

National Center for Border Security and Immigration



The University of Texas at El Paso Unaccompanied Alien Children (UAC) Project

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PROBLEM

The Rio Grande Valley (RGV) region of South Texas has witnessed a significant increase in illegal immigration over the last three (3) years that has impacted Department of Homeland Security (DHS) enforcement entities. Within this overall increase of illegal immigration the region has also seen a substantial increase of unaccompanied alien children (UAC) that are mostly classified as Other Than Mexican (OTM) nationals. The large influx of UACs has caused DHS some difficulty in meeting the requirements of the Flores v. Reno Settlement Agreement, which stipulates that the UAC will be placed in the custody of an organization that can appropriately care for the UAC. The two DHS components mostly impacted by these increases are Customs and Border Protection (Office of Border Patrol and Office of Field Operations) and Immigration and Customs Enforcement (ICE), Enforcement and Removal Operations (ERO). The Health and Human Services Department, Office of Refugee and Resettlement (HHS ORR), is the agency responsible for long-term placement of UACs in contracted shelters while UACs await their immigration hearings.

CONTEXTUAL FRAMEWORK

Quick Facts

- The Flores-Reno settlement agreement, Homeland Security Act of 2002, and the Trafficking Victims Protection Reauthorization Act (TVPRA) are the guiding principles when dealing with UACs.
- The number of UACs in the Rio Grande Valley/Harlingen Field Office geographical area has seen an increase of 367.6 percent since fiscal year 2011.
- Most UACs are Other Than Mexican (OTM) nationals, which causes significant increases in processing time (administrative/criminal casework) and requirements for long term detention.
- The amount of time and resources needed to provide humanitarian care is extensive and increases with escalating UAC numbers.
- ORR tries to place apprehended UACs as close to the referring location as possible to minimize travel requirements for CBP and ICE.
- The HHS ORR Intake Center operates 24-7 but makes UAC referral placements from 9 a.m. – 9 p.m. each day.
- Each morning the HHS ORR Intake Center has approximately 30-90 initial placement referral requests pending from the previous night.
- The national discharge rate of UACs is approximately 80-90 per day.
- There are approximately 5,000 beds available in the HHS ORR network that service approximately 25,000 UACs annually.
- Each agency uses different data systems to manage UACs.

RESEARCH QUESTION

The Centers of Excellence (COEs) from the University of Southern California (USC), Rutgers University, and the University of Texas at El Paso (UTEP) proposed the following research question:

How can the processes of OBP, ICE ERO, and HHS ORR in the RGV be designed to best employ resources under conditions of increasing volume while still meeting 72 hr. transfer requirements, ensuring humanitarian treatment and care of UACs, and minimizing/reducing the diversion of resources from other critical missions? The problem is particularly challenging as the number of UAC apprehensions is increasing dramatically and fluctuates on a day-to-day basis.

UTEP's ROLE

UTEP's National Center for Border Security and Immigration (NCBSI) was tasked with examining the depth and scope of the perceived UAC problem in the Rio Grande Valley region of South Texas. In determining the depth and scope of the problem, UTEP was required to examine and analyze the current UAC flow processes that impact the Rio Grande Valley region. The current report details what UTEP found and outlines a research path forward.

METHODOLOGY

The UTEP research team conducted several site visits to gather information for this report. During each of the site visits team members conducted interviews with officials that work with UACs on a daily basis. They found the interviewees to be very accommodating and forthcoming about the challenges their agencies face with the increasing UAC apprehension rates. Each of the site visits occurred during the fall of 2013. The first visit was to CBP Sector Headquarters in Tucson, AZ to put the UAC problem in South Texas (McAllen/RGV) in a clearer contextual framework before the RGV site visits were made. The second and third visits were to the RGV region of South Texas where researchers met with CBP, ICE ERO, and HHS ORR officials, including officials from headquarters as well as local stations and field offices to gather multiple perspectives on each agency's daily challenges in UAC processing, transportation, and care. Specifically, researchers were able to view UAC processing and staging at McAllen and Fort Brown Border Patrol Stations, and as well as meet with ICE ERO officials at their Harlingen Field Office. UTEP researchers also toured an HHS ORR-contracted shelter for UACs in Los Fresnos. The final site visit and interview was in Washington D.C., where researchers interviewed officials from HHS ORR HQ to hear their perspective on the challenges of UAC placement and processing and to learn more about how their intake office makes placement location decisions. During this process, UTEP researchers were joined on the site visits by several researchers from partnering COE universities. The

interviews facilitated an understanding of the complexity of the UAC challenge and elicited possible solutions for increasing multi-agency communication, transportation, and efficiency of UAC processing and placement, which are detailed at the end of the report.

WHAT UTEP FOUND Both Border Patrol and ICE ERO officers agreed that the lack of deterrence for crossing the US-Mexican border has impacted the rate at which they apprehend UACs. Officers are certain that UACs are aware of the relative lack of consequences they will receive when apprehended at the U.S. border. UTEP was informed that smugglers of family members of UACs understand that once a UAC is apprehended for illegal entry into the United States, the individual will be re-united with a U.S. based family member pending the disposition of the immigration hearing. This process appears to be exploited by illegal alien smugglers and family members in the United States who wish to reunite with separated children. It was observed by the researchers that the current policy is very similar to the 'catch & release'¹ problem that the Department of Homeland Security (DHS) faced prior to the passage of the Intelligence Reform and Terrorism Prevention Act of 2004.

UTEP was informed that the number of UAC arrests have more than doubled in the Rio Grande Valley since 2011. Both Border Patrol and ICE Enforcement and Removal Operations (ERO) officials believe that the numbers will continue to increase, stating that the best-case scenario is a leveling out of UAC numbers. They also believe that the new 'baseline' for UAC flow in the region is now at the elevated level of at least fiscal year 2013. Officials from ICE ERO informed UTEP that in October of 2013, the average intake of UACs received per day was 66². Given these numbers, UACs are a priority for all agencies involved and are processed before adults. In addition, UTEP was informed that CBP and ICE ERO experience a surge in overall arrests over weekends, with the peak days of the week for the U.S. Border Patrol being Saturday through Monday.

¹ 'Catch & Release' was a term used by CBP and ICE officials when they would apprehend an individual that was Other Than Mexican (OTM) and no detention space was available to detain the individual. The individual would be released into the United States with the promise that he/she would appear at an appointed administrative immigration hearing. It was believed that this policy actually facilitated an increase in illegal immigration of Other Than Mexican nationals.

² The daily average for the month of October fiscal year 2011 was 10 per day.

Rio Grande Valley	FY 2011	FY 2012	FY 2013
Number of Arrests (UACs) Rio Grande Valley Border Patrol	5,236 ³	10,759	24,481

HHS ORR is responsible for determining a field placement location and providing UACs with a long term detention facility. Factors such as health conditions and foreign languages spoken can influence placement location. Researchers were informed that HHS ORR places UACs on a first-come-first-served basis. Approximately half receive local placement and the other half receive non-local placement⁴. Once UACs arrive at the field placement location, HHS ORR is responsible for providing humanitarian care such as housing, education, meals, and clothing.

System Overview

UTEP has identified seven (7) critical nodes in the UAC process that appear to be important junctures in the overall system that impact the placement of a UAC. The nodes depicted are not intended to represent every aspect of the process but are critical in understanding the importance to each entity involved⁵. Each node in the progression is influenced by internal or external influences that may be dictated by one of the three entities directly involved in the placement of UAC. It was also noted that many of these nodes contain unique challenges for the individual entities that may not be understood by each entity that has a direct impact on the placement of the UAC. The following sections outline the systematic processes that occur at each node and any influences and challenges that may impact the system.

³ There are some differences in the number of apprehensions reported by CBP, ICE, and HHS ORR. The number reported here is based on CBP statistics provided on CBP.gov.

⁴ Local placement is defined as any HHS ORR shelter within 6 hours driving time from the Fort Brown station.

⁵ The entities directly involved in this issue have been identified as Customs and Border Protection (Office of Border Patrol & Office of Field Operations), Immigration and Customs Enforcement (Enforcement and Removal Operations), and Health and Human Services (Office of Refugee and Resettlement)

