

**Chandler, Matthew**

**From:** Chandler, Matthew  
**Sent:** Wednesday, May 12, 2010 8:38 AM  
**To:** Shlossman, Amy  
**Subject:** RE: Cornyn Letter to Secretary Napolitano on Deferred Action

No, we have not, but I am sure we will soon. I believe he is referring to our response to the Durbin/Lugar letter about ceasing deportation for the Dream Act kids, yes? This is what we had said publically –

“Cases like this illustrate the need for comprehensive immigration reform. We are focused on smart, effective immigration enforcement that focuses first on criminal aliens who pose a threat to our communities while we continue to work with Congress to enact reform.

ICE uses discretion on a case by case basis, as appropriate and has the authority to grant a deferral of removal action based on the merits of an individual's case and a review of specific facts.”

**From:** Shlossman, Amy (b)(6)  
**Sent:** Wednesday, May 12, 2010 8:33 AM  
**To:** Chandler, Matthew  
**Subject:** FW: Cornyn Letter to Secretary Napolitano on Deferred Action

Have you gotten any calls on this?

**From:** Wiggins, Chani (b)(6)  
**Sent:** Tuesday, May 11, 2010 1:10 PM  
**To:** Ramanathan, Sue; Kroloff, Noah; Shlossman, Amy  
**Subject:** FW: Cornyn Letter to Secretary Napolitano on Deferred Action

Fyi...any truth to this?

**From:** Baronof, Kim  
**Sent:** Tuesday, May 11, 2010 12:50 PM  
**To:** Allen-Gifford, Patrice; Williams, Derrick  
**Cc:** Wiggins, Chani; Peacock, Nelson  
**Subject:** FW: Cornyn Letter to Secretary Napolitano on Deferred Action

Patrice, Derrick,

Please see incoming letter from Senator Cornyn to the Secretary.

**From:** McGee, Ramona (Judiciary-Rep) (b)(6)  
**Sent:** Tuesday, May 11, 2010 12:38 PM  
**To:** 'Baronof, Kim'  
**Cc:** McCament, James W  
**Subject:** Cornyn Letter to Secretary Napolitano on Deferred Action

Kim/James:

FYI.

Ramona L. McGee  
Counsel  
Senate Judiciary Committee – Subcommittee on Immigration Reform, Refugees, and Border Security  
Senator Cornyn – Ranking Member  
**Main Office:** 202-224-7840  
(b)(6)

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**Chandler, Matthew**

**From:** Chandler, Matthew  
**Sent:** Wednesday, May 12, 2010 10:51 AM  
**To:** Kudwa, Amy  
**Subject:** RE: HOT Clearance Request: Cornyn re Deferred Action (WF 866804)  
**Attachments:** 10-5301 Cornyn Draft Response 5 12 10 v 2 - MC Edits.doc

She was good with the attached ( with that line added back in)

**From:** Kudwa, Amy (b)(6)  
**Sent:** Wednesday, May 12, 2010 10:39 AM  
**To:** Chandler, Matthew M  
**Subject:** Re: HOT Clearance Request: Cornyn re Deferred Action (WF 866804)

(b)(5)

**From:** Chandler, Matthew (b)(6) >  
**To:** Kudwa, Amy (b)(6) >  
**Sent:** Wed May 12 10:29:19 2010  
**Subject:** RE: HOT Clearance Request: Cornyn re Deferred Action (WF 866804)

My thoughts attached.

**From:** Kudwa, Amy (b)(6)  
**Sent:** Wednesday, May 12, 2010 10:16 AM  
**To:** Chandler, Matthew  
**Subject:** FW: HOT Clearance Request: Cornyn re Deferred Action (WF 866804)

**From:** Saunders, Diane  
**Sent:** Wednesday, May 12, 2010 9:46 AM  
**To:** Gordon, Andrew; Cumiskey, Chris; Kudwa, Amy; Peacock, Nelson; Kielsmeier, Lauren; Barr, Suzanne E  
**Cc:** Bertucci, Nicole M; Howard, Tammy; Bynum, Marsha; Mattice, Michael; McCament, James W; O'Connor, Cynthia; ESLIAISON2  
**Subject:** FW: HOT Clearance Request: Cornyn re Deferred Action (WF 866804)  
**Importance:** High

Andy, Chris, Amy, Nelson, Lauren and Suzie: FYI – we are looking for clearance on the attached response to Senator Cornyn by 10:00 am TODAY. S1 wants this right away. This has been forwarded to your Exec Secs through email and IQ. Can you help us?

Diane S. Saunders  
 Senior Liaison Officer  
 Office of the Secretary  
 U.S. Department of Homeland Security  
 Washington, DC 20528

(b)(6)



**From:** Nolan, Patricia

**Sent:** Wednesday, May 12, 2010 9:26 AM

**To:** OGC Exec Sec; Mercaldo, Carlo; MGMTExecSec; OPA Exec Sec; Howard, Tammy; OLA Exec Sec; Higgins, Patricia; Boyd, Therese; USCIS Exec Sec; Mattice, Michael; McCament, James W; ICE Exec Sec; O'Connor, Cynthia

**Cc:** Allen-Gifford, Patrice; Williams, Derrick; ESLIAISON2

**Subject:** HOT Clearance Request: Cornyn re Deferred Action (WF 866804)

**Importance:** High

OGC, MGMT, OPA, OLA, USCIS, ICE:

Please review and clear (COS or above) the attached draft response to Sen. Cornyn regarding deferred action.

**Your clearance is due by 10am today.** We apologize for the short turnaround, but S1 wants to sign this response ASAP. Please let us know if you have any questions. This was also sent to you via WF 866804. Thank you for expediting this request.

V/r,  
Tricia

Patricia Nolan  
Component Liaison Officer  
Office of the Executive Secretary  
Department of Homeland Security

(b)(6)



**Chandler, Matthew**

**From:** Weber, Scott (b)(6)  
**Sent:** Friday, May 14, 2010 1:44 PM  
**To:** Ortiz-Delgado, Ivan L; Chandler, Matthew; Rocha, Richard A; Weber, Scott; Homan, Thomas; Rocha, Richard A  
**Cc:** Hale, Brian P; Milhoan, Catherine L; Nantel, Kelly A; Homan, Thomas; Skinner, Felicia S; Moore, Marc J  
**Subject:** RE: Cobb County

All,

Here is a news link I just received from FOD/ATL to WSBTV.com in Atlanta. (b)(5)

Scott A. Weber  
Acting Deputy Assistant Director (West)  
HQ/DRO, Field Operations

(b)(6)

**From:** Sylvan, William  
**To:** Skinner, Felicia S  
**Sent:** Fri May 14 13:32:32 2010  
**Subject:** link

<http://www.wsbtv.com/news/23551052/detail.html>

**From:** Ortiz-Delgado, Ivan L (b)(6)  
**Sent:** Friday, May 14, 2010 1:38 PM  
**To:** Chandler, Matthew; Rocha, Richard A; Weber, Scott; Homan, Thomas; Rocha, Richard A  
**Cc:** Hale, Brian P; Milhoan, Catherine L; Nantel, Kelly A; Ortiz-Delgado, Ivan L; Homan, Thomas; Skinner, Felicia S; Moore, Marc J  
**Subject:** RE: Cobb County  
**Importance:** High

Agree .... It's been part of all inquiries thus far.

Ivan L. Ortiz-Delgado  
Public Affairs Officer/Spokesman  
U.S. Immigration and Customs Enforcement (ICE)  
San Juan, Puerto Rico 00908

(b)(6)

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Homeland Security (DHS), through the U.S. Immigration and Customs Enforcement (ICE). It is being disseminated for authorized law enforcement purposes only. This E-Mail and/or information accompanying this E-Mail are confidential belonging to the sender and are protected. This information is intended only for the use of the individual or entity named above. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or the taking of any action in reliance on the contents of this information is strictly prohibited. If you have received this transmission in error, please notify me immediately by telephone or E-Mail.

**From:** Chandler, Matthew (b)(6)  
**Sent:** Friday, May 14, 2010 1:35 PM  
**To:** Rocha, Richard A; Weber, Scott; Homan, Thomas; Rocha, Richard A  
**Cc:** Hale, Brian P; Milhoan, Catherine L; Nantel, Kelly A; Ortiz-Delgado, Ivan L; Homan, Thomas; Skinner, Felicia S; Moore, Marc J  
**Subject:** RE: Cobb County

Put the (b)(5)

**From:** Rocha, Richard A (b)(6)  
**Sent:** Friday, May 14, 2010 1:34 PM  
**To:** Weber, Scott; Homan, Thomas; Rocha, Richard A; Chandler, Matthew  
**Cc:** Hale, Brian P; Milhoan, Catherine L; Nantel, Kelly A; Ortiz-Delgado, Ivan L; Homan, Thomas; Skinner, Felicia S; Moore, Marc J  
**Subject:** RE: Cobb County

Thanks Ivan and Scott,  
So here's the statement I think we should use:

(b)(5)(b)(6)

Matt, does this work?

Richard Rocha  
Deputy Press Secretary  
U.S. Immigration and Customs Enforcement (ICE)

(b)(6)

**From:** Weber, Scott (b)(6)  
**Sent:** Friday, May 14, 2010 1:31 PM  
**To:** Homan, Thomas; Rocha, Richard A; Chandler, Matthew  
**Cc:** Hale, Brian P; Milhoan, Catherine L; Nantel, Kelly A; Ortiz-Delgado, Ivan L; Homan, Thomas; Skinner, Felicia S; Moore, Marc J  
**Subject:** RE: Cobb County

Just spoke to the FOD.....the young lady did turn herself in and she bonded out at noon.

We're also told that her attorney will convene a press event this afternoon....possibly at 2:30.

8/3/2010



ICE did not place a detainer or change custody conditions as a result of this arrest. The FOD will check with HQ/Field Ops before any other action is taken or considered.

Scott A. Weber  
Acting Deputy Assistant Director (West)  
HO/DRO, Field Operations

(b)(6)

**From:** Homan, Thomas  
**Sent:** Friday, May 14, 2010 1:20 PM  
**To:** Rocha, Richard A; Chandler, Matthew; Weber, Scott  
**Cc:** Hale, Brian P; Milhoan, Catherine L; Nantel, Kelly A; Ortiz-Delgado, Ivan L; Homan, Thomas  
**Subject:** RE: Cobb County

Scott, can you find out? ASAP?

**From:** Rocha, Richard A (b)(6)  
**Sent:** Friday, May 14, 2010 1:18 PM  
**To:** Chandler, Matthew; Rocha, Richard A  
**Cc:** Hale, Brian P; Milhoan, Catherine L; Nantel, Kelly A; Ortiz-Delgado, Ivan L; Homan, Thomas  
**Subject:** RE: Cobb County

Ivan or Tom, has she been re-arrested already? I think she was going to turn herself in this morning.

Richard Rocha  
Deputy Press Secretary  
U.S. Immigration and Customs Enforcement (ICE)

(b)(6)

**From:** Chandler, Matthew (b)(6)  
**Sent:** Friday, May 14, 2010 1:15 PM  
**To:** Rocha, Richard A  
**Cc:** Hale, Brian P; Milhoan, Catherine L; Nantel, Kelly A; Ortiz-Delgado, Ivan L; Homan, Thomas  
**Subject:** RE: Cobb County

Let's not give that now – let me know if she gets re-arrested and we can consider then.

**From:** Rocha, Richard A (b)(6)  
**Sent:** Friday, May 14, 2010 1:13 PM  
**To:** Chandler, Matthew  
**Cc:** Hale, Brian P; Milhoan, Catherine L; Nantel, Kelly A; Ortiz-Delgado, Ivan L; Homan, Thomas  
**Subject:** RE: Cobb County

Yes, just slightly .... in the highlighted area.

(b)(5)(b)(6)



(b)(5)(b)(6)

Richard Rocha  
Deputy Press Secretary  
U.S. Immigration and Customs Enforcement (ICE)

(b)(6)

**From:** Chandler, Matthew (b)(6)  
**Sent:** Friday, May 14, 2010 1:08 PM  
**To:** Rocha, Richard A  
**Cc:** Hale, Brian P; Milhoan, Catherine L; Nantel, Kelly A; Ortiz-Delgado, Ivan L; Homan, Thomas  
**Subject:** RE: Cobb County

Modify it?

**From:** Rocha, Richard A (b)(6)  
**Sent:** Friday, May 14, 2010 1:04 PM  
**To:** Chandler, Matthew  
**Cc:** Hale, Brian P; Milhoan, Catherine L; Nantel, Kelly A; Ortiz-Delgado, Ivan L; Homan, Thomas  
**Subject:** RE: Cobb County

(b)(5)

(b)(5)(b)(6)

Richard Rocha  
Deputy Press Secretary  
U.S. Immigration and Customs Enforcement (ICE)

(b)(6)

**From:** Chandler, Matthew (b)(6)  
**Sent:** Friday, May 14, 2010 12:46 PM  
**To:** Rocha, Richard A  
**Cc:** Hale, Brian P; Milhoan, Catherine L; Nantel, Kelly A; Ortiz-Delgado, Ivan L; Homan, Thomas  
**Subject:** RE: Cobb County

(b)(5)(b)(6)

**From:** Rocha, Richard A (b)(6)  
**Sent:** Friday, May 14, 2010 12:26 PM  
**To:** Chandler, Matthew  
**Cc:** Hale, Brian P; Milhoan, Catherine L; Nantel, Kelly A; Ortiz-Delgado, Ivan L; Homan, Thomas  
**Subject:** Cobb County

Matt,  
We have demonstrators at the Cobb Co. jail over the case below. They want to know if we are going to pull out of the 287g program as suggested by the demonstrators.  
CNN is now asking about it and here's what we want to say.  
Any objections?

(b)(5)

Richard Rocha  
Deputy Press Secretary  
U.S. Immigration and Customs Enforcement (ICE)

8/3/2010

(b)(6)

8/3/2010



**Chandler, Matthew**

**From:** Shlossman, Amy (b)(6)  
**Sent:** Friday, May 14, 2010 12:44 PM  
**To:** Chandler, Matthew; Kudwa, Amy; Shlossman, Amy; Stevens, Clark  
**Subject:** RE: Cobb County

good

**From:** Chandler, Matthew (b)(6)  
**Sent:** Friday, May 14, 2010 12:40 PM  
**To:** Kudwa, Amy; Shlossman, Amy; Stevens, Clark  
**Subject:** RE: Cobb County

Good call – Shloss?

**From:** Kudwa, Amy (b)(6)  
**Sent:** Friday, May 14, 2010 12:37 PM  
**To:** Chandler, Matthew M; Shlossman, Amy; Stevens, Clark  
**Subject:** Re: Cobb County

(b)(5)

**From:** Chandler, Matthew <(b)(6)>  
**To:** Kudwa, Amy (b)(6); Shlossman, Amy (b)(6); Stevens, Clark  
**Sent:** Fri May 14 12:32:45 2010  
**Subject:** RE: Cobb County

Amy(s) –

Separate case - your thoughts?

(b)(5)(b)(6)

**From:** Rocha, Richard A (b)(6)  
**Sent:** Friday, May 14, 2010 12:26 PM  
**To:** Chandler, Matthew  
**Cc:** Hale, Brian P; Milhoan, Catherine L; Nantel, Kelly A; Ortiz-Delgado, Ivan L; Homan, Thomas  
**Subject:** Cobb County

Matt,  
 We have demonstrators at the Cobb Co. jail over the case below. They want to know if we are going to pull out of the 287g program as suggested by the demonstrators.  
 CNN is now asking about it and here's what we want to say.  
 Any objections?

Statement

8/3/2010

(b)(5)

Richard Rocha  
Deputy Press Secretary  
U.S. Immigration and Customs Enforcement (ICE)

(b)(6)

**Chandler, Matthew**

**From:** Chandler, Matthew  
**Sent:** Friday, May 14, 2010 2:22 PM  
**To:** Ortiz-Delgado, Ivan L; Rocha, Richard A; Weber, Scott; Homan, Thomas  
**Cc:** Hale, Brian P; Milhoan, Catherine L; Nantel, Kelly A; Ortiz-Delgado, Ivan L; Homan, Thomas; Skinner, Felicia S; Moore, Marc J  
**Subject:** RE: Cobb County

OK – thanks. Go with what I sent last. Thanks all.

**From:** Ortiz-Delgado, Ivan L (b)(6)  
**Sent:** Friday, May 14, 2010 2:14 PM  
**To:** Chandler, Matthew; Rocha, Richard A; Weber, Scott; Homan, Thomas  
**Cc:** Hale, Brian P; Milhoan, Catherine L; Nantel, Kelly A; Ortiz-Delgado, Ivan L; Homan, Thomas; Skinner, Felicia S; Moore, Marc J  
**Subject:** RE: Cobb County  
**Importance:** High

Brooke Baldwin

(b)(6)

Ivan L. Ortiz-Delgado  
Public Affairs Officer/Spokesman  
U.S. Immigration and Customs Enforcement (ICE)  
San Juan, Puerto Rico 00908

(b)(6)

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**From:** Chandler, Matthew (b)(6)  
**Sent:** Friday, May 14, 2010 2:12 PM  
**To:** Rocha, Richard A; Weber, Scott; Homan, Thomas  
**Cc:** Hale, Brian P; Milhoan, Catherine L; Nantel, Kelly A; Ortiz-Delgado, Ivan L; Homan, Thomas; Skinner, Felicia S; Moore, Marc J  
**Subject:** RE: Cobb County

8/3/2010



Who at CNN?

(b)(5)(b)(6)

**From:** Rocha, Richard A (b)(6)

**Sent:** Friday, May 14, 2010 2:08 PM

**To:** Chandler, Matthew; Weber, Scott; Homan, Thomas

**Cc:** Hale, Brian P; Milhoan, Catherine L; Nantel, Kelly A; Ortiz-Delgado, Ivan L; Homan, Thomas; Skinner, Felicia S; Moore, Marc J

**Subject:** RE: Cobb County

Thanks again everyone ..

Here's what we'd like to go with ... CNN is waiting ..

Matt, you good?

(b)(5)(b)(6)

Richard Rocha

Deputy Press Secretary

U.S. Immigration and Customs Enforcement (ICE)

(b)(6)

**From:** Chandler, Matthew (b)(6)

**Sent:** Friday, May 14, 2010 1:35 PM

**To:** Rocha, Richard A; Weber, Scott; Homan, Thomas; Rocha, Richard A

**Cc:** Hale, Brian P; Milhoan, Catherine L; Nantel, Kelly A; Ortiz-Delgado, Ivan L; Homan, Thomas; Skinner, Felicia S; Moore, Marc J

**Subject:** RE: Cobb County

(b)(5)(b)(6)

**From:** Rocha, Richard A (b)(6)

8/3/2010

**Sent:** Friday, May 14, 2010 1:34 PM

**To:** Weber, Scott; Homan, Thomas; Rocha, Richard A; Chandler, Matthew

**Cc:** Hale, Brian P; Milhoan, Catherine L; Nantel, Kelly A; Ortiz-Delgado, Ivan L; Homan, Thomas; Skinner, Felicia S; Moore, Marc J

**Subject:** RE: Cobb County

Thanks Ivan and Scott,

So here's the statement I think we should use:

(b)(5)(b)(6)

Matt, does this work?

Richard Rocha

Deputy Press Secretary

U.S. Immigration and Customs Enforcement (ICE)

(b)(6)

**From:** Weber, Scott (b)(6)

**Sent:** Friday, May 14, 2010 1:31 PM

**To:** Homan, Thomas; Rocha, Richard A; Chandler, Matthew

**Cc:** Hale, Brian P; Milhoan, Catherine L; Nantel, Kelly A; Ortiz-Delgado, Ivan L; Homan, Thomas; Skinner, Felicia S; Moore, Marc J

**Subject:** RE: Cobb County

Just spoke to the FOD.....the young lady did turn herself in and she bonded out at noon.

We're also told that her attorney will convene a press event this afternoon....possibly at 2:30.

ICE did not place a detainer or change custody conditions as a result of this arrest. The FOD will check with HQ/Field Ops before any other action is taken or considered.

Scott A. Weber

Acting Deputy Assistant Director (West)

HQ/DRO, Field Operations

(b)(6)

**From:** Homan, Thomas

**Sent:** Friday, May 14, 2010 1:20 PM

**To:** Rocha, Richard A; Chandler, Matthew; Weber, Scott

**Cc:** Hale, Brian P; Milhoan, Catherine L; Nantel, Kelly A; Ortiz-Delgado, Ivan L; Homan, Thomas

**Subject:** RE: Cobb County

Scott, can you find out? ASAP?

**From:** Rocha, Richard A (b)(6)

**Sent:** Friday, May 14, 2010 1:18 PM

**To:** Chandler, Matthew; Rocha, Richard A

**Cc:** Hale, Brian P; Milhoan, Catherine L; Nantel, Kelly A; Ortiz-Delgado, Ivan L; Homan, Thomas

**Subject:** RE: Cobb County

8/3/2010

Ivan or Tom, has she been re-arrested already? I think she was going to turn herself in this morning.

Richard Rocha  
Deputy Press Secretary  
U.S. Immigration and Customs Enforcement (ICE)

(b)(6)

**From:** Chandler, Matthew (b)(6)  
**Sent:** Friday, May 14, 2010 1:15 PM  
**To:** Rocha, Richard A  
**Cc:** Hale, Brian P; Milhoan, Catherine L; Nantel, Kelly A; Ortiz-Delgado, Ivan L; Homan, Thomas  
**Subject:** RE: Cobb County

(b)(5)

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**Cc:** Hale, Brian P; Milhoan, Catherine L; Nantel, Kelly A; Ortiz-Delgado, Ivan L; Homan, Thomas  
**Subject:** RE: Cobb County

Yes, just slightly .... in the highlighted area.

(b)(5)(b)(6)

Richard Rocha  
Deputy Press Secretary  
U.S. Immigration and Customs Enforcement (ICE)

(b)(6)

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**Sent:** Friday, May 14, 2010 1:08 PM  
**To:** Rocha, Richard A  
**Cc:** Hale, Brian P; Milhoan, Catherine L; Nantel, Kelly A; Ortiz-Delgado, Ivan L; Homan, Thomas  
**Subject:** RE: Cobb County

Modify it?

**From:** Rocha, Richard A (b)(6)  
**Sent:** Friday, May 14, 2010 1:04 PM



**To:** Chandler, Matthew  
**Cc:** Hale, Brian P; Milhoan, Catherine L; Nantel, Kelly A; Ortiz-Delgado, Ivan L; Homan, Thomas  
**Subject:** RE: Cobb County

All, I just talked to Matt C. this will be our statement... without 287(g) info.

Matt, in light of what I just told you about (b)(5) ... are we good to modify it with this?

(b)(5)(b)(6)

Richard Rocha  
Deputy Press Secretary  
U.S. Immigration and Customs Enforcement (ICE)

(b)(6)

**From:** Chandler, Matthew (b)(6)  
**Sent:** Friday, May 14, 2010 12:46 PM  
**To:** Rocha, Richard A  
**Cc:** Hale, Brian P; Milhoan, Catherine L; Nantel, Kelly A; Ortiz-Delgado, Ivan L; Homan, Thomas  
**Subject:** RE: Cobb County

(b)(5)(b)(6)

**From:** Rocha, Richard A (b)(6)  
**Sent:** Friday, May 14, 2010 12:26 PM  
**To:** Chandler, Matthew  
**Cc:** Hale, Brian P; Milhoan, Catherine L; Nantel, Kelly A; Ortiz-Delgado, Ivan L; Homan, Thomas  
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Matt,  
We have demonstrators at the Cobb Co. jail over the case below. They want to know if we are going to pull out of the 287g program as suggested by the demonstrators.  
CNN is now asking about it and here's what we want to say.  
Any objections?

(b)(5)

(b)(5)

Richard Rocha  
Deputy Press Secretary  
U.S. Immigration and Customs Enforcement (ICE)

(b)(6)

**Chandler, Matthew**

**From:** (b)(6) on behalf of Miranda, Luis A.  
[Luis\_A.\_Miranda(b)(6)]  
**Sent:** Friday, May 14, 2010 2:33 PM  
**To:** Chandler, Matthew M  
**Subject:** Re: Cobb Cty 287(g) - CNN

Thx

**From:** Chandler, Matthew (b)(6) >  
**To:** Shapiro, Nicholas S.; Tseggai, Gannet; Miranda, Luis A.  
**Sent:** Fri May 14 14:25:01 2010  
**Subject:** Cobb Cty 287(g) - CNN

All –

CNN pinged on the case below – we went with this:

“ICE uses discretion on a case by case basis, as appropriate and has the authority to grant a deferral of removal action based on the merits of an individual's case and a review of specific facts. ICE has exercised that authority in (b)(6) case for one year and did not issue a detainer for today's arrest. ICE will review her case again on its merits at the conclusion of the one-year period. ICE is focused on smart, effective immigration enforcement that focuses first on criminal aliens who pose a threat to our communities. “

Thanks

**From:** Rocha, Richard A (b)(6)  
**Sent:** Friday, May 14, 2010 12:26 PM  
**To:** Chandler, Matthew  
**Cc:** Hale, Brian P; Milhoan, Catherine L; Nantel, Kelly A; Ortiz-Delgado, Ivan L; Homan, Thomas  
**Subject:** Cobb County

Matt,  
We have demonstrators at the Cobb Co. jail over the case below. They want to know if we are going to pull out of the 287g program as suggested by the demonstrators.  
CNN is now asking about it. .

(b)(5)

8/3/2010



(b)(5)

Richard Rocha  
Deputy Press Secretary  
U.S. Immigration and Customs Enforcement (ICE)

(b)(6)

**Chandler, Matthew**

**From:** Ramlogan, Riah (b)(6)  
**Sent:** Friday, May 14, 2010 1:51 PM  
**To:** Chandler, Matthew; Gibson, Beth N; Rocha, Richard A; Gibson, Beth N; Ramlogan, Riah; Homan, Thomas  
**Cc:** Hale, Brian P; Nantel, Kelly A  
**Subject:** RE: Nina Bernstein Inquiry

Matt – as discussed, I think this is fine.

**From:** Chandler, Matthew (b)(6)  
**Sent:** Friday, May 14, 2010 1:43 PM  
**To:** Gibson, Beth N; Rocha, Richard A; Gibson, Beth N; Ramlogan, Riah; Homan, Thomas  
**Cc:** Hale, Brian P; Nantel, Kelly A  
**Subject:** RE: Nina Bernstein Inquiry

Can I say this?

(b)(5)(b)(6)

Thanks!

**From:** Gibson, Beth N (b)(6)  
**Sent:** Friday, May 14, 2010 1:41 PM  
**To:** Chandler, Matthew; Rocha, Richard A; Gibson, Beth N; Ramlogan, Riah; Homan, Thomas  
**Cc:** Hale, Brian P; Nantel, Kelly A  
**Subject:** Re: Nina Bernstein Inquiry

Riah - Can you? I am in an NGO meeting in Arizona. Thanks  
 Beth Gibson  
 Senior Counselor  
 (b)(6)

**From:** Chandler, Matthew (b)(6)  
**To:** Rocha, Richard A (b)(6); Gibson, Beth N (b)(6); Ramlogan, Riah (b)(6); Homan, Thomas (b)(6)  
**Cc:** Hale, Brian P (b)(6); Nantel, Kelly A (b)(6)  
**Sent:** Fri May 14 13:38:22 2010  
**Subject:** RE: Nina Bernstein Inquiry

Beth or Riah– can you call me ASAP? (b)(6)

8/3/2010

**From:** Rocha, Richard A (b)(6)  
**Sent:** Friday, May 14, 2010 1:06 PM  
**To:** Gibson, Beth N; Ramlogan, Riah; Homan, Thomas  
**Cc:** Hale, Brian P; Nantel, Kelly A; Chandler, Matthew  
**Subject:** RE: Nina Bernstein Inquiry

Thanks everyone ...

(b)(5)(b)(6)

Richard Rocha  
Deputy Press Secretary  
U.S. Immigration and Customs Enforcement (ICE)

(b)(6)

**From:** Gibson, Beth N  
**Sent:** Friday, May 14, 2010 1:04 PM  
**To:** Rocha, Richard A; Ramlogan, Riah; Homan, Thomas  
**Cc:** Hale, Brian P; Nantel, Kelly A; Chandler, Matthew  
**Subject:** Re: Nina Bernstein Inquiry

(b)(5)

Beth Gibson  
Senior Counselor

(b)(6)

**From:** Rocha, Richard A  
**To:** Ramlogan, Riah; Gibson, Beth N; Homan, Thomas  
**Cc:** Hale, Brian P; Nantel, Kelly A; Chandler, Matthew  
**Sent:** Fri May 14 12:59:40 2010  
**Subject:** RE: Nina Bernstein Inquiry

How's this?... I'm adding Matt Chandler because he needs our final ASAP.

Riah and Beth, I (b)(5)

(b)(5)(b)(6)



(b)(5)(b)(6)

Richard Rocha  
Deputy Press Secretary  
U.S. Immigration and Customs Enforcement (ICE)

(b)(6)

**Chandler, Matthew**

**From:** Chandler, Matthew  
**Sent:** Wednesday, June 16, 2010 10:32 AM  
**To:** Sandweg, John; Smith, Sean; Shlossman, Amy; Kudwa, Amy  
**Subject:** FW: border patrol sweeps on trains

Have looped CBP OPA to run down some answers on another email. This came up a couple months ago in regard to (b)(6), who I believe were then granted deferred action. Is there not an enforcement focus for BP in the interior on criminal aliens?

**From:** Dilanian, Ker (b)(6)  
**Sent:** Wednesday, June 16, 2010 10:22 AM  
**To:** 'Chandler, Matthew'  
**Subject:** border patrol sweeps on trains

Hi, Matt,

In the wake of this Harvard student facing deportation, we're working on a piece about Dream Act kids. I interviewed a pair of college student brothers from Chicago, (b)(6), who were arrested by the Border Patrol on an Amtrak train in Buffalo, turned over to ICE and are now facing removal proceedings. I spoke to another woman recently whose boyfriend was arrested by the BP on an Amtrak train in Erie. In both cases, the interviewees described agents walking through the train asking everyone for ID. My question: Why is the Border Patrol conducting sweeps on Amtrak trains (and buses, I understand)? How does that square with the Obama administration's priority of pursuing criminal aliens? Can you provide any breakdown of what percentage of illegals arrested on trains turn out to be fugitives or criminals? I presume, though I may be wrong, that it's a tiny percentage.

I have also asked this of the border patrol.

We're writing for the weekend, which may mean it pushes to next week.

Ken Dilanian  
National Security Correspondent  
**Los Angeles Times/Chicago Tribune Washington Bureau**  
1090 Vermont Avenue NW, Suite 200E, Washington, DC 20005

(b)(6)

**Chandler, Matthew**

**From:** Vincent, Peter S (b)(6)  
**Sent:** Friday, June 18, 2010 10:40 AM  
**To:** Chandler, Matthew  
**Subject:** RE:

Thanks for all your help on this matter, Matt.

PETER S. VINCENT  
 PRINCIPAL LEGAL ADVISOR  
 OFFICE OF THE PRINCIPAL LEGAL ADVISOR  
 U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT  
 U.S. DEPARTMENT OF HOMELAND SECURITY  
 (b)(6)

**From:** Chandler, Matthew (b)(6)  
**Sent:** Friday, June 18, 2010 10:35 AM  
**To:** Vincent, Peter S; Sandweg, John; Sandweg, John; Vincent, Peter S; Barr, Suzanne E; Shlossman, Amy; Vincent, Peter S; Gibson, Beth N  
**Cc:** Kudwa, Amy  
**Subject:** RE:

Ok – thanks all, sending shortly.

**From:** Vincent, Peter S (b)(6)  
**Sent:** Friday, June 18, 2010 10:29 AM  
**To:** Sandweg, John; Chandler, Matthew; Sandweg, John; Vincent, Peter S; Barr, Suzanne E; Shlossman, Amy; Vincent, Peter S; Gibson, Beth N  
**Cc:** Kudwa, Amy  
**Subject:** RE:

I am.

PETER S. VINCENT  
 PRINCIPAL LEGAL ADVISOR  
 OFFICE OF THE PRINCIPAL LEGAL ADVISOR  
 U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT  
 U.S. DEPARTMENT OF HOMELAND SECURITY  
 (b)(6)

**From:** Sandweg, John (b)(6)  
**Sent:** Friday, June 18, 2010 10:20 AM  
**To:** Chandler, Matthew; Sandweg, John; Vincent, Peter S; Barr, Suzanne E; Shlossman, Amy; Vincent, Peter S; Gibson, Beth N  
**Cc:** Kudwa, Amy  
**Subject:** RE:

I am.

John R. Sandweg  
 Department of Homeland Security

(b)(6)

**From:** Chandler, Matthew (b)(6)

8/3/2010



**Sent:** Friday, June 18, 2010 10:16 AM

**To:** Sandweg, John; Vincent, Peter S; Barr, Suzanne E; Shlossman, Amy; Vincent, Peter S; Gibson, Beth N

**Cc:** Kudwa, Amy

**Subject:** RE:

We good

**From:** Chandler, Matthew

**Sent:** Friday, June 18, 2010 10:01 AM

**To:** Sandweg, John; Vincent, Peter S; Barr, Suzanne E; Shlossman, Amy; Vincent, Peter S; Gibson, Beth N

**Cc:** Kudwa, Amy

**Subject:** RE:

(b)(5)

**From:** Sandweg, John (b)(6)

**Sent:** Friday, June 18, 2010 9:56 AM

**To:** Chandler, Matthew; Vincent, Peter S; Sandweg, John; Sandweg, John; Barr, Suzanne E; Shlossman, Amy; Vincent, Peter S; Gibson, Beth N

**Cc:** Kudwa, Amy

**Subject:** RE:

(b)(5)

John R. Sandweg

Department of Homeland Security

(b)(6)

**From:** Chandler, Matthew (b)(6)

**Sent:** Friday, June 18, 2010 9:42 AM

**To:** Vincent, Peter S; Sandweg, John; Sandweg, John; Barr, Suzanne E; Shlossman, Amy; Vincent, Peter S; Gibson, Beth N

**Cc:** Kudwa, Amy

**Subject:** RE:

(b)(5)

(b)(5)

**From:** Chandler, Matthew  
**Sent:** Thursday, June 17, 2010 7:35 PM  
**To:** Vincent, Peter S; Sandweg, John; Sandweg, John; Barr, Suzanne E; Shlossman, Amy; Vincent, Peter S; Gibson, Beth N  
**Cc:** Kudwa, Amy  
**Subject:** RE:

OK – I'll put together a statement and get it around tomorrow AM. Thanks for the info guys.

**From:** Vincent, Peter S (b)(6)  
**Sent:** Thursday, June 17, 2010 7:31 PM  
**To:** Sandweg, John; Chandler, Matthew; Sandweg, John; Barr, Suzanne E; Shlossman, Amy; Vincent, Peter S  
**Cc:** Kudwa, Amy  
**Subject:** RE:

(b)(5)

PETER S. VINCENT  
 PRINCIPAL LEGAL ADVISOR  
 OFFICE OF THE PRINCIPAL LEGAL ADVISOR  
 U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT  
 U.S. DEPARTMENT OF HOMELAND SECURITY

(b)(6)

**From:** Sandweg, John (b)(6)  
**Sent:** Thursday, June 17, 2010 7:20 PM  
**To:** Chandler, Matthew; Sandweg, John; Barr, Suzanne E; Shlossman, Amy; Vincent, Peter S  
**Cc:** Kudwa, Amy  
**Subject:** Re:

Looping Peter.

**From:** Chandler, Matthew (b)(6) >  
**To:** Sandweg, John (b)(6) >; Barr, Suzanne E; Shlossman, Amy (b)(6) >  
**Cc:** Kudwa, Amy <(b)(6)>  
**Sent:** Thu Jun 17 19:16:39 2010  
**Subject:** Re:

So why are we doing them?

**From:** Sandweg, John (b)(6)  
**To:** Chandler, Matthew (b)(6) >; Sandweg, John (b)(6) >; Barr, Suzanne E; Shlossman, Amy (b)(6)  
**Cc:** Kudwa, Amy (b)(6)  
**Sent:** Thu Jun 17 19:01:03 2010  
**Subject:** RE:

8/3/2010

(b)(5)

John R. Sandweg  
Department of Homeland Security

(b)(6)

**From:** Chandler, Matthew (b)(6)  
**Sent:** Thursday, June 17, 2010 6:58 PM  
**To:** Sandweg, John; Barr, Suzanne E; Shlossman, Amy  
**Cc:** Kudwa, Amy  
**Subject:** RE:

(b)(5)

...?

**From:** Sandweg, John (b)(6)  
**Sent:** Thursday, June 17, 2010 6:55 PM  
**To:** Chandler, Matthew; Sandweg, John; Barr, Suzanne E; Shlossman, Amy  
**Cc:** Kudwa, Amy  
**Subject:** RE:

In a lot of the cases, the NTA is issued by CBP. Ice isn't even made aware until the guy shows up on the court docket.

John R. Sandweg  
Department of Homeland Security

(b)(6)

**From:** Chandler, Matthew (b)(6)  
**Sent:** Thursday, June 17, 2010 6:48 PM  
**To:** Sandweg, John; Barr, Suzanne E; Shlossman, Amy  
**Cc:** Kudwa, Amy  
**Subject:** FW:

(b)(5)

Thanks guys

**From:** Dilanian, Ken (b)(6)  
**Sent:** Thursday, June 17, 2010 6:44 PM  
**To:** 'Chandler, Matthew'  
**Subject:**

Hey, I am working with Gorman on the Dream Act piece. Anything on the Border Patrol sweeps?

Also, what can we say about why ICE attorneys are pursuing removal actions against these kids, even though, in the end, they almost always get deferred status? Why go through the motions? Why not just use prosecutorial discretion from the moment they come to ICE's attention, to say, no, we don't pursue these cases? It is very similar, it seems to me, to a US Attorney saying, I don't take a drug case unless it's \$100,000 or greater, etc.

8/3/2010



Which happens all the time.

Ken Dilanian

National Security Correspondent

***Los Angeles Times/Chicago Tribune Washington Bureau***

1090 Vermont Avenue NW, Suite 200E, Washington, DC 20005

(b)(6)

8/3/2010

**Chandler, Matthew**

**From:** Sandweg, John (b)(6)  
**Sent:** Friday, June 18, 2010 7:53 PM  
**To:** Mayorkas, Alejandro N; Ruppel, Joanna; Scialabba, Lori; Chandler, Matthew M; Carpenter, Dea D; Kielsmeier, Lauren; Humphrey, Buck H; Bentley, Christopher S; Shlossman, Amy; Kudwa, Amy; Sandweg, John; Stevens, Clark  
**Cc:** Groom, Molly M; Rogers, Debra A  
**Subject:** Re: Press inquiry from the Connecticut Post about the (b)(6) orphans from Connecticut...URGENT

Concur fully with Ali. Thanks Joanna.

**From:** Mayorkas, Alejandro N (b)(6)  
**To:** Ruppel, Joanna; Scialabba, Lori; Mayorkas, Alejandro N; Chandler, Matthew (b)(6); Carpenter, Dea D; Kielsmeier, Lauren; Humphrey, Buck H; Bentley, Christopher S; Shlossman, Amy (b)(6); Kudwa, Amy <(b)(6)>; Sandweg, John (b)(6); Stevens, Clark (b)(6)  
**Cc:** Groom, Molly M; Rogers, Debra A  
**Sent:** Fri Jun 18 19:47:07 2010  
**Subject:** Re: Press inquiry from the Connecticut Post about the (b)(6) orphans from Connecticut...URGENT

This is excellent. Thanks so much for jumping in with such skill, as always, Joanna.  
 Ali

----- Original Message -----

**From:** Ruppel, Joanna (b)(6)  
**To:** Scialabba, Lori; Mayorkas, Alejandro N; Ruppel, Joanna; Chandler, Matthew; Carpenter, Dea D; Mayorkas, Alejandro N; Kielsmeier, Lauren; Humphrey, Buck H; Bentley, Christopher S; Shlossman, Amy; Kudwa, Amy; Sandweg, John; Stevens, Clark; Scialabba, Lori  
**Cc:** Groom, Molly M; Rogers, Debra A  
**Sent:** Fri Jun 18 18:33:18 2010  
**Subject:** RE: Press inquiry from the Connecticut Post about the (b)(6) orphans from Connecticut...URGENT

Per the message I just sent, the uncle needs to go back to deal with many family issues. According to his attorney, he really wants to go back and he is bringing the kids, with return tickets. The attorney will then file a request for parole for the uncle and the aunt. The entire family will spend the summer in Serbia. This is a good thing for the family.

Joanna

Joanna Ruppel

Chief, International Operations Division

USCIS Refugee, Asylum and International Operations Directorate

(b)(6)

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From: Scialabba, Lori (b)(6)  
 Sent: Friday, June 18, 2010 5:57 PM  
 To: Mayorkas, Alejandro N; Ruppel, Joanna; Chandler, Matthew; Carpenter, Dea D; Mayorkas, Alejandro N; Kielsmeier, Lauren; Humphrey, Buck H; Bentley, Christopher S; Shlossman, Amy; Kudwa, Amy; Sandweg, John; Stevens, Clark; Scialabba, Lori  
 Cc: Groom, Molly M; Rogers, Debra A  
 Subject: RE: Press inquiry from the Connecticut Post about the (b)(6) orphans from Connecticut...URGENT

(b)(5)

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From: Mayorkas, Alejandro N (b)(6)  
 Sent: Friday, June 18, 2010 5:41 PM  
 To: Ruppel, Joanna; Chandler, Matthew; Carpenter, Dea D; Mayorkas, Alejandro N; Kielsmeier, Lauren; Humphrey, Buck H; Bentley, Christopher S; Shlossman, Amy; Kudwa, Amy; Sandweg, John; Stevens, Clark; Scialabba, Lori  
 Cc: Groom, Molly M  
 Subject: Re: Press inquiry from the Connecticut Post about the (b)(6) orphans from Connecticut...URGENT

(b)(5)

----- Original Message -----

From: Ruppel, Joanna (b)(6)  
 To: Chandler, Matthew; Ruppel, Joanna; Carpenter, Dea D; Mayorkas, Alejandro N; Kielsmeier, Lauren; Humphrey, Buck H; Bentley, Christopher S; Shlossman, Amy; Kudwa, Amy; Sandweg, John; Stevens, Clark; Scialabba, Lori; Carpenter, Dea D  
 Cc: Groom, Molly M  
 Sent: Fri Jun 18 17:36:12 2010  
 Subject: RE: Press inquiry from the Connecticut Post about the (b)(6) orphans from Connecticut...URGENT

Yes, I can reach out and try to get more information.

Joanna Ruppel  
 Chief, International Operations Division  
 USCIS Refugee, Asylum and International Operations Directorate

(b)(6)

-----Original Message-----

From: Chandler, Matthew (b)(6)  
 Sent: Friday, June 18, 2010 5:35 PM  
 To: Ruppel, Joanna; Carpenter, Dea D; Mayorkas, Alejandro N; Kielsmeier, Lauren; Humphrey, Buck H; Bentley, Christopher S; Shlossman, Amy; Kudwa, Amy; Sandweg, John; Stevens, Clark; Scialabba, Lori; Carpenter, Dea D  
 Cc: Groom, Molly M  
 Subject: RE: Press inquiry from the Connecticut Post about the (b)(6) orphans from Connecticut...URGENT

Sending to this chain as well:

8/3/2010



Lawyers name is (b)(6) (evidently Lieberman's office put the family in touch with this guy) - can your folks reach out?

(b)(6)

use this as last resort, reporter told me to pass along to whomever may be calling that she wasn't supposed to give his cell out.

-----Original Message-----

From: Ruppel, Joanna (b)(6)  
Sent: Friday, June 18, 2010 5:31 PM  
To: Carpenter, Dea D; Mayorkas, Alejandro N; Chandler, Matthew; Kielsmeier, Lauren; Humphrey, Buck H; Bentley, Christopher S; Shlossman, Amy; Kudwa, Amy; Sandweg, John; Stevens, Clark; Scialabba, Lori; Carpenter, Dea D  
Cc: Groom, Molly M  
Subject: RE: Press inquiry from the Connecticut Post about the (b)(6) orphans from Connecticut...URGENT

(b)(5)

Joanna

Joanna Ruppel  
Chief, International Operations Division  
IIS/CIS Refugee, Asylum and International Operations Directorate

(b)(6)

-----Original Message-----

From: Carpenter, Dea D  
Sent: Friday, June 18, 2010 5:01 PM  
To: Mayorkas, Alejandro N; Chandler, Matthew; Kielsmeier, Lauren; Humphrey, Buck H; Bentley, Christopher S; Shlossman, Amy; Kudwa, Amy; Sandweg, John; Stevens, Clark; Scialabba, Lori; Carpenter, Dea D  
Cc: Groom, Molly M; Ruppel, Joanna  
Subject: Re: Press inquiry from the Connecticut Post about the (b)(6) orphans from Connecticut...URGENT  
Importance: High

8/3/2010



Also adding Molly and Joanna - (b)(5)

----- Original Message -----

From: Mayorkas, Alejandro N (b)(6) >  
To: Chandler, Matthew; Mayorkas, Alejandro N; Chandler, Matthew;  
Kielsmeier, Lauren; Humphrey, Buck H; Bentley, Christopher S; Shlossman,  
Amy; Kudwa, Amy; Sandweg, John; Stevens, Clark; Scialabba, Lori;  
Carpenter, Dea D  
Sent: Fri Jun 18 16:45:56 2010  
Subject: RE: Press inquiry from the Connecticut Post about the (b)(6)  
orphans from Connecticut...URGENT

Dea, Lori, please respond asap. Thank you. Ali

Alejandro N. Mayorkas

Director

United States Citizenship and Immigration Services

20 Massachusetts Avenue NW, Suite 5110

Washington, DC 20529

(b)(6)

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From: Chandler, Matthew (b)(6)  
Sent: Friday, June 18, 2010 4:46 PM  
To: Mayorkas, Alejandro N; Chandler, Matthew; Kielsmeier, Lauren;  
Humphrey, Buck H; Bentley, Christopher S; Shlossman, Amy; Kudwa, Amy;  
Sandweg, John; Stevens, Clark; Scialabba, Lori; Carpenter, Dea D  
Subject: Re: Press inquiry from the Connecticut Post about the (b)(6)  
orphans from Connecticut...URGENT

Sorry to bug - just checking in here - getting close to deadline time...

I also just found out that evidently Sen. Dodd also has written a letter  
in support of action this, not sure where it was sent...

---

From: Mayorkas, Alejandro N (b)(6)  
To: Chandler, Matthew (b)(6); Kielsmeier, Lauren;  
Mayorkas, Alejandro N; Humphrey, Buck H; Bentley, Christopher S;  
Shlossman, Amy (b)(6); Kudwa, Amy (b)(6);  
Sandweg, John (b)(6); Stevens, Clark  
(b)(6); Scialabba, Lori; Carpenter, Dea D

8/3/2010

Sent: Fri Jun 18 15:33:13 2010

Subject: RE: Press inquiry from the Connecticut Post about the (b)(6) orphans from Connecticut...URGENT

Adding Lori and Dea for asap consideration.

Alejandro N. Mayorkas

Director

United States Citizenship and Immigration Services

20 Massachusetts Avenue NW, Suite 5110

Washington, DC 20529

(b)(6)

---

From: Chandler, Matthew (b)(6)

Sent: Friday, June 18, 2010 3:29 PM

To: Kielsmeier, Lauren; Mayorkas, Alejandro N; Humphrey, Buck H; Bentley, Christopher S; Shlossman, Amy; Kudwa, Amy; Sandweg, John; Stevens, Clark

Subject: FW: Press inquiry from the Connecticut Post about the (b)(6) orphans from Connecticut...URGENT

(b)(5)

Is there any recourse here?

---

From: (b)(6)

(b)(6) On Behalf Of Mack, Moira K.

Sent: Friday, June 18, 2010 2:54 PM

To: Chandler, Matthew M

Subject: FW: Press inquiry from the Connecticut Post about the (b)(6) orphans from Connecticut...URGENT

8/3/2010

FYI - she sent this email too.

From: Brown, MariAn Gail (b)(6)  
Sent: Friday, June 18, 2010 2:20 PM  
To: Mack, Moira K.  
Cc: (b)(6)  
Subject: Press inquiry from the Connecticut Post about the (b)(6) orphans from Connecticut...URGENT

Dear Maura,

Andrew Bourne from the White House Press Office suggest that I e-mail directly on this. So, here I am. I called the White House Press Office last Friday and again this Tuesday concerning the plight of four Connecticut orphans, two of whom are American citizens, who because of circumstances (the execution-style slaying of their parents which they witnessed) are now being forced to leave the United States and return to their slain parents' native Serbia. Their dad's brother, who is their next nearest kin, arrived here three years ago on a tourism visa, to provide emergency care for them. They have no other relatives who are American citizens.

As you can imagine, raising four kids alone is a lot of work -- especially for a man from a culture where that's not exactly supported wholeheartedly. Anyway, the uncle, Skender Emini has tried to get his wife to join him, by applying for first a visa, and then when that was rejected an application to the United States Citizenship and Immigration Service for humanitarian parole status for her. That was rejected too. Another application is underway, but this man is tired. He hasn't seen his wife in three years. And essentially, he's given up on immigration officials clearing the way for her to join him.

So, why am I telling you all of this? Well, it's because I write a column that appears in the Connecticut Post three days a week. You can go to our website at [www.ctpost.com](http://www.ctpost.com) and look them up (go to the opinion tool bar, then click on the word: columnist on the left and my name, MariAn Gail Brown, and the most recent ones will pop up with the most current one on top. I've written about the Emini kids three times. And will again do so for Father's Day. These are kids who have had it so incredibly rough, witnessed so much tragedy and violence, that ripping them from the only country and culture they know, plus the country that their parents risked their lives to come to, well, it seems that these kids need a miracle. Perhaps from President Obama in the form of an executive order directing the United States Citizenship and Immigration Service to grant humanitarian parole status to both Skender Emini and his wife. Absent that, the uncle will board a plane tomorrow afternoon



at Kennedy Airport that is bound for Serbia. I contacted the White House last Friday (via the Press Office), then again this Tuesday and have not heard back from any spokesperson for the President. I am interested in knowing whether President Obama might intervene on behalf of these children. Would you please get back to me at your earliest convenience? I do realize that President Obama has a lot on his plate with the BP oil spill crisis, but if this percolated up to him and he wants to make his thoughts known to me, I would appreciate it.

Sincerely yours,

MariAn Gail Brown

Connecticut Post

Columnist

(b)(6)

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Re: Harvard Kid?

