and Deputy Secretary

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Stop Light Status	Type	Date Received	Days In Progress	Document Location	Location As of	Component	Final Due Date	Sender	Issue	Tracking # (IQ)/ES	Notes
●									migrants from Guatemala, El Salvador, Honduras, and Nicaragua.		
●	Congressional	4/13/22	85	Front Office Second Review	7/5/22	PLCY	5/4/22	Rep. Porter (CA)	Writes to request DHS to release its implementation plan of the National Strategy to Counter Domestic Terrorism.	1230726 / 22-2300	
●	VIP Correspondence (Federal Officials, NGOs, Private Sector, etc.)	3/22/22	107	With Special Assistants	6/30/22	CBP	4/20/22	Rick Tachuk AmCham Canada	Writes requesting comprehensive border policy following the pandemic and recent blockades.	1229784 / 22-1239	
●	Congressional	6/9/22	28	With Special Assistants	6/28/22	CISA	7/1/22	Sen. Klobuchar (MN)	Writes regarding the security of our elections during the 2022 federal election cycle.	1233623 / 22-3348	
●	Congressional	1/7/22	181	With Special Assistants	4/5/22	PLCY	1/28/22	Rep. Grijalva (AZ)	Writes reiterating concerns regarding the inconsistent approach of USCIS in relation to humanitarian parole applications submitted by 40,000 Afghans.	1226032 / 22-0017	
●	State, Local, Tribal, Territorial Officials	9/1/21	309	With Special Assistants	6/27/22	PLCY	9/23/21	Bob Ferguson	Writes supporting the resettlement of Afghan nationals under the SIV program.	1220483 / 21-2050	
	Congressional	4/26/22	72	With Interagency/NSC	6/10/22	CBP	5/17/22	Sen. Boozman (AR)	Write to POTUS to express	1231452 / 22-2362	

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●									disapproval of a contingency plan which uses personnel from the Department of Veterans Affairs to deal with the escalation of the border crisis once the Administration rescinds Title 42.		
●	Congressional	7/5/22	2	With Component	7/5/22	CBP	7/25/22	Rep. Grijalva (TX)	Writes regarding the deployment from CBP PMOD of the 22-Meter Persistent Ground Surveillance System Aerostat blimp over the city of Nogales, Arizona.	1234621 / 22-3531	
●	Congressional	6/29/22	8	With Component	6/29/22	CBP	7/21/22	Rep. Burgess TX	Writes regarding recent disruptions to passenger air travel and requests DHS remove the vaccine mandate for international travelers.	1234340 / 22-3537	
●	VIP Correspondence (Federal Officials, NGOs, Private Sector, etc.)	6/22/22	15	With Component	6/22/22	CBP	7/15/22	Ronald D. Vitiello	Writes regarding corrective action currently being considered against United States Border Patrol agents following incidents that occurred in Del Rio, Texas last September.	1234059 / 23-3502	

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	Congressional	6/21/22	16	With Component	6/21/22	CBP	7/14/22	Chairman Thompson (MS)	Writes regarding unofficial challenge coin circulating among CBP agents.	1233994 / 22-3501	
	Congressional	6/21/22	16	With Component	6/21/22	CBP	7/14/22	Rep. Payne NJ	Writes seeking assistance in rectifying a matter of retaliation from a CBP employee, against a union shop steward.	1234010 / 22-3510	
	Congressional	6/17/22	20	With Component	6/17/22	CBP	7/12/22	Rep. Payne (NJ)	Writes regarding unofficial challenge coin circulating among CBP agents.	1233951 / 22-3397	
	Congressional	6/17/22	20	With Component	6/17/22	CBP	7/12/22	Rep. Correa (CA)	Writes regarding a potential public health crisis surrounding the collection of blood plasma in the United States that is being exacerbated by a policy implemented by CBP.	1233953 / 22-3399	
	State, Local, Tribal, Territorial Officials	6/16/22	21	With Component	6/16/22	CBP	7/11/22	Gov. Lujan Grisham NM	Writes requesting DHS halt any planned or expanded efforts to transport migrants within the United States.	1233918 / 22-3391	
	Congressional	6/14/22	23	With Component	6/14/22	CBP	7/7/22	Rep. Pfluger (TX)	Writes regarding the potential release of migrants to Texas.	1233768 / 22-3359	

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	Congressional	6/24/22	13	With Component	6/24/22	CBP	7/6/22	Rep. Roy (TX)	Writes requesting the release of any investigative report of CBP agents whipping migrants, and provide Members of Congress with a briefing on the investigation and proposed disciplinary action.	1234124 / 22-3511	
	Congressional	6/7/22	30	With Component	6/7/22	CBP	6/28/22	Rep. Kim (CA) +5	Write requesting information about DHS's previously procured technologies and equipment to secure the border.	1233472 / 22-3342	
	Congressional	5/26/22	42	With Component	5/26/22	CBP	6/27/22	Rep. Donalds (FL)	Write seeking clarification and answers about the supply of infant formula at CBP detention facilities along the southern border.	1233005 / 22-3301	
	Congressional	6/2/22	35	With Component	6/2/22	CBP	6/16/22	Rep. Westerman (AR) +1	Write requesting a document production on the environmental effects of migration at the southern border.	1233288 / 22-3337	
	Congressional	5/13/22	55	With Component	5/13/22	CBP	6/7/22	Sen. Johnson (WI)	Writes regarding the infant formula shortage.	1232219 / 22-2437	

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●	Congressional	5/12/22	56	With Component	5/12/22	CBP	5/23/22	Rep. Banks (ID)	Writes regarding the scheduled termination of Title 42 and the worsening baby formula shortage.	1232183 / 22-2446	
●	Congressional	4/27/22	71	With Component	6/30/22	CBP	5/18/22	Rep. Murphy (NC)	Writes regarding 42 individuals on the TSDB were arrested while entering the country illegally.	1231538 / 22-2378	
●	Congressional	4/18/22	80	With Component	4/18/22	CBP	5/9/22	Rep. Biggs (AZ)	Writes requesting extensive data on border encounters.	1230949 / 22-2311	
●	Congressional	4/11/22	87	With Component	4/11/22	CBP	5/3/22	Rep. Sherrill (NJ)	Write to ask CBP how it will spend recently-approved appropriations for border security, specifically funding for new technology.	1230656 / 22-1705	
●	Congressional	4/6/22	92	With Component	4/6/22	CBP	4/28/22	Sen. Hagerty +6 **HSGAC** **Senate Judiciary**	Write to request that DHS disclose its findings of the investigation by CBP's Office of Professional Responsibility regarding horse patrol activity in Del Rio, TX in September 2021.	1230465 / 22-1729	
●	Congressional	3/22/22	107	With Component	3/22/22	CBP	4/5/22	RM Comer and RM Katko **CHS**	Write requesting a document production related to apprehensions of foreign nationals	1229743 / 22-1270	

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									with terrorist ties at the southern border.		
	Congressional	11/17/21	232	With Component	12/2/21	CBP	12/10/21	Rep. Katko **CHS**	Follow up letter regarding the current state of the SWB. Ref WF: 1219887	1223717 / 21-4607	
	State, Local, Tribal, Territorial Officials	6/30/22	7	With Component	6/30/22	CISA	7/29/22	Gov. Walz (MN)	Write in response to March 18th letter to Governors regarding the heightened cybersecurity threat stemming from Russia's ongoing attack on Ukraine.	1234429 / 22-3526	
	Congressional	6/16/22	21	With Component	6/16/22	CISA	7/11/22	Sen. Klobuchar (MN) +21	Write expressing concern about the alarming rise in threats against election workers.	1233888 / 22-3378	
	Congressional	6/30/22	7	With Component	6/30/22	CWMD	7/29/22	Rep. Rodgers (KY)	Write regarding the April 2022 GAO Report regarding CWMD's acquisition strategy to recapitalize approximately 1,400 aging RPMs that CBP operates at U.S. ports of entry.	1234473 / 22-3528	
	Congressional	6/27/22	10	With Component	6/27/22	FEMA	7/25/22	Sen. Smith (MN)	Writes regarding infrastructure grant.	1234228 / 22-3523	

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●	Congressional	6/14/22	23	With Component	6/14/22	FEMA	7/14/22	Sen. Warren (MA) +1	Write in support of the application submitted by the Massachusetts Bay Transportation Authority for the FY2022 Transit Security Grant Program.	1233806 / 22-2396	
●	VIP Correspondence (Federal Officials, NGOs, Private Sector, etc.)	2/15/22	142	With Component	6/30/22	FRTF	6/17/22	Claudia Tristán Immigration Campaign Director, MomsRising	Writes with recommendations regarding family separation policies.	1227961 / 22-0812	
●	Congressional	5/24/22	44	With Component	5/24/22	FRTF	6/16/22	Sen. Cruz (TX)	Writes with questions regarding FRTF.	1232752 / 22-2493	
●	VIP Correspondence (Federal Officials, NGOs, Private Sector, etc.)	6/30/22	7	With Component	6/30/22	I&A	7/8/22	General Paul Nakasone Director, NSA/Chief, CSS	Writes regarding the nomination of Leeann Hora to succeed Mr. Shawn G. Turskey as the National Security Agency/Central Security Service Representative to DHS.	1234476 / 22-3543	
●	Congressional	6/24/22	13	With Component	6/24/22	I&A	6/30/22	Rep. Bishop (NC)	Writes regarding threats that left-wing extremists are making against houses of worship.	1234156 / 22-3512	
●	Congressional	5/27/22	41	With Component	5/27/22	I&A	6/21/22	Rep. Turner (OH)	Writes regarding I&A's analytic activity related to COVID-19 origins and consultation	1233024 / 22-3302	

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									with outside experts.		
●	State, Local, Tribal, Territorial Officials	6/16/22	21	With Component	6/16/22	ICE	7/29/22	State Rep. Daisy Morales (FL)	Writes regarding processing times at the ICE Orlando Facility.	1233911 / 22-3396	
●	VIP Correspondence (Federal Officials, NGOs, Private Sector, etc.)	7/5/22	2	With Component	7/5/22	ICE	7/26/22	Peter Schey Center for Human Rights and Constitutional Law	Writes regarding protection for immigrant workers.	1234629 / 22-3534	
●	Congressional	6/23/22	14	With Component	6/23/22	ICE	7/6/22	Ranking Member Johnson (WI)	Writes regarding the crisis at the southern border.	1234102 / 22-3504	
●	Congressional	6/8/22	29	With Component	6/8/22	ICE	6/30/22	Rep. McClain (MI)	Write with follow up questions to a previous letter regarding illegal migration, ICE coordination with local law enforcement, and CBP's release of a man flagged by the FBI Terrorist Screening Center.	1233571 / 22-3344	
●	Congressional	6/2/22	35	With Component	6/2/22	ICE	6/23/22	Rep. Ocasio-Cortez (NY) +28	Write to express concerns with the current implementation of the Guidelines for the Enforcement of Civil Immigration Law and to request that DHS publicly releases enforcement data.	1233275 / 22-3322	

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●	Congressional	5/25/22	43	With Component	5/25/22	ICE	6/17/22	Rep. Hinson (IA)	Writes regarding an individual on the FBI Terrorism Watchlist that was released into the country by CBP.	1232966 / 22-3310	
●	Congressional	5/26/22	42	With Component	5/26/22	ICE	6/16/22	Sen. Scott FL	Writes requesting information regarding the Doyle Memorandum.	1232955 / 22-2469	
●	Congressional	5/5/22	63	With Component	5/5/22	ICE	5/27/22	Sen. Moran (KS) +6	Write regarding an OIG report regarding improper use of sole source contracts for housing migrant families.	1231869 / 22-2409	
○	VIP Correspondence (Federal Officials, NGOs, Private Sector, etc.)	6/16/22	21	With Component	6/16/22	MGMT	7/11/22	Vince Micone Co-Chairperson, CFC +1	Writes asking for DHS leadership to volunteer for the CFC.	1233890 / 22-3394	
●	Congressional	6/13/22	24	With Component	6/13/22	MGMT	7/1/22	Rep. Connolly (VA) +1	Write requesting an update on DHS's implementation of the Modernizing Government Technology (MGT) Act and to ask about DHS's efforts to pursue adequate funding to update IT systems.	1233710 / 22-3356	
●	Congressional	5/20/22	48	With Component	5/20/22	MGMT	6/14/22	Sen. Grassley (IA)	Writes requesting information on how DHS has updated its procedures, including misconduct-	1232589 / 22-2486	

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									disclosure procedures, in light of the COPS Counseling Act becoming law.		
	Congressional	6/30/22	7	With Component	6/30/22	OGC	7/29/22	Chairman Thompson (MS)	Write to request additional information regarding the Department's plans for further use of JTF's.	1234433 / 22-3527	
	Congressional	6/14/22	23	With Component	6/14/22	OGC	7/7/22	Rep. Jordan (OH)	Writes regarding DHS's involvement in the Biden Administration's use of federal law enforcement, with respect to school board-related threats.	1233783 / 22-3350	
	Congressional	6/16/22	21	With Component	6/16/22	OLA	7/11/22	Rep. Ross (NC)	Write to provide comments to DHS's notice of proposed rulemaking, RIN 165-AC64, on DACA.	1233896 / 22-3362	Per DAS S, this response will not be satisfactory to Rep. Ross. Recommend asking USCIS to provide any related updates as appropriate.
	Congressional	6/2/22	35	With Component	6/2/22	OPE	6/23/22	Chairman Thompson (MS)	Writes with concern that the HSAC has an absence of members who represent labor's perspective that would advocate on behalf of the Department's employees.	1233277 / 22-3323	

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	Congressional	6/24/22	13	With Component	6/24/22	PLCY	7/18/22	Rep. Kind (WI)	Writes with concerns regarding reports of discriminatory treatment of American passport holders by the Government of Israel.	1234171 / 22-2472	
	Congressional	6/22/22	15	With Component	6/22/22	PLCY	7/15/22	Rep. Gottheimer NJ	Writes regarding the recently published "Mapping Project" seeking information on how DHS plans to investigate and respond to DVE, HVE, and FTOs.	1234033 / 22-2471	
	Congressional	6/22/22	15	With Component	6/22/22	PLCY	7/14/22	Rep. Mullin (OK)	Writes regarding administration's plans to handle the extreme influx of migrants at our southern border in light of repeal of Title 42.	1234094 / 22-3503	
	Congressional	6/17/22	20	With Component	6/17/22	PLCY	7/12/22	Sen. Tillis +8	Writes concerning the rise in the illegal immigrant population.	1233971 / 22-3500	
	State, Local, Tribal, Territorial Officials	6/2/22	35	With Component	6/2/22	PLCY	6/23/22	Toks Omishakin Secretary, California State Transportation Agency	Writes regarding California's compliance with federal REAL ID Act requirements.	1233263 / 22-3321	
	VIP Correspondence (Federal Officials,	5/25/22	43	With Component	5/25/22	PLCY	6/17/22	HIAS +4 organizations	Write urging the administration to oppose efforts to	1232857 / 22-3308	

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	NGOs, Private Sector, etc.)								force the continuation of Title 42 through litigation or legislation and take all legally available steps to end the policy.		
	Congressional	5/19/22	49	With Component	5/19/22	PLCY	6/13/22	Rep. Gottheimer (NJ)	Writes urging the Administration to postpone ending Title 42.	1232559 / 22-2451	
	Congressional	5/18/22	50	With Component	5/18/22	PLCY	6/9/22	Rep. Gohmert (TX) +4	Write regarding Title 42.	1232414 / 22-2438	
	Congressional	4/19/22	79	With Component	5/2/22	PLCY	5/20/22	RM Jim Jordan **House Judiciary**	Writes regarding the condition of the SWB and requests data and answers to the questions posed at the upcoming Judiciary hearing.	1231036 / 22-2321	
	Congressional	4/20/22	78	With Component	4/20/22	PLCY	5/18/22	Rep. Slotkin +1 **CHS**	Writes regarding Title 42 and the Departments approach to the SWB.	1231055 / 22-2322	
	Congressional	4/26/22	72	With Component	4/26/22	PLCY	5/17/22	Rep. Schrier (WA)	Writes regarding whether the administration is prepared for the end of Title 42.	1231515 / 22-2364	
	Congressional	5/3/22	65	With Component	5/3/22	PLCY	5/13/22	Rep. Herrell NM	Writes regarding synthetic opioid epidemic and concern for the ending of Title 42.	1231777 / 22-2372	

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●	Congressional	4/12/22	86	With Component	4/12/22	PLCY	5/3/22	Rep. Thompson (MS) **CHS**	Writes regarding the termination of Title 42.	1230697 / 22-1797	
●	Congressional	4/8/22	90	With Component	4/8/22	PLCY	5/2/22	Rep. Miller-Meeks +62 **House Judiciary** **CHS** **HAC**	Writes regarding Title 42.	1230610 / 22-1794	
●	Congressional	4/7/22	91	With Component	4/7/22	PLCY	4/29/22	Sen. Tillis +20 **SAC** **Senate Judiciary** **HSGAC**	Writes concerning Title 42.	1230523 / 22-1787	
●	Congressional	4/5/22	93	With Component	4/5/22	PLCY	4/27/22	Rep. Comer +18 **CHS** **House Judiciary**	Writes regarding Title 42.	1230398 / 22-1760	
●	Congressional	4/5/22	93	With Component	4/5/22	PLCY	4/27/22	Sen. Tester **SAC**	Writes regarding DHS's preparedness for ending Title 42.	1230409 / 22-1758	
●	Congressional	3/30/22	99	With Component	3/30/22	PLCY	4/21/22	Rep. Roy (TX) **House Judiciary**	Writes regarding S1's decision to discontinue the use of Title 42.	1230126 / 22-1725	
●	Congressional	3/30/22	99	With Component	3/30/22	PLCY	4/21/22	Sen. Cornyn +21 **CHS** **HAC** **Senate Judiciary**	Writes regarding Title 42.	1230125 / 22-1722	
	VIP Correspondence (Federal Officials,	3/29/22	100	With Component	3/29/22	PLCY	4/20/22	Eddie Trevino Texas Border Coalition	Writes regarding Title 42 and the need for additional	1230094 / 22-1721	

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●	NGOs, Private Sector, etc.)								personnel on southern border.		
●	Congressional	3/28/22	101	With Component	3/28/22	PLCY	4/19/22	Rep. Escobar **House Judiciary**	Writes with issues concerning MPP and Title 42.	1230011 / 22-1718	
●	Congressional	3/21/22	108	With Component	3/21/22	PLCY	4/12/22	Rep. Correa +2 **HSGAC** **House Judiciary** **CHS** **HAC**	Write to request an end to Title 42.	1229623 / 22-1254	
●	Congressional	3/17/22	112	With Component	5/26/22	PLCY	4/8/22	Rep. Cherfilus-McCormick (FL)	Writes urging DHS end the mistreatment of Haitian asylum seekers and migrants.	1229444 / 22-0889	
●	Congressional	3/16/22	113	With Component	5/26/22	PLCY	4/7/22	Rep. Jones (NY) +1 **House Judiciary**	Write to request that DHS stop deporting and expelling people to Haiti under Title 42.	1229413 / 22-1250	
●	Congressional	6/17/22	20	With Component	6/17/22	USCG	7/13/22	Rep. Crow CO	Writes requesting broader access to abortion and other reproductive healthcare services for servicemembers.	1233967 / 22-3392	
●	Congressional	6/28/22	9	With Component	6/28/22	USCIS	7/27/22	Rep. Jeffries (NY)	Writes regarding Applications that have been submitted by constituent, Dr. Sabeel Rahman.	1234293 / 22-3525	

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●	Congressional	7/5/22	2	With Component	7/5/22	USCIS	7/26/22	Rep. Stansbury (NV)	Writes regarding private immigration detention.	1234622 / 22-3532	
●	Congressional	7/1/22	6	With Component	7/1/22	USCIS	7/25/22	Rep. Norton (DC)	Write regarding immigration for Ukraine refugee's.	1234493 / 22-3530	
●	Congressional	6/29/22	8	With Component	6/29/22	USCIS	7/21/22	Rep. Banks IN	Writes requesting DHS look into and reconsider the immigration status of Iranian actor Parviz Parastui's due to his support for the Iran's Islamic Revolutionary Guards Corps (IRGC).	1234341 / 22-3538	
●	VIP Correspondence (Federal Officials, NGOs, Private Sector, etc.)	6/17/22	20	With Component	6/17/22	USCIS	7/20/22	Miriam Feldblum PAHEI	Writes expressing support for the Administrations work to assist students fleeing violence and humanitarian crises.	22-3393 / 1233972	
●	Congressional	6/27/22	10	With Component	6/27/22	USCIS	7/20/22	Sen. Shaheen (NH)	Writes to express concern about the Department's increased delays in processing applications for initial EADs.	1234204 / 22-3521	
●	VIP Correspondence (Federal Officials,	6/27/22	10	With Component	6/27/22	USCIS	7/20/22	Joseph DePete Airline Pilots Association	Writes regarding airlines abusing the "special occupation" visa to	1234212 / 22-3516	

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	NGOs, Private Sector, etc.)								overcompensate for poor employee retention.		
●	VIP Correspondence (Federal Officials, NGOs, Private Sector, etc.)	6/23/22	14	With Component	6/23/22	USCIS	7/18/22	America's Voice	Writes to request immediate review and 18-month extension and redesignation of Temporary Protected Status for Venezuela.	1234123 / 22-3505	
●	VIP Correspondence (Federal Officials, NGOs, Private Sector, etc.)	6/24/22	13	With Component	6/24/22	USCIS	7/18/22	Clooney Foundation for Justice	Writes in support of the humanitarian parole application of Alfateh Younous Haroun.	1234174 / 22-3519	
●	Congressional	6/14/22	23	With Component	6/14/22	USCIS	7/14/22	Sen. Schatz HI	Writes with concerns regarding how the Immigration and Naturalization Act impacts the fishing industry in Hawaii.	1233803 / 22-3371	
●	VIP Correspondence (Federal Officials, NGOs, Private Sector, etc.)	6/3/22	34	With Component	6/3/22	USCIS	7/12/22	Jill Marie Bussey Director for Public Policy, Lutheran Immigration and Refugee Service	Request to Resume Legal Services and Processing for Afghan Allies at the National Conference Center.	1233345 / 22-3339	
●	VIP Correspondence (Federal Officials, NGOs, Private Sector, etc.)	6/17/22	20	With Component	6/17/22	USCIS	7/12/22	Almar Latour	Writes regarding concerns for the P2 Program.	1233952 / 22-3398	
	VIP Correspondence (Federal Officials,	6/10/22	27	With Component	6/10/22	USCIS	7/5/22	Brian Crawford	Writes regarding suggestions related	1233669 / 22-3349	

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●	NGOs, Private Sector, etc.)								to the H-2B program.		
●	VIP Correspondence (Federal Officials, NGOs, Private Sector, etc.)	5/26/22	42	With Component	5/26/22	USCIS	6/27/22	Wilouse Sanon Charles Fair Justice Now for All +3	Write regarding the H-2A and H-2B visa programs.	1232990 / 22-3311	
●	Congressional	6/2/22	35	With Component	6/2/22	USCIS	6/23/22	Sen. Reed (RI) +6	Write asking for an extension of DED for Liberia.	1233283 / 22-3336	
●	Congressional	6/7/22	30	With Component	6/7/22	USCIS	6/21/22	Rep. Jordan (OH)	Writes regarding terrorists exploiting the immigration system.	1233517 / 22-3346	
●	Congressional	5/26/22	42	With Component	5/26/22	USCIS	6/20/22	Sen. Markey (MA) +7	Write concerning the inconsistency between the treatment of Afghans and Ukrainians seeking humanitarian parole into the United States.	1232998 / 22-3313	
●	Congressional	5/16/22	52	With Component	5/16/22	USCIS	6/1/22	Rep. Curtis (UT)	Write to encourage DHS and USCIS to consider innovative approaches to digitize USCIS-controlled immigration records.	1232281 / 22-2448	
●	Congressional	4/15/22	83	With Component	4/15/22	USCIS	5/6/22	Rep. Velazquez (NY)	Writes requesting information and data on the administration's use	1230867 / 22-2306	

ESEC External Actions Addressed to the Secretary and Deputy Secretary

● Due date greater than 3 days away

● Due date is within 1-3 days

● Today or Past Due

Stop Light Status	Type	Date Received	Days In Progress	Document Location	Location As of	Component	Final Due Date	Sender	Issue	Tracking # (IQ)/ES	Notes
									of the TPS and DED programs.		
●	Congressional	4/1/22	97	Component Adjudication	6/17/22	CBP	4/25/22	Rep. Biggs **HAC** **CHS** **House Judiciary**	Write regarding illegal Russian immigration to America.	1230238 / 22-1293	(Assigned to ICE to adjudicate FO edits)
●	Congressional	4/8/22	90	Component Adjudication	5/17/22	ICE	5/2/22	Rep. Cawthorn (NC)	Writes regarding visa sanctions.	1230601 / 22-1791	
●	Congressional	3/11/22	118	Component Adjudication	6/16/22	ICE	4/4/22	Sen. Cruz +21 **HSGAC** **Senate Judiciary** **SAC**	Writes with concerns regarding an alleged increase in violent crimes committed by undocumented persons.	1229207 / 22-1220	
●	Congressional	4/7/22	91	Component Adjudication	7/1/22	ICE	2/28/22	Sen. Tillis (NC)	Writes regarding noncitizen flights from the border to the interior.	1227519 / 22-0745	
●	Congressional	11/29/21	220	Component Adjudication	6/14/22	PLCY	12/21/21	Rep. McKinley (WV)	Writes how the crisis at the southern border has expedited the flow of deadly narcotics, like fentanyl into the United States.	1224042 / 21-4761	
●	VIP Correspondence (Federal Officials, NGOs, Private Sector, etc.)	5/25/22	43	Component Adjudication	7/6/22	TSA	6/17/22	Sonya Hightower-LaBosco Executive Director, Air Marshal National Council	Writes with concerns that the Federal Air Marshal Services has directed Federal Air Marshals to go to the southwest	1232962 / 22-3309	