UAC System Overview

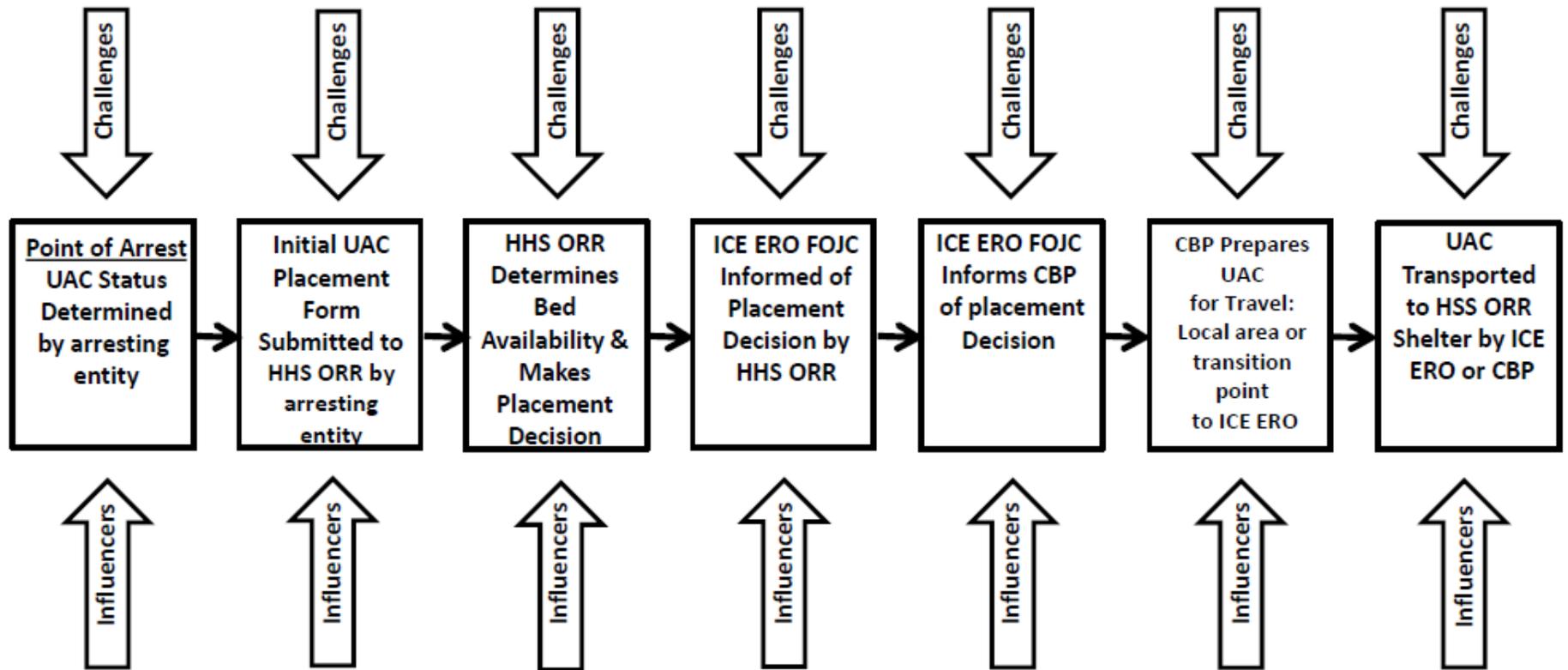


Figure 1

Point of Arrest

The point of arrest starts the 'clock' for the placement of the UAC in an HHS ORR shelter. Although the vast majority of the placement requests come from CBP (U.S. Border Patrol⁶ and Office of Field Operations), a small number of requests come from other DHS entities such as ICE (Immigration and Customs Enforcement). The point of arrest 'triggers' certain conditions and/or notifications to be met that are stipulated in the CBP "Hold Room Policy". The certain conditions and/or notifications may cause additional actions by the U.S. Border Patrol for the placement of the UAC.

UACs apprehended in the field are taken to the appropriate station to determine nationality, deportability, age, and possible medical needs. Within an hour after apprehension, the UAC Initial Placement Referral Form⁷ is executed, which notifies HHS ORR and the ICE ERO Field Office Juvenile Coordinator (FOJC) about the UAC apprehension, and the time stamp of arrest is documented. The UAC Initial Placement Referral Form is utilized by the apprehending Border Patrol station (e.g., McAllen) to make a placement request for a UAC. The form contains many of the biographical sections that would be expected to identify an individual (name, date of birth, gender, nationality, etc.) plus a cursory inquiry into medical conditions, obvious signs of gang affiliations, and criminal history. Once this form is completed, it is emailed to representatives of ICE ERO FOJC and HHS ORR for placement of the UAC. The notification of the UAC placement request is then logged into a segment of the *E3* processing system, which contains a tracking mechanism utilized by CBP to monitor processing of UACs. At the McAllen station, researchers were informed that placement referral requests start within two hours of the time of arrest.

⁶ The U.S. Border Patrol accounts for approximately 95% of all placement requests.

⁷ This form was created by HHS ORR, and it is unknown how much, if any, input was provided by the users of this form.

Unaccompanied Alien Child (UAC) – Initial Placement Referral Form

See Footer for Instructions – Last Updated 01/03/13

UAC Information

Last Name	First Name	Middle Name	A#	DOB	Gender
					Choose one
Alias:					
Country of Birth	Immigration Status	Health Concerns?:	Criminal Charges?:		
	Choose One	<input type="checkbox"/> No <input type="checkbox"/> Yes (If yes, complete Medical/Mental Health Information section.)	<input type="checkbox"/> No <input type="checkbox"/> Yes (If yes, complete Secure/Staff Secure Addendum)		

UAC Apprehended With:			
<input type="checkbox"/> Parents/Legal Guardians	<input type="checkbox"/> Other Related Adults	<input type="checkbox"/> Related Minors	<input type="checkbox"/> Alone
Please provide the following for all relatives apprehended with the UAC, if more space is needed, use the <i>Referral Notes</i> :			
Name	A #	Relationship to UAC	

Medical/Mental Health Information	
Does the UAC report or appear to have any medical or mental health conditions?	
<input type="checkbox"/> Pregnancy <input type="checkbox"/> Injury <input type="checkbox"/> Illness <input type="checkbox"/> Other	Summary (List diagnosis, medications, observations, and number of months pregnant) Click here to enter text.

Scan and email or fax available Medical/Mental Health documentation to ORR/DUCS along with this form.

Apprehension and Transfer Information			
Entry	City and/or Location Code	ST	Date
Apprehension			
Current Location			

Office/POE Loc Code	Processing Officer's Name	Email Address	Desk Phone	Cell Phone
ICE Office Loc Code	FOJC Name	Email Address	Desk Phone	Cell Phone

Referral Notes

Email this form to orrducs_intakes@acf.hhs.gov, with a copy to your ICE/DRO FOJC.
 Additional documentation should be scanned and emailed along with this form or faxed to 202-401-1022.

Unaccompanied Alien Child (UAC) – Initial Placement Referral Form

See Footer for Instructions – Last Updated 01/03/13

Secure/Staff-Secure Addendum

Please provide additional information to assist with placement decision.

Justification for Secure Placement	
Provide a summary of court documentation, police reports, arrests, dispositions, etc.	

Scan and email or fax available criminal documentation (e.g. court documentation, police reports, summary of arrests, dispositions, etc) to ORR/DUCS along with this form. If not available explain why.

Gang Affiliation	
Any Known Gang Affiliation? (Choose one) <input type="checkbox"/> Yes <input type="checkbox"/> Suspected <input type="checkbox"/> No <input type="checkbox"/> Unknown	
Determined By	<input type="checkbox"/> Self-Admission of UAC <input type="checkbox"/> Gang Tattoos <input type="checkbox"/> Other Documentation
Name of Gang	
Gang Affiliation Summary	
Provide a summary of gang involvement - including violent activity, leadership role, etc.	

Scan and email or fax available gang affiliation documentation to ORR/DUCS along with this form, if available.

Detention Facility Information	
If UAC received from a detention facility, provide the following information.	
Choose Type of Detention Facility	
<input type="checkbox"/> Adult Detention	<input type="checkbox"/> Juvenile Detention
Facility Contact Information	
Facility Name	
Point of Contact	
Phone Number	Fax Number
UAC Detention Stay Information	
Admission Date	Discharge Date
Provide a summary of known Incident Reports during stay at Juvenile Detention Facility:	
Provide a summary of known TB tests and medical / mental health condition:	

Scan and email or fax other available documentation to ORR/DUCS along with this form, if available.

Email this form to orrducs_intakes@acf.hhs.gov, with a copy to your ICE/DRO FOJC.
Additional documentation should be scanned and emailed along with this form or faxed to 202-401-1022.

Figure 2

CBP Initial Processing CBP informed UTEP that the scope of its responsibilities in the UAC process involve apprehension, processing, staging, and local transport. CBP's goal is to process UACs within 12 hours of arrest, and with the assistance of ICE (for non-local transports), place them in the care of HHS ORR within 72 hours. If a UAC field placement is in an area considered to be non-local, then CBP and ICE have up to five days to place the UAC⁸. However, for all UACs and field placement locations, CBP and ICE strive to adhere to the 72-hour limit. This is because all Border Patrol facilities are set up to be processing centers, not detainment facilities that can provide long-term humanitarian care. Researchers learned that all of the Border Patrol stations in the Rio Grande Sector are impacted by UACs in varying degrees. For example, at the McAllen station UACs receive an initial intake interview; however, they are then transported to Weslaco by CBP for further processing before being transported to Fort Brown for temporary holding. At each stage of the process, there is an opportunity for the UAC intake information to be verified and a redetermination of UAC status made if necessary.

**Initial UAC
Placement Form
Submitted to
HHS ORR**

As stated previously, the initial placement form is submitted to the HHS ORR Intake Center and the ICE ERO Field Operations Juvenile Coordinator via email to a designated email address. The submission of this form is typically done by the requesting agency within two hours of the arrest although the goal remains one hour. UTEP researchers were informed that in February of 2012, the Office of Border Patrol Headquarters made a policy/process change that has had a significant and positive influence in the timely placement of unaccompanied alien children. The policy change was to inform the applicable entities (ICE ERO, HHS ORR, etc.) of the detention of a UAC earlier in their process. For example, UTEP was informed that in the past UACs would be fully processed before the placement entities were informed of the detention of the UAC. Currently, the placement agencies are notified once the UAC arrives at the station.

UTEP was informed that once the "UAC Initial Placement Referral Form" has been submitted to the HHS ORR Intake Center, ICE ERO, in essence, acts as a 'travel agent' for CBP, seeking a placement location for the UAC. ICE ERO coordinates with HHS ORR to locate suitable bed space for the UAC.

⁸ The desired goal of DHS is to place the UAC in an HHS ORR shelter within 72 hours due to the ambiguity in the Flores-Reno settlement agreement regarding placements after 72 hours.

Challenges

Incomplete Information

HHS ORR officials stated that incomplete and/or incorrect information on the referral form submitted by the requesting agency can cause delays in the placement of the UAC. Examples of such errors include, but are not limited to, entering the wrong gender or birth date, or failing to classify the UAC as an individual with special needs. Incomplete and/or incorrect information can result in a UAC being placed at a shelter that is not equipped to handle the UAC's unique needs. Thus, incomplete and/or incorrect information may cause HHS ORR to "re-designate" the UAC to a different shelter, which has been identified as a 'labor intensive' action for HHS ORR intake staff and presumably for CBP and ICE as well.

Communication

CBP officers informed UTEP that although they send out the initial placement request form via email, ORR informs only ICE ERO of the placement location. This lack of communication between Border Patrol and ORR over placement locations can cause several problems. For example, ICE ERO is required to ensure that their charter flights run at near to full capacity. If ICE ERO requests some UACs from Border Patrol to board a charter flight, HHS ORR emails ICE ERO only with the 'A' file numbers of the UACs they wish to board on that charter flight. Since ORR has not informed Border Patrol during this selection process, CBP has transported several UACs via bus to the charter flight. As a result, CBP must turn the bus around and go back to the station to determine which UACs get to fly on the charter flight. This re-designation issue has resulted in UACs spending an extra night in Border Patrol custody. This extra night requires CBP to transport the UACs for shower runs and medical care if necessary. Thus, miscommunications between agencies result in delays costing CBP additional staffing duties.