Page 1 of 3

**Chandler, Matthew**

**From:** Hale, Brian P (b)(6)  
**Sent:** Friday, June 18, 2010 10:17 PM  
**To:** Chandler, Matthew  
**Subject:** Re: Harvard Kid?

Thank you.

**From:** Chandler, Matthew (b)(6) >  
**To:** Vincent, Peter S (b)(6); Gibson, Beth N (b)(6); Barr, Suzanne E (b)(6); Sandweg, John; Hale, Brian P (b)(6) >; Kudwa, Amy  
**Sent:** Fri Jun 18 22:11:49 2010  
**Subject:** Re: Harvard Kid?

Ok - thanks all!

**From:** Vincent, Peter S (b)(6)  
**To:** Chandler, Matthew (b)(6) >; Gibson, Beth N; Vincent, Peter S; Barr, Suzanne E; Sandweg, John (b)(6) >; Hale, Brian P; Kudwa, Amy (b)(6) >  
**Sent:** Fri Jun 18 22:04:50 2010  
**Subject:** Re: Harvard Kid?

In this case probably until he finishes his studies. It can always be extended.

Peter S. Vincent  
 Principal Legal Advisor

**From:** Chandler, Matthew (b)(6)  
**To:** Gibson, Beth N (b)(6) >; Chandler, Matthew; Vincent, Peter S (b)(6); Barr, Suzanne E (b)(6) >; Sandweg, John; Hale, Brian P (b)(6) >; Kudwa, Amy  
**Sent:** Fri Jun 18 21:53:41 2010  
**Subject:** Re: Harvard Kid?

For how long - a year? Extendable?

**From:** Gibson, Beth N (b)(6)  
**To:** Chandler, Matthew (b)(6) >; Vincent, Peter S; Gibson, Beth N; Barr, Suzanne E; Sandweg, John (b)(6) >; Hale, Brian P; Kudwa, Amy (b)(6) >  
**Sent:** Fri Jun 18 21:52:08 2010  
**Subject:** Re: Harvard Kid?

Yes  
 Beth Gibson  
 Assistant Deputy Director

(b)(6)

8/3/2010

Re: Harvard Kid?

Page 2 of 3

**From:** Chandler, Matthew (b)(6)  
**To:** Vincent, Peter S (b)(6); Gibson, Beth N (b)(6); Barr, Suzanne E (b)(6); Sandweg, John; Hale, Brian P (b)(6); Kudwa, Amy  
**Sent:** Fri Jun 18 21:44:35 2010  
**Subject:** Re: Harvard Kid?

So yes on deferred action? Can I say that?

**From:** Vincent, Peter S (b)(6)  
**To:** Chandler, Matthew (b)(6); Gibson, Beth N; Barr, Suzanne E; Sandweg, John (b)(6); Hale, Brian P; Vincent, Peter S; Kudwa, Amy (b)(6)  
**Sent:** Fri Jun 18 21:43:02 2010  
**Subject:** Re: Harvard Kid?

The latest is that the NTA was canceled, it had never been filed with the immigration court and that he will be granted deferred action.

Best regards,

Peter

Peter S. Vincent  
 Principal Legal Advisor

**From:** Chandler, Matthew (b)(6)  
**To:** Gibson, Beth N (b)(6); Chandler, Matthew; Barr, Suzanne E (b)(6); Sandweg, John; Hale, Brian P (b)(6); Vincent, Peter S (b)(6); Kudwa, Amy  
**Sent:** Fri Jun 18 21:29:33 2010  
**Subject:** Re: Harvard Kid?

So what's his status now? Still here illegally?

**From:** Gibson, Beth N (b)(6)  
**To:** Chandler, Matthew (b)(6); Barr, Suzanne E; Gibson, Beth N; Sandweg, John (b)(6); Hale, Brian P; Vincent, Peter S; Kudwa, Amy (b)(6)  
**Sent:** Fri Jun 18 21:27:57 2010  
**Subject:** Re: Harvard Kid?

True. No deferral needed -- NTA cancelled and not filed -- no proceedings.  
 Beth Gibson  
 Assistant Deputy Director

(b)(6)

----- Original Message -----

**From:** Chandler, Matthew (b)(6)  
**To:** Barr, Suzanne E (b)(6); Gibson, Beth N (b)(6); Sandweg, John; Hale, Brian P (b)(6); Vincent, Peter S (b)(6); Kudwa, Amy  
**Sent:** Fri Jun 18 21:19:47 2010

8/3/2010

Re: Harvard Kid?

Page 3 of 3

Subject: Harvard Kid?

Boston Globe is hearing his hearing (b)(6) was cancelled and the NTA wasn't filed. True? Was he granted deferred status? For how long?

Thanks! Deadline immediately - we just undercut a 2000 word piece....

8/3/2010

**Chandler, Matthew**

**From:** Maria Sacchetti (b)(6)  
**Sent:** Friday, June 18, 2010 11:47 PM  
**To:** Chandler, Matthew  
**Subject:** Re: also

Again, thank you SO MUCH for your help. I really really really appreciate it. Have a great weekend!  
Maria

On Fri, Jun 18, 2010 at 11:00 PM, Chandler, Matthew (b)(6) wrote:  
Adding (b)(6) so confirmed. All details on the specific case are subject to the anonymous attribution discussed earlier.

----- Original Message -----

**From:** (b)(6)  
**To:** Chandler, Matthew (b)(6)  
**Sent:** Fri Jun 18 22:48:48 2010  
**Subject:** Re: also

I'd love to but my editors are going to want to know if Brian is also confirming (b)(6) deferral? And I have to file in 14 minutes.

Maria Sacchetti  
Reporter  
Boston Globe  
(b)(6)

(b)(6)

cc

06/18/2010 10:44  
PM

Subject

Re: also



Use it in the paper! All yours, on the record.

----- Original Message -----

From: (b)(6)  
To: Chandler, Matthew (b)(6)  
Sent: Fri Jun 18 22:40:13 2010  
Subject: Re: also

wait sorry so this is a new fresh comment that I can actually use in the paper? Or just for context?

thank you again!

Maria Sacchetti  
Reporter  
Boston Globe

(b)(6)

"Chandler,  
Matthew"

(b)(6)

06/18/2010 10:27  
PM

cc  
Subject

Re: also

From Brian P. Hale, ICE spokesman:

"These cases illustrate the need for comprehensive immigration reform. ICE is focused on smart, effective immigration enforcement that focuses first on criminal aliens who pose a threat to our communities while we continue to work with Congress to enact reform. ICE uses its discretion on a case-by-case basis, as appropriate, and has the authority to grant a

8/3/2010

deferral of a removal action based upon the merits of an individual's case and a review of specific facts."

----- Original Message -----

From: (b)(6)  
 To: Chandler, Matthew (b)(6)  
 Sent: Fri Jun 18 22:06:08 2010  
 Subject: Re: also

OK and just to be clear -- my editor's asking -- you're anonymous because you're not authorized to speak on confidential immigration cases? Or do you have a better explanation? They're making me explain it.

thanks!

Maria Sacchetti  
 Reporter  
 Boston Globe  
 (b)(6)

"Chandler,  
 Matthew"

(b)(6)

cc

06/18/2010 10:03  
 PM

Subject

Re: also

Again as dhs official - was granted deferred action. Can apply for work auth. Trying to figure out for how long.

----- Original Message -----

From: (b)(6)  
 To: Chandler, Matthew (b)(6)

8/3/2010

Sent: Fri Jun 18 21:51:53 2010  
Subject: also

would be so great to know if it's deferred action, for 1 year, and what this means.... thank you again!!!

Maria Sacchetti  
Reporter  
Boston Globe  
(b)(6)

"Chandler,  
Matthew"

(b)(6)

06/18/2010 09:36  
PM

Subject

Re: thanks so much!!!

Can confirm as a DHS official - NTA was cancelled, removal proceedings cancelled. Trying to get more still...

----- Original Message -----

From: (b)(6) >  
To: Chandler, Matthew M <(b)(6)>  
Sent: Fri Jun 18 21:17:48 2010  
Subject: thanks so much!!!

Maria Sacchetti  
Reporter  
Boston Globe  
ph (b)(6)

8/3/2010

**Chandler, Matthew**

**From:** Hale, Brian P (b)(6)  
**Sent:** Sunday, June 20, 2010 10:20 AM  
**To:** Chandler, Matthew  
**Subject:** Fw: Harvard Student Spared Deportation

We only provided the general dream act statement and then confirmed the cancellation of NTA right? I am not finding a specific statement on this kid.

**From:** Williams, Elliot C  
**To:** (b)(6)  
**Sent:** Sun Jun 20 10:09:59 2010  
**Subject:** Re: Harvard Student Spared Deportation

Brian - can you send the statement again? I may be mixing this one up, but I recall seeing one.

-----  
 Sent using Blackberry

**From:** Nicholson, Ben <(b)(6)>  
**To:** Phillips, James M <(b)(6)> Rogers, Judy C  
**Cc:** Macecevic, Lisa J <(b)(6)>; Mills, Kate <(b)(6)>  
**Sent:** Sun Jun 20 08:48:27 2010  
**Subject:** RE: Harvard Student Spared Deportation

thanks

**From:** Phillips, James M (b)(6)  
**Sent:** Sunday, June 20, 2010 8:49 AM  
**To:** Nicholson, Ben; Williams, Elliot C; Rogers, Judy C; Phillips, James M  
**Cc:** Macecevic, Lisa J; Mills, Kate  
**Subject:** Re: Harvard Student Spared Deportation

Ben -

Let me check and let you know asap.

Jamie

**From:** Nicholson, Ben (b)(6)  
**To:** Williams, Elliot C (b)(6) Phillips, James M  
**Cc:** Macecevic, Lisa J <(b)(6)>  
**Sent:** Sun Jun 20 07:57:59 2010  
**Subject:** Harvard Student Spared Deportation

Elliot, Judy, Jamie – what is ICE's official position on the issue described in the WashPost / AP article copied below? Thanks, Ben

8/3/2010



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## Harvard student in immigration case spared deportation

Sunday, June 20, 2010

### IMMIGRATION

#### Harvard student spared deportation

An undocumented Harvard University student whose detention by immigration authorities has drawn wide attention is no longer facing deportation to Mexico, officials said.

Eric Baldéras, 19, was detained nearly two weeks ago after he tried to use a university ID card to board a plane from San Antonio to Boston. The detention sparked a buzz among student immigrant activists, many of whom thought Balderas's case might help advance the proposed DREAM act -- a federal bill that would allow illegal immigrants a pathway to citizenship through college enrollment or military service.

Mario Rodas, a friend of Balderas's, said Balderas was granted deferred action, which can be used to halt deportation based on a case's merits. U.S. Immigration and Customs Enforcement confirmed that the agency had decided not to pursue the deportation.

-- Associated Press

**Chandler, Matthew**

**From:** Kudwa, Amy  
**Sent:** Thursday, June 24, 2010 2:34 PM  
**To:** Sandweg, John; Grossman, Jordan; McNamara, Phil; Shlossman, Amy; Kroloff, Noah  
**Cc:** Chandler, Matthew  
**Subject:** RE: Media Matters for America - Blanket amnesty by executive order??

With that, going with this:

(b)(5)

**From:** Sandweg, John  
**Sent:** Thursday, June 24, 2010 1:01 PM  
**To:** Grossman, Jordan; Kudwa, Amy; McNamara, Phil; Shlossman, Amy; Kroloff, Noah  
**Cc:** Chandler, Matthew  
**Subject:** Re: Media Matters for America - Blanket amnesty by executive order??

(b)(5)

**From:** Grossman, Jordan  
**To:** Sandweg, John; Kudwa, Amy; McNamara, Phil; Shlossman, Amy; Kroloff, Noah  
**Cc:** Chandler, Matthew  
**Sent:** Thu Jun 24 12:55:09 2010  
**Subject:** RE: Media Matters for America - Blanket amnesty by executive order??

(b)(5)

**From:** Sandweg, John  
**Sent:** Thursday, June 24, 2010 12:50 PM  
**To:** Kudwa, Amy; Grossman, Jordan; McNamara, Phil; Shlossman, Amy  
**Cc:** Chandler, Matthew  
**Subject:** Re: Media Matters for America - Blanket amnesty by executive order??

(b)(5)

**From:** Kudwa, Amy  
**To:** Grossman, Jordan; McNamara, Phil; Sandweg, John; Shlossman, Amy  
**Cc:** Chandler, Matthew  
**Sent:** Thu Jun 24 12:41:17 2010  
**Subject:** RE: Media Matters for America - Blanket amnesty by executive order??

I think we have to go with (b)(5) Sandweg, Shloss?

**From:** Grossman, Jordan  
**Sent:** Thursday, June 24, 2010 12:19 PM  
**To:** Kudwa, Amy; McNamara, Phil; Sandweg, John; Shlossman, Amy  
**Cc:** Chandler, Matthew  
**Subject:** RE: Media Matters for America - Blanket amnesty by executive order??

(b)(5)

**From:** Kudwa, Amy  
**Sent:** Thursday, June 24, 2010 12:03 PM  
**To:** McNamara, Phil; Sandweg, John; Grossman, Jordan; Shlossman, Amy  
**Cc:** Chandler, Matthew  
**Subject:** RE: Media Matters for America - Blanket amnesty by executive order??

Excellent, thanks. Any concerns with my cribbing from the letter for the statement? Proposed below:

(b)(5)



(b)(5)

**From:** McNamara, Phil  
**Sent:** Thursday, June 24, 2010 11:35 AM  
**To:** Sandweg, John; Grossman, Jordan; Kudwa, Amy; Shlossman, Amy  
**Cc:** Chandler, Matthew  
**Subject:** RE: Media Matters for America - Blanket amnesty by executive order??

Here is the final signed Cornyn response for a month ago. John has the paragraph right below.

**From:** Sandweg, John  
**Sent:** Thursday, June 24, 2010 11:29 AM  
**To:** Grossman, Jordan; Kudwa, Amy; Shlossman, Amy; McNamara, Phil  
**Cc:** Chandler, Matthew  
**Subject:** RE: Media Matters for America - Blanket amnesty by executive order??

(b)(5)

John R. Sandweg  
Department of Homeland Security

(b)(6)

**From:** Grossman, Jordan  
**Sent:** Thursday, June 24, 2010 11:21 AM  
**To:** Kudwa, Amy; Shlossman, Amy; Sandweg, John  
**Cc:** Chandler, Matthew  
**Subject:** RE: Media Matters for America - Blanket amnesty by executive order??

I don't – sorry.

**From:** Kudwa, Amy  
**Sent:** Thursday, June 24, 2010 11:15 AM  
**To:** Shlossman, Amy; Sandweg, John; Grossman, Jordan  
**Cc:** Chandler, Matthew  
**Subject:** Media Matters for America - Blanket amnesty by executive order??

(b)(5)

**From:** (b)(6)  
**Sent:** Thursday, June 24, 2010 10:23 AM  
**To:** Inquiry, Media  
**Subject:** blanket amnesty by executive order??

I'm writing from Media Matters for America and we are responding to several unsourced media reports about a possible "plan" within the Obama administration to "grant, in effect, a blanket amnesty to countless numbers of illegal aliens," in the words of Michelle Malkin on Fox News this morning. These media outlets are citing a June 21 letter written by eight Republican Senators stating:

We understand that there's a push for your Administration to develop a plan to unilaterally extend either deferred action or parole to millions of illegal aliens in the United States. We understand that the Administration may include aliens who have willfully overstayed their visas or filed for benefits knowing that they will not be eligible for a status for years to come. We understand that deferred action and parole are discretionary actions reserved for individual cases that present unusual, emergent or humanitarian circumstances. Deferred action and parole were not intended to be used to confer a status or offer protection to large groups of illegal aliens, even if the agency claims that they look at each case on a "case-by-case" basis.

While we agree our immigration laws need to be fixed, we are deeply concerned about the potential expansion of deferred action or parole for a large illegal alien population. While deferred action and parole are Executive Branch authorities, they should not be used to circumvent Congress' constitutional authority to legislate immigration policy, particularly as it relates to the illegal population in the United States.

The Administration would be wise to abandon any plans for deferred action or parole for the illegal population. Such a move would further erode the American public's confidence in the federal government and its commitment to securing the borders and enforcing the laws already on the books.

We would appreciate receiving a commitment that the Administration has no plans to use either authority to change the current position of a large group of illegal aliens already in the United States, and ask that you respond to us about this matter as soon as possible.

Several media outlets, including Fox News, have seized on this letter to suggest that the Administration is considering such a plan. NumbersUSA has started a petition, telling people to "Send this FREE FAX to Pres. Obama expressing your Outrage at the Administration's plans to provide an amnesty for illegal aliens through Executive Order."

Is there any basis to these rumors? Do you know what the Republican Senators were referencing when they said "there's a push for your Administration to develop a plan to unilaterally extend either deferred action or parole to millions of illegal aliens in the United States"?

8/3/2010

We are already drafting an item documenting the circulation of this rumor and any response or information you could provide as soon as possible would be very greatly appreciated.

Thanks for your time,

(b)(6)

Researcher

Media Matters for America

8/3/2010



**Chandler, Matthew**

---

**From:** Gleeson, James (b)(6)  
**Sent:** Friday, June 25, 2010 11:45 AM  
**To:** Chandler, Matthew  
**Subject:** RE: Unilateral CIR statement

Thanks!

-----Original Message-----

**From:** Chandler, Matthew [mailto:(b)(6)]  
**Sent:** Friday, June 25, 2010 11:41 AM  
**To:** Gleeson, James  
**Subject:** Fw: Unilateral CIR statement

Here you go.

----- Original Message -----

**From:** Kudwa, Amy (b)(6)  
**To:** Chandler, Matthew (b)(6)  
**Sent:** Fri Jun 25 11:32:20 2010  
**Subject:** Unilateral CIR statement

The Administration strongly supports the enactment of comprehensive immigration reform, and the Department is committed to working with Congress to pass bipartisan reform that combines effective enforcement with improvements to our existing immigration systems while realistically addressing those who are already here.

While we continue to work with Congress to enact reform, we are focused on smart, effective immigration enforcement that focuses first on criminal aliens who pose a threat to our communities. DHS has the authority to grant a deferral of removal action based on the merits of cases while considering humanitarian circumstances and other factors in the interest of the Department's overall law enforcement mission. However, this discretionary authority is implemented on a case-by-case basis and DHS does not grant deferred action without a review of relevant facts. To be clear, DHS will not grant deferred action to the nation's entire illegal immigrant population.

Comprehensive legislation, coupled with a safe and secure border, provides the best solution to our nation's immigration challenges, and we believe the recently unveiled Senate proposal for comprehensive immigration reform is a step in the right direction.

-----Original Message-----

**From:** Chandler, Matthew [mailto:(b)(6)]  
**Sent:** Friday, June 25, 2010 11:30 AM  
**To:** Kudwa, Amy  
**Subject:**

Can you shoot me our statement on the unilateral administrative VIR?

**Chandler, Matthew**

**From:** Joh, Joseph (b)(6)  
**Sent:** Friday, June 25, 2010 3:49 PM  
**To:** Chandler, Matthew  
**Subject:** RE: "Amnesty" Though Executive Actions

Thanks

**From:** Chandler, Matthew (b)(6)  
**Sent:** Friday, June 25, 2010 3:47 PM  
**To:** Joh, Joseph  
**Subject:** Re: "Amnesty" Though Executive Actions

Yes

**From:** Joh, Joseph (b)(6)  
**To:** Chandler, Matthew <(b)(6)>; Baronof, Kim (b)(6)>; Cissna, Francis (b)(6)>  
**Cc:** Dietch, Sarah <(b)(6)>; Kuban, Sara (b)(6)>  
**Sent:** Fri Jun 25 15:42:08 2010  
**Subject:** RE: "Amnesty" Though Executive Actions

Matt,

Can I release the statement below to the hill? Rep. Doggett's office is asking for a copy of the media release referenced in the Fox News report. Thanks.

Joseph

Joseph S. Joh  
Office of Legislative Affairs  
Department of Homeland Security  
(b)(6)

- June 25, 2010

## Homeland Security Denies Interest in Blanket Amnesty for Illegals

The Department of Homeland Security on Friday denied any plans to grant blanket amnesty to the "entire illegal immigrant population," following claims from senators and others that the Obama administration has been holding behind-the-scenes talks to craft a gameplan for mass legalization.

8/3/2010



The Department of Homeland Security on Friday denied any plans to grant blanket amnesty to the "entire illegal immigrant population," following claims from senators and others that the Obama administration has been holding behind-the-scenes talks to craft a gameplan for mass legalization.

The concern is that DHS, in a bid to bypass Congress, would extend what is known as deferred action or parole -- actions usually taken on a case-by-case basis -- to millions of illegal immigrants at once.

The department statement, however, did not address the possibility of giving a selective reprieve to the segment of the population holding expired visas -- as opposed to those who crossed illegally. This is something that a former Bush administration official told FoxNews.com could be an option for the administration.

But the statement, while affirming its authority to grant the reprieves "on the merits of cases," said that authority is applied on a "case-by-case" basis and would not be drastically expanded.

"DHS does not grant deferred action without a review of relevant facts," the statement said. "To be clear, DHS will not grant deferred action to the nation's entire illegal immigrant population."

The Department of Homeland Security expressed the administration's support for the recently unveiled Senate immigration overhaul, calling it "a step in the right direction."

But several sources said it was their understanding that the administration has been discussing alternatives to congressional action.

The former Bush official had spoken with at least people involved in the administration talks on the subject and said at the minimum, the administration was "studying legal ways to legalize people without having to go through any congressional debate about it."

The former official said targeting the segment of the population that had overstayed visas could work, though such a plan would be "woefully inappropriate."

The Department of Homeland Security estimated last year that 10.8 million undocumented residents live in the United States -- the Pew Hispanic Center, which has a similar count, estimated in 2006 that at least 4 million of them overstayed their visas.

The issue was raised publicly earlier this week by eight Republican senators who wrote to the White House complaining that they had heard the administration was readying a "Plan B" in case a comprehensive immigration reform bill cannot win enough support to clear Congress.

They warned that any unilateral action would "further erode the American public's confidence in the federal government and its commitment to securing the borders and enforcing the laws already on the books."



**From:** Chandler, Matthew (b)(6)  
**Sent:** Friday, June 25, 2010 3:34 PM  
**To:** Baronof, Kim; Joh, Joseph; Cissna, Francis  
**Subject:** Re: "Amnesty" Though Executive Actions

The Administration strongly supports the enactment of comprehensive immigration reform, and the Department is committed to working with Congress to pass bipartisan reform that combines effective enforcement with improvements to our existing immigration systems while realistically addressing those who are already here.

While we continue to work with Congress to enact reform, we are focused on smart, effective immigration enforcement that focuses first on criminal aliens who pose a threat to our communities. DHS has the authority to grant a deferral of removal action based on the merits of cases while considering humanitarian circumstances and other factors in the interest of the Department's overall law enforcement mission. However, this discretionary authority is implemented on a case-by-case basis and DHS does not grant deferred action without a review of relevant facts. To be clear, DHS will not grant deferred action to the nation's entire illegal immigrant population.

Comprehensive legislation, coupled with a safe and secure border, provides the best solution to our nation's immigration challenges, and we believe the recently unveiled Senate proposal for comprehensive immigration reform is a step in the right direction.

**From:** Baronof, Kim  
**To:** (b)(6)  
Chandler, Matthew  
**Sent:** Fri Jun 25 15:32:28 2010  
**Subject:** Re: "Amnesty" Though Executive Actions

Adding Matt Chandler from OPA.

**From:** Joh, Joseph <(b)(6)>  
**To:** Cissna, Francis (Lee) (b)(6); Baronof, Kim <(b)(6)>  
**Sent:** Fri Jun 25 15:26:16 2010  
**Subject:** FW: "Amnesty" Though Executive Actions

FYI—Senators write letter to the President on a "Plan B" if the CIR doesn't pass.

Kim: Do you know if OPA has issued any statement about this matter?

Joseph

Joseph S. Joh  
Office of Legislative Affairs  
Department of Homeland Security  
(b)(6)

8/3/2010



## Senators Challenge Pres. Obama on Rumors of Amnesty Through Executive Actions

Updated Wednesday, June 23, 2010, 10:58 AM EDT - posted on NumbersUSA



DHS Sec. Janet Napolitano

Several Senators have learned of a possible plan by the Obama Administration that would provide a mass Amnesty for the nation's 11-18 million illegal aliens. Led by Sen. Chuck Grassley (R-Iowa), eight Senators addressed a letter to the President asking for answers to questions about a plan that would allow DHS Secretary Janet Napolitano to provide an amnesty if they can't secure enough votes for a bill in the Senate.

**(Send this FREE FAX to Pres. Obama expressing your Outrage at the Administration's plans to provide an amnesty for illegal aliens through Executive Order)**

The letter that was sent to Pres. Obama earlier today asks the President for clarification on the use of deferred action or parole for illegal aliens. The executive actions are typically used in special cases and are evaluated on a case-by-case basis, but if 60 votes can't be secured in the Senate to pass a mass Amnesty, the Administration may use the discretionary actions as an alternative.

Here is the text of the letter signed by Sens. Grassley, Hatch (R-Utah), Vitter (R-La.), Bunning (R-Ky.), Chambliss (R-Ga.), Isakson (R-Ga.), Inhofe (R-Okla.), and Cochran (R-Miss.).

Dear President Obama:

We understand that there's a push for your Administration to develop a plan to unilaterally extend either deferred action or parole to millions of illegal aliens in the United States. We understand that the Administration may include aliens who have willfully overstayed their visas or filed for benefits knowing that they will not be eligible for a status for years to come. We understand that deferred action and parole are discretionary actions reserved for individual cases that present unusual, emergent or humanitarian circumstances. Deferred action and parole were not intended to be used to confer a status or offer protection to large groups of illegal aliens, even if the agency claims that they look at each case on a "case-by-case" basis.

While we agree our immigration laws need to be fixed, we are deeply concerned about the potential expansion of deferred action or parole for a large illegal alien population. While deferred action and parole are Executive Branch authorities, they should not be used to circumvent Congress' constitutional authority to legislate immigration policy, particularly as it relates to the illegal population in the United States.

The Administration would be wise to abandon any plans for deferred action or parole for the illegal population. Such a move would further erode the American public's confidence in the federal government and its commitment to securing the borders and enforcing the laws already on the books.

We would appreciate receiving a commitment that the Administration has no plans to use either authority to change the current position of a large group of illegal aliens already in the United States, and ask that you respond to us about this matter as soon as possible.



- June 23, 2010

## **GOP Lawmakers Warn of Administration Plan to Grant Amnesty to Illegal Immigrants**

Eight Republican senators and an independent group that supports tighter limits on immigration are warning that the Obama administration is drafting a plan to "unilaterally" issue blanket amnesty for millions of illegal immigrants as it struggles to win support in Congress for an overhaul of immigration laws.

Eight Republican senators and an independent group that supports tighter limits on immigration are warning that the Obama administration is drafting a plan to "unilaterally" issue blanket amnesty for millions of illegal immigrants as it struggles to win support in Congress for an overhaul of immigration laws.

The senators who wrote the White House on Monday say they are concerned that the administration is readying a "Plan B" in case a comprehensive reform bill cannot win enough support to clear Congress.

"It seems more real than just bullying (Republicans) into a bill -- that it's a plan that they can actually put forward ... circumventing Congress," an aide told FoxNews.com on Wednesday.

In their letter, the senators -- Chuck Grassley, R-Iowa; Orrin Hatch, R-Utah; David Vitter, R-La.; Jim Bunning, R-Ky.; Saxby Chambliss, Ga.; Johnny Isakson, R-Ga.; James Inhofe, R-Okla.; and Thad Cochran, R-Miss. -- urge the president to "abandon" what they say is a move to "unilaterally extend either deferred action or parole to millions of illegal aliens in the United States."

"Such a move would further erode the American public's confidence in the federal government and its commitment to securing the borders and enforcing the laws already on the books," they wrote.

Deferred action and parole, which give illegal immigrants the ability to seek a work permit and temporary legal status, are normally granted on a case-by-case basis. But the aide said the lawmakers have learned from "sources" that the administration is considering flexing its authority to grant the status on a mass basis.

Numbers USA, an organization that presses for lower immigration levels along with humanitarian treatment of illegal immigrants, has started a petition to the president expressing "outrage" at the alleged plan.

Rosemary Jenks, director of government relations with Numbers USA, said she's been hearing for weeks from "sources close to the Democratic leadership" in both chambers that administration officials are discussing whether the Department of Homeland Security could direct staff to grant "amnesty" for all illegal immigrants in the country.

"They're trying to figure out ways around a vote," she said.

"Any attempt to force an amnesty on the American people using this underhanded method smacks of despotism," reads the fax the group is urging supporters to sign.

The White House has not responded to a request for comment.

The Department of Homeland Security estimated last year that 10.8 million undocumented residents live in the United States; other estimates have ranged higher. Any move to grant blanket legal status, even temporary, would raise questions about how Homeland Security would be able to handle the caseload. Jenks said Congress certainly wouldn't grant the administration the funding for more caseworkers.

The purported discussions of a blanket amnesty come in the middle of several concurrent and heated debates over illegal immigration. The recently signed immigration law in Arizona has divided the country, with some states trying to replicate the state's tough legislation and other jurisdictions boycotting the state in protest. The Obama administration plans to file a court challenge.

Democrats, meanwhile, have been trying to round up support for an overhaul bill in Congress, and the Interior Department is facing renewed criticism from Republican lawmakers over restrictions it places on Border Patrol officers policing the border on federal lands. Sen. Jon Kyl, R-Ariz., shocked several Arizona residents last week when he told them that Obama had said he would not beef up border security because it would leave Republicans without an incentive to pass broader immigration reforms.

Jenks said the talks about Homeland Security allowing illegal immigrants to stay are "serious."

Under the law, immigration officials can grant deferred action to temporarily postpone removing an illegal immigrant from the country. That status does not offer a guarantee that they won't face deportation, but Jenks said illegal immigrants granted parole are often allowed to seek permanent legal status.

If a "Plan B" is being discussed, it's unclear how far along the talks might be. Another GOP Senate aide said the discussions started after Sens. Dick Durbin, D-Ill., and Richard Lugar, R-Ind., called on Homeland Security Secretary Janet Napolitano in April to stop deportations of undocumented students who could earn legal status under a bill they introduced.

A Senate Democratic aide said the Obama administration never responded to the April letter.



**Chandler, Matthew**

**From:** Kudwa, Amy (b)(6)  
**Sent:** Friday, June 25, 2010 7:05 PM  
**To:** Chandler, Matthew M; Luis\_A.\_Miranda (b)(6) Smith, Sean  
**Cc:** Nicholas\_S.\_Shapiro@ (b)(6) Stephanie\_M.\_Valencia (b)(6)  
 Carlos\_P.\_Odio (b)(6); Cecilia\_Munoz@ (b)(6); Felicia\_Escobar (b)(6)  
 Heather\_A.\_Higginbottom (b)(6) Roberto\_J.\_Gonzalez (b)(6) adam\_w.\_ (b)(6)  
 Thomas\_E.\_Gavin (b)(6)  
**Subject:** Re: FOX NEWS: DHS DENIES DEFERRED ACTION???

The language is from our response letter to Cornyn on May 13. Below for reference:

The Administration strongly supports the enactment of comprehensive immigration reform, and the Department is committed to working with Congress to pass bipartisan reform that combines effective enforcement with improvements to our existing immigration systems while realistically addressing those who are already here.

While we continue to work with Congress to enact reform, we are focused on smart, effective immigration enforcement that focuses first on criminal aliens who pose a threat to our communities. DHS has the authority to grant a deferral of removal action based on the merits of cases while considering humanitarian circumstances and other factors in the interest of the Department's overall law enforcement mission. However, this discretionary authority is implemented on a case-by-case basis and DHS does not grant deferred action without a review of relevant facts. To be clear, DHS will not grant deferred action to the nation's entire illegal immigrant population.

Comprehensive legislation, coupled with a safe and secure border, provides the best solution to our nation's immigration challenges, and we believe the recently unveiled Senate proposal for comprehensive immigration reform is a step in the right direction.

**From:** Chandler, Matthew (b)(6)  
**To:** Luis\_A.\_Miranda (b)(6) Chandler, Matthew M (b)(6); Smith, Sean (b)(6)  
**Cc:** Nicholas\_S.\_Shapiro (b)(6) <Nicholas\_S.\_Shapiro (b)(6)>  
 Stephanie\_M.\_Valencia (b)(6) <Stephanie\_M.\_Valencia (b)(6)> Carlos\_P.\_Odio (b)(6)  
 <Carlos\_P.\_Odio (b)(6)> Cecilia\_Munoz (b)(6) <Cecilia\_Munoz (b)(6)>  
 Felicia\_Escobar (b)(6) <Felicia\_Escobar (b)(6)> Heather\_A.\_Higginbottom (b)(6)  
 <Heather\_A.\_Higginbottom (b)(6)> Roberto\_J.\_Gonzalez (b)(6)  
 <Roberto\_J.\_Gonzalez (b)(6)> adam\_w.\_abram (b)(6) Thomas\_E.\_Gavin (b)(6)  
 <Thomas\_E.\_Gavin (b)(6)> Kudwa, Amy (b)(6)  
**Sent:** Fri Jun 25 18:51:42 2010  
**Subject:** Re: FOX NEWS: DHS DENIES DEFERRED ACTION???

Adding kudwa

**From:** prvs=785ae2225=Luis\_A.\_ (b)(6) Luis\_A.\_Miranda (b)(6)  
**To:** (b)(6)  
**Cc:** Shapiro, Nicholas S. <Nicholas\_S.\_Shapiro (b)(6)> Valencia, Stephanie M.  
 <Stephanie\_M.\_Valencia (b)(6)> Odio, Carlos P. <Carlos\_P.\_Odio (b)(6)> Munoz, Cecilia  
 <Cecilia\_Munoz (b)(6)> Escobar, Felicia <Felicia\_Escobar (b)(6)> Higginbottom, Heather A.  
 <Heather\_A.\_Higginbottom (b)(6)> Gonzalez, Roberto J. <Roberto\_J.\_Gonzalez (b)(6)>  
 adam\_w.\_abrams (b)(6) Gavin, Tom <Thomas\_E.\_Gavin@ (b)(6)>  
**Sent:** Fri Jun 25 18:44:54 2010  
**Subject:** FOX NEWS: DHS DENIES DEFERRED ACTION???

8/3/2010



Matt/Sean, did you guys issue a statement on this?

<http://www.foxnews.com/politics/2010/06/25/homeland-security-denies-blanket-amnesty-illegals/>

## Homeland Security Denies Interest in Blanket Amnesty for Illegals

Published June 25, 2010

| FOXNews.com



A Guatemalan illegal immigrant prepares to board a plane during his deportation process in Phoenix, Ariz., July 10, 2009.  
(Reuters Photo)

The Department of Homeland Security on Friday denied any plans to grant blanket amnesty to the "entire illegal immigrant population," following claims from senators and others that the Obama administration has been holding behind-the-scenes talks to craft a gameplan for mass legalization.

The concern is that DHS, in a bid to bypass Congress, would extend what is known as deferred action or parole -- actions usually taken on a case-by-case basis -- to millions of illegal immigrants at once.

The department statement, however, did not address the possibility of giving a selective reprieve to the segment of the population holding expired visas -- as opposed to those who crossed illegally. This is something that a former Bush administration official told FoxNews.com could be an option for the administration.

But the statement, while affirming its authority to grant the reprieves "on the merits of cases," said that authority is applied on a "case-by-case" basis and would not be drastically expanded.

"DHS does not grant deferred action without a review of relevant facts," the statement said. "To be clear, DHS will not grant deferred action to the nation's entire illegal immigrant population."

The Department of Homeland Security expressed the administration's support for the recently unveiled Senate immigration overhaul, calling it "a step in the right direction."

But several sources said it was their understanding that the administration has been discussing alternatives to congressional action.

The former Bush official had spoken with at least people involved in the administration talks on the subject and said at the minimum, the administration was "studying legal ways to legalize people without having to go through any congressional debate about it."

The former official said targeting the segment of the population that had overstayed visas could work, though such a plan would be "woefully inappropriate."

The Department of Homeland Security estimated last year that 10.8 million undocumented residents live in the United States -- the Pew Hispanic Center, which has a similar count, estimated in 2006 that at least 4 million of them overstayed their visas.

The issue was raised publicly earlier this week by eight Republican senators who wrote to the White House complaining that they had heard the administration was readying a "Plan B" in case a comprehensive immigration reform bill cannot win enough support to clear Congress.

They warned that any unilateral action would "further erode the American public's confidence in the federal government and its commitment to securing the borders and enforcing the laws already on the books."



**Chandler, Matthew**

**From:** Chardy, Al - Miami [AChardy@miamiherald.com]  
**Sent:** Monday, June 28, 2010 2:11 PM  
**To:** 'Chandler, Matthew'  
**Subject:** RE: Deferred action statement

thank you!!

-----Original Message-----

**From:** Chandler, Matthew (b)(6)  
**Sent:** Monday, June 28, 2010 2:09 PM  
**To:** Chardy, Al - Miami  
**Subject:** RE: Deferred action statement

"The Administration strongly supports the enactment of comprehensive immigration reform, and the Department is committed to working with Congress to pass bipartisan reform that combines effective enforcement with improvements to our existing immigration systems while realistically addressing those who are already here.

While we continue to work with Congress to enact reform, we are focused on smart, effective immigration enforcement that focuses first on criminal aliens who pose a threat to our communities. DHS has the authority to grant a deferral of removal action based on the merits of cases while considering humanitarian circumstances and other factors in the interest of the Department's overall law enforcement mission. However, this discretionary authority is implemented on a case-by-case basis and DHS does not grant deferred action without a review of relevant facts. To be clear, DHS will not grant deferred action to the nation's entire illegal immigrant population.

Comprehensive legislation, coupled with a safe and secure border, provides the best solution to our nation's immigration challenges, and we believe the recently unveiled Senate proposal for comprehensive immigration reform is a step in the right direction."

**From:** Chardy, Al - Miami [mailto:AChardy@miamiherald.com]  
**Sent:** Friday, June 25, 2010 6:49 PM  
**To:** (b)(6)  
**Subject:** Deferred action statement

Hey does DHS have a denial of deferred action statement tonight? do you have it?



**Chandler, Matthew**

**From:** Rocha, Richard A (b)(6)  
**Sent:** Tuesday, June 29, 2010 8:44 AM  
**To:** Chandler, Matthew  
**Cc:** Nantel, Kelly A; Hale, Brian P  
**Subject:** RE: A couple things

10-4 thanks.

Richard Rocha  
Deputy Press Secretary  
U.S. Immigration and Customs Enforcement (ICE)

(b)(6)

**From:** Chandler, Matthew (b)(6)  
**Sent:** Tuesday, June 29, 2010 8:40 AM  
**To:** Rocha, Richard A  
**Cc:** Nantel, Kelly A; Hale, Brian P  
**Subject:** RE: A couple things

(b)(5)(b)(6)

**From:** Rocha, Richard A (b)(6)  
**Sent:** Tuesday, June 29, 2010 8:34 AM  
**To:** Chandler, Matthew  
**Cc:** Nantel, Kelly A; Hale, Brian P  
**Subject:** RE: A couple things

Hey Matt,

Attached is the hurricane language we've used in the past.  
And I told our field and HQ folks to send (b)(6) calls to you. Because inquiring minds want to know... what additional guidance will you be providing off-the-record?

Richard Rocha  
Deputy Press Secretary  
U.S. Immigration and Customs Enforcement (ICE)

(b)(6)

**From:** Chandler, Matthew (b)(6)

8/3/2010

**Sent:** Tuesday, June 29, 2010 8:18 AM  
**To:** Hale, Brian P; Rocha, Richard A; Nantel, Kelly A  
**Subject:** A couple things

Good Morning guys –

A couple things to pass this AM – 1.) could someone forward me the language that ICE uses in times of natural disaster about immigration enforcement? With TS Alex approaching Brownsville, thought it pertinent to get our ducks in a row. 2.) The Secretary has taken quite in an interest in the (b)(6) asylum appeal case – would you guys mind sending calls on that here? We'll be declining to comment too, but would like to add some off the record guidance for those writing on it.

Thanks!

Matt

**Matt Chandler**  
Deputy Press Secretary  
Office of Public Affairs  
U.S. Department of Homeland Security

(b)(6)

## Gregory, Peter D

**From:** Humphrey, Buck H (b) (6)  
**Sent:** Tuesday, January 19, 2010 9:57 AM  
**To:** Mayorkas, Alejandro N; Kielsmeier, Lauren; Thompson, Maggie  
**Subject:** FW: 1.19.10 Updated DHS Haiti Talking Points  
**Attachments:** 1.19.10 10am - DHS TALKING POINTS ON EARTHQUAKE IN HAITI.doc

Maggie, please push to USCIS Haitian group list...

FYI – latest internal talkers. Please forward as appropriate. DD's for tomorrow and later this week stakeholder engagement events/calls should definitely have.

Regards,

## Buck Humphrey

Chief, Office of Communications  
 U.S. Citizenship and Immigration Services  
 Department of Homeland Security  
 (b) (6) (work) (b) (6) cell)

**From:** Fetcher, Adam (b) (6)  
**Sent:** Tuesday, January 19, 2010 10:03 AM  
**To:** Peacock, Nelson; Wiggins, Chani; Chieco, Gena; Ramanathan, Sue; Kayyem, Juliette; Breighner, Jordan; Bernstein, Jarrod; Greene, Katie; Tennyson, Stephanie L; Kasdan, Matt; Smith, Douglas A; McGaw, Bridger; Hogan, Megan; Saad, Fayrouz; Shih, Stephen; Braun, Jake; Sharp, Becca; Feaster, Shannon; Hannah, Tracy; Lee, Kristin; Chieco, Gena; Contreras, January; Humphrey, Buck H; LEMAITRE, RAFAEL; O'CONNELL, MARIA L.; Hale, Brian P; Worman, Maya; Michaelidis, Gregory; Kroloff, Noah; Peacock, Nelson; Wiggins, Chani; Ramanathan, Sue; Spindler, Graves; Denning, John; Feaster, Shannon  
**Cc:** Kroloff, Noah; Shlossman, Amy; Smith, Sean; Kudwa, Amy; Kuban, Sara; Chandler, Matthew; Ortman, Chris; Leshner, Jan; LaBrec, Ronald CAPT; O'Neil, Christopher LCDR; (b) (6) Stevens, Clark; Colburn, Brent; Grossman, Jordan; Sandweg, John; Cooper, Tarrah; Sheehy, Kathleen; Whithorne, Bobby; Grossman, Jordan  
**Subject:** 1.19.10 Updated DHS Haiti Talking Points

Updated DHS Haiti talkers attached, with humanitarian parole and operational updates. Thanks.

**From:** Fetcher, Adam  
**Sent:** Saturday, January 16, 2010 3:34 PM  
**To:** Fetcher, Adam; Peacock, Nelson; 'Wiggins, Chani Winn'; Chieco, Gena; 'Ramanathan, Sue'; Kayyem, Juliette; 'Breighner, Jordan'; Bernstein, Jarrod; Greene, Katie; Tennyson, Stephanie L; 'Kasdan, Matt'; 'Smith, Douglas A'; McGaw, Bridger; Hogan, Megan; Saad, Fayrouz; Shih, Stephen; 'Braun, Jake'; Sharp, Becca; Feaster, Shannon; Hannah, Tracy; Lee, Kristin; Chieco, Gena; 'Contreras, January'; Humphrey, Buck H; LEMAITRE, RAFAEL; O'CONNELL, MARIA L.; Hale, Brian P; Worman, Maya; Michaelidis, Gregory; 'Kroloff, Noah'; 'Peacock, Nelson'; 'Wiggins, Chani'; 'Ramanathan, Sue'; Spindler, Graves; Denning, John; Feaster, Shannon  
**Cc:** 'Kroloff, Noah'; 'Shlossman, Amy'; 'Smith, Sean'; 'Kudwa, Amy'; 'Kuban, Sara'; 'Chandler, Matthew'; Ortman, Chris; 'Leshner, Jan'; LaBrec, Ronald CAPT; O'Neil, Christopher LCDR; (b) (6) Stevens, Clark; Colburn, Brent; 'Grossman, Jordan'; 'Sandweg, John'; Cooper, Tarrah; Sheehy, Kathleen; Whithorne, Bobby; 'Grossman, Jordan'



**Subject:** Updated DHS Haiti Talking Points

Updated talking points reflecting current operational status, TPS, and other messaging updates attached. Thanks.

---

**From:** Fetcher, Adam

**Sent:** Friday, January 15, 2010 9:40 AM

**To:** Peacock, Nelson; 'Wiggins, Chani Winn'; Chieco, Gena; 'Ramanathan, Sue'; Kayyem, Juliette; 'Breighner, Jordan'; Bernstein, Jarrod; Greene, Katie; Tennyson, Stephanie L; 'Kasdan, Matt'; 'Smith, Douglas A'; McGaw, Bridger; Hogan, Megan; Saad, Fayrouz; Shih, Stephen; Braun, Jake; Sharp, Becca; Feaster, Shannon; Hannah, Tracy; Lee, Kristin; Chieco, Gena; Contreras, January; Humphrey, Buck H; LEMAITRE, RAFAEL; O'CONNELL, MARIA L.; Hale, Brian P; Worman, Maya; Michaelidis, Gregory; Kroloff, Noah; Peacock, Nelson; Wiggins, Chani; Ramanathan, Sue

**Cc:** 'Kroloff, Noah'; 'Shlossman, Amy'; 'Smith, Sean'; 'Kudwa, Amy'; 'Kuban, Sara'; 'Chandler, Matthew'; Ortman, Chris; 'Leshner, Jan'; LaBrec, Ronald CAPT; O'Neil, Christopher LCDR; (b) (6) Stevens, Clark; Colburn, Brent; Grossman, Jordan; Sandweg, John; Cooper, Tarrah; Sheehy, Kathleen; Whithorne, Bobby; Grossman, Jordan

**Subject:** Final Haiti Statement

All—

Please see today's final statement on Haiti below. Please make all necessary notifications now—we will blast at 10 a.m. This is the key message we should be using for all external messaging, in addition to operational updates contained in the talking points (latest attached).

Note the new consolidated federal response website at [www.whitehouse.gov/haitiearthquake](http://www.whitehouse.gov/haitiearthquake). Please direct your stakeholders to this website for information on how to make individual contributions. Check in with Graves with any questions on web resources.

Also please see the Secretary's video message at <http://www.dhs.gov/journal/theblog/2010/01/haiti-how-you-can-help.html>.

Let me know if you have questions. Thanks.

Adam

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

# Press Release

January 15, 2009  
Contact: DHS Press Office, (202) 282-8010

## STATEMENT BY HOMELAND SECURITY SECRETARY JANET NAPOLITANO

“The Department of Homeland Security continues to extend sympathy for our Haitian neighbors and support the worldwide relief effort underway in every way we can. Four Coast Guard cutters have arrived in Haiti, in addition to a variety of Coast Guard assets that were already in the area to support military air traffic control, conduct damage assessments and rescue people in need of assistance. The Federal Emergency Management Agency (FEMA) continues to work closely with the U.S. Agency for International Development (USAID) and the State Department—the lead U.S. federal agencies in the

response—while coordinating the deployment of state and local Urban Search and Rescue Teams from across the country to Haiti and standing by to provide food, water and other resources as requested. U.S. Customs and Border Protection (CBP) has provided aircraft to support response efforts. U.S. Immigration and Customs Enforcement yesterday halted all removals to Haiti for the time being in response to the devastation caused by yesterday's earthquake. The entire Department stands ready to receive evacuees safely and securely in the United States.

“Monetary contributions from individual Americans are the best way to immediately support the relief efforts of those who are working around-the-clock to help save lives in Haiti—and will help sustain these efforts over the long-term. The rebuilding process for the people of Haiti will undoubtedly be extremely difficult. I encourage every American who is interested in giving to participate in this response effort by providing support to those in need. You can visit [www.whitehouse.gov/haitiearthquake](http://www.whitehouse.gov/haitiearthquake) to make your contribution.”

###

## **DHS TALKING POINTS ON EARTHQUAKE IN HAITI**

**- For Internal Use Only -**

1/18/10 – 7 p.m.

**The entire Department of Homeland Security extends its sympathy for the devastation and loss of life in Haiti following the Jan. 12 earthquake—a disaster that has called the world to action in response.** The Department of Homeland Security continues to support the worldwide relief effort underway in every way we can.

The U.S. Coast Guard and the Federal Emergency Management Agency (FEMA) are leading DHS actions to support the larger assistance effort.

- Five Coast Guard cutters have arrived in Haiti, in addition to a variety of Coast Guard assets that were already in the area to support military air traffic control, conduct damage assessments, rescue people in need of assistance and provide medical and security support.
- The Federal Emergency Management Agency (FEMA) continues to work closely with the U.S. Agency for International Development (USAID) and the State Department—the lead U.S. federal agencies in the response—while coordinating the deployment of state and local Urban Search and Rescue Teams from across the country to Haiti and standing by to provide food, water and other resources as requested.
- U.S. Customs and Border Protection (CBP) has provided aircraft to support response efforts.
- U.S. Immigration and Customs Enforcement has halted all removals to Haiti for the time being in response to the devastation caused by yesterday's earthquake.

On Jan. 16, Secretary of Homeland Security Janet Napolitano granted **Temporary Protected Status** (TPS) to Haitian nationals who were in the U.S. as of Jan. 12, 2010.

- TPS will only apply to eligible Haitians who were in the U.S. as of Jan. 12, 2010. We urge Haitians in Haiti or elsewhere not to put their lives at additional risk by embarking on a dangerous sea voyage.
- The U.S. is strongly committed to providing humanitarian relief in Haiti, and is deeply engaged in operations currently underway to assist those affected by this catastrophe.
- Our primary focus remains on the response to the earthquake to help American citizens as well as the citizens of Haiti.

On Jan. 18, Secretary Napolitano, in coordination with the State Department, announced a **humanitarian parole** policy allowing orphaned children from Haiti to enter the United States temporarily on an individual basis to ensure that they receive the care they need.

- DHS is committed to doing everything we can to help reunite families in Haiti during this very difficult time.
- While the Department remains focused on family reunification in Haiti, authorizing the use of humanitarian parole for orphans who are eligible for adoption in the United States will allow them to receive the care they need here.

Secretary Napolitano is being kept closely apprised of the developing situation, and the Department will continue to support the people of Haiti and others affected by this tragedy.



The rebuilding process for the people of Haiti will undoubtedly be extremely difficult.

