



Resource Guide

Southwest Border Coordination Center
Migration Information Center

Updated: May 26, 2023



Homeland
Security



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Introduction

“The Department of Homeland Security is, fundamentally, a department of partnerships.”

- Secretary Alejandro N. Mayorkas

The Department of Homeland Security (DHS) is leading a whole-of-government effort to ensure the safe, orderly, and humane management of our nation’s borders and a full return to enforcement of U.S. immigration laws under Title 8. Our comprehensive, multi-agency, multi-country plan includes new sweeping measures to reduce irregular migration, combining expanded lawful pathways with tougher consequences for those who choose not to use them.

The Southwest Border Coordination Center (SBCC) leads planning and coordination for managing the safe and orderly processing of noncitizens encountered along the Southwest Border. The [DHS Plan for Southwest Border Security and Preparedness](#) calls for bolstering the capacity of our partners to receive screened and vetted noncitizens released from DHS custody while their immigration proceedings are pending. The SBCC Migration Information Center (SBCC-MIC) is coordinating our partnership efforts.

This Resource Guide for partners includes information about DHS processes and lawful immigration pathways, and shareable content on the U.S. immigration system.

For additional information, please go to [DHS.gov/immigrationlaws](https://www.dhs.gov/immigrationlaws) or contact SBCC-MIC@cbp.dhs.gov.



Fact Sheet: Update on DHS Planning for Southwest Border Security Measures as the Title 42 Public Health Order Ends

Release Date: May 1, 2023

The U.S. Department of Homeland Security (DHS) has been preparing for the end of the Title 42 public health Order for well over a year. In the fall of 2021, DHS began contingency planning efforts that included building an operational plan and conducting ongoing tabletop exercises. In February 2022, DHS formally [stood up](#) the Southwest Border Coordination Center, which leads the planning and coordinating of a whole-of-government response to the anticipated increase in border encounters. In April 2022, U.S. Secretary of Homeland Security Alejandro N. Mayorkas issued the [DHS Plan for Southwest Border Security and Preparedness](#), laying out a six-pillar plan to manage an increase in encounters once the Title 42 public health Order is no longer in effect. DHS [updated the plan](#) this past December and presents the most recent preparedness efforts below. DHS expects that encounters at the Southwest Border will increase as smugglers spread disinformation, which will place a strain on our immigration system, our communities, and our dedicated workforce. Our preparations, underway since the fall of 2021, are important to mitigating the impact of such increases. However, until and unless Congress updates our outdated immigration and asylum statutes, the United States will continue to face challenges at the Southwest Border.

DHS interagency preparedness efforts involve:

Pillar 1: Surging resources, including personnel, transportation, medical support, and facilities to support border operations.

- DHS currently has 24,000 U.S. Customs and Border Protection (CBP) agents and officers along the Southwest Border, and to get agents back in the field has hired and contracted for over 2,000 additional non-uniformed personnel to assist in processing and facility operations.
- Secured Congressional authorization within the Fiscal Year (FY) 2023 enactment to hire an additional 300 U.S. Border Patrol Agents, the first such increase in more than a decade. The President's FY 2024 budget requests 350 more agents, 310 Border Patrol Processing Coordinators, 150 CBP officers, as well as an additional 411 support staff at CBP and 39 law enforcement officer positions to strengthen the U.S. Immigration and Customs Enforcement (ICE) Transportation and Removal Program, and 150 Enforcement and Removal Assistants for ICE to manage both detained and non-detained dockets.



- Enhanced surveillance capacity by adding 81 new autonomous surveillance towers since the start of FY 2022 for a current total of 223. The President's FY 2024 budget also requests more than \$500 million in border technology.
- Increased border holding capacity by over a third since early 2021 through the construction of new facilities. The FY 2024 budget proposes the creation of a third permanent Joint Processing Center.
- Enhanced processing capability through new contracting vehicles that increase CBP's air transportation capacity for the lateral transfer of noncitizens to less crowded Border Patrol Sectors during surges.
- Increased contracted medical personnel by 75 percent since the start of FY 2022.
- Proposed the creation of a Southwest Border Contingency Fund that would provide DHS up to \$4.7 billion to more quickly and efficiently allow agencies to respond to unexpected surges in migration.

Pillar 2: Increasing CBP processing efficiency and moving with deliberate speed to mitigate potential overcrowding at Border Patrol stations and to alleviate the burden on the surrounding border communities.