CBP informed UTEP that they wish HHS ORR would simply 'reply to all' in their emails so that CBP receives timely status updates. However, HHS ORR informed UTEP that it would take too long to search through the initial emails and find which CBP shift officer in which Border Sector made the initial placement request. HHS ORR suggested that there could be a CBP centralized contact or listserv. If CBP created an email distribution list, HHS ORR officials could include one centralized CBP email onto the placement referral emails.

As another communication challenge, ICE ERO informed UTEP that because E3 (CBP) and ENFORCE (ICE) processing systems are not integrated, problems are often created due to the sharing of certain

pieces of information that are not contained in the *UAC Initial Placement Referral Form*. For example, ICE ERO representatives state that they have no clear picture of the arrest information regarding the UAC. In particular, ICE ERO states that the arrest time would be helpful so that they are aware when the clock started for the UAC.

Figure 3 is a depiction of the existing communications process once a *UAC Initial Placement Referral Form* is submitted to the HHS ORR Intake Center and ICE ERO FOJC.

HHS ORR & ICE ERO Decision UAC Placement Communication Dynamic

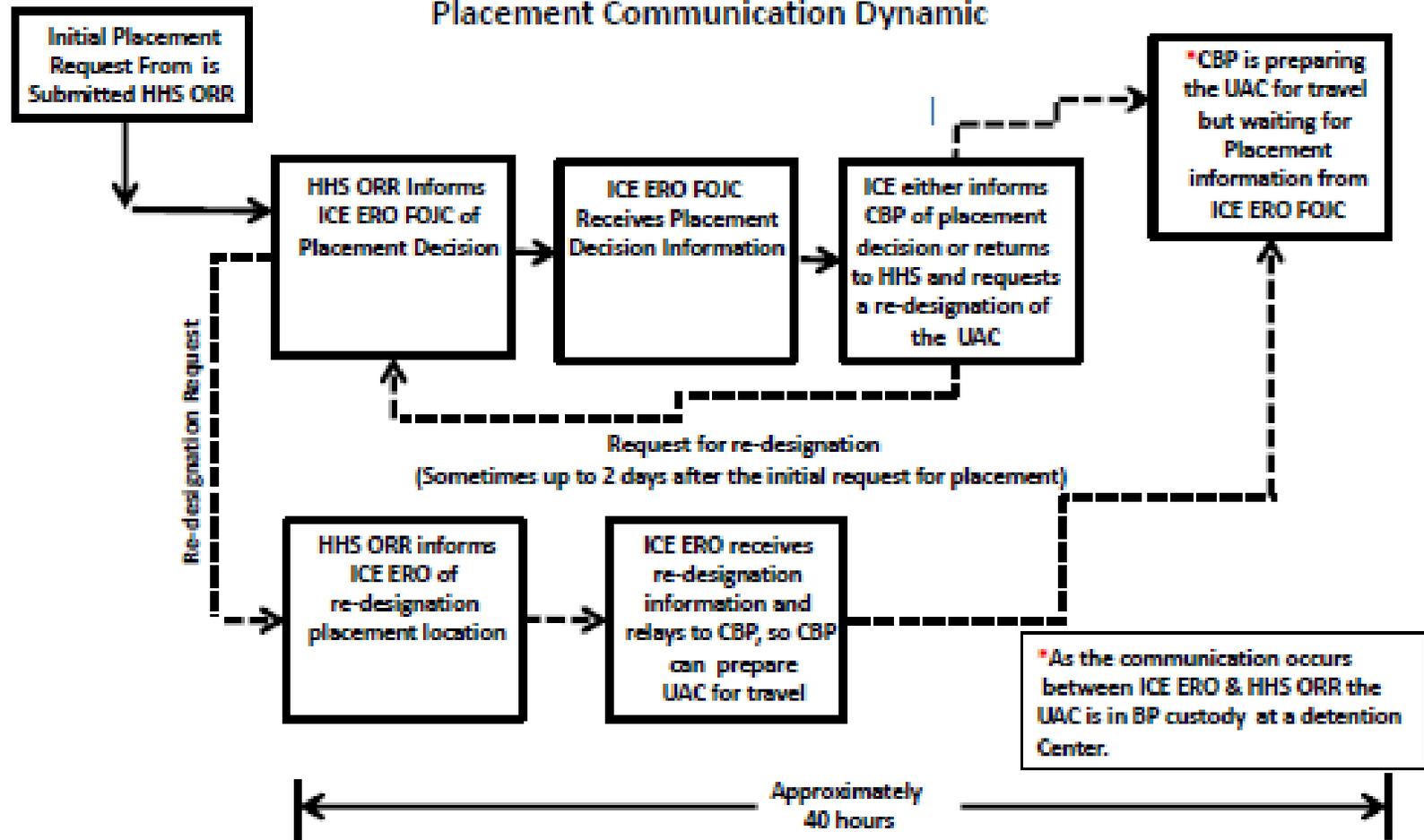


Figure 3

**HHS ORR
Determines Bed
Availability & Makes
Placement Decision**

According to the Office of Refugee and Resettlement (ORR), UAC numbers have more than doubled each year since 2011, and it is projected that 50,000 UACs will require placement in fiscal year 2014⁹. ORR officials explained that they typically see “peak seasons” of UAC referrals with fall/winter being their “slow season” and spring/summer being their “busy summer.” However, the number of UACs has increased to the point where fall numbers of this fiscal year are surpassing the spring/summer numbers of last fiscal year. While the HHS ORR Intake Center operates on a 24-7 schedule, the intake staff processes placement referrals from 9:00 a.m. – 9:00 p.m. Eastern Time. The majority of placement referrals are emailed to the HHS ORR Intake Center after 9:00 p.m. Each day at 9:00 a.m., there will be approximately 30-90 of these overnight process referrals waiting for placement. The referrals arrive in the form of an email from the apprehending agency (e.g. Border Patrol) with the *UAC Initial Placement Referral Form* attached to the email. The vast majority of placement referrals arrive from the Rio Grande Valley region of South Texas, with Laredo, TX and Phoenix, AZ regions also sending a small but consistent portion of the referrals. A placement location for each of the 30-90 morning referrals is typically made by 1:00 p.m. each day. In addition, UAC placement referrals arrive at ORR on a rolling basis throughout the day. HHS ORR informed UTEP that as long as a placement request has been sent before 9:00 p.m. the UAC will be placed that day – usually within the hour. Any referral requests made after 9:00 p.m. will not get placed until the following day.

HHS ORR informed UTEP that they do what they can to place UACs as close to the referring (apprehending) location as possible to minimize travel for ICE and CBP. However, given the sheer number of UACs apprehended it is becoming increasingly challenging to find a consistent supply of available beds in the RGV region. Several criteria are considered when placing a UAC, but it is no longer HHS ORR’s goal to place UACs in proximate locations to family members, as the residential location of family members is usually not determined until well after the UAC has been placed. Further, they noted that the average length of stay for UACs has been decreasing, and with a relatively quick turnover, it is no longer feasible to consider placement decisions that prioritize family reunification.

⁹ The federal fiscal year runs from October 1st thru September 30th every year.

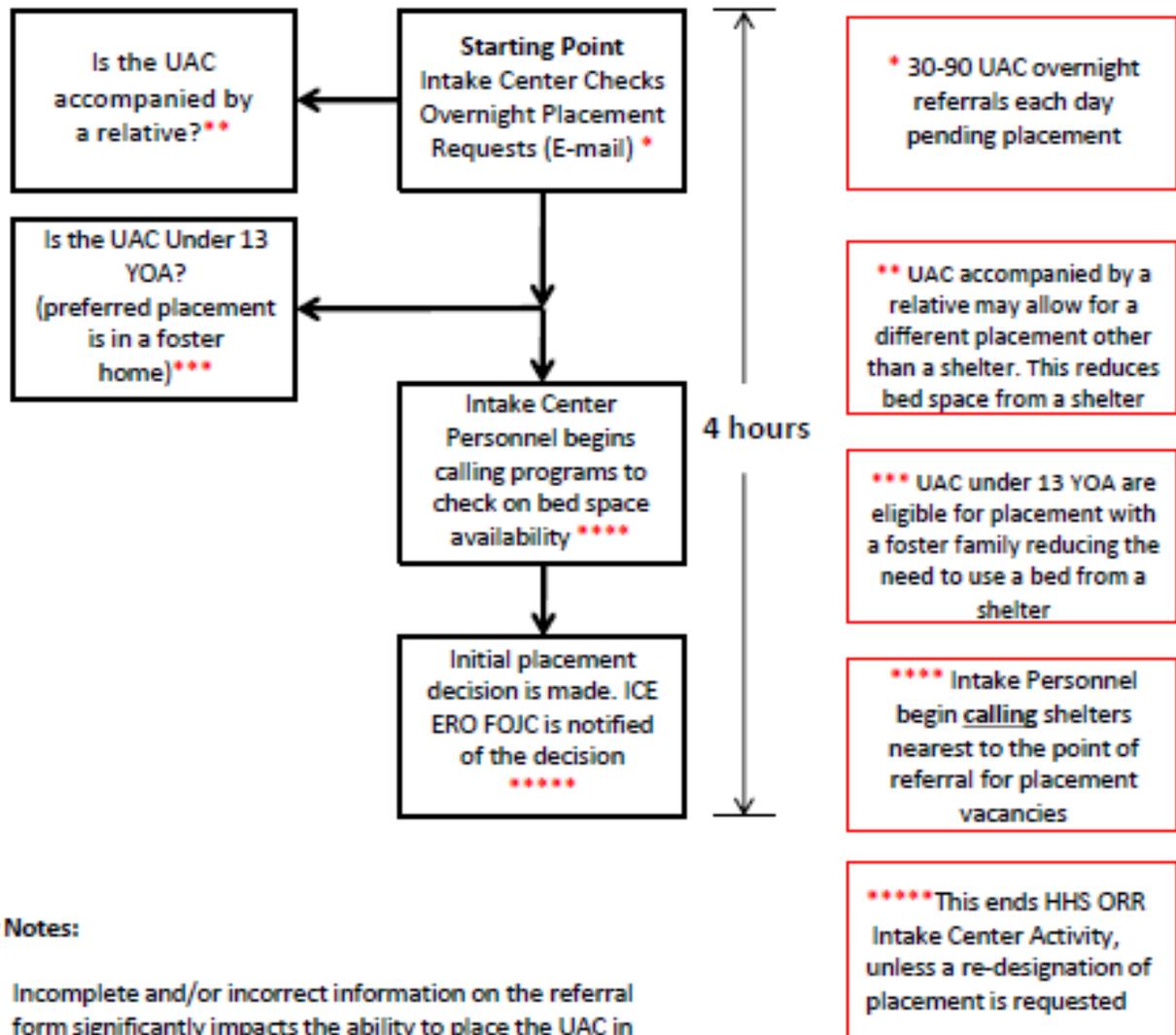
There are six intake center staff members at ORR that make placement decisions. Each day, one staff member calls all of the necessary shelters to determine their availability to admit new UACs. ORR prioritizes placement referrals on a first-come-first-serve basis. They informed UTEP that at times CBP or ICE will request that certain individuals be placed before others because of the time that they have been in CBP/ICE custody. However, ORR stands by its first-come-first-serve policy, with the exception of placing individuals with special needs before others. If a UAC is under 13 years of age, ORR tries to place the UAC in foster care rather than a shelter. Medical conditions (e.g., pregnancy) and country of origin are also taken into consideration when making placement decisions. Lastly, ORR explained that shelters are very cognizant of state laws and regulations regarding capacity levels and are very cautious about admitting more UACs than laws permit. The number of openings is tracked by a case manager at ORR, and ORR is in the process of implementing a new database in January 2014 in part to eliminate the need to track information in both a spreadsheet and database.