ESEC External Actions Addressed to the Secretary and Deputy Secretary

● Due date greater than 3 days away

● Due date is within 1-3 days

● Today or Past Due

Stop Light Status	Type	Date Received	Days In Progress	Document Location	Location As of	Component	Final Due Date	Sender	Issue	Tracking # (IQ)/ES	Notes
									border to assist CBP.		
●	Congressional	12/9/21	210	Component to Transmit - OLA	7/5/22	CBP	12/23/21	Rep. Katko **CHS**	Write regarding COVID-19 travel requirements.	1224457 / 21-4765	(OLA to transmit S1-signed response.) TRANSMITTED
●	VIP Correspondence (Federal Officials, NGOs, Private Sector, etc.)	5/20/22	48	Component to Transmit	6/28/22	CISA	6/14/22	David Logsdon	Writes regarding cyber security issues and funding solutions related to state and local governments.	1232594 / 22-2452	
●	Congressional	5/3/22	65	Component to Transmit	7/5/22	ICE	5/24/22	Rep. Soto (FL)	Writes requesting that DHS and ICE investigate the reported delays at the Orlando Immigration and Customs Enforcement facility.	1231743 / 22-2403	
●	Congressional	4/14/22	84	Component to Transmit	7/5/22	ICE	5/5/22	Rep. Roy (TX) **House Judiciary** **HAC** **CHS**	Write requesting that ICE immediately release a report containing ERO enforcement data for FY21 in a comparable format to the FY20 enforcement report.	1230828 / 22-1774	
●	Congressional	2/15/22	142	Component to Transmit - OLA	6/27/22	OLA	3/11/22	Ranking Member Comer (KY)	Writes requesting documents related to the withdrawal from Afghanistan.	1227984 / 22-0814	TRANSMITTING TODAY
●	VIP Correspondence (Federal Officials,	3/29/22	100	Component to Transmit - OPE	5/12/22	OPE	4/27/22	Ned Norris Chairman - Tohono Nation	Writes following up on previous written correspondence	1230092 / 22-1720	

ESEC External Actions Addressed to the Secretary and Deputy Secretary

● Due date greater than 3 days away


● Due date is within 1-3 days


● Today or Past Due







Stop Light Status	Type	Date Received	Days In Progress	Document Location	Location As of	Component	Final Due Date	Sender	Issue	Tracking # (IQ)/ES	Notes
	NGOs, Private Sector, etc.)								and to request a meeting between S1 and the Tohono Nation.		
●	Congressional	6/8/22	29	Component to Transmit - OLA	7/6/22	PLCY	6/30/22	Rep. Tlaib (MI)	Writes regarding Israel's eligibility for the Visa Waiver Program.	1233581 / 22-3347	w/leg teams
●	State, Local, Tribal, Territorial Officials	5/9/22	59	Component to Transmit - OPE	6/29/22	PLCY	6/1/22	AG Wasden (Idaho)	Writes in opposition of the "Disinformation Governance Board."	1231982 / 22-2411	
●	State, Local, Tribal, Territorial Officials	5/9/22	59	Component to Transmit - OPE	6/29/22	PLCY	6/1/22	AG Brnovich	Writes regarding the newly created DHS "Disinformation Governance Board."	1231987 / 22-2431	
●	State, Local, Tribal, Territorial Officials	5/9/22	59	Component to Transmit - OPE	6/29/22	PLCY	5/31/22	Jason Miyares AG - Virginia	Writes regarding the newly created DHS "Disinformation Governance Board."	1231920 / 22-2414	
●	VIP Correspondence (Federal Officials, NGOs, Private Sector, etc.)	5/4/22	64	Component to Transmit - OPE	6/29/22	PLCY	5/26/22	Protect Democracy	Writes regarding significant concerns about the "Disinformation Governance Board."	1231821 / 22-2404	
●	Congressional	4/11/22	87	Component to Transmit - OLA	7/1/22	PLCY	5/3/22	Sen. Moran (KS) +12 **SAC** **Senate Judiciary** **HSGAC**	Write with concern regarding the security of the southern border.	1230655 / 22-1704	Going to COS

ESEC External Actions Addressed to the Secretary and Deputy Secretary

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 Due date is within 1-3 days

 Today or Past Due

Stop Light Status	Type	Date Received	Days In Progress	Document Location	Location As of	Component	Final Due Date	Sender	Issue	Tracking # (IQ)/ES	Notes
	Congressional	4/6/22	92	Component to Transmit - OLA	6/27/22	PLCY	4/28/22	Sen. Hawley **HSGAC** **Senate Judiciary**	Writes regarding the decision to discontinue the use of Title 42.	1230454 / 22-1766	AL clrd; however, #4 of the enclosure states that, " enclosed is an unredacted version of the Southwest Border Mass Irregular Migration Contingency Plan' but that enclosure is not attached.
	Congressional	3/10/22	119	Component to Transmit - OLA	6/27/22	PLCY	4/5/22	Sen. Lankford +1 **HSGAC** **Senate Judiciary**	Writes with concerns regarding DHS' efforts to re-implement MPP.	1229090 / 22-1219	OLA is working with OGC to finalize the letter.
	Congressional	11/4/21	245	Component to Transmit - OLA	7/5/22	PLCY	12/16/21	Rep. Hern OK	Writes requesting Afghanistan migrant information for the state of Oklahoma.	1223319 / 21-4680	w/leg teams
	Congressional	9/1/21	309	Component to Transmit - OLA	7/5/22	PLCY	9/23/21	Sen. Grassley **Senate Judiciary**	Writes with numerous questions surrounding the ongoing situation in Afghanistan.	1220484 / 21-3917	(OLA to transmit S1-signed response.) TRANSMITTING NOW
	Congressional	8/23/21	318	Component to Transmit	7/5/22	PLCY	9/15/21	Rep. Posey (FL)	Writes to ask DHS to secure our border from any individual who would seek to bring harm to the American people.	1220207 / 21-3259	(CBP to sign/transmit)
	Congressional	8/18/21	323	Component to Transmit - OLA	7/5/22	PLCY	9/2/21	Rep. Katko +15 **CHS**	Writes requesting information regarding various components plans to combat terrorist attacks to the	1220103 / 21-3090	(OLA to transmit S1-signed response.) TRANSMITTED

ESEC External Actions Addressed to the Secretary and Deputy Secretary

● Due date greater than 3 days away

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● Today or Past Due

Stop Light Status	Type	Date Received	Days In Progress	Document Location	Location As of	Component	Final Due Date	Sender	Issue	Tracking # (IQ)/ES	Notes
									homeland in response to the ongoing crisis in Afghanistan.		
●	Congressional	4/30/21	433	Component to Transmit - OLA	7/5/22	PLCY	5/17/21	Sen. Menendez +9 **Senate Judiciary** **SAC**	Writes to urge DHS to take additional steps to ensure federal law enforcement agencies are in full compliance with the Lautenberg Amendment.	1212961 / 21-1402	w/COS
●	Congressional	5/24/22	44	Component to Transmit - OLA	7/6/22	USCIS	6/16/22	Rep. Correa CA	Writes with concerns regarding migrants at the SWB.	1232796 / 22-2496	w/leg teams
●	Congressional	5/10/22	58	Component to Transmit	6/29/22	USCIS	6/2/22	Rep. Nadler (NY)	Write regarding USCIS's regional centers and compliance with the new EB-5 Reform and Integrity Act of 2022.	1232008 / 22-2435	
●	VIP Correspondence (Federal Officials, NGOs, Private Sector, etc.)	2/15/22	142	Component to Transmit	6/27/22	USCIS	3/11/22	#AfghanEvac Coalition + many NGOs	Write to request for the creation of a long-term parole program for at-risk Afghans.	1227960 / 22-0811	

From:	Fernandez, Angelo (b)(6) (b)(6)
To:	PressTeam (b)(6) (b)(6) OPA Strategic Communications (b)(6) (b)(6)
Subject:	The Daily Caller: EXCLUSIVE: Here Are The Biden Admin's Proposed Charges Against Border Agents Accused Of 'Whipping' Migrants
Date:	2022/07/08 09:52:05
Priority:	Normal
Type:	Note

The Daily Caller: EXCLUSIVE: Here Are The Biden Admin's Proposed Charges Against Border Agents Accused Of 'Whipping' Migrants (Jennie Taer)

U.S. Customs and Border Protection (CBP) has proposed two charges against the Border Patrol agents involved in the alleged "whipping" of migrants in Del Rio, Texas, according to documents obtained by the Daily Caller News Foundation.

The first charge is for "poor judgment" for instructing noncitizens "to go back to Mexico, or words to that effect," while the second is for "unsafe conduct" for maneuvering the agent's horse "in a way that caused a noncitizen to fall backward into the Rio Grande River ... thereby compromising the safety of the noncitizen, yourself, and your horse."

These proposals are not yet final, and CBP is expected to announce the results of its investigation into the agents as soon as Friday, according to people familiar with the matter not authorized to speak publicly. It's unclear how many agents will be charged.

"You knew or should have known that using your horse to block a noncitizen from exiting the water at the boat ramp created an unsafe situation, particularly for the noncitizen, but also for you and your horse," the charges read.

"We consider that your misconduct received significant media attention and had a negative impact on the reputation of the Agency," the charges added.

The alleged "whipping" took place in Del Rio, Texas on September 19, when thousands of Haitian migrants were present under the international bridge. The accused agents were on horseback and seen in images appearing to use their horses' reins to steer and encircle the migrants so they would turn back.

Several Democratic politicians characterized the images as "whipping," as well as some migrant advocacy groups and human rights organizations. The White House also repeatedly condemned the behavior of the agents that day.

CBP sent out proposed disciplinary actions, an anonymous Department of Homeland Security source, who was not authorized to speak publicly, told the DCFN. An announcement on the results of the investigation is "imminent," according to Fox News.

"From the beginning, they had been convicted by the White House and DHS, so we figured something was coming," National Border Patrol Council President for the Del Rio border sector Jon Anfinen previously told the DCFN.

Department of Homeland Security (DHS) Secretary Alejandro Mayorkas promised to complete the investigation in "days, not weeks." But, the results have yet to be shared nearly a year later.

"But for them to claim that it was going to be resolved in days and weeks was, frankly, a joke from the beginning to decide if these guys had done something wrong, despite no investigation having been done. So they're trying to save face and propose some kind of discipline just so they can justify their claims from day one," Anfinen said.

Neither CBP nor DHS responded to the DCFN's requests for comment.

###

Angelo Fernández Hernández
Deputy Press Secretary
Office of Public Affairs | U.S. Department of Homeland Security

(b)(6)

Sender:	Fernandez, Angelo (b)(6) (b)(6)
Recipient:	PressTeam / (b)(6) (b)(6) OPA Strategic Communications / (b)(6) (b)(6)
Sent Date:	2022/07/08 09:52:04
Delivered Date:	2022/07/08 09:52:05

From:	ESPINOSA, MARSHA (b)(6)
	(b)(6)
	DASKAL, JENNIFER (b)(6)
	(b)(6)
	CANEGALLO, KRISTIE (b)(6)
	(b)(6)
	REZMOVIC, JEFFREY (b)(6)
	(b)(6)
To:	LUGO, ALICE (b)(6)
	(b)(6)
	ABDELALL, BRENDA (b)(6)
	(b)(6)
	FONG, HEATHER (b)(6)
	(b)(6)
	WATERS, ERIN (b)(6)
CC:	(b)(6)
Subject:	RE: FRIDAY ROLLOUT CHAIN
Date:	2022/07/08 10:00:00
Priority:	Normal
Type:	Note

The Daily Caller: EXCLUSIVE: Here Are The Biden Admin’s Proposed Charges Against Border Agents Accused Of ‘Whipping’ Migrants (Jennie Taer)

U.S. Customs and Border Protection (CBP) has proposed two charges against the Border Patrol agents involved in the alleged “whipping” of migrants in Del Rio, Texas, according to documents obtained by the Daily Caller News Foundation.

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These proposals are not yet final, and CBP is expected to announce the results of its investigation into the agents as soon as Friday, according to people familiar with the matter not authorized to speak publicly. It’s unclear how many agents will be charged.

“You knew or should have known that using your horse to block a noncitizen from exiting the water at the boat ramp created an unsafe situation, particularly for the noncitizen, but also for you and your horse,” the charges read.

“We consider that your misconduct received significant media attention and had a negative impact on the reputation of the Agency,” the charges added.

The alleged “whipping” took place in Del Rio, Texas on September 19, when thousands of Haitian migrants were present under the international bridge. The accused agents were on horseback and seen in images appearing to use their horses’ reins to steer and encircle the migrants so they would turn back.

Several Democratic politicians characterized the images as “whipping,” as well as some migrant advocacy groups and human rights organizations. The White House also repeatedly condemned the behavior of the agents that day.

CBP sent out proposed disciplinary actions, an anonymous Department of Homeland Security source, who was not authorized to speak publicly, told the DCNF. An announcement on the results of the investigation is “imminent,” according to Fox News.

“From the beginning, they had been convicted by the White House and DHS, so we figured something was coming,” National Border Patrol Council President for the Del Rio border sector Jon Anfinen previously told the DCNF.

Department of Homeland Security (DHS) Secretary Alejandro Mayorkas promised to complete the investigation in “days, not weeks.” But, the results have yet to be shared nearly a year later.

“But for them to claim that it was going to be resolved in days and weeks was, frankly, a joke from the beginning to decide if these guys had done something wrong, despite no investigation having been done. So they’re trying to save face and propose some kind of discipline just so they can justify their claims from day one,” Anfinen said.

Neither CBP nor DHS responded to the DCNF’s requests for comment.

###

From: ESPINOSA, MARSHA

Sent: Friday, July 8, 2022 9:47 AM

To: DASKAL, JENNIFER (b)(6) CANEGALLO, KRISTIE

(b)(6) REZMOVIC, JEFFREY (b)(6) LUGO, ALICE

(b)(6); ABDELALL, BRENDA (b)(6) FONG, HEATHER

(b)(6)

Cc: WATERS, ERIN (b)(6)

Subject: RE: FRIDAY ROLLOUT CHAIN

Fox News: CBP proposes discipline for Texas agents accused of 'whipping' Haitian migrants (Louis Casiano and Bill Melugin)

The U.S. Customs and Border Protection has sent out disciplinary proposals for border agents on horseback accused of "whipping" Haitian migrants in Texas last year, an event that caused a firestorm among lawmakers in Washington, D.C.

Details of the punishments have not been released but CBP is expected to imminently announce the results of the administrative investigation, a source told Fox News.

The agency made headlines last year when agents were falsely accused of whipping the migrants along the Del Rio Sector in Texas.

Images circulated on Twitter of the agents trying to block migrants from entering the U.S., and in one case grabbing a migrant's shirt.

The controversy escalated as some media outlets and Democratic lawmakers misidentified the agents' split reins, which they use and twirl to control and direct the horse -- and falsely claimed the agents were using "whips" on the migrants.

Vice President Kamala Harris and President Biden also weighed in, with Biden increasing the pressure on the besieged agents by repeating the false claims of whipping, and also previewed what he hoped would be the outcome of the investigation.

"To see people treated like they did, horses barely running over, people being strapped – it's outrageous," Biden told reporters, making a whipping motion with his hand. "I promise you, those people will pay. There will be an investigation underway now and there will be consequences. There will be consequences."

The Office of Inspector General declined to press criminal charges against the agents and the investigation has since moved to DHS' Office of Professional Responsibility.

An announcement from the CBP is "imminent" regarding the findings of the investigation, the source said.

From: ESPINOSA, MARSHA
Sent: Friday, July 8, 2022 9:19 AM
To: DASKAL, JENNIFER (b)(6); CANEGALLO, KRISTIE
(b)(6); REZMOVIC, JEFFREY (b)(6); LUGO, ALICE
(b)(6); ABDELALL, BRENDA (b)(6); FONG, HEATHER
(b)(6)
Cc: WATERS, ERIN (b)(6)
Subject: RE: FRIDAY ROLLOUT CHAIN

Not yet

From: DASKAL, JENNIFER (b)(6)
Sent: Friday, July 8, 2022 9:18 AM
To: ESPINOSA, MARSHA (b)(6); CANEGALLO, KRISTIE
(b)(6); REZMOVIC, JEFFREY (b)(6); LUGO, ALICE
(b)(6); ABDELALL, BRENDA (b)(6); FONG, HEATHER
(b)(6)

Cc: WATERS, ERIN (b)(6)
Subject: RE: FRIDAY ROLLOUT CHAIN

Hi all,

I apologize for not focusing on the validator statements – have those been sent? Can we talk before we do so? Realize we are all convening in a few.

Jen

From: ESPINOSA, MARSHA (b)(6)
Sent: Thursday, July 7, 2022 10:54 PM
To: CANEGALLO, KRISTIE (b)(6); REZMOVIC, JEFFREY (b)(6); DASKAL, JENNIFER (b)(6); LUGO, ALICE (b)(6); ABDELALL, BRENDA (b)(6); FONG, HEATHER (b)(6)
Cc: WATERS, ERIN (b)(6)
Subject: FRIDAY ROLLOUT CHAIN

All— Included here is the DHS master tick tock document, [docx icon DR Tick Tock 6.28.2022.docx](#), which includes links to the following:

- • [CBP Tick Tock](#)
- • [Press Release](#) (includes C1 quote)
- • [C1 message](#) to entire CBP workforce
- • [B1 message](#) to BP workforce
- • [Advisory](#) for press conference
- • C1 Script for press conference
- • [Hard Q&A](#) for press conference
- • [Talking Points](#) for Validators
- • *(TBD)* Secretary Mayorkas (S1) op-ed
- • *(TBD)* Secretary Mayorkas statement

-

Erin will be on point for DHS to manage timing and rollout actions tomorrow. Patrick will be on point for CBP.

Let us know if you have any questions.

V/r,
Marsha

Sender:	ESPINOSA, MARSHA (b)(6) (b)(6)
Recipient:	DASKAL, JENNIFER (b)(6) (b)(6)

(b)(6)
CANEGALLO, KRISTIE (b)(6)
(b)(6)
REZMOVIC, JEFFREY (b)(6)
(b)(6)
LUGO, ALICE (b)(6)
(b)(6)
ABDELALL, BRENDA (b)(6)
(b)(6)
FONG, HEATHER (b)(6)
(b)(6)
WATERS, ERIN (b)(6)
(b)(6)

Sent Date: 2022/07/08 10:00:42

Delivered Date: 2022/07/08 10:00:00

From:	TAN, ETHAN (b)(6) (b)(6)
To:	WATERS, ERIN (b)(6) (b)(6) MIRANDA, LUIS A (b)(6) (b)(6) MCCRANIE, REESE A (b)(6) (b)(6)
CC:	ESPINOSA, MARSHA (b)(6) (b)(6)
Subject:	RE: [OPA] Validator Planning
Date:	2022/07/08 10:33:24
Priority:	Normal
Type:	Note

Also attaching referenced letters.

Ethan S. Tan
 Researcher
 Office of Public Affairs
 U.S. Department of Homeland Security

E: (b)(6)
 C: (b)(6)

From: WATERS, ERIN (b)(6)
Sent: Friday, July 8, 2022 10:29 AM
To: MIRANDA, LUIS A (b)(6); TAN, ETHAN (b)(6)
 MCCRANIE, REESE A (b)(6)
Cc: ESPINOSA, MARSHA (b)(6)
Subject: RE: [OPA] Validator Planning

Ethan, can you send here as attachments pls?

From: MIRANDA, LUIS A (b)(6)
Sent: Friday, July 8, 2022 10:28 AM
To: TAN, ETHAN (b)(6); WATERS, ERIN (b)(6); MCCRANIE, REESE A (b)(6)
Cc: ESPINOSA, MARSHA (b)(6)
Subject: RE: [OPA] Validator Planning

Thank you. I've requested access to both.

From: TAN, ETHAN (b)(6)
Sent: Friday, July 8, 2022 9:35 AM
To: WATERS, ERIN (b)(6); MIRANDA, LUIS A (b)(6)
MCCRANIE, REESE A (b)(6)
Cc: ESPINOSA, MARSHA (b)(6)
Subject: Re: [OPA] Validator Planning

Apologies for the delay –

You should have received two shared documents.

Standing by for questions.

Thanks,
Ethan

Ethan S. Tan
Researcher
Office of Public Affairs
U.S. Department of Homeland Security

E: (b)(6)
C: (b)(6)

From: WATERS, ERIN (b)(6)
Sent: Friday, July 8, 2022 9:02:46 AM
To: MIRANDA, LUIS A (b)(6); MCCRANIE, REESE A (b)(6)
Cc: ESPINOSA, MARSHA (b)(6); TAN, ETHAN (b)(6)
Subject: [OPA] Validator Planning

Morning, again!

Connecting on validators. Ethan will send over some helpful docs he has compiled. I'll made some additions to the TPs this morning as well. And then we'll share a doc with additional names for an email blast later today.

Can you confirm that C1 reached out to formers last night?

Best,
Erin

Sender:	TAN, ETHAN (b)(6) (b)(6)
Recipient:	WATERS, ERIN (b)(6) (b)(6) MIRANDA, LUIS A (b)(6) (b)(6)

(b)(6)

MCCRANIE, REESE A / (b)(6)

(b)(6)

ESPINOSA, MARSHA (b)(6)

(b)(6)

Sent Date: 2022/07/08 10:32:39

Delivered Date: 2022/07/08 10:33:24

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Recent Congressional Letters to S1 on Investigation

See: [Del Rio Congressional Letters](#) for actual letters.

1. June 22, 2022: Rep. Chip Roy (R-TX) et al letter to S1 demanding release of information around the “politically motivated” investigation.
2. April 6, 2022: Sens. Bill Hagerty (R-TN), John Cornyn (R-TX), Ted Cruz (R-TX), Kevin Cramer (R-ND), Josh Hawley (R-MO), Tommy Tuberville (R-AL), and Mike Lee (R-UT) letter to S1 to publicly release report.
3. January 31, 2022: Rep. Chip Roy (R-TX) et al letter to S1 demanding, “that DHS Secretary Mayorkas formally correct the false narrative that United States Border Patrol agents ‘whipped’ Haitian migrants attempting to illegally cross into the United States by releasing information DHS promised the public months ago.”

June 21, 2022 Former BP Chiefs to S1 Letter

Dear Secretary Mayorkas:

We write regarding recent reports regarding corrective action currently being considered against United States Border Patrol agents following incidents that occurred in Del Rio, Texas last September. We are concerned that public comments made by the President and Vice President as well as political pressure may unduly influence the outcome of what should be an impartial and objective process. We ask that you and the deciding official ensure a fair and impartial review of the facts as U.S. Customs and Border Protection (CBP) moves through this process.

As former homeland security executives, we understand the difficult and complex contemplation and appropriate decisions that are necessary once a thorough and impartial investigation has been conducted. When merited, disciplinary and other corrective actions are important tools to deter future misconduct and provide for a more effective and professional operator adhering to the high standards of conduct and professionalism. The Department of Homeland Security (DHS) and CBP must be accountable and transparent to the public. Maintaining the public trust demands that all allegations of misconduct are investigated thoroughly and impartially.

In September 2021, Border Patrol agents in the Del Rio Sector encountered an unprecedented surge of migrants illegally entering the United States, mostly from Haiti. Over 30,000 Haitian migrants crossed the Rio Grande River into Del Rio in a matter of days unlike any other time in our nation’s history. CBP had

not then and has still not developed a mechanism for processing that many people in a single event, nor has Congress appropriated the necessary resources, tools and authorities to effectively manage such a situation. Effectively, and in addition to doing what was possible to deter and stem the large numbers of illegal entrants, the mission of safety and security of such a large number of migrants needing to be processed into our immigration system fell to the CBP agents and officers. Additionally, DHS was challenged in communicating regularly with the public regarding the incident as it evolved, generating increasing uncertainty regarding the operational reality on the ground as it developed.

During that time, photos were taken of Border Patrol agents on horseback near the Rio Grande River in Del Rio, Texas. Shortly thereafter, on September 24, the President, during a press briefing responding to a specific question and reacting to the photos, - stated, "Of course I take responsibility. I'm President. But it was horrible what — to see, as you saw— to see people treated like they did: horses nearly running them over and people being strapped. It's outrageous. I promise you, those people will pay.

They will be— an investigation is underway now, and there will be consequences. There will be consequences. It's an embarrassment. But beyond an embarrassment, it's dangerous; it's wrong. It sends the wrong message around the world. It sends the wrong message at home. It's simply not who we are." The Vice President on an appearance on The View on September 25, likened the photos to slavery stating that, "[h]uman beings should not be treated that way. It also invoked images of some of the worst moments of our history, where that kind of behavior has been used against the Indigenous people of our country, it has been used against African Americans during times of slavery."

Earlier that week, the photographer who took the photos told a local news station that, "I've never seen them whip anyone. He was swinging it, but it can be misconstrued when you're looking at the picture." We do not condone misconduct of any kind. Every agent and representative of our government should be held to the highest standards of law enforcement and professionalism regardless of the circumstances. However, due process is paramount to ensure against frivolous claims or undue influence on the process from political, partisan or unaffiliated interest groups. Impartiality is critical to the sanctity of the process to ensure that all parties receive closure. We collectively believe and point out that the statements made by the President and Vice President predictively prejudged the desired outcome of the investigation and may therefore influence the case. Stating out right that there will be consequences presumes the result of an investigation.

We would be remiss if we did not note that there continues to be a lack of any comprehensive, fully integrated plan to secure the border. Specifically, DHS has yet to put in place a consistent, national efficiency in deterrence and the processing and transfer of individuals taken into custody. Regardless of the administration, the execution of effective and lawful policy demands Congressional engagement to address the legal framework and appropriate the necessary resources. To date, in spite of the growing and unprecedented number of encounters, no effort has been made to engage Congress. The lack of action has resulted in a 'perfect storm' for Border Patrol Agents who are now being required to fulfill critical border security and humanitarian missions without the tools to be successful in those missions.