- Increased resources along the Southwest Border, resulting in more efficient migrant processing and reducing the time noncitizens spend in CBP temporary holding by 30 percent, down from an average of 84 hours in March 2021 to 62 hours in April 2023.
- Launched the CBP One mobile application to reduce processing times at ports of entry. In its first four months, over 83,000 individuals scheduled an appointment at a port of entry through CBP One for assessment of whether they qualify for a Title 42 vulnerability exception. This app cuts out the smugglers, decreases migrant exploitation, and improves safety and security in addition to making the process more efficient. CBP One will expand appointments available in anticipation of the return to Title 8 processing.
- Made CBP One's scheduling functionality available in English, Spanish, and Haitian Creole.
- Improved the digitization of noncitizen processing, which has reduced the amount of time our agents and officers spend doing administrative paperwork by 70,000 hours so far.



Pillar 3: Administering consequences for unlawful entry, including removal, detention, and prosecution.

- Returned or removed 225,483 individuals during the first half of FY 2023, up from 170,896 over the same period during the prior year and expelled over 440,000 individuals under the Title 42 public health Order over the same period. Under Title 8, an individual who is removed is subject to at least a five-year bar on admission to the United States and can face criminal prosecution for any subsequent attempt to cross the border illegally. Individuals with final orders of removal will be removed.
- Established processes to ensure that removals are accomplished fairly, efficiently, and quickly. To do this, DHS has digitized processes, surged personnel, and, with the cooperation of partner governments, increased return flights. Eligible migrants will be processed for expedited removal while they are in CBP and ICE facilities within days or a few weeks. U.S. Citizenship and Immigration Services will conduct credible fear interviews. CBP and ICE have expanded holding capacity and set up equipment and procedures so that individuals have the ability to access counsel.
- Issued a Notice of Proposed Rulemaking (NPRM) that proposes a new condition on asylum eligibility for migrants who fail to use safe, lawful processes for migration and swift returns of migrants who do not have valid protection claims. DHS and the Department of Justice (DOJ) intend to issue a final rule based on the NPRM in conjunction with the termination of the Title 42 public health Order.
- U.S. Border Patrol referred 16,606 individuals to the DOJ for prosecution during the first half of FY 2023, an increase of 29 percent over the prior year.
- Established new parole processes for Cubans, Haitians, Nicaraguans, and Venezuelans, which provide a lawful pathway for noncitizens to arrive in the United States coupled with consequences for those who do not avail themselves of these pathways and instead cross the Southwest Border without authorization. Since these processes began, over 95,000 individuals from these countries have arrived lawfully at airports, which reduced encounters at the Southwest Border from a seven-day average of 3,453 encounters in mid-December, to a seven-day average of 339 at the end of March, a 90 percent drop.
- Extended ineligibility for the Cuban and Haitian parole processes to those who take to the seas and are interdicted trying to arrive at U.S. maritime borders. The United States Coast Guard has increased its presence to interdict migrants trying to reach the United States by sea, saving countless lives and returning migrants to their home countries.



Pillar 4: Bolstering the capacity of non-governmental organizations (NGOs) to receive noncitizens after they have been processed by CBP and are awaiting the results of their immigration removal proceedings. And, the United States is ensuring appropriate coordination with and support for state, local, and community leaders to help mitigate increased impacts to their communities.

- Increased funding to \$800 million, up from \$150 million last FY, for communities to support migrants who have been released from DHS custody pending the outcome of their immigration proceedings.
- Awarded more than \$130 million so far this FY through the Emergency Food and Shelter Program - Humanitarian (EFSP-H), with an additional \$250 million to be awarded in the coming days.
- Worked quickly to stand up the new Shelter and Services Program (SSP), created by Congress in the FY 2023 Omnibus, with plans to disburse the remaining \$363.8 million before the end of this fiscal year.
- Improved coordination and information sharing with NGOs, states, cities, and other stakeholders to provide updates on whole-of-government planning underway and provided briefings on the federal resources available to receiving jurisdictions, including EFSP-H and the new SSP.
- Established a Migrant Information Center at the SBCC to continue to regularly engage with state and local governments, as well as local, regional, and national NGOs and other external partners.

Pillar 5: Targeting and disrupting the transnational criminal organizations (TCOs) and smugglers who take advantage of and profit from vulnerable migrants, and who seek to traffic drugs into our country.

- Led over 100,000 disruption activities in FY 2022, including arrests of nearly 10,000 smugglers, the disruption of thousands of human smuggling operations, such as raiding smuggler stash houses, impounding tractor trailers that are used to smuggle migrants, and confiscating smugglers' information technology. The unprecedented anti-human smuggler campaign DHS is leading includes interagency collaboration through efforts like Joint Task Force Alpha and Operation Sentinel, among others.



- Launched a targeted campaign against fentanyl smugglers, Operation Blue Lotus. Since March 13, the campaign has led to 156 arrests and prevented over 5,600 pounds of fentanyl, over 3,500 pounds of methamphetamines, and nearly 1,000 pounds of cocaine from entering the United States through Thursday, April 13. Last week alone, Operation Blue Lotus saw a 400 percent increase in seizure activity compared to the same week in 2022.
- The U.S. Border Patrol's complementary effort, Operation Four Horsemen, began on March 6, 2023, and has seized another 800 pounds of fentanyl. The two operations led to a total of nearly over 5,000 pounds of fentanyl seized in the span of one month. Currently, CBP's FY 2023 seizures of fentanyl are on track to surpass the FY 2022 seizure total by the end of April 2023.