HHS ORR intake officials described three primary concerns when making a placement decision. The first concern is whether or not the UAC is traveling with a relative (but not a parent or legal guardian). ORR is interested in this variable because it attempts to keep the family unit together in whatever placement decision is made. A second concern is the age of the UAC. If the UAC is under the age of 13, ORR attempts to place the UAC in a foster home for the benefit of the UAC. The placement of the UAC in a foster home does not appear to negatively impact bed space availability in shelters. The third noteworthy concern is whether or not the UAC is considered a “special needs” individual. ORR explained that special needs individuals add to the complexity of the decision-making process because there are only a certain number of shelters in certain locations that are equipped to care for these individuals (e.g., pregnant UACs).

Figure 4 depicts the HHS ORR UAC Initial Placement Request Decision model.

UAC Initial Placement Request Decision Model (HHS ORR)

The HHS ORR Initial Placement Intake Center
Operates seven days a week from 9A-9P (EST)



Key Notes:

- Incomplete and/or incorrect information on the referral form significantly impacts the ability to place the UAC in a timely fashion.
- The national average discharge rate for UACs is about 80 – 90 per day.
- The Rio Grande Valley, TX and Phoenix, AZ have the most shelter beds based on DHS requests.

Figure 4

Influences

Shelter Capacity

HHS ORR informed UTEP that most shelter beds are located in the Phoenix, AZ and Rio Grande Valley, TX regions based on DHS requests. HHS ORR also supported the claim that most UAC placement referrals come from these two locations. HHS ORR informed UTEP that it currently has 5,000 available licensed beds in the HHS nationwide network, which service approximately 25,000 UACs annually. HHS and DHS project a need to service approximately 50,000 UACs in fiscal year 2014.

HHS ORR informed UTEP that it has taken several steps to improve the placement process in an effort to seek efficiencies because "... the idea of increasing capacity infinitely is not feasible." HHS ORR discussed how they internally decide to transfer UACs from foster care to a shelter or vice versa to create bed space for a difficult-to-place UAC.¹⁰ Furthermore, HHS ORR stated that in 2011 the average length of stay for a UAC in ORR's care was 72 days; in 2013 it averaged 42 days. UTEP was informed that the goal for the average length of stay is 35 days or less, which would increase capability without increasing capacity¹¹. In order to reach this goal, HHS ORR has a goal of discharging 20% of UACs per week and per month. Periodically, all of the shelters will be sent statistics on their (and every other shelter's) discharge rates, as HHS ORR officials stated they believe these statistics place at least a small amount of social pressure on the shelters to reach the 20% goal. HHS ORR officials explained that this decrease in length of stay is a feasible goal. The UACs that stay beyond 20 days are typically those UACs that have no families or viable sponsors. HHS ORR officials explained that these UACs are often transferred out of shelters and into long-term foster care. The amount of time UACs stay under foster care does not impact the bed availability in shelters.

HHS ORR officials discussed that reducing the time UACs spend in shelters could be accomplished in the following ways. The policy requiring families to pay UAC transportation fees (transport from shelter to family) could be modified to allow for some flexibility or payment plan. HHS ORR officials believe by implementing a flexible policy on payment of transportation fees would reduce the amount of time a UAC is in a shelter because the initial financial burden on the receiving family member would be mitigated. The current requirement for having all 17-

¹⁰ Difficult-to-place UACs are typically those that do not have an identified family or viable sponsor or with behavioral problems such as aggression.

¹¹ The 35 day length of stay equals a 20% per week discharge rate.

year-old UACs fingerprinted could be dropped. Dropping this requirement can reduce the length of stay for 17 year-olds by approximately 17 days.

Laws & Procedures The primary factor in UAC placement location is shelter capacity. HHS ORR intake personnel cannot fill a shelter past its listed capacity. A shelter past capacity can lose its license, resulting in the shutdown of the shelter. It was further explained that HHS ORR intake staff are unable to predict availability because a UAC cannot be placed or designated to a facility that may cause that facility to exceed its authorized capacity. Bed availability depends on discharge rates, and shelter personnel cannot declare an individual bed to be available until the UAC has physically left the shelter. Even when UACs receive their discharge documentation 48 hours before departure, the bed is not considered available until the UAC has left the shelter.

Shelter Imbalance HHS ORR officials informed UTEP that there are some shelters that will be busy all year round, such as those shelters in the RGV region. In contrast, during the winter (i.e., slow season), there are some shelters that ask HHS ORR to send more UACs. Ideally, placement locations would be balanced across all shelters; however, since speed of transportation to the shelter is prioritized, there are some shelters that will always be busier than others. A suggestion to improve this imbalance is to increase the percentage of shelters that are located in those critical areas such as the RGV region and to decrease the percentage of shelters located in non-critical areas, such as the Northeast part of the United States. This process has already taken place to an extent.

Contracts & Competition Shelters must apply annually for HHS ORR contracts. Therefore, the location of beds is determined by the location of the shelters that are awarded contracts. HHS ORR requires that a certain percentage of these beds be located in border areas such as the Rio Grande Valley region of South Texas. Shelter personnel are required to be licensed (i.e., trained to handle UACs). However the licensing standards differ by state and HHS ORR informed UTEP that it is becoming increasingly difficult to find additional licensed staff, or potentially capable staff, in the more highly impacted areas (e.g., RGV region).

HHS ORR encourages shelters to get licensed for as many beds as possible so that it can place UACs in the busier seasons of spring and summer. Unfortunately, the shelters have no apparent obligation to increase their capacity based on HHS ORR's input.

Special Needs

HHS ORR informed UTEP that UACs that are identified as having special needs¹² are a little more problematic than the non-special needs UACs in finding a suitable placement location. Although it is not impossible to place UACs with special needs, it is more time consuming and often requires that the UAC remain in the custody of the requesting agency longer. UACs with special needs are approximately 30 percent of the UAC population processed.

UACs with special needs such as a pregnancy, mental illness, physical handicaps, and age (under 2 years) are placed at the "front of the line"¹³. Out of the 66 UACs apprehended per day, ICE ERO estimated that about 20 would be identified as special needs. The number of UACs identified with special needs has increased and can be attributed to the increasing numbers of UAC apprehensions. Thus, the base-rate of UACs with special needs has remained consistent.

UACs identified with special needs are given local placement priority. ICE ERO officers informed UTEP that they call ORR to request local placement if they identify a UAC with special needs. ICE ERO officers stated that ORR personnel are cooperative in ensuring local placement for UACs with special needs. However, only certain shelters out of the 12 local shelters in the RGV region are equipped to handle various special needs. ICE ERO also views UACs with special needs as manpower intensive due to the sensitivity and attention dedicated to placing the UAC in a shelter as soon as possible.

ICE ERO Requests

HHS ORR officials stated that ICE ERO heavily influences whether UACs are placed at in-region or out-of-region locations. Officials stated that ICE ERO is aware of the locations of the regional shelters as well as their available capacity. HHS ORR stated that it is no more work to place 30 UACs in a local shelter (nearest to the referring entity) than it is to place 30 UACs in a shelter in Chicago. The officials state they simply attempt to comply with requests made by ICE ERO in terms of placement location. UTEP was informed that the ICE charter flight destinations do not appear to match vacancies at the out-of-region shelter locations. Thus, the charter flights that ICE ERO wishes to maximize often fly to locations where bed availability is low. For example, ORR mentioned that Houston would be a much more effective location for an ICE charter

¹² "Special needs" UACs could be those who have medical and psychological needs beyond the normal encounter with a UAC. Also, a UAC with a criminal background is treated as a 'special needs' UAC.

¹³ "Front of the line" is defined by CBP as moving ahead with a special needs case in front of others. Typically, CBP will process, transport, and place a UAC based on chronological order from the time of arrest.

flight than some of the other out-of-region locations to which ICE sends UACs.

Challenges

Occupancy Rates HHS ORR stated that when the rate of available occupancy is below 5% nationally, it becomes more difficult and resource-intensive to place a UAC. HHS ORR described how daily telephone calls to the shelters are not intended as forecasting measures, but as a means to place a UAC immediately. When available occupancy is below 5%, more calls need to be made as each call results in only a few (if any) UACs being placed. This process also results in more emails being sent to the referring agencies. HHS ORR intake staff explained that at 10% available capacity, the placement process is manageable, but it becomes strained when it drops below the 10%. For example, current bed availability for female UACs is low. HHS ORR informed UTEP that, each year, bed availability has run down to 0%, which requires UACs to spend more nights under CBP custody until a bed is available for a female UAC.