We ask that you ensure that political, partisan, and special interest group influence play no role in the outcome of this proceeding.

Sincerely,

Mr. Ronald Vitiello
Fmr. Chief, United States Border Patrol, CBP
Fmr. Director of Immigrations and Customs Enforcement

Mr. David Aguilar
Fmr. Acting Commissioner, CBP
Fmr. Deputy Commissioner, CBP
Fmr. Chief, United States Border Patrol, CBP

Mr. Rodney Scott
Fmr. Chief, United States Border Patrol, CBP

Mr. Michael Fisher
Fmr. Chief, United States Border Patrol, CBP

Mr. Robert Harris
Fmr. Chief Patrol Agent, United States Border Patrol, CBP

Mr. Anthony Porvaznik
Fmr. Chief Patrol Agent, United States Border Patrol, CBP

Mr. Paul Beeson
Fmr. Chief Patrol Agent, United States Border Patrol, CBP

Mr. Jesse Shaw
Fmr. Chief Patrol Agent, United States Border Patrol, CBP

Mr. John C. Pfeifer
Fmr. Chief Patrol Agent, United States Border Patrol, CBP

C1 Magnus Press Call 6/18/22

"I will merely indicate that the report that you're speaking about, we anticipate to release within the next several weeks. We are following the administrative processes that protect the due process rights of the involved employees. But we're going to let it go at that."

TX Gov. Abbott on Investigation 6/17/22

"It's despicable that these Border Patrol agents — who were on those horses, who were using reins to control those horses — have been completely exonerated by all law enforcement agencies and yet the Biden administration, it still seems intent on punishing those Border Patrol officers. As governor, I'd be more than happy — I'd be honored to have those border patrol officers be a part of the Texas team to secure the border."

C1 on Coins 6/17/2022

C1 to NPR: "These coins anger me because the hateful images on them have no place in a professional law enforcement agency. Those who make or share these deeply offensive coins detract and distract from the extraordinarily difficult and often life-saving work Border Patrol agents do every day across the country."

CBP OPR to NPR: "The CBP Office of Chief Counsel (OCC) will also send a cease-and-desist letter to any vendor who produces unauthorized challenge coins using one of CBP's trademarked brands."

House Homeland RM Katko Statement on Investigation 6/17/2022

“Rep. John Katko (R-NY), Ranking Member of the house Committee on Homeland Security, released the following demanding answers from the Department of Homeland Security’s (DHS) and Customs and Border Protection’s (CBP) investigation into the Del Rio horse patrol unit agents.

“I’d like to see more support from the Department and the Biden administration for the tireless work they have put on our Border Patrol agents, and less vilifying and blaming. After wasting no time in slandering our nation’s Border Patrol agents, Secretary Mayorkas and President Biden publicly convicted the Del Rio horse patrol unit before bothering to get the full story. Even the photographer responsible for capturing the photos acknowledged the images were ‘misconstrued’ and taken out of context.

“As a former federal prosecutor, I am a firm believer that those who commit a crime should be held accountable. But even more so, I am a firm believer in due process. Despite being cleared of any criminal wrongdoing by DHS’ Office of the Inspector General and the U.S. Customs and Border Protection (CBP) Office of Professional Responsibility (OPR) through their investigations, Secretary Mayorkas was desperate to punish these agents. I demand DHS release the full report to Congress immediately. Our Border Patrol agents deserve better than this. Full stop.”

House Homeland Subcommittee on the Border RM Higgins (R-LA) Statement on Plan to Punish Agents 6/15/22

“Mayorkas and Biden have been sitting on the 500-page investigative case file for months. We have demanded its release and received no response. Now, they’re publicly shaming these frontline officers, and once again, Mayorkas has targeted our own CBP. I’m going to read the entire case file when it’s finally released, but at this point, it seems clear that the Biden administration’s decision is 100% based on radical left-wing politics and not the facts of this case. It’s shameful. They are ruining these agents’ careers over a false media narrative, and it is a further attack against law enforcement at the southern border. Crime is out of control, border getaways are surging, and the number of illegal crossings is only getting higher each month. Yet, Secretary Mayorkas and Joe Biden would rather appease their radical base than take necessary action to secure the border.”

GOP Leader McCarthy and Rep. Gonzales (R-TX) on Investigation 6/15/22

“Border patrol agents deserve a president who will support them, not smear them — which is exactly what President Biden did when he promised, without knowing the facts, that agents would ‘pay’ for the false allegations of ‘whipping’ migrants.” [...] “If reports are accurate, the Biden administration is now clearly targeting those same border patrol agents to impose the penalty Biden demanded. It’s simply wrong. look forward to reviewing this report we were told would be completed nine months ago.”
(McCarthy)

“I will not stand for this false & politicized narrative against our agents who have been cleared of criminal wrongdoing after a thorough investigation.” (Gonzales)

Judd Fox News Appearance 6/15/22

“this is disgusting. every single american citizens should be upset about this. this is a president using his executive authority to go after individuals. he wasn't able to get them criminally because it's out of his purview and can't control what a jury would do but can control the administrative process. the office of

professional responsibility fall under the executive branch. because of what the president said, these investigators had no choice but to find some sort of wrongdoing. i promise you, we'll vigorously defend these allegations against these agents. we know they did nothing wrong. we know it was a powder keg and they were sent to do a specific job and they did that job and now they are coming back to be vilified. this is president biden using his political powers to go after what he perceives as political enemies. that should never happen in this country. [...] absolutely. he convicted these individuals without any evidence whatsoever. he had nothing. he had still photos that of course the media blew up to mean something it wasn't. he didn't look at all the photos. plenty of photos that showed that nobody was strapped and he went after these individuals. that's the executive authority and it should never happen in the united states. again, we don't know exactly what the charges are. we know the charges will come down. it is not going to be announced. the process is supposed to be a silent process but of course it gets leaked to the media and what we see under this president. but we will again vigorously defend these agents. [...] we're 2,000 agents under staffed what we're supposed to be now on the border. we're dealing with the biggest crisis ever seen in this country. right now at this time of year we should be apprehending 30,000 people. we're upwards of 250,000 people right now. and that's astronomical and we need every single resource, every single person that we can have. they knew it wasn't going to be criminal and knew they couldn't control that process. they left them out of the field. as one of the forms of punishment. it sends a clear message to every single border patrol agent that you will be punished if you do your job."

6/14 Fox News Story on Investigation Results 6/14/22

"The source said that DHS will be putting forth proposals to discipline the agents who will have a chance to respond to the charges. The charges, Fox News is told, are "administrative violations," and do not amount to criminal conduct – of which the agents were previously cleared.

Judd 4/14 Statement on Report Finish 4/14/22

"No one knows what's in the report. I've never seen a 500-page report where no one did anything wrong."

HAC-Homeland Subcommittee Hearing on FY23 Budget for DHS OIG 4/6/22

LUCILLE ROYBAL ALLARD:

Following up on how you decide which cases you're going to take on, can you address your decision to not have OIG assert jurisdiction over the allegations stemming from the influx of migrants in Del Rio and the use of horse patrols? Because it seems to me that the optics of CBP doing this own review of such a high-profile case is -- seems like a missed opportunity to strengthen oversight at DHS and avoid perceived conflicts of interest.

JOSEPH CUFFARI:

Well, we actually have a lot of ongoing oversight work involving immigration at CBP and the Office of Field Operations along the southwest borders. But in the case of the horseback patrol at Del Rio sector, we didn't decline to open an investigation. CBP followed proper procedures. They notified our Office of Investigations that this matter came to their attention.

The matter that they conveyed to us did not involve any criminal misconduct, and therefore, we didn't initiate a criminal investigation. CBP OPR, the Office of Professional Responsibility, opened an administrative investigation, which I believe is still ongoing. So, pursuant to IG policy of DHS, CBP OPR, if they discover any evidence regarding criminality, they're mandated to report that to us, and then we will consider whether to pursue criminal allegations.

Thus far, we haven't received any information indicating that there were any criminal allegations.

Judd 3/29 Statement on Investigation 3/29/22

“The [Department of Homeland Security’s] Office of the Inspector General, they had first crack at it,” Judd told The Post. “They determined there was no criminal activity that was done so they closed out their investigation.” Judd insisted that the agents “were doing nothing but what they were told to do. They were given orders.” “Everything that they were doing, they were acting under the color of law. They were placed there specifically to stop people from crossing the border.”

Unnamed DHS Officials in Washington Examiner Article on Investigation 1/29/22

“I doubt that the current administration will release this report on the horse patrol incident because it makes the administration look terrible,” the first DHS official said in a phone interview. “They essentially convicted the mounted agents based upon a lie, which the investigation after 120 days would surely have revealed. My experience would be that this would have been done within a period of weeks,” the official said, adding that no agent had been disciplined to date.

A second DHS official said the agents fulfilled their job responsibilities and that if what they did on horseback was wrong, then the Biden administration ought to look at the conduct of mounted agents at police departments across major cities.

“If what they were doing was against policy, then by logic, all mounted horse patrol units in law enforcement in the United States should be disbanded because a show of force along with physically apprehending people is the purpose of mounted units,” the second official said. “The New York Police Department should not have horse units then because they’re too intimidating.”

House Homeland Chair Thompson on Additional Allegations Against USBP in Lawsuit From Haitian Migrants 12/20/21

“Today, Rep. Bennie G. Thompson (D-MS), Chairman of the Committee on Homeland Security, released the following statement on additional allegations made against U.S. Border Patrol in Del Rio, Texas in a lawsuit filed by Haitian migrants.

“The allegations in this lawsuit – including new claims that Border Patrol agents used horse reins as whips on Haitian migrants – are appalling. It is also troubling that these allegations run counter to what senior CBP officials have told Congress about what transpired in Del Rio. I urge the Department of Homeland Security to include these allegations in their ongoing investigation into the mistreatment of migrants and demand that those responsible be held accountable. We cannot tolerate the inhumane treatment of migrants.”

11/16/21: DHS Update Regarding the Investigation of Horse Patrol Activity in Del Rio, Texas on September 19, 2021

WASHINGTON — The Department of Homeland Security (DHS) provides this update regarding the investigation of horse patrol activity in Del Rio, Texas on September 19, 2021. The activity under investigation, which was captured in photographs and video that circulated nationwide, occurred during the large gathering of Haitian and other migrants near the International Bridge.

U.S. Customs and Border Protection (CBP) initially referred the investigation to DHS's Office of Inspector General (OIG). The OIG declined to investigate and referred the matter back to CBP's Office of Professional Responsibility (OPR). OPR then immediately commenced investigative work, including its review of videos and photographs and the interview of witnesses, employees, and CBP leadership. OPR has followed customary process in its investigation of this matter.

Once completed, the results of the investigation will be provided to CBP management to determine whether disciplinary action is appropriate and, if so, the specific discipline to be imposed. At that time, the employees will be afforded due process, including an opportunity to respond, and any corrective actions will comport with applicable laws and regulations. The disciplinary process, which is separate from the fact-finding investigation, is subject to certain timelines established in CBP's labor-management agreement with the employees' union of the United States Border Patrol.

DHS remains committed to conducting a thorough, independent, and objective investigation. DHS will share information, as available, consistent with the need to protect the integrity of the investigation and individuals' privacy.

Set forth below is a more detailed overview of the key steps of the investigative and disciplinary processes that govern this kind of matter:

- CBP's Office of Professional Responsibility (OPR) is the office charged with investigating alleged misconduct of CBP employees.
- In accordance with DHS policy, OPR refers all allegations of serious misconduct against law enforcement officers to the DHS Office of Inspector General (OIG).
- OPR may share its initial findings with the United States Attorney's Office to alert federal prosecutors of the facts of the case and ensure that administrative actions do not inadvertently compromise any potential criminal investigation. Depending on the circumstances, OPR may wait to interview the subject(s) of an investigation until the U.S. Attorney makes a decision on whether or not to pursue the case.
- If the U.S. Attorney accepts the case, OPR coordinates with the Department of Justice on the investigation. In most situations, OPR defers to the prosecuting entity, which generally means that it will wait for the completion of the criminal case before conducting interviews of the subjects involved.
- If the U.S. Attorney declines the case, OPR continues with the final steps remaining in the investigation. The results of the completed investigation are then provided to CBP management to evaluate whether disciplinary action is warranted.

- In determining what disciplinary action to take, deciding officials are typically required to consider a number of factors, referred to in case law as the Douglas Factors (based on criteria set forth in the 1981 case, *Douglas vs. Veterans Administration*), to include an analysis of the nature and seriousness of the action; the employee's role and position, work record, and disciplinary history; the notoriety of the offense; and the consistency of the proposed penalty with discipline imposed for analogous offenses.
- The employee is issued a decision letter in which the individual is advised of the decision, which charges were sustained or not sustained, the factors considered in deciding on the chosen disciplinary action, and appeal rights, if any. For certain types of disciplinary actions, such as long suspensions and removal actions, the agency is required by law to provide at least 30 days' notice and an opportunity to respond before effectuating the discipline.
- The appeal avenues available to the employee depend on the type of discipline imposed, the employee's employment history, and the employee's bargaining unit status. Depending on the circumstances, employees have the right to the following processes: review by the Merit Systems Protection Board; review by the Equal Employment Opportunity Commission; a negotiated grievance procedure and arbitration; and an internal administrative grievance procedure. Which of those processes would apply depends on the circumstances.

CBS News Story Judd and Ex-CBP Officials Quoted on Investigation Speed 11/10/21

At least six border agents were slated to sit down with DHS investigators to offer their own accounts of what happened in interviews on Tuesday and Wednesday, according to law enforcement officials granted anonymity because they were not authorized to speak about the pending investigation. At least one of the agents at the center of the probe — the officer seen wielding a rope known as a lariat while grabbing a migrant by the collar — has not yet been contacted for an interview.

The head of the National Border Patrol Council (NBPC), the Border Patrol's largest union, expressed frustration that the investigation has dragged on for weeks. The union is providing legal representation for the officers involved in the probe.

"I'm very disappointed that this investigation has taken as long as it has taken," said Brandon Judd, president of the NBPC. "I believe that the reason it has taken so long is because of what we've heard from some of the most powerful people in the world."

Two former leaders from Customs and Border Protection (CBP), which oversees the Border Patrol, offered differing assessments of the incident, with one questioning the use of the mounted officers in the first place and another saying the officers did not violate any internal policy and should be cleared of wrongdoing.

"I think the disappointing part from what I saw is when agents went out into an open area," Gil Kerlikowske, a former CBP commissioner during the Obama administration, told CBS News.

"There are agricultural areas along the side of the interstate where horse mounted units could certainly be useful in responding to those who are injured or hiding," Kerlikowske said. "But when they came out into the open area, with families crossing, I did not think that was a sound, tactical decision."

Kerlikowske, who oversaw the establishment of CBP's first office of internal affairs, added that agency leaders should also be held accountable.

"Did agents go out on their own? Were they dispatched or directed there? Were they told to stay back in the underbrush? Those questions have to be answered because it will be unfair if you only hold the agents on horseback accountable," he said.

The examination of alleged misconduct by Border Patrol agents is the latest in a series of CBP internal investigations and comes as the Biden administration struggles to address historic numbers of migrant crossings at the U.S.-Mexico border. The administration initially vowed to demobilize units of Border Patrol agents on horseback in Del Rio during its investigation, but mounted units have since resumed operations.

"I don't think there's a state in the union that doesn't have a horse patrol," former Border Patrol Chief Rodney Scott said. Scott, who departed the agency in August, noted that customs officers have been riding horses for decades, and the units are deployed in treacherous terrain where "you certainly can't take an ATV or truck."

Brandon Judd Statement 11/06/21

"The agents were sent out there to do a specific job. They did exactly what they were sent out there to do." "Those investigators have no choice but to find wrongdoing, which is why it's taking so long," [Judd says the agents were swinging their horses' reins, not whips, and that no migrants were actually injured. He argues the investigation has been flawed from the start, because high-ranking officials within the administration weighed in early on.] (Interviewed on NPR)

Psaki Regular WH Press Conference 9/27/21

"They are temporarily suspended in Del Rio, Texas. I think what Secretary Mayorkas talked about a bit when he was here on Friday is the fact that when these horse patrols are used effectively, they often can help people who are in distress. That's something they do. They can find people. There are — there is a reason that these horse patrols have been in place and continue to be in place in some parts across the country.

Of course, our Department of Homeland Security will continue to look at and assess, especially as the investigation concludes, what that looks like. They've been suspended in Del Rio, Texas. That was a step in response, of course, directly to those horrific photos.

But beyond that, I think it's important to note that, as the Secretary said, the vast majority of the Border Patrol and the Horse Patrol are doing their job and they're doing their job effectively.

Of course we are going to assess and we are going to call out when we see occasions — as we did with the photos and the video last week — that don't meet our bar; that that bring out strong emotions, for good reason, from people in this — in this administration and around the American public."

9/26/21: Transcripts of Secretary Mayorkas's Sunday Show Interviews

CNN STATE OF THE UNION ([link](#))

TAPPER: Joining me now is Homeland Security Secretary Alejandro Mayorkas.

Secretary Mayorkas, thanks so much for joining us.

We have been trying to attract the 30,000 or so mostly Haitian migrants who came to the U.S. border in the last two weeks. You have said about 2,000 have been sent to Haiti, 8,000 voluntarily returned to Mexico.

So, where are the other 20,000 now. And how many of them do you expect will ultimately be deported from the United States?

MAYORKAS: So, Jake, good morning.

About 4,000 actually have been expelled under the public health authority of the Centers for Disease Control. There are about 13,000 that are in immigration court proceedings.

When we do not expel an individual by reason of the public health imperative, those individuals are actually placed in immigration court proceedings. They go before a judge. They can make a claim of asylum or other claim to remain in the United States. If the judge approves that claim, they are, under the law, able to remain. If the judge denies it, then they are removed from the United States.

TAPPER: And you're referring to the public health rule having to do with COVID, the one that the Trump administration put into effect?

MAYORKAS: Indeed, that is the case.

Remember, that is a public health authority. It is not an immigration policy. It is exercised, as the CDC, the Centers for Disease Control, has ordered, in light of the arc of the pandemic. The public has to remember that we are in the midst of a pandemic. The Delta variant caused a setback. More than 600,000 Americans have died. More than 40 U.S. Customs and Border Protection front-line personnel have lost their lives.

This is a public health imperative to protect migrants themselves, local communities, our personnel, and the American public.

TAPPER: Right. It's called Title 42.

Top Democrats in Congress want the Biden administration to stop invoking it, stop using it. Would you be open to that?

MAYORKAS: Well, it is a public health authority that is determined to be an imperative for the public health reasons that I just expressed.

We made one important exception at the very outset. And that was to not apply it to unaccompanied children. There are exceptions to the application of that public health authority, the Convention Against Torture, if someone makes a legitimate claim that they would suffer

torture if they're returned to the country from which they have come, if we have operational capacity constraints, or if there's an acute humanitarian need, such as an urgent medical situation.

TAPPER: So, the Biden administration special envoy to Haiti, Daniel Foote, he resigned this week saying that the Biden administration's decision to deport thousands of Haitians, as you just mentioned, was -- quote -- "inhumane and counterproductive."

Now, you said Friday -- quote -- "We do not conduct ourselves in an immoral way."

[09:25:01]

But how do you respond to people who say that forcing migrants to return to a country that's dealing with political instability, widespread poverty, the aftermath of a devastating earthquake, a place that many of them haven't been in a decade, that that is immoral, and that, moreover, the Biden administration continuing to implement Trump era policies that Biden and others called immoral when running for president is also immoral?

MAYORKAS: Oh, so, I respectfully disagree with the envoy's position.

And let me say a few things, if I may, because this administration, the Biden/Harris administration, has indeed rescinded the immoral, unethical and cruel policies. And we are rebuilding a system that has been entirely dismantled by the prior administration.

With respect to the conditions in Haiti, we studied those conditions very carefully. And we made a determination several months ago that individuals resident in the United States who were from Haiti who were unlawfully present could not safely return there. And, therefore, we granted them temporary protected status.

That applied to individuals who were already here in the United States on or before July 29. We then continued to study the conditions in Haiti, as is our responsibility. And we made a determination, based upon the facts, that, in fact, individuals could be safely returned to Haiti.

We work closely with the Haitian government. And we have provided \$5.5 million in humanitarian aid to assist in their humanitarian and safe return.

TAPPER: Yes.

So, Mr. Secretary, many House Democrats have expressed deep concern about you and your department and how you're implementing policies. This letter from the House Oversight Committee chairwoman and several others states -- quote -- "Reports that thousands of migrants are being deported to Haiti, despite turmoil in that country, raises serious concerns about whether the federal government is failing to treat migrants, including those fleeing violence, political instability, and natural disasters, with respect and dignity, and affording them a meaningful opportunity to seek asylum" -- unquote.

Do you think that asylum seekers who are fleeing violence, fleeing political instability, fleeing natural disasters, are they welcome in the United States?

MAYORKAS: They most certainly are.

Remember, it is very important to remember that the Title 42 authority is a public health authority, in light of the pandemic. It is not an immigration policy, nor is it an immigration policy that we would embrace.

We are rebuilding our immigration system. We are rebuilding humanitarian, safe and orderly pathways for individuals to make their claims here in the United States. We are also applying the law. In this case, it is a public health law to protect the American public, communities and the migrants themselves.

And there is much disagreement about almost everything that involves immigration in this country. But there is one thing as to which there is complete unanimity, that we are dealing with a broken immigration system. And that is why President Biden, on day one, sent a bill to Congress to once and for all fix what everyone agrees is a broken system.

TAPPER: Yes.

So, Mr. Secretary, did I just hear you say that, if Title 42, I believe it's called, the -- which allows -- it's the health initiative, health imperative that allows DHS to expel individuals because of COVID.

Did I hear that you said you wouldn't welcome that? So, if the Biden administration rescinded it, HHS or whoever's in charge of issuing that, that would be fine with you.

MAYORKAS: What is fine...

TAPPER: CDC, I guess.

MAYORKAS: ... is that the -- yes, so, the CDC makes its determination, as experts, on behalf of the public's well-being from a health perspective.

If they determine that the public health imperative no longer exists, and Title 42, which is a statute, is a law...

TAPPER: Right.

MAYORKAS: ... need not be applied to protect people, then it will not be applied any longer.

TAPPER: OK.

MAYORKAS: And we will -- and we will proceed accordingly.

TAPPER: There has been a lot of controversy about the images of border agents on horseback addressing migrants at the border.

Take a listen to what President Biden said about the investigation into those agents on horseback and how they treated the border, and what you said about that investigation into that.

(BEGIN VIDEO CLIP)

JOE BIDEN, PRESIDENT OF THE UNITED STATES: I promise you, those people will pay. They will be -- an investigation under way now, and there will be consequences. There will be consequences.

[09:30:07]

MAYORKAS: I will not prejudge the facts. I do not in any way want to impair the integrity of the investigative process.

(END VIDEO CLIP)

TAPPER: But, Mr. Secretary, you also said that the images -- quote -- "horrified us."

How can DHS claim to have an independent investigation into these Border Patrol agents, when the president says -- quote -- "Those people will pay" and you say the images "horrified us"?

MAYORKAS: Jake, I think it's quite clear that what the images suggest horrified the American public.

That is quite different than learning what actually happened, determining the facts. And the fact determinations will be made in an independent investigation by the Office for Professional Responsibility.

And the facts that are adduced, the facts that are determined will drive the outcome, nothing less and nothing more.

But what those images...

TAPPER: Some of the initial descriptions -- go ahead. I'm sorry.

MAYORKAS: But, Jake, what those images -- what those images suggest, what they appeared to portray was horrifying.

And that, I think, deserves attention. That is quite different than fact determinations. And I will tell you, I served as a federal prosecutor for 12 years.

TAPPER: Yes.

MAYORKAS: And we conducted independent investigations, despite what appearances might have been and the public outcry about them.

TAPPER: Yes.

But that's the thing. Some of the initial descriptions of those images were just patently false. There's now video out there that provides more context. Having seen the video, are you certain that there was actually wrongdoing?

MAYORKAS: I am going to let those investigators make that determination. And then that determination will drive the outcome of the investigation.

TAPPER: Can the Border Patrol count on you and President Biden, who has said that people will pay, to come to a determination based on the facts, and not based on Twitter outrage?

MAYORKAS: They sure can.

And let me say something about that, Jake, because I have worked very closely with the men and women of U.S. Customs and Border Protection for many years, many, many years. And they are heroic, what they do.

And I saw their heroism displayed in Del Rio, Texas, last Monday when I was there on the ground. And that is emblematic of who they are, their commitment to this country, their talent and tireless dedication to mission. I'm incredibly proud to work alongside them.

TAPPER: Well, as you know, a lot of those agents on horseback, they're on horse because there are no roads in so many parts of the border. And a lot of them have saved the lives of migrants trying to cross the river.

The nice words you said about them, you should probably share with President Biden, not just with -- not just with me today.

Thank you so much for your time today, Secretary Mayorkas.

MAYORKAS: Jake, the president has echoed my sentiments many a time to the men and women of CBP.

TAPPER: All right, thank you, sir.

MAYORKAS: Thank you.

NBC MEET THE PRESS ([link](#))

CHUCK TODD:

On Friday, Homeland Security Secretary Alejandro Mayorkas announced that all the Haitian migrants who had gathered under a bridge in Del Rio, Texas had been cleared from the area. More than 12,000 were released into the United States and allowed to request asylum. Mayorkas says 8,000 returned to Mexico voluntarily and, as of Friday, 2,000 were expelled to Haiti. Still, the images of white Border Patrol agents appearing to manhandle Haitian migrants drew sharp criticism from Democrats and from President Biden. And Secretary Mayorkas joins me now. Mr. Secretary, welcome back to Meet The Press.

SEC. ALEJANDRO MAYORKAS:

Thanks for having me, Chuck.