**Monetary contributions** from individual Americans are the best way to immediately support the relief efforts of those who are working around-the-clock to help save lives in Haiti—and will help sustain these efforts over the long-term.

I encourage every American who is interested in giving to participate in this response effort by providing support to those in need. You can visit [www.whitehouse.gov/haitiearthquake](http://www.whitehouse.gov/haitiearthquake) to make your contribution.

### ***What DHS assets are being moved to Haiti?***

#### **Coast Guard**

- An Executive Order signed by President Obama on Jan. 16 and released by the White House on Jan. 17 authorizes the call up of reserve military personnel to support the relief and recovery operations—including a Coast Guard unit to provide port security in Haiti.
- Five Coast Guard cutters are in the area, joining a host of Coast Guard assets in the area working day and night to support military air traffic control, conduct damage assessments and rescue people in need of assistance.
  - The Coast Guard cutter Forward arrived off Port Au Prince on Jan. 13 and was the first U.S. asset on the scene. Three additional cutters—Mohawk, Tahoma and Valiant—have arrived in the area and are providing support and supplies. Tahoma and Valiant are flight deck and communications coordination capable, and the Tahoma is loaded with water and medical supplies. The cutter Oak arrived in Port Au Prince most recently and will deliver water and medical supplies in addition to conducting hydro surveys and service to Aids to Navigation. Oak has 20-ton operating crane built into it.
- The Crimson Clover, a covered, roll-on roll-off barge with two 46-foot extendable ramps and a top-loader for discharge operations, is in Port Au Prince and has begun unloading supplies.
- Seven Coast Guard C-130 airplanes are conducting evacuations of U.S. personnel and other support services as directed by the U.S. Embassy; a Coast Guard C-144 is conducting airborne surveillance and imagery of the port; and five Coast Guard helicopters are conducting evacuations and other support.
- Coast Guard reports eight ports are fully operational, and two ports are partially operational.
- Coast Guard C-130 airplanes are flying the coast of Western Haiti doing damage assessments, searching for people in need of assistance and have removed roughly 140 U.S. personnel from Haiti and MEDEVACs to the hospital at Guantanamo Bay.
- Coast Guard helicopters are conducting MEDEVACs to Guantanamo Bay hospital.
- The Coast Guard is working with SOUTHCOM to support the rapid transport of Urban Search and Rescue Teams and other humanitarian support teams from the continental U.S.

#### **FEMA**

- DHS Integrated Response Team is activated in Haiti, working to refine communications in the Embassy compound, provide staff support to the USAID Director, determine status of resources, gather location information commodity distribution sites and facilitate efficient transfer of response efforts by U.S. entities to UN-led long-term recovery efforts.

- Mobile Emergency Response Support (MERS) personnel and equipment have established tactical communications for the Embassy, USAID, and US&R teams.
- FEMA is coordinating and supporting the deployment of state and local Urban Search and Rescue (US&R) Teams from across the country to Haiti. Currently, six US&R teams (511 total personnel) are on the ground in Haiti, and more are staged for deployment. These teams are made up of specially-trained state and local first responders and come from across the country. FEMA reports Urban Search and Rescue (USAR) teams rescued 37 individuals, and 69 rescues have been successfully conducted by 27 international USAR teams. Ambulances are not available to transport rescued victims.
- FEMA's National Response Coordination Center (NRCC) is activated at Level II (24/7) with ESFs 6, 9, IRSCC, and representatives of Urban Search and Rescue, Mass Care, Housing, Human Services, Logistics, Operations, Planning and External Affairs present; Liaison Officers (LNOs) for DoD, DOS and USCG activated.
- Trucks of water, cots, meals, hygiene kits and blankets have been shipped from Ft. Worth to Homestead Air Reserve Base to support needs in Haiti.

#### **CBP**

- CBP has supported hundreds of evacuation flights, containing thousands of passengers.
- U.S. Customs and Border Protection (CBP) is providing multiple aircraft to support response efforts. The aircraft are providing post-assessment imagery in support of Homeland Security Task Force Southeast.
- Border Patrol has redirected from a training mission to support the medical missions of the U.S. Embassy in the Dominican Republic.
- CBP is providing law enforcement representatives to the State of Florida Emergency Operations Center to support IMAT.
- CBP reports 24 Creole-speaking personnel.

#### **ICE**

- All removals to Haiti have been halted for the time being in response to the devastation.
- ICE has currently deployed three visa security teams, a parole team, an INTEL asset, and a medic, and is processing humanitarian paroles for relatives of U.S. citizens that do not have status in the United States.
- Three Office of International Affairs Special Agents and eight Diplomatic Security Service Agents will accompany 3-4 fuel truck convoy from Santo Domingo to Port Au Prince.
- A 10-member ICE Detention and Removal (DRO) Crisis Action Team (CAT) is expected to arrive at Guantanamo Bay on Jan. 18.
- ICE reports approximately 92 French- and/or Creole-speaking personnel.

#### **TSA**

##### *Current*

- TSA has more than 180 officers on 12-hour standby and approximately 180 officers on 24-hour standby to provide screening of flights from Haiti. Relief mission flights are currently arriving in the United States.
- TSA reports 209 French- and/or Creole-speaking personnel.

***What is DHS doing in regards to deportations to Haiti?***

All removals have been halted for the time being. Our primary focus remains on the response to the earthquake to help American citizens as well as the citizens of Haiti.

***What is DHS doing to plan for possible mass migration from Haiti?***

The United States is strongly committed to providing humanitarian relief in Haiti, and is deeply engaged in operations currently underway to assist those affected by this catastrophe, both now and in the weeks and months to come. On Jan. 13, Secretary Napolitano activated the Homeland Security Task Force Southeast (HSTF-SE) to conduct Operation Safe Return. Under Operation Safe Return, the Coast Guard will conduct disaster relief operations and continue its migrant interdiction mission in the vicinity of Haiti with a focus on safety of life at sea. The Coast Guard will provide additional forces to Haiti as necessary to assist in relief efforts.

***What is DHS doing to support communications and cyber infrastructure recovery in Haiti?***

The National Communications System (NCS) is working with USAID and the Federal Communications Commission to contact Haitian communications officials regarding the restoration of "114" (Haiti's 911 emergency service) to handle public safety emergency calls.

The NCS has deployed a regional communications coordinator and an Army Reserve Individual Mobilization Augmentee (IMA) to Homestead Air Reserve Base to serve as NCS' communications liaison to the U.S. Southern Command communications efforts. NCS is also staffing the communications desk at the National Response Coordination Center in Washington and has provided a communications liaison to the USAID, also in Washington.

Although there is no ESF-2 activation, the National Communications System ([www.ncs.gov](http://www.ncs.gov)) is supporting communications responses with private industry.

SHARED RESOURCES (SHARES) HF Master Coordination Station and Regions III, IV and VI have been stood up with stations monitoring amateur radio operator transmissions into Haiti.

The National Communications System's National Coordinating Center for Communications (NCC) is receiving warnings from wireless communication carriers in Haiti that fuel necessary to operate cellular tower generators is critically needed.

**Temporary Protected Status for Haiti**

As part of the Department's ongoing efforts to assist Haiti following Tuesday's devastating earthquake, Secretary Napolitano on Jan. 15 designated of Temporary Protected Status (TPS) for Haitian nationals who were in the United States as of Jan. 12, 2010.



This is a disaster of historic proportions and this designation will allow eligible Haitian nationals in the United States to continue living and working in our country for the next 18 months.

Providing a temporary refuge for Haitian nationals who are currently in the United States and whose personal safety would be endangered by returning to Haiti is part of this Administration's continuing efforts to support Haiti's recovery.

At this moment of tragedy in Haiti it is tempting for people suffering in the aftermath of the earthquake to seek refuge elsewhere. But attempting to leave Haiti now will only bring more hardship to the Haitian people and nation.

The international community has rallied to deliver relief to Haiti. Much has already arrived and much more is on its way. The Haitians are resilient and determined and their role in addressing this crisis in their homeland will be essential to Haiti's future.

It is important to note that TPS will apply only to those individuals who were in the United States as of Jan. 12, 2010. Those who attempt to travel to the United States after Jan. 12, 2010, will not be eligible for TPS and will be repatriated.

Haitians in the U.S. who are eligible to apply for TPS should go to [www.uscis.gov](http://www.uscis.gov) or call USCIS toll-free at (800) 375-5283."

***Why has the U.S. just granted Temporary Protected Status (TPS) to Haitians in the United States? For how long will it be in effect?***

The United States is deeply concerned about the welfare of Haitians following the devastating January 12, 2010 earthquake in Haiti, and recognizes that Haitians currently in the United States cannot return there safely at this time.

Therefore, as of January 12, 2010, any Haitians currently in the United States may apply for Temporary Protected Status and may stay in the U.S. for up to 18 months.

***What is TPS?***

Temporary Protected Status (TPS), as legislated by Congress in 1990, is a humanitarian mechanism that affords temporary immigration relief to nationals of foreign countries who cannot return home safely due to ongoing armed conflict, an environmental disaster, or other extraordinary and temporary conditions that prevent nationals of that country from returning home in safety.

The Department of State continuously monitors country conditions as they relate to the statutory requirements of TPS and consults with the Department of Homeland Security (DHS) on a regular basis.

***Can Haitians who are in Haiti now come to the U.S. and receive Temporary Protected Status?***

No. TPS is available for Haitians who are already in the United States - Haitians who were not in the U.S. as of January 12, 2010, or who arrived after January 12, 2010 are not eligible for TPS.

***What will the USG do with individual Haitian migrants who may be interdicted at sea?***

We urge Haitians to stay where they are, and not embark on a dangerous sea voyage to the U.S. Those who attempt such a voyage will be repatriated.

***Can TPS be used as a basis for obtaining permanent resident status?***

No. TPS is a temporary benefit that does not lead to lawful permanent resident status by itself or confer any other immigration status.

***How do Haitians who are currently in the U.S. register for TPS?***

You must file both an Application for Temporary Protected Status and an Application for Employment Authorization with the appropriate fees or fee waiver requests. These forms are available at [www.uscis.gov](http://www.uscis.gov) or by calling USCIS toll-free at (800) 375-5283.

**Humanitarian Parole for Orphans**

Humanitarian parole into the United States may be granted by the Secretary of Homeland Security to bring otherwise inadmissible individuals into the country on account of urgent humanitarian reasons or other emergencies.

The humanitarian parole policy announced by Secretary Napolitano today will be applied on a case-by-case basis to the following children:

- Children who have been legally confirmed as orphans eligible for intercountry adoption by the Government of Haiti and are being adopted by U.S. citizens.
- Children who have been previously identified by an adoption service provider or facilitator as eligible for intercountry adoption and have been matched to U.S. citizen prospective adoptive parents.

Under applicable laws, unaccompanied minors entering the country without a parent or legal guardian are subject to special procedures regarding their custody and care. DHS coordinates with the Department of Health and Human Services (HHS) Office of Refugee Resettlement on the cases of these unaccompanied minors.

More information about humanitarian parole and TPS is available at [www.uscis.gov](http://www.uscis.gov) or by calling USCIS toll-free at (800) 375-5283. DHS encourages U.S. citizens with pending adoption cases in Haiti to send us detailed information about their cases to [HaitianAdoptions@dhs.gov](mailto:HaitianAdoptions@dhs.gov).

###



**Gregory, Peter D**

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**From:** Thompson, Maggie  
**Sent:** Tuesday, January 19, 2010 3:15 PM  
**To:** Haiti Disaster CIS  
**Cc:** Wheeler, Shannon L  
**Subject:** Haiti - NOC Reporting Guidance

Hello, everyone -

As Jan brought to our attention on today's Haiti call, the new system for submitting items for inclusion in the NOC is as follows:

1. Bullet points highlighting USCIS efforts should be submitted to Shannon Wheeler (OCOMM) and Maggie Thompson (Front Office) daily on the following timeline for submission to the NOC:
  - a. **For submission to the evening report: Bullets must be received by Shannon and Maggie by 2:30 p.m.**
  - b. **For submission to the morning report: Bullets must be received by Shannon and Maggie by 7:30 p.m.**
2. These bullet points will then be cleared by the Front Office for submission to the NOC report.

While the daily Haiti update calls exist to keep everyone internally apprised of USCIS's response, this reporting structure is essential for our efforts to be successfully communicated outside of the Agency.

Below I have included yesterday's submission to highlight the high-level and brief nature of the bullet-points that should be submitted:

#### **Humanitarian Parole**

USCIS worked with DOS to obtain Haitian government support for grant of humanitarian parole to two categories of orphans in Haiti. DHS announced grant of humanitarian parole to those two categories of orphans.

USCIS staff processing orphans in U.S. embassy in Haiti in preparation for humanitarian parole.

USCIS worked with CBP to parole 28 Haitian orphans on January 18 (orphans landed in Ft. Pierce, FL) and 5 Haitian orphans on January 17 (orphans landed in Orlando, FL).

USCIS, with CBP, responded to self-initiated private flights to Haiti to pick up orphans and evacuate them to U.S.

#### **Temporary Protected Status**

USCIS preparing to execute plan to

implement issuance of temporary protected status to Haitians in the U.S. as of January 12, 2010.

USCIS engaging with stakeholders throughout the country to address questions and issues prior to publication of temporary protected status notice (estimated to issue on January 20).

USCIS Director Mayorkas to travel to Miami, FL on January 20 for nationwide and Miami-based stakeholders' meetings to address questions and issues regarding temporary protected status.

Thank you, everyone – please send items you would like included to Shannon and myself by 6:30 p.m. today.

-Maggie Thompson

Margrette K. Thompson  
Office of the Director  
U.S. Citizenship and Immigration Services  
Department of Homeland Security

(b)(6)



**Gregory, Peter D**

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**From:** USCIS Command Center  
**Sent:** Monday, January 18, 2010 8:02 PM  
**To:** Haiti Disaster CIS  
**Subject:** Input for NOC Phase 2 - Concern 0075-10 Update 01-19-10 0400 Hours input

**Input for NOC Phase 2 - Concern 0075-10 Update 01-19-10 0400 Hours input**

**Number Personnel Currently Deployed to Haiti:** USCIS has 1 person currently deployed at the US Embassy.

**Number Personnel on Stand-By/Prepared to Deploy to Haiti:** USCIS has 2 people on standby.

**Humanitarian Parole:**

USCIS worked with DOS to obtain Haitian government support for grant of humanitarian parole to two categories of orphans in Haiti. DHS announced grant of humanitarian parole to those two categories of orphans.

USCIS staff processing orphans in U.S. embassy in Haiti in preparation for humanitarian parole.

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**Temporary Protected Status:**

USCIS preparing to execute plan to implement issuance of temporary protected status to Haitians in the U.S. as of January 12, 2010.

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USCIS Director Mayorkas to travel to Miami, FL on January 20 for nationwide and Miami-based stakeholders' meetings to address questions and issues regarding temporary protected status.

V/r

**USCIS COMMAND CENTER**

**(b) (6)**

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**From:** NOC.SWO (b) (6)  
**Sent:** Monday, January 18, 2010 2:29 PM



**To:** NOC-DHS-OPS-CTRS  
**Cc:** NOC CBP; NOC ICE; NOC FEMA; NOC USCIS; NOC USCG; NOC USSS; NOC TSA; NOC FPS; NOC IPNICC;  
NOC.IP; OPS CAT  
**Subject:** Reminder for component input (Haiti Update and SLB)

As per the Senior Leadership Group teleconference at 1700 Sunday and this mornings blast call, the following information is required to be included in each DHS Component/Element's input to the Haiti Update and Senior Leadership Brief:

Number Personnel Currently Deployed to Haiti:  
Number Personnel on Stand-By/Prepared to Deploy to Haiti:

If you do not have any personnel deployed or on Stand-by, a **negative response is required**.

**REMINDER:** Please submit **ALL** inputs to (b) (6) AND (b) (6) for the Phase Updates and Senior Leadership Briefs **NO LATER THAN 1600** today.  
Please use as a subject line for ALL inputs: Input for NOC Phase 2 - Concern 0075-10 Update

(b) (6)

Senior Watch Officer,  
National Operations Center

U.S. Department of Homeland Security

(b) (6) (b) (6)

Fw: D9 Haitian Update January 15, 2010

**Gregory, Peter D**

(b)(6) **From:** Mayorkas, Alejandro N [REDACTED]  
**Sent:** Friday, January 15, 2010 7:10 PM  
**To:** Swacina, Linda  
**Cc:** Rogers, Debra A; Kielsmeier, Lauren  
**Subject:** FW: D9 Haitian Update January 15, 2010  
**Importance:** High  
**Attachments:** HAITIAN TPS IMPACT ASSESSMEN.doc; Haitian Contacts.xls

(b)(6) Linda,  
 This is fantastic. Thank you so much for your extraordinary work.  
 Should you wish to speak with me in advance of or after the Secretary's visit, my cell number is [REDACTED]  
 You make us proud! Ali

Alejandro N. Mayorkas  
 Director  
 United States Citizenship and Immigration Services  
 20 Massachusetts Avenue NW, Suite 5110  
 Washington, DC 20529

(b)(6) [REDACTED]

(b)(6) **From:** Rogers, Debra A [REDACTED]  
**Sent:** Friday, January 15, 2010 7:32 PM  
**To:** Mayorkas, Alejandro N; Kielsmeier, Lauren; Jones, Rendell L  
**Subject:** Fw: D9 Haitian Update January 15, 2010  
**Importance:** High

Ali:  
 I just wanted to send this message to you so you can see how well Linda is managing this crisis. I am particularly impressed with Linda's leadership, community engagement and concern for her team.

We are working closely with Linda on the issues she identifies in her report.

Debbie

Debbie

(b)(6)

----- Original Message -----

(b)(6) **From:** Swacina, Linda [REDACTED]  
**To:** Rogers, Debra A [REDACTED]  
**Cc:** Redman, Kathy A [REDACTED]; Melville, Rosemary [REDACTED]; Swacina, Linda [REDACTED]; Herrera, Al T [REDACTED]  
**Sent:** Fri Jan 15 19:02:08 2010  
**Subject:** D9 Haitian Update January 15, 2010

District 9 Haitian Update January 15, 2010

Outstanding Issues

8/24/2010

Fw: D9 Haitian Update January 15, 2010

- \* D9 is requesting additional guidance concerning fee waiver criteria for Haitians.
- \* Need assistance from HQ in creating a separate bucket for Haitians for Infopass appointments for enhanced ability to schedule appointment for Haitians.
- \* Guidance is needed from HQ or LER if D9 were to extend work hours, change work locations, place employees with a certain skill sets (language skills) in specific locations, if the need should arise.
- \* We would appreciate consideration being given to rehire some of the contract staff that were subject to RIF to assist in the short term with this initiative. This would assist in addressing TPS workload issues.
- \* Additional funding may be needed for guard services, employee overtime, contractor overtime and translation services.
- \* Consideration may need to be given to providing call center services in Creole.

#### General Information

- \* EAP has been contacted and has either already reported, or will report to all D9 field offices by Tuesday, January 19, 2009.
- \* List of Creole speaking employees created within D9 to assist with public inquiries provided to Region.
- \* Updated document pertaining to the impact TPS might have on D9 attached.
- \* Have instructed D9 FOD's to obtain statistics on any adjudications or any inquiries received from the public that in any way is related to Haitian nationals (i.e. public inquiries, approval/issuance of benefits, etc.).
- \* Have instructed D9 FOD's to have officers form groups of TPS seekers for brief information sessions in the naturalization rooms if there is an overwhelming rush of TPS information requests.
- \* D9 has identified 21 cases pertaining to the adoption of Haitian children (19 I-600s and two I-600As). Thus far no specific inquiries have been received.
- \* Contacted most of the local Haitian groups to personally offer our condolences and concern. More detailed spreadsheet of groups contacted and questions/issues is attached.
- \* Have confirmed with the MIA ICE DRO Chief of Staff Paul Candemeres that for the time being, there is no need to contact ICE DRO with any encounters had with Haitian nationals that do not have egregious public safety concerns. The contact/arrest procedure for all other countries remains unchanged.
- The Miami Passport Agency has notified D9 that it will be open on Saturdays for the next few weeks to assist with the travel needs of first-responders and other relief workers to Haiti.
- Participated on teleconference with James McCament and other pertinent HQ personnel in regards to OVS readiness.
- D9 has requested blank I-821 TPS applications from the forms center to have readily available in the event TPS is granted to Haiti. Applications to be delivered by Tuesday of next week.
- Signs in the Creole language will be placed on the front entrance of the D9 offices informing the public that the office is closed on Monday, January 18, 20 in observance of Martin Luther King Jr. and will be open for business on Tuesday, January 19, 2010.

#### Field Office Inquiries (walk-ins)

- \* CHA - A couple who are adopting a Haitian baby asked if it was safe to travel to Haiti. They were directed to the Department of State's website for further information.
- \* MIA - Two ADIT stamps provided; one advance parole issued; two I-90 inquiries.
- \* HIA - ADIT stamps issued (number unknown).

#### Field Office Adjudication Issues

(b)(6)

- applicant, but to no avail. [REDACTED]
- \* MIA - Three I-485's denials held in abeyance (eligibility); one N-400 interview held (final adjudication action withheld).



Fw: D9 Haitian Update January 15, 2010

- \* OKL – 68 Haitians naturalized; three I-485's denials held in abeyance (eligibility);

#### Congressional

- \* CHA – Two informal requests whether two Haitians would qualify for advance parole. The response was negative.

#### Other Updates

- \* Nancy Guilliams offered that if needed, they could run extra shifts, arrange for overtime, utilities and extra guards and work with budget on the funding.
- \* We have been notified that the USCIS Tier 1 call centers are online. CCE informs us that they have the entire bi-lingual call center in Fort Worth, TX skilled to respond to OVS calls. In addition they have 25% of their Barbourville, KY call center skilled for OVS calls as well. They have a potential for escalation using some of the remaining staff capacity in the Barbourville, KY and Chantilly, VA call center. They are in the process of finalizing the OVS Interactive Voice Response System (IVR). The new language that references the Haitian earthquake will be recorded in English and Spanish and fully operational in the next 48 hours.

#### HSTF-SE

- \* Meeting held at 3:00pm with stakeholders.
- \* S1 to meet with local South Florida stakeholders at 12:30 pm at Homestead Air force Base in Homestead, FL. D9 District Director Linda Swacina to attend.
- \* Update on preliminary planning and actions taken provided by those in attendance.
- \* OVS Chief of Staff Michael Scully requested that pertinent DHS partners provide a list of bullets indicating actions taken to prepare for OVS if activated.

1. Recommended USCIS HQ review pertinent OVS activation checklists (i.e., personnel needs, external affairs issues, credible fear screenings, etc.).

## Memorandum of Agreement

Between

United States Citizenship and Immigration Services (USCIS)  
United States Department of Homeland Security,

United States Immigration and Customs Enforcement (ICE)  
United States Department of Homeland Security,

And

United States Customs and Border Protection (CBP)  
United States Department of Homeland Security

For the purpose of

COORDINATING THE CONCURRENT EXERCISE BY USCIS, ICE, AND CBP, OF THE SECRETARY'S PAROLE AUTHORITY  
UNDER INA § 212(d)(5)(A) WITH RESPECT TO CERTAIN ALIENS LOCATED OUTSIDE OF THE UNITED STATES

### 1. PARTIES

The parties to this Memorandum of Agreement (MOA or Agreement, inclusive of addenda thereto) are U.S. Citizenship and Immigration Services (USCIS), U.S. Immigration and Customs Enforcement (ICE), and United States Customs and Border Protection (CBP), three bureaus within the U.S. Department of Homeland Security (DHS).

### 2. AUTHORITY

This Agreement is authorized under § 872 of the Homeland Security Act (HSA) of 2002 (Pub. L. No. 107-296) and is in accordance with the following DHS Delegation Orders: *Delegation of Authority to the Commissioner of U.S. Customs and Border Protection* (Delegation No. 7010.3, Sec. 2(B)(15)); *Delegation of Authority to the Assistant Secretary for U.S. Immigration and Customs Enforcement* (Delegation No. 7030.2, Sec. 2(M)); and *Delegation of Authority to the Bureau of Citizenship and Immigration Services* (Delegation No. 0150.1, Sec. 2(O)).

### 3. PURPOSE AND SCOPE

This Agreement articulates a decisional framework to coordinate the bureaus' concurrent exercise of parole authority with respect to aliens who are outside of the United States or who present themselves at a U.S. port of entry upon initial approach to the United States. Next, the MOA applies the framework to a non-exhaustive, sample list of parole requests and designates the appropriate bureau(s) that would exercise jurisdiction over each request. Third, the MOA establishes two case management rules: (1) consolidation of principal and derivative parole applications for adjudication by one bureau; and (2) except as provided herein, requests for re-parole will be adjudicated by the bureau that adjudicated the initial parole request. Finally, the MOA establishes a dispute resolution mechanism.

This MOA does not cover conditional parole and release from detention pursuant to section 236 of the Act,<sup>1</sup> nor other forms of parole issued to aliens who are already within the United States (e.g., parole to trafficking victims; parole in place; advance parole), nor other immigration benefits often associated with certain categories of parole (e.g., work authorization, adjustment of status). An Addendum to this MOA will address jurisdiction over parole issued to aliens who are in removal proceedings, who have a final order, or who have been granted deferred action by ICE at any time after commencement of removal proceedings, regardless of whether the alien is within or outside of the United States. See Addendum 1.

### 4. BACKGROUND

#### A. Parole under INA § 212(d)(5)(A)

<sup>1</sup> See memorandum dated August 21, 1998, by U.S. Immigration and Naturalization Service General Counsel Paul W. Virtue entitled, *Authority to Parole Applicants for Admission Who Are Not Also Arriving Aliens*, superseded in part by Memorandum of the DHS General Counsel, dated September 28, 2007, by DHS General Counsel Gus P. Coldebella entitled, *Clarification of the Relation Between Release Under Section 236 and Parole Under Section 212(d)(5) of the Immigration and Nationality Act*.

Section 212(d)(5)(A) of the Immigration and Nationality Act (INA, or the Act) authorizes the Secretary of the Department of Homeland Security (DHS)<sup>2</sup> "in his discretion [to] parole into the United States temporarily under such conditions as he may prescribe only on a case-by-case basis for urgent humanitarian reasons or significant public benefit any alien applying for admission into the United States, . . . ." Parole is an extraordinary measure, sparingly used only in urgent or emergency circumstances, by which the Secretary may permit an inadmissible alien temporarily to enter or remain in the United States. Parole is not to be used to circumvent normal visa processes and timelines.

The Secretary has delegated his parole authority USCIS, ICE, and CBP.

#### B. Current Parole Practice by Bureaus

As practice has evolved, DHS bureaus have generally construed "humanitarian" paroles (HPs) as relating to urgent medical, family, and related needs and "significant public benefit paroles (SPBPs) as limited to persons of law enforcement interest such as witnesses to judicial proceedings. Categorizing parole types helps prospective parole beneficiaries direct their applications to the appropriate bureau and facilitates DHS tracking. In the vast majority of cases, parole queries and applications are directed to the appropriate bureau and adjudicated without re-routing the parole request to another bureau.

In a January 18, 2007, letter to the Senate Committee on Health, Education, Labor, and Pensions, DHS Secretary Chertoff explained that the Cuban and Haitian Entrant Program (CHEP), Humanitarian Parole Program, and the Moscow Refugee Parole Program would transfer from ICE to USCIS, stating, "DHS will consolidate CHEP and the non-law enforcement functions of related parole programs from [ICE] to [CIS]."

Below is a non-exhaustive list of outside the United States and port of entry parole programs and categories and how those requests are staffed:

1. Urgent medical, family, and related needs: USCIS
2. Moscow Refugee Parole Program (MRPP): USCIS
3. Specific Cuban parole programs:<sup>3</sup>
  - a. Special Cuban Migration Parole issued at U.S. Interest Section (USINT) Havana (Lottery; CP-2/5): USCIS
  - b. Cuban Family Reunification Program issued at USINT Havana (CFRP; CP-1): USCIS
  - c. Cuban family of immigrant-visa bearers, issued at USINT Havana (CP-3): USCIS
  - d. Cuban Medical Professional Parole (CMPP): USCIS
  - e. Cubans paroles from the U.S. Naval Station at Guantánamo, Cuba: USCIS
4. As further clarified with the examples and exception below, aliens who will participate in administrative, judicial, or legislative proceedings, and/or investigations, whether at the federal, state, local, or tribal level of government: ICE
  - a. Individual necessary for prosecution or investigation in the U.S.: ICE
  - b. Confidential Informant from overseas with a specific credible threat: ICE
  - c. Extradition of an individual to the U.S.: ICE
  - d. Aliens who will participate in civil proceedings where all parties are private litigants: USCIS
5. Section 7 parole [50 USC 403h]: ICE
6. Trainees: ICE
7. Intelligence:
  - a. If the individual is a registered source of a member of the US Intelligence Community and the parole furthers the national Intelligence mission: ICE

<sup>2</sup> Homeland Security Act, 6 U.S.C. §§ 251-98 (transferring authorities exercised exclusively by the former Immigration and Naturalization Service to DHS).

<sup>3</sup> This MOA addresses parole adjudications relating to aliens who are either outside of the United States (OCONUS) or at a U.S. port of entry. Each bureau may and does issue paroles to Cuban nationals who are present without inspection in the United States, and this MOA does not assign such cases to one or more bureaus.



- b. Promote National Security—If the parole application is submitted or recommended by the Department of State Cooperative Threat Reduction Program or by the Intelligence Community: ICE
- 8. In Transit Aliens (paroled to travel through the U.S. en route to legal proceedings in a 3<sup>rd</sup> country): ICE
- 9. Aliens who will participate in events hosted by an international organization located within the United States (e.g., UN, OAS): ICE

C. Notes on Construction

- 1. The bureaus have attempted to draft the above categories in a manner that captures and assigns as many parole scenarios as could be foreseen. Nonetheless, if a parole request does not readily fall within an above category, the bureaus will weigh the totality of the circumstances, including but not limited to the motive(s) for the parole application and its nexus to one of the above categories, to determine which bureau should adjudicate the parole request.
- 2. To the extent that this MOA largely assists ICE and USCIS apportion its parole caseloads, omission of specific reference to CBP should not be construed to detract from CBP's inherent authority to issue paroles. CBP does and will continue to exercise parole authority for both urgent humanitarian reasons and significant public benefit.

5. CASES THAT WARRANT MONITORING

- A. USCIS will adjudicate all other parole applications that are not otherwise apportioned pursuant to Sections 4 and that relate to aliens with respect to whom, as necessary, ICE concludes do not warrant monitoring by DHS or DHS organizations.
- B. Notwithstanding Section 4, ICE will adjudicate any parole request in which ICE determines that, if granted, the parolee would warrant monitoring by DHS or DHS organizations.
- C. If USCIS receives a parole request for which USCIS determines that parole is otherwise appropriate but questions whether monitoring is appropriate to the situation, it will request that ICE evaluate whether monitoring is warranted. ICE will respond within one (1) working day in writing or by email.
  - 1. If ICE concludes that monitoring by DHS or DHS organizations is required, per Section 5.B., ICE will adjudicate the parole request.
  - 2. If ICE concludes that monitoring by a non-DHS agency is warranted, ICE will stipulate the conditions of monitoring by the non-DHS entity. USCIS will retain jurisdiction and secure the non-DHS agency's agreement to comply with the ICE stipulated conditions before USCIS approves the parole. During the period of initial parole or upon any request for re-parole, USCIS and/or ICE may require that the agency demonstrate compliance with set conditions.

6. CONSOLIDATION OF PRINCIPAL AND DERIVATIVE PAROLE APPLICATIONS

The bureau that adjudicates a parole (and re-parole) request related to a principal applicant will adjudicate all related parole (and re-parole) applications on behalf of derivative family members, whether accompanying the principal or following to join at a later date. Consolidating principal and derivative parole adjudication affords comprehensive analysis of derivatives' merits, as well as efficiencies in adjudication and post-adjudication case management. This case management rule may not be circumvented by advancing or construing a derivative's parole application under a different parole category than that of the principal parole applicant.

7. ADJUDICATION OF REQUESTS FOR RE-PAROLE

Except as provided in the paragraph below, if a bureau has previously adjudicated and granted parole to an individual, the issuing bureau should, in the interest of efficiency, adjudicate requests for re-parole, unless (1) the circumstances or intent of the parole have changed such that additional factors render the bureau inappropriate to adjudicate the new application, or (2) another bureau agrees to assume a particular caseload in the interest of expediency or settled local practice.

If an original parole was granted by the ICE Parole and Humanitarian Assistance Branch (PHAB) prior to the transfer of the HP, MRPP, and CHEP parole programs to USCIS under the Memorandum of Understanding dated July 26, 2007, a subsequent request for re-parole will be apportioned among the bureaus pursuant to Sections 4 and 5 above.

8. FORUM-SHOPPING PREVENTION

To discourage forum-shopping by parole-requesters, engender inter-bureau comity, promote consistency of case adjudication, and preserve resources, the bureaus adopt the following case management rule: If a bureau identifies a request that was previously denied on the merits by another bureau, the second receiving bureau will refer such a request back to the bureau that originally adjudicated and denied parole.

There may, however, be situations where it is inappropriate for one bureau to grant a parole, whereas the same applicant may and possibly should be granted parole by another bureau at a different time, location, and/or under different factual or procedural circumstances. In such a case, the second bureau to receive the parole request may elect to adjudicate the new request after consultation with the original bureau.

9. POINTS OF CONTACT

To enhance coordination among the bureaus in the exercise of the Secretary's parole authority under INA § 212(d)(5)(A), the following positions within the respective bureaus designates, or their assigned delegates, will serve as points of contact for parole-related matters that fall within the scope of this Agreement.

- A. ICE: Branch Chief, Law Enforcement Parole Branch  
ICE Office of International Affairs  
800 N. Capitol, NW  
Washington DC, 20002  
Telephone: 202-732-0350
- B. CBP: Executive Director  
CBP Admissibility and Passenger Programs  
1300 Pennsylvania Avenue, NW, Suite 2.5A  
Washington, DC 20004  
Telephone: 202-344-1438
- C. USCIS: Chief, Humanitarian Assistance Branch  
USCIS Refugee, Asylum, & International Operations Directorate (RAIO)  
20 Massachusetts Avenue, NW, 3<sup>rd</sup> Floor  
Washington, DC 20529  
Telephone: 202-272-1660

10. EXTERNAL GUIDANCE TO PAROLE REQUESTING ENTITIES

While most parole applications are directed by the requesting entity, in the first instance, to the appropriate bureau, and while this MOA will guide the bureaus in case assignment, the bureaus will make available to appropriate U.S. government entities external guidance contained in Addendum 2 to this MOA, so that the requesting entities better understand to which bureau a request for parole should be directed. Addendum 2 is to be read consistent with the terms of this MOA and Addendum 1 thereto. Addendum 2 is incorporated into the MOA and subject to all governing paragraphs, including but not limited to, paragraphs 14 through 16. The parties will also update public outreach materials consistent with the terms of this MOA and Addendum 1.

11. DISPUTE RESOLUTION MECHANISM

It is contemplated that the decisional framework set out above will produce a consensus as to case assignment among the bureaus. In the event that the parole unit staff of the bureaus are unable, within one work day, to agree upon proper case assignment, the receiving bureau(s) will refer the case to their respective bureau deputies -- USCIS Deputy Director, ICE Deputy Assistant Secretary, and CBP Deputy Commissioner -- or their designees to confer on case assignment. If the deputies (or designees) cannot concur upon case assignment within one additional work-day, the case will be referred to the Deputy Secretary of DHS, or designee, for assignment.

12. OTHER PROVISIONS

Nothing in this MOA or addenda thereto is intended to conflict with current law or regulation or the directives of DHS or existing agreements. If a term of this agreement is inconsistent with such authority, then that term shall be invalid, but the remaining terms and conditions of this agreement shall remain in full force and effect. This MOA and addenda thereto supersede bureau-issued guidance or directives that are inconsistent.

This Agreement does not disturb the July 26, 2007, Memorandum of Agreement between USCIS and ICE for the purpose of Defining the Roles and Responsibilities of Both ICE and USCIS on the Transfer of the Cuban and Haitian Entrant Program, the Moscow Refugee Parole Program, and the Humanitarian Parole Program to USCIS, or its August 3, 2007 implementing Interagency Agreement. To the extent that there is a disagreement between the documents, USCIS and ICE agree to make every effort to resolve the inconsistency.

13. NO PRIVATE RIGHT STATEMENT

This MOA and addenda thereto provide internal administrative guidance to DHS components and are not intended to, nor do they, create any rights, privileges, or benefits, substantive or procedural, enforceable by any party against: the United States; its departments, agencies or other entities; nor its officers, employees, or any other person.

14. MODIFICATIONS

This Agreement may be modified upon the mutual written consent of the parties.

15. TERMINATION

The terms of this Agreement, and any subsequent modifications consented to by the parties, will remain in effect unless terminated as provided herein. Any party, upon 30 days written notice to the other two parties, may terminate this Agreement, which thereafter would not be in force as between the remaining parties.

16. EFFECTIVE DATE

The terms of this Agreement will become effective immediately upon signature of both this MOA and Addendum 1.

APPROVED BY:

  
**Jonathan Scharfen**

Acting Director

U.S. Citizenship & Immigration Services, U.S. Department of Homeland Security

9/10/08  
Date

  
**Julie L. Myers**

Assistant Secretary

U.S. Immigration & Customs Enforcement, U.S. Department of Homeland Security

9/9/08  
Date

  
**W. Ralph Basham**

Commissioner

U.S. Customs & Border Protection, U.S. Department of Homeland Security

9/29/08  
Date



**Addendum 1 to Tri-Bureau Parole MOA of [DATE of signature]**

1. Further to Section 4 of the MOA, ICE will adjudicate parole requests relating to aliens in removal proceedings or who have final orders, as well as aliens granted deferred action by ICE at any point after the commencement of removal proceedings, regardless of whether the alien is within or outside of the United States. Given the context of removal proceedings, it is anticipated that parole of such aliens would occur only in very rare circumstances. Addendum 1 is incorporated into the MOA and subject to all governing paragraphs, including but not limited to, paragraphs 6 through 8.

APPROVED BY:

  
**Jonathan Scharf**  
Acting Director

U.S. Citizenship & Immigration Services, U.S. Department of Homeland Security

9/10/08  
Date

  
**Julie L. Myers**  
Assistant Secretary

U.S. Immigration & Customs Enforcement, U.S. Department of Homeland Security

9/10/08  
Date



**W. Ralph Basham**  
Commissioner

U.S. Customs & Border Protection, U.S. Department of Homeland Security

9/29/08  
Date

**Addendum 2**

**Guidance for U.S. Government entities requesting that DHS parole an alien into the US under INA § 212(d)(5)(A)<sup>1</sup>**

Section 212(d)(5)(A) of the Immigration & Nationality Act (INA) authorizes the Secretary of the Department of Homeland Security (DHS) to parole persons into the US "for urgent humanitarian reasons or significant public benefit." Parole is an extraordinary measure, sparingly used only in urgent circumstances, and not to circumvent normal visa processes and timelines. DHS will not generally adjudicate a parole request absent evidence that the prospective parolee has exhausted visa processes, including any available waivers to applicable grounds of inadmissibility.

The Secretary delegated his parole authority concurrently to Customs & Border Protection (CBP), Immigration & Customs Enforcement (ICE), and U.S. Citizenship & Immigration Services (USCIS). Below is a list of parole categories, followed by which DHS bureau will receive and adjudicate parole requests for each category.

1. Urgent medical, family, and related needs: USCIS
2. Aliens who will participate in civil proceedings where all parties are private litigants: USCIS
3. Except as provided in (2) above, aliens who will participate in administrative, judicial, or legislative proceedings, and/or investigations, whether at the federal, state, local, or tribal level of government: ICE
4. Aliens in removal proceedings or who have final orders, as well as aliens granted deferred action by ICE at any point after the commencement of removal proceedings, regardless of whether the alien is within or outside of the US: ICE
5. Aliens who will participate in events hosted by an international organization located within the U.S. (e.g., UN, OAS): ICE
6. Section 7 parole [50 U.S.C. 403(h)]: ICE
7. Intelligence. Aliens who are registered sources of a member of the US Intelligence agency Community and whose parole would further the national Intelligence mission, or aliens whose parole is sought by the Department of State Cooperative Threat Reduction Program or by the Intelligence Community: ICE

The following case management rules apply:

1. Consolidation of family members: A single bureau will adjudicate parole applications of both principal and derivative family members, whether accompanying the principal or later following to join.
2. Requests for re-parole: The issuing bureau will adjudicate subsequent requests for re-parole.

U.S. Government entities may contact the appropriate DHS immigration bureau as follows:

- |    |  |                         |
|----|--|-------------------------|
| A. | ICE: Branch Chief, Law Enforcement Parole Branch<br>ICE Office of International Affairs<br>800 N. Capitol, NW<br>Washington DC, 20002  | Telephone: 202-732-0350 |
| B. | CBP: Executive Director<br>CBP Admissibility and Passenger Programs<br>1300 Pennsylvania Avenue, NW, Suite 2.5A<br>Washington, DC 20004  | Telephone: 202-344-1438 |
| C. | USCIS: Chief, Humanitarian Assistance Branch<br>USCIS Refugee, Asylum, & International Operations Directorate (RAIO)<br>20 Massachusetts Avenue, NW, 3 <sup>rd</sup> Floor<br>Washington, DC 20529 | Telephone: 202-272-1660 |

With this guidance, DHS seeks to better assist other U.S. entities with its missions, while performing our essential mission of protecting homeland security.

<sup>1</sup> Revised 8-27-08. No private right: This guidance addresses internal administration and is not intended to, nor does it, create any rights, privileges, or benefits, substantive or procedural, enforceable by any party against: the US; its departments, agencies or other entities; nor its officers, employees, or any other person.

**FOR OFFICIAL USE ONLY**

**Gregory, Peter D**

---

**From:** Tintary, Ruth E  
**Sent:** Thursday, June 24, 2010 5:57 PM  
**To:** Hantman, Daniel H; Mayorkas, Alejandro N; Busch, Philip B; Kielsmeier, Lauren  
**Cc:** McCament, James W  
**Subject:** Fw: Need USCIS response to OGC's edits on USCIS Mayorkas QFR set of 26 questions, IQ/ECT main workflow# 868046

**Attachments:** image001.gif

Ali, please see below, (b) (5)

[REDACTED]

(b) (5)

Best, Ruth E.

Ruth E. Tintary, Associate Chief  
Office of Legislative Affairs-USCIS

(b) (6)

sent from Blackberry Wireless, please excuse any typo.

----- Original Message -----

**From:** Seifullah, Tariq <CTR> (b) (6)  
**To:** Tintary, Ruth E; Seifullah, Tariq <CTR>  
**Cc:** USCIS Exec Sec; Powell, Paul; Dove, Stephen; Booth-Colson, Amanda; McCament, James W  
**Sent:** Thu Jun 24 18:41:31 2010  
**Subject:** Re: Need USCIS response to OGC's edits on USCIS Mayorkas QFR set of 26 questions, IQ/ECT main workflow# 868046

Hi Ruth,

(b) (5)

Thank you,  
Tariq

---

**From:** Tintary, Ruth E (b) (6)  
**To:** Seifullah, Tariq <CTR> (b) (6)  
**Cc:** USCIS Exec Sec; Powell, Paul; Dove, Stephen (b) (6); Booth-Colson, Amanda (b) (6); McCament, James W  
**Sent:** Thu Jun 24 18:03:17 2010  
**Subject:** RE: Need USCIS response to OGC's edits on USCIS Mayorkas QFR set of 26 questions, IQ/ECT main workflow# 868046

(b) (5)

Ruth E. Tintary  
Associate Chief  
Legislative Branch



HQ Office of Legislative Affairs

U.S. Citizenship and Immigration Services

Department of Homeland Security

(b) (6)

=====  
=====

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---

From: Seifullah, Tariq <CTR> (b) (6)  
Sent: Tuesday, June 22, 2010 2:16 PM  
To: Tintary, Ruth E  
Cc: USCIS Exec Sec; Powell, Paul; Dove, Stephen; Booth-Colson, Amanda; McCament, James W  
Subject: RE: Need USCIS response to OGC's edits on USCIS Mayorkas QFR set of 26 questions, IQ/ECT main workflow# 868046

Hi Ruth,

Thank you for the quick review. ESEC has Director Mayorkas' response for action.

Thank you,

Tariq

From: Tintary, Ruth E (b) (6)  
Sent: Tuesday, June 22, 2010 1:36 PM  
To: Seifullah, Tariq <CTR>  
Cc: USCIS Exec Sec; Powell, Paul; Dove, Stephen; Booth-Colson, Amanda; McCament, James W  
Subject: RE: Need USCIS response to OGC's edits on USCIS Mayorkas QFR set of 26 questions, IQ/ECT main workflow# 868046

Hi Tariq,

(b) (5)

(b) (5)

Best,

Ruth E. Tintary

Associate Chief

Legislative Branch

HQ Office of Legislative Affairs

U.S. Citizenship and Immigration Services

Department of Homeland Security

(b) (6)

=====  
=====

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---

From: Seifullah, Tariq <CTR> (b) (6)  
Sent: Monday, June 21, 2010 5:46 PM  
To: Tintary, Ruth E  
Cc: USCIS Exec Sec; Powell, Paul; Dove, Stephen; Booth-Colson, Amanda  
Subject: Need USCIS response to OGC's edits on USCIS Mayorkas QFR set of 26 questions, IQ/ECT main workflow# 868046  
Importance: High

Hi Ruth,

(b) (5)

ESEC needs a response NLT 11:00am

Wednesday, June 23rd.

Thank you,

Tariq

From: Yackshaw, Agnes On Behalf Of OGC Exec Sec  
Sent: Monday, June 21, 2010 5:34 PM  
To: Seifullah, Tariq <CTR>  
Cc: Booth-Colson, Amanda; Dove, Stephen  
Subject: FINAL from OGC Exec Sec: DHS clearance comments on S1 QFR set of 26 questions, IQ/ECT main workflow# 868046 - DUE 6/17/2010 at 12 p.m. noon  
Importance: High

Hello, Tariq:

Please note attached edits (b) (5) from OGC Immigration attorneys, Nader Baroukh and Nicholas Perry and OGC Front Office/Principal Deputy General Counsel, David Martin.

Please note review and (b) (5) from OGC OELD attorney, Erica Bomsey and OGC Legal Counsel, Kaiya Sandler.

Thank you for opportunity to review and apologies for this long unavoidable delay, Agnes

Agnes Yackshaw

Office of the General Counsel

U.S. Department of Homeland Security

(b) (6)

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From: Perry, Nicholas  
Sent: Monday, June 21, 2010 5:19 PM  
To: OGC Exec Sec; OGC ES Immigration  
Subject: RE: REMINDER from OGC Exec Sec: DHS clearance comments on S1 QFR set of 26 questions, IQ/ECT main workflow# 868046 - DUE 6/17/2010 at 12 p.m. noon

(b) (5)

Nicholas J. Perry

Assistant General Counsel for Immigration Enforcement

U.S. Department of Homeland Security

Office of the General Counsel

Desk: (b) (6)

Cell: (b) (6)

Fax: (b) (6)

(b) (6)

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---

From: Yackshaw, Agnes On Behalf Of OGC Exec Sec

Sent: Friday, June 18, 2010 3:21 PM

To: Perry, Nicholas; OGC ES Immigration

Subject: REMINDER from OGC Exec Sec: DHS clearance comments on S1 QFR set of 26 questions, IQ/ECT main workflow# 868046 - DUE 6/17/2010 at 12 p.m. noon

Importance: High

Hello, Immigration/Nick:

Please advise if you were able to compile your and David Martin's edits per below from yesterday? ESEC is asking for status.

Thanks so much, Agnes

Agnes Yackshaw

Office of the General Counsel

U.S. Department of Homeland Security

(b) (6)



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From: Perry, Nicholas (b) (6)  
Sent: Thursday, June 17, 2010 4:01 PM  
To: Martin, David A; Chieco, Gena; Kelliher, Brian D; Perry, Nicholas; Baroukh, Nader; OGC Exec Sec  
Cc: Olavarria, Esther; Yackshaw, Agnes  
Subject: RE: RUSH review request from OGC Exec Sec: DHS clearance comments on S1 QFR set of 26 questions, IQ/ECT main workflow# 868046 - DUE 6/17/2010 at 12 p.m. noon

(b) (5)

Nicholas J. Perry  
Assistant General Counsel for Immigration Enforcement  
U.S. Department of Homeland Security  
Office of the General Counsel

Desk: (b) (6)

Cell: (b) (6)

Fax: (b) (6)

(b) (6)

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---

From: Martin, David A (b) (6)  
Sent: Thursday, June 17, 2010 3:58 PM  
To: Chieco, Gena; Martin, David A; Kelliher, Brian D; Perry, Nicholas; Baroukh, Nader; OGC

Exec Sec

Cc: Olavarria, Esther; Yackshaw, Agnes; Martin, David A

Subject: Re: RUSH review request from OGC Exec Sec: DHS clearance comments on S1 QFR set of 26 questions, IQ/ECT main workflow# 868046 - DUE 6/17/2010 at 12 p.m. noon

Importance: High

(b) (5)

David A. Martin  
Principal Deputy General Counsel  
Department of Homeland Security

(b) (6) (desk)  
(b) (6) (cell)

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---

From: Chieco, Gena (b) (6)  
To: Martin, David A  
Sent: Thu Jun 17 09:57:25 2010  
Subject: FW: RUSH review request from OGC Exec Sec: DHS clearance comments on S1 QFR set of 26 questions, IQ/ECT main workflow# 868046 - DUE 6/17/2010 at 12 p.m. noon

Please see attached QFR #17 and response (also pasted below). This new response looks OK to me, (b) (5)

[https://ect.dhs.gov/iq/workflow\\_edit.aspx?cid=868074&tabid](https://ect.dhs.gov/iq/workflow_edit.aspx?cid=868074&tabid)  
<[https://ect.dhs.gov/iq/workflow\\_edit.aspx?cid=868074&tabid](https://ect.dhs.gov/iq/workflow_edit.aspx?cid=868074&tabid)> =

Question: On April 21, Senators Lugar and Durbin sent you a letter asking you to grant legal status through "deferred action" to the potentially hundreds of thousands of aliens who would be eligible to be beneficiaries of the DREAM Act, were the DREAM Act to be made law.

Do you believe it is the place of the Executive Branch to de facto implement by fiat an immigration amnesty bill that failed in the previous Congress and that the current Congress has not chosen to debate in the 13 months since its most recent introduction, much less pass?