Pillar 6: Collaborating with international and federal partners to deter irregular migration south of our border to ensure that the United States is sharing responsibility throughout the Western Hemisphere.

- Implemented the U.S. Strategy for Addressing the Root Causes of Migration and the multinational Los Angeles Declaration on Migration and Protection, with nearly \$1 billion in assistance.
- Worked with countries throughout the hemisphere—including Mexico, Guatemala, Costa Rica, Colombia, Ecuador, and Panama—to expand efforts to counter human smuggling organizations, humanely secure borders, increase labor mobility, and expand protection and lawful pathways for intending migrants.
- Reached an agreement with Canada on efforts to reduce irregular migration as part of an Additional Protocol to the 2002 U.S.-Canada Safe Third Country Agreement, including expansion of lawful pathways to Canada and investments in capacity building and programming in the region to support migration management and humanitarian protection.
- Launched a two-month coordinated campaign with Panama and Colombia to deter the illicit movement of people through the Darién region. As part of this campaign, the United States is creating new lawful pathways to the United States and elsewhere for tens of thousands of migrants and refugees who might otherwise pursue irregular migration via the Darien.
- Announced an effort, together with the Department of State, to create Regional Processing Centers in Central and South America, including Guatemala and Colombia, where migrants will receive an interview with immigration specialists, and if eligible, be processed rapidly for lawful pathways to the United States, or other countries, including Canada and Spain, for which they may be eligible.



- Developing family reunification parole processes for El Salvador, Guatemala, Honduras, and Colombia and streamlining long-established family reunification parole processes for Cuba and Haiti.

Congressional Action is Required

Notwithstanding these efforts, managing irregular migration to the Southwest Border in the days, weeks, and months following the termination of the Title 42 public health Order will be challenging in a moment of historically high migration in the Western Hemisphere and around the world.

There is broad agreement that the United States is operating under a fundamentally outdated and broken immigration system, with the last comprehensive immigration reform enacted in 1986. These problems are only exacerbated by global increases in migration. The United States needs to confront the challenges at our border by addressing our broken immigration system. A long-term solution can only come from legislation.

DHS also needs sufficient resources to manage a potential increase in encounters, which is why the Department's FY 2024 budget requests funds for a Southwest Border Contingency Fund of up to \$4.7 billion to manage fluctuations in migrant encounters in a nimble, flexible, and responsible way. Last week, DHS also initiated the transfer of \$80 million within the Department to ensure funding is available to manage an increase in encounters. The FY 2024 budget request takes important steps to address these issues, but DHS cannot do everything that we need to do until Congress provides the needed resources and reforms.

To access the digital version of this information, follow the QR code below:



<https://go.dhs.gov/4dF>



Fact Sheet: Processing of Noncitizen Migrants

Release Date: May 2023

- Every noncitizen who arrives at the border and is processed by CBP is subject to screening and vetting of their biographic and biometric information across a suite of law enforcement and intelligence databases. Any noncitizens who pose a risk to our national security or public safety are referred to ICE or other government agencies for detention.
- Under Title 8 authorities, eligible noncitizens may be held and processed for Expedited Removal, which allows for the swift removal of those who do not have a legal basis to remain in the United States. Individuals in expedited removal proceedings who are ordered removed are generally repatriated to their home country; those who cannot be removed to their home country can be removed to third countries. We are working to maximize our use of Expedited Removal following our full return to Title 8 processing after May 11.
- Consistent with longstanding practice, DHS has conditionally released noncitizens who have been fully screened and vetted, pending the outcome of their immigration court proceedings. DHS works in close coordination with state, local, and NGO partners. These conditional releases are done in a way that is consistent with our commitment to public safety and community security, and the safe and orderly processing of noncitizens.
- Noncitizens who are conditionally released are subject to reporting requirements, including regular checks in with ICE and attendance at their immigration court proceedings. In many cases, noncitizens are equipped with Alternatives to Detention (ATD) technology prior to release. The ATD program allows us to track equipped noncitizens during immigration proceedings and improves the ability of noncitizens to check in regularly with ICE; nearly 95 percent of noncitizens enrolled in an ATD program appear for their scheduled immigration court hearings as required.
- CBP coordinates with local officials and NGOs in communities near the Southwest border that assist screened and vetted noncitizens who are conditionally released from CBP custody pending the outcome of their immigration court proceedings. While this has been a longstanding practice, we have refined and enhanced this coordination over the past two years. These coordinated releases ensure that noncitizens can connect with humanitarian aid and help with organization of onward transportation to reach their intended destination in the United States.
- Particularly when local government or NGO capacity to assist released noncitizens has been reached, CBP may conditionally release noncitizens at transportation hubs or other safe locations near where they entered the United States. This is done in coordination with local officials, including law enforcement, to the greatest extent possible.