UTEP learned that if HHS ORR decided to expand the number of shelters, it would take a minimum of 45 to 60 days for the hiring and training of personnel needed to operate the shelter. These shelters would also have to abide by the appropriate state regulatory rules and HHS ORR standards.

Tracking Process It was described to UTEP and observed on a field visit to a shelter that the tracking of bed availability is usually done in a non-automated manner. HHS ORR is planning to deploy a new database that it believes will increase the efficiency of UAC placement by reducing the requirement of duplicating data entries. However, this database does not appear to be designed to automatically assist in tracking shelter vacancies without making the daily calls. HHS ORR discussed that bed projection models would be difficult to use effectively because they simply do not have a margin of error (i.e., they cannot place a UAC above shelter capacity and cannot afford to leave any one bed vacant). Thus, HHS ORR would not feel comfortable in relying on shelter representatives to update their discharge rates (i.e., bed vacancies) into the database in “real-time.” HHS ORR representatives believed that there would be significant value in such a system, but it would require a significant cultural change within the HHS ORR system of shelters.

Placement Priority CBP and ICE ERO focus their placement requests based on the amount of time that a UAC has been detained (i.e., when the “clock started” for the DHS entities). Although the requesting agencies attempt to maintain a

chronological order of requests, they will, from time to time, encounter a situation where the UAC needs to be “moved to the front of the line”. HHS ORR attempts to comply with these requests but, due to the volume of UACs, the requesting agency must choose between UACs for placement or ICE ERO must decide who to transport. To illustrate UAC priority, ICE ERO informed UTEP that when filling up charter flights, adults will be taken off the plane in order to give seats to UACs.

ICE ERO FOJC

Informed of

Placement Decision

HHS ORR replies only to ICE ERO FOJC headquarters with the placement location decision. ICE ERO FOJC headquarters then has to inform the correct ICE ERO field office of the placement location of the UAC. ICE ERO headquarters representatives state that they often send informational emails to the Fort Brown Border Patrol Station. Once this information is provided, the Fort Brown Border Patrol Station must locate the UAC within the system of Border Patrol stations if the UAC has not been previously transported to the Fort Brown Border Patrol Station.

HHS ORR informed UTEP that ICE ERO will often request a re-designation of UAC placement from a regional shelter to a non-regional shelter. The placement of a UAC to a non-regional shelter requires air transportation which is most notably in the form of charter flights. These charter flights are the preferred method of handling non-local transportations of UACs.

Challenges

Re-designation of Placement: Impact HHS ORR

HHS ORR staff informed UTEP that re-designation of placement for a UAC is a labor intensive activity, and in most cases is requested by ICE ERO two days after the placement decision has been made. HHS ORR stated that in most cases these designations are from a local placement to an out of the region placement that will be conducted via a charter flight. UTEP was also informed that if a UAC misses either a charter or commercial flight, a request is made by ICE ERO to change the placement of the UAC to a local shelter. HHS ORR stated that these types of requests negatively impact the placement system because referrals are placed in order of request.

HHS ORR informed UTEP that they have denied re-designations. This is because ORR stands by their first-come-first-served policy, and thus will focus on placing those 30-90 overnight placement referrals. Re-designations become labor intensive and time consuming as additional

calls must be made, and these calls are made when bed availability has been taken up by the overnight referrals. If time permits, HHS ORR officials informed UTEP that they do place re-designations. If not, they will deny the re-designation request and ICE ERO will be responsible for transporting the UAC to the original referral location, which often involves using commercial flights for transportation.

Re-designation of placement not only appears to negatively impact HHS ORR, but also appears to have a significant impact on either CBP or the referring entity. This is because re-designation usually results in UACs being transported by CBP or ICE ERO, again putting the UAC under their custody.

Re-designation of
Placement: Impact
CBP

Although ICE ERO informed UTEP that it has increased the number of regularly scheduled charter flights, CBP officers seemed unaware of this increase. When charter flights were mentioned, CBP informed UTEP that the charter flights have not positively impacted their efficiency of UAC processing. In fact, CBP suggested that the charter flights may cause an unintended consequence of “stacking”¹⁴. Although charter flights have alleviated some stress of the UACs, UTEP was informed that there is significant pressure to fill each available seat. This sometimes causes UACs an extended stay at the Border Patrol station in order to allow them fill a seat in a pending flight.

CBP informed researchers that a significant amount of time is spent on correcting UAC “A” files¹⁵. These incorrect “A” files typically result from the change of placement location of the UAC once they have left the processing Border Patrol station. If the initial placement of the UAC is changed, the “re-designation” of placement causes problems with re-issuing of legal documents to the UAC.

Re-designation of
Placement: Impact
Inter-agency
Communication

CBP officers informed UTEP that although they send out the initial placement request form via email, HHS ORR informs only ICE ERO of the inclusion of a re-designation of placement location. This lack of

¹⁴ “Stacking” was identified as the process of delaying the placement of a UAC in a local shelter so he/she can be placed on a charter flight. This delay results in CBP increasing the time they house the UAC while he/she awaits another mode of transportation.

¹⁵ “A” files are alien registration files which are used by DHS to formally process an individual that is not a United States citizen. The ‘A’ file becomes the official data file for an individual under immigration proceedings/activity.

communication between Border Patrol, ICE ERO, and HHS ORR over re-designation of placement location has caused several problems. For example, ICE ERO is required to ensure its charter flights run at near to full capacity. If ICE ERO requests some UACs to board a charter flight who originally were destined for a local placement, then, HHS ORR emails ICE ERO only with the 'A' file numbers of the UACs re-designated to board that charter flight. Since HHS ORR does not inform Border Patrol during this selection process, CBP may transport several UACs via bus to the charter flight, who ultimately cannot board the flight. As a result, CBP must turn the bus around and go back to the station to determine which UACs get to fly on the charter flight. This re-designation issue has resulted in UACs spending an extra night in Border Patrol custody. CBP informed UTEP that it wishes HHS ORR would simply "reply to all" in their emails so that CBP receives timely status updates.

CBP informed UTEP that if there are delays in placement location, the delay usually results in UACs spending an extra night in CBP custody. This extra night requires CBP to transport the UACs for shower runs, and for medical care if necessary. Thus, miscommunications between agencies result in delays, causing CBP to take on additional staffing duties.

**ICE ERO FOJC
Informs CBP of
Placement Decision**

Once long-term placement decisions have been made by HHS ORR and CBP is informed, officers at the Fort Brown Border Patrol Station are responsible for updating the UAC files and either coordinating or providing transportation. The UAC paperwork gets stamped with the field placement location. Researchers were told that approximately half of field placements locations are local, but CBP works with ICE ERO officers for non-local transport. Once the UAC is in HHS ORR care the clock stops, in accordance to the Flores-Reno Settlement Agreement, for CBP and ICE.

Challenges

**Inter-agency
Communication**

There are several data files required by each agency for one UAC, and these data files are not automatically communicated between the three agencies. Mistakes in communicating, or a failure to communicate updated information for a UAC such as placement location can cause an emergency with ICE ERO. It was explained to UTEP that if a UAC is not ready for travel on a charter flight it must be re-designated to a different shelter, most often to a local shelter, but the UAC will be automatically

placed at the back of the line¹⁶. However, ICE ERO still has to adhere to the 72 hour timeline of getting the UAC into ORR's care.

**CBP Prepares UAC
for Travel: Local
Area or Transition
Point to ICE ERO**

Located In the Rio Grande Valley, the Fort Brown Border Patrol Station is the holding "hub" for all UACs and family units for the Rio Grande Valley Border Patrol Sector¹⁷. The Fort Brown Station conducts an additional screening of the UACs upon arrival to the station. The screening includes medical questions and whereabouts of other family members. As the Fort Brown Station is considered the staging location for UACs in the Rio Grande Valley Sector, they are responsible for preparing the UAC for travel or for making UACs, as they termed it, "fit for travel". CBP estimates that the average time UACs are under Border Patrol custody is 40 hours, which exceeds the 12 hours or less limit that CBP seeks to achieve.

While UACs are under the supervision of the Border Patrol, CBP officers are responsible for any local UAC transportation needs. Because UAC health care is a primary concern, these needs include trips to bathing facilities and local hospitals. CBP has immediate transportation resources available whenever necessary. If UACs are determined to be Mexican, CBP officers are also responsible for transporting them back to Mexico. CBP Officers work with the Mexican Consulate to arrange transportation that occurs during daylight hours.

UAC transportation to long-term placement is made once a location has been determined by HHS ORR. If a local placement is made, CBP Officers are responsible for taking the UAC to the ORR facility. CBP Officers use ground transportation and adhere to the six-hour rule, with regard to distance. Time and efficiency of transportation can depend on a variety of factors which include: the number of escort officers required, UAC medical needs, and whether buses have all of the safety equipment necessary for transportation (e.g., seat belts).

Each UAC that arrives at the Fort Brown Station, and is scheduled for placement outside the local area, is taken to get a shower and fresh clothes. This task is undertaken because charter flights and/or commercial flights will not accept the UACs as passengers until they are

¹⁶ HHS ORR makes placement decisions based on the time they received a placement request. A re-designation is often considered a new placement request.

¹⁷ The Rio Grande Valley Border Patrol Sector is comprised on nine (9) Border Patrol Stations.

“fit for travel”. Depending on local weather conditions, the UAC that is being assigned for local placement may also be taken to get a shower for humanitarian reasons. CBP transports UACs to local shelters managed by ORR to be showered. This process involves CBP working around the shelter’s schedule. Thus, shower runs can only occur in the evening - the time of day most busy for CBP. Every evening, four Border Patrol officers are responsible for having UACs transported to local shower facilities. Specifically, two buses/Border Patrol vans are used for shower runs. One bus transports all the older males to a local shelter in the region, and one bus transports all the younger males and female UACs to another local shelter in the region.