CHUCK TODD:

Let me start with the decision to send 2,000 Haitian migrants back to Haiti in these current circumstances. In hindsight, was that a mistake?

SEC. ALEJANDRO MAYORKAS:

No, it wasn't, Chuck. That is the exercise of a public health imperative. We're in the midst of a pandemic and the Centers for Disease Control has a Title 42 authority that we exercise to protect the migrants themselves, to protect the local communities, our personnel and the American public. The pandemic is not behind us. Title 42 is a public health policy, not an immigration policy.

CHUCK TODD:

But these folks didn't come from Haiti. They came from some other places in South America. Should they have been sent somewhere else?

SEC. ALEJANDRO MAYORKAS:

So, we are working with other countries. Chile, Brazil, other countries in South America and the region. These are Haitian nationals. Some of them don't have documents from the countries from which they just left. So, they are subject to removal. They are subject to Title 42 expulsion and we work with the countries that receive them. In fact, in Haiti specifically, we've contributed about \$5.5 million to ensure their safe and humane resettlement there.

CHUCK TODD:

Right, but they haven't -- some of these folks haven't been there in over five years.

SEC. ALEJANDRO MAYORKAS:

That is indeed the case. And they're Haitian nationals, and they're subject to removal to a country that is able to receive them.

CHUCK TODD:

Let me ask you about Title 42. Is that an authority you still want to have?

SEC. ALEJANDRO MAYORKAS:

That is an authority that the Centers for Disease Control has determined to still be necessary given where we are in the arc of the pandemic.

CHUCK TODD:

I want to ask you about the behavior of the CBP and Border Patrol. Clearly, a lot of Democrats were upset. The vice president did something that I had never seen before with a Cabinet member. They put out -- they put out a, essentially, a readout of a call that she had with you. And it seemed to say that -- the implication was that it was a dressing down of sorts. How did you respond to her about the performance of Border Patrol?

SEC. ALEJANDRO MAYORKAS:

So, the performance of Border Patrol is the subject of an investigation and the facts that are adduced in that investigation are going to be determinative. But I think the entire American public correctly and necessarily were horrified by what the images suggested. They conjured up such a dark past that we have not entirely put behind us.

CHUCK TODD:

Did President Biden go too far when he said, "Those folks are gonna pay"? Are they guilty before there's an investigation?

SEC. ALEJANDRO MAYORKAS:

Oh, absolutely not. The investigation is independent. We know how to conduct an independent investigation. I think the president echoed the sentiments of the public in terms of what those images suggest.

CHUCK TODD:

There is some Democrats in this town that think CBP is a rogue agency. What would you say to that? I'm sure you've heard that privately.

SEC. ALEJANDRO MAYORKAS:

Oh, I don't -- I couldn't disagree more vehemently. I'm intensely and immensely proud of the men and women of the U.S. Customs and Border Protection. In fact, in Del Rio, Texas, I saw them act

heroically. You know, what those images suggest does not reflect who CBP is, who we are as a department, nor who we are as a country.

CHUCK TODD:

Now, the Border Patrol union said that, you know, using horseback, that that is a training that they get. Are they right?

SEC. ALEJANDRO MAYORKAS:

Oh, the horse patrol serves an incredibly important function. Horses can traverse terrain that might not otherwise be covered. In fact, horses are often used to not only assess a situation, but to actually help people in distress. CBP personnel have saved many lives on horseback.

CHUCK TODD:

So, those images you think are something that -- do you think those images misconstrued their actions? Do you think that it's going to turn out their actions were actually on the up and up?

SEC. ALEJANDRO MAYORKAS:

The facts are going to be adduced in the investigation. The investigation will determine the facts. It's an independent one run by the Office for Professional Responsibility. In fact, I directed that the leadership of that office direct the investigation to ensure its both integrity and quality.

CHUCK TODD:

You, I know, are getting a lot of heat from members of Congress on both sides of the aisle. I want to play for you a clip from Congressman Henry Cuellar, who's a Democrat representing the border down there. Here's what he said about the current situation.

[START TAPE]

REP. HENRY CUELLAR:

President Obama and Secretary Jeh Johnson, they treated the immigrants, the migrants with respect and dignity, but at the same time they followed the law. If they're not supposed to be here, then, with all due respect, you've got to send them back.

[END TAPE]

CHUCK TODD:

Look, you were a deputy in that administration, too, so you've been at this. What is the -- what is the same and what is different compared to the surges you dealt with at DHS in '14 and '15 versus what we're seeing today?

SEC. ALEJANDRO MAYORKAS:

So, this is not new. Remember, in the summer of 2014, we had a great number of unaccompanied children arrive here. And there were people who called for us to do more than we did. And there were people who called for us to do things differently than we did. Getting hit from both sides in the matter of immigration is no surprise. We are in the epicenter of the country's divide, regrettably. And we do what the law requires, what our humanitarian mission requires.

CHUCK TODD:

But do we have enough resources down there to deal with the surge that's currently happening? Because we thought this was seasonal. It turned out it's not seasonal this year.

SEC. ALEJANDRO MAYORKAS:

So, we have an incredible ability to deploy resources to meet the challenges that we face. And we actually have evidence that, quite powerfully, in Del Rio, Texas, in less than a week we addressed a population of 15,000 there and now there are none.

CHUCK TODD:

Do you accept the idea that we have a crisis at the border?

SEC. ALEJANDRO MAYORKAS:

I am focused on mission, Chuck, and the challenges that we face and our ability to meet those challenges. And I am incredibly impressed with the men and women who do so.

CHUCK TODD:

And do you think we have the ability to meet these challenges right now or does the law have to be changed?

SEC. ALEJANDRO MAYORKAS:

Oh, I think --well, I think we meet the challenges, but we are working in a completely broken system. And as to that, there is unanimity in Washington and in the country. I've never heard anyone say that the laws in immigration are well-structured.

CHUCK TODD:

If we get more Haitian migrants, is the only solution going to be that they're likely to be deported back to Haiti?

SEC. ALEJANDRO MAYORKAS:

No, as you mentioned at the very outset, Chuck, there are a number of them that are expelled under the Title 42 authority, the public health authority, and then there are others that are placed in immigration court proceedings and have the ability to make their claims to an immigration judge.

CHUCK TODD:

Are you at all concerned this will serve as a magnet for more migrants to come?

SEC. ALEJANDRO MAYORKAS:

Oh, I don't think that is the case at all. In fact, 8,000 Haitians returned to Mexico over the past week.

CHUCK TODD:

Do you think that's because we're sending people back to Haiti?

SEC. ALEJANDRO MAYORKAS:

I can't speak for them, but I do think they made that journey, which we admonished them not to make, to not put their lives and their funds in the hands of smugglers who exploit them.

CHUCK TODD:

Secretary Mayorkas, I appreciate you coming on and sharing the administration's perspective.

SEC. ALEJANDRO MAYORKAS:

Thank you, Chuck.

FOX NEWS SUNDAY ([link](#))

WALLACE: Jeff Paul reporting from our southern border -- Jeff, thank you.

And joining us now here in studio is the Secretary of Homeland Security,

Alejandro Mayorkas.

Welcome back, sir, to "FOX News Sunday."

ALEJANDRO MAYORKAS, HOMELAND SECURITY SECRETARY: Thank you very much for

having me.

WALLACE: I want to start with those 30,000 Haitian migrants who came across the border into Del Rio, Texas, since September 9th, as you say. You say that 12,400 will have their cases heard by an immigration judge and another 5,000 are being processed by your department.

Mr. Secretary, of those 17,400, how many have been released into the U.S. and how many more potentially could be released into the U.S.?

MAYORKAS: So, Chris, about 3,000 are actually in detention, and we make those detention determinations in the best interest of the American public. Others are in immigration court proceedings. They are monitored by Oscar. We impose conditions upon them so we keep in touch with them and ensure their appearance in court, as the law requires.

WALLACE: But to answer my question directly, of the 17,400 that weren't deported back or didn't return on their own to Mexico, how many of them either -- well, first, how many have been released into the U.S.?

MAYORKAS: They're released on conditions.

WALLACE: Yes.

MAYORKAS: Approximately, I think it's about 10,000 or so, 12,000.

WALLACE: Have been released?

MAYORKAS: Yes.

WALLACE: And of the 5,000 that are still in process?

MAYORKAS: We will make determinations whether they will be returned to Haiti based on our public health and public interest authorities.

WALLACE: So, are we talking about a total of 12,000 or could it be even higher?

MAYORKAS: It could -- it could be even higher. The number that are returned could be even higher. What we do is we follow the law as Congress has passed it.

WALLACE: But let's drill down on more than 12,000 migrants who you say that you're going to keep surveillance over but they are being released into this country.

MAYORKAS: Chris, that's what the law requires.

WALLACE: I understand.

MAYORKAS: If, in fact, someone is not expelled under the public health authority of the Centers for Disease Control, then they are placed in immigration enforcement proceedings. They have an opportunity to make their claim for relief to a judge as the law requires.

WALLACE: I understand all of that.

But let's talk about what it's going to happen to those 12,000. Removal proceedings, including asylum cases, can take anywhere from six months to several years, and 44 percent, according to the Department of Justice, 44 percent of those who are released into custody -- from custody -- miss their court hearings.

Just as a matter of reality, won't many of those thousands of people end up settling here in the United States, some of them permanently?

MAYORKAS: Chris, we have enforcement guidelines in place that provide that

individuals who are recent border crossers who do not show up for their hearings are enforcement priorities, and will be removed. And that is one of our --

WALLACE: And do you remove all of them or some of them disappear into the country?

MAYORKAS: Well, we -- it is our intention to remove them, that is what our policies are, and we deploy our enforcement resources according to certain priorities to ensure the safety and security of the American people.

WALLACE: But, sir, there are more than 11 million people in this country illegally. Clearly, despite your best efforts, millions of people end up in this country and don't -- just disappear.

MAYORKAS: Chris, 11 million people in this country without lawful presence is a compelling reason why there is unanimity about the fact that our immigration system is broken and legislative reform is needed.

WALLACE: Okay. According to internal documents, your department is now tracking a lot more people, including Haitians, who are on their way up from South America, Central America, to cross the border into this country. I want to put up the numbers: 20,000 Haitians in Columbia, 3,000 in Peru, and 1,500 in Panama.

In May, the Biden administration extended temporary protected status for the 150,000 Haitians already living in the U.S. and now as you've said, you have released another more than 12,000 into the country.

Our next guest, Texas Governor Abbott, traveled to Del Rio, to the site of

that bridge and the 15,000 people huddled under the bridge this week, and here's what he had to say, take a look.

(BEGIN VIDEO CLIP)

GOV. GREG ABBOTT (R), TEXAS: When you have an administration that has abandoned any pretense of securing the border and securing our sovereignty, you see the onrush of people like what we saw walking across this dam that is right behind me.

(END VIDEO CLIP)

WALLACE: Hasn't this administration created a magnet? Haven't you given Haitians, and a million more immigrants will you have an encounter with since Joe Biden came into office, haven't you given them a reason to believe there's a reasonable chance if they come into this country, they'll end up being released into the country and have months or perhaps years to stay here?

MAYORKAS: Chris, this is nothing new. We've seen this type of irregular migration many, many times throughout the years. I don't know if Governor Abbott said the same thing in 2019 when there were more than a million people encountered at the southern border.

(CROSSTALK)

WALLACE: It has gotten worse. The statistics of your own department show that the flood of people coming illegally across the border has gotten worse under the Biden demonstration.

MAYORKAS: So, I wouldn't call it a flood, if I may.

WALLACE: What would you call it?

MAYORKAS: But we -- we have seen large numbers of individuals encountered at our border making a claim for asylum, for humanitarian relief, which is a statute, which is a law of the United States that individuals can make a claim, a fear of persecution by reason of their membership in a particular social group. That's what the law provides.

This -- we are certainly seeing a large number here in this year, but in 2019, we saw a large number. In 2014, in 2010. This is nothing new. It spans many, many years. It spans different administrations of both parties, and it speaks to the need for legislative reform.

WALLACE: But I want to get to this question about asylum-seekers having to come over in a minute. But I want to talk first because you say, well, nothing has changed. You had -- I mean, I think what was so dramatic about these last two weeks is that, yes, there is a trickle of people to come across, but to see 30,000 people in 17 days come across the border into one location and be hiding under that -- huddling under that bridge, you say 30,000 people walked across that dam into Del Rio in the last 17 days.

Question, why didn't you stop them?

MAYORKAS: Oh. So, we encountered them at the border. That's where we encountered them, Chris. And you know what? We saw indeed a large number of people cross at one particular part of the border in a short period of time.

And what did we do? We surged our resources, we surged our personnel and --

(CROSSTALK)

WALLACE: Why didn't -- why didn't you stop them from coming into the country?

MAYORKAS: We -- we did. We encountered them, they gathered -- they assembled in that one location in Del Rio, Texas, and we applied the laws. We applied the public health law under the CDC's authority, and we applied immigration law.

WALLACE: My question is why did you allow them in the country in the first place? Why didn't you build -- forgive me, a wall or a fence to stop them from walking -- this flood of people coming across the dam, it looks like a highway that allows them to cross the Rio Grande.

MAYORKAS: It is the policy of this administration. We do not agree with the building of the wall. The law provides that individuals can make a claim for humanitarian relief. That is actually one of our proudest traditions.

WALLACE: Of the 30,000 Haitians who came across the border into Del Rio, how many did your department test for COVID?

MAYORKAS: So we have strict COVID testing protocols that we apply across the board. We test, isolate, and quarantine unaccompanied children. We work with nonprofit organizations to test families.

Those who are in ICE custody are tested, isolated, and quarantine. Those who are expelled under the Title 42 Public Health Authority are returned immediately. They are not placed in immigration court proceedings, and

those we do not test, because they are returned immediately.

WALLACE: But your own departments inspector general said that your testing policy -- and the failure to test a lot of people wound up in this country -- that you rely on local or state officials and a lot of people don't get tested has put communities in this country at risk.

MAYORKAS: We concurred with those recommendations, we made improvements. That is also nothing new. That is exactly why we have an independent review of our operations, to see where we can make improvements, where we can strengthen our processes, and that is exactly what we did here.

WALLACE: A couple of more questions I want to get into with you.

Your department is now investigating the Border Patrol for those officers on horseback who were at the border trying to keep Haitians from coming across the border.

Here is Senator Lindsey Graham talking about that.

(BEGIN VIDEO CLIP)

SEN. LINDSEY GRAHAM (R-SC): I think the most inhumane thing going on right now in America is that the men and women of the Border Patrol have been completely abandoned, demagogue, scapegoat, and treated like dirt by elected officials and the Democratic Party and this administration.

(END VIDEO CLIP)

WALLACE: I know you've got an investigation going on so I'm not going to ask about what they did. What I am going to ask you is who ordered those patrol agents on horseback to go to the border, and what were they supposed

to do?

MAYORKAS: Chris, I'd like to not speak about what they were supposed to do because that also touches upon the investigation that is ongoing, what our policies and training required, and whether or not those individual.

(CROSSTALK)

MAYORKAS: But the horse patrol is something the Border Patrol employees because horses can traverse, they can cover terrain that might not otherwise be covered.

WALLACE: I understand, but they weren't there, they were on the border to block the Haitians from coming across.

MAYORKAS: We use the Border Patrol, the horse patrol, to assess the situation and very often to help people in distress. Whether these individual Border Patrol agents on horseback complied with our policies and training, or whether they did not, is the subject of an investigation. And that investigation is independent, and the outcome will be determined by the facts and nothing more.

WALLACE: Finally, you talked earlier about the fact that allowing people to come into this country to make a claim of asylum is the law. But in fact -- and you know this well, sir -- more than a month ago, the Supreme Court overruled the idea that this administration had unilaterally decided to rescind President Trump -- former President Trump's "remain in Mexico" policy, the people had to wait in Mexico while making their claim of asylum. They made that ruling more than a month ago.

Why have you failed to comply with the Supreme Court's ruling to reinstate "remain in Mexico"?

MAYORKAS: So, it is a district court ruling.

WALLACE: No, no, a Supreme Court ruling.

MAYORKAS: Well, the Supreme Court made a determination on the injunction, but we can talk about the law another time.

But let me say this, that we are complying with the court's order. We do have an obligation to implement the migrant protection protocols, and we are negotiating with Mexico, because those protocols require a bilateral agreement.

And so, we are negotiating with Mexico, as we are required to do under the court's order.

WALLACE: Mr. Secretary, thank you. Thanks for your time. Thanks for taking time out during these very busy days to speak with us, sir.

MAYORKAS: Thank you so much for having me.

VP Harris on The View 9/24/21

“Well, first of all, I’ve been very clear about the images that you and I both saw of those law enforcement officials on horses. I was outraged by it. It was horrible and deeply troubling. There’s been now an investigation that has been conducted, which I fully support, and there needs to be consequences and accountability. Human beings should not be treated that way. And as we all know, it also evoked images of some of the worst moments of our history, where that kind of behavior has been used against the indigenous people of our country, has been used against African-Americans during times of slavery. So I’m glad to know that that Ali Mayorkas, who is the Secretary of the Department of Homeland Security is taking it very seriously.”

Biden WH Press Conference 9/24/21

“Of course, I take responsibility, I'm president. But it was horrible what you see, as you saw. To see people treated like they did. Horses vainly running over people being strapped. It's outrageous. I promise you those people will pay. They will be an investigation underway now and there will be consequences.

There will be consequences. It's an embarrassment. But beyond an embarrassment, it's dangerous, it's wrong. It sends the wrong message around the world. It sends the wrong message at home. It's simply not who we are.”

9/24/21: Press Briefing by Press Secretary Jen Psaki and Secretary of Homeland Security Alejandro Mayorkas

MS. PSAKI: Hi, everyone. Okay. We're thrilled to have Secretary Mayorkas join us here today. He's going to be making some brief comments providing you an update, and we'll take as many questions as we can. I would just be mindful of your colleagues so we can get around to as many as possible.

With that, I'll turn it over to Secretary Mayorkas.

SECRETARY MAYORKAS: Thank you very much. And good afternoon, everyone. Less than one week ago, there were approximately 15,000 migrants in Del Rio, Texas, the great majority of whom were Haitian nationals. This was the result of an unprecedented movement of a very large number of people traveling to a single point of the border within a matter of a few days.

We responded with a surge of resources to address the humanitarian needs of the individuals, many of whom include families with young children.

We also applied our months-long standard operating procedures at the border, which we have been applying to all migrants encountered at the border during this very challenging time of the COVID-19 pandemic.

As of this morning, there are no longer any migrants in the camp underneath the Del Rio International Bridge. I will walk through what we have done, how we have done it; explain the processes; and provide data that you have requested.

But first, I want to make one important point. In the midst of meeting these challenges, we — our entire nation — saw horrifying images that do not reflect who we are, who we aspire to be, or the integrity and values of our truly heroic personnel in the Department of Homeland Security.

The investigation into what occurred has not yet concluded. We know that those images painfully conjured up the worst elements of our nation's ongoing battle against systemic racism.

We have been swift and thorough in our response. First, we immediately contacted the Office of Inspector General and launched an investigation into the events that were captured in the disturbing images of horse patrol units.

We ceased the use of horse patrol units in the area. The agents involved in these incidents have been assigned to administrative duties and are not interacting with migrants while the investigation is ongoing.

I directed the personnel from the CBP Office of Professional Responsibility to be on site in Del Rio full-time to ensure adherence to the policies, training, and values of our department. The highest levels of the CBP Office of Professional Responsibility are leading the investigation, which will conclude quickly. The results of the investigation I will make public.

The actions that are taken as a — are as a result of the — what we have seen in those images. The investigation will be compelled — the results will be compelled by the facts that are adduced and nothing less.

Let me be clear: The department does not tolerate any mistreatment of any migrant and will not tolerate any violation of its values, principles, and ethics.

Now I would like to turn to our operational response. DHS led the mobilization of a whole-of-government response to address the challenging situation in Del Rio. DHS immediately worked to address the acute humanitarian needs of the migrants themselves by partnering with federal and nongovernmental agencies and entities. We rapidly deployed basic services like drinking water, food, clothing, and portable toilets.

I am grateful to the Red Cross for providing more than 17,000 hygiene kits and the World Central Kitchen for contributing more than 14,000 meals per day to supplement other food programs.

We surged medical resources and capacity, including over 150 medical professionals, to provide health services to ensure the safety of the migrants, employees, and the surrounding community. We provided personal protective equipment, including facemasks. We erected four climate-controlled tents to support housing for vulnerable populations.

Let me go through our operational response. Simultaneously with the humanitarian response, we in the Department of Homeland Security implemented a series of operational measures to process migrants consistent with existing laws, policies, and procedures. In particular, CBP — Customs and Border Protection — surged 600 agents, officers, and DHS volunteer force personnel to the Del Rio sector to provide operational support.

We also — DHS officers and agents conducted 24-hour patrols for general safety, as well as to identify anyone who might be in medical distress.

ICE, the U.S. Coast Guard, the Department of Defense, and the Department of Justice provided transportation support to transfer migrants out of Del Rio to other Border Patrol sectors with capacity.

Working with the Department of State in Haiti, DHS increased the number of removal flights to Haiti commensurate with the country's capacity to receive.

Importantly, USAID has established a \$5.5 million program to provide on-the-ground assistance to repatriated Haitian migrants.

Nearly 30,000 migrants have been encountered at Del Rio since September 9th, with the highest number at one time reaching approximately 15,000.

Today, we have no migrants remaining in the camp under the International Bridge.

Migrants continue to be expelled under the CDC's Title 42 authority. Title 42 is a public health authority and not an immigration policy. And it is important to note that Title 42 is applicable and has been applicable to all irregular migration during this pandemic. It is not specific to Haitian nationals or the current situation.

Some more data: To date, DHS has conducted 17 expulsion flights to Haiti with approximately 2,000 individuals. Those who are not expelled under Title 42 are placed in immigration removal proceedings.

Let me take a step back and explain the process. There are two exceptions to the applicability of Title 42, the public health authority. Number one is if an individual has an acute vulnerability, such as an urgent medical care. And two, if, in fact, our operational capacity is such that we are not able to execute the Title 42 authority that rests with the Centers for Disease Control.

I should also say that there is a Convention Against Torture exception if someone claims torture, which is a distinct legal standard.

Individuals, as I mentioned, with acute vulnerability can be accepted from the Title 42 application. Approximately 12,400 individuals will have their cases heard by an immigration judge to make a determination on whether they will be removed or permitted to remain in the United States. That is a piece of data that has been requested of us.

If someone is not subject to Title 42 expulsion for the three reasons that I explained — acute vulnerability, operational capacity limitations, or a Convention Against Torture exception — then the individual is placed in immigration proceedings. That means they go before an immigration judge in an immigration court.

If they make a claim that they have a basis under law to remain in the United States, then the judge will hear and adjudicate that claim. If the judge determines that the claim is not valid, the individual will be removed.

An estimated 8,000 migrants have decided to return to Mexico voluntarily, and just over 5,000 are being processed by DHS to determine whether they will be expelled or placed in immigration removal proceedings under Title 8.

We have previously articulated publicly, we've previously expressed that in light of the fact that we had such a significant number of individuals in one particular section in Del Rio, Texas, that we were moving people to other Customs and Border Protection processing centers to ensure the safe and secure processing of those individuals. And we will assess the ability to exercise the Title 42 public health authority in those processing centers.

And if any of the exceptions apply, then we will place those individuals in immigration enforcement proceedings. But if we are able to expel them under Title 42 — because that is indeed a public health imperative as determined by the Centers for Disease Control — we will do so.

And with that, I'll take your questions.

MS. PSAKI: Steve.

Q Thank you. Mr. Secretary, thank you very much for coming in to take our questions.

SECRETARY MAYORKAS: Of course.

Q The first question is that I was hoping you could explain more of your view that these agents on the border acted in a way that violated policies or procedures. Could you tell us what they did wrong to start?

And then my second question has to do with what this episode — how this episode informs your understanding or thinking about the current and ongoing asylum review, and whether, perhaps if the administration were to take a more permissive stance to — toward asylum, membership in a particular social group, that this episode could be seen as one of many in the future.

SECRETARY MAYORKAS: So I — I think, if I may, you're conflating two very different phenomenon, two very different processes.

First of all, the images, as I expressed earlier — the images horrified us in terms of what they suggest and what they conjure up, in terms of not only our nation's history, but, unfortunately, the fact that that page of history has not been turned entirely. And that means that there is much work to do, and we are very focused on doing it.

But I will not prejudge the facts. I do not, in any way, want to impair the integrity of the investigative process. We have investigators who are looking at it independently. They will draw their conclusions according to their standard operating procedures, and then the results of that investigation will be determined — will be determined by the facts that are adduced.

Now, with respect to the asylum process that has — that is an independent process — and I'm not sure I understood your question, if you're asking about the definition of a particular social group. And just for everyone's benefit, the asylum laws provide that an — the first step in an asylum process is a claim of credible fear.

Economic need, flight from generalized violence does not qualify as credible fear, but rather credible fear is credible fear of persecution by reason of one's membership in a particular social group.

What is the definition of a “particular social group” was significantly constrained — that’s an understatement — in the Trump administration. And there is a body of law that speaks to that definition, and that definition is currently under review.

Q Right. But, Mr. Secretary, if I may — and forgive me for — just to follow up on this point —

SECRETARY MAYORKAS: Yes.

Q The question was: If this administration were to take a more permissive stance toward that definition, could this be — what we’ve just experienced in the last several weeks — just the first of many similar instances to occur in this country on the border?

SECRETARY MAYORKAS: What instance are you referring to? I’m sorry.

Q Well, we have 15,000 migrants who — that the United States government has had to now process. And —

SECRETARY MAYORKAS: So, we determine — we determine the standards to apply in a claim of persecution according to the principles that a government should have both domestically and in the international architecture with the treatment of individuals who are fleeing persecution by reason of their membership in a particular social group. It is not a tool of deterrence to define what a “particular social group” means.

