



**U.S. Immigration
and Customs
Enforcement**

AUG 12 2016

Gregory Chen
Director of Advocacy
American Immigration Lawyers Association
1331 G Street, NW, Suite 300
Washington, DC 20005

Dear Mr. Chen:

Thank you for your June 16, 2016 letter. The Secretary asked that I respond on his behalf.

In the spring and summer of 2014, we faced an unprecedented surge in the number of families and unaccompanied children from Central America attempting to cross our southern border unlawfully. In response, the Department took several government-wide actions in collaboration with the Governments of Mexico, Guatemala, Honduras, and El Salvador, resulting in a dramatic decrease in illegal border crossings. In recent months, however, the rate of apprehensions along our southern border, particularly of families and unaccompanied children, has continued to climb.

Our obligation to secure our southern border must be balanced with our responsibility to ensure that those seeking humanitarian protections are afforded the opportunity to do so, consistent with our laws and values. The Department is committed to this responsibility, and has taken steps to ensure that those pursuing claims for humanitarian protection, such as asylum and withholding of removal, are able to assert those claims consistent with the due process guarantees afforded by our laws. Moreover, the Department may exercise prosecutorial discretion at any stage and has exercised prosecutorial discretion for many, including adults with children who have sought humanitarian relief.

The Department is committed to the full and fair administration of the asylum and protection laws, but not all those apprehended on our southern border since January 2014, including adults traveling with children, seek or establish that they qualify for such relief or protection. Where all protection obligations have been met, we will continue to conduct enforcement actions in line with existing laws and policies.

With regard to your concerns about representation, U.S. Immigration and Customs Enforcement (ICE) takes measures to ensure that individuals detained in its custody have available appropriate information regarding their right to retain counsel. Following book-in to an ICE facility, individuals are given a list of pro bono legal service providers in the area and also have the opportunity to attend "Know Your Rights" presentations. They may contact their attorneys, including by telephone or in-person, in designated attorney visitation areas. ICE also works with pro bono organizations, like the CARA Family Detention Project, in order to facilitate access to its family residential centers and the residents, as appropriate. As you may be aware, in order to promote access and visitation by legal representatives and for consistency in all ICE family residential centers, ICE has issued a policy entitled "Legal Access and Legal

Visitation Standard Operating Procedures for ICE Family Residential Centers,” which is enclosed with this letter.

Finally, we recognize that we must offer alternatives to those fleeing Central America who may qualify for humanitarian protection. Earlier this year, the Administration announced plans to expand access to the U.S. Refugee Admissions Program and to offer resettlement in the United States for individuals who qualify for refugee status from El Salvador, Guatemala, and Honduras, in partnership with the United Nations High Commissioner for Refugees. We are pleased to report that the Government of Costa Rica has agreed to help address this regional migration challenge, by serving as a temporary host site for applicants referred by the United Nations High Commissioner for Refugees and awaiting refugee processing and resettlement to the United States or another country. For more information, please visit:

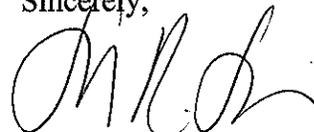
<https://www.dhs.gov/news/2016/07/26/us-expands-initiatives-address-central-american-migration-challenges>. Additionally, for applicants not requiring immediate transfer to Costa Rica, the United States is establishing an in-country referral program to enable vulnerable residents of the Northern Triangle to be considered for refugee protection in the United States.

This expanded access to the U.S. Refugee Admissions Program builds on the existing Central American Minors Program already operating in the region since December 2014. This program provides certain qualified children in El Salvador, Guatemala, and Honduras with a safe, legal, and orderly alternative to the dangerous journey that some children are currently undertaking to the United States. We are also pleased to report that on July 26, 2016, the Administration announced an expansion of this program. For more details of this expansion please visit: <https://www.uscis.gov/CAM>.

I am also pleased that Congress, in the 2016 omnibus spending bill, included \$750 million in aid for Central America. The Department is actively engaged with partners in Central America to support U.S. Government security and humanitarian objectives through training, capacity-building, and information sharing. Through direct engagement with affected countries, increased operations targeting regional human smuggling networks, and foreign assistance to the region, the United States continues to direct its efforts towards improving the security and economic situation in Central America to help address some of the root causes of irregular migration.

Thank you again for your letter and your interest in this important matter. Please share this response with the other organizations that have co-signed your letter.

Sincerely,



Sarah R. Saldaña
Director

Enclosure