If you believe granting deferred action to all potential beneficiaries of the DREAM Act is justifiable because of the sympathetic circumstances surrounding the class of alien high-school graduates who would benefit from DREAM, wouldn't the same considerations compel granting deferred action to any sympathetic class of illegal aliens?

Would you support granting deferred action to the 1-3 million potential beneficiaries of the AgJOBS bill?

NEW RESPONSE:

(b) (5)

ORIGINAL RESPONSE:

(b) (5)

Gena Chieco  
Counselor to the Principal Deputy General Counsel Department of Homeland Security  
(b) (6) (office)

(b) (6) (cell)

(b) (6)

From: Kelliher, Brian  
Sent: Wednesday, June 16, 2010 5:52 PM  
To: Baroukh, Nader; Perry, Nicholas; Chieco, Gena  
Subject: FW: RUSH review request from OGC Exec Sec: DHS clearance comments on S1 QFR set of 26 questions, IQ/ECT main workflow# 868046 - DUE 6/17/2010 at 12 p.m. noon  
Importance: High

Nader, Nick - I recommend that you review Director Mayorkas' edits to (b) (5)

Gena - I recommend that you & David review Director Mayorkas' edits to (b) (5)

(b) (5)

Thanks,

Brian

From: Yackshaw, Agnes On Behalf Of OGC Exec Sec  
Sent: Wednesday, June 16, 2010 5:24 PM  
To: OGC ES OELD; OGC ES Immigration; OGC ES LegCounsel  
Subject: RUSH review request from OGC Exec Sec: DHS clearance comments on S1 QFR set of 26 questions, IQ/ECT main workflow# 868046 - DUE 6/17/2010 at 12 p.m. noon  
Importance: High

Hello, OELD, Immigration and Legal Counsel:

Last week, we received edits from Kelliher/Imm, Bomsey/OELD and Richardson/LC on QFR's. Please note USCIS edits from Director Mayorkas attached. Please review and clear/comment on these by tomorrow, 6/17/2010, at 12 p.m. noon.

Thanks for your immediate attention, Agnes

Agnes Yackshaw

Office of the General Counsel

U.S. Department of Homeland Security

(b) (6)

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From: Tintary, Ruth E (b) (6)  
Sent: Wednesday, June 16, 2010 5:15 PM  
To: Seifullah, Tariq <CTR>; Dove, Stephen; Booth-Colson, Amanda  
Cc: USCIS Exec Sec; Powell, Paul; Koczera, Kristin; TEZAK, JOSEPH E; OGC Exec Sec; Yackshaw, Agnes; Duvall, John; CBPEXECSEC; ROCHE, JOSEPH A; WYLDE, ELIZABETH N; McCament, James W; Hantman, Daniel H; Busch, Philip B  
Subject: RE: Need component response to DHS clearance comments on S1 QFR set of 26 questions, IQ/ECT main workflow# 868046  
Importance: High

Thank you for your patience. (b) (5)

Please let us know if any of the other components had comments/edits.

Best,

Ruth E. Tintary

Associate Chief

Legislative Branch

HQ Office of Legislative Affairs

U.S. Citizenship and Immigration Services

Department of Homeland Security

(b) (6)

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From: Tintary, Ruth E  
Sent: Wednesday, June 16, 2010 11:03 AM  
To: Seifullah, Tariq <CTR>; OGC Exec Sec; TEZAK, JOSEPH E  
Cc: USCIS Exec Sec; Powell, Paul; Koczera, Kristin; Yackshaw, Agnes; Duvall, John; CBPEXECSEC; ROCHE, JOSEPH A; WYLDE, ELIZABETH N; Dove, Stephen; Booth-Colson, Amanda; McCament, James W  
Subject: RE: Need component response to DHS clearance comments on S1 QFR set of 26 questions, IQ/ECT main workflow# 868046

Additionally, (b) (5)

[REDACTED]

Ruth E. Tintary  
Associate Chief  
Legislative Branch  
HQ Office of Legislative Affairs  
U.S. Citizenship and Immigration Services  
Department of Homeland Security

(b) (6)

[REDACTED]

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---

From: Tintary, Ruth E  
Sent: Tuesday, June 15, 2010 2:01 PM  
To: Seifullah, Tariq <CTR>; OGC Exec Sec; TEZAK, JOSEPH E  
Cc: USCIS Exec Sec; Rodriguez, Miguel E; Powell, Paul; Koczera, Kristin; Yackshaw, Agnes; Duvall, John; CBPEXECSEC; ROCHE, JOSEPH A; WYLDE, ELIZABETH N; Dove, Stephen; Booth-Colson, Amanda  
Subject: RE: Need component response to DHS clearance comments on S1 QFR set of 26 questions, IQ/ECT main workflow# 868046

(b) (5)

[REDACTED]

Once these individuals are in ICE custody, if they have requested asylum, ICE refers the individuals to U.S. Citizenship and Immigration Services (USCIS) for a credible fear interview and either continues their detention throughout the credible fear and removal process, or releases the individuals on humanitarian parole from custody. Humanitarian Parole from custody is considered on a case-by-case basis for urgent humanitarian reasons and is considered only when the aliens present neither a security risk nor a risk of absconding. In those cases where the individual is found to have a credible fear of persecution or torture, the U.S. Citizenship and Immigration Services Asylum Office will issue a Notice to Appear, thus initiating removal proceedings. If the individual does not have a credible fear, the individual will be ordered removed. ICE is responsible for enforcing removal orders issued by DHS (under expedited removal) or an immigration judge.

Thanks!

Ruth E. Tintary

Associate Chief

Legislative Branch

HQ Office of Legislative Affairs

U.S. Citizenship and Immigration Services

Department of Homeland Security

(b) (6)

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---

From: Seifullah, Tariq <CTR> (b) (6)  
Sent: Monday, June 14, 2010 5:35 PM  
To: Tintary, Ruth E; OGC Exec Sec; TEZAK, JOSEPH E  
Cc: USCIS Exec Sec; Rodriguez, Miguel E; Powell, Paul; Koczera, Kristin; Yackshaw, Agnes; Duvall, John; CBPEXECSEC; ROCHE, JOSEPH A; WYLDE, ELIZABETH N; Dove, Stephen; Booth-Colson, Amanda  
Subject: Need component response to DHS clearance comments on S1 QFR set of 26 questions, IQ/ECT main workflow# 868046  
Importance: High

Please use the attached document to respond to the DHS clearance comments for the proposed response from the hearing "Oversight of USCIS" with DHS witness Alejandro Mayorkas (USCIS Director) which is due back to the Senate Judiciary Committee. Please insert a comment after each comment on your respective answers explaining your reaction and adjust the text if necessary using track changes to make redline edits. If you do adjust the text, state explicitly that you have done this in your comment insert. Your response is due NLT 11:00am on Wednesday, June 16th.

USCIS - address comment on answer 1. (b) (5)

OGC - address comment on answer 2. (b) (5)

CBP - address comment on answer 4. (b) (5)

Please return to me and Steve Dove by replying to this email with your attached answers and not IQ.

Thanks,

Tariq

---

Tariq R. Seifullah

Tariq R. Seifullah

Correspondence Analyst

U.S. Department of Homeland Security

Office of the Secretary

Executive Secretariat

Congressional Actions Team

Office: (b) (6)

Email: (b) (6)

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image001.gif

SCIS: Edits made per Director Mayorkas, [REDACTED]  
[REDACTED]

**Gregory, Peter D**

**From:** Chang, Pearl B (b) (6)  
**Sent:** Saturday, April 17, 2010 7:38 AM  
**To:** Carpenter, Dea D; Vanison, Denise; Bacon, Roxana; Rogers, Debra A; Harrison, Julia L; Scialabba, Lori; Ruppel, Joanna  
**Cc:** Kliska, Jennifer R; Howell, David R; Chang, Pearl B; Kielsmeier, Lauren; McCament, James W; Humphrey, Buck H; Melero, Mariela; Busch, Philip B; Hinds, Ian  
**Subject:** Re: Urgent:Fw: Volcanic Ash Letter to Secretary Napolitano and Secretary Clinton

The VWP visitors are all short term visitors of B-1 or B--2 nature. Unlike the Haitian or Chilean earthquakes, the inconvenience caused by the volcanic ash is only temporary- the airlines are saying they may resume flights in a couple of days. To let the VWP visitors to each individually ask for satisfactory departure is what in the regulation. However, it would be helpful to have an announcement from HQ just to explain the process and tell them if they make a request in writing and address it to the DD of jurisdiction, they don't need to wait for the result of their requests (that was the process and may have changed but Debbie would be current on that).

(b) (5)

Pearl

Pearl Chang  
Deputy Chief  
Office of Policy and Strategy  
USCIS

----- Original Message -----

**From:** Carpenter, Dea D (b) (6); Bacon, Roxana (b) (6); Carpenter, Dea D (b) (6); Vanison, Denise (b) (6); Rogers, Debra A (b) (6); Harrison, Julia L (b) (6); Scialabba, Lori (b) (6); Ruppel, Joanna (b) (6); Chang, Pearl B (b) (6); Kliska, Jennifer R (b) (6); Howell, David R (b) (6); McCament, James W (b) (6); Kielsmeier, Lauren (b) (6); Humphrey, Buck H (b) (6); Melero, Mariela (b) (6); Busch, Philip B; Hinds, Ian (b) (6)  
**Sent:** Fri Apr 16 18:41:57 2010  
**Subject:** RE: Urgent:Fw: Volcanic Ash Letter to Secretary Napolitano and Secretary Clinton

Historically, we have said that there is no legal authority to grant a blanket extension of the type you describe below.

(b) (5)

Dea Carpenter  
Deputy Chief Counsel  
U.S. Citizenship & Immigration Services  
(b) (6)

-----Original Message-----

From: Vanison, Denise (b) (6)  
Sent: Friday, April 16, 2010 6:21 PM  
To: Bacon, Roxana; Carpenter, Dea D; Rogers, Debra A; Harrison, Julia L; Scialabba, Lori; Ruppel, Joanna  
Cc: Kliska, Jennifer R; Howell, David R; Chang, Pearl B; Kielsmeier, Lauren; McCament, James W; Humphrey, Buck H; Melero, Mariela  
Subject: FW: Urgent:Fw: Volcanic Ash Letter to Secretary Napolitano and Secretary Clinton

Jennifer Kliska received the email below from DHS International Affairs asking if we should do anything to assist those people in the U.S. on visa waiver who are unable to return home due to the volcanic ash. Apparently, Senator Schumer sent a letter to Secretaries Napolitano and Clinton asking that these people who must stay longer than 90 days not be treated as overstays. We have not seen the letter.

There is a provision under the Visa Waiver Program at 8 CFR 217.3 (a) regarding "satisfactory departure" which permits the DD having jurisdiction over the place of the person's temporary stay, to grant a 30 day extension if an emergency prevents the person who entered under the visa waiver program from departing before her authorized stay expires.

(b) (5)

What do you all think? Any other options?

Denise A. Vanison  
Chief, Office of Policy and Strategy  
U.S. Citizenship and Immigration Services

(b) (6)

-----Original Message-----

From: Kliska, Jennifer R  
Sent: Friday, April 16, 2010 5:12 PM  
To: Vanison, Denise; Howell, David R  
Subject: Urgent:Fw: Volcanic Ash Letter to Secretary Napolitano and Secretary Clinton

Denise/David -

I just got off the plane and received this message from DHS Intl Affairs. I don't know if you have also been asked about this issue. I'm not sure what our options are, as my knowledge of VWP is limited. Unfortunately, I leave for (b) (6) 5 am tomorrow, but I can try to research a little tonight and find some options. I'll send you whatever I can figure out.

Please advise if you have additional guidance.

Thanks,

Jennifer

Jennifer Kliska  
Division Chief, International and Humanitarian Affairs  
Office of Policy and Strategy  
U. S. Citizenship and Immigration Services  
Department of Homeland Security

(b) (6)

----- Original Message -----

From: Corti, Gianfranco (b) (6)  
To: Kliska, Jennifer R <(b) (6)>  
Sent: Fri Apr 16 15:20:36 2010  
Subject: FW: Volcanic Ash Letter to Secretary Napolitano and Secretary Clinton

Jennifer,

Are you in the office? Our Assistant Secretary is a frenzy about finding a solution for VWP travelers who can't go home within the legally allowed 90 days because of the volcano eruption in Iceland and the cancellation of flights to Northern Europe. At the end of the day, (b) (5) (b) (5) (b) (5).

Kiko

---

From: Kaufman, Gail  
Sent: Friday, April 16, 2010 3:10 PM  
To: Corti, Gianfranco; Koumans, Mark  
Subject: RE: Volcanic Ash Letter to Secretary Napolitano and Secretary Clinton

Ok. Thanks Kiko. DH has to testify on wed, so he really wants it out on time.

Gail A. Kaufman

Deputy Chief of Staff

Office of Policy

Department of Homeland Security

o) (b) (6)

c)

---

From: Corti, Gianfranco  
Sent: Friday, April 16, 2010 3:08 PM  
To: Kaufman, Gail; Koumans, Mark  
Subject: RE: Volcanic Ash Letter to Secretary Napolitano and Secretary Clinton

Amy Newman volunteered to talk to CIS. She may be in the best position to draft a preliminary response.

Kiko

---

From: Kaufman, Gail  
Sent: Friday, April 16, 2010 3:02 PM  
To: Corti, Gianfranco; Koumans, Mark  
Subject: FW: Volcanic Ash Letter to Secretary Napolitano and Secretary Clinton



Pls see DH's request to have this moved by Monday - with prelim thoughts by COB today.

Gail A. Kaufman  
Deputy Chief of Staff  
Office of Policy  
Department of Homeland Security

o) (b) (6)  
c) (b) (6)

---

From: Heyman, David  
Sent: Friday, April 16, 2010 3:01 PM  
To: Kaufman, Gail  
Cc: Joseph, Leonard  
Subject: Re: Volcanic Ash Letter to Secretary Napolitano and Secretary Clinton

Gail,

We should try to move this Monday since it is affecting people real-time. I would like preliminary recommendations, thoughts COB today.

Thanks.

DH

---

From: Kaufman, Gail  
To: Koumans, Mark; Joseph, Leonard; Corti, Gianfranco; Holt, Kenneth; Silver, Mariko; Cogswell, Patricia  
Cc: McClain, Ellen; Scardaville, Michael; (b) (6) <(b) (6)>; (b) (6)  
(b) (6) >; Heyman, David  
Sent: Fri Apr 16 14:54:44 2010  
Subject: RE: Volcanic Ash Letter to Secretary Napolitano and Secretary Clinton

Nevermind ICE gave it back to PLCY ....

PLCY to provide a draft response by 4:00 pm on Wednesday 4/21.

Gail A. Kaufman  
Deputy Chief of Staff

Office of Policy

Department of Homeland Security

o) (b) (6)  
c) (b) (6)

---

From: Kaufman, Gail  
Sent: Friday, April 16, 2010 2:06 PM  
To: Koumans, Mark; Joseph, Leonard; Corti, Gianfranco; Holt, Kenneth; Silver, Mariko; Cogswell, Patricia  
Cc: McClain, Ellen; Scardaville, Michael; (b) (6); (b) (6); Heyman, David  
Subject: RE: Volcanic Ash Letter to Secretary Napolitano and Secretary Clinton

Per ESEC - John Sandweg says ICE is taking the lead on responding to this letter so pls make sure you all coordinate with them or let me know ASAP if that needs to change and we'll see what we can do.

Gail A. Kaufman

Deputy Chief of Staff

Office of Policy

Department of Homeland Security

o) (b) (6)  
c) (b) (6)

---

From: Koumans, Mark  
Sent: Friday, April 16, 2010 1:42 PM  
To: Koumans, Mark; Joseph, Leonard; Corti, Gianfranco; Holt, Kenneth; Silver, Mariko; Cogswell, Patricia  
Cc: McClain, Ellen; Scardaville, Michael; (b) (6); Heyman, David; Kaufman, Gail  
Subject: RE: Volcanic Ash Letter to Secretary Napolitano and Secretary Clinton

Just to inform all re: airports and that this is more than Iceland:

Media report disruption of air traffic because of the spread of volcanic ash from Iceland. The following is a list of countries effected:

AUSTRIA - Airspace to be closed in stages in Vienna, Linz, Salzburg, Innsbruck, Graz, and Klagenfurt

BELGIUM - airspace closed

BRITAIN - English airspace closed; limited flights from Scotland and Northern Ireland operating.

BULGARIA - Sofia airport open but flights to western Europe cancelled.

DENMARK - airspace closed

EGYPT - Egypt cancelled 15 flights to Europe, but Cairo International airport open

ESTONIA - airspace closed

FINLAND - airspace and airports closed

FRANCE - airports across northern France, including Paris closed

GERMANY - Takeoffs and landings have stopped at 13 airports in Hamburg, Bremen, Hanover, Muenster, Düsseldorf, Cologne, Frankfurt, Saarbruecken, Berlin, Leipzig, Erfurt and Dresden. Aircraft may land in southern Germany (Stuttgart and Munich included)

GREECE - Greek airports are operating but about 85 flights to Britain, Germany, France, the Netherlands, Belgium, Poland and the Czech Republic were cancelled.

HUNGARY - airspace closed

ITALY - Rome's Fiumicino airport has cancelled 34 flights to northern Europe. Alitalia has cancelled all its flights to London, Paris, Amsterdam and Brussels.

LATVIA - Airspace closed

LITHUANIA - All flights cancelled and some airspace closed

LUXEMBOURG - Airspace closed

NETHERLANDS - Airspace closed

NORWAY - Airspace closed

POLAND - Only one airport, in the southeastern city of Rzeszow, is open after airspace over the country was closed

ROMANIA - Bucharest main airport open; around 60 flights to and from western Europe cancelled. Air traffic administration will close northwestern airspace.

RUSSIA - No major airports have been closed yet. The airport in the Russian exclave of Kaliningrad is closed

SLOVAKIA - All commercial flights from Bratislava cancelled.

SPAIN - Madrid airport open. Iberia has cancelled all its flights to London, Brussels, Paris, Amsterdam, Copenhagen, Frankfurt, Berlin, Dusseldorf, Stockholm and Warsaw.

SWEDEN - Airport closed



SWITZERLAND - Civil aviation authorities are temporarily closing Swiss airspace

UKRAINE - Kiev's Borispol airport open

Mark R. Koumans

Deputy Assistant Secretary for International Affairs

U.S. Department of Homeland Security

Phone: (b) (6)

Fax: (b) (6)

(b) (6)

(b) (6)

---

From: Koumans, Mark

Sent: Friday, April 16, 2010 1:41 PM

To: Joseph, Leonard; Corti, Gianfranco; Holt, Kenneth; Silver, Mariko; Cogswell, Patricia

Cc: McClain, Ellen; Scardaville, Michael; (b) (6); (b) (6); Heyman, David; Kaufman,

Gail

Subject: RE: Volcanic Ash Letter to Secretary Napolitano and Secretary Clinton

(b) (5)

Mark R. Koumans

Deputy Assistant Secretary for International Affairs

U.S. Department of Homeland Security

---

From: Joseph, Leonard



Sent: Friday, April 16, 2010 1:38 PM  
To: Corti, Gianfranco; Holt, Kenneth; Silver, Mariko; Cogswell, Patricia; (b) (6); (b) (6); Heyman,  
Cc: McClain, Ellen; Scardaville, Michael; Koumans, Mark; (b) (6)  
David; Kaufman, Gail  
Subject: Re: Volcanic Ash Letter to Secretary Napolitano and Secretary Clinton

Adding gail and Heyman

---

From: Corti, Gianfranco  
To: Joseph, Leonard; Holt, Kenneth; Silver, Mariko; Cogswell, Patricia; (b) (6); Hart, Regina  
Cc: McClain, Ellen; Scardaville, Michael; Koumans, Mark; Newman, Amy; (b) (6)  
(b) (6)  
Sent: Fri Apr 16 13:33:05 2010  
Subject: RE: Volcanic Ash Letter to Secretary Napolitano and Secretary Clinton

WE NEED OUR LAWYERS. Regina and Amy, do we have any flexibility to let Icelanders and probably other northern Europeans stay longer than the 90 days allowed under the VWP?

If not, what's the alternative/what else could we do? Parole?

Kiko

---

From: Joseph, Leonard  
Sent: Friday, April 16, 2010 1:28 PM  
To: Corti, Gianfranco; Holt, Kenneth; Silver, Mariko; Cogswell, Patricia  
Cc: McClain, Ellen; Scardaville, Michael; Koumans, Mark  
Subject: FW: Volcanic Ash Letter to Secretary Napolitano and Secretary Clinton

---

From: Heyman, David  
Sent: Friday, April 16, 2010 1:23 PM  
To: Joseph, Leonard  
Subject: Fw: Volcanic Ash Letter to Secretary Napolitano and Secretary Clinton

Please get opinion from vWP. Can't folks stay 90 days? How lage a class would this be? Need opinion asap.

---

From: Wiggins, Char; (b) (6); Heyman, David; McNamara, Phil  
To: Sandweg, John; (b) (6)  
Cc: Ramanathan, Sue  
Sent: Fri Apr 16 11:36:06 2010

Subject: Fw: Volcanic Ash Letter to Secretary Napolitano and Secretary Clinton

No idea. Adding rand and heyman

---

From: Sandweg, John  
To: Ramanathan, Sue; Wiggins, Chani  
Sent: Fri Apr 16 11:34:33 2010  
Subject: Fw: Volcanic Ash Letter to Secretary Napolitano and Secretary Clinton

Is anyone working this issue?

---

From: (b) (6) (b) (6) >  
To: Allen-Gifford, Patrice <(b) (6)>; Williams, Derrick <(b) (6)>  
Cc: Wiggins, Chani <(b) (6)>; Sandweg, John <(b) (6)>  
<(b) (6)>; Baronof, Kim <(b) (6)>; Ramanathan, Sue <(b) (6)>  
Sent: Fri Apr 16 11:28:03 2010  
Subject: FW: Volcanic Ash Letter to Secretary Napolitano and Secretary Clinton

Good morning,

Please enter the attached in the system for processing.

(b) (6)

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From: Wiggins, Chani  
Sent: Friday, April 16, 2010 11:25 AM  
To: (b) (6) McNamara, Phil  
Cc: Sandweg, John; (b) (6) Baronof, Kim; Ramanathan, Sue  
Subject: Fw: Volcanic Ash Letter to Secretary Napolitano and Secretary Clinton

Think this one is time sensitive.

---

From: Fresco, Leon (Judiciary-Dem) <(b) (6)>  
To: Wiggins, Chani <(b) (6)>; Manning, Nicholas J. <(b) (6)>  
Sent: Fri Apr 16 11:22:11 2010  
Subject: Volcanic Ash Letter to Secretary Napolitano and Secretary Clinton

Hey Chani and Nick:

Please find attached a letter from Senator Schumer to Secretaries Napolitano and Clinton asking for visitors and businesspersons affected by the Volcanic Ash Crisis not be treated or classified as visa overstays in any way, shape or form. We look forward to hearing about any policies, practices, or procedures your agencies will be undertaking to resolve this problem (which is also affecting Americans abroad as well).

Best regards,

Leon

Leon Fresco

United States Senate Judiciary Subcommittee on Immigration, Refugees and Border Security

U.S. Senator Charles E. Schumer

313 Hart Senate Office Building

Washington, DC 20510

(b) (6)

**Gregory, Peter D**

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**From:** Olavarria, Esther (b) (6)  
**Sent:** Wednesday, January 13, 2010 4:39 PM  
**To:** Kielsmeier, Lauren  
**Subject:** Re: FOR CLEARANCE: Summary of Immigration Benefit Relief Provisions for Haitians

Please call me. Lots has changed.  
Thank you,  
Esther Olavarria  
Deputy Assistant Secretary for Policy  
Office of Policy  
Department of Homeland Security

(b) (6)

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**From:** Kielsmeier, Lauren (b) (6)  
**To:** Kroloff, Noah (b) (6); Pressman, David (b) (6); Martin, David A  
(b) (6); Olavarria, Esther (b) (6); Kelliher, Brian  
(b) (6); Prelogar, Brandon (b) (6); Shlossman, Amy  
(b) (6)  
**Cc:** Smith, Sean (b) (6); Kudwa, Amy (b) (6); Mayorkas, Alejandro N  
**Sent:** Wed Jan 13 17:33:06 2010  
**Subject:** FOR CLEARANCE: Summary of Immigration Benefit Relief Provisions for Haitians

Ali will mention this on the call with S1 - with your clearance, USCIS is prepared to extend provisions similar to those issued in the tsunami.

Please advise/clear.

----- Original Message -----

**From:** Kielsmeier, Lauren  
**To:** Jones, Rendell L (b) (6); Aytes, Michael (b) (6); Groom, Molly M  
(b) (6); Carpenter, Dea D (b) (6); Scialabba, Lori (b) (6); Ruppel,  
Joanna (b) (6); Neufeld, Donald; Velarde, Barbara Q (b) (6); Rogers, Debra A  
(b) (6); Crocetti, Don; Brown, Meddie (b) (6); Cox, Sophia; Melero, Mariela  
(b) (6); Thompson, Maggie (b) (6); Ratliff, Gerri; Strack, Barbara L  
(b) (6)  
**Cc:** Kliska, Jennifer R; Howell, David R; Liao, Gening; McCament, James W; Chang, Pearl B; Bacon, Roxana  
(b) (6); Mattice, Michael  
**Sent:** Wed Jan 13 16:34:37 2010  
**Subject:** PLS REVIEW: Summary of Relief Provisions for Tsunami Victims

I'll be clearing this with Ali this afternoon before sending up to DHS for review/clearance. Does anyone have a problem with the following proposed relief provisions for Haiti? Please let me know ASAP.

Basic relief provisions:



(b) (5)

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From: Kliska, Jennifer R  
Sent: Wednesday, January 13, 2010 4:29 PM  
To: Kielsmeier, Lauren; Liao, Gening; Howell, David R; Chang, Pearl B; McCament, James W  
Subject: Summary of Relief Provisions for Tsunami Victims

Lauren –

Below are some brief bullets on the relief provisions implemented by USCIS after the tsunami. We are also updating the actual memo, but the items below may provide you what you need in the short term.

Please let me know if you have questions,

Jennifer

Jennifer Kliska

Division Chief, International and Humanitarian Affairs

Office of Policy and Strategy

U.S. Citizenship and Immigration Services

Department of Homeland Security

(b) (6)

Basic relief provisions:

(b) (5)

**Gregory, Peter D**

**From:** Humphrey, Buck H (b) (6)  
**Sent:** Thursday, March 11, 2010 3:18 PM  
**To:** Groom, Molly M; Ruppel, Joanna; Kielsmeier, Lauren; Bentley, Christopher S; Leutbecker, Kenneth G; Rogers, Debra A; Whitney, Ronald W; Vanison, Denise; Chang, Pearl B  
**Subject:** RE: deferred action

Our work on these materials...sorry about that. We really need the draft policy and procedure materials to be done tomorrow so that everyone who needs to sign off on can Monday/possibly Tuesday and in the meantime we can draft a more detailed statement, a QA and internal talkers.

I'm getting the impression that there is not a "fire" on this and there should be. (b) (5)

(b) (5)

Regards,

Buck Humphrey  
Chief, Office of Communications  
U.S. Citizenship and Immigration Services Department of Homeland Security  
(b) (6)

-----Original Message-----

**From:** Groom, Molly M  
**Sent:** Thursday, March 11, 2010 4:06 PM  
**To:** Humphrey, Buck H; (b) (6)  
(b) (6)  
Whitney, Ronald W; (b) (6) Chang, Pearl B  
**Subject:** RE: deferred action

CBP pulled all the addresses they could find. I don't have any idea about how confident we are in the accuracy of their information or their ability to identify what we needed. I don't believe we know what public message will be issued if we get into what the process will be. I'm unclear whether the timeline you are referring to relates to our work being done or processing the individuals.

-----Original Message-----

**From:** Humphrey, Buck H  
**Sent:** Thursday, March 11, 2010 3:58 PM  
**To:** Groom, Molly M; (b) (6)  
(b) (6)  
Whitney, Ronald W; (b) (6) Chang, Pearl B  
**Subject:** Re: deferred action

Are we confident we have all the addresses? What public announcement message will be issued? What is our time line for having the work completed?

----- Original Message -----

**From:** Groom, Molly M  
**To:** Humphrey, Buck H; (b) (6)  
(b) (6)  
Rogers, Debra A (b) (6) Whitney, Ronald W; Vanison, Denise  
(b) (6); Chang, Pearl B  
**Sent:** Thu Mar 11 15:55:31 2010

Subject: RE: deferred action

Including Debbie, who is working on the process piece and Denise and Pearl for policy. Once we have the process down, we'll complete the individualized letter. Thanks, Molly

-----Original Message-----

From: Humphrey, Buck H

Sent: Thursday, March 11, 2010 3:51 PM

To: (b) (6)

(b) (6); Groom, Molly M

Subject: Re: deferred action

All: This all reminds me to ask where we are on the B2 situation, the process for B2s to apply/ask for deferred action and the guidance to the field on this?

The hope was to have the specifics ready for tomorrow so that we can draft an Update, and Q/A to be able to respond to the Sun Sentinel, etc.

----- Original Message -----

From: Chandler, Matthew (b) (6)

To: Ruppel, Joanna (b) (6)

Kielsmeier, Lauren (b) (6); Ruppel, Joanna (b) (6); Humphrey, Buck H (b) (6);

Shlossman, Amy; Kudwa, Amy; Stevens, Clark; Bentley, Christopher S

(b) (6); Leutbecker, Kenneth G (b) (6);

Urquiola, Rosa R (b) (6); Sommerville, Mary J (b) (6);

Sent: Thu Mar 11 11:21:07 2010

Subject: RE: CNN - Elizabeth Cohen

OK. Thanks!

---

From: Ruppel, Joanna (b) (6)

Sent: Thursday, March 11, 2010 11:20 AM

To: Chandler, Matthew; Ruppel, Joanna; Kielsmeier, Lauren; Humphrey, Buck H; Shlossman, Amy; Kudwa, Amy; Stevens, Clark; Bentley, Christopher S; Leutbecker, Kenneth G; Urquiola, Rosa R; Sommerville, Mary J

Subject: RE: CNN - Elizabeth Cohen

We cannot discuss individual cases, even to note that we have not received an application for parole. My recommendation for discussing this on background is simply to note that individuals can apply for humanitarian parole and that, when eligible, USCIS has in the past paroled in one family member with a child paroled in for medical care in the U.S.

Joanna

Joanna Ruppel

Chief, International Operations Division

USCIS Refugee, Asylum and International Operations Directorate

(b) (6)



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From: Chandler, Matthew (b) (6)  
Sent: Thursday, March 11, 2010 11:00 AM  
To: Ruppel, Joanna; Kielsmeier, Lauren; Humphrey, Buck H; Shlossman, Amy; Kudwa, Amy; Stevens, Clark; Bentley, Christopher S; Leutbecker, Kenneth G; Urquiola, Rosa R; Sommerville, Mary J  
Subject: RE: CNN - Elizabeth Cohen

Ok - thanks!

(b) (5)

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From: Ruppel, Joanna (b) (6)  
Sent: Thursday, March 11, 2010 10:58 AM  
To: Chandler, Matthew; Kielsmeier, Lauren; Humphrey, Buck H; Shlossman, Amy; Kudwa, Amy; Stevens, Clark; Bentley, Christopher S; Leutbecker, Kenneth G; Urquiola, Rosa R; Sommerville, Mary J  
Subject: RE: CNN - Elizabeth Cohen

I have confirmed that we have not received a request for parole related to this case.

Joanna

Joanna Ruppel

Chief, International Operations Division

USCIS Refugee, Asylum and International Operations Directorate

(b) (6)

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From: Chandler, Matthew (b) (6)  
Sent: Thursday, March 11, 2010 10:44 AM  
To: Ruppel, Joanna; Kielsmeier, Lauren; Humphrey, Buck H; Shlossman, Amy; Kudwa, Amy; Stevens, Clark; Bentley, Christopher S  
Subject: RE: CNN - Elizabeth Cohen

Thanks. And if they aren't, what is the likelihood we would grant parole in this situation?

Also - I meant a B2 visa in the original email - whoops.

---

From: Ruppel, Joanna (b) (6)  
Sent: Thursday, March 11, 2010 10:23 AM  
To: Chandler, Matthew; Kielsmeier, Lauren; Humphrey, Buck H; Shlossman, Amy; Kudwa, Amy; Stevens, Clark; Bentley, Christopher S  
Subject: RE: CNN - Elizabeth Cohen

I am not aware of any request for HP from the potential parents, but will check and get back to you.

Joanna

Joanna Ruppel

Chief, International Operations Division

USCIS Refugee, Asylum and International Operations Directorate

(b) (6)

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From: Chandler, Matthew (b) (6)  
Sent: Thursday, March 11, 2010 10:20 AM  
To: Kielsmeier, Lauren; Humphrey, Buck H; Ruppel, Joanna; Shlossman, Amy; Kudwa, Amy; Stevens, Clark; Bentley, Christopher S  
Subject: CNN - Elizabeth Cohen

Hey guys -

Cohen is following up on a piece she did a couple days ago on a child who was medevaced as an orphan, but may actually have living parents in Haiti. IRC is doing a DNA test, with results expected shortly, but the parents are attempting to come to the U.S. to be with the child as they are certain she is theirs.  
<http://www.cnn.com/2010/HEALTH/03/08/haiti.baby.couple.patricia/index.html?hpt=Mid>

I am checking with folks at State to see if they have applied for an H2B, but wondered they have applied for humanitarian parole, and if so, where they are in the process. Cohen is wondering if the USG plans to allow the parents to travel to the U.S. - names are below

Father

(b) (6)

Mother - (b) (6)

Child (b) (6)

Any info would be appreciated.

Thanks!

Matt Chandler

Deputy Press Secretary

Office of Public Affairs

U.S. Department of Homeland Security

(b) (6)

**Aytes, Michael**

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**From:** Aytes, Michael  
**Sent:** Friday, March 05, 2010 12:53 PM  
**To:** Martin, David A  
**Subject:** FW: clean tasking document  
**Attachments:** legalization cost estimate tasking.doc

David – as we develop the process and costing model, one question re the following –

(b) (5)

**From:** Mayorkas, Alejandro N (b) (6)  
**Sent:** Friday, March 05, 2010 8:15 AM  
**To:** Aytes, Michael; Rosado, Timothy A; Jones, Rendell L  
**Cc:** Kielsmeier, Lauren  
**Subject:** FW: clean tasking document

Mike, Tim, Rendell,  
We have been asked (b) (5). They asked that we do so within  
two weeks. I look forward to discussing.  
Thanks. Ali

Alejandro N. Mayorkas  
Director  
United States Citizenship and Immigration Services  
20 Massachusetts Avenue NW, Suite 5110  
Washington, DC 20529

(b) (6)

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**From:** Davis, Virginia (b) (6)  
**Sent:** Tuesday, March 02, 2010 7:18 PM  
**To:** Martin, David A; Olavarria, Esther; Mayorkas, Alejandro N  
**Subject:** clean tasking document


A clean version of the cost estimate tasking is attached. Thank you!



Virginia

Virginia Davis  
Counselor to the Principal Deputy General Counsel  
Office of the General Counsel  
U.S. Department of Homeland Security

(b) (6)

A large rectangular area of the document is redacted with a solid gray fill. The redaction covers several lines of text, starting from the line containing "(b) (6)" and extending downwards. The redaction is complete, obscuring all underlying text and graphics.

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**Aytes, Michael**

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(b)(6) **From:** Rosado, Timothy A  
**Sent:** Thursday, March 11, 2010 11:56 AM  
**To:** Bacon, Roxana; [REDACTED]  
**Cc:** Aytes, Michael; Jones, Rendell L  
**Subject:** RE: Cost Estimates Round II

Based on the cost methodology we used a few days ago, we should take our range cost estimate of the full cost of the undocumented population and generally provide a percentage based on these subpopulations.

(b)(5)

[REDACTED]

----- Original Message  
(b)(6) **From:** Baran, Amanda  
(b)(6) **To:** Bacon, Roxana  
(b)(6) **Cc:** Olavarria, Esther; Crow, Melissa  
**Sent:** Wed Mar 10 18:30:35 2010  
**Subject:** Cost Estimates Round II

Hi Roxie,

Thanks again for organizing folks over at CIS to quickly crank out cost estimates over the weekend. Esther and David asked that I reach out to you for another round of cost estimates, namely for: (b)(5)

[REDACTED]

(b)(5)

I hope this is enough info to get you started. Please let me know what other information you need to move this forward. Thanks so much!

Amanda

**Aytes, Michael**

---

**From:** Aytes, Michael  
**Sent:** Monday, March 15, 2010 7:46 AM  
**To:** Baran, Amanda  
**Cc:** 'Rosado, Timothy A'  
**Subject:** FW: Monday Deferred action tasking

Amanda - Tim told me this weekend that you had some questions about how we came up with the projected volume and start-up costs for the option that would grant deferred action to a person who is in the U.S. illegally who is the spouse and minor child of a USC or permanent resident. For immediate relatives of a USC it would basically affect those who haven't adjusted due to the impact of the 3/10 yr bar. For those related to a permanent resident it would be individuals affected by the bar and potentially those in the U.S. waiting for an immigrant visa to be available due to statutory numerical limitations.

We talked with both Mike Hoefer at DHS Policy Immigration Statistics and to the State Department to try to calculate the number of petitions, the number of associated beneficiaries, and then the percentage who possibly are in the U.S.

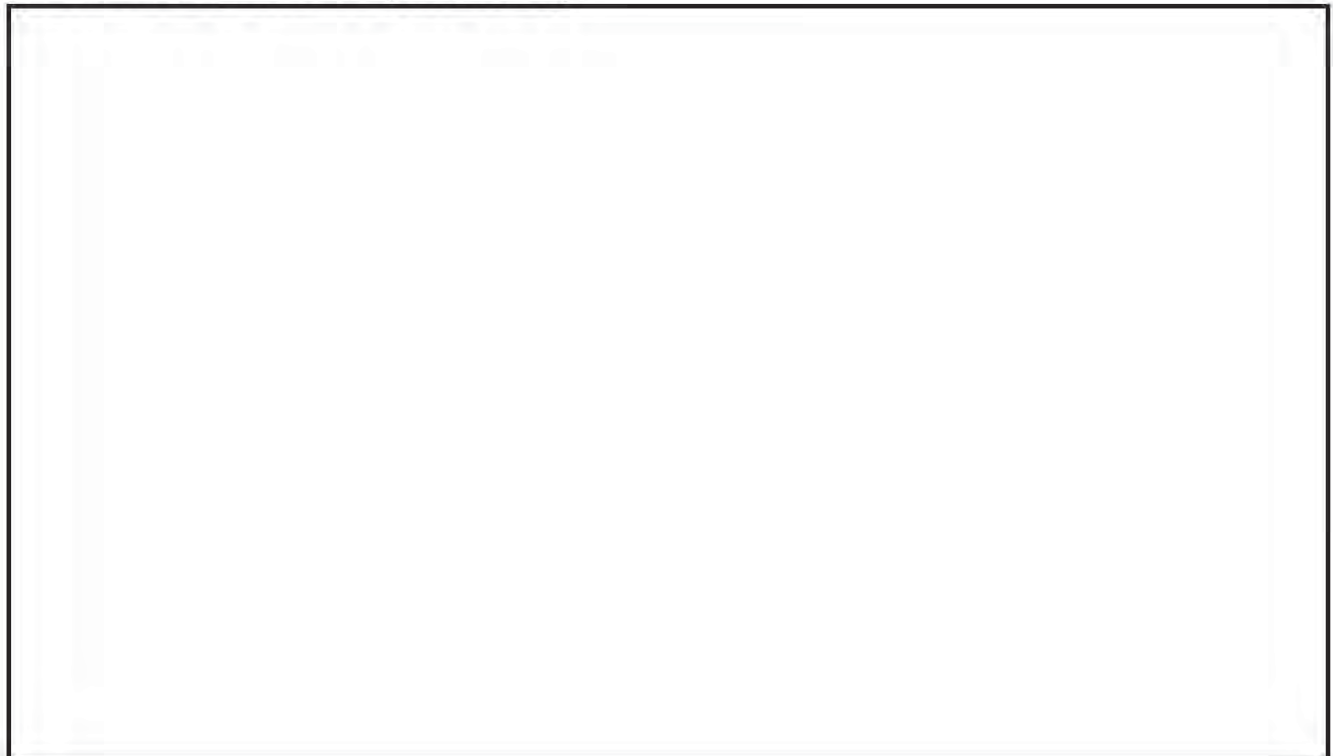
We admit the projected volume is very soft, but it is based on what data we have. If Immigration Statistics has a better projection, we can re-calculate costs based on that volume.

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**From:** Aytes, Michael  
**Sent:** Thursday, March 11, 2010 4:38 PM  
**To:** Rosado, Timothy A  
**Subject:** RE: Monday Deferred action tasking

The below is from the document I put out Saturday.

(b)(5)





(b)(5)



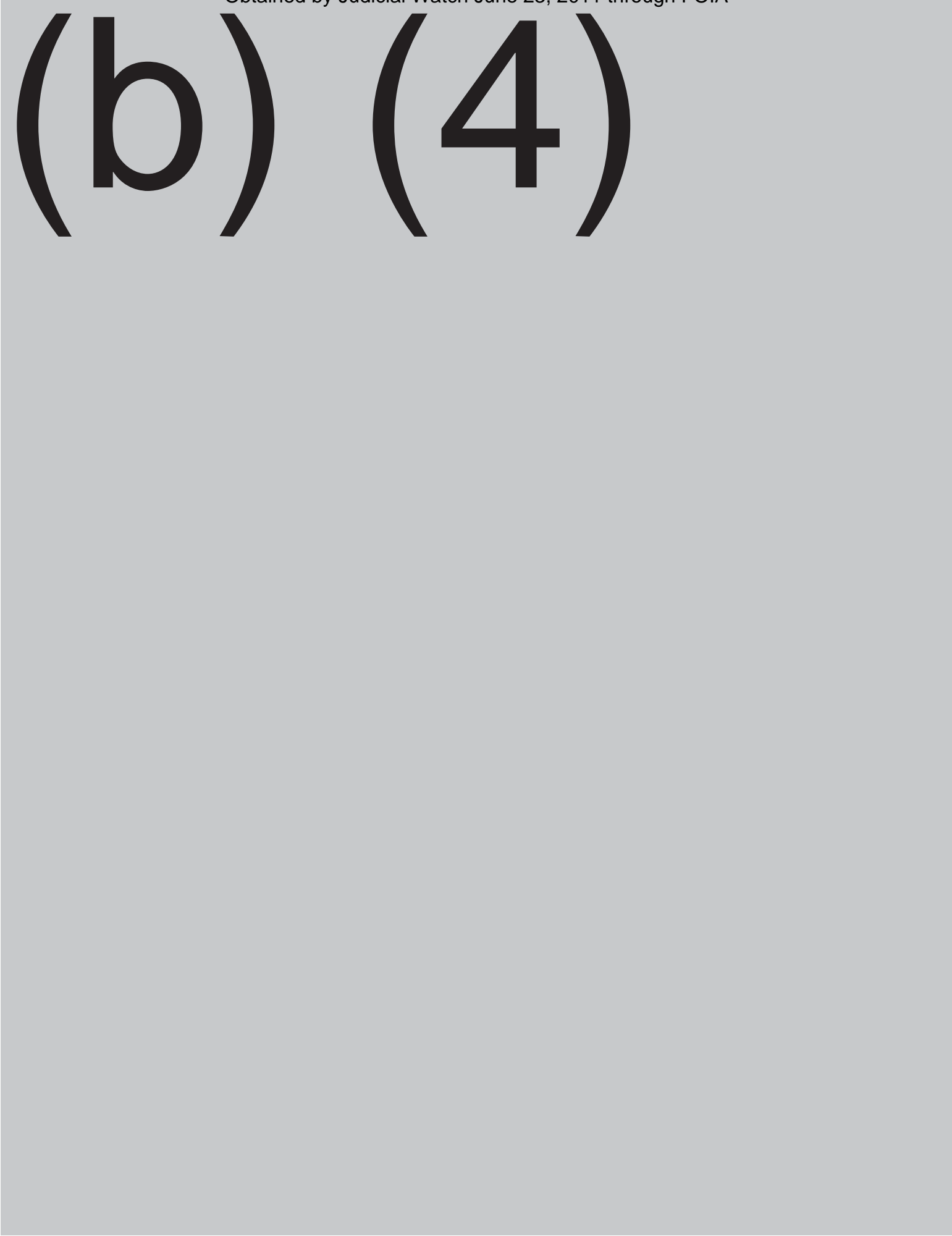
CQ CONGRESSIONAL TRANSCRIPTS  
Congressional Hearings  
May 11, 2010

Senate Judiciary Committee Holds Hearing on U.S.  
Citizenship and Immigration Services

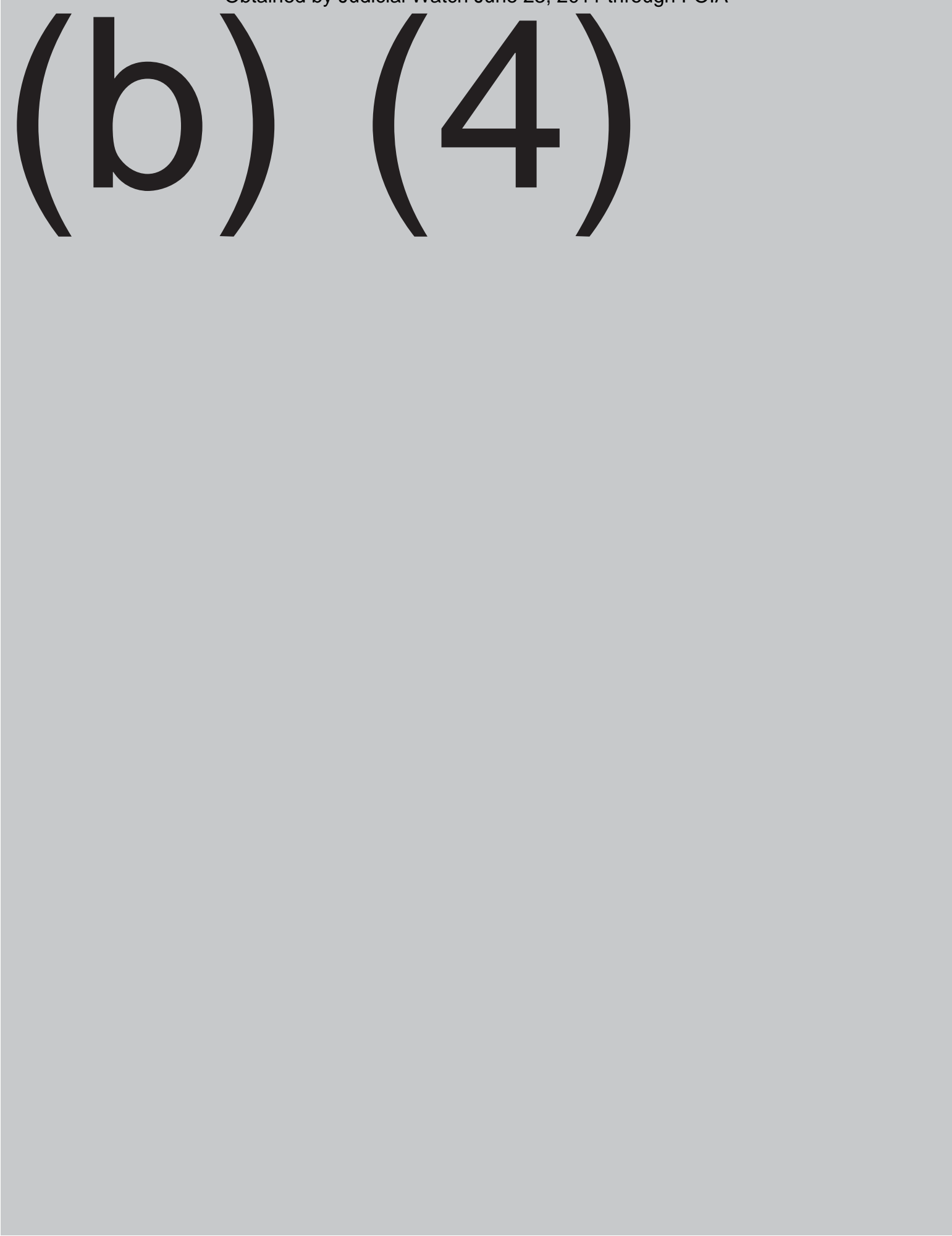
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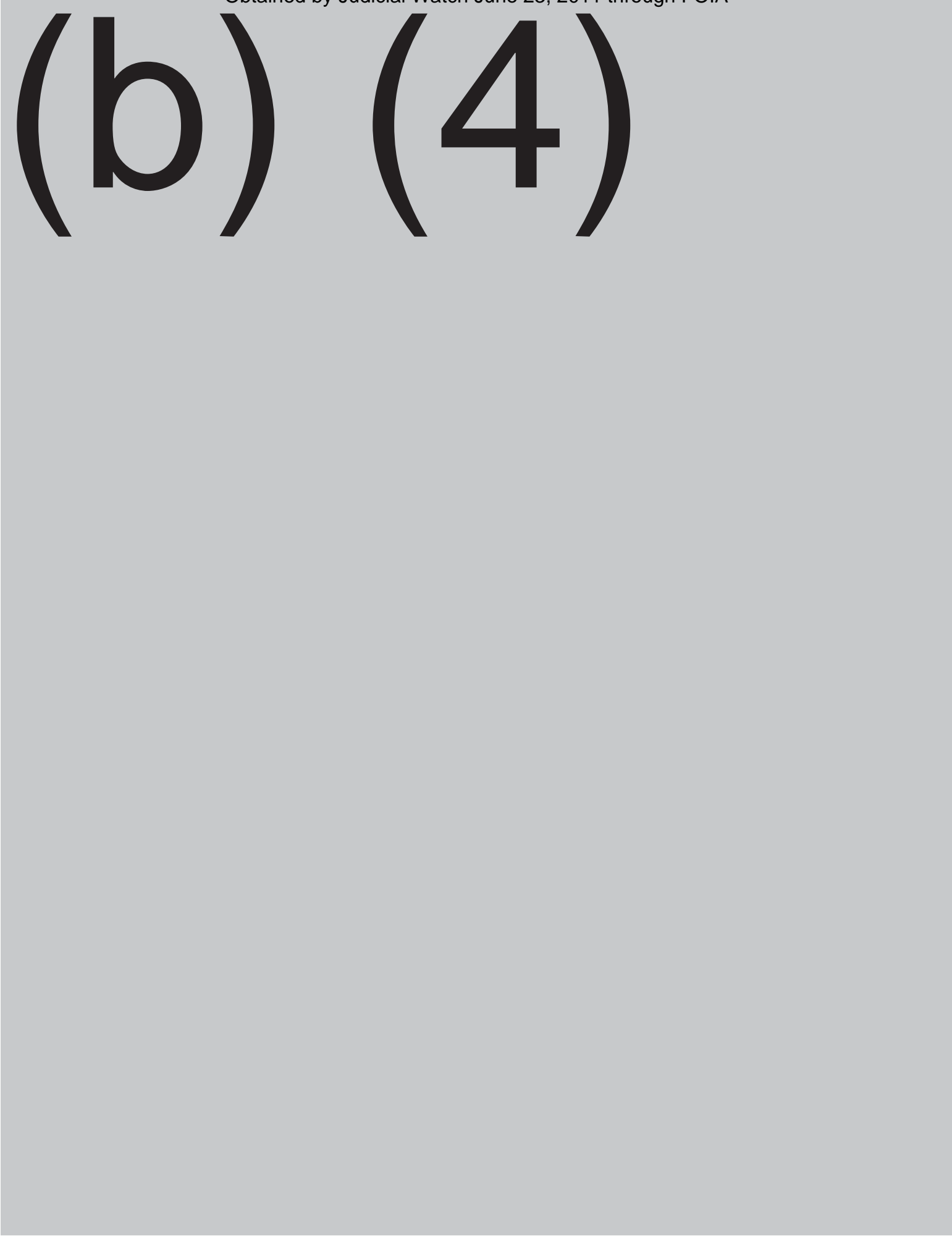