MS. PSAKI: Tam.

Q Yeah. The people who — sorry, I’m here hiding behind a mask. (Laughter.)

SECRETARY MAYORKAS: I’m sorry. Thank you.

Q The people who were under the bridge — you’ve talked about — some of them have gone to Mexico, some of them have been flown to Haiti. The others, are they spread out at CPB holding facilities? Have some been released into the community or released to family members awaiting hearing?

SECRETARY MAYORKAS: So you ask a very —

Q What’s their status?

SECRETARY MAYORKAS: So let me be clear: So, some have been returned to Haiti, indeed. Others have been moved to different processing facilities along the border in light of operational capacity, and then many of them will be returned to Haiti from there. And if any of the exceptions apply, they will not be returned to Haiti but placed in immigration enforcement proceedings.

I should say “released” is a very general term, and I may need to drill down on that, if I may. Individuals — some of them are detained; some of them are placed on alternatives to detention.

We remain in touch with them. We monitor them to ensure their appearance in court at the designated time of appearance. Does that answer your question?

Q It does. One other question.

SECRETARY MAYORKAS: And I gave —

Q Yeah.

SECRETARY MAYORKAS: — and I provided the data, if I need to — to do so again.

Q Yes. No, I got that. The broader question is that it seems like there are border crises that keep popping up, sort of like whack-a--mole. Every month or so, there's another clump of people or another major issue or unaccompanied minors or — and is there a plan to maybe have, you know, like FEMA-type teams that go to these crisis points? Or is the goal to somehow stop having these crises that keep breaking out?

SECRETARY MAYORKAS: Well, look, you mentioned FEMA. So two points, if I may. Let me first address the fund- — well, let me go in reverse.

From an operational response perspective, we addressed the challenge of unaccompanied children in March. And I said then that we had a plan, we were executing our plan, and it would take time. And in fact, within 60 days or so, we went from an average time of an unaccompanied child in a Border Patrol station of 124 hours to less than 25 hours, and we did that through our operational capacity throughout the Department of Homeland Security, as directed by the President, in an all-of- government effort.

Here, last weekend, we had approximately 15,000 individuals in the Del Rio section. I committed to addressing that within 10 days, and today we have none. And that was because of the Department of Homeland Security's assets, with the assistance of others across the government. That is something very different than the fact of the dynamism of irregular migration writ large and the fact that this is a situation that has occurred from time to time, ever since I can remember, in my more than 20 years of government service.

And the President has spoken very powerfully about this from day one and before he assumed office. First and foremost, and most fundamentally and foundationally, we are dealing with a broken immigration system, and we need legislative reform.

And everyone agrees. In a world where unanimity is so difficult to achieve, there is one thing that — as to which there is unanimity, and that is the need for comprehensive immigration reform. And unfortunately, it seems to remain elusive, but our real dedication to achieving it is unrelenting, and we continue to do so. Number one.

Number two, we have a three-part plan: We invest in the root causes to address the need — to address the reason why people leave the homes in which they live and take a perilous journey that they should not take. Second, the building of safe, orderly, and humane pathways. And third,

rebuilding an asylum system and a refugee program that were dismantled in the prior administration.

This takes time, and we are executing our plans.

MS. PSAKI: Ed.

Q Thank you, Mr. Secretary. Thank you for being here. I know we had suggested it'd be great to have you, so it's good to see you in the same week we made that request.

Starting with the situation in Del Rio, the mounted units are temporarily suspended. Are you considering eliminating them altogether?

SECRETARY MAYORKAS: So we're going to — we're going to take a look. What we are focused on right now is addressing the urgency of the situation in Del Rio under that bridge. We are still getting through it.

Remember, as I mentioned in response to the prior question, we still have operational needs across the border with respect to this particular population of individuals. But we're going to be taking a look at this.

What the horse patrol is customarily used to do — for everyone's benefit — is — you know, horses are able to cross terrain that might not otherwise be traversed. And what they often do — and, in fact, most often do — is assess the situation and actually assist in helping people in distress. And that horse patrol — the horse patrol that the Customs and Border Protection employs — the Border Patrol, specifically — has actually saved lives many times before. But we will take a look.

Q And just on — because yours is such a sprawling department, you face multiple issues at once. The situation regarding Afghan refugees that are being processed by your department — we've had a few questions on that that haven't entirely been answered, and I'm just curious if you know how many cases of forced marriage or so-called "child brides" has DHS found in the system so far?

SECRETARY MAYORKAS: To my knowledge, we have not found one. But I will tell you that we have experts at the airport and beyond who understand that phenomenon very, very well, who know how to detect the indicia, the signs of any such activity, and are able to place people in secondary screening, discern the facts, and make the decisions that the facts so warrant. We are very skilled in that.

MS. PSAKI: Rachel.

Q Thank you, Mr. Secretary. I know you said you'd be looking into this, but the President was really clear today. He said those Border Patrol agents on horseback seen in those images "will pay." He said, "It's dangerous." He says, "It's wrong." And he said, "There will be consequences." So do you disagree with that?

SECRETARY MAYORKAS: Oh — I know the President was echoing the sentiments of the American public in response to the images and what those images suggest, but I want to speak to the fact that this investigation will be based on the facts that the investigators learn, and the results of the investigation will be driven by those facts and nothing less and nothing more.

Q But the President said that they would pay, so you guys are not on the same page on that?

SECRETARY MAYORKAS: I think the President was speaking in terms of the horror that he observed from seeing the images and what they suggest.

MS. PSAKI: Phil.

SECRETARY MAYORKAS: That investigation will have integrity, I can assure you of that.

Q Thank you, Mr. Secretary. I understand you guys have been saying since January 20th you inherited a broken system; there's a lot of work to be done here. But you have thousands of people living in squalid conditions, limited opportunities to go through asylum processes here. Advocates have been warning about situations like this for months now. How much responsibility do you, does the administration take for these situations continuing to, kind of, pop up in various places?

SECRETARY MAYORKAS: So if you're — if you're addressing the situation in Del Rio, I will tell you that it is unprecedented for us to see that number of people arrive in one discrete point along the border in such a compacted period of time. That is unprecedented.

We have the Chief of the Border Patrol, Raul Ortiz, is, I think, a 30-year veteran and he has not seen that before. And what we do when we see something that is unprecedented is we respond, and respond we did.

MS. PSAKI: Steve.

Q Some Democrats have wanted you to be more lenient on the asylum claims because of the earthquake that Haiti went through. Have you considered that at all, sir?

SECRETARY MAYORKAS: So, let me — let me speak to that. We studied the conditions in Haiti a number of months ago, as is our legal obligation to do so. And based on the country conditions that we observed and studied, what we did is we designated Haiti for Temporary Protected Status for those Haitian nationals resident in the United States who were here prior to July 29th. And we were mindful of the assassination that occurred, and we were unsure of the results of that assassination in terms of the stability of the political order.

Once a new leader took office and things seemed to settle down, we determined that the July 29th date was equitable to address the humanitarian relief of Haitian nationals already resident in the United States.

We have continued to study the conditions in Haiti, and we have in fact determined, despite the tragic and devastating earthquake, that Haiti is in fact capable of receiving individuals. And we are working with Haiti and with humanitarian relief agencies to ensure that their return is as safe and humanely accomplished as possible.

I was around — I was at U.S. Citizenship and Immigration Services on January 10, 2010, the date of the last earthquake in Haiti, and that was distinct from the earthquake that devastated people more recently. That had far greater geographic repercussions than this one now.

This one, as devastating and tragic as it is, was more geographically limited, and we made a determination based on the legal standards and the facts that, in fact, individuals could be returned to the country as a whole.

MS. PSAKI: Peter.

Q Thank you very much. Just to go back, please, to the images of these mounted Border Patrol officers: You said on Saturday — or rather, on the 20th, “To ensure control of the horse, long reins are used.” The person who took these photos of the Border Patrol agents says, “I’ve never seen them whip anyone.” So, why is the President out there today talking about people being “strapped”?

SECRETARY MAYORKAS: So let me — let me correct the statements in your question, if I may. It was —

Q They’re direct quotes.

SECRETARY MAYORKAS: No, no — if I may. It was on Friday when I was — actually, it was on Monday, I believe, when I was in Del Rio on the ground and I made the statements without having seen the images. I saw the images on the flight back, and I made the statement that I did with respect to what those images suggested.

There — the horses have long reins, and the image in the photograph that we all saw, and that horrified the nation, raised serious questions about what it — let me finish — about what occurred and of — as I stated quite clearly, it conjured up images of what has occurred in the past.

Let me — let me finish.

There’s also a question of how one uses the horse and how one interacts with individuals with the horse. And so I’m going to let the investigation run its course. I’m not going to interfere with that investigation. The facts will be determined by the investigators, and then the results will be driven by the facts that are determined.

Q And just to follow up, please — before the facts are in, is it helpful to your investigation for the President of the United States to use inflammatory language, like people being “strapped”?

SECRETARY MAYORKAS: Let me just be very clear and repeat what I've said: I am not concerned with respect to the integrity of the investigation. We know how to conduct an investigation with integrity. I served as — 12 years as a federal prosecutor. There were a great deal of comments in many of the cases that I handled in the public sphere, and I know how to maintain the integrity of an investigation, and this investigation will have integrity.

MS. PSAKI: Just a few more. Peter, go ahead.

Q Mr. Secretary, thank you. Are Title 42 expulsions, sending Haitians back to danger in Haiti, immoral? Yes or no?

SECRETARY MAYORKAS: No, they are not. They are driven by a public health imperative.

Q I understand the public health imperative —

SECRETARY MAYORKAS: But let me —

Q — but are they immoral?

SECRETARY MAYORKAS: But let me — let me explain, because — let me be quite clear: We do not conduct ourselves in an immoral way. We do not conduct ourselves in an unethical way. In fact — in fact, we are restoring people by reason of the immorality of the past administration. We are reuniting families that were separated.

Let me explain something — the reality of the situation — because we're dealing with a great number of individuals who are encountered at the border in a congregate setting and placed in Customs and Border Protection — you know, Border Patrol stations. And that can cause the significant spread of a pandemic.

And it is in light of the operational realities that the Centers for Disease Control made a determination in its public health expertise that Title 42 authority must be exercised. It is a statutory authority. And they made the determination that the public health of the migrants themselves, our personnel, local communities, and the American public require it.

And that is why we are exercising that authority to serve the public health. Over 600,000 Americans have died. More than 40 U.S. Customs and Border Protection personnel have died. Many migrants have gotten sick.

We are doing this out of a public health need. It is not an immigration policy. It is not an immigration policy that we would embrace.

Q With all due respect, sir —

MS. PSAKI: Okay, Rachel. Last one.

Q — your statement acknowledges the treatment —

MS. PSAKI: Go ahead, Rachel.

Q — of Haitian immigrants.

Q Secretary, thank you.

MS. PSAKI: Go ahead. Go ahead. We've all been civil here. Let's have Rachel — let Rachel have her question.

Q The congregation under the bridge — the congregating there — just mentioning COVID — what is the situation there? I know that the crowd has been dispersed. Do we know who has tested positive? If people got sick, any kind of symptoms among this group of 15,000, you said?

SECRETARY MAYORKAS: Yeah, so, we did not — we do not te- — we did not test that population of individuals. We do not know — I do not know, I should say, if I may be perfectly accurate — I do not know whether anyone was sick with COVID.

We certainly had some individuals get sick, not specifically with COVID, to my knowledge, and we addressed their illnesses. In fact, we set up medical tents that had a certain standard of ability to address medical needs.

It is — it was ho- — it's hot in Del Rio, Texas. We had cases of dehydration. We had other situations. And that is precisely why we surged one hundred — approximately 150 medical professionals to address the medical needs of that population. That is why we set up medical facilities with the appropriate equipment to address their medical needs.

And I must say, what I saw of the Border Patrol and other personnel was, quite frankly, heroic. They took — this is not their customary obligations, and yet they took great pride in addressing the needs of the people.

Q With all due respect, sir, your statement — that “this is not who we are” — belies the actual treatment of Haitian immigrants not just in this administration, but in administrations of both parties, going back decades. And you seem to be distinguishing between violence and violence. What is the difference between —

SECRETARY MAYORKAS: I'm sorry —

Q — the type of violence that Haitians are fleeing in Haiti and the type of devastation and — other devastation that they're fleeing, as compared to other immigrants and asylum seekers?

Democrats left and right, up and down, have been talking about the violence that people have been fleeing in Central America and South America. And the President, even during his campaign, talked about the fact that this created a need to create a pathway and an asylum system. This doesn't seem to be the case when it comes to Haitian immigrants.

SECRETARY MAYORKAS: Oh, if —

Q And, in fact, the images are a true graphic representation of the way Haitian immigrants and immigrants of African descent have been treated, not just by this administration.

MS. PSAKI: I think we have to finish the question so we can answer it.

SECRETARY MAYORKAS: If I may, I would respectfully disagree with you. And let me — let me say —

Q I happen to be an immigrant and have been on the wrong side of the U.S. immigration for the last 20 years, so I have some experience with it.

SECRETARY MAYORKAS: Oh, no, no, no — I wasn't commenting on your personal experience, sir. And I am an immigrant as well. I wasn't commenting on your personal experience. I was respectfully disagreeing with an assertion that you made, if I may.

Because if —

Q So, what is the difference —

SECRETARY MAYORKAS: — if — if I may: An asylum claim is determined based on the facts that are presented in the individual case. In fact, the Title 42 authority has been applied to irregular migration since the very beginning of this administration and before. And it has applied to individuals from Guatemala, Honduras, El Salvador, and other countries.

It has been applied equally, and the exceptions that I cited have been the exceptions that have applied to all. There are three exceptions: the Convention Against Torture; acute vulnerabilities, such as extreme medical needs; and operational capacity. Those are the three exceptions.

Title 42 authority has been applied, irrespective of the country of origin, irrespective of the race of the individual, irrespective of other criteria that don't belong in our adjudicative process and we do not permit in our adjudicative process.

MS. PSAKI: Thank you, Secretary Mayorkas.

Q And one follow-up — the whipping — the whips, the horse whips —

SECRETARY MAYORKAS: Sir, that is something — that is something that horrified us all. And, you know, this morning, I was on radio, and the interviewer said that it was — it troubled, very profoundly, the Black and the African American community. And I said one thing — and this should be clear: Those are not the only communities that it horrified. Those are not the only communities that it concerned. Of course, that concern might be most acute, given the history in this country and in other parts of the world. But all of America is horrified to see what those images suggest.

MS. PSAKI: Thank you so much, Secretary Mayorkas. Appreciate your time.

Q One more question.

MS. PSAKI: He'll come back. I promise. I know there's lots of questions, but we have to let him go back to his job.

Q Thank you, Secretary.

SECRETARY MAYORKAS: Thank you all. Thank you.

MS. PSAKI: Thank you so much, Secretary Mayorkas.

Q You're welcome anytime.

MS. PSAKI: You're always invited. Open invitation.

9/23/21 Media Interviews

MSNBC Deadline White House: Secretary Mayorkas interview

Rough transcript:

>>> among the many challenges facing the Biden administration right now, an ongoing humanitarian crisis at the U.S.-Mexico border where thousands of Haitian migrants fleeing political and economic instability are camped along the Rio Grande. Earlier this week, widely shared images of border agents confronting migrants with what look like the reins of their horses drew harsh criticism. The White House called it horrible and horrific. Today, Homeland Security Secretary Alejandro Mayorkas made the decision to prohibit the use of horses by border patrol agents in Del Rio, Texas. But it's a bigger issue than just that. Separately today, the U.S. Envoy to Haiti resigned. He wrote in a letter that he would not, quote, be associated with the United States' inhumane, counterproductive decision to deport thousands of Haitian refugees and illegal immigrants to Haiti, a country where American officials are confined to secure compounds because of the danger posed by armed gangs in control of daily life. Joining us now is Secretary of the Department of Homeland Security, Secretary Mayorkas. First, I'd love your reaction to what is a scathing resignation letter. We can get into that but I'd like to hear from you first, sir.

>> so, first, I must address the issue of the photographs that you mentioned, because we were indeed horrified by the images. That is not who we are. That does not reflect our policies, our training, nor our values. And it is for that reason that we commenced immediately a fulsome and swift investigation to determine what exactly occurred and why. Those officers depicted in the images are no longer performing their law enforcement duties during the pendency of the investigation. We do not tolerate any mistreatment of any individual. We respect the dignity of every individual. With respect to the letter that you referenced, I'm going to defer to the Department of State as that is something in their domain and how an individual handles policy differences or how an individual handles other issues, I will defer to them.

>> sir, have those officers been fired?

>> those officers are on administrative duties. they are not performing their typical law enforcement duties during the pendency of the investigation. we intend to complete that investigation within just a few days. we need to move swiftly to bring this to conclusion for the benefit of our department, the u.s. customs and border protection, and the heroic people who uphold its values as well as for the american public correctly really gal sdraniced by those horrible image.

>> sir, we were harsh critics trump era immigration policies and when mostly investigative journalists revealed heinous conditions at the border, we spent a lot of time on them. i'd like to understand from you what trump era immigration policies have been banned, ended, reversed and if any investigations are under way by you.

>> so we have rescinded so many trump immigration policies, it would take so much time to list them. we rescinded the remain in mexico policy. we rescinded, of course, the public charge rule that deprived vulnerable migrants from accessing certain critical life benefits. we have restored the deferred action for childhood arrivals program, the daca program. we have rescinded so many and have restored so many that he really dismantled and we are rebuilding our asylum system and all our humanitarian programs that were really destroyed in the prior administration.

>> i want to give you a chance to deal with some of the specific immigration related sentiments expressed by mr. mr. foote. at its core is the sense that there's been a betrayal of the edict which was that the white house's immigration policy would be fair, safe, humane and orderly. it just isn't american when you see what's happening and not just with the horse reins but when you see the suffering and when you see what this individual at the state department official has written about haiti, it does not appear consistent with those values. could you address the broader sentiment of what he is expressing?

>> oh, absolutely. we are dedicated to and invariably dedicated to building a safe, orderly and humane immigration system. the reality is that the authority that we are employing now is not a matter of immigration policy. it is a public health imperative. it is the authority of the centers for disease control in light of the fact that we are in the midst of a pandemic and the rise in the delta variant makes that compellingly clear. we have lost more than 600,000 lives in this country alone, in the midst of a pandemic that has gripped the world. it is critical that people understand that the authority that we are exercising is not a matter of immigration policy, it is a matter of public health as issued by the cdc to protect the migrants themselves, our personnel, local communities and the american public.

>> 10,000 haitians have converged, we've been showing images to our viewers as we've been talking on del rio. you have committed publicly, you've promised that the united states will clear out that camp in the coming days. do you stand by that commitment? is it days?

>> i certainly do and i saw the image that was just shown and since those initial photographs were taken, we have surged 600 personnel to provide supplies, provisions, medical attention and other to address the needs of the vulnerable population in del rio, texas. the figure of 12,000, 14,000, 15,000 individuals is now approximately just over 3, 300. we have removed individuals

under the public health authority. we have moved individuals from del rio to other facilities so that we can best tend to their safety and security before they are removed under that public health authority.

>> how much of your time is spent with the humanitarian crisis. what do you sense is the departure from the previous administration's addressing and their approach to these issues?

>> the departure is a very profound one. it is the difference between humanity and cruelty. it is the difference between providing safe, orderly and humane pathways from something as pernicious as family separation. it is about investing in the countries of origin and building them and addressing root causes so that we don't have desperate, vulnerable populations thinking and believing that the only way that they can take care of their families, their children, their loved ones is to leave the homes of their choice, the homes of their origin and take a perilous journey miles and miles, thousands of miles north.

>> so do you understand how damaging it is to sort of the credibility that mission statement when the u.s. special envoy for haiti says this, that he, quote, will not be associated with the united states' inhumane counterproductive decision to deport thousands to haiti. can you help us square with what he saw on the ground?

>> what one individual says does not define the integrity that we bring to bear to the mission to which we are dedicated and we are dedicated to restoring our country's position in the world as a place of refuge and what we have done is, in fact, dedicated ourselves to rebuilding systems that have been dismantled and really rebuild our ability to accept refugees from all over the world.

>> secretary mayorkas, on another day we would love to have you back. we spend a lot of time covering threats to the homeland from dominion silent extremism and hope that we can have you back another time to have that conversation. this was in today's news today and i appreciate your taking some time to answer our questions. we're grateful.

>> thank you and i look forward to returning.

>> thank you, sir.

NPR All Things Considered: Secretary Mayorkas interview

Transcript:

LEILA FADEL, HOST:

Inhumane and counterproductive. Those are the words from the resignation letter of the U.S. special envoy to Haiti, Daniel Foote. The longtime diplomat says that Haiti, still struggling in the aftermath of a hurricane, political assassination and gang violence that has U.S. officials confined to their compound, cannot absorb the Haitians the U.S. is sending back on flights.

AUDIE CORNISH, HOST:

But those flights continue as U.S. officials aim to break down the camp of some 15,000 people that have amassed at the border by Del Rio, Texas. The images of horse patrols threatening some migrants have come to symbolize the crisis. Here to explain, Secretary of Homeland Security Alejandro Mayorkas.

Welcome to the program.

ALEJANDRO MAYORKAS: Thank you very much for having me, Audie.

CORNISH: First, I want to hear your assessment about why it appears U.S. officials did not know this was happening, how thousands of people could move through Mexico undetected, undeterred because our reporters on the ground are inquiring about whether smugglers were involved.

MAYORKAS: Audie, let me, if I may, start with the photographs that were mentioned at the very outset because we were horrified to see the images that correctly and necessarily captured the country's attention. And let me assure the public that we are investigating this both thoroughly and swiftly. And the facts of our investigation will determine the results and the actions that we take.

CORNISH: What's to be investigated? The use of horse patrols has been long-going. Is now the only issue that it was public?

MAYORKAS: Oh, not at all. What we saw or what is captured in those images is very troubling in terms of the use of the horse - potentially weaponizing the horse and weaponizing the reins. I don't want to presuppose facts, but those images are extraordinarily troubling and horrifying. And that is what we are investigating - the conduct of particular individuals.

CORNISH: What's happened to them in the meantime?

MAYORKAS: They are on administrative duties. They are not conducting their law enforcement obligations, and they are not interacting with any migrants. That is not who we are.

CORNISH: I want to come back to your initial question, then. Are we looking at an intelligence failure?

MAYORKAS: We are not. We were tracking movements of the Haitian diaspora community from South America. But this is unprecedented in terms of the number of individuals who crossed the border in an extraordinarily compacted period of time. We have never seen thousands of people cross the border in one particular place.

CORNISH: And there's no clue why. There's no sense of intelligence even working with Mexico about what happened.

MAYORKAS: Oh. Well...

CORNISH: We're truly caught off guard in terms of Homeland Security.

MAYORKAS: We work with the Mexican authorities. We have our own intelligence architecture. And we are aware of the involvement of smuggling organizations in irregular migration and the misinformation that they disseminate to vulnerable populations. This is precisely why we broadcast accurate information and we urge people not to take the perilous journey.

CORNISH: DHS has repeatedly declined to say how many Haitian migrants are being allowed in. Can you tell us? If not, why not?

MAYORKAS: Let me say who is allowed to come in. We are, as everyone knows, exercising the public health authority that rests with the Centers for Disease Control in light of the fact that we are in a pandemic. This is not regular order.

CORNISH: And this is Title 42.

MAYORKAS: It is Title 42.

CORNISH: And this is the justification that allows the U.S. to send Haitians back to their country without giving them a chance to apply for asylum. Since you've brought it up, this is something that you're coming in for serious criticism for using from Democrats who say that you shouldn't still be using this pandemic-era rule in this instance.

MAYORKAS: It is very important that people understand that Title 42 is not an immigration policy, and we do not embrace it as an immigration policy. It is a public health imperative as determined by the Centers for Disease Control because...

CORNISH: So people are not being expelled under that policy.

MAYORKAS: Oh, they most certainly are. And, in fact, that is not particular to the Haitian migrants that we are encountering at the border. That is an authority that we have been exercising for months all along the southern border. And it's not something that we have been enforcing merely with respect to individuals crossing in between the ports of entry. Remember; we have suffered more than...

CORNISH: How do you respond to the criticism about using it with the surge of Haitian migrants, not giving them a chance to apply...

MAYORKAS: This is...

CORNISH: ...For asylum, right? They're being sent back.

MAYORKAS: They are. And we are - they're being sent to Haiti and to other countries in South America. And the Title 42 authority - the Public Health Authority has been employed with

respect to irregular migration all along the southern border with respect to individuals from El Salvador, Honduras, Guatemala.

CORNISH: Countries that many of these people who had gotten asylum in Chile and elsewhere have fled, right? So they're being sent back and set back in their journey. I want to ask about the Biden administration looking to build housing for refugees in Guantanamo. Back in the '90s, the camp for Haitian refugees there was known for deplorable conditions. Why look to expand detention facilities there again?

MAYORKAS: We are not. That was mistaken information that was published yesterday. That is not the intention. With respect to Guantanamo, Guantanamo was a place that historically has been used to return individuals who are interdicted at sea. That is not applicable to the individuals whom we are encountering along the southern border. That is just misinformation.

CORNISH: Thank you for correcting the record. Finally, how does the Biden administration kind of defend this policy of sending people back to a failed state? I mean, this is what the special envoy was complaining about.

MAYORKAS: We made a determination several months ago looking at the country conditions in Haiti that individuals unlawfully present in the United States from Haiti could not return to Haiti because of the conditions there. And we extended humanitarian relief in the form of temporary protected status, and we determined that those individuals could be eligible for TPS as it is not...

CORNISH: But we're talking about the surge now in people being put back on flights now.

MAYORKAS: If I may, for those individuals who were present in the United States prior to July 29, we've continued to assess the country conditions. And we have determined, along with the country of Haiti, that, in fact, individuals can be returned there safely. And that is also one of the reasons why we are ensuring their safety by surging USAID and other humanitarian resources to facilitate their settlement in Haiti.