Due to an increase of UAC apprehensions, more CBP officers are required to supervise the UACs at the station. Supervisory duties take CBP officers away from field/patrolling duties. Supervisory duties include: monitoring UACs, preparing food, and making shower runs. CBP informed researchers that resources are permanently committed to handle the UAC process. For example, there are four Border Patrol officers responsible for UAC transportation at any given time. CBP reports that the biggest issue with UACs is the high maintenance that is associated with caring, feeding, and clothing them. CBP was asked if the administrative immigration processing of a UAC was inherently a governmental function, or if it could be executed by someone else. They could not provide a definitive answer. This aspect should be further studied since it could alleviate a significant portion of staffing requirements if the duties could be taken over by a non-government agency.

Challenges

CBP Staffing

Fort Brown station representatives informed UTEP researchers that in order to ensure that the UACs are “fit for travel,” and to meet mission needs of caregiving to the UACs while they await transport to a shelter, the following duties are routinely conducted by Fort Brown Station personnel:

- Border Patrol Agents go to the local grocery stores to purchase food and drinks for consumption by the UACs and family units at the station.
- Border Patrol Agents prepare food in the form of sandwiches for the UACs and family units.

- Blankets used by the UACs are taken to an off-site location by Border Patrol Agents to wash and dry.
- UACs are routinely taken to a local shelter so that they can shower before being assigned to a placement location. They are transported by Border Patrol Agents to the shelter, and back to the Fort Brown Station to await formal placement.
- In case of inclement weather, Border Patrol Agents will make arrangements with local agencies to provide a change of clothing for the UACs.
- Entertainment (video tapes and games) is provided by the Fort Brown Station to help entertain the UACs.

Although the Fort Brown Station was not designed to be a detention/staging facility, considerable manpower is spent addressing the needs of UACs, as previously outlined.

Time of day

CBP officers informed UTEP that the evenings are the busiest time of day for officers on UAC duty. It is undetermined, at this time, if the evenings are the busiest due to activity levels (arrests), influences outside the control of CBP (changes in placement location, timing of bathing of the UACs, etc.), or an internal decision by CBP to conduct certain duties during this time frame. Every evening, all files must be manually updated, and notifications of UAC itineraries are made. Specifically, CBP officers are responsible for confirming which stations all UACs are currently located in, and ensuring that the UACs scheduled to be transported via ICE are at Fort Brown and are ready to leave. The staging process at Fort Brown involves both ensuring that the paperwork is ready for UAC departure, and that the UACs themselves are physically ready for departure (e.g., have been fed and bathed).

**UAC Transported
To HHS ORR Shelter
(ICE ERO or CBP)**

CBP Transport

Although CBP contracts with private industry (G4S) to assist with local transportation of UACs, CBP informed UTEP that they are currently using their own officers to drive ICE ERO buses. More specifically, Border Patrol officers are providing transport of UACs who received local placement locations. CBP informed UTEP that although the contracted G4S buses are equipped to transport UACs, the buses are currently being used to transport adult OTMs. CBP admits that these buses are already

at maximum capacity with the transportation of adult OTMs. It does not appear that the number of buses in place in the Rio Grande Valley region is sufficient to meet the requirements needed to transport UACs without Border Patrol officers' assistance.

Challenges

CBP

CBP informed UTEP that the amount of staff and time costs dedicated to UAC transportation is vast. Officials report that in October 2012, approximately 20 Border Patrol Officers were utilized in a 24 hour period at the Fort Brown Station to care for and transport UACs. The number of Border Patrol Officers in October 2013 increased to approximately 30 in a 24 hour period at the Fort Brown Station. Even with all this transportation, CBP officers state that there are at least 100 UACs every night that spend the night under Border Patrol custody.

As stated previously, charter flights have not always positively impacted the efficiency of UAC processing for CBP, due to the unintended consequence of "stacking".

ICE ERO Transport

Once placement location requests are received and the current location of the UAC is known, ICE ERO arranges for non-local transport, if applicable. ICE ERO focuses their placement requests based on the duration the UAC has been detained. There are routinely scheduled charter flights to several ORR hub cities that ICE uses to handle non-local transportation. ICE ERO prioritizes UACs above all other apprehensions.

If a field placement location is situated beyond the local area, ICE ERO officers are responsible for providing transportation. Due to the increased numbers of non-local transports, ICE operations now include regularly scheduled charter flights and buses. Private companies such as Trail Boss provide some transportation for ICE ERO. Starting in June 2012, ICE AIR operations began to conduct charter flights to both Chicago and Miami. Since these charter flights do not cover all non-local transports, ICE ERO officers also transport UACs via commercial air flights. The time it takes to transport UACs to non-local field placement locations is at least 10 hours.

ICE primarily transports UACs via air to their non-local placement locations. There are four forms of air travel that ICE uses: Charter flights, reverse escorts, commercial flights, and ICE Air escort team. Charter flights appear to be considered the most preferable and the utilization of commercial flights the least favorable by ICE ERO.

Charter flights	<p>Charter flights are being made 6 times a week. ICE uses charter flights to fly into El Paso every Monday and Thursday. Every Tuesday, flights are made into Chicago and Miami; on Fridays, charter flights again fly into Chicago, and once a week (i.e., Wednesdays) these flights fly into Newark.</p> <p>ICE ERO officers informed UTEP that these charter flights are the preferred mode of handling non-local transportation of UACs. Charter flights are cheaper and are capable of transporting up to 50 UACs at a time. However, in order for charter flights to be cost effective they must be filled close to capacity. ICE ERO informed UTEP that it takes approximately 2.5 days to prepare a charter flight. This preparation includes coordination between ICE officials at either end of the flight (departure and arrival) to ensure both smooth and timely transportation of the UACs.</p>
Reverse Escorts	<p>Reverse escorts involve ICE ERO officers transporting other DHS detained individuals to one location and picking up UACs to take back to the originating location of the ERO officers. This system capitalizes on the availability of flights that may travel unoccupied by detainees and is ICE ERO's second preferred method of non-local transportation. The reverse escort process not only transports UACs to shelters outside of the Rio Grande Valley region, but it also reduces the requirement of additional Harlingen Field Office officers providing transportation duties.</p>
Commercial flights	<p>Commercial flights are ICE ERO's least preferred method of non-local transportation. ICE ERO faces many challenges with regard to providing non-local transportation. For example, airline policies restrict the number of UACs allowed on a commercial flight. In addition, staff shortages are abundant in the travel department, and seat availability on commercial flights is limited. This is compounded by the fact that officers that escort the UACs usually only receive a one-day notice prior to having to travel with the UAC on his or her flight to their placement location. Additionally, flights can potentially take 18-20 hours of travel time due to weather delays or situations beyond ICE control. ICE officials are concerned about officer burnout, which has been alleviated to a small extent by reverse escorts, (i.e., when the escorting officer originates from the placement location, rather than from the Harlingen Field Office). Per ICE ERO policy, they are required to have at least two ICE ERO escorts per commercial flight. Once the UAC reaches a placement facility it is HHS ORR's responsibility to move the UAC, if required.</p>
Escort teams	<p>UTEP was informed that the ICE Air escort team requires more staff in order to operate more effectively and impact the UAC process.</p>

Challenges

ICE ERO

Transportation

Commercial flights tend to be very inefficient. Transportation arrangements cannot be completed before UAC placement locations have been made, yet ICE ERO still follows the 72 hour timeline stipulated by the Homeland Security Act of 2002. Due to this process, these commercial flights are booked shortly before they are scheduled to leave. Many airline flights only have a few seats available, because ICE ERO must also compete with private sector demands for the same flights departing to the local area. As a result, ICE headquarters can lose two officers for up to three days while transporting as little as two UACs. Fortunately, because of the increase in charter flights, ICE ERO does not have to rely as much on commercial flights.

ICE ERO Staffing

The juvenile department of ICE ERO is responsible for managing both UACs and family units. The increase in the number of UAC and family unit apprehensions in turn increases the amount of staff required to manage the juvenile department. For example, last October 2012, ICE ERO received around 73 families per day, which totaled roughly 160 individuals. In comparison, this October 2013, ICE ERO received around 533 family units per day - totaling 1,200 individuals. Thus within a year, ICE ERO saw a 630% increase in family units. These family units are individuals that have to be accommodated and managed by ICE ERO in addition to the UACs it receives.

Last year, the ICE juvenile department consisted of 7 to 9 staff members. This year, there are 20 staff members working for the juvenile department. These additional staff members have been taken away from other ICE units, such as Fugitive Operations. The increase in numbers has helped; however, ICE ERO informed UTEP that these numbers are still not sufficient and the staff members are still overworked. Although the juvenile department still needs more assistance, ICE ERO officials cannot request additional assistance from other ICE units for fear that these units themselves become dangerously understaffed. UTEP was informed that the local office requires additional vacancy positions to augment the current staffing levels. ICE ERO pointed out additional aspects of UACs that significantly impact personnel requirements:

- Border Patrol may not provide clothing to UACs that is appropriate to the location that the UAC is being placed. ICE ERO has to expend funds and manpower to purchase jackets, etc.
- The amount of data entry work required for the UAC process is

extensive and involves constantly updating UAC files. ICE ERO officers are required to keep several manual logs, and are required to update these logs on a daily basis. It does not appear that these various logs are automated or conducive to high volume activity levels. Therefore, law enforcement officers often do these updates manually. Essentially, this redundancy of data entry work is causing shortages in law enforcement operations.

- Issues such as false claims to UACs requires that ICE ERO correct administrative immigration casework. A false claim typically occurs when an adult claims to be an unaccompanied alien child to exploit the process of being placed in a shelter in the interior of the United States.
- The requirement for ICE ERO personnel to escort UACs on commercial flights taxes personnel resources. The personnel have to be identified and available (enough time between shifts) to provide the escort services. Each flight results in a loss of two agents for three working days. Diversion of flights for reasons out of the span of control of ICE ERO (e.g., inclement weather) places significant demands on personnel and the ability to deliver the UAC to the approved HHS ORR placement facility. Due to the significant increase in UACs who need to be placed outside the local geographical area, the situation has caused the unintended consequence of not fulfilling certain ICE mission sets to the fullest extent possible. For example, the fugitive operations team had to be diverted to conduct transportation duties because the staffing levels for the juvenile department did not meet the UAC transportation demands.