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- With many DHS partners in Southwest Border communities already at or reaching their capacity to safely assist noncitizens who are conditionally released, some third parties, including NGOs, as well as state and local officials, have begun facilitating onward transportation of noncitizens to communities away from the Southwest Border. Communication and coordination across these state, local, and community leaders requires good faith engagement of all parties to help ensure that receiving communities are aware of and able to assist migrants in a safe, humane, and orderly manner.



Fact Sheet: Support for Receiving Communities

Release Date: May 2023

Coordinating a whole-of-government response and supporting affected communities is an essential element of our work to manage increased encounters and is critical to ensuring the safety of noncitizens, the DHS workforce, and our communities.

In February 2022, DHS stood up the Southwest Border Coordination Center, which leads planning and coordination for managing the safe and orderly processing of noncitizens encountered along the Southwest Border. In April 2022, Secretary of Homeland Security Alejandro N. Mayorkas issued the DHS Plan for Southwest Border Security and Preparedness, laying out a six-pillar plan to manage an increase in encounters once the Title 42 public health Order is no longer in effect. DHS updated this plan in December 2022 and provided information on additional efforts on May 1, 2023.

The fourth pillar of the DHS plan focuses on bolstering the capacity of non-Federal entities to receive screened and vetted noncitizens released from DHS custody while their immigration proceedings are pending. We are very focused on ensuring appropriate coordination with and support for state, local, and community leaders receiving noncitizens in their communities.

Key elements of this pillar:

- Through the Emergency Food and Shelter Program -Humanitarian (EFSP-H), we have awarded more than \$380 million of the \$800 million appropriated by Congress this fiscal year, an increase from \$150 million last year, to non-Federal entities that receive and support noncitizens awaiting the outcome of their immigration proceedings. More information on the latest ESFP allocations is available on the FEMA website at [FEMA.gov/grants/emergency-food-and-shelter-program](https://www.fema.gov/grants/emergency-food-and-shelter-program).
- We are working quickly to establish the new Shelter and Services Program (SSP), created by Congress in the FY 2023 Omnibus, in order to disburse the remaining \$363.8 million before the end of this fiscal year. For additional information, please visit [FEMA.gov/fact-sheet/frequently-asked-questions-aboutshelter-and-services-grant-program](https://www.fema.gov/fact-sheet/frequently-asked-questions-aboutshelter-and-services-grant-program).
- We continue to improve coordination and information sharing with NGOs, states, cities, and other external stakeholders and provide briefings on the federal resources available to receiving communities, including EFSP-H and the new SSP.
- We have established a Migration Information Center at the SBCC to regularly engage with state and local governments, law enforcement entities, hospitality sites, as well as local, regional, and national NGOs and other external partners.

For more information, please contact: SBCC-MIC@cbp.dhs.gov.



Fact Sheet: Frequently Asked Questions About the Emergency Food and Shelter Program

Release Date: May 2023

On Dec. 29, 2022, President Biden signed into law the Fiscal Year (FY) 2023 Bipartisan Omnibus Appropriations. The appropriation funds U.S. Customs and Border Protection (CBP) with \$800 million to transfer to FEMA to establish a new Shelter and Services Grant Program (SSP) to support CBP in effectively managing migrant processing and preventing the overcrowding of short-term CBP holding facilities.

The appropriation also authorizes a portion of that funding for the Emergency Food and Shelter Program Humanitarian (EFSP-H) program, to provide time for CBP and FEMA to establish the program.

Frequently Asked Questions

Will the \$800 million be awarded through the current EFSP-H program or Shelter and Services Program or will it be split between the two programs?

This year is a transition year while the new shelter grant is established. EFSP-H will be used as a bridge to continue funding emergency food and shelter humanitarian needs, while the new program is being developed. For the EFSP-H portion, FEMA will follow its standard procedure of posting a Notice of Funding Opportunity to the EFSP National Board. The notice will include the \$350 million dollar amount EFSP-H is receiving out of the \$800 million. This is in addition to the \$75 million used for EFSP-H during the Continuing Resolution.

When will a city or organization be able to apply for the EFSP-H bridge funding?

FEMA is working to release the funding notification as soon as possible. FEMA will announce the EFSP-H funding and the National Board will begin accepting applications. The goal is to start accepting applications once the notice is published and provide applicants 30 days to submit applications.

How do I learn what is required for my EFSP-H application?