CORNISH: That's Secretary Alejandro Mayorkas.

Thank you for your time.

MAYORKAS: Thank you so much.

CNN Situation Room: Secretary Mayorkas interview

Rough transcript:

>> let's discuss what goes going on with the alejandro mayorkas. thank you for joining us. i know you have a lot going on. i understand the department of homeland security says that 1400 have been -- how many have been released into the united states?

>> we have indeed removed approximately 1400 people from the del rio sector. we accumulate our statistics on a monthly base, and of course we will publish those as well. the individuals whom we release and place into immigration enforcement proceedings are those, for example, with acute medical conditions, a specific vulnerabilities, or if our operational capacity so dictates. it's very important, wolf, tounder score the fact that this is not a matter of immigration policy, but rather this is a matter of public health policy. we are applying the law pursuant to an order that the centers for disease control issued, in light of the fact that this country and the world is in the midst of a pandemic. we are exercising that authority, as we are required to do, to protect the health and well-being of the migrants themselves, our personnel, local communities, and the american public.

>> i take it 1400 have been sent back to haiti. there's a local organization shep migrants that say more than 1,000 have been released into the united states. is that right?

>> well, what we are doing is we are continues to remove individuals. we have moved people from del rio to other processing centers along the border, to ensure the safety and security of the individuals, and to facilitate the removal process. those individuals who are not able to remove by reason of their accuse medical conditions, we place in immigration enforcement proceedings or address or operational capacities as need be. we very focused on applying the public health laws that we are obligated to enforce.

>> can you give us a number, how many have been allowed to stay here in the united states, for whatever reason?

>> we believe it is a very small percentage of the total that assembled in del rio, texas, and that will be removed.

>> what does that mean? about 15,000 have shown up. i take it 1400 have been sent back to haiti. what about the rest?

>> um, wolf, if it's 10% or 15%, i don't have the precise numbers. i assure you it's a minority of the individuals for the reasons that i have articulated, and they are placed in immigration enforcement proceedings, where they are able, where they appear before a judge, and if in fact they made a valid claim to remain in the united states, then of course we honor that. if not, they are removed as well.

>> i'll read a quote from the resignation letter -- i will not be associated with the united states' inhumane, counter-productive decision to deport thousands of haitians and illegal immigrants. how do you respond that the policy is inhumane and counter-productive?

>> well, first of all, let me say we don't use the term illegal immigrants. i issued a policy in the department of homeland security. we use the term non-citizen, to respect the dignity of every individual as a preliminary matter. secondly, i will defer to the state department. that's a matter within the state department's province, but let me say this. having been in government service for more than 20 years, i'm aware of the fact that some people have policy differences, and i respect and acknowledge that fact. i respectfully and vehemently disagree with what this individual,

whom i do not know, articulated. we have a relationship with the government of haiti. we are exercising the public health imperative, as defined by the centers for disease control. we are surging resources not only here domestically at the border, but also in haiti, to ensure that the needs of the individuals whom we return to haiti seniorare addressed appropriately. usaid has surged resources. we're working with the international organization for my grates with the haitian government, and we are addressing the needs by devoting resources to them.

>> i understand you're committed to speeding up these deportation of these haitians, but this special envoy also said this, that he cannot enforce the forced infusion of migrants lacking food, shelter and money without additional human tragedy. does the biden administration think it's safe to send these migrants back to haiti where the situation has deteriorated so rapidly in recent months and years?

>> well, what i wish the individual had done is stayed with the cause of addressing the needs of individuals all throughout the western hemisphere, and dedicating the resources and the talent and the energies of the men and women in the united states government to rebuild our humanitarian relief capabilities just as we are doing now in the biden/harris administration. we have surges, i said, resources to not only del rio, not only to the southern border, but to haiti itself.

>> are you personally comfortable, mr. secretary, with sending these haitian migrants from the united states, from the border with mexico back to haiti?

>> wolf, let me share with you the efforts that we have made, because we studied very carefully the country conditions in haiti, and in light of the country conditions that existed earlier in the year, we made a determination that humanitarian relief should be extended to individuals here, resident in the united states, of haitian origin, who were unlawfully present, but who could not safely return to haiti. we issued the lawful order of temporary protected status, which probed relief to those individuals who were resident in the united states prior to july 29th of this year. that is very important. that is a very important date, because smuggling organizations are deceiving vulnerable individuals south of our border, and trying to coax them, exploiting them to take the perilous journey, which will not work. we have since july 29th, studied the conditions in haiti, and determined that we can in fact safely and humanely return individuals to that country, working with the haitian government and devoting the resources that i referred to earlier. there are many countries, not only in our hemisphere, but in the world, that don't enjoy the conditions of the united states of america that we have rebuilt in this country. we are mindful of that. but we made a determination, based upon our study, that we could do what we were doing in exercising the public health imperatives that i have spoken of.

>> mr. secretary, i know you've got to run, but we are grateful for the time. we'll continue this conversation, for sure, down the road. thanks so much for joining us.

>> thank you so much, wolf.

Psaki Regular WH Press Conference 9/22/21

“Well, first, we understand and agree that this has been an incredibly heart-wrenching issue. We've watched the photos of Haitians gathering under a bridge, many with families, and the horrific video of the CBP officers on horse -- on horses using brutal and inappropriate measures against innocent people.

I think it's important to take -- to address that and separately address what our immigration policies are and understand that people are combining them. But that's why I asked that question. I would also reiterate that there is an investigation that will be completed by next week, which the secretary confirmed, that will determine the next steps on both policy and personnel, all important questions people are asking.

And in the interim, those individuals were placed on administration -- administrative leave and will not be interacting with any migrants. So, as it relates to those photos and that horrific video, we're not going to stand for that kind of inhumane treatment. And, obviously, we want this investigation to be completed rapidly.”

“So, I just wanted to have clarity on exactly what you were asking about, April. That's it. On the second piece, there is an investigation that is ongoing that the secretary of homeland security has made clear he wants to happen quickly, and he wants the outcome to be done by next week. Once that process is concluded, that will be a -- that will help be a determinant in any policy decisions and personnel decisions both.

All important questions. I'm sure that was what was conveyed as well. On the first part, I think what -- in the answer I gave just a few minutes ago here, I think what we are conveying to anyone who are our partners, whether they are civil rights leaders, members of the CBC, and others who have important questions here, is how outraged we also are by these photos and this video, our commitment to this investigation, but also how our immigration processing system works.”

S1 Testimony in front of House Homeland Security Committee 9/22/21

Mr. Chairman, with your indulgence, I may ask for a minute more of time. I do want to address the images that emanated from Del Rio, Texas over the last several days and correctly and necessarily were met with our nation's horror because they do not reflect who we are as a country, nor do we -- do they reflect who the United States Custom and Border Protection is. I want to share with you, with Ranking Member Katko, and this entire committee the fact that we are addressing this with tremendous speed and with tremendous force.

I have ordered an investigation to be conducted of the events that are captured in those images. The Office of Professional Responsibility's leaders are conducting the investigation. We have ensured that the individuals during the pendency of the investigation are not conducting law enforcement duties to interact with migrants but rather are conducting only administrative duties.

I have informed through the appropriate channels our Office of Inspector General. The facts will drive the actions that we take. We, ourselves, will pull no punches, and we need to conduct this investigation thoroughly but very quickly. It will be completed in days and not weeks. And I wanted to assure this committee and you, Mr. Chairman, and Mr. Ranking Member of that fact.”

S1 Twitter 9/21/21

“@DHSgov directed an immediate investigation of the events that were captured in the photographs & on video. We need this resolved swiftly. I anticipate that the results of the investigation will be available by the end of next week & I've committed to making the results public. The individuals who are the subject of the investigation are on administrative duties currently. They are not executing their other law

enforcement duties and they are not to be interacting with other migrants at this time during the pendency of the investigation.”

VP Harris Interview 9/21/21

“What I saw depicted about those individuals on horseback treating human beings the way they were is horrible. I fully support what is happening right now which is a through investigation into what exactly is going on there. But human beings should never be treated that way and I am deeply troubled by it and I will also be talking with Secretary Mayorkas today about it too.”

9/21/21: MSNBC The ReidOut: Secretary Mayorkas interview

Rough transcript:

joining me is mayorkas. who were these agents on horseback? why were they permitted to operate in this way and is this a standard procedure to corral people using horseback maneuvers that really look like you're herding cattle.

>> joy, thank you very much for having me on the show. the matter is under investigation as i mentioned to the vice president today, when we spoke earlier. let me be very, very clear. i, too, was horrified by the images captured by photographers with respect to the activities of border patrol agents of horseback. we do not condone, we do not tolerate any mistreatment of any migrant. what we did is we directed an immediate investigation of the events that were captured in the photographs and on video. we -- i have ensured that the top leadership of the office of professional responsibility lead that investigation and that it be conducted thoroughly and swiftly. we need this resolved swiftly and in fact, i anticipate that the results of the investigation will be available by the end of next week and i've committed to making the results public. i also alerted, we, the department alerted the department office of inspector general third, i directed that the office of professional responsibility be on site in del rio 24/7 to make sure that the conduct of our employees is consistent with the policies, the training and values of this department. lastly, if i may, the individuals who are the subject of the investigation are on ed aned a stray -- administrative duties not executing duties and not to be interacting with other migrants at this time. the actions we're taking are swift and strong and we will take further action as the facts adduced in the investigation compel.

>> that answered my second question, whether those were dhs employees. you answered that question. thank you. let's talk about where we go from here in terms of why people are being sent back. we know haiti is completely unstable. the political climate there is dez l bad and the health climate and physical climate, why would anyone at this stage particularly a child or a mother a family, why would anyone be deported back to haiti at this point? why would the u.s. do that?

>> we make a determination that departments of home land security and state make a determination whether the conditions in the country are such that the country can receive its nationals in it. and what we did is we evaluated those country conditions and made a determination several months ago that temporary protective status was justified based on the conditions in the country at that time for individuals already resident in the united states, and bewe said those individuals, those haitian nationals resident in the united states on or before july 29th could actually remain in the united states and would not be returned to haiti. we have made

a determination that the country is capable of receiving nationals subsequent to that date and that's why they're being returned there.

>> let me let you listen to senate majority leader chuck schumer. he's calling to an end to the policy called title 42 based on trying to mitigate covid-19 spread. take a listen.

>> i urge president biden and secretary mayorkas to put a stop to these expulsions and end this title 42 policy at the southern border. we cannot continue these hateful and trump policies that disregard the laws. we must allow asylum seekers to present their claims at the ports of entry and be afforded due process.

>> we know some 20,000 haitians right now are gathered in colombia for possible migration to the u.s. we know that your agency, the department of homeland sec security are tracking 1500 in panama. it is not illegal to seek asylum in the united states. the u.s. established many protocols we thengink of worldwide. it is not illegal to seek asylum. will the department of homeland security stop deporting people and allow them to apply for asylum?

>> joy, let me be clear about what title 42 is and what it is not. it is not an immigration policy. it is an authority that the centers for disease control has in light of public health imperatives. title 42 is a public health policy that is directed by the cdc and it has been employed as a result of the trajectory of the covid-19 pachbndemic. this is a pandemic, of course, that has not only gripped our nation and led to the loss of more than 600,000 lives but it is a pandemic that has gripped the entire world. this is a public health imperative as determined by the cdc. this is not a matter not a matter of immigration policy.

>> but it is also a humanitarian issue, because one has to suspect that given what's going on in haiti, people would be at much more risk of getting covid-19, of getting sick if they are sent back to haiti. regardless of that, there are quarantining policies the united states could use. does dhs plan to listen to what senator schumer has said and to stop deporting people and deal with the pandemic issues on the ground in the united states?

>> it is currently our government's intention to continue to exercise our title 42 authority in light of the public health imperative as determined by the centers for disease control. title 42 is the subject of ongoing litigation in the courts for some of the reasons, joy, that you have expressed. we believe the law permits the exercise of that authority, and that is why we are pursuing that authority in court. but it is a public health imperative.

>> then how would -- let's say you have a family that is right now in mexico or in another central american country that wants to pursue an asylum claim in the united states, has come from haiti. how do they do that?

>> this is precisely why we are focused on a multi-part strategy to address irregular migration, which has been a phenomenon for so many years. in fact, a number of decades. we are addressing the root causes of irregular migration, why people feel so desperate to leave the countries of origin, their homes. number two, building safe, legal, orderly pathways for migration so people don't have to take the perilous journey north. third, we are addressing and rebuilding

our asylum laws here in the united states that were so fundamentally dismantled by the prior administration. that's why we have a three-part strategy. if i may, because you alluded to this earlier, and it's very important, your point is very well taken. people are receiving incorrect information from smugglers who are exploiting individuals' vulnerabilities for profit. and we are very focused on ensuring that these individuals, these families, these single adults receive accurate information that this is not the way to come to the united states. do not take the dangerous journey. it will not work. that is why we are so focused on it and why i communicated to haitian journalists this past sunday so that critical message could be broadcast through my voice on social media and through other trusted voices throughout the region.

>> thank you very much for being here. we are out of time. secretary mayorkas, thank you. i want to reiterate, it's not illegal to seek asylum in the united states. it's not. we need to talk about this in that language.

9/20/21

Statement issued later that day:

After Secretary Mayorkas viewed the footage, we are providing the following statement:

“The Department of Homeland Security does not tolerate the abuse of migrants in our custody and we take these allegations very seriously. U.S. Customs and Border Protection’s Office of Professional Responsibility is investigating the matter and has alerted the DHS Office of Inspector General. In addition, Secretary Mayorkas has directed that personnel from the Office of Professional Responsibility be on site full-time to ensure that the responsibilities of DHS personnel are executed consistent with applicable policies and training and the Department’s values.

Secretary Mayorkas visited Del Rio today and witnessed the extraordinary work of DHS personnel. The footage is extremely troubling and the facts learned from the full investigation, which will be conducted swiftly, will define the appropriate disciplinary actions to be taken. We are committed to processing migrants in a safe, orderly, and humane way. We can and must do this in a way that ensures the safety and dignity of migrants.”

Remarks During a Press Conference in Del Rio on September 20, 2021

In response to a question about the images:

Secretary Mayorkas: You are assuming facts, if I may say respectfully. You are assuming facts that have not yet been determined. Chief Ortiz is an experienced Border Patrol agent who has ridden horses, trained others to ride horses, and can provide great detail on the specifics.

Chief Ortiz: I will tell you that the horse patrol units down here are going to play an integral part in the security response. As you know, we have about half of this area, locked down and we're working on trying to get the other side of the bridge completely locked down. And so what

I asked our horse patrol units to do yesterday is to do an assessment and find out if we had any individuals in distress, and to be able to provide information and intelligence as to what the smuggling organizations were doing in and around the river. As was witnessed in the video and some of the pictures, the migrants were going back and forth. We do not know who are the smugglers or who are the migrants, so it's important that those border patrol agents maintain a level of security for both themselves and for the migrant population, as they were trafficking back and forth.

But as the Secretary mentioned, I've ridden horses for several years. Operating in riverine environment on horseback is a difficult situation and trying to make control those horses so we do not get in a position where we injure a migrant as you're trying to make that treacherous trek across that river is probably more important than anything. And I'm pretty sure and confident that that's exactly what was happening, but we will certainly look into the matter to make sure that we do not have any activity that could be construed as a response to a law enforcement effort. That is unacceptable.

Secretary Mayorkas: Just to add, because Chief Ortiz explained to me that to ensure control of the horse long reins are used, but we are going to investigate the facts to ensure that the situation is as we understand it to be, and if it's anything different, we will respond accordingly.

From:	SCOTT, SABRINA (b)(6)
	TALTON, STEPHANIE (b)(6)
	(b)(6)
	GOOBIC, TIMOTHY J (b)(6)
To:	(b)(6)
	SCHROEDER, DANIEL W (b)(6)
	(b)(6)
	LUGO, ALICE (b)(6)
	(b)(6)
	CARNES, ALEXANDRA (b)(6)
CC:	(b)(6)
	MCDONOUGH, BRYN (b)(6)
	(b)(6)
Subject:	RE: Advance Notification: Release of the Investigative Report re: USBP Horse Patrol Unit in Del Rio, TX
Date:	2022/07/08 11:21:10
Priority:	Normal
Type:	Note

PART THREE of DEL RIO

Good Morning,

Today at 1:30 p.m., CBP will publicly release the investigative report and investigative findings regarding the activities of the United States Border Patrol (USBP) Horse Patrol Unit in Del Rio, Texas, which occurred on September 19, 2021. The redacted report is attached to this email and will be made publicly available on the CBP.gov website at 1:30 p.m.

The report is EMBARGOED until 1:30 p.m. today.

YOU WILL RECEIVE THE REPORT IN 5 SEPARATE EMAILS DUE TO THE FILE SIZE.

You should have received the invite for the briefing separately from this email. If not please let me know.

Please let me know if you have any questions – please let me know.

Thank You,

Sabrina N. Scott, Director
 Operations Support & Enterprise Services
 Office of Congressional Affairs (OCA/CBP)
 Phone: (b)(6) (cell)

Sender:	SCOTT, SABRINA (b)(6)
	TALTON, STEPHANIE (b)(6)
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	GOOBIC, TIMOTHY J (b)(6)
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	SCHROEDER, DANIEL W (b)(6)
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	CARNES, ALEXANDRA (b)(6)
	(b)(6)
	MCDONOUGH, BRYN (b)(6)
	(b)(6)
Sent Date:	2022/07/08 11:20:28
Delivered Date:	2022/07/08 11:21:10

[noncitizen] indicates either an intention to apply for asylum . . . or a fear of persecution, the officer shall refer the alien for an interview by an asylum officer.” 8 U.S.C. §§ 1225(a)(3), (b)(1)(A)(i)-(ii); 8 C.F.R. § 235.3(b)(4).

359. CBP officers have failed to inspect Individual Plaintiffs and similarly situated Haitian and presumed Haitian asylum seekers in Del Rio. CBP and ICE personnel have also failed to refer Individual Plaintiffs and similarly situated asylum seekers in Del Rio for asylum interviews.

360. By refusing to allow asylum seekers, including Individual Plaintiffs, a meaningful opportunity to apply for asylum or to access any statutory and procedural protections afforded under the INA and applicable U.S. law to which they are entitled, Defendant CBP has unlawfully withheld and unreasonably delayed discrete agency actions mandated by statute.

Withholding of Removal

361. The INA and FARRA prohibit the United States from removing an individual to a country where it is more likely than not that they will face persecution or torture. *See* 8 U.S.C. § 1231(b)(3), note.

362. CBP officers have a discrete, mandatory duty to follow the procedures required by 8 U.S.C. § 1231(b)(3) and FARRA, *see* 8 U.S.C. § 1231 note, to determine whether a noncitizen faces a risk of persecution or torture and is therefore entitled to withholding of removal after full removal proceedings.

363. By refusing to follow those procedures, and thus refusing to allow asylum seekers, including Individual Plaintiffs, meaningful access to procedural protections mandated under the INA and FARRA withholding of removal provisions to which they are entitled, Defendant CBP has unlawfully withheld and unreasonably delayed discrete agency actions mandated by statute.

Removal under the INA

364. The INA sets forth the only processes established by Congress to remove noncitizens from the United States. *See* 8 U.S.C. §§ 1225(b)(1); 1229a; *see generally* 8 U.S.C. § 1101, *et seq.*

365. To the extent Defendants seek to remove asylum seekers, including Individual Plaintiffs, from the United States, CBP and ICE officers have a discrete, mandatory obligation to follow the statutory and procedural protections relating to the removal of noncitizens under the INA and applicable U.S. law.

366. By refusing to follow the removal procedures set forth in the INA, *see* 8 U.S.C. §§ 1225(b)(1); 1229, and therefore refusing to allow asylum seekers, including Individual Plaintiffs, meaningful access to statutory and procedural protections relating to the removal of noncitizens mandated by the INA to which they are entitled, Defendants CBP and ICE have unlawfully withheld and unreasonably delayed discrete agency actions mandated by statute.

* * *

367. CBP and ICE's failure to act as required by law, including the INA, FARRA, and other applicable U.S. law, is final agency action within the meaning of the APA.

368. CBP and ICE's failure to act as required by law has caused, and will continue to cause, ongoing harm to Plaintiffs. Among other things, Defendants CBP and ICE's failure to act as required by law has harmed Individual Plaintiffs by denying them a meaningful opportunity to apply for asylum and other relief as required under U.S. law and an opportunity to access procedural protections to which they and other asylum seekers are entitled under the INA, FARRA, and other applicable U.S. law.

369. CBP and ICE's failure to act also harms Haitian Bridge, which must divert resources away from its programs to assist the thousands of Haitian asylum seekers harmed by CBP and ICE's conduct.

370. Plaintiffs have no adequate alternative to review under the APA and thus seek review and an order compelling Defendants to take actions required by the INA, FARRA, and other applicable U.S. law pursuant to 5 U.S.C. § 706(1).

EIGHTH CLAIM FOR RELIEF

**Violation of the Administrative Procedure Act, 5 U.S.C. § 706(2)
Arbitrary and Capricious, An Abuse of Discretion, Not in Accordance with Law and In
Excess of Statutory Authority 8 U.S.C. §§ 1158, 1231 (Haitian Deterrence Policy)
*All Plaintiffs Against DHS Defendants***

371. Plaintiffs reallege and incorporate by reference each allegation contained in the preceding paragraphs as if set forth fully herein.

372. DHS Defendants' Haitian Deterrence Policy subjects Individual Plaintiffs and similarly situated individuals to gross abuses, including the denial of basic human needs, dignity in government detention, access to counsel and to the asylum process, and the right to non-refoulement, in an effort to deter Haitian asylum seekers from coming to the United States.

373. DHS Defendants' issuance, administration, and application of the Haitian Deterrence Policy is arbitrary and capricious because DHS Defendants have failed to consider or factor in Plaintiffs' humanitarian needs or right to access the U.S. asylum process and to access counsel when seeking asylum in the United States; failed to articulate a reasoned explanation for the decision to deny Individual Plaintiffs and similarly situated individuals these rights; and provided an explanation so implausible that it could not be ascribed to agency expertise.

374. The Haitian Deterrence Policy is further arbitrary and capricious because in its adoption and implementation, DHS Defendants considered factors that Congress did not intend for them to consider when engaging with and intercepting asylum seekers.

375. Additionally, by adopting and implementing the Haitian Deterrence Policy, DHS Defendants have acted in a manner not in accordance with law, contrary to constitutional right, in excess of their statutorily prescribed authority, and without observance of procedure required by law in violation of section 706(2) of the APA. *See* 5 U.S.C. §§ 706(2)(A)-(D).

376. By adopting and implementing a policy that contravenes the right to apply for asylum and the right to non-refoulement enshrined in the INA, DHS Defendants act not in accordance with law. *See* 8 U.S.C. §§ 1158, 1231.

377. By adopting and implementing a policy that departs from standard procedures and was motivated at least in part by discriminatory purpose based on race and presumed national

origin, DHS Defendants also act contrary to constitutional right. *See* U.S. Const. Amend. V.

378. DHS Defendants' adoption and implementation of the Haitian Deterrence Policy constitute final agency action within the meaning of the APA.

379. DHS Defendants' actions have caused, and will continue to cause, ongoing harm to Plaintiffs. Among other things, DHS Defendants' application of the Haitian Deterrence Policy to Individual Plaintiffs has harmed them by denying them a meaningful opportunity to apply for asylum and other relief as required by U.S. law and to access procedural protections to which they and other asylum seekers are entitled under the INA, FARRA, and other applicable U.S. law.

380. DHS Defendants' application of the Haitian Deterrence Policy to Haitian and presumed Haitian asylum seekers, including Individual Plaintiffs, also harms Haitian Bridge by impairing its programming and forcing it to divert resources away from its programs to assist the thousands of Haitian asylum seekers harmed by DHS Defendants' conduct.

381. Plaintiffs, who have no adequate remedy at law, seek immediate review under the APA and declaratory and injunctive relief restraining DHS Defendants from continuing to implement the Haitian Deterrence Policy against Individual Plaintiffs and similarly situated Haitian asylum seekers.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs pray for the following relief:

- a. An order certifying a class, pursuant to Federal Rules of Civil Procedure 23(b)(1) and (b)(2), of all Haitian, or presumed Haitian, individuals who (1) sought access to the U.S. asylum process in or around the CBP Encampment near the Del Rio Port of Entry between September 9 and 24, 2021 and (2) were denied access to the U.S. asylum process;
- b. An order appointing the undersigned as class counsel;
- c. An order declaring unlawful the Title 42 Process as applied to Individual Plaintiffs and class members;
- d. An order declaring unlawful the Haitian Deterrence Policy as applied to Individual

Plaintiffs and class members;

e. An order declaring that Defendants' application of the Title 42 Process and the Haitian Deterrence Policy alleged herein deprives Plaintiffs and class members of their Fifth Amendment rights;

f. An order enjoining Defendants from applying the Title 42 Process to Individual Plaintiffs and class members;

g. An order enjoining Defendants from applying the Haitian Deterrence Policy to Plaintiffs and class members;

h. An order staying further expulsions of Individual Plaintiffs and class members under the Title 42 Process, removing them from the Title 42 Process, and affording them the statutory and procedural protections to which they are eligible under the U.S. asylum process and applicable laws, including access to asylum and withholding of removal under the INA and CAT withholding of removal under FARRA;

i. An order allowing each of the Individual Plaintiffs and class members to return to the United States and requiring Defendants to facilitate return, with appropriate precautionary health measures, so that Individual Plaintiffs may pursue their asylum claims in the United States;

j. An order awarding Plaintiffs their costs of suit and reasonable attorneys' fees and expenses pursuant to any applicable statute or regulation; and

k. An order granting such further relief as the Court deems just, equitable, and proper.