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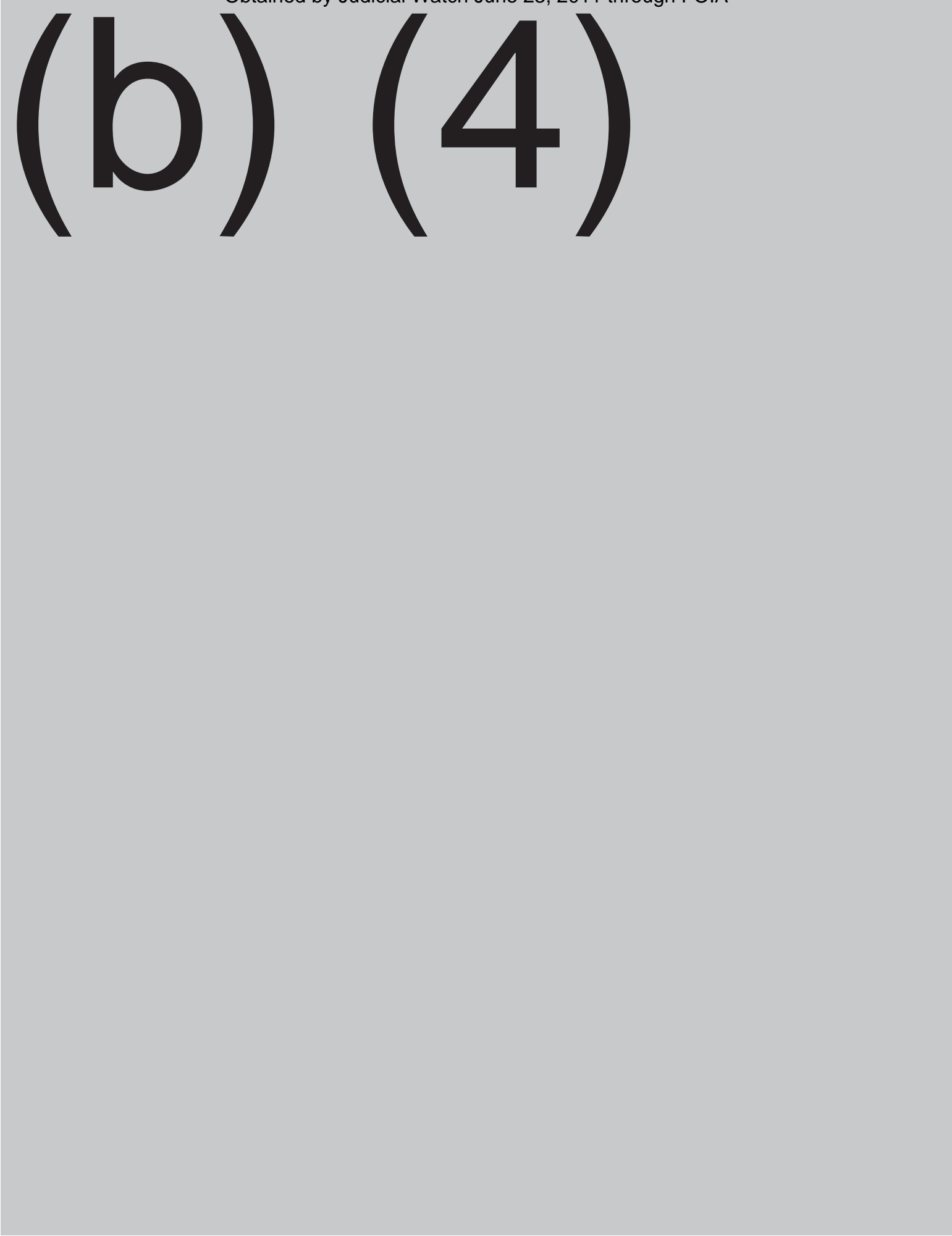




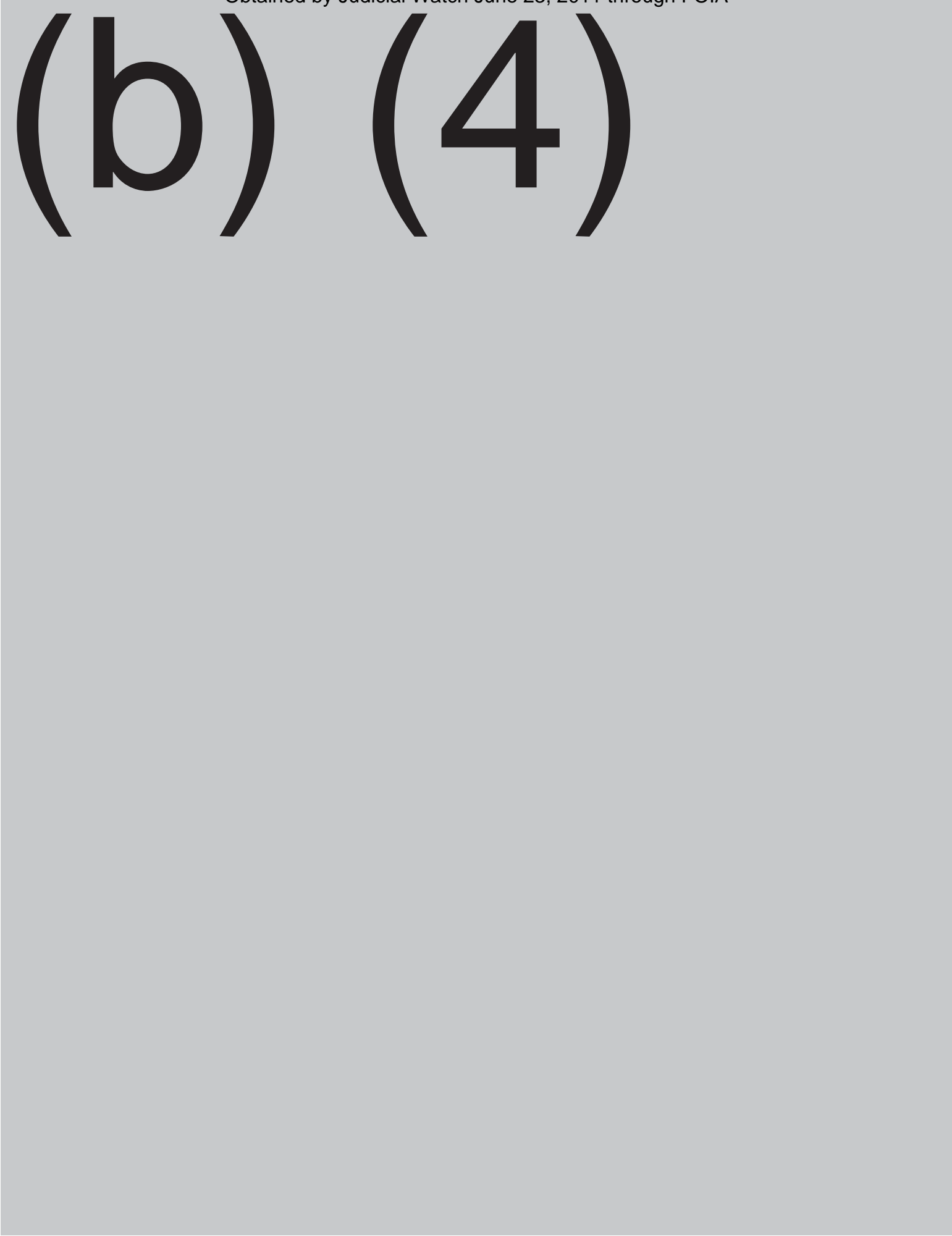
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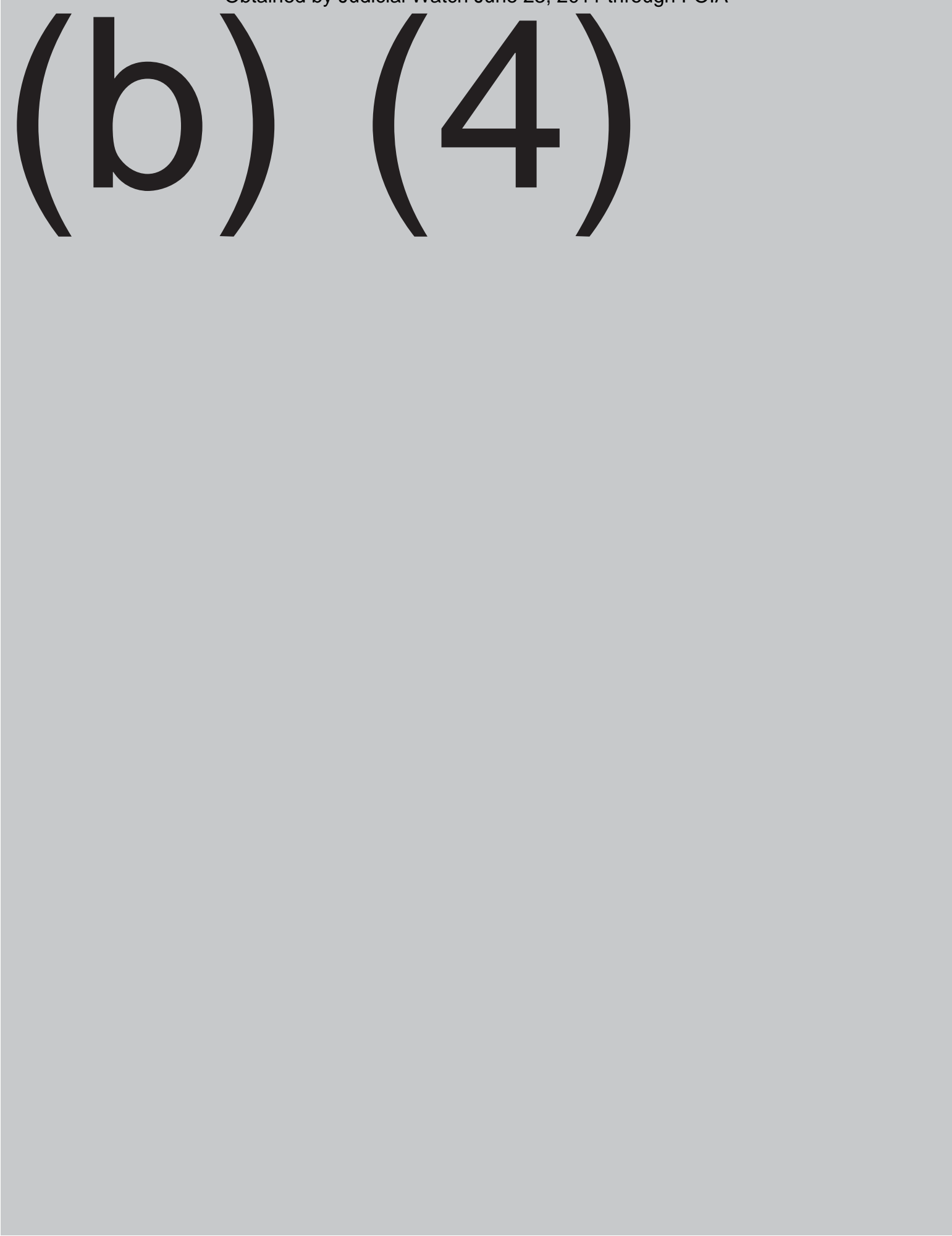
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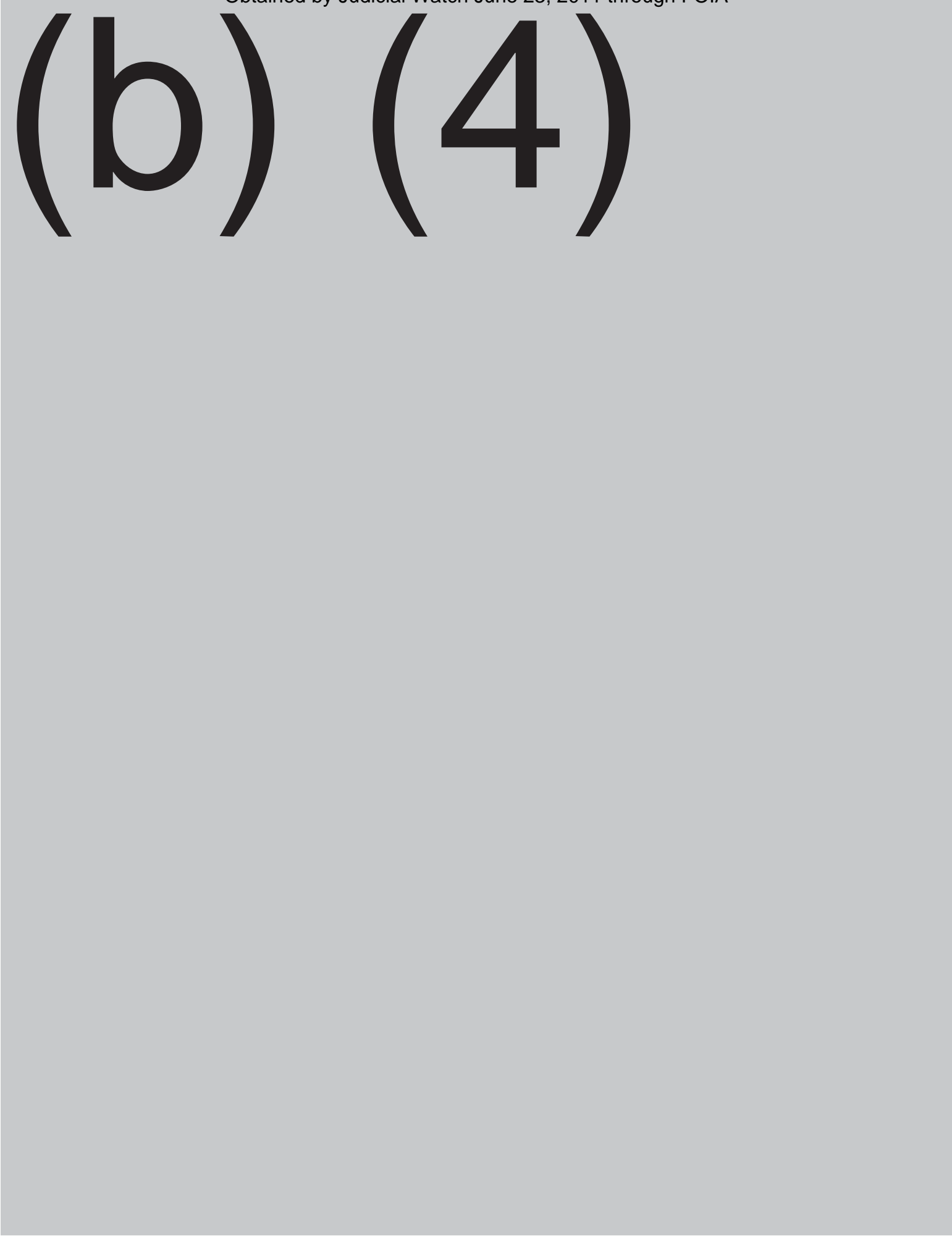


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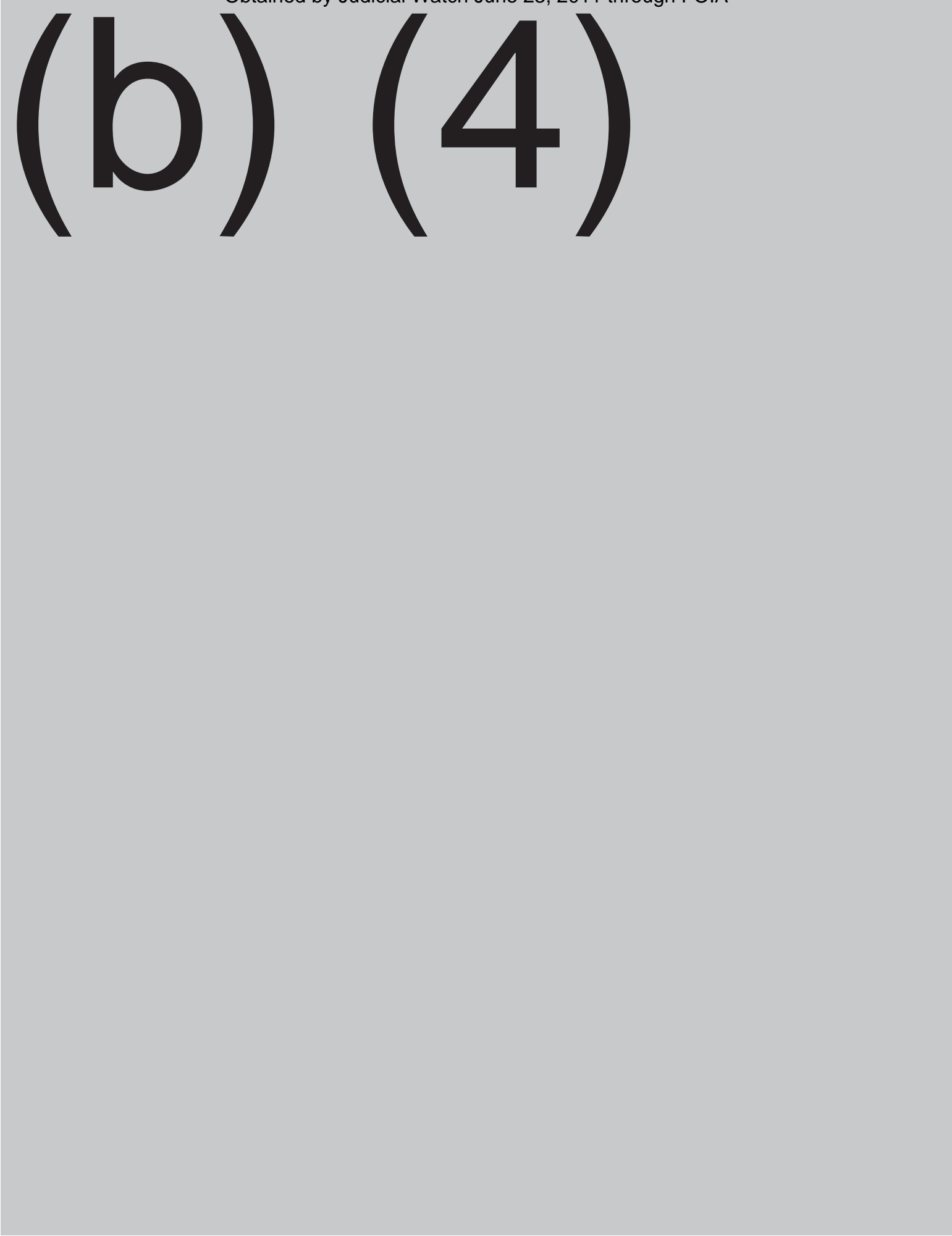




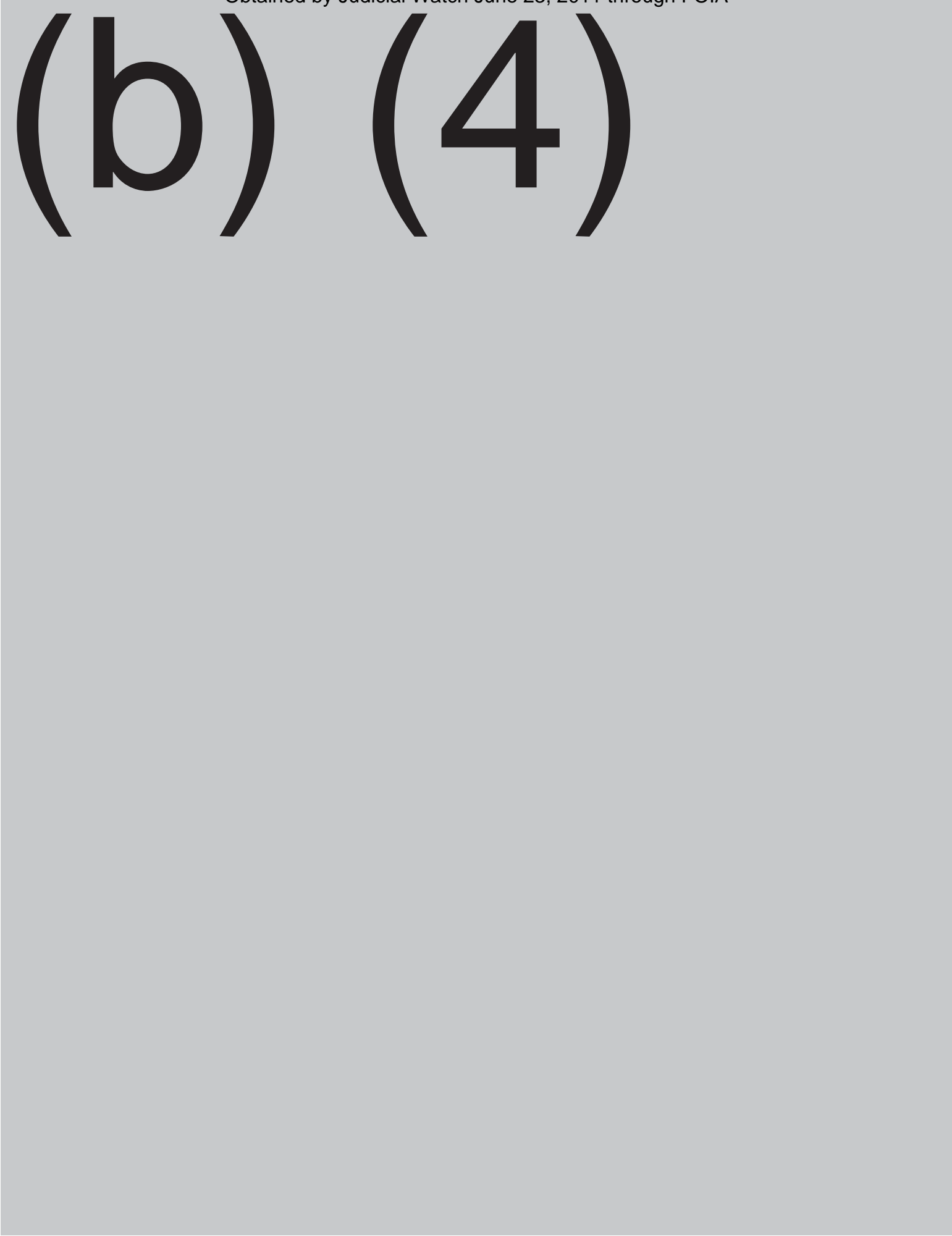
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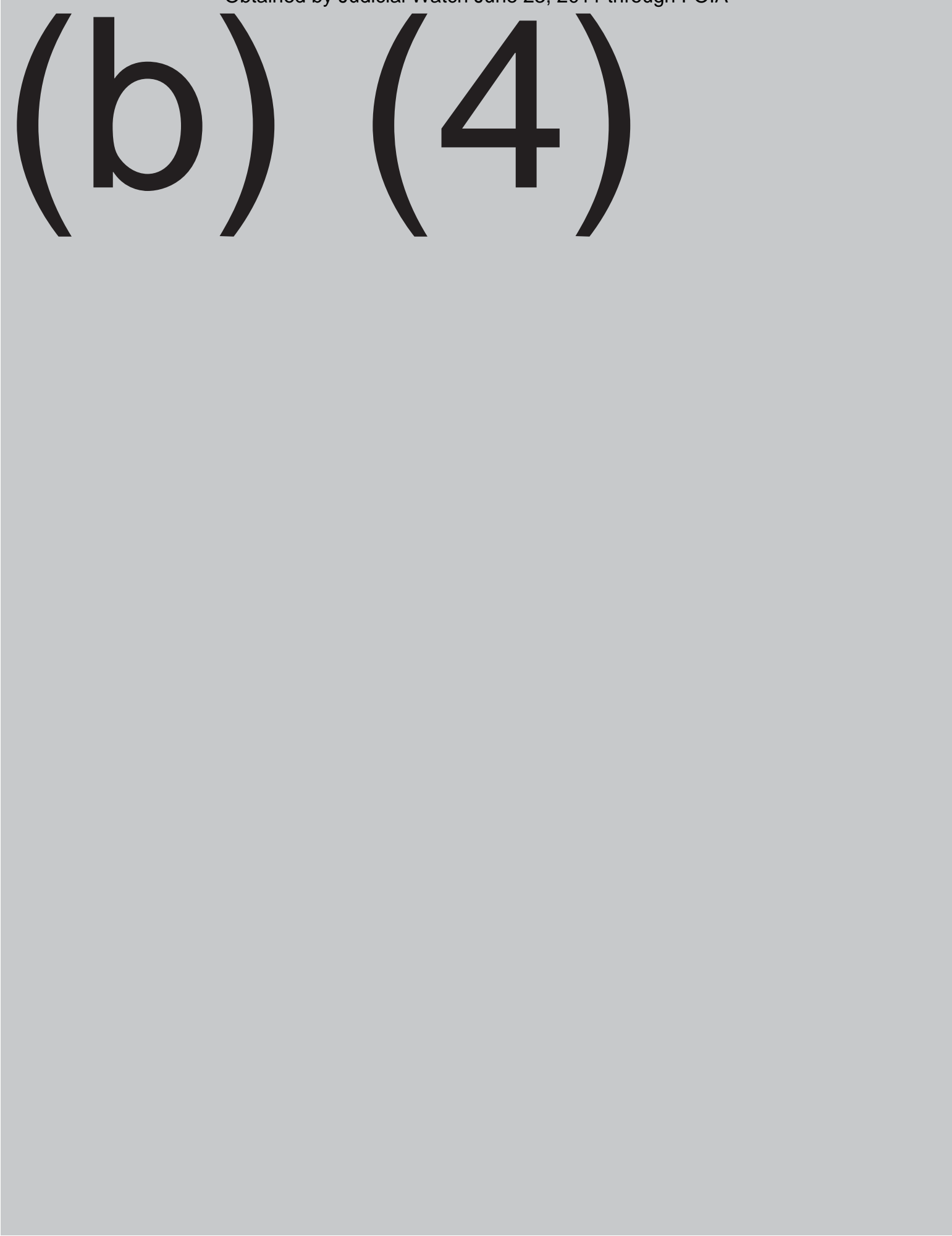
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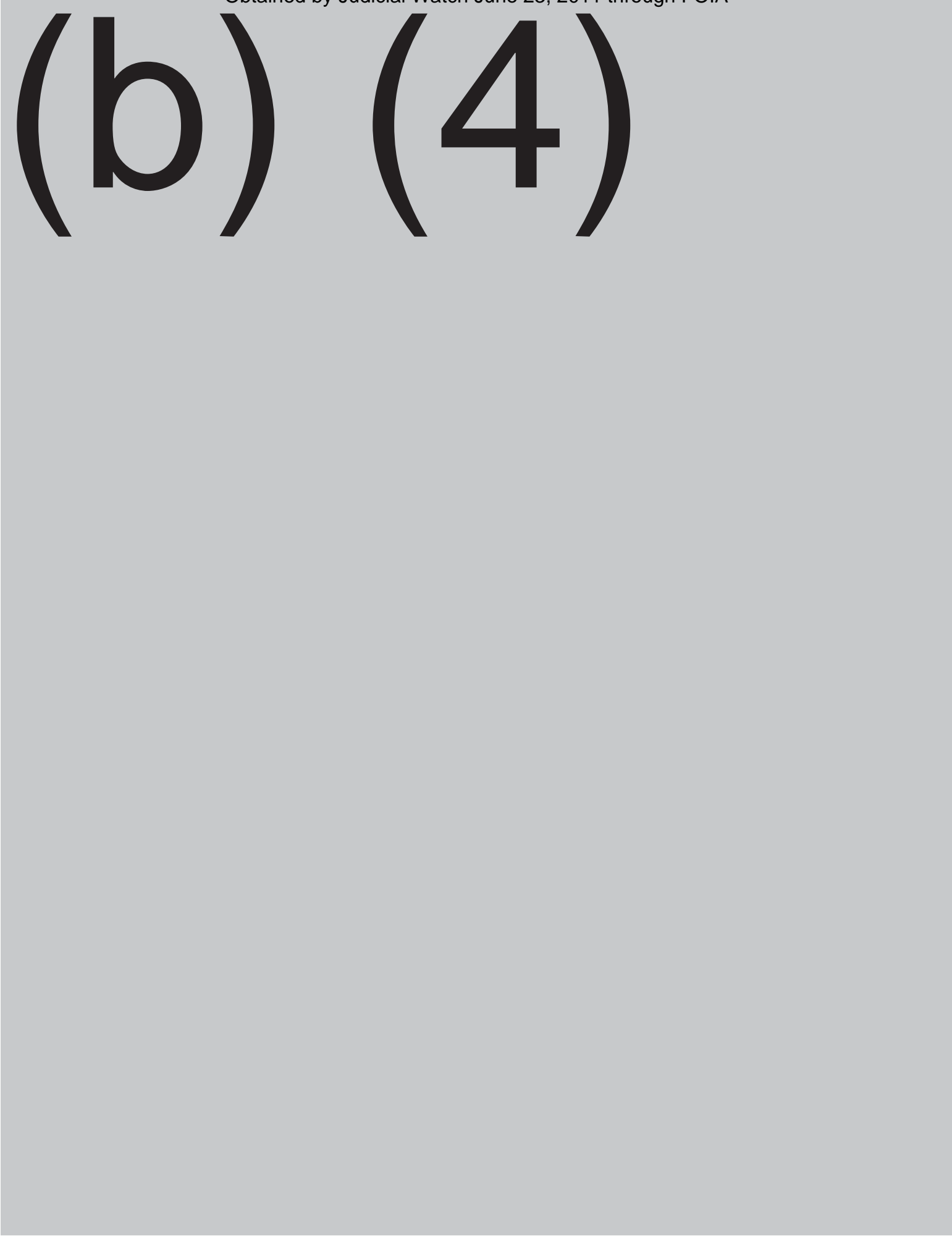


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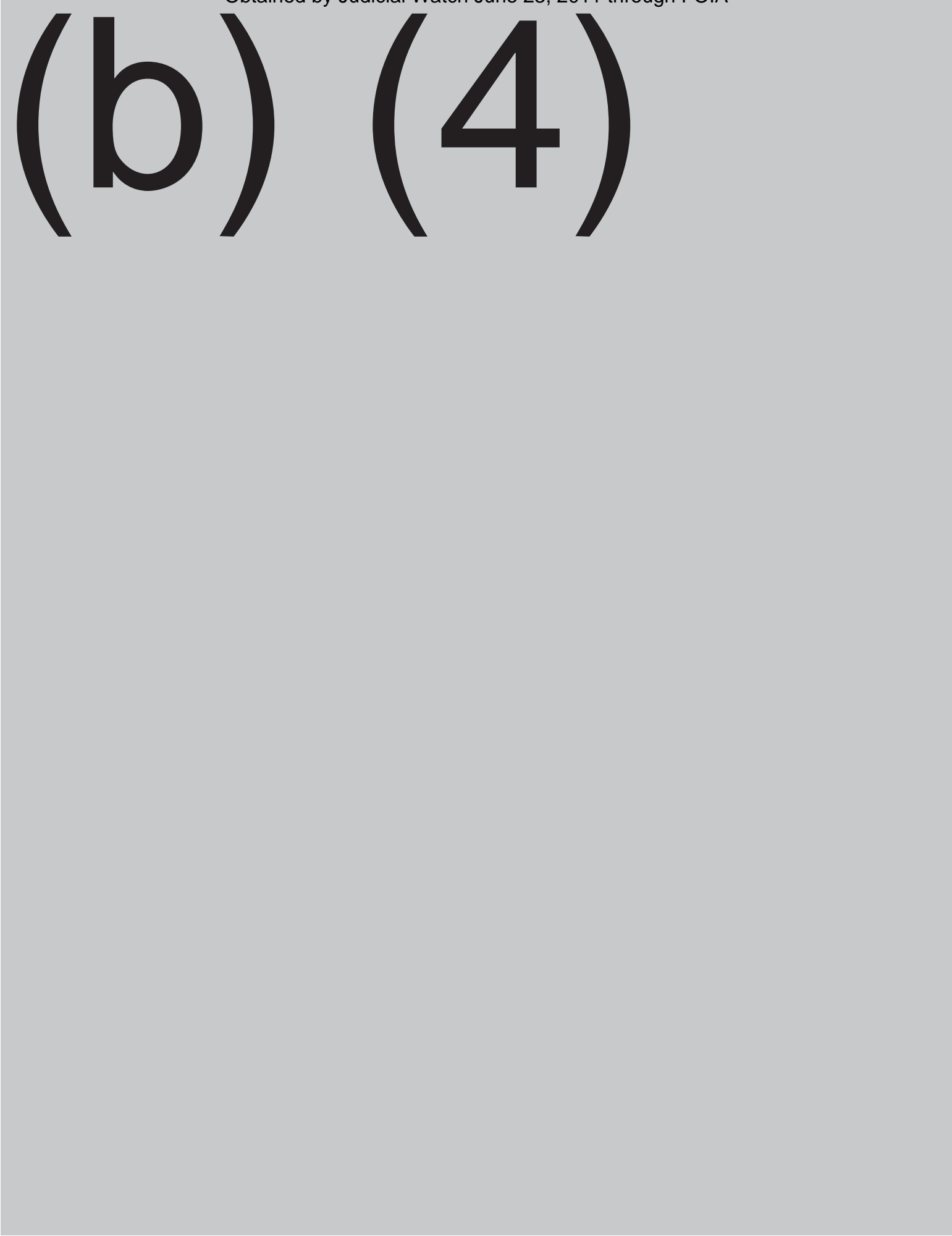




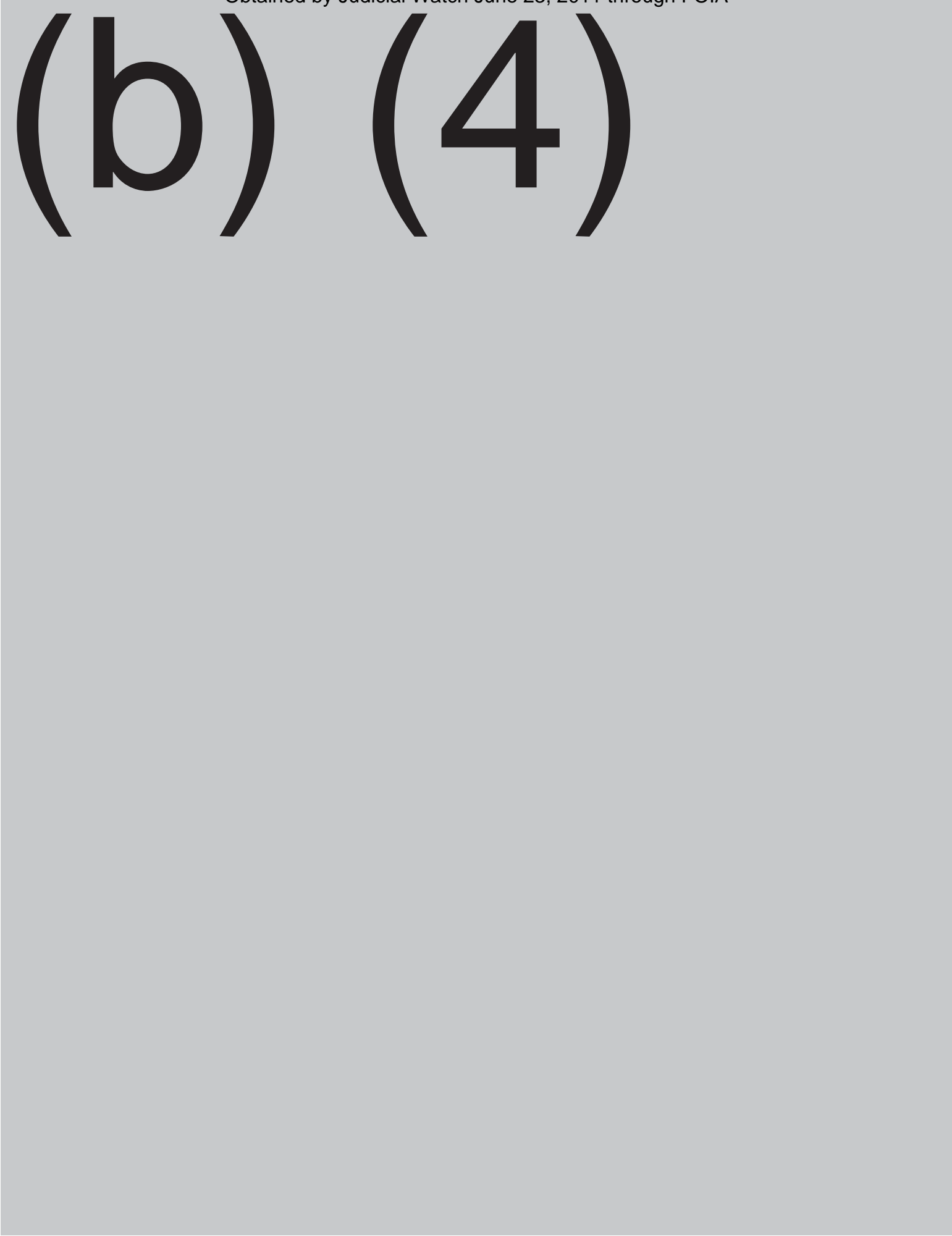
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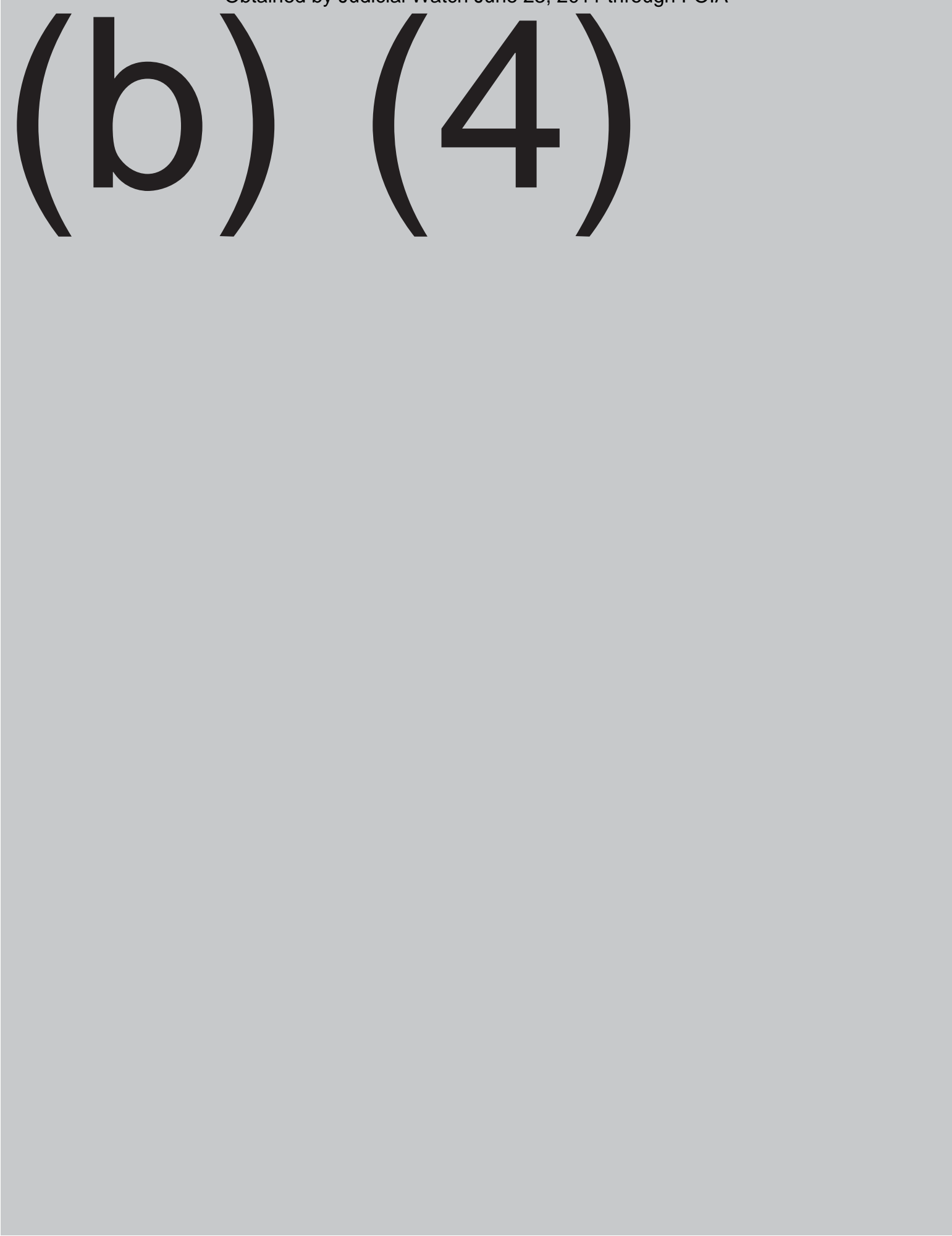
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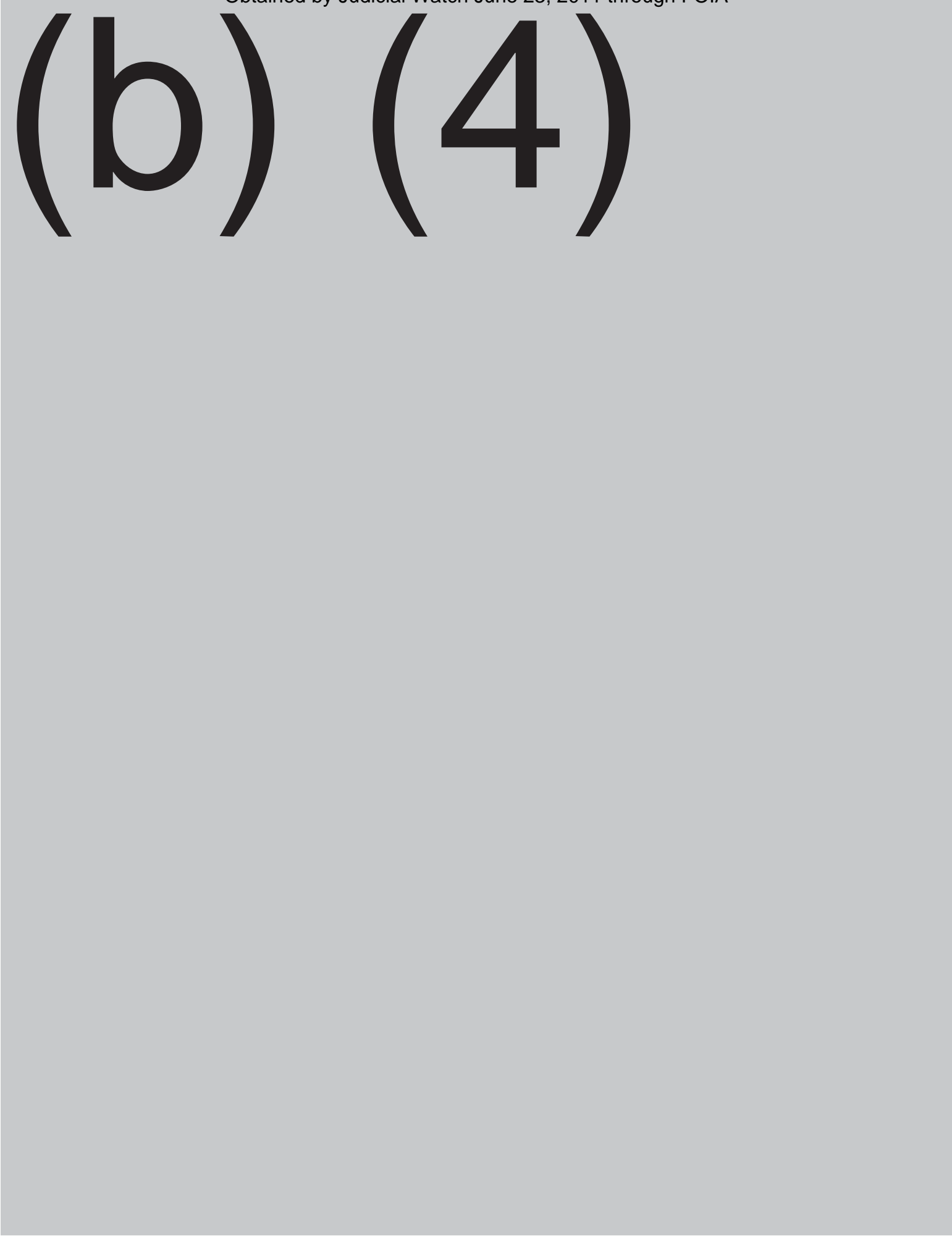


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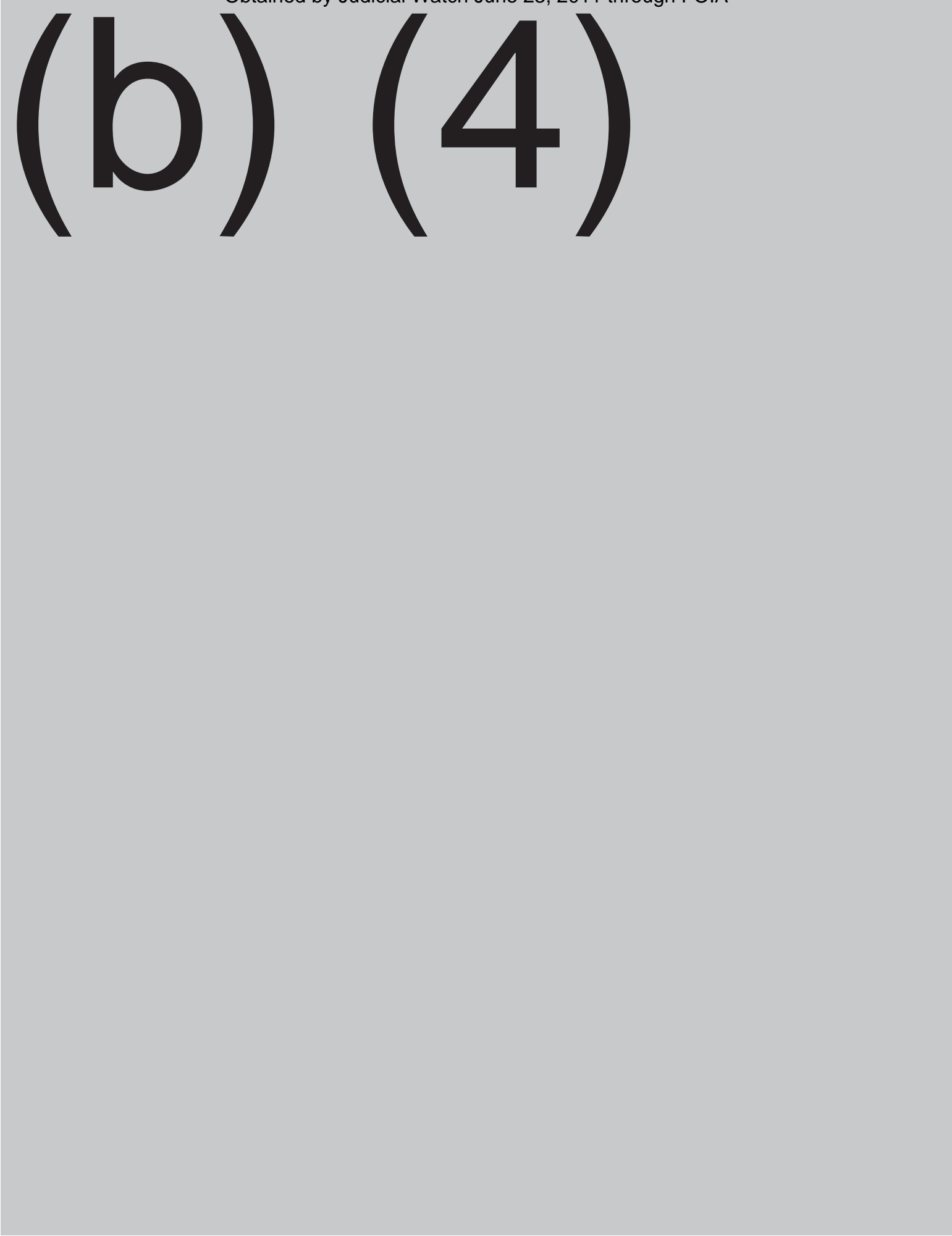