In conclusion, ICE ERO informed UTEP that more staff is needed to manage the juvenile department, and more resources are needed for the staff to manage the juvenile department effectively. It was mentioned that the Fugitive Operations Team used to be a focus of ICE, requiring additional staff. As a result, more resources were allocated to the Fugitive Operations Team. ICE ERO officers informed UTEP that the juvenile department has recently become the focus, but this has not yet resulted in recognizing the need for additional permanent staffing.

Additional System Challenges

Inter-agency Communication

The common procedure for transferring paperwork between Border Patrol stations is to have the hard copies of the paperwork transferred with the UACs. These hard copy forms of communication are not automatically transferable to other agencies, such as ICE. Researchers were informed by ICE ERO officers that the only information from CBP that gets transferred automatically into their computer system is “encounter information”. This information does not include the time of arrest (i.e., the time the clock starts). It was explained that this lack of transfer is due to an incompatibility issue of the *E3* system used by Border Patrol, and the ENFORCE system used by ICE ERO.

Data Input

ICE ERO officers informed UTEP that the amount of data kept for UAC processing is extensive. ICE ERO officers are required to keep several manual logs, and they have to update these logs on a daily basis. It does not appear that these various logs are automated or conducive to high volume activity levels. The amount of data input increases the chance of human error. To give an example, ICE ERO officials mentioned that administrating and managing an ICE ERO charter flight requires booking paperwork¹⁸ for approximately 50 UACs.

Case Management

The term “case management” means different things to ICE ERO and HHS ORR, causing significant issues to the scheduling of an immigration hearing within the Executive Office for Immigration Review (EOIR). The fundamental issue appears to be the disparity in philosophical mission beliefs. This disparity will often lead to occasions where HHS ORR does not notify ICE ERO of the movement of the UAC from a placement facility to either another placement facility, or release to a parent or legal guardian. This lack of notification causes issues with the scheduling of the UAC for his/her administrative hearing (Executive Office for Immigration Review or EOIR) in terms of venue. ICE ERO representatives state that HHS ORR is only required to notify ICE ERO of a “significant event” regarding a UAC. It appears that the only classification for a “significant event” is a runaway UAC.

ICE ERO is responsible for the administrative immigration case management of approximately 1,200 beds which house locally placed

¹⁸ It is not clear what “booking paperwork” actually entails or the steps required to complete the process.

UACs¹⁹. These 1,200 beds are divided up into 12 shelters and are managed by HHS ORR. ICE ERO keeps track of local UAC immigration proceedings with a census check²⁰. Each ICE ERO officer is responsible for a docket of about 450 local UACs. ICE ERO informed UTEP that HHS ORR calls each shelter every day to receive updates on its UACs. Often times HHS ORR will make additional placement or release decisions for the UAC based on contact with relatives, parents, or legal guardians which impacts the administrative immigration proceedings. Each shelter maintains their data in different formats, often in “old-school” formats (e.g., white boards). This system does not allow ICE ERO officers to be able to quickly go through their docket and spot status changes or inconsistencies that have not been updated in their system.

Length of Stay

Although further reductions of stay in an HHS ORR placement shelter would appear to be an improvement in the system, reductions in stay have already caused other organizational issues. The main issue is the sooner the UAC is released, the less time there is for the UAC to attend the EOIR hearing. Due to a potential lack of notification (i.e., the UAC has been moved from the shelter before the court hearing documents arrive in the mail) the UAC is not informed of court appointment data and therefore misses the court appointment, after which he or she will likely be ordered deported *in absentia*.

CBP and ICE ERO 'Wish List'

CBP - Decrease in Transportation Duties

CBP officers informed UTEP that on average, 60 UACs are apprehended by Border Patrol each day. This average takes into account all Border Patrol stations. In order to prevent back log, CBP informed UTEP that ORR must move the same amount of UACs that CBP picks up daily. Thus, CBP requires that they must be able to move 60 UACs per day.

In addition, the daily shower runs, and the every other day grocery runs, are decreasing the amount of Border Patrol officers available for patrolling duties. CBP informed UTEP that these runs must be decreased in the near future. The fact that CBP must work around HHS ORR's

¹⁹ Responsibility in this context does not mean the actual caretaking of the UACs, but instead the responsibility of ensuring that all UACs housed in the local region fulfill their legal obligation to appear before administrative immigration court appearances.

²⁰ Census check appears to be a moment in time that HHS ORR utilizes to determine the status of UACs in its shelters.

schedule for making shower runs also presents a time delay for Border Patrol officers.

ICE ERO -Increase
in staff

ICE ERO informed UTEP that more staff is needed to manage the juvenile department, and more resources are needed for the staff to manage the juvenile department effectively.

Web-based System
for UAC data

It was suggested that a web-based system that would allow all three agencies (CBP, ICE, and HHS ORR) to track UAC "A" numbers would be very beneficial. Ideally, each agency would have access to each UAC's age, time of apprehension, and placement location. This web-based system would have to be password protected and kept private between the three agencies so that it could not be accessed from a non-government website. This tracking system would allow each agency to feed information into it, and each agency to simultaneously review information in real time. The expected benefits of this system include decreasing the amount of paperwork each agency is currently responsible for, and decreasing the chance for human error that exists when all updates have to be entered manually by three separate agencies.

An additional suggestion to this web-based system was instating a check-mark system so that each agency knows how much paperwork it has successfully completed, and what additional steps it needs to complete.

Other ways that a web-based system compatible with all three agencies could help:

1. ICE ERO informed UTEP that it would be helpful if the number and location of beds available was known to them at a more consistent basis, or at least 24 hours before a scheduled charter flight is set to depart.
2. ICE ERO informed UTEP that better communication between HHS ORR and the local shelters would help ICE ERO officers keep better track of their dockets. For example, UACs get discharge notification notices 24 to 48 hours before scheduled discharge. Thus, shelters know when UACs are leaving. If this information was shared consistently, ICE ERO would have better ideas about local bed availability.
3. CBP informed UTEP that if a web-based system was created, it would be helpful if a time stamp was made when ORR makes a placement location. If possible, this time stamp would be placed on each UAC's "A" number, be ordered numerically, and filtered down by sector.

This type of data sharing and organization would help CBP prioritize UACs.

Welcome Center²¹

A suggestion that was put forward from the last site visit was the idea of a “Welcome Center” – a facility placed in the RGV region that is managed by HHS ORR. CBP would apprehend and process UACs and then immediately transport them to the Welcome Center. From there, HHS ORR would handle the transportation of UACs to long-term shelters. ICE ERO would track UACs and handle the case management of immigration court proceedings. The idea is that while UACs are waiting placement, they are in the hands of non-law enforcement officers who are equipped to handle children. The Welcome Center would require the resources necessary to handle UACs, such as medical and psychological care, food, shelter etc.

The Welcome Center would satisfy the goal of humanely treating UACs and reducing unnecessary trauma. This would allow CBP and ICE ERO officers to process UACs within the timeline required.

CBP Thoughts

CBP officers believe that the Welcome Center would diminish the amount of time UACs are under Border Patrol Custody. CBP informed UTEP that the Welcome Center would also eliminate the need for having one Border Patrol station exclusively set up to stage (feed and bathe) UACs. CBP officers estimated that eliminating this responsibility from Border Patrol would reduce the time UACs spent under Border Patrol custody by 12 hours. In summary, the Welcome Center would allow for all Border Patrol stations to handle the prime responsibilities of CBP - to apprehend and process UACs.

CBP informed UTEP that ensuring proper medical care for UACs is a major concern. In the event that a UAC requires medical care, it would be beneficial for the UAC to be processed at a facility equipped with medical care personnel. Although CBP officers stated that the apprehension and processing stages of UACs should still be conducted under Border Patrol custody, the ability for CBP to quickly transport UACs to a medically equipped local facility such as the Welcome Center would be beneficial. Alternatively, CBP could be provided with Physician Assistants or Nurse Practitioners assigned to each Border Patrol station, allowing for processing to be completed at the station. Future discussion should

²¹ A “Welcome Center” has been described as a HHS ORR location where CBP and ICE ERO could transport UACs, almost immediately, so that no short detention requirements would be needed for CBP or ICE regarding UACs.

include whether or not Border Patrol processing of UACs in need of medical care could be conducted at this Welcome Center.

ICE ERO Thoughts ICE ERO officers also supported the idea of the Welcome Center, saying that the idea would allow their officers to fully manage their official UAC duties - case management and court proceedings.

CBP and ICE ERO officers were asked if the Welcome Center would help if it was located outside the RGV region. CBP officers did not think this was a good idea. ICE ERO officers stated that they believed the center would still provide them some relief, but questioned the logic of setting up a center outside the area where the majority of UACs are apprehended.

HHS ORR Thoughts HHS ORR representatives were asked about the Welcome Center concept. HHS ORR stated that the concept was tested in 2012 in San Antonio, Texas, and the center was called an “Emergency Reception Center.” The Emergency Reception Center was **not** deemed a success. This is because the center was still a significant distance from the referring locations and thus transportation from the San Antonio, TX area to long-term shelters in the United States became problematic. Essentially, the Emergency Reception Center became another HHS ORR shelter, in that UACs were staying there longer than a temporary basis.

HHS ORR officials relayed to UTEP that a Welcome Center would need the same licensing and transportation requirements as a shelter. HHS ORR’s second requirement for a Welcome Center is that both CBP and ICE ERO recognize the center as a temporary location for UACs and thus not rely upon the center as they would another ORR shelter. In order for it to be a temporary location, bed numbers need to double (according to 2014 projection rates). HHS ORR officials further explained that CBP has been unable to isolate the transportation costs of transporting a UAC to a local shelter. With the Center, HHS ORR would need to know transportation costs per UAC and receive transportation funds. HHS ORR did not seem to support the concept of the Center under current and known variables, without further in depth discussion.