The National Board posts guidance on what services and items are eligible for EFSP-H funding when they receive new funding. The National Board is updating its *CR 2023 Funding Guidance* for the next portion of



funding based on feedback and questions received from stakeholders. Once the EFSP-H funding notice is issued, the Board will host a series of webinars for potential applicants to explain how to apply, discuss any changes to the application guidance, and provide answers about the application process.

For now, interested applicants are encouraged to review the current CR 2023 [Guidance](#) to understand eligible items under the program.

When will I be able to apply for Shelter and Services Program funding?

FEMA and CBP are working as quickly as possible to set up the new Shelter and Services Program to assist with humanitarian needs related to noncitizen families and individuals encountered and released from DHS custody pending the outcome of their immigration court proceedings. The goal is for EFSP-H funding to support humanitarian needs until the new SSP program launches later this year.

Will stakeholders have an opportunity to shape the new Shelter and Support Program requirements?

Yes. FEMA and CBP will jointly host a series of listening sessions over the next several months to gather input from stakeholders, including previous recipients of EFSP-H funding and jurisdictions interested in applying to the SSP.

To access the digital version of this information, follow the QR code below:



<https://go.dhs.gov/4hz>



Information on Lawful Pathways

U.S. Citizenship & Immigration Services

Processes for Cubans, Haitians,
Nicaraguans, and Venezuelans



<https://go.dhs.gov/4QS>

Family Reunification
Parole Processes



<https://go.dhs.gov/4hV>

Haitian Family Reunification
Program



<https://go.dhs.gov/4hC>

Cuban Family Reunification
Parole Program



<https://go.dhs.gov/4hF>



CBP One™ Mobile Application

For more information: [CBP.gov/about/mobile-apps-directory/cbpone](https://www.cbp.gov/about/mobile-apps-directory/cbpone)

On October 28, 2020, U.S. Customs and Border Protection (CBP) launched the CBP One™ mobile application on the Apple App and Google Play stores.

CBP One™ is a mobile application that serves as a single portal to a variety of CBP services. Through a series of guided questions, the app directs each type of user to the appropriate services based on their needs.

As part of CBP's comprehensive effort to improve the security of our nation's borders while enhancing legitimate travel and trade, CBP One™ provides increased accessibility and transparency to some of CBP's most utilized services.

Noncitizens located in Central or Northern Mexico who seek to travel to the United States may use the U.S. Customs and Border Protection CBP One™ app to submit information in advance and schedule an appointment to present themselves at the below Southwest Border land ports of entry (POEs):

- Arizona: Nogales
- Texas: Brownsville, Eagle Pass, Hidalgo, Laredo, and El Paso
- California: Calexico and San Ysidro

CBP One™ and the Advance Submission and Appointment Scheduling process are free to use.

CBP One's™ privacy impact assessment can be found on the [DHS/CBP/PIA-068 CBP One™ Mobile Application page](#).





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CBP ONE INSERT



Shareable Content

Videos - The U.S. Immigration System: Explained

English



<https://go.dhs.gov/4Qe>

Spanish Translation



<https://go.dhs.gov/4Mv>

Haitian-Creole Translation



<https://go.dhs.gov/4mi>



Graphics – Title 42 Public Health Order vs. Title 8 Enforcement Consequences

Title 42 Public Health Order vs. Title 8 Enforcement Consequences

Under Title 42 Public Health Order Enforcement

- Expulsion from the U.S. to Mexico for certain nationalities or to home countries, without consequences for future migration.

Consequences under Title 8 Enforcement

- Placed into immigration removal proceedings.
- Rapid removal from the U.S. to Mexico or home country.
- Barred from reentering the U.S. for at least 5 years, if removed.
- Criminally prosecuted for illegal reentry after removal from the U.S.

English

<https://go.dhs.gov/47w>

Spanish

<https://go.dhs.gov/475>

La Órden de salud pública bajo el Título 42 vs las consecuencias de la ley bajo el Título 8

El procesamiento bajo la orden de salud pública, Título 42

- Expulsión de los EE.UU. para México o para el país de origen, sin consecuencias para migrar en el futuro.

Consecuencias de la ley bajo el Título 8

- Procesados para ser deportados.
- Deportación rápida de los EE.UU. para México o para el país de origen.
- Prohibición de cinco años para regresar a EE.UU. luego de una deportación.
- Enfrenta encausamiento criminal por intentar entrar al país de manera ilegal repetidamente.

Òdonans Sante Piblik Tit 42 a vs. Konsekans aplikasyon Tit 8 la

Anba aplikasyon Òdonans Sante Piblik Tit 42 a

- Y ap ekspise kèk nasyonalite soti Etazini al nan peyi Meksik, oswa soti Etazini pou al nan peyi orijin yo san okenn konsekans pou imigre a lavni.