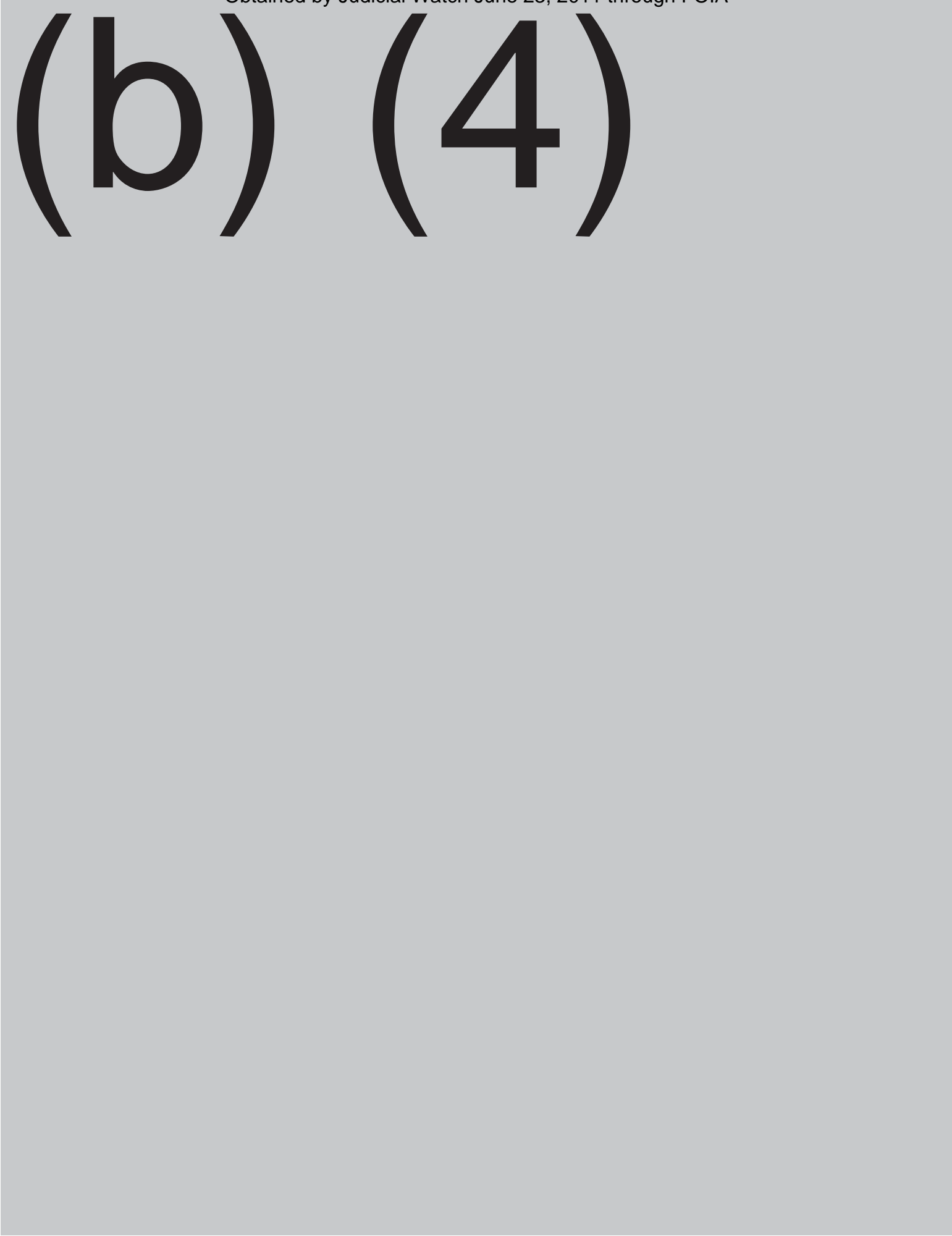
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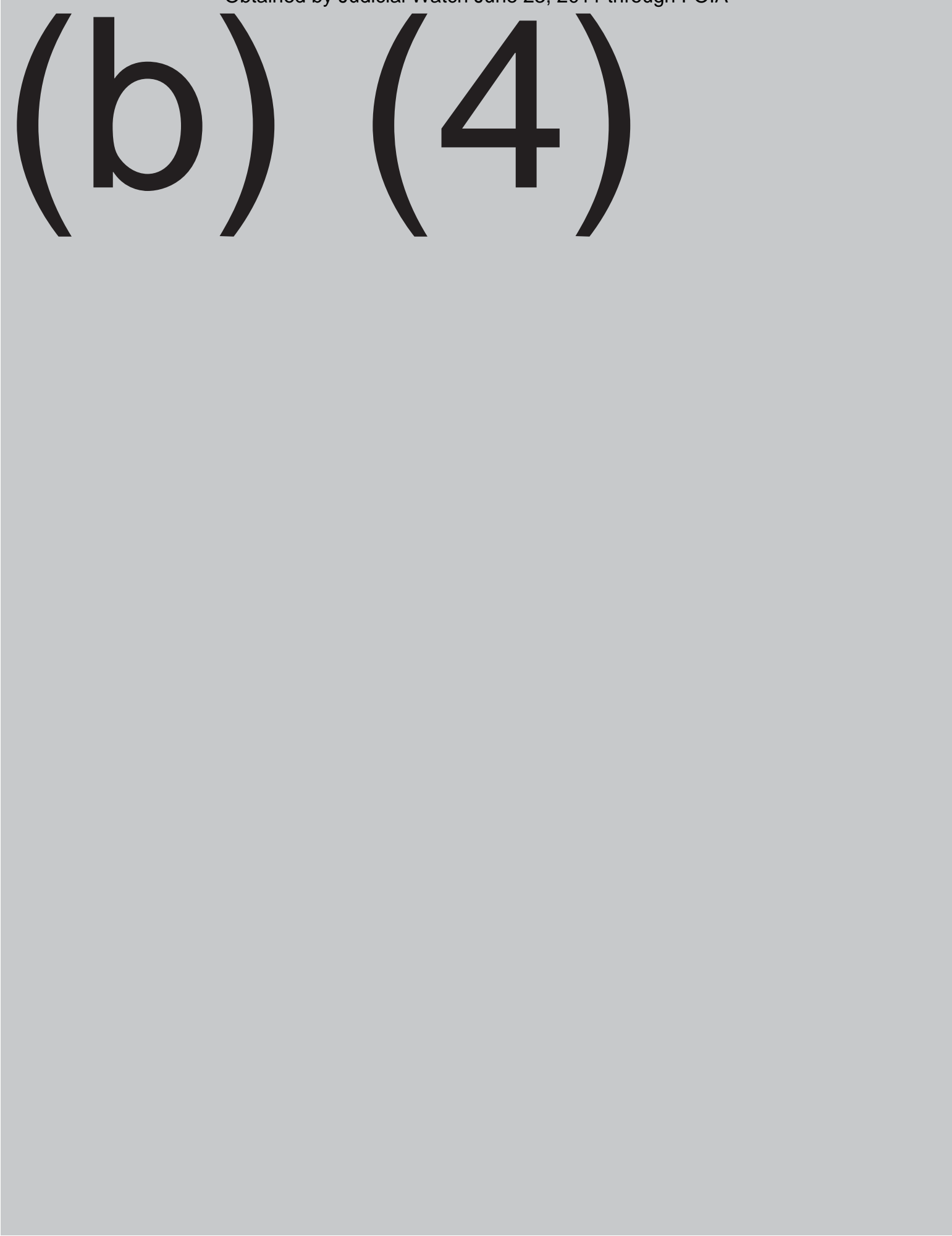
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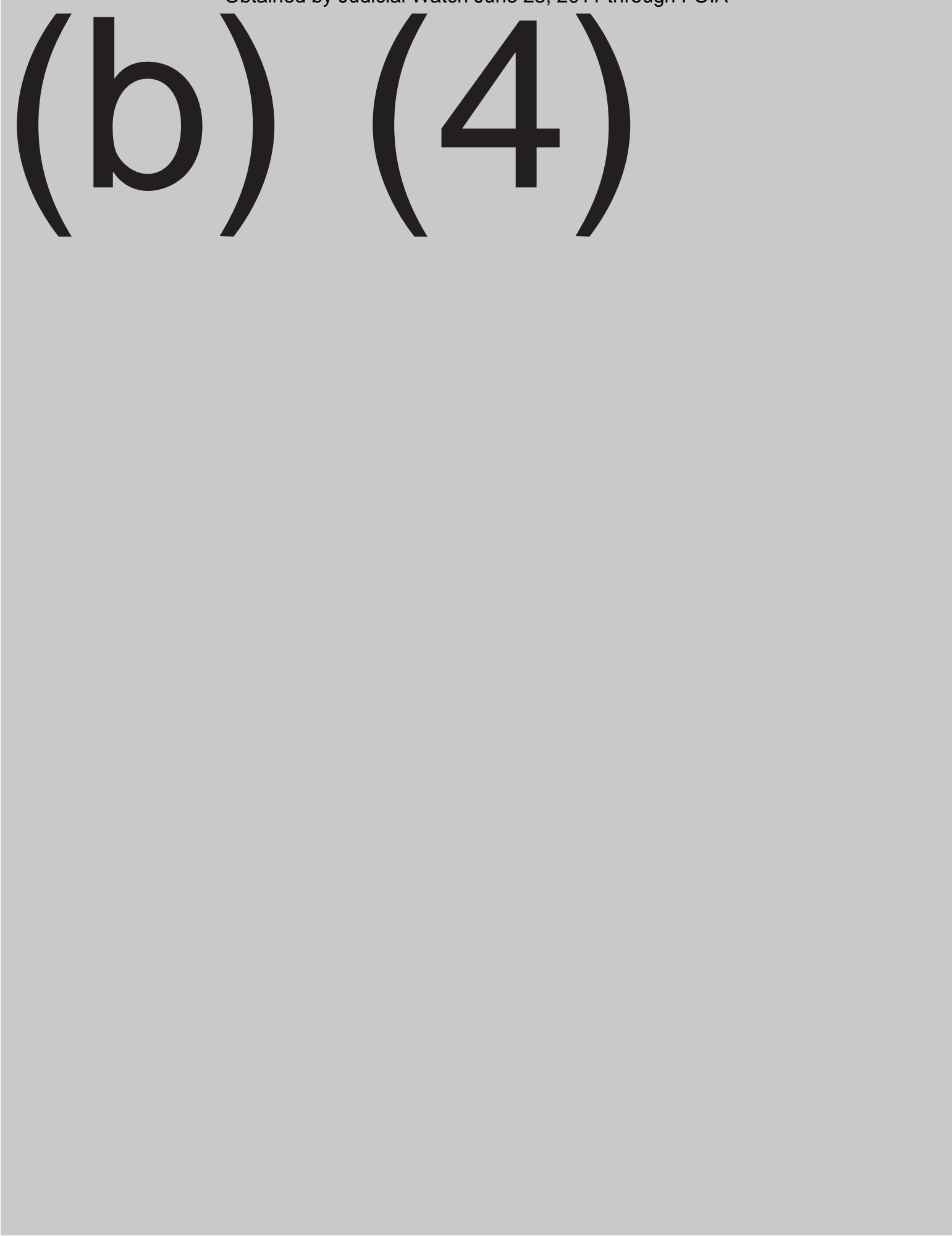
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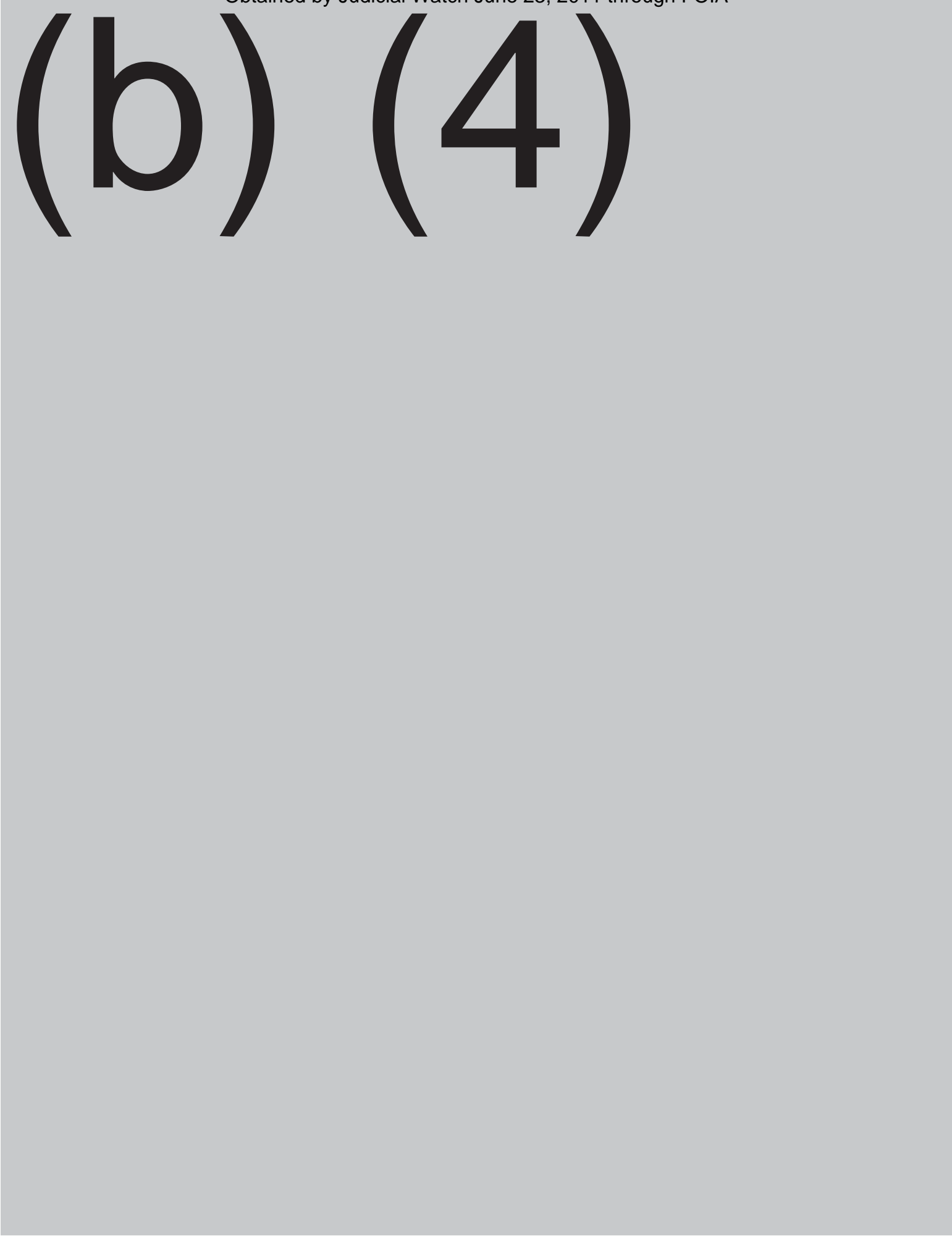


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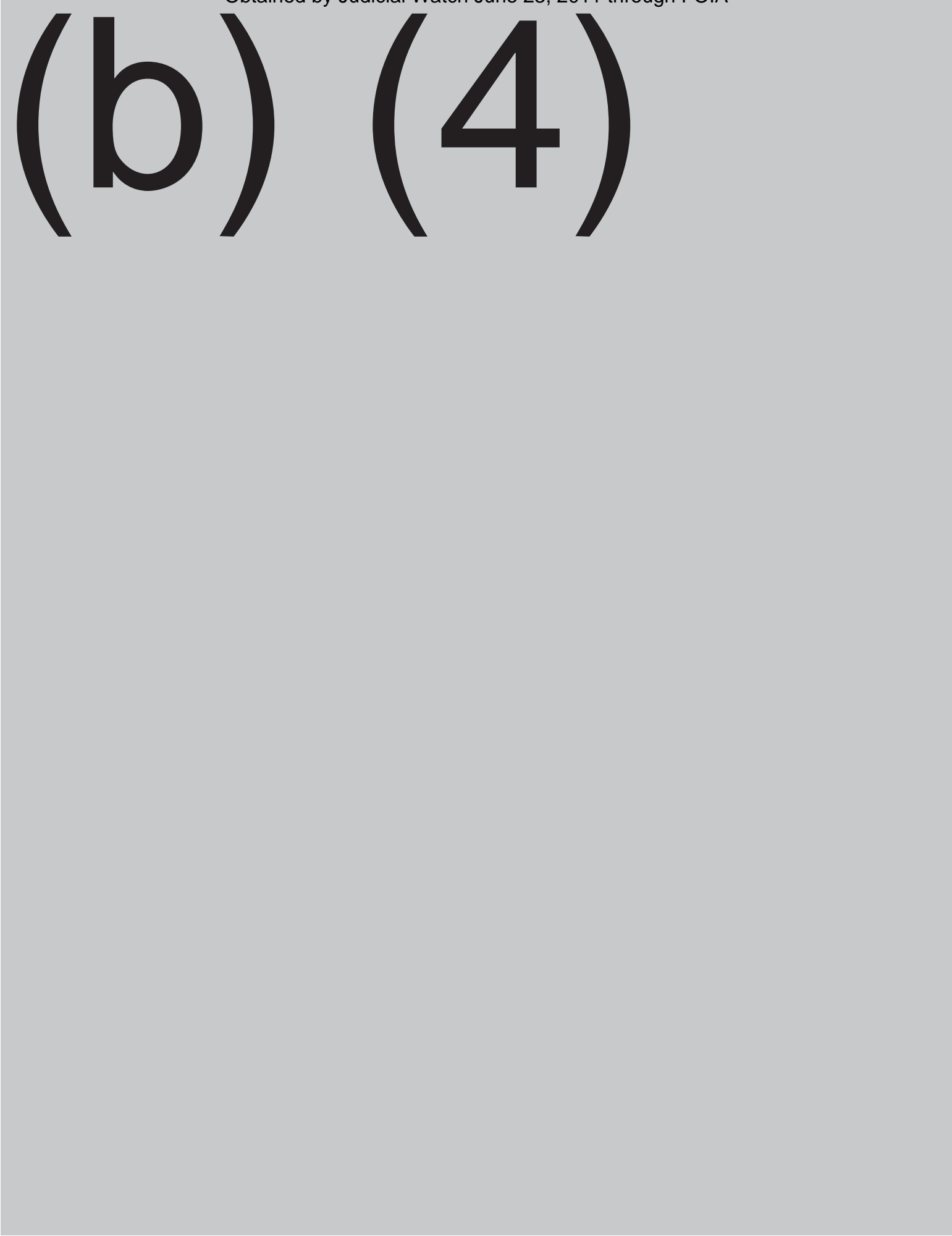




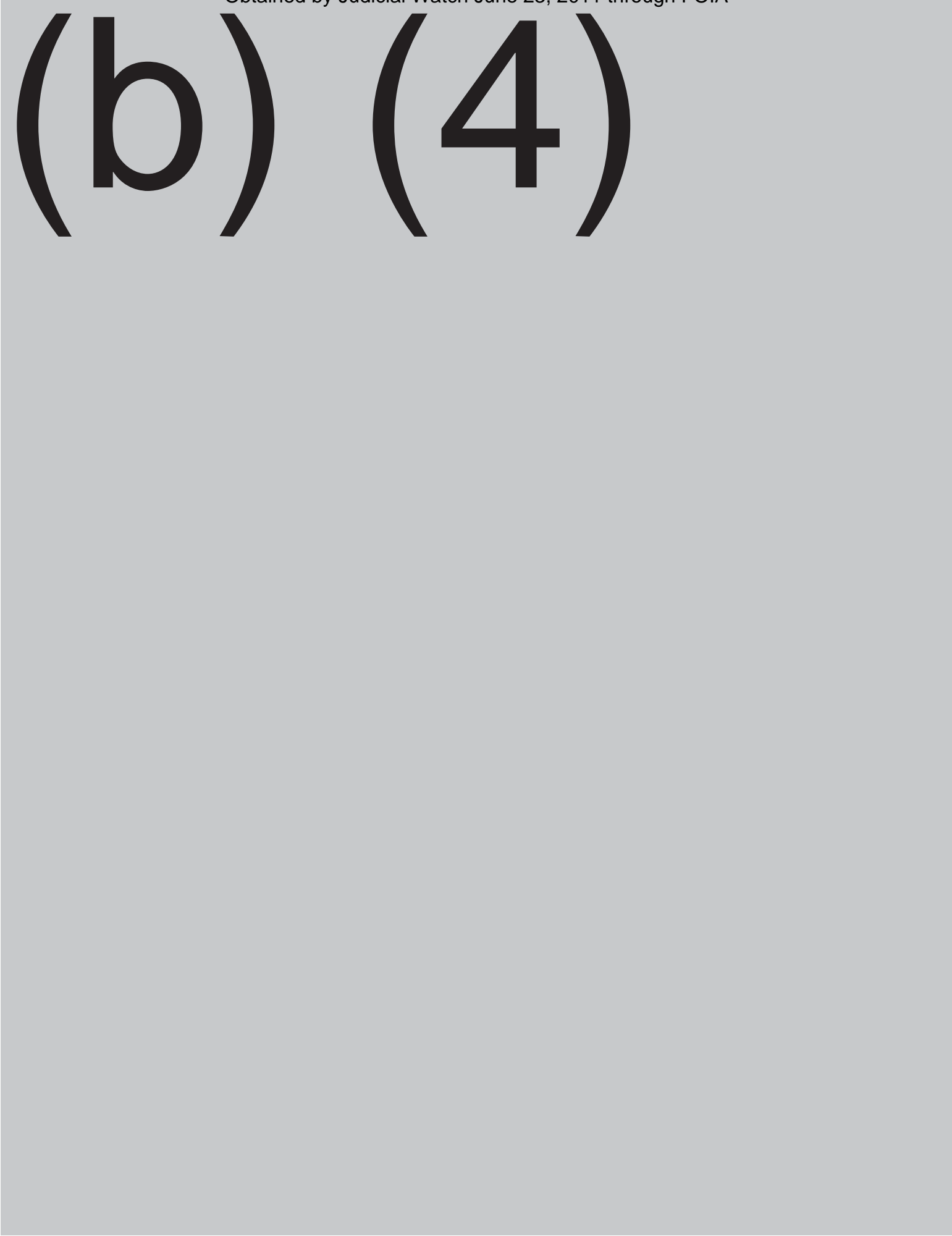
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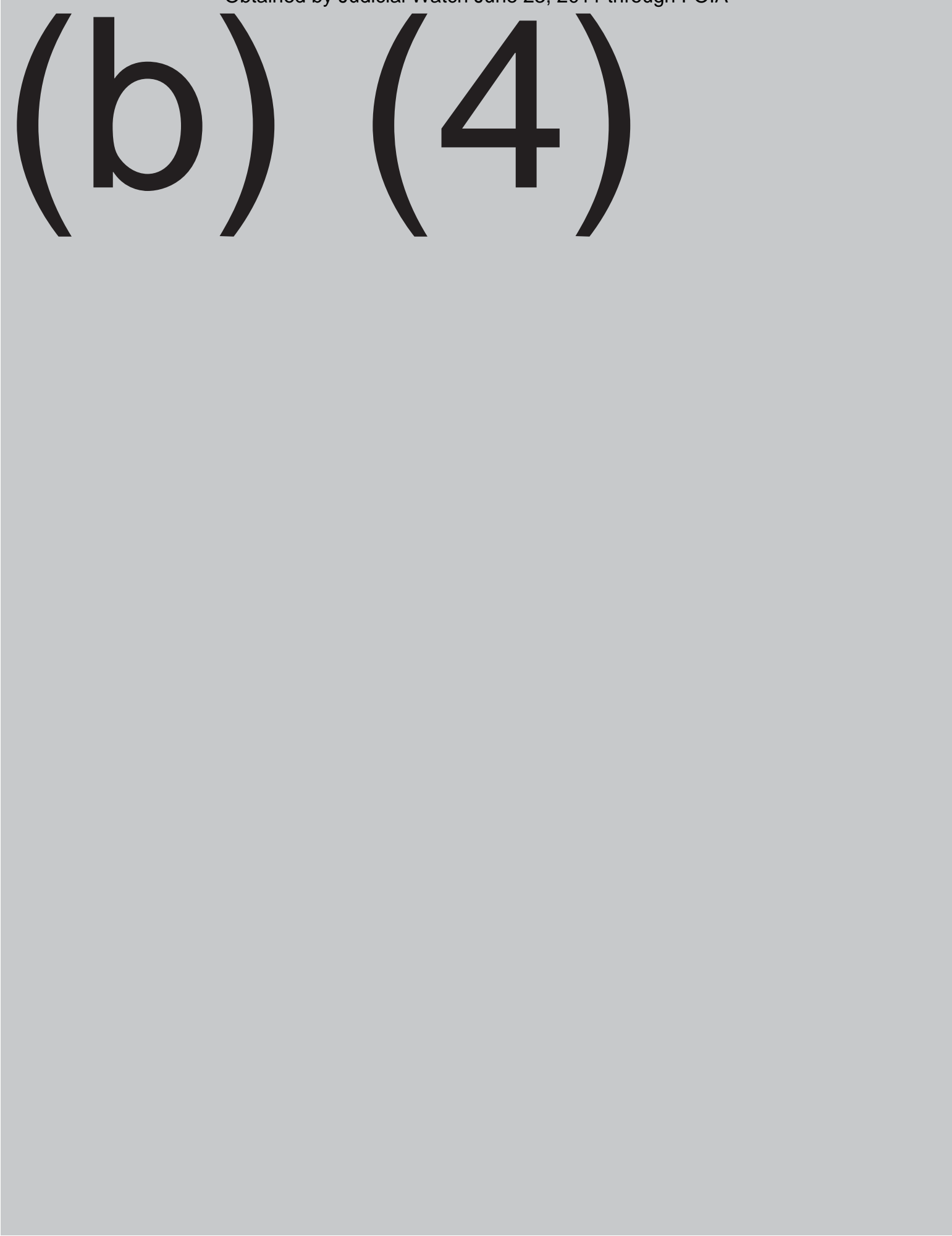
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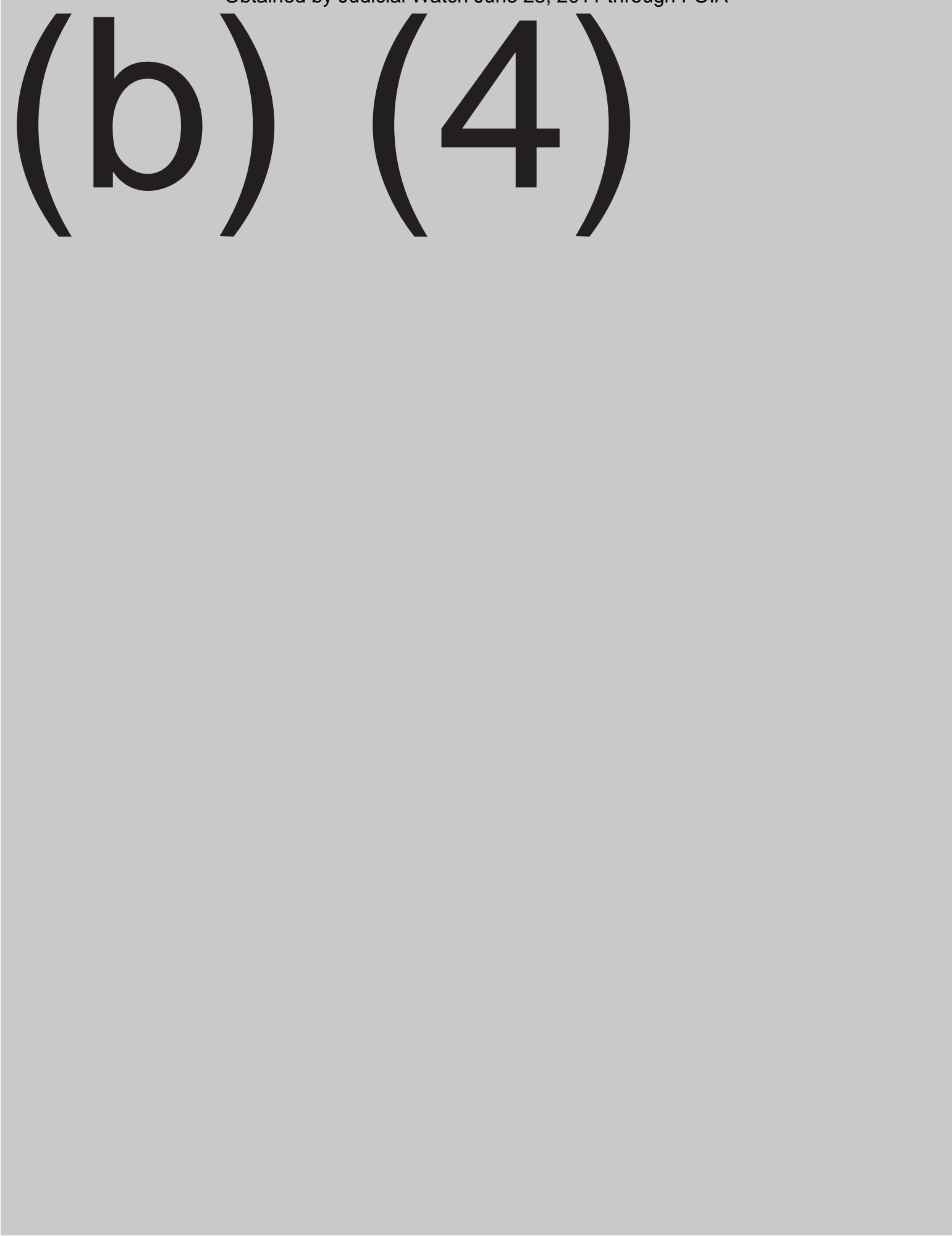
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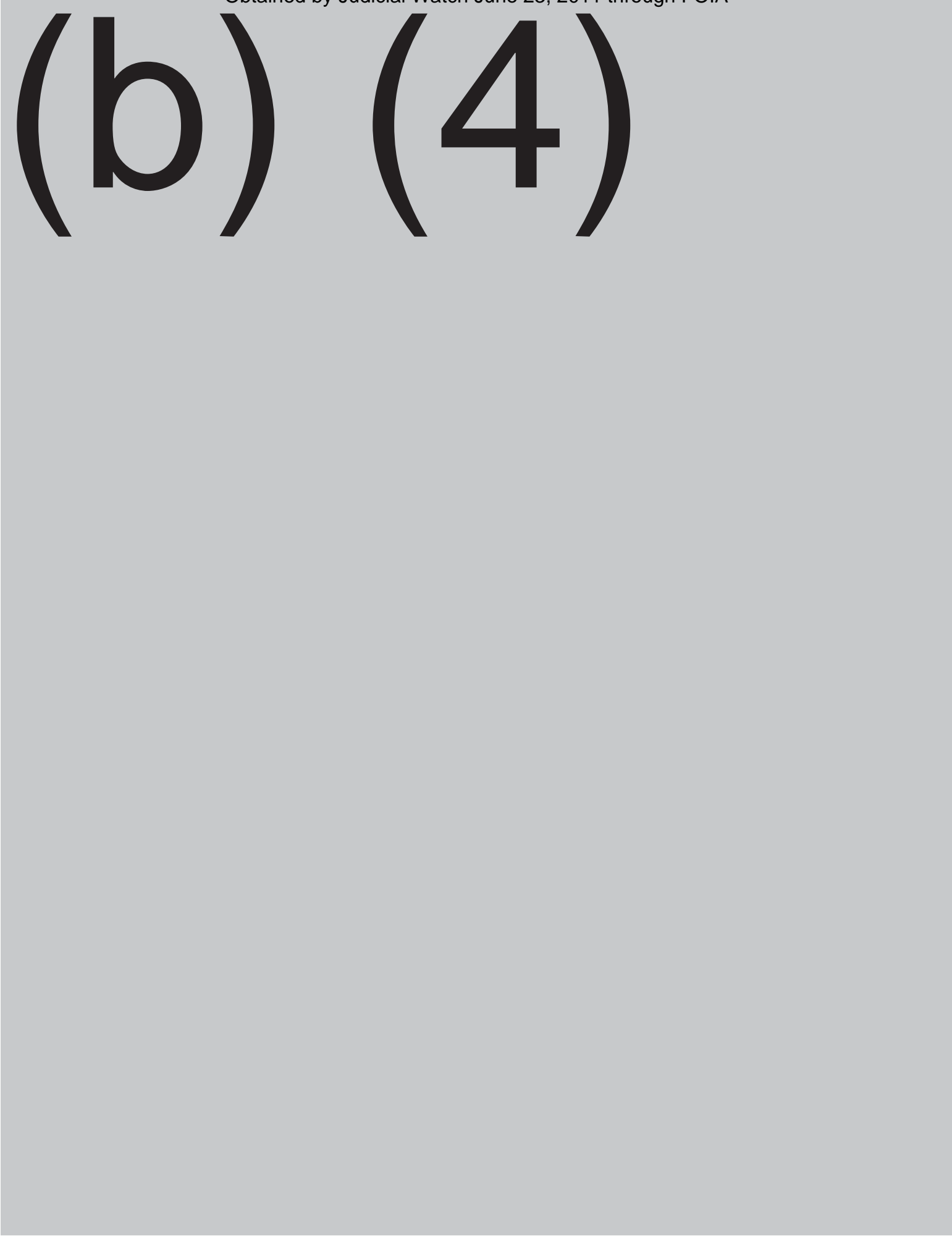


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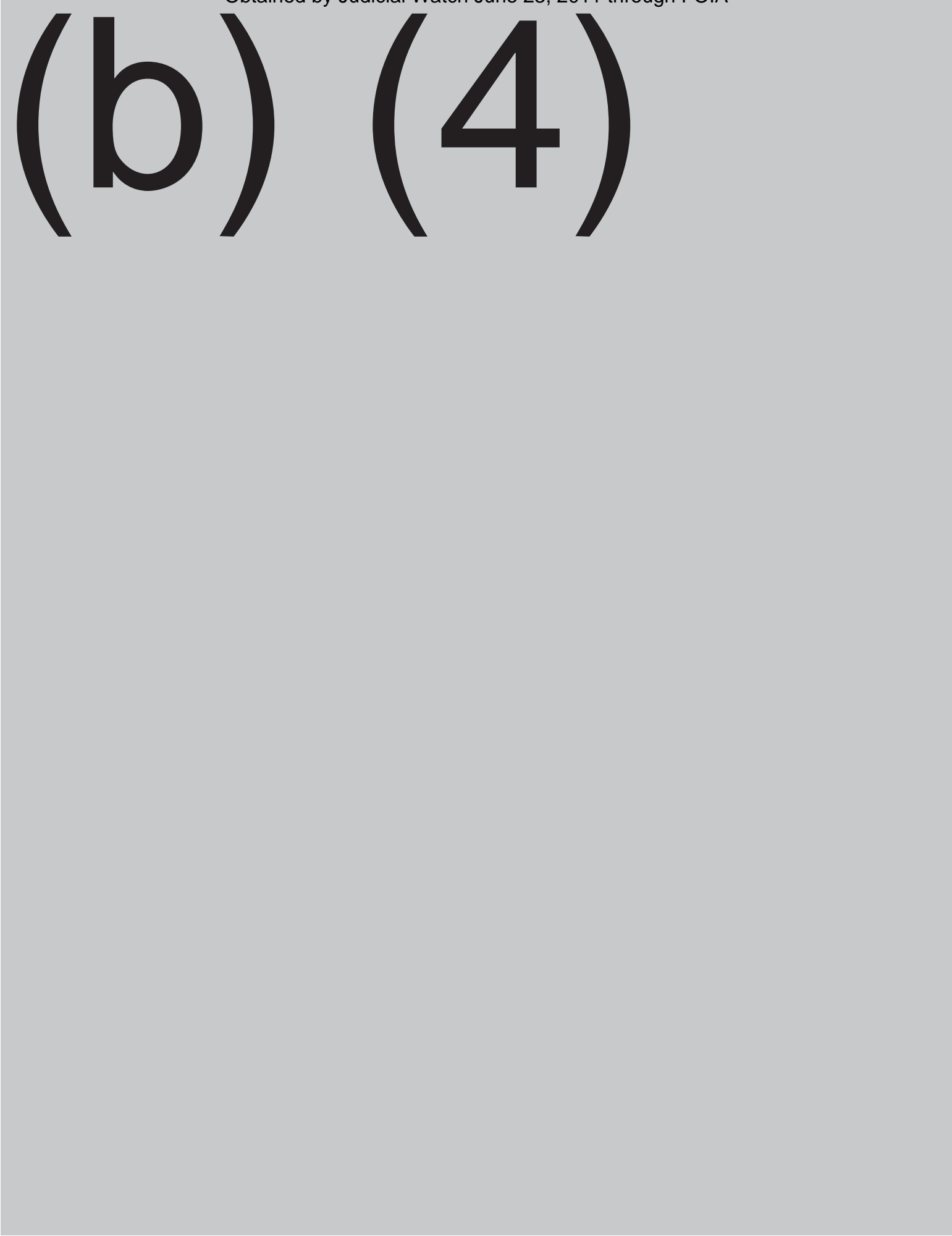




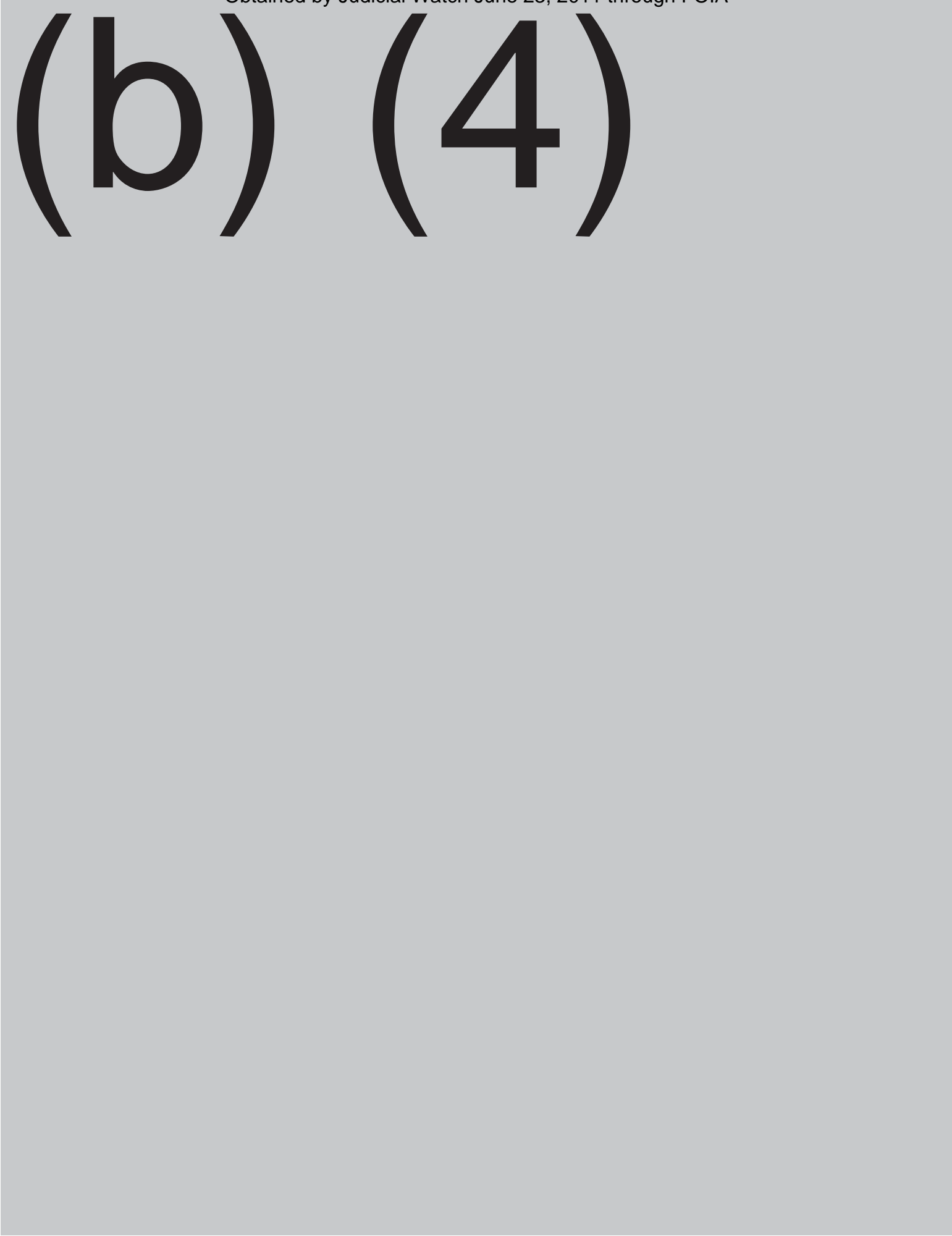
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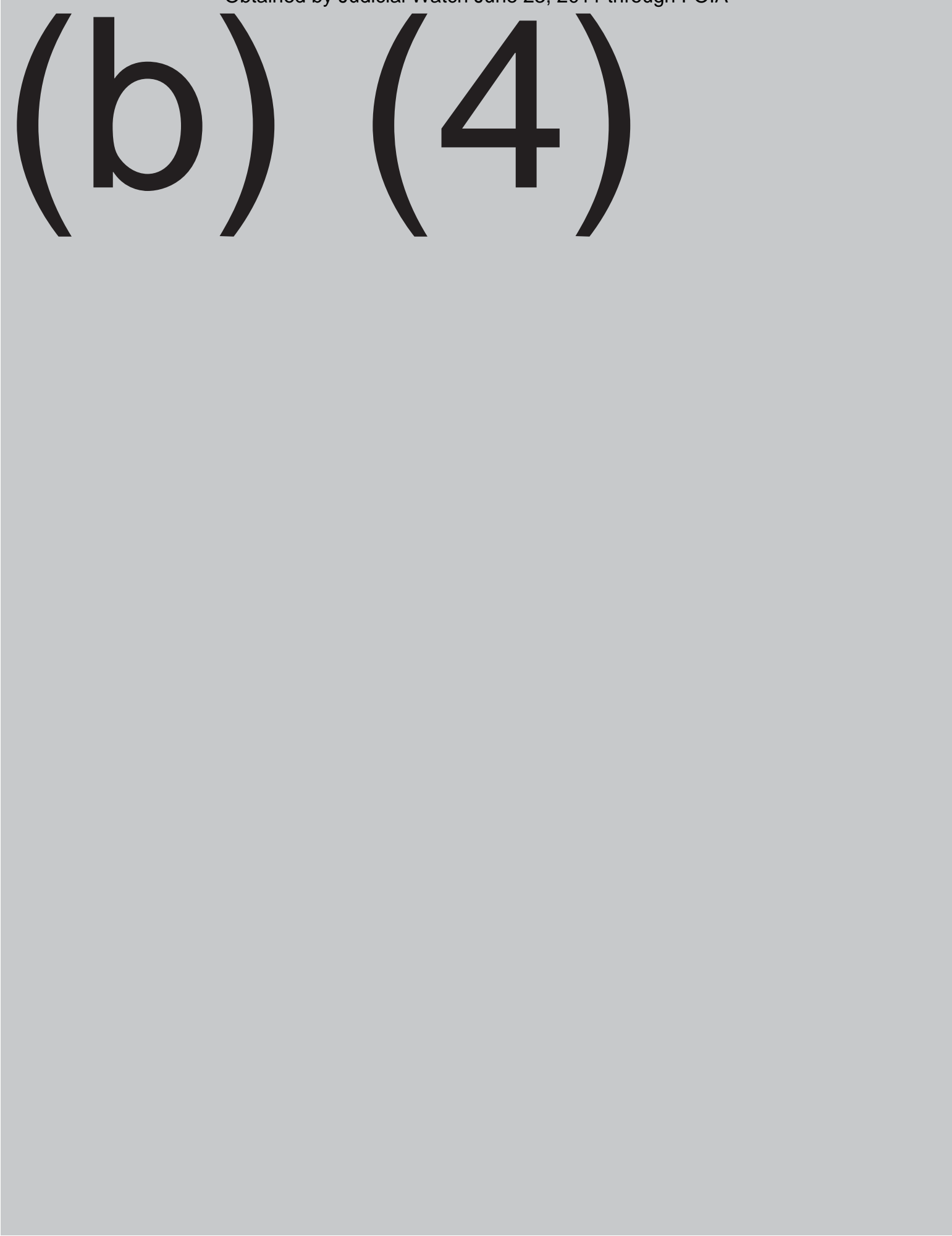
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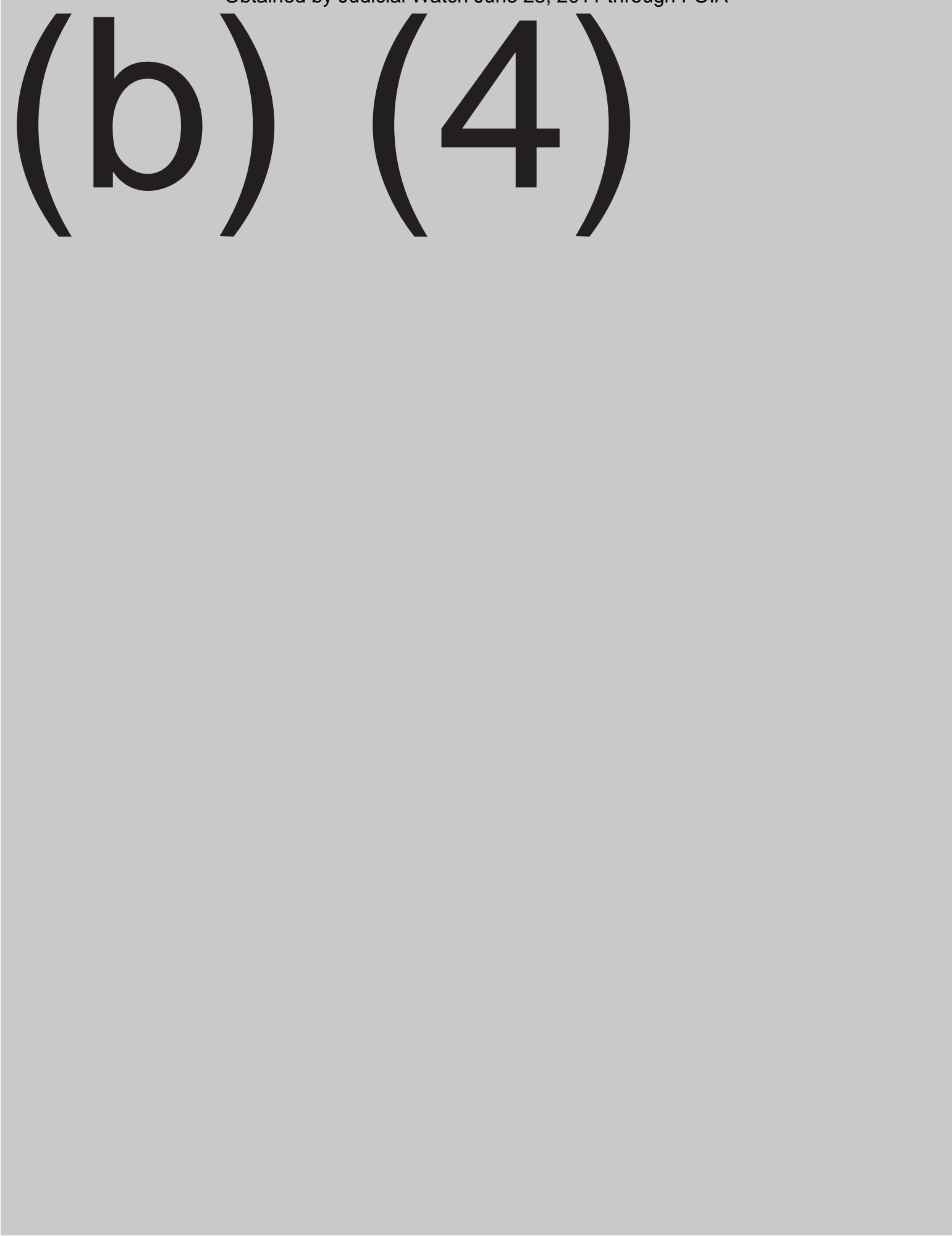
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DEPARTMENT OF STATE  
ASSISTANT SECRETARY FOR CONSULAR AFFAIRS  
WASHINGTON

January 23, 2010

*ali*  
Dear Director ~~Mayorkas~~:

Thank you for USCIS' continued, tremendous effort to process humanitarian parole for escorts for American citizen children and Haitian orphans being adopted by U.S. Citizens.

As you know, assisting Americans is the U.S. Government's top priority in Haiti. With that in mind, I urge USCIS to give first priority to persons accompanying American citizen children to the United States when processing parole cases. We all share the urgency of processing orphans so that they can join the prospective parents with whom they have been matched. Nevertheless, we must give precedence to American citizens needing assistance. This is particularly true in the case of young American children who are not accompanied by a visa-eligible adult, many of whom are displaced from or have lost their parents and require escorts to get home.

In that regard, I want to reconfirm the agreement we made to process the escorts for unaccompanied American children. Consular officers in Port-au-Prince will perform the necessary checks to confirm the identity and citizenship of the American child. They will work with the child's parents or legal guardians in the United States to also identify who has permission to escort the child. Personnel on the ground will establish a procedure to hand off the case to USCIS personnel in a way that will preclude substitutions, and USCIS personnel will process the parole request.

I would also like to raise the issue of reports of a number of high-level, prominent visitors who plan to fly to Haiti to bring back orphans. I want to emphasize that the Department of State entirely supports USCIS efforts to schedule orphan processing according to the capacity of your office in Port-au-Prince. The timetable of VIP-sponsored flights should not disrupt orderly processing by your officers on the ground, which should ensure that these children do not have to

Mr. Alejandro Mayorkas  
Director, U.S. Citizenship & Immigration Services  
111 Massachusetts Ave. N.W.  
Washington, D.C. 20529

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make multiple trips to the Embassy. This will also ensure faster processing for all of the children who are in the process of being adopted by American parents. In addition, many of our closest allies have complained that they cannot get relief flights into Haiti because we have used the majority of slots. Discouraging unnecessary flights could help alleviate the situation.

Thank you again for USCIS's continued dedication to serving American citizens and others in need.

Sincerely,

A handwritten signature in cursive script, appearing to read "Janice L. Jacobs".

Janice L. Jacobs

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U.S. Department of Homeland Security  
U.S. Citizenship and Immigration Services  
Office of the Director (MS 2000)  
Washington, DC 20529-2000



U.S. Citizenship  
and Immigration  
Services

## Memorandum

TO: Deputy Secretary Lute

FROM: Alejandro N. Mayorkas  
Director

SUBJECT: CAT RFI #0075-10-63 Plans for Haitian Orphans: Current Status of Actions for an IPC (Interagency Policy Committee)

Our response to the subject Crisis Action Team Request for Information (CAT RFI) requiring identification of the current status of actions for an IPC (Interagency Policy Committee) regarding plans for Haitian Orphans is provided below.