UTEP Concluding Comments

During the course of the interviews and research conducted by UTEP, it is clear that CBP, ICE ERO, and HHS ORR are faced with many challenges in respect to the increasing number of UACs in the Rio Grande Valley. UTEP researchers observed three emerging trends that have a significant impact on the UAC process. These trends include but are not limited to: (1) Inadequate inter-agency communication, which encompasses both a failure to communicate important information and limited or outdated

resources/methods to provide real-time communication; (2) an increase in transportation requirements, which severely limits the ability of CBP and ICE ERO to maintain other critical missions and; (3) a lack of understanding with regard to both the entirety of the system process and each other's challenges and requirements.

UTEP researchers believe that additional research could assist DHS and HHS in either remediating challenges seen in the emerging UAC apprehension trends or provide more clarity on potential avenues for remediation.

The following suggested avenues for further research/exploration have been identified by the DHS COEs to help address shortcomings in the UAC apprehension and detainment process, based on the emerging trends observed:

Communication:

Data Sharing

The Border Patrol and ICE ERO both felt they could benefit from an automated database that they could share with HHS ORR. Research challenges:

1. Review current database processes and capabilities. Develop an outline for properties/design of a web-based, shareable database that could be used by Border Patrol, ICE ERO, and ORR and avoids duplication of effort.
2. Consider whether the new system ORR purchased could satisfy the desired properties stated in challenge one.
3. Consider whether the possibility of developing a prototype for such a system may prove too expensive.
4. Develop and design a daily "census" at shelters so that the data can be quickly and readily combined by ICE ERO agents monitoring status of their docket of children – see also Bed Projections.

Transportation:

Charter Flights

1. Model the positive and negative aspects of different policies about charter flights including: how often to schedule, who gets priority, where they should fly to, is there a benefit or a cost to filling all seats

rather than moving UACs to local shelters, what constraints arise from union rules and requirements for escorts, etc.

2. See if new models could conceivably speed up the 2.5 days ICE ERO needs to make its transportation assignments, to the benefit of all stakeholders.
3. Investigate/model the idea of daily charters to a distant staging site like Chicago, for further transportation from there.

Transportation:

Bed Projections

1. Discuss with HHS ORR the possibility of modeling the probability of beds becoming available and establishing some sort of future “reservation” system; review similar systems in other contexts (e.g., NJ Addiction Treatment Network).
2. Discuss with HHS ORR the possibility of closely observing the placement decision process. It appears that UACs essentially fall into two groups: (a) those that are routine (are kept in shelters for around 20 days), and (b) those that require extensive care and/or are hard to reunify (are kept in shelters for 60+ days). Most UACs seem to fall within the routine category, a second large percentage would require extensive stay, and the rest fall anywhere in between (with a very small percentage falling at the average of 42 days).

It appears that a one size fits all solution may not be the best approach, and when looking at factors to reduce average length of stay, it may be best to look at each group separately. Further, it may be advantageous for bed availability to separate UACs into these groups when making placement decisions.

3. Find ways to make the daily bed census at HHS ORR more efficient to facilitate quicker shelter assignments, and therefore quicker transportation assignments, through use of some sort of database tool.

Entirety of Process:

Cost and Benefit
Analysis of A
Welcome Center

To fully demonstrate the impact a Welcome Center would have on the UAC process from both the CBP and ICE ERO perspectives, a “cost and benefit analysis” was suggested. This analysis would explore in-depth the

requirements and responsibilities of both CBP and ICE ERO agencies regarding the UAC process, with or without the Welcome Center. To help with the analysis, CBP agreed to supply COE researchers with data regarding number of dollars spent on UAC processing everyday across all border sectors. Research challenges include:

1. Develop alternative flow models of how such a facility could work, with or without ICE ERO still doing the transportation from the center to shelters. Take into account what the agencies involved, including ORR, would find infeasible or unpalatable.
2. Do a cost-benefit analysis of the Welcome Center vs. no Welcome Center under different scenarios. Challenge: estimate benefits to UACs. Second challenge: if costs to ORR go up, what would make this more palatable to ORR? Third challenge: Isolate transportation costs to inform the cost/benefit review.
3. Understand what ORR and/or ICE have already done to “model” this or even try it.

Information Request
By DHS COE's to the
Appropriate DHS Entity

1. CBP Hold Room Policy.
2. Any local agreements in the Rio Grande Valley region between ICE ERO and HHS ORR.
3. CBP transportation routes for the Fort Brown Station.
4. The number of CBP personnel assigned to transportation duties at the Fort Brown Station.
5. Any modular costs developed by the Border Patrol to determine the financial cost of caring, detaining, and transporting UACs in the Rio Grande Valley, and in particular the Fort Brown Station.
6. An outline of the ‘booking’ process utilized by ICE ERO to place UACs on charter or commercial flights.

7. Detail what preparations are needed by ICE ERO to prepare a UAC charter flight. A listing of the requirements to establish an ICE ERO charter flight.
8. CBP statistics regarding the arrest of UACs in the Rio Grande Valley region since fiscal year 2009 and ICE ERO statistics regarding the activity of their Fugitive Operations Team based in the Harlingen Field Office.

Data Request

NCBSI If point two of the bed projection analysis were to be pursued, researchers would need data on the percentage of UACs that stayed from 0-100 days under HHS ORR supervision. In addition, a random subset of UAC data that contains their information on the initial placement form, along with the number of hours that they were with DHS, and the number of days that they were with HHS ORR.

CREATE Attached

CCICADA Attached

Data Request – CREATE

Unaccompanied Alien Children (UAC) Project Resource Management Optimization for UAC Transfer and Placement and Shelter Utilization

Preliminary DATA Considerations (to be refined through the development of project tasks – CCICADA Task II: Data Requirements)

UAC Arrivals (for each UAC client)	Transfer	System	Costs
Rate	(by UAC arrivals)	BP Sectors	Housing
By BP Sector	From BP Sector	BP Stations	Medical
By BP station	From BP Station	BP Sub-stations	Transportation
By characteristics	BP Sub-stations	Facilities	Escort
Age	To Facility	- for the above	Legal determination
Gender	LOS	name, location, capacities (funded, excess, other use), services, type, custody level, gender, other resident types	Housing facility
Country of Origin	Sibling location		BP Station Housing
Adjudication type (UAC vs. direct deportation – Mex./Can.)	Children of children location		Assessments
Emergencies (e.g., medical)	Mode of transfer		Transportation
Age outs	Staff requirement of transfer		Facility Housing
Siblings	Agency	Historical bed fill rates	Services
Children of children	Title	Transportation types	Other (tied to system elements of other categories)
Asylum/Human Trafficking	Number	Assessments	Cost structures (per diem, flat bed cost, other)
Medical needs	In system transfers	Staffing requirements	Contract durations, renewals
Initial Assessment(s)	System discharge		
Non-UAC arrivals	- to location		
Arrival time	- time		
Arrival date	- date		
LOS			
Age-outs			
Unidentified characteristics (age, country of origin, name)			
Special Needs			
Mental			
Physical condition			
Chronic condition			
Drugs/alcohol			
Serious emotional disturbance			
Serious neglect or abuse			
Apprehending Agency			

Data Request – CCICADA

CCICADA Proposed Data Need (by research theme)
(December 23, 2013)

Welcome Center Cost/Benefit Analysis	Data Sharing	Charter Flights	Bed Projections	Other/General
<p>1) Additional time periods of sample data provided of UAC movement via file 'May2013 Master Referred.xls' 1a - additional months going back in time as far as possible but at least to cover the period of volume stability through the initial and continued UAC apprehension 1b - the data key (heading definitions and cell color coding)</p> <p>2) ICE-ERO and OBP transportation costs</p> <p>3) The documentation (methodology, findings, recommendations) and if available, data related to the ICE-ERO mapping analysis.</p> <p>4) ORR discharge data</p> <p>5) ORR location and other design factors, options and preferences. (Q: identify qualified staff availability) 5a – any formal or informal ORR analyses of the Welcome Center concept 5b – any suggestions on cost/benefit elements from ORR perspective that should be reviewed.</p>	<p>1) Listing of databases used by each stakeholder including fields (data collected), who, when and where entered and access restrictions.</p> <p>2) Documentation for the new ORR database design.</p> <p>Screen shots would be additionally helpful (current and new system(s)).</p>	<p>1) Current rules, regulations, policies, procedures that define current ICE-ERO use of the charter system including flight availability, timing (arranging, reserving, boarding), union rules for assigned officers, etc.</p> <p>2) Data on the current use of the charter flights to include: a) UACs by flight and destination; b) volume of other charter flight passengers; c) seat vacancies and d) other system charter flights not currently used by the UAC system.</p> <p>4) Other timing considerations/restrictions: a) timing of seat reservation; b) flight times and c) escort requirements vs. commercial flights.</p> <p>3) Cost elements of charter flights (including costs of empty seats)</p> <p>4) Cost elements of other transportation options.</p> <p>5) Time factors in charter flight utilization as well as commercial options.</p> <p>6) Charter flight decisions: a) decision on current schedule and b) how often revisited.</p>	<p>1) The UAC movement data as listed under 'Welcome Center' column.</p> <p>2) Detailed current capacity of UAC beds by facility, location, type, etc.</p> <p>3) Documentation and related data (if available) on the current ORR bed projection approach including how it informs the contracting process.</p> <p>4) External: review other client bed management systems (e.g., NU addiction treatment beds)</p>	<p>Arrange one-on-one discussions between researchers and front-line stakeholder staff to facilitate understanding, project cooperation and feedback processes.</p> <p>Explore the possibility of participating in the UAC Data Sharing group to get a better understanding of the data collected as well as data related issues.</p> <p>Penalties or other costs, consequences of exceeding the 72hr requirement for UAC transfer. To whom is this assessed?</p> <p>Seek communication with SPAR statistician on their UAC related review(s) and what they have learned.</p> <p>What is the cost of UAC re-designation?</p>

Data Request – CCICADA (Continued)

Welcome Center Cost/Benefit Analysis	Data Sharing	Charter Rights	Bed Projections	Other/General
6) Shelter costs (food, staff, housing, etc.) 7) Cost/benefits elements related to the UAC participant children. 8) Legal implications of jurisdictional transfer under the Welcome Center options.				