Konsekans anba aplikasyon Tit 8 la

- Y ap plase w nan pwosis imigrasyon pou depòtasyon.
- Y ap depòte w soti Etazini al nan peyi Meksik oswa nan peyi orijin ou.
- Y ap mete entèdiksyon pou w tounen antre nan peyi Etazini pou pi piti 5 lane si yo depòte w.
- Y ap angaje pouwit kriminèl kont ou si w tounen antre Ozetazini aprè yo te depòte w.

Haitian-Creole

<https://go.dhs.gov/47T>



Public Service Announcement and B-Roll Video

DHS Conducts Dozens of
Removal Flights Every Week



<https://go.dhs.gov/47c>

Spanish Translated Materials

U.S. Immigration Laws Have
Tightened



<https://go.dhs.gov/47G>



Fact Sheet: Circumvention of Lawful Pathways Final Rule

Release Date: May 11, 2023

As part of the Biden-Harris Administration's work to prepare for the end of the Centers for Disease Control and Prevention's Title 42 public health Order, which will expire after May 11, 2023, and to return to processing all noncitizens under Title 8 immigration authorities, the Department of Homeland Security (DHS) and the Department of Justice have issued a final rule to incentivize the use of lawful pathways. The final rule is designed to address the current and anticipated surge in migration throughout the hemisphere and further discourage irregular migration by: encouraging migrants to use lawful, safe, and orderly processes for entering the United States and other partner nations; imposing conditions on asylum eligibility for those who fail to do so; and supporting the swift return of migrants who do not have valid protection claims.

As a complement to this final rule, DHS has taken significant steps to expand safe and orderly pathways for migrants to lawfully enter the United States. This includes: establishing country-specific and other available processes to seek parole for urgent humanitarian reasons or significant public benefit; expanding opportunities to enter for seasonal employment; putting in place a mechanism for migrants to schedule a time and place to arrive in a safe, orderly, and lawful manner at ports of entry via use of the CBP One mobile app; and expanding refugee processing in the Western Hemisphere.

Overview

Under the final rule, noncitizens who cross the southwest land border or adjacent coastal borders without authorization after traveling through another country, and without having (1) availed themselves of an existing lawful process, (2) presented at a port of entry at a pre-scheduled time using the CBP One app, or (3) been denied asylum in a third country through which they traveled, are presumed ineligible for asylum unless they meet certain limited exceptions. Noncitizens can rebut this presumption based on exceptionally compelling circumstances detailed below. Noncitizens in expedited removal who are subject to and do not rebut the rebuttable presumption would be screened for whether there is a reasonable possibility they will face persecution or torture in the designated country of removal. The rebuttable presumption may apply to migrants of any nationality who enter the United States at the southwest land border or adjacent coastal borders without authorization after traveling through at least one other country, but would not apply to unaccompanied minors. The rebuttable presumption is also time-limited, to address the urgent need to respond to and prevent the influx of migrants expected following the lifting of the Title



42 public health Order in the absence of a such a rule. It would apply only to those who enter the United States during the 24 month period after the rule's effective date.

Exceptions

- Noncitizens who cross the southwest land border or adjacent coastal borders of the United States without authorization after traveling through a third country will be presumed ineligible for asylum unless they, or a member of their family with whom they are traveling, meet one of three exceptions:
- They were provided authorization to travel to the United States pursuant to a DHS-approved parole process;
- They used the CBP One app to schedule a time and place to present at a port of entry, or they presented at a port of entry without using the CBP One app and established that it was not possible to access or use the CBP One app due to a language barrier, illiteracy, significant technical failure, or other ongoing and serious obstacle; or
- They applied for and were denied asylum in a third country en route to the United States.

Unaccompanied children are exempted from the rebuttable presumption.

Rebutting the Presumption

Noncitizens can rebut the presumption of asylum ineligibility in exceptionally compelling circumstances, including if they demonstrate that, at the time of their unauthorized entry, they or a member of their family with whom they were traveling:

- Faced an acute medical emergency;
- Faced an extreme and imminent threat to their life or safety, such as an imminent threat of rape, kidnapping, torture, or murder; or
- Were a victim of a severe form of trafficking, as defined in 8 CFR § 214.11.

Process

Pursuant to the Immigration and Nationality Act, noncitizens who attempt to enter the United States without authorization and cannot establish a legal basis to remain in the United States may be subject to expedited removal. The rebuttable presumption established by the final rule would be evaluated by an asylum officer as part of the credible fear interview, subject to review by an immigration judge.

- If an asylum officer determines that the noncitizen is not subject to, is excepted from, or has rebutted the presumption of asylum ineligibility, the asylum officer's credible fear determination



would follow existing procedures, including the screening for eligibility for asylum, withholding of removal, and Convention Against Torture (CAT) protection under a significant possibility standard.

