

MEMORANDUM FOR: See Distribution List

FROM: Alan Bersin
Commissioner

SUBJECT: U.S. Customs and Border Protection Civil Immigration
Enforcement Priorities

On February 1, 2010, the Department of Homeland Security (DHS) submitted its inaugural Quadrennial Homeland Security Review (QHSR) report to Congress. The QHSR report provides specific key mission priorities and outlines goals and objectives for each. U.S. Customs and Border Protection's (CBP) all threat focus in support of our goal to secure the borders of the United States while facilitating legitimate trade and travel directly supports the first three priorities outlined in the QHSR:

1. Preventing Terrorism and Enhancing Security,
2. Securing and Managing Our Borders, and
3. Enforcing and Administering Our Immigration Laws

This memo outlines the civil immigration enforcement priorities of CBP as they relate to these QHSR priorities and shall apply across CBP programs, resources and activities as they relate to the apprehension, detention, and removal of those individuals in violation of immigration law.

Nothing in this memorandum shall be construed to prohibit or discourage the apprehension of other aliens seeking to enter the United States unlawfully. CBP will continue to arrest and process aliens found unlawfully in the United States who do not fall into the two priority categories mentioned above, in accordance with established laws, regulations, and policies.

Priorities

In enforcing and administering our immigration laws, aliens who pose national security or public safety threats continue to be our highest priority. Such aliens include terrorists, suspected terrorists, those involved in espionage, those convicted of violent crimes, aggravated felons, smugglers, repeat offenders, criminal gang members, wanted persons, and those who threaten the safety of our agents and officers.

Recent illegal entrants encountered at or near the border, as well as those attempting to be admitted to a port of entry through fraudulent means, remain an enforcement priority in our effort to secure the border and reinforce the practice of sanctioning those who would circumvent our immigration controls.

Other enforcement

Unless otherwise required, release of an alien on his or her own recognizance following the issuance of a "Notice to Appear" (NTA) should only be used for those individuals that are believed to pose a low risk of absconding and do not present a threat to public safety or national security. (b)(5) (b)(7)(E)

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Chief Patrol Agents and Directors of Field Operations will determine the appropriate level of supervisory approval required prior to releasing an illegal alien on his or her own recognizance.

Discretion, where appropriate and permitted by law, should be exercised when dealing with those with immediate family members who are U.S. citizens, minors, and for certain humanitarian cases. (b)(5) (b)(7)(E)

CBP shall continue to refer aliens in special circumstances, such as identified trafficking victims, crime victims, or those seeking asylum, to the appropriate agencies.

Discretion

Discretion, where appropriate and permitted by law, should be exercised when dealing with immigrants lawfully admitted for permanent residence, those with immediate family members who are U.S. citizens, those who are minors, and for certain humanitarian cases.

(b)(5) (b)(7)(E)

CBP shall continue to refer aliens in special circumstances, such as identified trafficking victims or those seeking asylum, to the appropriate agencies.

Implementation

CBP personnel shall follow the priorities and guidelines set forth in this memorandum immediately. CBP management and supervisory personnel shall also review and discuss these

priorities and guidelines with officers and agents in the field through the normal chain of command.

The Offices of Border Patrol and Field Operations shall develop measures and methods for recording and evaluating the impact of these priorities and guidelines on enforcement activities and processing of illegal aliens, reporting back to the Commissioner by no later than December 31, 2010. They shall also identify any significant changes in deployment patterns or activities and any operational problems as a result of the priorities and guidelines set out in the memorandum.