### Current State

#### 1. Regulating the orderly flow of Haitian orphans and children from Haiti to the US

- USCIS is screening Haitian orphans one at a time at the US Embassy in Port-au-Prince.
- On Jan. 18 DHS announced humanitarian parole policy for orphans.
- The humanitarian parole policy is applied on a case-by-case basis to the following children:
  - Category 1: Children who have been legally confirmed as orphans eligible for intercountry adoption by the Government of Haiti and are being adopted by U.S. citizens.
  - Category 2: Children who have been previously identified by an adoption service provider or facilitator as eligible for intercountry adoption and have been matched to U.S. citizen prospective adoptive parents.
- Once screened, orphans are departing Port-au-Prince via various forms of aircraft (government, commercial and private charters)
  - Assure safe transportation of orphans to Embassy and from Embassy to airport.
  - Need to cease non-government flights unless coordinated with government).
  - Need to assure that only approved orphans board flights.
- For those orphans in Port-au-Prince awaiting evacuation, there is a temporary need for a secure, safe haven.

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CAT RFI #0075-10-63 Plans for Haitian Orphans: Current Status of Actions for an IPC  
(Interagency Policy Committee)  
Page 2

2. Processing Haitian orphans and children upon arrival to the US

- DHS has immediate front end (CBP), involves some health screening.
- If child falls within Category 1, child is released to adoptive parents.
- If child falls within Category 2, child is an unaccompanied minor processed by CBP/ICE and paroled into the custody of HHS for placement.
- If child has no legal guardian and does not fall within Categories 1 and 2, child is processed by CBP/ICE and paroled into the custody of HHS for placement.

3. Competing and Imminent Pressure Points

- Expanded categories for orphans and Haitian children with ties to US resident relatives.
- Relatives of U.S. citizens – who will be allowed to enter?
- Medical evacuees – who brings, where do they go, who pays, what is disposition upon treatment of emergency condition?
- Interdicted orphans and children.

4. Domestic Infrastructure to handle the influx

- Limited HHS capacity.
- Questions around who pays.





U.S. Citizenship  
and Immigration  
Services

January 27, 2010

Memorandum

TO: Secretary Napolitano

FROM: Alejandro N. Mayorkas  
Director

A handwritten signature in black ink, appearing to read "A Mayorkas", written over the printed name of the Director.

SUBJECT: Recommendations Regarding the Haitian Situation

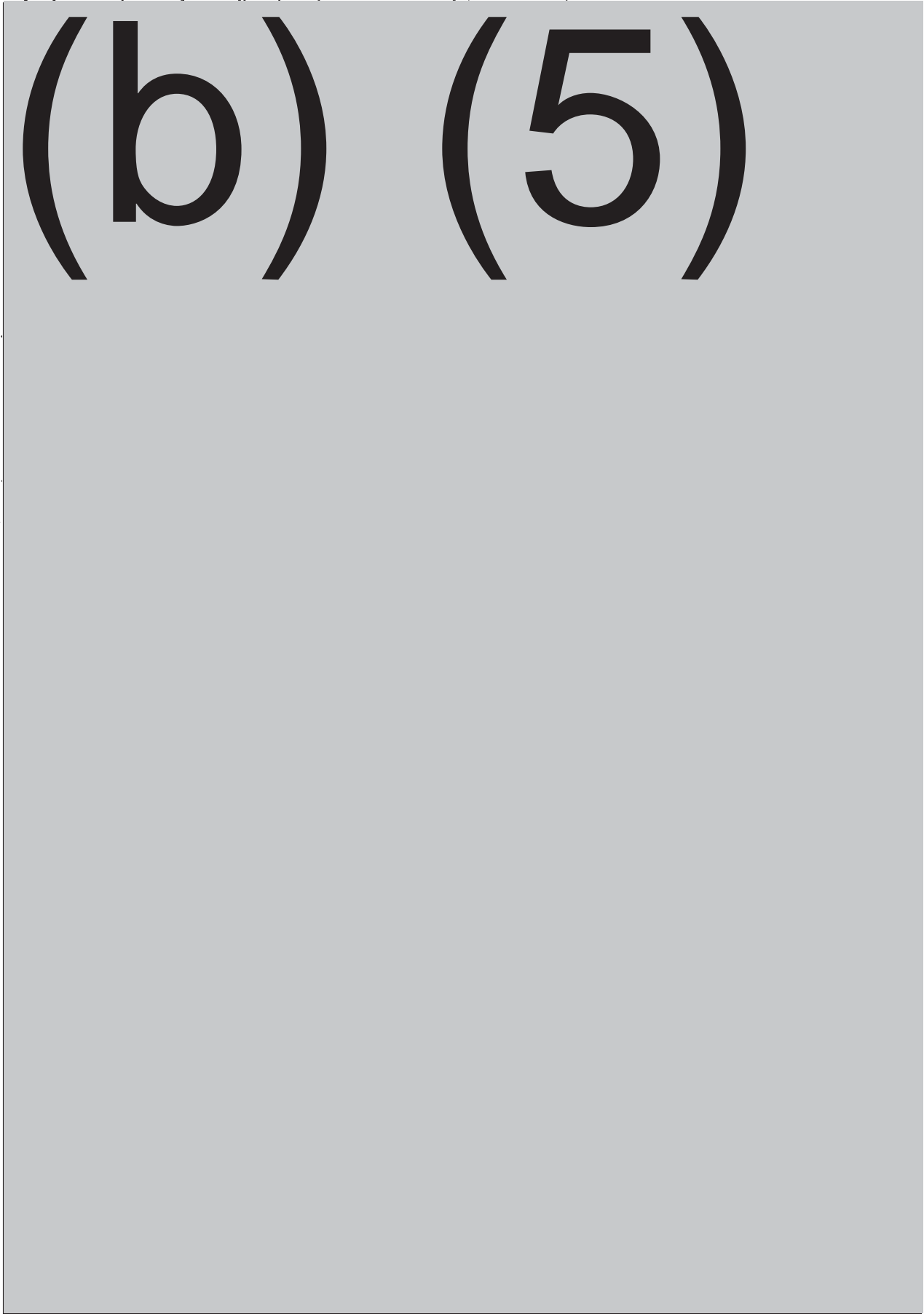
I report below on my January 26, 2010 meeting with Eric Schwartz, Assistant Secretary of State, Bureau of Population, Refugees, and Migration. I also present below my recommended actions.

Prior to our meeting, Eric and I briefly discussed Elliott Abrams' January 22 editorial in *The Washington Post*, in which Abrams opines that a more significant migration of Haitians would aid Haiti because the country will benefit from the increased remittances that would follow. I have attached a copy of Abrams' editorial as Attachment 1.

Following Abrams' editorial, on January 25th The Migration Policy Institute issued a paper setting forth six policy options in response to the earthquake in Haiti. The options include expediting visas for Haitian relatives of U.S. citizens and broadening the use of our parole authority to bring additional categories of vulnerable Haitians to the U.S. MPI's paper appears as Attachment 2.

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Recommendations Regarding the Haitian Situation

Page 3

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## HAITIAN MEDICAL EVACUEES IN THE UNITED STATES

### DECISION POINTS/ASKS:

- What is the DHS stance, roles and responsibilities for Haitian patients coming into the U.S. for medical care?

### BACKGROUND:

- Prior to the earthquake, Haiti had a poor health care infrastructure, and what was in place suffered significant destruction
- Health care issues now being addressed by multiple military and NGO resources from multiple countries – a system for coordinating all of those activities have been lacking to date. A US Navy command surgeon will be arriving to Haiti to coordinate this activity. Pan American Health Organization through their “health cluster” has been attempting to fulfill this role.
- Significant overall coordination of health care resources among all international players is now starting to occur
- USNS COMFORT is providing some of the most sophisticated health care in the area – in many cases, a higher level of care that is available in many areas of the country at baseline.
- There are very limited relief facilities in Haiti that can provide sophisticated care
- There is a need to transfer some patients from relief and treatment facilities in Haiti to facilities with higher level of care than is currently available in Haiti – only the US has agreed to accept those patients.
- Some arrangements to transfer patients to accepting hospitals in CONUS have been made by NGO’s through direct physician-to-physician contact. Private medical evacuation flights have transported and continue to transport some of those patients.
- Multiple physicians, rather than a single source, have made decisions to transfer patients so far, likely based on varying triage criteria rather than a single standard.
- Patient transfers from USNS COMFORT are well coordinated with transportation provided by TRANSCOM
- Many of these patient transfers occurred before reimbursement issues for their medical care had been addressed or resolved—due to severity of injuries/illness, overall costs could be \$250,000/person over long term to include both acute/rehabilitative care (not long-term care)
- Some states are claiming saturation and declining to accept Haitian patient transfers until the federal government provides a plan for equitably distributing critically ill patients among the states and for appropriate reimbursement for services.
- In a letter dated January 27, 2010, Governor Crist of Florida requested that HHS activate the National Disaster Medical System (NDMS) to address the distribution and reimbursement issues.

### GOAL:

- In the short term, the establishment of the skeleton or framework of a health system in Haiti--from acute care and post-op care to skilled nursing care to supportive/convalescent care to home--should leverage existing Haitian capabilities, maximize UN, USG and international resources and engage NGOs to minimize suffering and optimize care for the Haitian people.
  - The system that is established should be based on the principle that CONUS hospitals should be the destination of last resort for these patients.

- This goal acknowledges that, in the near term, the infrastructure to care for a population of critically ill or injured patients (population size yet to be determined) cannot be accomplished with the resources currently available.

**ACTION TAKEN:**

Issues being worked and coordinated through discussions with NSS (there will be another sub-IPC at 1330 today):

- DHS (CBP, ICE and USCIS) is confirming with the interagency the immigration options for Haitian patients transferred to CONUS. (supplemental information in appendix A)
  - Granting humanitarian parole status for these persons would provide most flexibility in allowing these patients eligibility for Medicaid and other funding sources. In some cases, Medicaid may be the only source for reimbursement.
- DHS components are ready to support the reception, processing, and transportation of Haitian medical evacuees
- HHS is working with the interagency to identify funding mechanisms for these patients (supplemental information in appendix B)
  - HHS strongly feels that a supplemental appropriation, and possibly additional legislation with new or modified authorities will be required to adequately fund these activities
  - States and local hospitals will require 100% reimbursement to care for these patients
  - OMB working with the agencies to identify funding options
- DoD agreed to work with State, USAID, HHS, and DHS to outline an operational framework for medical treatment evacuations, to include a process for decision making on the ground regarding locations to which Haitians could be moved from COMFORT if a medical evacuation is required, and criteria.
  - A USN Command Surgeon is arriving on island today to assume responsibility for that coordination
- HHS is working with DoD to examine options for decision making regarding which CONUS hospitals Haitian citizens could be evacuated to if necessary. HHS will document options for a process, along with criteria.
  - The possibility of activation of the patient movement of the National Disaster Medical System (NDMS) to coordinate hospital destination determination and patient transport has been discussed. The underlying authority to activate NDMS is applicable to the current situation; however, HHS requires a supplemental appropriation to sustain NDMS activation.
  - In addition, we understand that TRANSCOM is contacting state and locals asking for their availability to take in additional patients. This is starting to raise additional questions regarding reimbursement.
- The process by which these patients will be case managed (coordination of all the health and social resources needed for their recovery and rehabilitation) is being discussed. Some in the interagency feel that USCIS should be responsible for that case management – USCIS programs focus on employment issues; they have never been involved in health management coordination.
  - This will more likely be addressed through the Medicaid programs in the states in which the patient's care is being provided.



Efforts to develop expanded health care facilities on island that will allow for most care, including post op care on island are continuing with support from the USG and many other countries – it will take time to establish those facilities.

**RECOMMENDATIONS:**

1. Emphasize the urgency of resolving the issues noting frustration articulated by vital state and local partners.

2.

3.

4.

5.



**ATTACHMENTS:**

A. Haiti Medical Humanitarian Parole Info-Sheet

**Contact:** Donald Triner, DHS OPS, [Donald.Triner@hq.dhs.gov](mailto:Donald.Triner@hq.dhs.gov) 202-282-8611

### **Orphans and Humanitarian Parole**

On Jan. 18, Secretary Napolitano, in coordination with the State Department, announced a **humanitarian parole** policy allowing orphaned children from Haiti with prospective adoptive families in the U.S. to enter the United States.

- The humanitarian parole policy will be applied on a case-by-case basis to the following children:
  - Children who have been legally confirmed as orphans eligible for intercountry adoption by the Government of Haiti and are being adopted by U.S. citizens.
  - Children who have been previously identified by an adoption service provider or facilitator as eligible for intercountry adoption and have been matched to U.S. citizen prospective adoptive parents.
- USCIS and the Department of State are assisting individuals through the American Embassy in Port-au-Prince to determine eligibility for evacuation and entry to the United States.
- DHS appreciates the urgency of the situation and need to process evacuees quickly. In order to ensure children are not separated from relatives in Haiti and to protect potential victims of trafficking, DHS strongly discourages the use of private aircraft to evacuate orphans.
- All flights must be appropriately coordinated with the U.S. and Haitian governments to ensure proper clearances are granted before arrival to the United States.
- DHS encourages U.S. citizens with pending adoption cases in Haiti to send detailed information about their cases to [HaitianAdoptions@dhs.gov](mailto:HaitianAdoptions@dhs.gov) for additional assistance.

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February 27, 2010

MEMORANDUM

To: Secretary Napolitano

Through: Noah Kroloff

From: David Martin  
Esther Olavarria

Subject: Legislative and Administrative Options for Immigration Reform

Attached at are three papers exploring alternative legislative and administrative options for advancing immigration reform. (b) (5)

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The three attached papers are draft documents presenting a list of ideas that need additional policy, legal, and political analysis before your final decision. (b) (5)

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**PAPER 1 – Legislative Options**

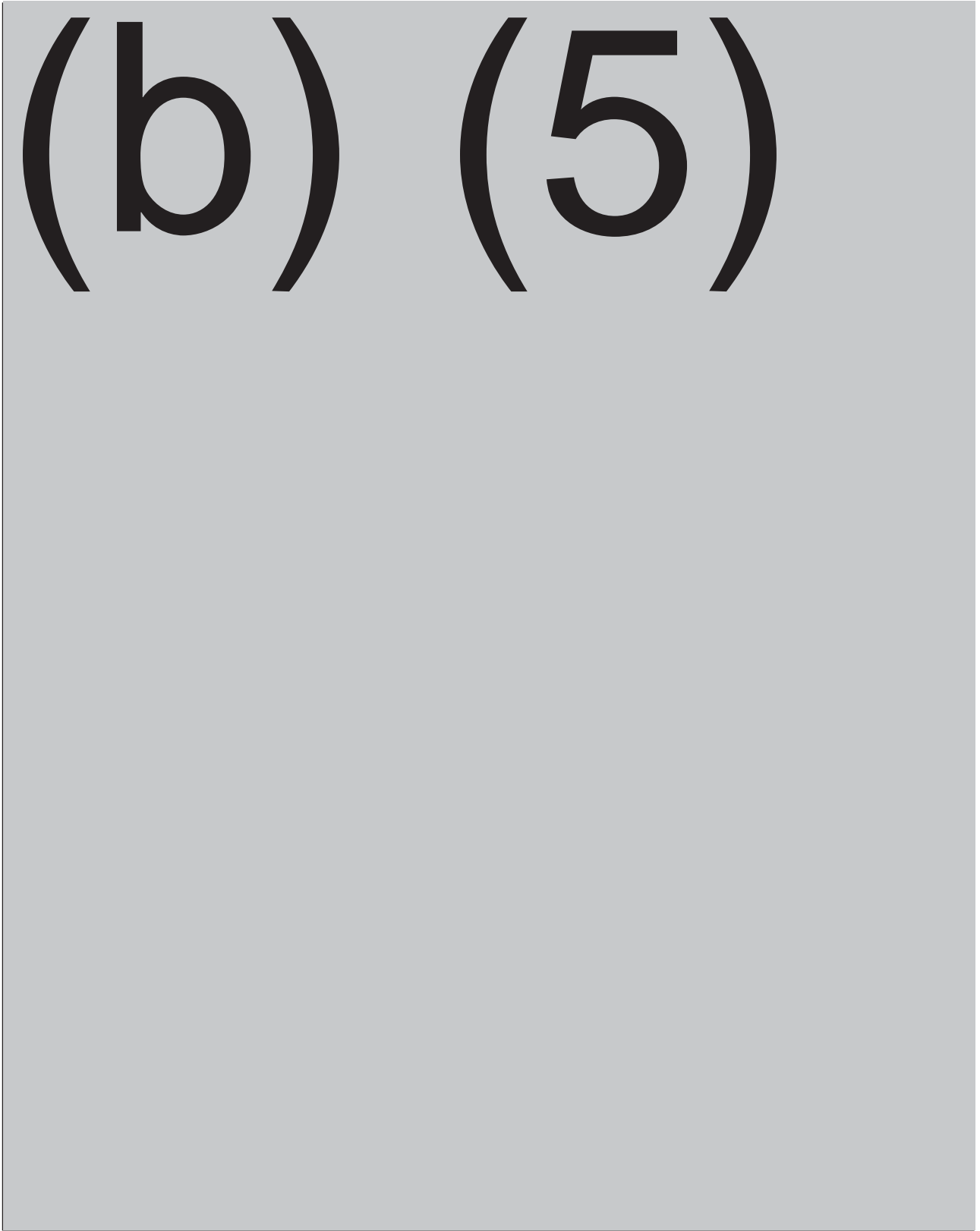
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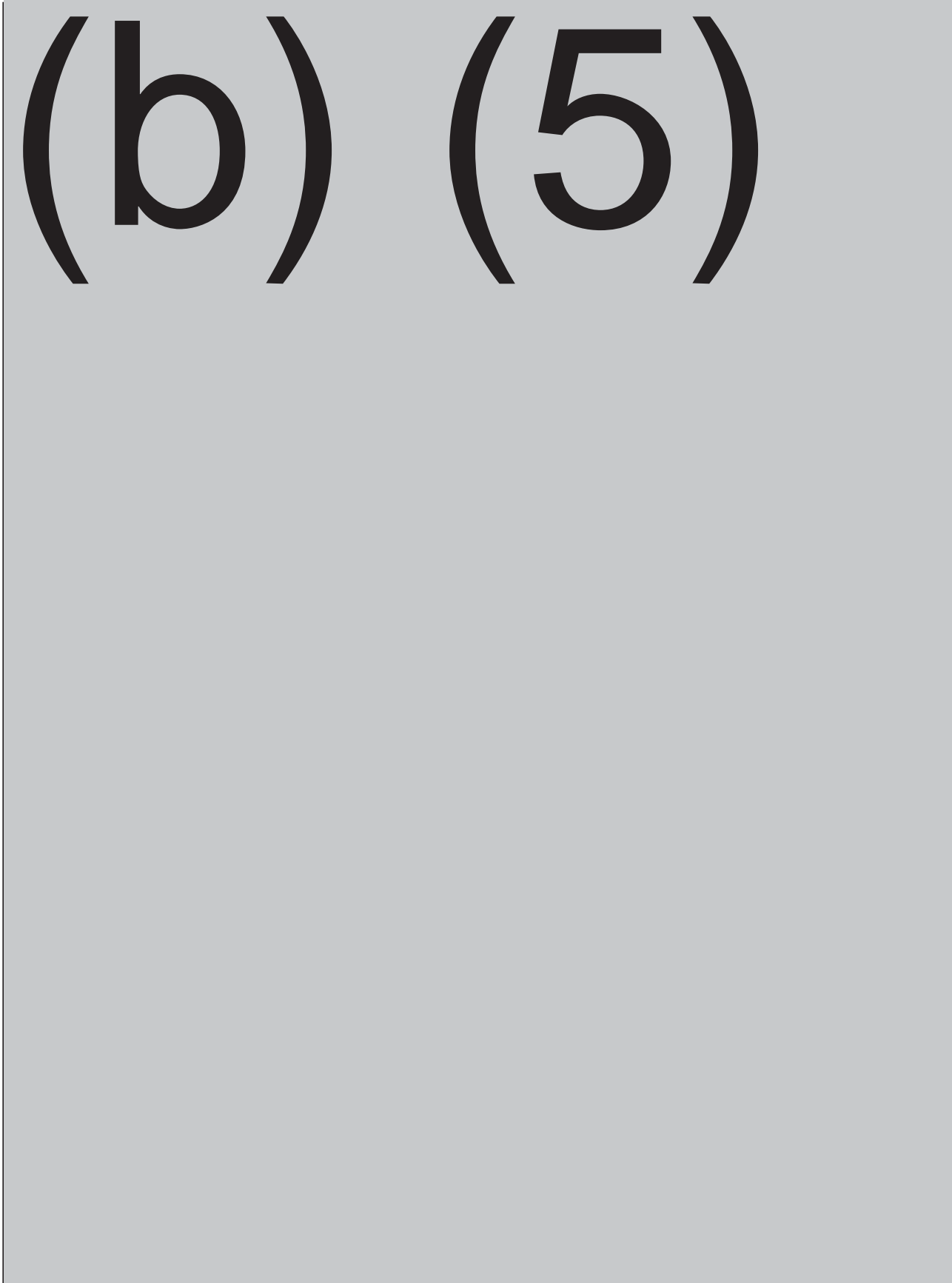
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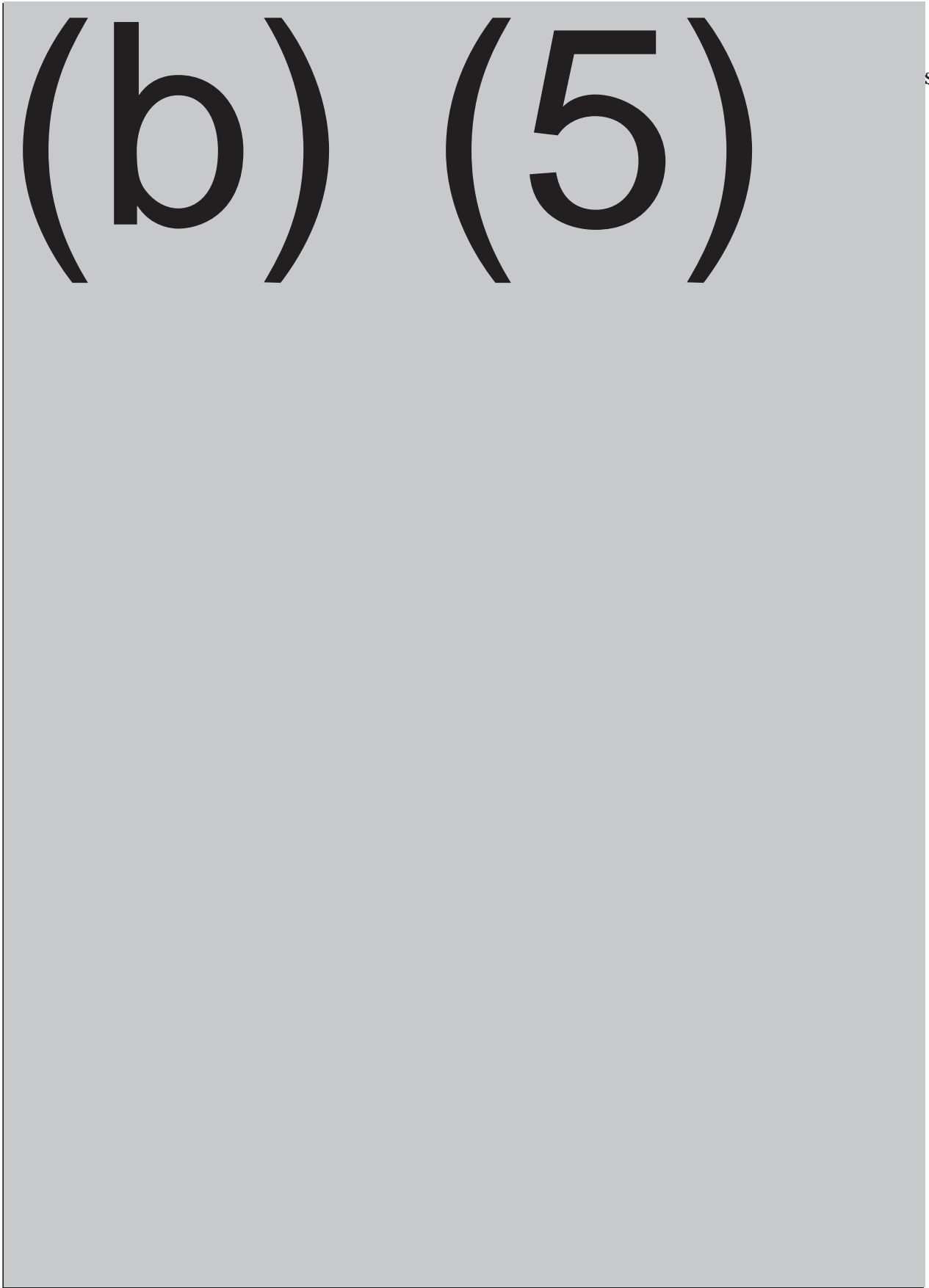
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**PAPER 3 – Administrative Options**

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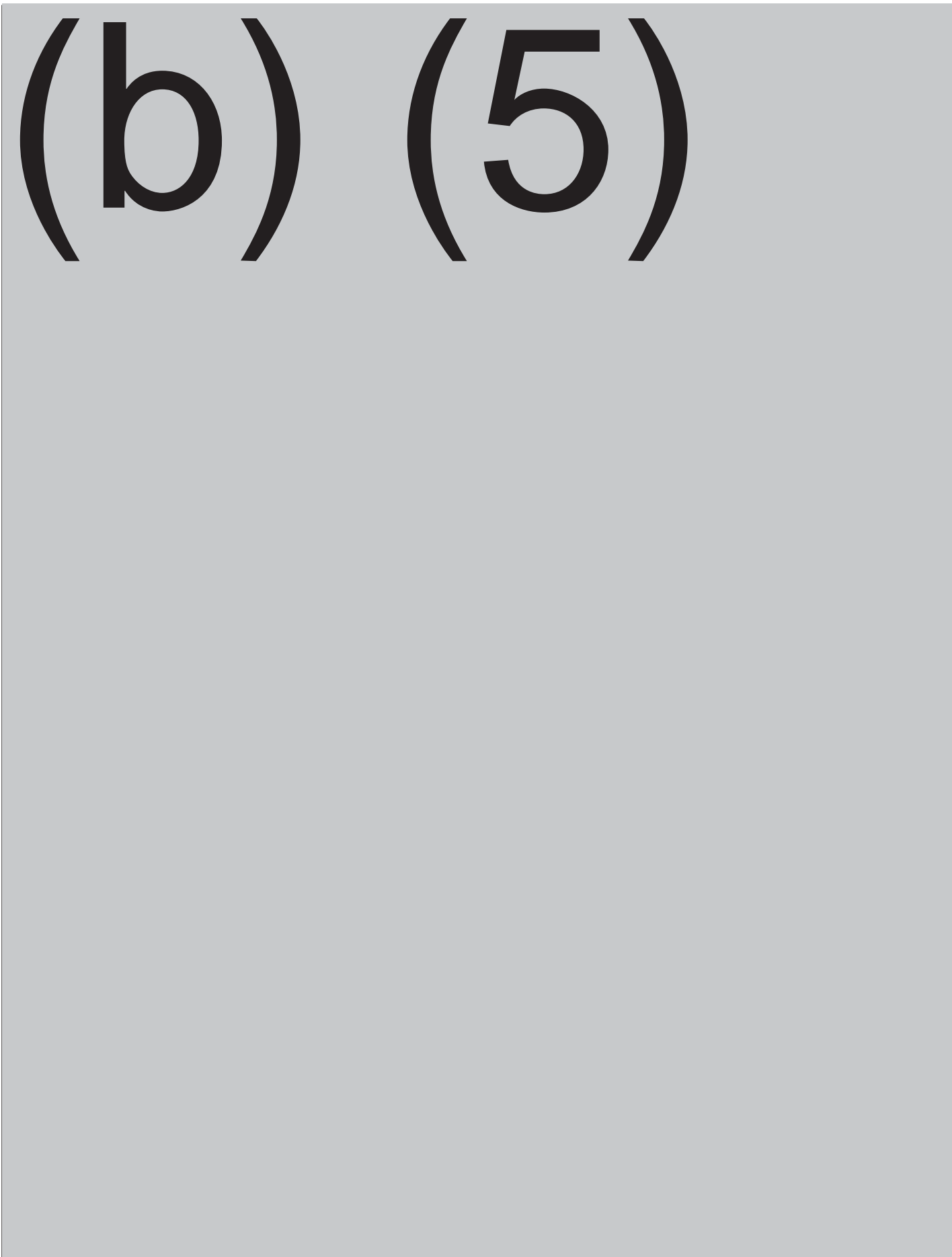
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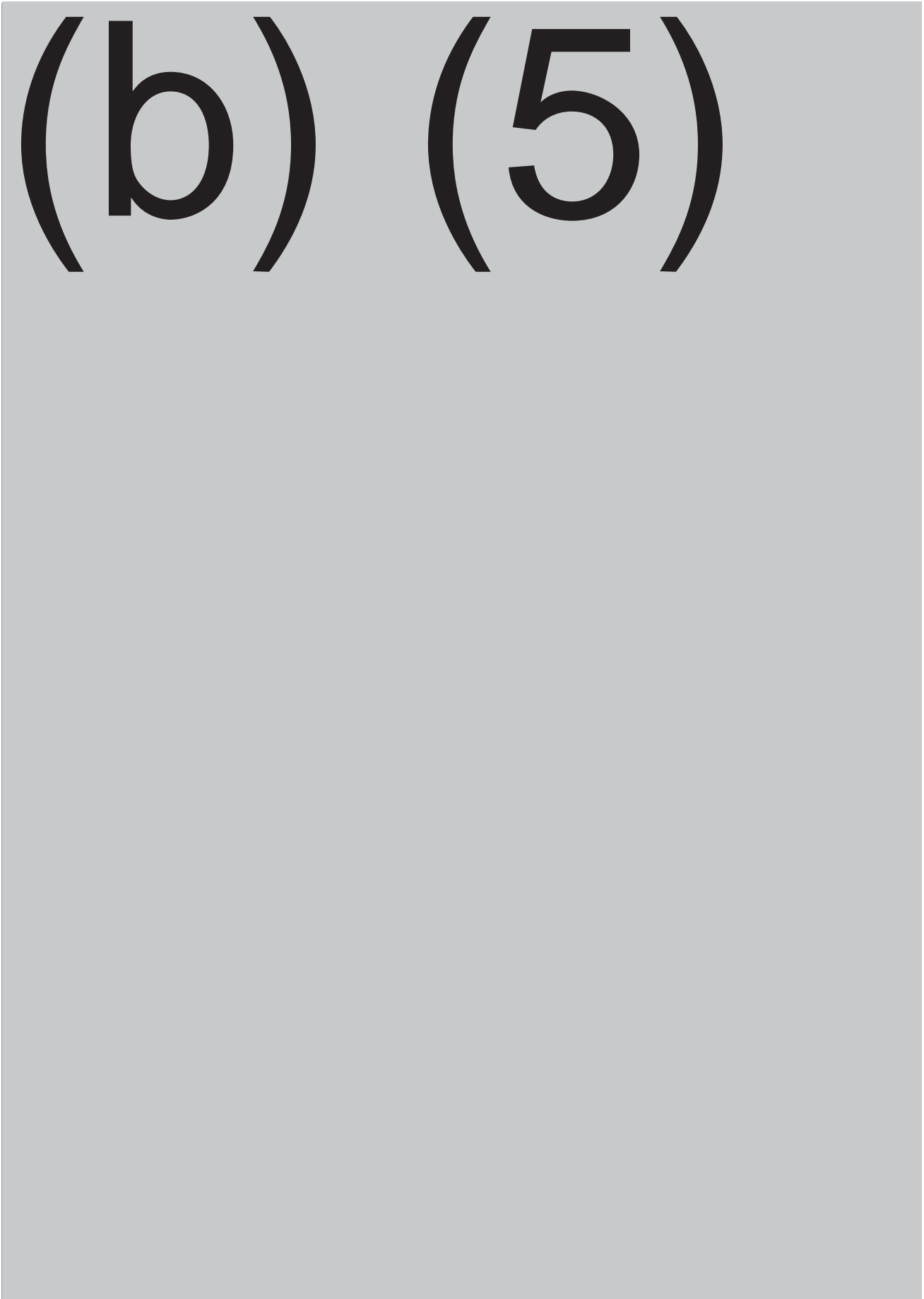


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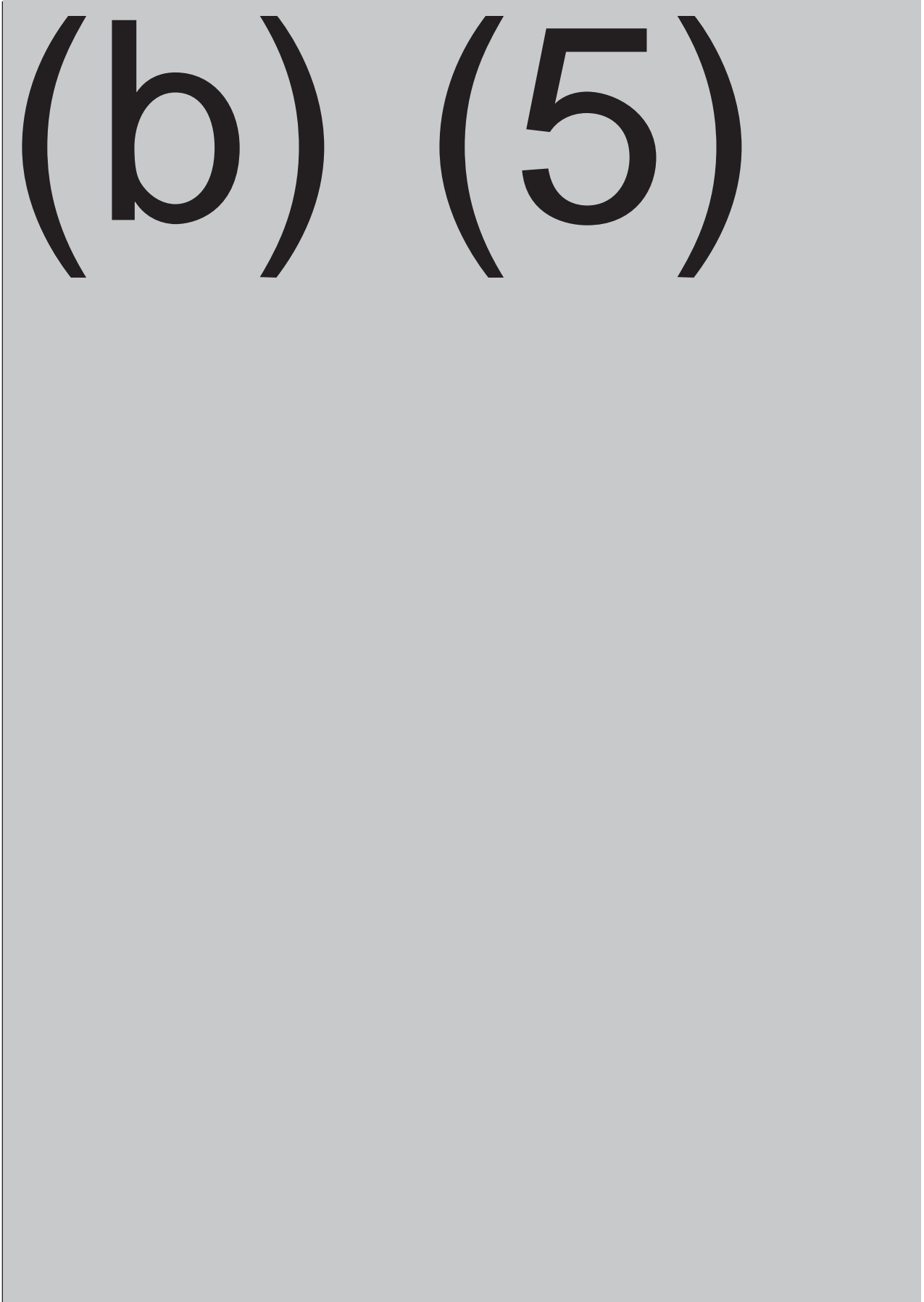
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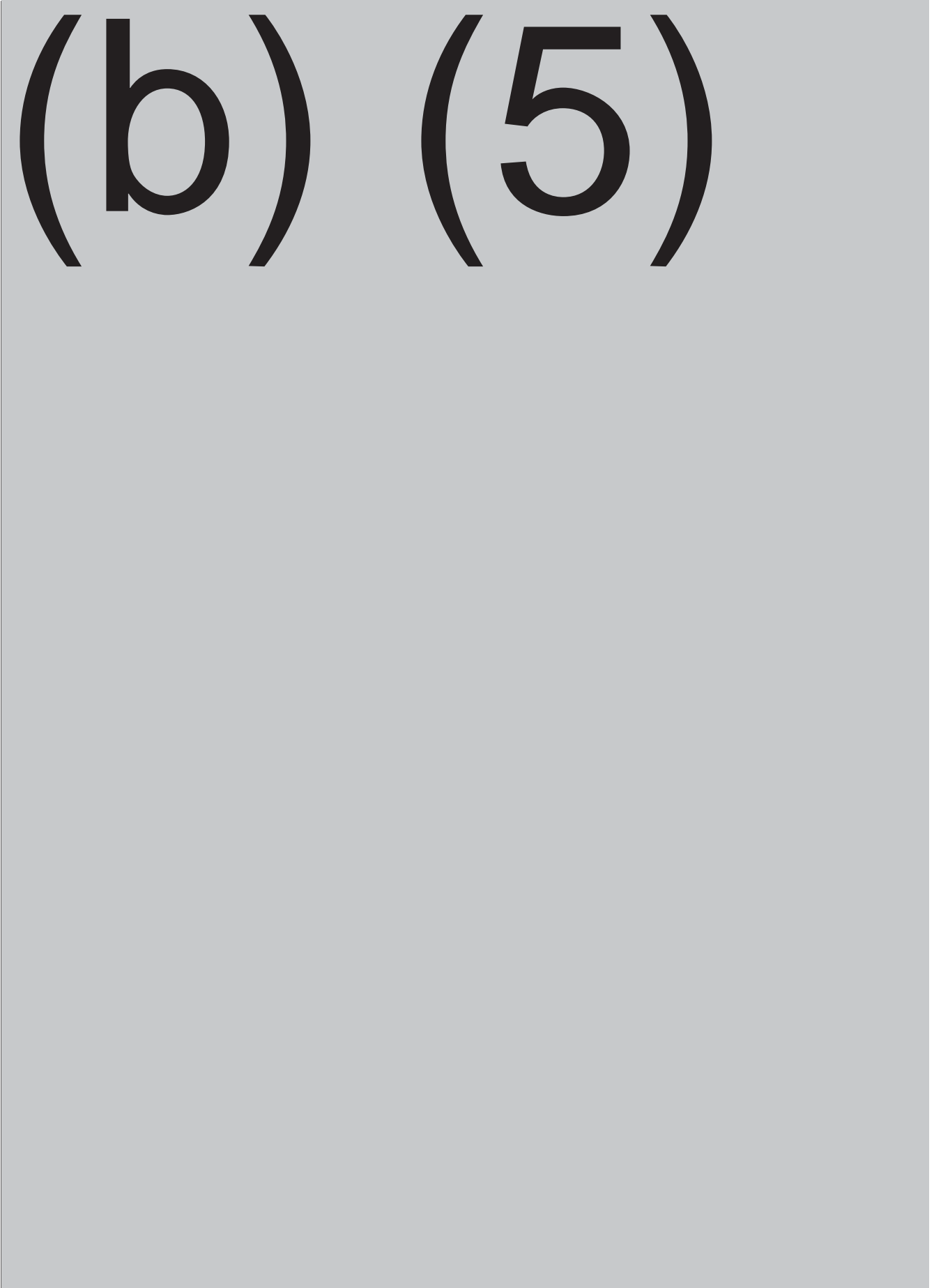
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U.S. Citizenship  
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Services

# Attendees

## Quarterly Stakeholder Meeting with Director Mayorkas

March 17, 2010

111 Massachusetts Avenue, NW

Tomich Conference Center

2:00 – 4:00 pm

1. Acanero, Antonia
2. Bord, Eric  
Morgan, Lewis, & Bockius LLP
3. Brau, Mahdi  
MAS Freedom
4. Coleman, Marcus  
DHS Center for Faith-Based and Community Initiatives
5. Deasy, Bob  
AILA
6. de los Angeles Sierra, Maria  
Embassy of Guatemala
7. Falahee, Katharine  
DOJ/OSC
8. Giovagnoli, Mary  
Immigration Policy Center
9. Haesung, Han  
Maggio & Kattar
10. Kern, Suzan  
Catholic Charities
11. Lande, Jeff  
Lande Group



U.S. Citizenship  
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12. Laglagaron, Laureen  
MPI
13. Le, Phong  
BPSOS
14. Lindemans, Annelies  
Freddie Mac
15. Lucas, Matthew  
Office of Senator Webb
16. Majid, Jasmine  
ACIP
17. Malik, Irfan  
PAKPAC
18. Mattingly, Ali  
Maggio & Kattar
19. Mauldin, Elizabeth  
National Immigration Law Center
20. McDonald, Jim  
American English Association
21. Mechler, Christina  
National Center on Immigration Integration Policy (MPI)
22. Medina, Olga  
NCLR
23. Melmed, Lynden  
BAL Corporate Immigration
24. Meredith, John  
Meredith Advocacy Group
25. Miles, Monique  
IRLI
26. Mokhiber, Mr.



## U.S. Citizenship and Immigration Services

Mokhiber & Moretti LLC

27. Morrison, Bruce  
Morrison Public Affairs Group

28. Nelson, Gene  
PhD

29. Nezer, Melanie  
HIAS

30. North, David  
Center for Immigration Studies

31. Pabst, Thomas  
ORR

32. Ragland, Thomas  
Duanne Morris

33. Recio, Irene  
BPSOS

34. Sanders, Debi  
Catholic Charities

35. Sanz, Marilina  
NACO

36. Scott, Jannah  
DHS Center for Faith-Based and Community Initiatives

37. Shan, Parvez  
PAKPAC

38. Shen, Patrick  
Fragomen, Del Rey, Benson, and Loewry

39. Shotwell, Lynn  
ACIP

40. Swartz, Tricia  
USCRI



U.S. Citizenship  
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41. Tan, Agatha  
Georgetown Law
42. Thompson, Aetna  
Fan, Fitzpatrick, and Thompson LLP
43. Trautz, Reid  
AILA
44. Vongjaroenrat, Panravee  
Justice for Our Neighbors
45. Woldernariam, Wintta  
Office of Senator Gillibrand
46. Young, Johnny  
USCCB

Office of Public Engagement



U.S. Citizenship  
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Services

## March 17<sup>th</sup> National Stakeholder Session – Third Quarterly

### Agenda Items for Discussion

#### Opening remarks

- Earlier today, I had the opportunity to unveil a number of important civil rights initiatives in the context of E-Verify. In addition to signing a Memorandum of Agreement with the Department of Justice, USCIS introduced:
  - Two E-Verify employee rights outreach videos (one for employers and one for employees) produced by CRCL; and
  - An E-Verify Employee Hotline, which goes live on April 5, which allows employees to obtain information about the E-Verify process and the Form I-9.
- This afternoon I would like to provide you with an update on key USCIS initiatives since we last met. Each of the actions being undertaken relates to our Agency's guiding principles of integrity, efficiency, consistency and transparency.

#### 1. Robust engagement following Haiti's earthquake

- The response of our government to the Haitian crisis was swift, decisive, and comprehensive. I am extremely proud of the role USCIS employees served in this response, both on the ground in Haiti and in the United States as events unfolded and since that time.
- Many USCIS employees worked tirelessly under intense pressure to ensure that Haitian orphans were safe and well cared for. Other employees worked day and night to build the significant operation necessary for us to extend Temporary Protected Status (TPS) to eligible Haitian nationals in this country including conducting hundreds of outreach sessions reaching over 17,000 participants. Through March, USCIS has received nearly 30,000 applications for TPS from Haitian nationals.
- USCIS continues to respond in other aspects of the humanitarian relief effort, including humanitarian parole for individuals needing urgent medical care and the adjudication of petitions associated with Haitian relatives of persons living legally within the United States.

#### 2. Organizational realignment

- In January we undertook an internal organizational realignment elevating the visibility of critical programs by establishing new Customer Service, FDNS, Management, and Field and Service Center Operations Directorates providing additional operational focus to these strategic areas of operational activity.

### 3. Citizenship grants

- A few weeks ago we launched the FY 2010 Citizenship and Integration Grant Program. This program, administered by our Office of Citizenship, provides two competitive grant opportunities designed to help prepare lawful permanent residents (LPRs) for citizenship. In FY 2009, we awarded 13 separate grants totaling \$1.2 million. In FY 2010, we expect to award upwards of 50 separate grants totaling \$7 million. We plan for a rigorous grant review and evaluation process to ensure this important investment will benefit not only those directly receiving services but the nation as a whole.
- We encourage those interested to please review requirements and submit your letters of intent by March 26, 2010. Please note that the letter of intent is mandatory and you must submit this in order to apply for either of the grants

### 4. Policy review

- To enhance consistency and integrity, we are also undertaking a complete review of all policy and operational guidance. I understand how crucial the uniform application and interpretation of policies across USCIS is to our mission of providing the public with the highest possible level of service. As stated during our December engagement we will be seeking internal and external input to better inform policy priorities and next steps.
- To support this effort, we will also be:
  - Posting relevant draft guidance for review and comment;
  - Addressing inconsistencies in the adjudication process;
    - We will engage in a number of internal and external sessions to bring consistency and standardization to our Requests for Evidence (RFEs); and
  - Enhancing the visibility of the Administrative Appeals Office (AAO)

### 5. Fee review

- The Chief Financial Officer's Act of 1990 requires us to undertake a fee study on a biannual basis. Our Agency's financial condition also compels us to examine every option available, including a potential change to our pricing schedule. In reviewing these options we understand that the communities we serve include individuals who are not of significant financial means. This concern is made more acute by the magnitude of the fee increase two years ago. We are making every effort to account for these concerns within the parameters of our difficult financial circumstances. I look forward to further discussing the results of the fee study once published later this year.

### 6. Transformation

- No project is more important to long-term operational improvement and efficiency than the Transformation, the Agency-wide effort to change the way we do our work each and every day. Over the next six months, and beyond, USCIS is engaging in an intensive discussion with both its internal and external stakeholders to discuss the critical next steps in this program. USCIS has developed a series of key action items designed to inform internal and external stakeholders at strategic intervals to maintain

consistent awareness and interest. These encounters began this past week as we engaged internally and externally on prospects for the electronic filing of applications and petitions – a dialogue that will continue in the weeks and months to come. Our Office of Public Engagement is also facilitating monthly engagements on External Data Interface standards – receiving feedback from stakeholders on critical aspects of the system.

## 7. Engagement

- During the past three months our Office of Public Engagement has facilitated a number of relevant engagements – in addition to the ones listed above - in the following strategic areas of external interest:

### A. Collaboration sessions on the Unauthorized Practice of Law (UPL) and the new Fee Waiver form

- UPL
  - USCIS hosted a stakeholder collaboration session and conducted an internal agency data call on UPL as a first step in identifying the scope of the problem and soliciting recommendations from stakeholders and USCIS staff. Notes from the collaboration session were shared with stakeholders and posted on the USCIS website. We have also engaged with federal government partners, including the Federal Trade Commission and Board of Immigration Appeals, in an effort to develop a collaborative, interagency approach to this problem.
  - We are currently in the process of developing a strategic plan, based largely on stakeholder feedback, to guide this initiative. The plan will focus on three main pillars: public education, capacity building, and deterrence. We look forward to sharing this plan once it is complete and continuing to work with our federal, state, local, and community partners as we move forward with this initiative.
- Fee waiver form
  - We sought external stakeholder input on the new form during our national stakeholder meeting in January to ensure that the creation of the form is transparent; that the end result provides consistent and efficient adjudications; and that the integrity of the process is upheld.
  - We thank you for your recommendations and suggestions that went into the draft form and instructions. These are currently being circulated internally for clearance.
  - The next step will be the posting to the Federal Register for public comment.

### B. Listening sessions on the H1B and the Signatures memos

- Both engagements generated significant interest resulting in a robust discussion and exchange of ideas.
- In the context of the Signatures memo we considered stakeholder input, made adjustments to the memo, and will be posting a draft for public review and comment in the next few days.



- We continue to evaluate feedback received in the context of our on-going H-1B discussions and plan to re-engage with stakeholders in mid-April.

#### **D. Looking Ahead**

We will continue to address the challenges we face and explore new opportunities for engagement, including:

- Launching additional customer service enhancements:
  - Tailored online case status results by adding granularity to current process information;
    - Currently only 7 generic steps are reflected in Case Status Online for all form types
    - Enhancement to be implemented in May 2010 will show specific processing steps based on form type in Case Status Online
    - This will be implemented for most form types
  - Email updates in the Spanish language;
    - May 2010 enhancements will include the option to receive email updates in English or Spanish
    - This will be available for both customers and representatives
    - This enhancement continues to move us in the direction of providing our Spanish speaking customers with the same experience whether they contact us via the 1-800 number or the web.
  - Change of Address Online service in Spanish
    - Also in May 2010 enhancement, customers and representatives will be given the option to review Change of Address screens in English or Spanish.
    - Customers will continue to be required to update address information in English.
  - SRMT online for Forms I-90 and N-400.
    - Customers and representatives will be provided the opportunity to submit a request electronically using the Service Request Management Tool directly to the Field Office or Service Center responsible for the case without calling the 1-800 number
    - Will be accessible through [uscis.gov](http://uscis.gov)
    - This service will be piloted for customers whose case is Outside Normal Processing Times for both the Forms I-90 and N-400 and for Non-delivery of an Other Notice for the Form I-90
    - We plan to offer this online service for all form types currently handled by the National Customer Service Center thereby alleviating the need to call the NCSC for service requests.