- If an asylum officer determines that the noncitizen is subject to and has not made a sufficient showing of being excepted from or rebutting the presumption, the asylum officer's screening would be limited to determining whether the noncitizen has demonstrated a reasonable possibility of persecution or torture in the designated country of removal. If a reasonable possibility of persecution or torture is established, the noncitizen will be issued a notice to appear for removal proceedings before an immigration judge.

For noncitizens, the rebuttable presumption will apply in expedited removal proceedings, as well as to asylum applications affirmatively filed with the Asylum Office or filed in immigration court proceedings as a defense to removal.

To avoid separating members of a family traveling together, the final rule establishes that if one family member is exempted from or rebuts the presumption, all family members will be similarly treated.

Consequences

Noncitizens who are subject to the rebuttable presumption, do not rebut the presumption, and do not establish a reasonable fear of persecution or torture in the country of removal will be promptly removed.

Those ordered removed will be subject to at least a five-year bar to reentry and potential criminal prosecution if they subsequently re-enter without authorization. Those ordered removed also will be ineligible for the parole processes available to nationals of Cuba, Haiti, Nicaragua, and Venezuela.

Rescission of the Transit Ban and Entry Ban

The Departments are also rescinding the Trump-era transit ban and entry ban, which – unlike this new final rule – imposed categorical bars on eligibility for asylum and thus conflict with the approach taken in this final rule.

Time-limited

The final rule is an emergency measure that is intended to respond to the elevated levels of encounters expected after the lifting of the Title 42 Order. As such, it is designed to be temporary in duration, applying to those who enter the United States at the southwest land border and adjacent coastal borders during the 24-month period following the rule's effective date and subsequent to the lifting of the Title 42 order. The rule's presumption will continue to apply to these noncitizens after the end of that 24-month period.



Changes from Notice of Proposed Rulemaking

The final rule incorporates a small number of changes from the proposed rule that are responsive to comments received. These changes do not alter the purpose or structure of the rule. The changes from the proposed rule are:

- The final rule includes an exception to the general provision that the presumption of asylum ineligibility continues to apply to covered noncitizens after the end of the 24-month period of applicability: noncitizens who entered the United States as children under the age of 18 and subsequently apply for asylum as a principal applicant after the end of the 24-month period will not be subject to the presumption.
- The NPRM proposed that the rule would apply to those who enter the United States at the U.S.-Mexico land border. The final rule provides that the rule applies to those who enter the United States from Mexico at the U.S.-Mexico land border or at coastal borders near that land border, consistent with the geographic scope of the Title 42 public health Order.
- The NPRM proposed that a noncitizen in removal proceedings who is found eligible for withholding of removal, would have been eligible for asylum but for the rule's condition on asylum eligibility, and who have family members with them in removal proceedings would be able to rebut the presumption of asylum ineligibility, thereby allowing their spouse and/or children to obtain asylum as derivative beneficiaries. The final rule extends that provision so that it applies equally to noncitizens with family members outside the United States who could follow to join as derivative beneficiaries.

The final rule also includes a few other clarifications and non-substantive changes.

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<https://go.dhs.gov/47x>



Press Release: DHS and DOJ Finalize Rule to Incentivize Use of Lawful Immigration Pathways

Release Date: May 10, 2023

WASHINGTON – Today, after receiving and considering over 50,000 public comments in response to a Notice of Proposed Rulemaking issued earlier this year, the Department of Homeland Security (DHS) and the Department of Justice (DOJ) finalized a new rule to further incentivize individuals to use lawful, safe, and orderly pathways to enter the United States. The rule builds upon [efforts](#) to combine lawful pathways with consequences for failure to use them, by placing certain limiting conditions on asylum eligibility for those who fail to use those pathways. This rule goes into effect once the Title 42 public health Order terminates, on Thursday at 11:59pm ET.

“This Administration has led the largest expansion of legal pathways for protection in decades, and this regulation will encourage migrants to seek access to those pathways instead of arriving unlawfully in the grip of smugglers at the southern border,” **said Secretary of Homeland Security Alejandro N. Mayorkas**. “At the same time, we continue to urge Congress to act on President Biden’s immigration reform proposal, bipartisan legislation to protect Dreamers and farm workers, and repeated requests for additional resources to hire more asylum officers and immigration judges so we can finally fix our long-broken immigration system.”

The rule presumes those who do not use lawful pathways to enter the United States are ineligible for asylum and allows the United States to remove individuals who do not establish a reasonable fear of persecution or torture in the country of removal. Noncitizens can rebut this presumption based only on exceptionally compelling circumstances.

The presumption will not apply to a noncitizen if they, or a family member traveling with them, received appropriate authorization to travel to the United States to seek parole; presented at a port of entry, pursuant to a pre-scheduled time and place using the CBP One app; established that it was not possible to access or use the CBP One app due to specific and extenuating circumstances, significant technical failure, or other applicable exception; or sought and were denied asylum or other protection in at least one other country. Individuals may also rebut the presumption by demonstrating exceptionally compelling circumstances. Unaccompanied children are exempted from this presumption.