DATED: December 20, 2021

Respectfully submitted,

/s/ Karen C. Tumlin

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**DEPARTMENT OF HOMELAND SECURITY
U. S. CUSTOMS AND BORDER PROTECTION
OFFICE OF PROFESSIONAL RESPONSIBILITY**

202112280



EXHIBIT - 9

**DEPARTMENT OF HOMELAND SECURITY
U. S. CUSTOMS AND BORDER PROTECTION
OFFICE OF PROFESSIONAL RESPONSIBILITY**

 <p style="text-align: center;">DEPARTMENT OF HOMELAND SECURITY Customs and Border Protection</p> <p style="text-align: center;">REPORT OF INVESTIGATION</p>		<p>1. CASE NUMBER 202112280</p>
		<p>PREPARED BY [REDACTED]</p>
		<p>2. REPORT NUMBER 006</p>
<p>3. TITLE EMPLOYEE, UNKNOWN/Unknown/1610 General Misconduct-Other Non-criminal/DEL RIO, VAL VERDE, TX</p>		
<p>4. FINAL RESOLUTION</p>		
<p>5. STATUS Interim Report</p>	<p>6. TYPE OF REPORT Memo of Interview</p>	<p>7. RELATED CASES 202112198</p>
<p>8. TOPIC Interview of BPA [REDACTED]</p>		
<p>9. SYNOPSIS</p> <p>On September 20, 2021, U.S. Customs and Border Protection (CBP), Office of Professional Responsibility (OPR), Del Rio, Texas, received information concerning an incident involving Border Patrol Agents (BPAs) from the U.S. Border Patrol, Carrizo Springs Station Horse Patrol Unit (HPU) Carrizo Springs, Texas. , The incident occurred at an area commonly known as "the Boat Ramp", approximately three to four tenths of a mile east of the Del Rio Port of Entry (Del Rio POE), Del Rio , Texas which is located in the Western District of Texas. CBP OPR is investigating and preparing a case to be presented to the United States Attorney's Office.</p> <p>On September 22, 2021, Special Agents (SA) [REDACTED] [REDACTED] and [REDACTED] [REDACTED] CBP OPR Del Rio, conducted a witness interview of BPA [REDACTED]</p>		
<p>10. CASE OFFICER (Print Name & Title) [REDACTED] - CBP OPR Special Agent</p>	<p>11. COMPLETION DATE 27-SEP-2021</p>	<p>14. ORIGIN OFFICE CBP OPR RAC DEL RIO</p>
<p>12. APPROVED BY(Print Name & Title) [REDACTED] - CBP OPR Special Agent Supervisor</p>	<p>13. APPROVED DATE 27-SEP-2021</p>	<p>15. TELEPHONE NUMBER No Phone Number</p>
<p>THIS DOCUMENT IS LOANED TO YOU [REDACTED] AND REMAINS THE PROPERTY OF THE DEPARTMENT OF HOMELAND SECURITY. ANY FURTHER REQUEST FOR DISCLOSURE OF THIS DOCUMENT OR INFORMATION CONTAINED HEREIN SHOULD BE REFERRED TO HEADQUARTERS, DEPARTMENT OF HOMELAND SECURITY, TOGETHER WITH A COPY OF THE DOCUMENT.</p>		
<p>THIS DOCUMENT CONTAINS INFORMATION REGARDING CURRENT AND ON-GOING ACTIVITIES OF A SENSITIVE NATURE. IT [REDACTED] REMAINS THE PROPERTY OF THE DEPARTMENT OF HOMELAND SECURITY IT CONTAINS NEITHER RECOMMENDATIONS NOR CONCLUSIONS OF THE DEPARTMENT OF HOMELAND SECURITY. DISTRIBUTION OF THIS DOCUMENT HAS BEEN LIMITED AND FURTHER DISSEMINATION OR EXTRACTS FROM THE DOCUMENT MAY NOT BE MADE WITHOUT PRIOR WRITTEN AUTHORIZATION OF THE ORIGINATOR.</p>		

DEPARTMENT OF HOMELAND SECURITY

REPORT OF INVESTIGATION
CONTINUATION

1. CASE NUMBER

202112280

PREPARED BY

2. REPORT NUMBER

006

10. NARRATIVE

On September 20, 2021, U.S. Customs and Border Protection (CBP), Office of Professional Responsibility (OPR), Del Rio, Texas, received information concerning an incident involving Border Patrol Agents (BPAs) from the U.S. Border Patrol, Carrizo Springs Station Horse Patrol Unit (HPU) Carrizo Springs, Texas. The incident occurred at an area commonly known as "the Boat Ramp", approximately three to four tenths of a mile east of the Del Rio Port of Entry (Del Rio POE), Del Rio, Texas which is located in the Western District of Texas. CBP OPR is investigating and preparing a case to be presented to the United States Attorney's Office.

On September 22, 2021, Special Agents (SA) [REDACTED] and [REDACTED], CBP OPR Del Rio, conducted a witness interview of BPA [REDACTED]. The interview was audio and video recorded using the StarWitness equipment and uniquely identified by Authentication Code: 0 [REDACTED] (Exhibit 1). The time was Coordinated Universal Time, (UTC) 19:32:44 through UTC 19:48:05.

During the interview, BPA [REDACTED] stated he worked on Sunday 19, 2021, from approximately 6:00 AM to 5:00 PM. BPA [REDACTED] stated he and his partner, BPA [REDACTED], Comstock Station, were assigned to work near and around the Del Rio POE and assist with the influx of migrants. BPA [REDACTED] stated he and BPA [REDACTED] arrived at the Del Rio POE at between 7:30 AM and 8:00 AM. BPA [REDACTED] stated they did not receive any type of instructions, any specific missions or task from management or the Incident Command Center. BPA [REDACTED] stated when the crisis began, they were instructed they would be assigned to the Del Rio POE area and to assist where they were needed (timestamp 16:19:47).

BPA [REDACTED] stated Carrizo Springs HPU BPAs arrived to assist them at approximately 9:30 AM. BPA [REDACTED] stated he and BPA [REDACTED] met up with eleven Carrizo Springs HPU BPAs including two Supervisory Border Patrol Agents (SBPAs) near the middle of the camp, where migrants were being held. BPA [REDACTED] identified two of the Carrizo Springs HPU BPAs as BPA [REDACTED] and BPA [REDACTED].

SA [REDACTED] asked BPA [REDACTED] if he was aware of any operation that would be conducted which the HPU would assist with, or if BPA [REDACTED] received any direct instructions from the Command Center or the two HPU SBPAs (timestamp 16:25:12). BPA [REDACTED] stated he did not receive direct guidance or instruction from the Incident Command Center or the two HPU SBPAs. BPA [REDACTED] stated they began working around noon, downriver of the Del Rio POE. BPA [REDACTED] stated everyone was working on [REDACTED] radio frequency as instructed. BPA [REDACTED] stated [REDACTED] does not hit off any repeaters, a direct line, and not recorded. BPA [REDACTED] stated while working near the Boat Ramp, Texas Department of Public

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10. NARRATIVE

Safety (TXDPS) Troopers (timestamp 16:28:05) advised BPA [REDACTED] they were going to close or shut down the Boat Ramp on the bank of the Rio Grande River where approximately one hundred and fifty migrants were gathered. BPA [REDACTED] asked DPS if they needed assistance, to which DPS replied yes. BPA [REDACTED] stated he then requested more HPU BPAs near the Boat Ramp via radio. When BPA [REDACTED] stated DPS wanted to close the crossing, SA [REDACTED] asked BPA [REDACTED] what that meant. (timestamp 16:30) BPA [REDACTED] stated he took it to mean that DPS was trying to stop the flow of migrants from crossing from Mexico into the United States. BPA [REDACTED] stated DPS had previously shut down and stopped the flow of migrants upriver of the Del Rio POE near the Weir Dam. BPA [REDACTED] stated he was not there when DPS stopped the flow near the Weir Dam and did not know who instructed them to do so. BPA [REDACTED] stated the entire operation was a multi-agency operation in which different agencies were helping each other, but he was uncertain who was directly giving DPS instructions (timestamp 16:31:08).

BPA [REDACTED] stated more HPU BPAs arrived to assist within ten to fifteen minutes. BPA [REDACTED] stated DPS was trying to address the group of migrants, via vehicle PA system, by telling them they would be closing the area and the group of migrants needed to leave but were having trouble due to a language barrier. BPA [REDACTED] stated he offered to address the group of migrants in the Spanish language and DPS said yes. BPA [REDACTED] proceeded to address the group of migrants via microphone in Spanish by telling them "Attention, attention, we're going to close this boat ramp in ten minutes. You guys need to leave or go back to the bridge, you have ten minutes." BPA [REDACTED] stated some of the migrants began to move away (timestamp 16:33:21).

BPA [REDACTED] stated he then got back on his horse and waited for the other BPAs. BPA [REDACTED] stated when the other BPAs arrived, he informed them that DPS was seeking assistance to move the crowd back closer to the bridge and the additional BPAs said okay. BPA [REDACTED] stated he then proceeded to instruct the migrants to gather their belongings and start walking toward the Del Rio POE. BPA [REDACTED] stated some of the group listened and began heading towards the Del Rio POE. BPA [REDACTED] stated he noticed three people in the water with cameras and BPA [REDACTED] moved away from the Boat Ramp area. BPA [REDACTED] and BPA [REDACTED] got to higher ground away from the Boat Ramp and continued to guide the migrants to the Del Rio POE. BPA [REDACTED] stated he was not sure what the other BPAs were doing and was uncertain of any conversations the BPAs had with management or the Incident Command Center. BPA [REDACTED] stated during the incident near the Boat Ramp, he heard one of the BPAs ask via radio for guidance from the Incident Command Center at least three times to no avail (timestamp 16:36:59). BPA [REDACTED] stated he did not see any BPAs force migrants back into the Rio Grande River, he did not see any migrants being mistreated, and he did not see any BPAs use excessive force.

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10. NARRATIVE

BPA [REDACTED] was shown video 2 of the incident on September 19, 2021, near the Boat Ramp. BPA [REDACTED] stated he could tell the BPAs in the video were from Carrizo Springs Station based on the chaps they were wearing. BPA [REDACTED] was asked what the BPA had in his hands and BPA [REDACTED] stated the BPA was holding the reins which control the horse. BPA [REDACTED] was asked if he saw the BPA twirl his reins and why the BPA would twirl his reins in that manner.

BPA [REDACTED] stated he could see the BPA twirl his reins in the video shown and explained that a BPA would do so to signal the horse to maneuver or to direct a horse. In the video shown, BPA [REDACTED] explained that if a BPA twirled the reins with his right hand, it could queue the horse to move left. When showed the video again, BPA [REDACTED] pointed out that the horse reacted as he would expect (timestamp 16:43:40). BPA [REDACTED] stated he was not an expert, but the action was consistent with his experience. BPA [REDACTED] was asked if BPAs were taught to twirl their reins during the Basic Horse Patrol Training course and BPA [REDACTED] stated he was not taught that during his training but could not speak for others. BPA [REDACTED] stated he recognized BPA [REDACTED] who was riding on a palomino horse.

BPA [REDACTED] was shown video 1 and stated he did not hear any vulgar language or derogatory comments made to any of the migrants while the incident occurred (timestamp 16:45:45). BPA [REDACTED] stated he did not know the name of the BPA using derogatory and vulgar language. BPA [REDACTED] pointed out a large group of migrants and stated that was how the boat ramp area looked when he and the HPU arrived (timestamp 16:48:35). BPA [REDACTED] was shown various open source photos. BPA [REDACTED] identified the Boat Ramp and said it was made of cement. SA [REDACTED] asked BPA [REDACTED] if the edge of the Boat Ramp near the water's edge was slippery, and BPA [REDACTED] responded by saying yes it was slippery for the horses and could be if on foot. BPA [REDACTED] stated he believed several pictures depicted a BPA trying to keep people from crossing into the United States. BPA [REDACTED] was shown photo 3 and stated it was not part of Horse Patrol training to grab a subject by the shirt. BPA [REDACTED] states BPAs are trained to stay on the horse as much as possible for the safety of officers as well as migrants. BPA [REDACTED] was asked what a BPA could do if a migrant got too close to their horse and if there was any circumstance where a BPA would grab a migrant from the horse. BPA [REDACTED] stated they could twirl their reins to keep someone back or use commands. SA [REDACTED] asked BPA [REDACTED] if the twirling of the reins could be used to hit a migrant and BPA [REDACTED] stated no, it was utilized to keep distance from a subject for safety reasons. BPA [REDACTED] stated BPAs used split reins and described that a few extra feet of rein hang to each side and described when a horse was moving fast, those extra feet of rein would be moving and swinging freely (timestamp 17:13:28).

When shown Dossier 6, BPA [REDACTED] identified himself and BPA [REDACTED] and stated they were

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10. NARRATIVE

directing migrants towards the Del Rio POE (timestamp 17:19:14). BPA [REDACTED] stated he only recognized himself, BPA [REDACTED] BPA [REDACTED] and BPA [REDACTED]

BPA [REDACTED] was shown photo 1 (timestamp 17:30:50). BPA [REDACTED] was able to identify the Del Rio POE bridge, the Rio Grande River, and the Boat Ramp. (timestamp 17:32:13) SA [REDACTED] asked BPA [REDACTED] if there was any circumstance where a BPA could use force to force someone back into the water. BPA [REDACTED] stated "no" and also stated a BPA could not use the threat of force. BPA [REDACTED] stated BPAs could use the show of force to deter migrants from crossing.

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None


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OFFICE OF PROFESSIONAL RESPONSIBILITY**

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EXHIBIT - 10

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U. S. CUSTOMS AND BORDER PROTECTION
OFFICE OF PROFESSIONAL RESPONSIBILITY**

 <p style="text-align: center;">DEPARTMENT OF HOMELAND SECURITY Customs and Border Protection</p> <p style="text-align: center;">REPORT OF INVESTIGATION</p>		1. CASE NUMBER 202112280
		PREPARED BY [REDACTED]
		2. REPORT NUMBER 015
3. TITLE EMPLOYEE, UNKNOWN/Unknown/1610 General Misconduct-Other Non-criminal/DEL RIO, VAL VERDE, TX		
4. FINAL RESOLUTION		
5. STATUS Interim Report	6. TYPE OF REPORT Memo of Interview	7. RELATED CASES 202112198
8. TOPIC Interview of Border Patrol Agent (BPA) [REDACTED]		
<p>9. SYNOPSIS</p> <p>On September 20, 2021, U.S. Customs and Border Protection (CBP), Office of Professional Responsibility (OPR), Del Rio, Texas, received information concerning an incident involving Border Patrol Agents (BPAs) from the U.S. Border Patrol, Carrizo Springs Station Horse Patrol Unit (HPU) Carrizo Springs, Texas. The incident occurred at an area commonly known as "the Boat Ramp" approximately three to four tenths of a miles east of the Del Rio Port of Entry (Del Rio POE), Del Rio, Texas which is located in the Western District of Texas. CBP OPR is investigating and preparing a case to be presented to the United States Attorney's Office.</p> <p>On September 22, 2021, OPR Special Agent (SA) [REDACTED] and SA [REDACTED] conducted a witness interview of Border Patrol Agent (BPA) [REDACTED]. The interview was audio and video recorded using Star Witness equipment and uniquely identified using Authentication Code: [REDACTED]</p>		
10. CASE OFFICER (Print Name & Title) [REDACTED] CBP OPR Special Agent	11. COMPLETION DATE 28-SEP-2021	14. ORIGIN OFFICE UFITS Region 1
12. APPROVED BY(Print Name & Title) [REDACTED] - CBP OPR Special Agent Supervisor	13. APPROVED DATE 28-SEP-2021	15. TELEPHONE NUMBER No Phone Number
<p>THIS DOCUMENT IS LOANED TO YOU [REDACTED] AND REMAINS THE PROPERTY OF THE DEPARTMENT OF HOMELAND SECURITY. ANY FURTHER REQUEST FOR DISCLOSURE OF THIS DOCUMENT OR INFORMATION CONTAINED HEREIN SHOULD BE REFERRED TO HEADQUARTERS, DEPARTMENT OF HOMELAND SECURITY, TOGETHER WITH A COPY OF THE DOCUMENT.</p>		
<p>THIS DOCUMENT CONTAINS INFORMATION REGARDING CURRENT AND ON-GOING ACTIVITIES OF A SENSITIVE NATURE. IT [REDACTED] REMAINS THE PROPERTY OF THE DEPARTMENT OF HOMELAND SECURITY IT CONTAINS NEITHER RECOMMENDATIONS NOR CONCLUSIONS OF THE DEPARTMENT OF HOMELAND SECURITY. DISTRIBUTION OF THIS DOCUMENT HAS BEEN LIMITED AND FURTHER DISSEMINATION OR EXTRACTS FROM THE DOCUMENT MAY NOT BE MADE WITHOUT PRIOR WRITTEN AUTHORIZATION OF THE ORIGINATOR.</p>		

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PREPARED BY

[REDACTED]

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10. NARRATIVE

BPA [REDACTED] is currently assigned to the Del Rio Station Horse Patrol Unit (HPU) and is supervised by Supervisory Border Patrol Agent (SBPA) [REDACTED]. On September 19, 2021, BPA [REDACTED] and his partner BPA [REDACTED] began their shift at 6:00 AM. They were instructed by SBPA [REDACTED] to assist with the current surge of migrants occurring near the Del Rio Port of Entry (POE) (timestamp 14:16:59). BPA [REDACTED] and BPA [REDACTED] spent the first part of their shift caring for and feeding the horses. BPA [REDACTED] and BPA [REDACTED] arrived at the POE at approximately 8:45 AM, prior to the Carrizo Springs HPU agents arriving. After unloading the horses from the trailer, BPA [REDACTED] and BPA [REDACTED] began their daily run, which included traveling by the migrant feeding area and portable restrooms to check and see if any assistance was needed. After making their daily run, BPA [REDACTED] and BPA [REDACTED] met with the Carrizo Springs HPU agents. BPA [REDACTED] estimated there were approximately seven Carrizo Springs HPU agents, which included two SBPAs. BPA [REDACTED] was unable to recall the names of the Carrizo Springs HPU agents and was not aware of any official planned operation being conducted (timestamp 14:21:18). BPA [REDACTED] reiterated that his instructions from SBPA [REDACTED] was to assist where needed and to make their presence known.

BPA [REDACTED] confirmed he was near the Boat Ramp between 1:00 PM to 2:30 PM, as his shift ended at 4:00 PM. SA [REDACTED] showed BPA [REDACTED] Video 3 of the incident that occurred on September 19, 2021. BPA [REDACTED] was unable to identify the HPU agents in the video by name but confirmed the agents were from Carrizo Springs based on the chaps they were wearing (timestamp 14:24:16). BPA [REDACTED] was asked about the twirling of the reins by the HPU agent depicted in the video. BPA [REDACTED] explained that although twirling of the reins was not taught in training, he had seen this technique used on multiple occasions to control a horse (timestamp 14:25:55). The twirling of the reins can be utilized to whip a horse to ensure it is compliant with the rider's commands, to help accelerate a horse, to assist in navigating the horse in a specific direction and some riders will just twirl the extra slack in the reins with no specific intensions (timestamp 14:26:16). BPA [REDACTED] stated each horse was different and responded differently to different techniques.

BPA [REDACTED] stated Texas Department of Public Safety (DPS) requested their assistance in clearing out migrants because they intended to shut down the Boat Ramp and indicated more DPS personnel were in route to assist (timestamp 14:30:19). BPA [REDACTED] and BPA [REDACTED] informed the Carrizo Springs HPU agents of DPS's request but was unaware if notification of the anticipated action was made to USBP management (timestamp 14:30:44). BPA [REDACTED] assumed DPS had made the necessary notifications as they were the lead in the action being taken and BPAs were assisting (timestamp 14:31:10). BPA [REDACTED] stated the BPAs were communicating on radio frequency [REDACTED] and recalled some Carrizo Springs

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[REDACTED]

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10. NARRATIVE

HPU agents were communicating via cellphones for guidance on DPS's request for assistance (timestamp 14:33:41).

BPA [REDACTED] was shown Video 1 depicting the incident at the Boat Ramp. BPA [REDACTED] stated he and BPA [REDACTED] were further upriver at the time depicted in the video. BPA [REDACTED] and BPA [REDACTED] were directing migrants to go back and follow the road back to the POE (timestamp 14:40:23). BPA [REDACTED] recalled seeing one Carrizo Springs HPU agent who had a camera in their possession but was not aware if the agent was recording at the time. BPA [REDACTED] did not witness any of the actions depicted in the video (timestamp 14:41:09).

BPA [REDACTED] was presented photographs 1, 2, 3, and 4. Throughout the pictures presented he could only identify himself, BPA [REDACTED] and BPA [REDACTED] by name.

BPA [REDACTED] stated he had not attended or received training specific to crowd control. BPA [REDACTED] stated they are trained to protect themselves and the horse while addressing a subject. While on horseback it was important to remain in control of your horse and the reins (timestamp 14:49:09). While addressing a subject when mounted on a horse, an agent can dismount to address a subject, but it posed a greater risk for all involved. BPAs were trained to address and take control of a subject without leaving their horse. Although the action of grabbing a subject by the shirt was not trained, BPA [REDACTED] believed this action to gain control of a subject was acceptable and ensure the safety of the agent and the horse (timestamp 14:50:45).

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PREPARED BY

[REDACTED]

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None


**DEPARTMENT OF HOMELAND SECURITY
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OFFICE OF PROFESSIONAL RESPONSIBILITY**

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EXHIBIT - 11

**DEPARTMENT OF HOMELAND SECURITY
U. S. CUSTOMS AND BORDER PROTECTION
OFFICE OF PROFESSIONAL RESPONSIBILITY**

 <p style="text-align: center;">DEPARTMENT OF HOMELAND SECURITY Customs and Border Protection</p> <p style="text-align: center;">REPORT OF INVESTIGATION</p>		<p>1. CASE NUMBER 202112280</p>
		<p>PREPARED BY [REDACTED]</p>
		<p>2. REPORT NUMBER 022</p>
<p>3. TITLE EMPLOYEE, UNKNOWN/Unknown/1905 Detainee/Alien - Humanitarian Issues/DEL RIO, VAL VERDE, TX</p>		
<p>4. FINAL RESOLUTION</p>		
<p>5. STATUS Interim Report</p>	<p>6. TYPE OF REPORT Memo of Interview</p>	<p>7. RELATED CASES 202112198</p>
<p>8. TOPIC Interview of BPA [REDACTED]</p>		
<p>9. SYNOPSIS</p> <p>On September 20, 2021, U.S. Customs and Border Protection (CBP), Office of Professional Responsibility (OPR), Del Rio, Texas, received information concerning an incident involving Border Patrol Agents (BPAs) from the U.S. Border Patrol (USBP), Carrizo Springs Horse Patrol Unit (HPU), Carrizo Springs, Texas. The incident occurred at an area known as the "Boat Ramp", approximately three to four tenths of a mile east of the Del Rio Port of Entry (Del Rio POE) Del Rio, Texas, which is located in the Western District of Texas. CBP OPR is investigating and preparing a case to be presented to the United States Attorney's Office.</p> <p>On November 17, 2021, Special Agents (SA) [REDACTED] and [REDACTED], CBP OPR Del Rio, conducted a compelled witness interview of BPA [REDACTED].</p>		
<p>10. CASE OFFICER (Print Name & Title) [REDACTED] - CBP OPR Special Agent</p>	<p>11. COMPLETION DATE 09-DEC-2021</p>	<p>14. ORIGIN OFFICE CBP OPR RAC DEL RIO</p>
<p>12. APPROVED BY(Print Name & Title) [REDACTED] - CBP OPR Special Agent Supervisor</p>	<p>13. APPROVED DATE 09-DEC-2021</p>	<p>15. TELEPHONE NUMBER [REDACTED]</p>
<p>THIS DOCUMENT IS LOANED TO YOU [REDACTED] AND REMAINS THE PROPERTY OF THE DEPARTMENT OF HOMELAND SECURITY. ANY FURTHER REQUEST FOR DISCLOSURE OF THIS DOCUMENT OR INFORMATION CONTAINED HEREIN SHOULD BE REFERRED TO HEADQUARTERS, DEPARTMENT OF HOMELAND SECURITY, TOGETHER WITH A COPY OF THE DOCUMENT.</p>		
<p>THIS DOCUMENT CONTAINS INFORMATION REGARDING CURRENT AND ON-GOING ACTIVITIES OF A SENSITIVE NATURE. IT [REDACTED] REMAINS THE PROPERTY OF THE DEPARTMENT OF HOMELAND SECURITY IT CONTAINS NEITHER RECOMMENDATIONS NOR CONCLUSIONS OF THE DEPARTMENT OF HOMELAND SECURITY. DISTRIBUTION OF THIS DOCUMENT HAS BEEN LIMITED AND FURTHER DISSEMINATION OR EXTRACTS FROM THE DOCUMENT MAY NOT BE MADE WITHOUT PRIOR WRITTEN AUTHORIZATION OF THE ORIGINATOR.</p>		

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PREPARED BY

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10. NARRATIVE

On November 17, 2021, SAs [REDACTED] and [REDACTED] conducted a compelled witness interview of BPA [REDACTED]. BPA [REDACTED] was accompanied by National Border Patrol Council (NBPC) Attorney [REDACTED]. The entirety of the interview was audio and video recorded using the Star Witness equipment and uniquely identified by Authentication Code:

[REDACTED]. The time was Coordinated Universal Time, UTC 16:12:51 through UTC 20:01:43.

Prior to the interview, BPA [REDACTED] was provided with his Warning and Assurances to Employee Required to Provide Information and Notice to Appear. At the beginning of the interview, BPA [REDACTED] reviewed copies of the Warnings and Assurance to Employee Required to Provide Information and Notice to Appear, which he previously signed. BPA [REDACTED] identified his signature on the documents and he and NBPC Attorney [REDACTED] stated they had no questions regarding the forms. BPA [REDACTED] was placed under oath prior to the interview.