Office of Public Engagement



U.S. Citizenship  
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### March 17<sup>th</sup> National Stakeholder Engagement: Response to Haiti TPS Letter

On March 15<sup>th</sup>, USCIS received a letter, signed by 49 organizations, requesting that we take additional actions to provide assistance to Haiti. Specifically, the organizations requested that the following actions be taken:

#### Fee Waivers

- Adopt a policy of greater leniency and flexibility in granting fee waivers
  - Waive fees on the grounds that such a waiver helps augment remittances
- Reduce fees for TPS and EADs
  - Consider reducing fees for appeals and inadmissibility waivers as well
- Create a reasonable presumption of eligibility for fee waivers, regardless of personal hardship or inability to pay
  - Consider an applicant seeking employment authorization for purposes of sending remittances to have established a prima facie case of eligibility for the waiver
  - Consider remittances to be "reasonable and essential" for purposes of determining eligibility to pay

#### Response:

- As of 3/15/2010, 1,797 or 5% of 35,736 TPS applications processed were submitted with no fee.
  - Each of these applications was reviewed to determine if the applicant was requesting a waiver of the fee due to inability to pay.
  - 43% or 1,019 applications of the applications were accepted with no fee because the fee waiver request was approved.
  - The remaining 1,797 applications were rejected for no fee because the fee waiver request was denied on the merits or was found to be incomplete.
- Primary reasons for denial/rejection:
  - Affidavit or unsworn declaration not signed
  - Affidavit or unsworn declaration did not include one or more of the following pieces of required information: assets, monthly income and expenses for 3 month
  - Income provided exceeds over poverty level
  - The criterion used to adjudicate a TPS-related fee waiver request is in 8 CFR 244.20.
- We will issue additional clarifying language on the USCIS Internet site to identify the basic information required. In addition, if there are questions on why a fee waiver request was denied, applicants or their representatives can reach out to [lockboxsupport@dhs.gov](mailto:lockboxsupport@dhs.gov) or call the I-800

#### **USCIS Contact**

- Designate a specific person to answer attorney/representative questions about problematic cases.

#### **Response:**

- The Customer Assistance Office, within the Customer Service Directorate, is responsible for handling these problematic cases. Questions and concerns regarding difficult TPS cases can be routed through this office for resolution.

#### **Haitian Consular Identification**

- Commit to accepting the Haitian consular identification (ID) as positive proof of Haitian nationality, whether or not the applicant has any other evidence.

#### **Response:**

- FDNS and SCOPS confirm that we will accept an ID document issued by a Haitian Embassy or Consulate in the U.S. as evidence of Haitian nationality and this is noted on our website.
- FDNS would like to meet and discuss this and other issues with the Haitian Embassy.

#### **Application Support Centers**

- Accept alternate IDs in lieu of driver's licenses or passports, including the Haitian consular ID, in order to admit TPS applicants for the required fingerprints and biometrics.

#### **Response:**

- Enterprise Services confirms we are not turning away anyone from the ASCs

#### **Travel to Haiti**

- Ease the restrictions on the ability of Haitians who have traveled outside the United States after the earthquake to apply for TPS.

#### **Response:**

- SCOPS states that this may be a perceived "restriction" as opposed to an actual one. An individual who can establish that he/she made a brief, innocent, and casual departure may be eligible for TPS. This is addressed in the Q&As posted on the website.
- To clarify, for adjudicative purposes, a "brief, casual, and innocent" absence means a departure that satisfies the following criteria:
  - The absence must be of short duration;
  - The absence must have been reasonably calculated to accomplish the purpose(s) for the absence. The purpose(s) of the absence and the actions taken by the applicant while out of the United States must not have been contrary to law; and
  - The absence must not have been the result of an order of deportation (removal) or voluntary departure, or an administrative grant of voluntary departure.

#### **Form I-765**

- Provide that applicants who do not seek employment authorization not be required to fill out Form I-765.

#### **Response:**

- All individuals applying for TPS must file form I-821 and Form I-765. Form I-765 is required by regulation, even for those who are not requesting an EAD.
- See 8 C.F.R § 244.6. Applicants not seeking employment authorization are not required to pay a fee.

Haiti 0075-10-77

**\*REQUESTOR:**

Name:

Agency: DHS CAT on behalf of DOS Haiti TaskForce1

Telephone Number: (b) (6)

E-mail Address: (b) (6)

**\*DESIRED DUE DATE AND TIME:**

Requested Date: 2000 22 January, 2010

**\*CURRENT CLASSIFICATION LEVEL:**

"UNCLASSIFIED"

**\*CURRENT CAVEATS:**

"FOUO"

**\*DESIRED (HIGHEST) CLASSIFICATION LEVEL OF RESPONSE:**

"UNCLASSIFIED"

**\*DESIRED (HIGHEST) CAVEATS OF RESPONSE:**

"FOUO"

**\*DESIRED/SUGGESTED AGENCIES FOR PROVIDING RESPONSE:**

CIS

**\*ESSENTIAL ELEMENTS OF INFORMATION/REQUESTED INFORMATION:**

DOS HAITI TASK FORCE 1 is requesting from DHS

1. A clarification on the DHS immigration status that is granted to Haitian evacuees that are being entered for emergency medical care in the US.
2. What is the process that is followed and the standards that the patients must meet in order to receive consideration?
3. Is any consideration being given to providing a blanket parole/status to Haitian emergency medical patients in need of transfer to a US hospital?

1. Haitian evacuees that are being entered for emergency medical care in the U.S. receive parole (*i.e.*, are allowed entry) on humanitarian grounds.
2. Individuals in Haiti in need of entry to the U.S. for emergency medical care can receive humanitarian parole as follows:
  - (a) The USCIS D.C. office can grant parole to the individual prospective evacuee when the individual is still in Haiti and the USCIS D.C. office receives sufficient proof of the need for emergency medical care in the U.S.
  - (b) CBP can grant parole to the individual at the U.S. port of entry upon CBP's assessment of the need for emergency medical care.

In order to enter the U.S. as a humanitarian parolee predicated on emergency medical need, USCIS or CBP evaluates the available proof of medical need and makes the determination on a case-by-case basis. Historically, it is extreme cases that the USCIS D.C. office has approved for humanitarian parole on this ground.

3. This question does not take into account the nature of humanitarian parole based on emergency medical need. If the need exists in a case, the parole can be granted in that case. USCIS has not resolved the issue of the disposition of the evacuee in the U.S. once the emergency medical need has been resolved.

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Page 3 of 4

- **Naturalization and Immigrant Integration**
  - Looming fee increases threaten the progress that has been made in this area.
  - Statistics and anecdotal data indicate that high fees have already crossed the threshold for many would-be naturalization and permanent residence applicants.
  - Data gathering on the test must continue and be made available to the public.
- **Haiti**
  - DHS should expand the use of humanitarian parole for Haitians who are the beneficiaries of immigrant petitions, but whose priority dates are not yet current.
  - The administration should support efforts to make more visas available to Haitians, either through a reallocation of priority dates that favors Haiti or by supporting legislation that would create additional visas available only to Haitians.
- **Asylum**
  - Asylum seekers and refugees continue to be obstructed in their quest for protection by the one-year filing deadline and the overly broad interpretation of the material support bars, which frequently link innocent applicants to terrorism charges, regardless of the evidence. Given the arbitrary nature of the statutory one-year filing requirement, DHS should broadly interpret the exceptions and support legislation that would rescind the one-year deadline.

**PARTICIPANTS:**

***Non-USCIS***

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Royce Murray, Esquire  
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Gerri Ratliff, Associate Director, ESD  
Debbie Rogers, Associate Director, Field Operations  
Don Neufeld, Associate Director, SCOPS  
Lori Scialabba, Associate Director, RAIO  
James McCament, Chief, Office of Legislative Affairs

**PRESS PLAN:** None

**ATTACHMENTS:**

A. DHS Progress Report from Immigration Policy Center

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Scheduling and Briefing Protocol for the Director's Meetings and Events - Attachment B  
Page 1 of 10

**National Stakeholder Engagement: Haiti TPS Teleconference****OBJECTIVE:**

Host a national stakeholder engagement on Haitian TPS.

**INTERNAL VETTING**

- OPE, SCOPS, Lockbox, OCC, Policy and Strategy, RAIO

**BACKGROUND:**

The final day for Haitians to register for TPS is July 20, 2010. USCIS has not received as many applications as it had first anticipated. This engagement, hosted by Director Mayorkas and the Miami District Office, will encourage Haitians who are eligible to apply for TPS. Questions and concerns from stakeholders will also be addressed.

**ANTICIPATED QUESTIONS/TOPICS:****Fee Waivers**

- Requirements are too convoluted and complicated.
  - Instructions are provided on requesting a fee waiver at <http://www.uscis.gov/feewaiver>.
  - A Q&A has developed to address this concern and can be found at <http://www.uscis.gov/haitianearthquake>.
  - The written statement requesting a fee waiver **must** be in the form of an affidavit or an unsworn declaration that includes the statement "I declare under penalty of perjury that the foregoing is true and correct" and state the reasons why the applicant is unable to pay the fee. It must also include:
    - Gross monthly income from all sources for each of the three months prior to filing the fee waiver request;
      - All assets owned, possessed, or controlled by the applicant or his dependents;
      - Monthly essential expenditures, including extraordinary expenses (e.g., high medical expenses) for each of the three months prior to the filing of the fee waiver request
      - A list of all dependants in the United States including their relationship to the applicant, their street addresses, and their incomes.
  - While the submission of supporting documentation is strongly encouraged, a fee waiver request may be approved based solely on the information provided in the written statement provided it contains sufficient details regarding the facts that substantiate the applicant's claimed inability to pay the fee.
  - Where a fee waiver applicant has no supporting documentation, he is encouraged to submit a second affidavit from a member of his community of good moral character attesting that the applicant is unable to pay the fee(s).
  - USCIS will look at the totality of the circumstances, including whether the applicant owns, possesses or controls assets sufficient to pay the fee without substantial hardship, in determining whether to grant a discretionary fee waiver.
- Inconsistency in processing of fee waivers. Example: Families submit the same documentation and some fee waivers are approved, others denied.
  - Volume is such that only two officers are adjudicating these requests.

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Page 2 of 10

- Applicants should note the signature requirements for the affidavit – children 14 and over must sign their own affidavit, each adult must sign their own affidavit (meaning spouses cannot sign for one another).
- Allow for a single sworn statement to be submitted as many TPS-eligible individuals are ineligible to receive federal means-tested benefits and unlikely to have employment authorization that would allow them to submit proof of income.
  - Individuals adjudicating fee waiver requests have received appropriate training and are aware that most applicants are unlikely to be receiving fed means tested benefit.
  - Will look for other acceptable documentation including sworn affidavit.
  - Supporting documentation is encouraged, but there are situations where a fee waiver may still be approved in the absence of such documentation.
    - Written statement must explain with sufficient detail the facts that substantiate your claimed inability to pay the fee(s).
    - If you have no supporting documentation, you must state so in your written statement. You should also explain the reasons why that is so in your written statement, and you are strongly encouraged to provide a second affidavit from a member of your community of good moral character attesting that you are unable to pay the required fee(s).
- Allow remittances to count as a dependent expense or “essential extraordinary expenditure” under 8 C.F.R. Section 244.20(b).
  - The applicant may include remittances sent to Haiti in the sworn affidavit. This information will be assessed along with all other information.
- Rather than rejecting fee waivers, RFE for additional information and be specific in what additional information is required.
  - USCIS is developing a process by which fee waiver requests rejected prior to the end of the registration period will have 45 days to resubmit the request and application or resubmit with fee.

### Inadmissibility Waivers (I-601s)

- Advocates want more “lenient standards” for granting TPS I-601 waivers for fraud, the cost associated with the waiver, the lack of technical knowledge of those individuals who are self-represented, as well as the quick turnaround time required.
- USCIS should consider using “prosecutorial discretion” and not issue RFEs for I-601s except in the most egregious circumstances.
- Cost is prohibitive.
- The legal standards for TPS are very broad and encompassing. The waiver can be granted for humanitarian reasons, to assure family unity, or when it is otherwise in the public interest.
  - USCIS takes into account the humanitarian premise for the TPS program when applying discretion to grant a waiver under TPS.
  - There is no “prosecutorial discretion” in deciding whether a ground of inadmissibility applies; however, the statute provides that an applicant cannot be denied TPS solely because of his or her status.
    - USCIS is reviewing those grounds of inadmissibility that are based solely on status violations, and no other adverse issue, and will be clarifying existing guidance, as necessary.
    - USCIS has identified some training issues and has addressed them.

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Page 3 of 10

- Adverse issues that may impact TPS eligibility may come to the attention of the adjudicator in a number of different ways. These include, but are not limited to:
  - the required background and security checks,
  - current or prior removal charges lodged against the applicant, or
  - prior findings that come to the adjudicator's attention through routine systems checks.

*Legal Background:* Certain grounds of inadmissibility relating to criminality, terrorism and security issues cannot be waived under the TPS statute

- TPS statute allows the Secretary to waive other grounds of inadmissibility in her discretion. *INA*, § 244(c)(2)(A)(ii).
- That discretionary authority has been exercised, by regulation, to exempt TPS applicants from the grounds of inadmissibility related to becoming a public charge, labor certification requirements, and documentary requirements for immigrants (*see* 8 CFR 244.3(a)).
- Per the regulations, other grounds may be waived on an individual basis if the individual files an I-601 waiver application and pays the \$545 filing fee, or obtains a fee waiver.
- USCIS has also determined that certain grounds of inadmissibility, such as *INA*, §§ 212(a)(6)(A)(aliens who have entered without inspection – “EWIs”) and 212(a)(9)(B)(unlawful presence) do not apply to TPS applicants because any denial based on those grounds would violate the proscription in *INA*, § 244(a)(5) against denying TPS on the basis of the alien's immigration status (or lack thereof).
- OCC attorneys are currently considering whether there is sufficient legal authority for USCIS to exempt all TPS applicants from certain additional grounds of inadmissibility related to nonimmigrant documentary requirements (*INA*, § 212(7)(B)) and to seeking reentry, or attempted reentry, after deportation (*INA*, § 212(9)(A) and (C)).
- The legal standards for granting individual TPS waivers are already the most lenient that the law provides; they are the same standards we use in granting inadmissibility waivers for refugee applicants:
  - The waiver can be granted for humanitarian reasons, to assure family unity, or when it is otherwise in the public interest. *See* 8 CFR 244.3(b).
    - USCIS does administer these standards generously, for example, the agency takes into account the underlying humanitarian premise for the TPS program when applying discretion to grant a waiver under TPS.
- Although USCIS does not have “prosecutorial discretion” in deciding whether a ground of inadmissibility does or does not apply to a given alien, we are looking at whether our current legal authorities will permit USCIS to exempt all TPS applicants from the application of certain additional grounds of inadmissibility.
- USCIS has also identified some training issues on waivers and is addressing them with its adjudicators.
  - Focus training on when is/is not appropriate to require an I-601
  - How to apply the fee waiver criteria to applicants who can truly demonstrate an “inability to pay”

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Scheduling and Briefing Protocol for the Director's Meetings and Events - Attachment B  
Page 4 of 10

**RFEs**

- RFEs issued to applicants who present Haitian birth certificates requesting additional evidence of Haitian nationality including asking for evidence that the applicant's parents are Haitian nationals.
  - Clarification is being issued to the field that where a Haitian birth certificate has been submitted, and there are no reasonable grounds to question the applicant's nationality, the submitted birth certificate satisfies the applicant's burden of proof.
  - Haitian nationality derives from the nationality of the parent, not the place of birth, or from naturalization. However, clarification is being issued to the field that where a Haitian birth certificate has been submitted, *and* there is no available evidence calling into question the applicant's nationality, then the submitted Haitian birth certificate will satisfy the applicant's burden of proof.
- Haitian nationals entered U.S. on B-2 visas in Dec/early Jan 2010 and have submitted copies of the lawful entry as proof of continuous residence/ physical presence prior to Jan 12/21. RFEs issued requesting additional proof of continuous residence/presence.
- RFEs erroneously requiring not just "presence" on and since January 12, but actual proof of residence.
  - It remains the applicant's burden of proof to establish the TPS statutory requirements of continuous residence in the United States since January 12, 2010, and continuous physical presence since January 21, 2010.
  - TPS regulations require that there be supporting evidence and lists the types of evidence that are acceptable, in descending order of preference - including evidence of applicant's U.S. addresses, rental agreements, utility bills, money order receipts or other correspondence received in the U.S. showing addresses at the time, hospital and medical records, employment records, school records, attestations by churches, schools or others who know applicant has been resident and present in the U.S., and other relevant documents).
  - Obtaining documentation of the applicant's presence and residence in the U.S. since the January dates should be a little less difficult than obtaining such documentation of nationality from Haiti, where we have instructed officers to be very compassionate and lenient in understanding the difficulty of obtaining documents due to consequences of the earthquake.
  - There are a few TPS applicants, who were admitted to the US after the earthquake on B or other nonimmigrant visas, who are now claiming that they were merely returning from a temporary trip abroad. RFEs in these circumstances are appropriate, particularly where the last entry of to the United States was many months or years before the January 12th earthquake.
  - Applicants who were in the United States on or before January 12, 2010 and whose absence qualifies as a brief, innocent, and casual departure may be granted TPS, but they have the burden of establishing that their absence meets these criteria.
- There are a few TPS applicants, who were admitted to the US after the earthquake on B or other nonimmigrant visas, who are now claiming that they were returning from a temporary trip abroad. RFEs in these circumstances are appropriate.



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Scheduling and Briefing Protocol for the Director's Meetings and Events - Attachment B  
Page 5 of 10

- Applicants who were in the United States on or before January 12, 2010 and whose absence qualifies as a brief, innocent, and casual departure may be granted TPS, but they have the burden of establishing that their absence meets these criteria.
- RFEs are often requiring responses in 30 days, which is not enough time given costs of waivers and/or representation, the large number of unrepresented applicants
  - For documents such as court documents and out of country papers, the service centers have been allowing an 87-day reply period.
  - For all other documents, the reply period is 45 days.
  - It has come to our attention that 30 days were being provided in certain instances, but we have addressed this.
- RFEs issued by Service Centers list criteria and do not specifically state what is being requested.
  - Some of this is a training issue, which we are addressing, but some of it is based on incomplete evidence or issues that require further inquiry via the RFE process.
  - USCIS encourages all CBOs and others representing Haitian applicants to become very familiar with the types of supporting documentation necessary for a TPS application to help reduce the number of necessary RFEs.
  - If there are specific types of RFEs that representatives feel are generally confusing to most recipients, USCIS will consider clarifying the text of the RFEs and, if necessary, providing additional guidance on its website and in handouts for CBOs.

**Fee Rejections**

- As the deadline for Haitian TPS approaches, CBOs are asking that USCIS consider some mechanism to allow applicants to "lock in" the original filing date if their application is rejected.
  - USCIS is reviewing this as an option for Haiti TPS filers.
  - Applicants who file before the July 20 deadline with a fee waiver request will be given the opportunity to cure their filing if their fee waiver request is rejected. But they must submit the initial filing before the initial registration period closes.
  - USCIS is in the process of finalizing guidance that will allow applicants whose TPS applications have been rejected and returned because the fee waiver was not granted, an additional 45 days from the date of the rejection letter to re-file their TPS application.
- CBOs report several improper TPS fee rejections where the applicant has sent the entire \$470 with the packet.
  - Many of these cases have been properly rejected as they involve individuals who are exempt the I-765 fee of \$340 due to age (under 14 or over 65).
  - Other reasons for rejection include lack of signature either on the I-821 or I-765. Even if a person is not requesting an Employment Authorization Document, the I-765 must be signed.
  - If a rejection is found to be in error, USCIS will honor the original filing date.

**Low Number of Registrants & Extending Deadline to Register**

- Possible factors for low number of registrations: cost, lack of information, government distrust, taking a "wait and see" attitude, and fear.
  - Estimates were for planning purposes to ensure that sufficient resources were in place.
  - Regarding information, USCIS has made great efforts to widely disseminate information by dedicating a Haiti response page to its website and posting Q and As, Filing Tips, and a wide range of outreach and informational materials, and translated these materials into French and

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Scheduling and Briefing Protocol for the Director's Meetings and Events - Attachment B  
Page 6 of 10

Creole. USCIS has hosted numerous stakeholder sessions. USCIS has also created an informational video and has worked collaboratively with the media.

- Regarding lack of money, the efforts that USCIS has made to educate stakeholders on the fee waiver requirements has resulted in a substantial increase in the number of fee waiver applications that have been approved.
- Regarding what might happen if the designation is terminated, we emphasize that TPS is a humanitarian program and strongly urge eligible applicants to apply.
- If the Secretary determines next year that the conditions warranting the designation do continue, then TPS likely be extended.

### Haitians with B-2 Status

- What is the process for people to file an application for Deferred Action?
  - Is it filed with the local office of USCIS or with HQ USCIS?
  - Should it be filed before the B visa expires or after it expires?
  - What information and documentation should be provided with a request for deferred action?
  - Is there any fee to apply for deferred action?
  - Can an applicant for deferred action also simultaneously apply for an employment authorization document (EAD) or must s/he wait until she is granted Deferred Action in order to then apply for an EAD?
- Medical evacuees are ineligible to access services or to qualify for EADs. Deferred action would help with employment authorization, however, individuals that have been granted deferred action are still ineligible for means tested benefits or other benefits.
- Issue NTAs to hospital patients without filing them through the immigration court. The NTA itself, whether filed with the court or not, would render the person eligible for assistance.
- Haitian parents of USC children who were granted visitor status to bring their children to the U.S. should be allowed to remain in the United States long-term, work, and avail themselves of social services.
  - USCIS is aware that these individuals are ineligible for TPS and permission to work in the United States. USCIS is working to address the situation and hopes to make an announcement regarding this issue in the near future.
- Allow fee waivers (despite fee rule) for I-539 extensions.

### Confusion with TPS Approvals

- Some are A-numbers with their initial TPS applications, but receive a different A-number when they receive the approval for TPS or other related documents. Although in some cases, it appears that an applicant's previously issued A# is referenced, in other cases, it appears that there is a brand new A# not previously associated with the applicant.
  - The problem originates with the A number provided on the application or failure to provide an A number when the applicant, in fact, has one.
- If the applicant references an A number on the application, the Lockbox assumes it is correct and enters that number into the system. There is no verification step to confirm that the number is correct or relates to the applicant.

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Scheduling and Briefing Protocol for the Director's Meetings and Events - Attachment B  
Page 7 of 10

- If no A number is provided on the application, the Lockbox generates a new one. There is no verification of whether or not an A file already exists for that applicant.
- Once the TPS application is received at the service center, the contractor there performs an A number validation and consolidates any relating records.
- If the A-number is incorrect, the service center corrects the record in the system and requests the A file or creates a new A file.
- Because the receipt notice bears the original A-number generated upon intake, it is likely that the applicant is seeing a different A number in the subsequent correspondence (either an RFE or final decision notice).
- It is extremely important that applicants provide their A-number if they have one, and ensure that they are providing the correct A number.
- Inconsistency in I-94 issuance and TPS: some of the approvals come with an I-94 and others do not. This has caused confusion as to whether the I-94 is a needed document to establish evidence of TPS approval.
  - The approval notice is generated with the I-94 attached. In some instances, the wrong approval type may have been selected in the system which means the I-94 was not generated. In any event, the approval notice serves as evidence of the TPS approval.

### **EADs Issued with Incorrect Dates**

- A small number of EADs were issued out of the NSC with incorrect dates. The NSC identified 322 with wrong dates (to date the NSC has processed in excess of 7,000 cards). This resulted from an error in the batch updating. The NSC is in the process of working with IT to issue new cards. The applicants will receive them before the current ones with the incorrect dates expire. There is no need for them to file anything. Nor is there any need for them to contact customer service for an SRMT.

### **Family Reunification, Humanitarian Parole & Derivative Family Members**

- Develop a program similar to the Cuban Family Reunification Parole Program (i.e. permit beneficiaries of approved family-based petitions to request parole and wait in the United States for an immigrant visa to become available).
  - A request for parole to enable a beneficiary of pending or approved I-130s to more quickly join the petitioner generally will not be approved, unless there are additional compelling factors aside from the devastation of the earthquake. The fact that the beneficiary may have lost a home would not, in itself, provide a basis for eligibility. However, if the beneficiary has lost a home and is particularly vulnerable (for example due to a very young or old age, or disability), International Operations Humanitarian Affairs Branch (HAB) may favorably consider the request.
  - HAB is adjudicating requests for parole for Haitians under the same analytic framework as all other requests for parole.
- Allow children and spouses to derive TPS status and join TPS recipients through humanitarian parole.
- USCIS is aware that many individuals who were granted TPS have immediate family members they would like to bring to, or to remain in, the United States. USCIS encourages families to apply for immigration benefits that they may be eligible to acquire.



## FOR OFFICIAL USE ONLY

Scheduling and Briefing Protocol for the Director's Meetings and Events - Attachment B  
Page 8 of 10

- There is no legal authority for derivative TPS status for children and spouses of TPS beneficiaries; therefore USCIS is unable to provide for such. Each person must apply and qualify on his or her own for TPS.
- A request for humanitarian parole based solely on the fact that there is a beneficiary of pending or approved I-130 generally will not be approved.
  - We have approved some cases in which the applicant presents additional compelling factors that indicate that the beneficiary is particularly vulnerable (for example due to a very young or old age, or disability).
  - The applicant must describe and document the situations of vulnerability that go beyond the existence of a pending or approved I-130 application, and must be more specific than stating the general situations of the earthquake.
  - International Operations Humanitarian Affairs Branch (HAB) will consider every request carefully, but unfortunately USCIS may not waive the application fee of 305\$ for the I-131 application for parole.
- HAB is adjudicating requests for parole for Haitians under the same analytic framework as all other requests for parole.
- Create Haitian Parole Lottery Program, similar to Cuban parole lottery program, that would be open to Haitians regardless of family ties and that would permit fees to be payable after arrival in U.S.

### ICE Referrals

- Issue a "no-referral" policy for all Haiti TPS denials unless mandated or an egregious public safety or national security risk (similar to VAWA policy).
  - USCIS will issue NTAs where the denial is based on a mandatory bar to TPS under 8 CFR 244.3(c) or 244.4 (except for firm resettlement).
  - Where NTA issuance is not mandatory, and the applicant has not exercised his/her appeal rights, the decision on whether to issue an NTA will be guided by existing prosecutorial discretion guidance.
- What should happen with applicants whose TPS applications were denied, and the applicant is subject to a final order of removal, or prior removal proceedings were administratively closed?
  - For applicants subject to a final removal order, OCC, in conjunction with the AAO, is developing a process whereby the applicant will be able to file an appeal to the AAO.
  - If the AAO sustains the denial, the applicant can then file a motion to reopen proceedings with the Immigration Court or pursue a claim in Federal Court.

ICE may choose to oppose certain MTRs, but the ultimate determination on reopening proceedings will be made by EOIR.

### Detainees

- Release detainees that do not pose a danger to the community and grant them work authorization.
  - Release of such aliens is a determination made by ICE, not USCIS.
  - Individuals eligible to apply for TPS will receive notice during their immigration proceedings of their ability to apply for TPS. They may also apply in advance of their hearings.
  - Haitian nationals (and persons without nationality who last habitually resided in Haiti) with final orders of removal who are still in the United States may be granted a stay of removal and/or may apply for TPS. They do not need to seek a stay of removal in order to apply.

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Scheduling and Briefing Protocol for the Director's Meetings and Events - Attachment B  
Page 9 of 10

However, whether an applicant is granted TPS depends on the applicant meeting all the eligibility criteria for TPS.

- Haitians ordered removed on the basis of criminal grounds may be disqualified from receiving TPS.
- Where appropriate and authorized by law, Haitians who are released on an Order of Supervision by ICE may be eligible to apply for and receive employment authorization.
- USCIS encourages Haitians with final orders of removal and those in removal proceedings to seek legal assistance regarding their TPS eligibility.
- Detained individuals may request legal assistance in completing their TPS forms from the representatives included on the local immigration legal provider lists that ICE regularly gives aliens in proceedings or a free legal assistance provider listed on the U.S. Department of Justice's website.

### **CBP Liaison and Haitian Entrants**

- Reach out to CBP regarding concerns over Haitians entrants. One of the specific issues of interest relates to approximately 40 Haitian nationals who entered the U.S. after the earthquake, were detained, placed in proceedings and ordered removed. These individuals were placed in formal removal proceedings when they should have been placed in expedited removal, which would have rendered them eligible for parole.

### **Expedited Consular Processing**

- USCIS expedited processing of certain immigration benefits and made available to nationals of Haiti favorable adjudication where possible.
  - Consular processing is managed by the Department of State. It is our understanding that DOS has issued guidance to consular officers that expedited processing is available to family members with approved petitions and current priority dates.

### **Rescind the "Shout Test"**

- Not asylum seekers if interdicted at sea.
- Will be given a credible fear interview if circumstances warrant.

### **HRIFA Age-outs**

- HRIFA dependents who entered the U.S. as parolees only to age-out of eligibility under HRIFA once they reach their 21<sup>st</sup> birthday. Once they age out, USCIS cannot approve their case retroactively and the applicants have no additional relief available to them through HRIFA.

### **General Outreach**

- Outreach efforts will continue through the registration deadline of July 20, 2010 and beyond if the registration period should be extended by DHS.
- USCIS needs continued assistance of CBOs to inform and encourage the Haitian community to file for TPS.
- Need continued assistance in addressing notario fraud.

**Send all cases sent to a field office for interview before denying**

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Scheduling and Briefing Protocol for the Director's Meetings and Events - Attachment B  
Page 10 of 10

- CBOs are concerned that the service centers lack the institutional knowledge and expertise to properly adjudicate complex issues that arise in TPS adjudications.
  - Service Center Adjudicators have been doing TPS adjudications for many years. We have also conducted additional updated training for the NSC and CSC that are handling the TPS Haiti applications. Background Check Units at the service centers have significant expertise in reviewing and analyzing conviction documents.
  - Particularly complex cases, including mandatory denials, are elevated to service center counsel and Headquarters. There is no reason to believe that this process is not working.
  - Denied applicants also have several opportunities to seek reconsideration at the service center level, file appeals to the AAO and/or to seek *de novo* review of their TPS requests by EOIR in removal proceedings.

**Can the NY Violations memo extend to Florida?**

- USCIS, along with DHS counsel, is currently reviewing the letter from the University of Miami Law School regarding whether certain Florida offenses and violations may also be taken out of consideration as misdemeanors for TPS adjudication purposes.
- We hope to have a response soon on these complex questions..

**PARTICIPANTS:**

***Non-USCIS***

TBD

***USCIS***

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### TALKING POINTS:

- **Haitian TPS**

To date USCIS has received over 25,000 Haitian TPS applications. USCIS received the majority of applications from Florida and New York. Over 15,200 applications are from Florida, followed by over 3,500 applications from New York.

- **Fee Waivers**

USCIS has received 726 fee waiver applications for TPS and approved 292. Fee waiver applications were most commonly denied when applicants submitted no evidence with their application to demonstrate their inability to pay.

Updated Q&A on how to submit a fee waiver is on the USCIS website at [uscis.gov](http://uscis.gov)

- **Public Outreach**

The USCIS Office of Public Engagement has hosted 145 community engagements on Haiti, with approximately 15,600 stakeholders in attendance across the country. These engagements focused primarily on Haitian TPS and Haitian adoption issues.

USCIS is using information from these engagements and conference calls to update FAQs on the website and address any operational concerns.

USCIS has launched a blog at [uscis.gov/blog](http://uscis.gov/blog) and is continually posting updates on TPS and adoptions and addressing false rumors in the community.

The USCIS Call Center is taking calls on TPS. The number is **1-800-375-5283**.

- **Orphans**

As of March 1, 2010, USCIS has authorized parole for just over **900** orphans under the special categories for orphans who were adopted by American citizens or were in the process of being adopted by American citizens prior to the earthquake.

We expect that ultimately approximately **1,100- 1,200** orphans will benefit from this extraordinary program.

- **Medical Parole**

USCIS has approved parole for **28** individuals with critical medical needs, so that they can seek treatment in the U.S. We continue to review cases on a case-by-case basis.

It is important that individuals seeking medical parole provide information from a doctor regarding the medical condition, the reason that treatment cannot be provided in Haiti, the prognosis and plan for medical treatment, the ability to have the treatment paid for.

## **The Haiti Earthquake: Migration Issues and Challenges**

### **Key Ideas For Participants Only – Not for Distribution January 29, 2010**

On January 21, 2010, the Migration Policy Institute (MPI) convened an off-the-record discussion meeting with a small group of key government officials, representatives of NGOs that work in both relief and migration arenas, and subject experts. (See attached) The purpose was to examine possible immigration policy actions the administration might take as part of its broad disaster relief and reconstruction response to the Haiti earthquake.

The administration had already announced decisions to suspend deportation of Haitians, grant Temporary Protected Status (TPS) for 18 months to Haitians in the United States who are unauthorized or whose visas will expire, and grant parole and accelerated processing for already-approved adoption cases.

The discussion questions were:

- How should immigration laws and policies be used to help in the Haiti response?
- How should immediate relief and longer-term reconstruction efforts be shaped to reduce the need for earthquake victims to migrate?
- How can government and non-government actors, as well as international organizations and other countries, work together to help achieve appropriate migration policies for Haiti?

The meeting was not intended to develop consensus or recommendations. However, it generated a set of key ideas for further consideration by policymakers and others, as follows:

#### **Grant parole to fast-track admission to the United States for Haitians who have approved immigrant visa applications.**

Most Haitians who immigrate legally to the United States qualify through family reunification provisions. However, because of country ceilings, relatives other than minor children and spouses of US citizens can wait years for their visa number to become available. Allowing already-approved relatives to come to the United States more quickly would alleviate the anxiety of Haitian-Americans for their family members in Haiti and bring longer-term help to them more quickly. Such admissions could also potentially increase remittances to Haiti from those working in the United States.

Fast-tracking would require granting parole to those with approved visa petitions, allowing them to reside legally in the United States while waiting for their visa number. Such parole policies under emergency circumstances have been used before, e.g. Southeast Asian boat people and the US-Cuba Migration Agreement. Admissions via this route eventually lead to permanent resident status, in contrast to others granted parole or other temporary visas. Canada, which hosts the second-largest number of Haitians in a developed country, is instituting an expedited regime for qualified Haitian family members.



**Urge establishment of a grant and/or loan fund for TPS-eligible Haitians for whom the TPS application fee (\$470) is a hardship or deterrent.**

Participants applauded the administration's quick steps to grant TPS. They also recognized the administrative and financial demands TPS represents for US Citizenship and Immigration Services (USCIS), especially if fee waivers are generous, as USCIS Director Mayorkas has suggested. Some urged an emergency appropriation. Others, particularly NGO representatives, argued that USCIS should get the fees required to do the TPS work and applicants should pay wherever possible, so they have buy-in with the process. A better course than fee waivers – which are cumbersome and time-consuming – would be for philanthropies, diaspora organizations, and others to establish TPS grant and loan funds. Such a fund could be modeled on the refugee travel loan fund that has been in place for decades and consistently has repayment rates of higher than 90 percent.

The government's figure of 1 – 200,000 eligible for TPS drew skepticism from experts in the group. Available census-based estimates of the Haitian unauthorized population show the number to be about 70,000. Though small compared with the total unauthorized population, TPS implementation may be judged as a test of USCIS's ability to quickly implement a new program mandate, such as a legalization program would be if comprehensive immigration reform legislation is enacted.

**Plan to renew TPS for Haitians for a long time.**

The scale and destruction of the earthquake has been vast. Based on other TPS experiences - e.g. Hurricane Mitch in Central America which occurred more than 10 years ago - the Haitian TPS is likely to require in numerous renewals. Thus, some suggested TPS be granted for longer than 18-month increments. Others stated they intended to begin laying the groundwork for a Haitian Refugee Immigration Fairness Act II (HRIFA II), so the TPS population could eventually adjust status to lawful permanent residence.

There is an economic rationale for long-term TPS and legal status: working in the United States is likely to increase remittances to Haiti's families and communities that have US-based workers. Remittances have been equivalent to almost one-third of Haiti's GDP, and are 50-100 percent greater than the total amount of foreign aid it received pre-earthquake. Remittances usually go up after natural disasters. At the same time and especially now, remittance support should not be considered a strategy for reconstruction and development.

To facilitate remittance flows:

- The infrastructure for transferring remittances has to be repaired as quickly as possible; and
- Haitians have to be able to work in the United States in considerable numbers. Thus, temporary work programs and visas should be explored as an option

**Other humanitarian admissions policies should be considered.**

Discrete groups and individuals with compelling needs should also be eligible for parole into the United States. They include individuals with severe medical problems, orphans, orphaned children with US relatives, separated children, orphaned elderly who have lost family caregivers, and other individuals with family members already in the United States who are not eligible for immigrant visas. Participants strongly cautioned that the issue of orphans required careful attention: every effort needed to be made to establish whether parents or relatives were alive and could be reunited with lost children before designating a child as an orphan.

However, others disagreed about increased admissions for the following reasons:

- The potential for backlash against increased admissions, especially in light of the current economy and high unemployment rates among the foreign-born.
- Setting precedents for future crises that treat different countries differently.
- Those admitted through parole and other temporary visa categories do not have an avenue to permanent legal status in the longer term. Eligibility for adjustment of status or additional permanent immigration would require legislation, which Congress is not likely to grant.

**Safe haven contingency plans must be established, including the use of Guantanamo, if Haitians begin to leave.**

Interdiction policies will need to incorporate a fair screening process that gives individuals the chance to voice possible refugee claims rooted in post-earthquake conditions. However, many participants argued against bringing Haitians to Guantanamo, or only as a last resort.

To try to avert dangerous departures, some argued for standing up large-scale temporary camps for displaced persons. To that end, camps would have to:

- Function as self-administered camps near places where people have ties;
- Avoid international administrators and dependent relationships; and
- Provide adequate survival and rebuilding resources as their most important component.

Such installations could also serve as safe havens within Haiti if returns from interdiction are required. Nonetheless, some argued that it may be necessary to use Guantanamo if alternatives are not in place quickly enough. Should that occur, NGOs and others urged that they be present to assist and provide various forms of monitoring and representation.

**Making Haiti livable again and more functional than before must be the overriding policy goal and is the best way to mitigate migration pressures.**

No one disagreed with the imperative to make it possible for Haitians to stay in Haiti. Recovery from other natural disasters where migration has been an element point to the following lessons:

- Camps that deliver food, shelter, and water need to be built quickly to alleviate immediate suffering and establish a sense of hope, safety, and stability.
- To the extent possible, temporary camps and locations should be allowed to evolve and develop into permanent cities and communities down the road.
- Classic refugee-type camps are difficult to close once built, and do not represent a good model. Among other things, they foster cultures of dependency at a time when regaining a sense of control and autonomy are of paramount importance. Such camps should be used as little and briefly as possible.
- Haitians must be allowed the means to take responsibility for reconstruction, including putting people to work quickly on rebuilding.
- Making it possible for Haitians to stay in Haiti keeps families and communities connected, an indispensable factor in enabling people to move forward and be part of a bigger national project.
- Haiti will need the reverse of exodus: expertise and talent from abroad to help rebuild and to strengthen public institutions. Programs that create opportunities and incentives for Haitians abroad and others to go to Haiti for extended periods to provide such leadership and skills should be created quickly.



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Elliott Abrams - What Haiti needs: A Haitian diaspora

**The Washington Post****What Haiti needs: A Haitian diaspora**

By Elliott Abrams  
Friday, January 22, 2010; A19

The outpouring of pledges to "rebuild" Haiti has spurred debate about how much aid will be needed, for how long and who could administer such a large program efficiently. In 2008, the last year for which statistics are available, Haiti received more than \$900 million in all forms of aid, and many analysts suggest that total must be doubled if "recovery" is to happen. But it is doubtful whether such additional commitments will be made -- and kept -- as Haiti moves off the front pages.

"Rebuilding" and "recovery" would merely take Haiti, this hemisphere's poorest country, back to where it stood before the Jan. 12 earthquake. Surely, our goal is to do better. We must increase aid but also allow Haitians to help themselves, and there is no way they can do that sitting in a devastated nation. A substantial number of Haitians must be allowed to move to richer countries -- including ours.

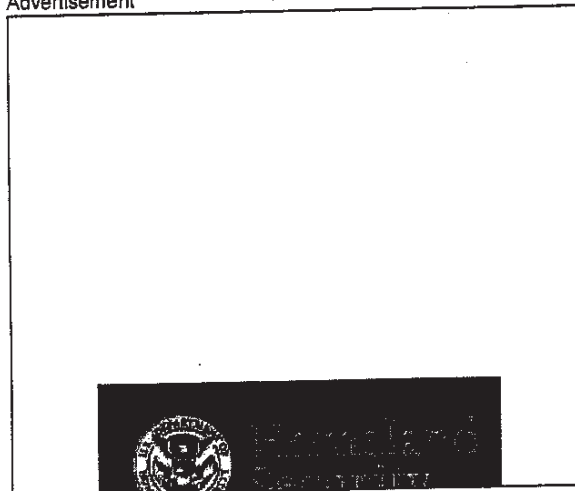
Haiti has approximately 9 million citizens, and 1 million to 2 million Haitians live outside their country. According to the U.S. Census Bureau, half a million people born in Haiti live in the United States, and estimates put several hundred thousand in Canada and as

many as 100,000 in France. Those migrants send home \$1.9 billion in remittances -- double the official aid flows and equal to 30 percent of Haiti's gross domestic product.

These sums are greatly exceeded by some of Haiti's neighbors. The 1.3 million Dominicans living in the United States send home \$3 billion in remittances, an amount 20 times as much as official aid flows. A million Hondurans living abroad send home \$2.7 billion, providing eight times the global foreign aid Honduras receives. The 1.5 million Salvadorans living here send home \$3.8 billion, 15 times official aid flows.

A larger Haitian diaspora would be a far better base for the country's economic future than aid pledges that may or may not be met. If several hundred thousand

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## The Washington Post

### What Haiti needs: A Haitian diaspora

more Haitians were able to migrate, those Dominican, Honduran or Salvadoran numbers suggest that remittances to Haiti would give its economy a huge and continuing jolt.

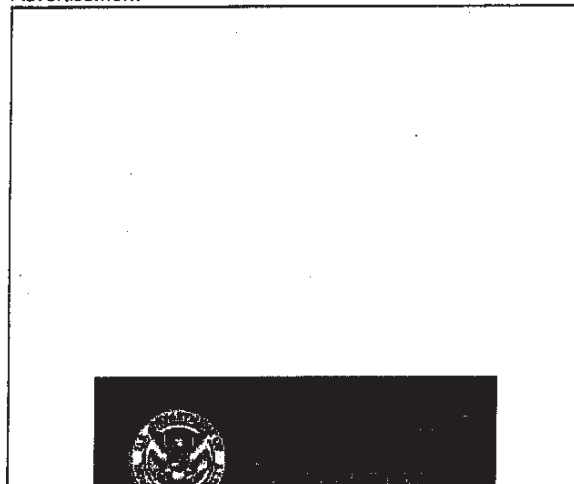
This would require Canada, France and the United States -- the First World countries with the largest Haitian diaspora communities -- to adopt a different and more liberal immigration policy toward Haiti. Canada has already stepped up, expediting immigration applications from Haitians with family members living there. Canada's immigration minister noted that "we anticipate there will be a number of new applications, which we will treat on a priority basis."

But France and the United States have so far agreed only to no longer send Haitians back to Haiti. Washington has granted "temporary protected status," or TPS, meaning that deportation of Haitians already in the United States is stayed for 18 months. In fact, Homeland Security Secretary Janet Napolitano has suggested that Haitians must stay where they are despite conditions on the island, saying in a Jan. 15 statement: "At this moment of tragedy in Haiti it is tempting for people suffering in the aftermath of the earthquake to seek refuge elsewhere. But attempting to leave Haiti now will only bring more hardship to the Haitian people and nation."

The secretary went on: "The Haitians are resilient and determined and their role in addressing this crisis in their homeland will be essential to Haiti's future. It is important to note that TPS will apply only to those individuals who were in the United States as of January 12, 2010. Those who attempt to travel to the United States after January 12, 2010 will not be eligible for TPS and will be repatriated. The Department of Homeland Security continues to extend sympathy to our Haitian neighbors and support the worldwide relief effort underway in every way we can."

Well, not every way we can -- for one of the best ways to help Haiti is to allow some Haitians to move abroad. It is ridiculous to argue that leaving Haiti in the coming year or two "will only bring more hardship to the Haitian people and nation." Migration would mean that Haiti

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Elliott Abrams - What Haiti needs: A Haitian diaspora

**The Washington Post****What Haiti needs: A Haitian diaspora**

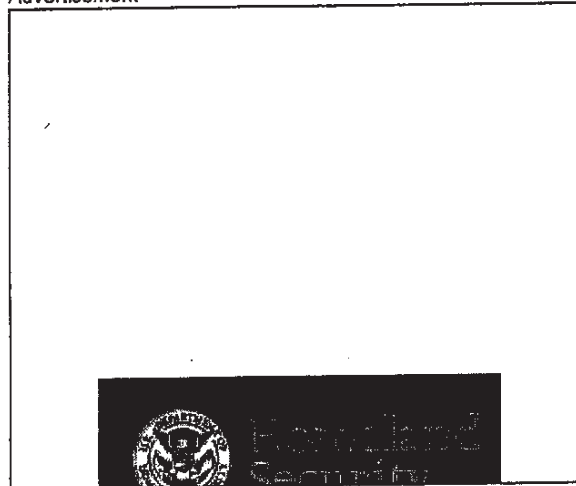
needs to provide fewer hospital beds, schools, meals and jobs -- and migrants' remittances will be key to Haiti's economic recovery for decades to come.

President Obama said that the disaster in Haiti "is one of those moments that calls out for American leadership." He should be asking Congress not only to provide aid funds but also to allow a significant increase in the number of Haitians legally admitted to the United States -- to several times the roughly 25,000 per year in the past decade. Canada and France should do the same. There are no panaceas for Haiti's recovery, but any sensible approach must include migration from the island. If the United States is committed to giving Haiti hope for the future, enlarging the Haitian diaspora is a surefire way to succeed.

*The writer, a senior fellow for Middle Eastern studies at the Council on Foreign Relations, was assistant secretary of state for inter-American affairs in the Reagan administration and a deputy national security adviser to President George W. Bush.*

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## Does Haiti need a bigger diaspora?

A note from the Migration Policy Institute, January 25, 2010.

Two articles in the Washington Post in the last four days have argued that the United States should allow more Haitians to immigrate in order to lift them out of dire poverty and allow them to help reconstruct their country after the January 12 earthquake. Elliot Abrams wrote on January 22 "A substantial number of Haitians must be allowed to move to richer countries—including ours." Michael Clemens wrote on January 24 "We must let more Haitians come here."

### *There is some merit in the case for more immigration...*

Abrams argued that fewer people remaining in Haiti would reduce the demand for scarce resources and services; Clemens emphasized that a Haitian can expect to earn six or seven times as much money in the United States for doing the same kind of job that he or she did in Haiti. But, as both writers noted, the largest benefit of migration for the country as a whole lies in the flow of remittances that Haitians abroad send back to their families and communities. The InterAmerican Development Bank estimates that Haitians sent home about \$1.9 billion in 2008—including officially recorded remittances of \$1.3 billion and a household-survey-based estimate of \$0.6 billion of informal, unrecorded remittances. Remittances are equivalent to almost one-third of Haiti's GDP, and are 50-100 percent greater than the total amount of foreign aid.

Past observances show that remittances are consistently more stable than other kinds of private capital flows (such as foreign investment), and usually go up after natural disasters. For example, remittances to Grenada increased by 15 percent after Hurricane Ivan in 2005. A 2009 World Bank study of remittances and natural disasters<sup>\*</sup> illustrated this pattern in about a dozen countries, including in Haiti after Hurricane Jeanne in 2004. The study noted that, for example, households in Aceh that received remittances recovered more quickly from the 2004 Tsunami because of relief provided by remittances, while remittances received by earthquake victims in Pakistan in 2005 were important factors in recovery and reconstruction. The World Bank study concluded that, for countries with about 10 percent of their population living abroad (like Haiti), every dollar of disaster losses would draw an increase in remittances of about 50 cents during the year of the disaster, and an additional dollar the subsequent year. Increases in remittances were subject to a time lag, tending to show the strongest increase in the year *after* a natural disaster.

### *The United States has already taken steps that could increase remittances, but it may not be as significant as advertised...*

The most important steps taken so far by the US government have been to halt deportations to Haiti and to offer Temporary Protected Status (TPS) to Haitians already in the US at the time of the earthquake. TPS allows eligible Haitians who were in the US without authorization (or whose visas are about to expire) to remain here legally for 18 months, and to work legally.

<sup>\*</sup> "Remittances and natural disasters: ex-post response and contribution to ex-ante preparedness," World Bank Policy Research working paper No. WPS4972, by Sanket Mohapatra, George Joseph and Dilip Ratha, 2009/06/01.



The Department of Homeland Security Citizenship and Immigration Services agency estimated that 100,000-200,000 people will be eligible for TPS. The source of this number is not clear. The American Community Survey of 2008 found that 535,000 Haitian-born people resided in the United States (out of about 850,000 worldwide), of whom 48 percent were naturalized citizens. MPI estimates<sup>†</sup> that 37 percent were legal permanent residents (LPRs) and only 13 percent were unauthorized. That would imply that 70,000 unauthorized Haitian immigrants resided in the United States in 2008, a smaller pool of potential TPS beneficiaries than CIS calculates.

Work authorization can be secured by holders of TPS, although it usually takes a few months to complete the entire process. The ability to work legally can be expected to increase earnings—in turn strengthening the capacity to send remittances. Applying for TPS and work authorization is expensive, however: a total of \$470 for an adult including the charges for biometric identification. This is equivalent to almost 3 ½ times the average monthly remittance sent to Haiti from abroad (\$173). Fee waivers are available for those who cannot pay, but it would be difficult for a person who can send remittances to argue that he or she is not able to pay the fees. Moreover, the fee waiver process is notoriously cumbersome and difficult to negotiate; CIS only recently has even provided a form to standardize requests for fee waivers.

*But it has not taken steps to increase immigration from Haiti...*

Temporary Protected Status is available only to Haitians who were in the United States by the time the earthquake struck, and it does not normally lead to permanent resident status (although individual adjustment to another status is not prohibited; adjustment of an entire group requires a super-majority vote in Congress). It remains extremely difficult for a Haitian to gain entry to the United States legally or illegally (given that the policy of interdiction remains in force). Only about 21,000 Haitians have been admitted as Legal Permanent Residents each year of this decade, and the policy of interdiction remains in effect.

The only opening to new or expedited entry thus far has been for Haitian orphans who were well along in the process of being adopted by parents in the United States. They are being allowed to enter under parole authority before their processing is complete.

*What options does the US government have to increase immigration from Haiti if it decides to do so?*

Exceptional immigration measures almost always have unintended consequences. The guiding principle in US immigration policy toward Haiti has been to avoid “opening the floodgates”—to avoid a repetition of the situation in late 1991 and 1992 when tens of thousands of Haitians tried to reach the United States by boat, without prior authorization. Some experts argue as a matter of principle that making immigration policy by exception is a flawed approach. Nevertheless, if the US government decides to take additional exceptional

<sup>†</sup> MPI analyst pooled 2006-2008 data from the Current Population Survey and applied legal-status imputations developed by Jeff Passel of the Pew Hispanic Center. This ratio was then applied to the ACS data.