BPA [REDACTED] stated he did not speak with other CBP employees regarding the allegations stemming from the September 19, 2021, incident involving the Carrizo Springs HPU (Timestamp 00:07:17). When asked if he was assigned to the Del Rio POE area on September 19, 2021, BPA [REDACTED] stated he was assigned to the area but did not make it to the boat ramp as he was assigned to prepare for the upcoming shifts and days by preparing water troughs and necessities for the horses (Timestamp 00:08:29).

BPA [REDACTED] entered on duty with USBP on September 16, 2002. BPA [REDACTED] was most recently assigned to the Southern Corridor (Carrizo Springs) HPU in Carrizo Springs since November 2019. BPA [REDACTED] initially served on the HPU in 2008 and has been a certified HPU instructor since November 2016. BPA [REDACTED] has attended various advanced trainings since 2008. BPA [REDACTED] current supervisors are Supervisory Border Patrol Agent (SBPA) [REDACTED] and SBPA [REDACTED]. BPA [REDACTED] explained it was a voluntary and competitive selection process to join the HPU. BPA [REDACTED] was required to submit a memorandum of his prior experience and conduct an assessment ride. BPA [REDACTED] had basic experience prior to joining the HPU. In 2013, HPU became a national program and the basic HPU training transitioned from a two- to three-day training to a four-week course. All HPU BPAs were required to attend the four-week course to be certified under the national program. BPA [REDACTED] attended the four-week course and was certified in 2014 and in 2018, BPA [REDACTED] was certified as a Horse Patrol Instructor.

BPA [REDACTED] stated the primary functions of the HPU, as related to the USBP Mission, was the same as other BPAs and did not change their authority. BPA [REDACTED] added aside from the USBP

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10. NARRATIVE

Mission, the HPU is a specialty unit that assists with public relations events. When asked what options a BPA would have when encountering a non-citizen in the United States, BPA [REDACTED] said the non-citizen would be arrested.

BPA [REDACTED] was asked to explain the overall situation at the Del Rio POE which led to the assignment of the HPU to the area. From what BPA [REDACTED] gathered, there were thousands of migrants gathered near the Del Rio POE and the HPU was requested to be deployed to the Del Rio POE area because an announcement was to be made that the Haitians were going to be returned to their country. On September 18, 2021, SBPA [REDACTED] advised BPA [REDACTED] the HPU was being deployed to the Del Rio POE area for safety and crowd control. When asked who deployed the HPU to the Del Rio POE area, BPA [REDACTED] believed that request would have come from the Chief Patrol Agent of Del Rio Sector.

BPA [REDACTED] began his deployment, with the HPU, to the Del Rio POE area on September 18, 2021, and was advised the HPU would be assigned to the area for at least five days. On September 18, 2021, BPA [REDACTED] shift began at 5:00 A.M. and ended at midnight. On September 19, 2021, BPA [REDACTED] shift began at 6:00 A.M. and he arrived at the Del Rio POE area at approximately noon.

On September 18, 2021, once the HPU arrived at the Del Rio POE area, they attended a briefing with Special Operations Supervisor (SOS) [REDACTED]. SOS [REDACTED] oversaw the Del Rio Sector HPU at the time of the incident (Timestamp 00:29:09). During the briefing, SOS [REDACTED] reiterated the HPU was to provide security and crowd control and advised more information would follow.

When asked if there was a directive given by BP Management for the HPU to "help where needed", BPA [REDACTED] recalled hearing SBPA [REDACTED] or SBPA [REDACTED] advise the HPU to provide security and crowd control and to also help where needed on September 19, 2021 (Timestamp 00:30:27). On September 19, 2021, BPA [REDACTED] was advised of an operation the HPU would assist with. BPA [REDACTED] could not recall who advised him of the operation but stated the HPU would assist in moving migrants from the river to a containment area and the operation would commence at 2 P.M. on September 19, 2021 (Timestamp 00:33:13).

BPA [REDACTED] was asked if he was aware of the allegations made against BPAs in the HPU from an incident at the Del Rio Port of Entry Boat Ramp on September 19, 2021 and he stated there were allegations the HPU BPAs were mistreating people by whipping them.

BPA [REDACTED] stated he did not remember any directives given by management regarding the

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10. NARRATIVE

non-citizens accumulating at the boat ramp (Timestamp 00:39:04). However, BPA [REDACTED] did hear a radio transmission requesting the HPU at the boat ramp but did not know who made the request or what time the request was made. BPA [REDACTED] said everyone was operating on radio channel [REDACTED] channels BPA [REDACTED] believed are not recorded. BPA [REDACTED] explained no one was using identifiers when communicating over the radio at the Del Rio POE area. BPA [REDACTED] stated during muster on September 19, 2021, someone in the HPU directly asked BP management if they were going to have any identifiers while working at the Del Rio POE area and they were told they would get more information (Timestamp 00:42:37). BPA [REDACTED] was asked if BPAs use identifiers (star numbers) on a normal/daily basis when communicating via radio and BPA [REDACTED] said yes and believed it is in policy for BPAs to identify themselves using star numbers when communicating via radio.

BPA [REDACTED] was not advised by BP management if the migrants under the bridge were in custody. BPA [REDACTED] was told by Del Rio HPU BPAs the migrants were being allowed to travel back and forth from Mexico (Timestamp 00:45:40). BPA [REDACTED] identified one of the Del Rio HPU BPAs as [REDACTED] from the Comstock station. BPA [REDACTED] stated under normal circumstances, migrants who are considered in custody are not allowed to return to Mexico on their own efforts across the Rio Grande River to retrieve food and other items and then return to the US.

BPA [REDACTED] was asked if BP management directed the HPU to stop the non-citizens from entering the US at the boat ramp location and BPA [REDACTED] stated he was unsure who requested the HPU to the boat ramp, via radio. When asked if he heard any other communications via radio around the time of the incident involving the HPU at the boat ramp area, BPA [REDACTED] stated he recalled HPU BPA [REDACTED] asking for guidance on letting non-citizens through (Timestamp 00:48:43). BPA [REDACTED] did not hear a reply to BPA [REDACTED] request for guidance.

BPA [REDACTED] was advised by HPU BPA [REDACTED] that TXDPS was at the boat ramp and believed TXDPS arrived first. When asked if TXDPS requested HPU assistance at the boat ramp, BPA [REDACTED] said he did not know.

When asked what occurred and what he witnessed at the boat ramp on September 19, 2021, BPA [REDACTED] stated "I wasn't there" (Timestamp 00:54:36).

Prior to the interview, OPR Threat Mitigation and Analysis Division created a PowerPoint presentation, which was displayed at various points throughout the interview. The PowerPoint contains videos and photographs of the area near the Del Rio Port of Entry and boat ramp, as well as video and photos of Carrizo Springs HPU BPAs. During the interview, BPA [REDACTED] was shown

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the videos and photos and asked questions concerning the videos and photos. The videos in the PowerPoint are labeled Video 1, Video 2, and Video 3. The photos are labeled Photo 1, Photo 2, Photo 3, Photo 4, and Photo 5.

BPA [REDACTED] was shown Photo 1 and was asked to identify the Del Rio POE, the Rio Grande River, and the boat ramp (Timestamp 00:55:40). When asked where the international border between Mexico and United States is, BPA [REDACTED] said it is in the center of the river.

BPA [REDACTED] was asked if he was present during the incident involving the HPU at the boat ramp on September 19, 2021 and BPA [REDACTED] stated he was not present during the incident and never went to the boat ramp on September 19, 2021 (Timestamp 00:58:26).

When asked if he hit any non-citizen with a whip or witness anyone do so, BPA [REDACTED] denied hitting or witnessing anyone hit a non-citizen with a whip (Timestamp 01:08:06).

BPA [REDACTED] denied making any unprofessional comments towards any non-citizens or hearing anyone do so, BPA [REDACTED] also denied witnessing anyone else do so (Timestamp 01:08:18).

BPA [REDACTED] was asked if he ordered any non-citizens to return to Mexico or witness anyone do so, and BPA [REDACTED] denied ordering any non-citizens to return to Mexico or witnessing anyone do so (Timestamp 01:08:32). BPA [REDACTED] said BPAs do not have the authority to order a non-citizen to return to Mexico once they have made landfall in the United States.

BPA [REDACTED] denied maneuvering his horse in an aggressive way toward non-citizens (Timestamp 01:09:26). BPA [REDACTED] also denied witnessing anyone maneuver their horse in an aggressive way toward non-citizens.

BPA [REDACTED] denied using force against any non-citizen on September 19, 2021 and denied witnessing anyone else do so (Timestamp 01:09:43).

BPA [REDACTED] denied grabbing a non-citizen by the shirt while on his horse on September 19, 2021. BPA [REDACTED] also denied witnessing anyone grab a non-citizen by the shirt while on their horse (Timestamp 01:09:56).

When asked if HPU BPAs are allowed by policy to apprehend non-citizens while on horseback, BPA [REDACTED] stated HPU BPAs are allowed to apprehend while on horseback (Timestamp 01:10:06). When asked to elaborate, BPA [REDACTED] said it was part of the basic HPU training and

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addressed as a part of their authority as BPAs. BPA [REDACTED] added it is part of their defensive tactics. BPA [REDACTED] was asked if it is specified in HPU policy to apprehend while on horseback and BPR [REDACTED] said it is not.

BPA [REDACTED] denied nearly trampling a young child with his horse on September 19, 2021 (Timestamp 01:12:38). BPA [REDACTED] also denied witnessing any such act.

BPA [REDACTED] denied hitting the water with a lariat or with reins, when near a non-citizen on September 19, 2021 (Timestamp 01:12:46). BPA [REDACTED] also denied witnessing anyone do so.

BPA [REDACTED] denied using his horse to push or force any non-citizens back into the Rio Grande River. BPA [REDACTED] denied witnessing anyone else use their horse to push or force anyone back into the Rio Grande River (Timestamp 01:12:57). BPA [REDACTED] denied hitting anyone with his horse (Timestamp 1:13:08).

BPA [REDACTED] denied witnessing any non-citizen come in contact with the horse and get knocked into the water (Timestamp 1:13:12).

BPA [REDACTED] was asked if he believed the actions of the HPU on September 19, 2021, was a "reasonable amount of force" and within policy from what he witnessed that day and BPA [REDACTED] stated he did not witness any uses of force on September 19, 2021 (Timestamp 01:13:22). BPA [REDACTED] was then asked if he believed the HPU applied use of force, based off what he saw in the media and BPA [REDACTED] said yes. When asked to elaborate, BPA [REDACTED] explained he had seen videos in the media where "people were actively resisting, there was active-resistance to avoid apprehension" (Timestamp 01:14:38). BPA [REDACTED] further added "being on Horse Patrol is use of force itself, it's a force multiplier." BPA [REDACTED] agreed the presence of a horse, under the use of force continuum, would be considered officer presence and is the only amount of force he witnessed.

From what he saw on the videos in the media, BPA [REDACTED] believed there was an imminent threat at the boat ramp on September 19, 2021 (Timestamp 1:25:49). BPA [REDACTED] was asked to describe his understanding of imminent threat and BPA [REDACTED] described it as serious physical injury or death. When asked to explain why he believed there was an imminent threat, BPA [REDACTED] said the large number of people carrying bags and items could spook a horse and cause physical injury to the agent or another person. BPA [REDACTED] referenced a video he saw prior, which showed an individual trying to grab BPA [REDACTED] reins and explained the danger and deadly force situation that could cause (Timestamp 01:29:06). BPA [REDACTED] was asked if it amplified the risk to a HPU



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BPA and the horse if they decided to go down to the boat ramp to interact with non-citizens and BPA [REDACTED] stated it did amplify the risk (Timestamp 01:35:31).

BPA [REDACTED] stated that HPU BPAs would be at a higher risk if they were asked to stop and arrest the non-citizens at the boat ramp (Timestamp 01:37:54). BPA [REDACTED] explained there was a higher risk because the horses being ridden on September 19, 2021 had been in stalls for months and had not been used or ridden. BPA [REDACTED] stated the horses had not been ridden because BPAs on the HPU had been assigned other duties due to the influx of migrants in their area of responsibility. BPA [REDACTED] stated sending the horses to the Del Rio POE where thousands of migrants were crossing was not a good environment for the horses or riders to be in. BPA [REDACTED] stated BP management directed the HPU be assigned at the Del Rio POE (timestamp 01:41:21).

BPA [REDACTED] stated he made both SBPA [REDACTED] and SBPA [REDACTED] aware of his concerns of using these horses that had not been ridden. BPA [REDACTED] stated he spoke with SBPA [REDACTED] on September 18, 2021, and SBPA [REDACTED] commented "what we didn't want, is about to happen" (timestamp 01:42:42). BPA [REDACTED] stated SBPA [REDACTED] was speaking about the deployment of the HPU to the Del Rio POE for crowd control. BPA [REDACTED] stated the HPU horses were not ready for the stressors at the Del Rio POE due to the lack of riding and desensitizing and training. BPA [REDACTED] advised the stressors include thousands of migrants, noises, splashing of water, plastic bags, barriers and fences. BPA [REDACTED] explained these stressors can spook a horse and put the horse, rider, and migrants at risk.

BPA [REDACTED] agreed he would still go down the boat ramp and interact with non-citizens on his own accord, even though he previously stated it was not the environment for the horses and the HPU to be in (Timestamp 01:45:45). BPA [REDACTED] stated if he was the SBPA over the HPU and it was his decision, he would not have sent the HPU down to the Del Rio POE area due to the inactivity of the horses, lack of training and desensitizing of the horse and the HPU BPAs.

BPA [REDACTED] was shown Photo 2 and identified the HPU BPAs as BPA [REDACTED], BPA [REDACTED], BPA [REDACTED], and BPA [REDACTED] (Timestamp 01:52:17). BPA [REDACTED] was shown Video 1 and identified the HPU BPA that can be heard making unprofessional comments as BPA [REDACTED] (Timestamp 01:53:19). BPA [REDACTED] was able to identify BPA [REDACTED] by the horse he was riding and by his voice. On September 19, 2021, BPA [REDACTED] did not hear BPA [REDACTED] make unprofessional comments and did not hear anyone else do so. When asked if he heard any other comments not caught on camera, BPA [REDACTED] said he did not. BPA [REDACTED] denied hearing any other HPU BPAs make derogatory comments prior to the incident and advised it was not common HPU behavior to make comments such as those. BPA [REDACTED] acknowledged the

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comments made by BPA [REDACTED] were not professional (Timestamp 01:55:58). When asked why he believed the comments were not professional, BPA [REDACTED] stated law enforcement officers are held to a higher standard and should not speak to people that way. BPA [REDACTED] stated he believed the comments made by BPA [REDACTED] were discriminatory because he mentions the individual's country of origin but couldn't explain further.

BPA [REDACTED] was shown Video 2 and identified the HPU BPA as BPA [REDACTED] who seemed to be allowing the women and children to continue up the boat ramp while stopping the male individual (Timestamp 01:59:45). BPA [REDACTED] was not aware of any directive from DHS and/or BP management that allow some non-citizens to enter versus others, such as females, family units, males, children (02:03:01). BPA [REDACTED] denied seeing BPA [REDACTED] or any other HPU BPA allow certain people to enter the US while denying others prior to the incident on September 19, 2021. When asked if BPAs have the authority to decide who comes into the US, BPA [REDACTED] stated everyone that is found and has made illegal entry are apprehended and arrested (Timestamp 02:04:50).

BPA [REDACTED] was shown Video 1 again and identified the HPU BPA who is swinging his reins as BPA [REDACTED] (Timestamp 02:05:19). When asked if BPA [REDACTED] always swings his reins in that manner, BPA [REDACTED] said he did not know. BPA [REDACTED] stated the swinging of the reins in that manner is taught to move the horse laterally, forward, and back. BPA [REDACTED] further explained it is a riding aid that puts pressure on the horse to move in the opposite direction and is a tactic taught during HPU training. BPA [REDACTED] described the difference between a rein and a whip by saying the reins are used to control a horse and a whip is not attached to a horse but instead is used to train a horse. BPA [REDACTED] stated the HPU is not assigned whips and he has never seen a whip taken to the field by any HPU BPA (Timestamp 02:10:20). BPA [REDACTED] believed BPA [REDACTED] was spinning his reins on the right side of the horse to create pressure and force the horse to move left. When shown Video 1 again, BPA [REDACTED] confirmed the horse reacted and moved in the direction he would expect. When asked if spinning the reins is taught and utilized for any other reasons other than putting pressure on the horse, BPA [REDACTED] responded by saying HPU BPAs can use their reins and their horse in a use of force situation. BPA [REDACTED] was asked to elaborate and stated if an HPU BPA feels a threat of physical injury or death, that HPU BPA can use any tool necessary to hit the individual, including the reins (Timestamp 02:18:32).

BPA [REDACTED] was asked if it would be a reportable use of force incident if an HPU BPA hit someone with the reins intentionally or unintentionally, and BPA [REDACTED] said it would be a reportable use of force incident. BPA [REDACTED] stated it would still be a reportable incident if an HPU BPA swung his reins at someone and missed (Timestamp 02:20:28). BPA [REDACTED] agreed the average person

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would move back and could perceive an HPU BPA was trying to utilize force if they were swinging their reins near them. HPU BPAs are taught the first tool at their disposal is their reins since they already have them in hand. BPA [REDACTED] explained the HPU BPAs are issued split reins to avoid having the reins caught in the brush and causing injury. BPA [REDACTED] was asked if an HPU BPA is specifically taught to twirl their reins to keep people away during training and BPA [REDACTED] stated it is not taught or discussed in training (Timestamp 2:27:10).

Based on his training and experience, BPA [REDACTED] believed twirling of the reins to be intermediate force if the HPU BPA was utilizing the reins to keep distance away from individuals. BPA [REDACTED] believed it would not be intermediate force if the HPU BPA was spinning their reins as an aid to move a horse in a certain direction. BPA [REDACTED] stated intermediate force is permissible when an individual is being actively resistant.

BPA [REDACTED] denied observing any non-citizens displaying assaultive resistance behavior on September 19, 2021 (Timestamp 02:32:25). BPA [REDACTED] was again shown Video 1 and Video 2 and stated he did not observe any non-citizens displaying assaultive resistance behavior.

BPA [REDACTED] was shown Video 2 and was asked to identify the HPU BPA on the video who moved his horse in a direction of a non-citizen that caused the non-citizen to fall into the water. BPA [REDACTED] identified the HPU BPA as BPA [REDACTED] BPA [REDACTED] said prior to the incident, he never witnessed BPA [REDACTED] or anyone from the HPU use their horse in that manner.

When asked if he has attended crowd control training, BPA [REDACTED] explained crowd control training was a part of the instructor course he attended with an outside agency. BPA [REDACTED] further added USBP has its own crowd control training that he has yet to attend (Timestamp 01:22:05). BPA [REDACTED] was unsure if anyone in the HPU, who was assigned to the Del Rio POE, have received crowd control training. BPA [REDACTED] explained horses are used as barriers to move or stop crowds utilizing different formations such as a "wedge" or "V" formation (Timestamp 02:42:16).

BPA [REDACTED] was asked if HPU BPAs must worry about the horse running someone over, and he responded by saying yes and it could cause serious injury. When asked how HPU BPAs are trained to prevent injuries, BPA [REDACTED] said during the basic HPU training, they are taught how to approach groups of non-citizens in a safe way to prevent injuries. HPU BPAs are also trained how to approach a group of migrants who may be in need of medical assistance. In that scenario, HPU BPAs are trained what to do with their horses depending on how many riders are on the ground at the time. The HPU is allowed to conduct quarterly training on different topics but have not been allowed to since before the COVID pandemic began. When asked why the HPU has not been

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allowed to conduct quarterly training, BPA [REDACTED] said BP management historically stated it was due to lack of personnel (Timestamp 02:48:16). BPA [REDACTED] stated the HPU was allowed to conduct a new four-week basic HPU training course during the COVID pandemic, but still did not allow quarterly training. BPA [REDACTED] could not recall when the last quarterly training was conducted and has verbally mentioned the importance of quarterly training to BP Management. BPA [REDACTED] believed it is a violation of policy that the HPU was not allowed to conduct quarterly training (Timestamp 02:52:04). BPA [REDACTED] was asked if HPU BPAs have continued to ride horses even though they have not attended quarterly training, and BPA [REDACTED] said HPU BPAs did continue to ride horses.

When operating around children on horseback, BPA [REDACTED] said he is always extra cautious because children are very curious. BPA [REDACTED] stated it is not mentioned during HPU training.

When asked under what circumstance a HPU BPA could use their horse to hit someone, BPA [REDACTED] stated during a deadly force situation (Timestamp 2:55:51). BPA [REDACTED] explained under the use of force continuum, a BPA can use any tool available in a deadly force situation. BPA [REDACTED] said if someone was hit with a horse intentionally or unintentionally, it would be considered a reportable use of force incident. BPA [REDACTED] was asked if a HPU BPA could charge at someone with a horse and he said if an individual was absconding a HPU BPA would charge at him, while on horseback, to apprehend the individual. BPA [REDACTED] advised HPU BPAs are not trained to charge at someone while on horseback to cause them to fall into the water and cause injuries (Timestamp 02:59:09).

BPA [REDACTED] stated it is not a reportable use of force incident if a HPU BPA charged at someone with a horse and the individual does not sustain injuries. BPA [REDACTED] further added, if a HPU BPA charged at someone with a horse and did cause injuries, it would be a reportable use of force incident (Timestamp 03:01:34).

BPA [REDACTED] was asked under what circumstance a BPA could use a horse to force a non-citizen to return to Mexico, BPA [REDACTED] said under no circumstance.

BPA [REDACTED] was shown Video 2 again and identified the HPU BPA who could be heard telling people to go back to Mexico as BPA [REDACTED] (Timestamp 3:21:49). BPA [REDACTED] stated he could not tell exactly what BPA [REDACTED] was saying in the Spanish language in the video. BPA [REDACTED] was asked if he could tell who BPA [REDACTED] was speaking to and BPA [REDACTED] said it seemed as if BPA [REDACTED] was speaking to the migrants in the river. BPA [REDACTED] denied hearing BPA [REDACTED] or anyone from the HPU telling people to go back to Mexico prior to the incident on September 19,

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2021 (Timestamp 03:26:04). BPA [REDACTED] also stated he did not order anyone back to Mexico. BPA was asked if BPAs can legally tell someone to return to Mexico once they enter the United States, BPA [REDACTED] stated they cannot. BPA [REDACTED] clarified by stating, once a non-citizen is processed, BPAs can legally order them back through the POE.

BPA [REDACTED] was asked if he could describe his understanding of Credible Fear and BPA [REDACTED] said it is when someone fled their country for fear from their government (Timestamp 03:27:54). BPA [REDACTED] was asked if he could describe his understanding of Asylum and BPA [REDACTED] explained it is the process for a non-immigrant to remain in another country. BPA [REDACTED] stated he was unaware the migrants at the Del Rio POE area were claiming credible Fear and seeking asylum.

BPA [REDACTED] was shown Photo 4 and identified the HPU BPA as BPA [REDACTED] (Timestamp 03:29:53). BPA [REDACTED] stated it seemed to him the migrant was trying to grab BPA [REDACTED] reins, however he was not certain. BPA [REDACTED] was shown Photo 3 and identified the HPU BPA as BPA [REDACTED]. BPA [REDACTED] denied ever seeing BPA [REDACTED] grab someone by the shirt to prevent them from entering the US prior to the incident on September 19, 2021 (Timestamp 03:32:01). BPA [REDACTED] also denied witnessing anyone else on the HPU do so. BPA [REDACTED] was asked if HPU receives training on how to apprehend while mounted on the horse and BPA [REDACTED] said it is covered in training. When asked to explain, BPA [REDACTED] said the HPU training typically trains how to apprehend compliant subjects while mounted. BPA [REDACTED] advised it is also covered in training how to chase after individuals who have absconded (Timestamp 03:32:52).

BPA [REDACTED] was not aware of any media personnel at the boat ramp area on September 19, 2021.

BPA [REDACTED] was asked to clarify his statement regarding the imminent threat to the HPU BPAs and the horses at the boat ramp on September 19, 2021 (Timestamp 03:35:42). BPA [REDACTED] was shown Video 2 again and agreed he previously stated he believed there was an imminent threat, and it was the wrong environment for the HPU BPAs and horses to be in. BPA [REDACTED] said he could tell the horses were on high alert by describing the horses ear position in the video. BPA [REDACTED] explained if a horse is nervous, as he felt they were in the video, it could lead to aggression. BPA [REDACTED] agreed the HPU BPAs moving their horses further into the crowd could cause more of a risk (Timestamp 03:38:54).

BPA [REDACTED] was asked if he believed the HPU BPAs placed themselves and their horses at a higher risk by getting on the boat ramp and interacting with people and BPA [REDACTED] stated he did

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believe they placed themselves at a higher risk (Timestamp 03:39:49). BPA [REDACTED] explained he would still attempt to take his horse down to the boat ramp even though it was the wrong environment due to the fact the horses had not been ridden in months or been desensitized to such an environment. BPA [REDACTED] added the HPU could use it as a desensitizing training for the horses to be around the migrants. BPA [REDACTED] was asked if that would put the migrants at a risk and BPA [REDACTED] agreed it would and could possibly cause physical harm. When asked if the government should be placing migrants at risk by desensitizing horses by being near migrants, BPA [REDACTED] said no (Timestamp 03:47:12).

BPA [REDACTED] was asked if he ever heard a request for HPU to "shut down the boat ramp" via radio and BPA [REDACTED] denied hearing that request via radio. BPA [REDACTED] was asked of any other radio transmission he heard during the time of the incident on September 19, 2021 and BPA [REDACTED] reiterated hearing BPA [REDACTED] requesting guidance on letting the migrants through. BPA [REDACTED] further added hearing another radio transmission via radio of someone advising to let the migrants through (Timestamp 03:49:27). BPA [REDACTED] could not recall or give a timeframe for the radio communication.

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None