Last week, the Government of Mexico announced that they will continue to accept returns, on humanitarian grounds, of migrants from Cuba, Haiti, Nicaragua, and Venezuela who are processed under Title 8 authorities at the U.S. border. Individuals removed under Title 8 are subject to a five-year bar on admission and potential criminal prosecution should they seek to reenter unlawfully.

In January, DHS announced new border enforcement measures to improve border security, limit irregular migration, and create additional safe and orderly processes for people fleeing humanitarian crises to lawfully come to the United States. This included a new parole process for Cubans, Haitians, and Nicaraguans, scheduling an appointment to present at a port of entry through the CBP One app, and efforts to surge personnel and other resources to the southwest border.

DHS has been preparing for the end of the Title 42 public health Order for nearly two years. In February 2022, DHS formally stood up the Southwest Border Coordination Center, which leads the planning and coordinating of a whole-of-government response to the anticipated increase in border encounters. In April 2022, Secretary Mayorkas issued the [DHS Plan for Southwest Border Security and Preparedness](#), laying out a six-pillar plan to manage an increase in encounters once the Title 42 public health Order is no longer in effect. DHS [updated the plan](#) this past December and shared additional details regarding preparations [last week](#).

To access the digital version of this information,
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<https://go.dhs.gov/47Y>



Fact Sheet: Department of State and Department of Homeland Security Announce Additional Sweeping Measures to Humanely Manage Border through Deterrence, Enforcement, and Diplomacy

Release Date: May 10, 2023

The Department of Homeland Security and Department of State are focused on solutions and have a robust plan to humanely manage the border through deterrence, enforcement, and diplomacy. With the support of the Department of Defense and multiple countries across the Western Hemisphere, DHS and State are implementing that plan within the constraints of a broken immigration system that Congress has repeatedly failed to fix, including by not acting on President Biden's comprehensive immigration reform proposal, bipartisan legislation to protect Dreamers and farm workers, or repeated requests for additional resources.

At 11:59 PM ET on Thursday, May 11, the pandemic-era Title 42 public health order will lift because COVID-19 is no longer the threat it once was, and the public health emergency is ending. When the Title 42 order lifts, the United States will be strengthening its enforcement of long-standing Title 8 immigration authorities to expeditiously process and remove individuals who arrive at the U.S. border unlawfully and do not have a legal basis to remain. Individuals who cross into the United States at the southwest border without authorization or without having used a lawful pathway, and without having scheduled a time to arrive at a port of entry, will be presumed ineligible for asylum, absent an applicable exception. If removed, they will be barred from re-entry for at least five years and subject to potential criminal prosecution for repeated attempts to enter unlawfully.

The transition back to Title 8 processing for all individuals encountered at the border will be effective immediately when the Title 42 order lifts.

Today, as part of the comprehensive, multi-agency, multi-country plan to prepare for the return to processing migrants under Title 8 authorities, the Administration is announcing additional sweeping measures, including:

- **Opening the First Regional Processing Centers to Direct Individuals to Lawful Pathways.** The State Department plans to eventually open about 100 regional processing centers at key locations in the Western Hemisphere, and in the coming days will launch an online platform for individuals to make appointments to arrive at a center near them. Over 140 Federal personnel, including from DHS and



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State, and personnel from the International Organization on Migration and the United Nations High Commissioner for Refugees are being deployed to support these brick-and-mortar centers, which will serve to direct migrants to lawful pathways early in their journey and well before reaching the southwest border. Personnel at Regional Processing Centers will screen individuals for eligibility for U.S. refugee resettlement or other lawful pathways to the United States, Canada, and Spain.

- **Deploying First Group of Additional Troops to Support Border Patrol.** The initial 550 U.S. military personnel will be in place Wednesday, starting in El Paso, to begin supporting U.S. Customs and Border Protection (CBP) at the southwest border. They will join the 2,500 National Guard troops already supporting CBP at the border. These additional troops will provide administrative support at CBP facilities, including data entry, warehousing assistance, and augmenting CBP surveillance and detection activities so that CBP agents and officers can get out in the field to secure and humanely manage the border. The remaining 1,000 troops will be announced soon and will include Army, Marine Corps, and Air Force personnel.
- **Surging Additional Resources to Manage Increased Encounters.** To humanely manage increased encounters, CBP and U.S. Immigration and Customs Enforcement (ICE) are further expanding detention capacity, ramping up removal flights, and shifting agents and officers to high-priority regions along the southwest border. This week CBP opened two new holding facilities, and the Department of Health and Human Services (HHS) is increasing its bed capacity to prepare for a potential increase in unaccompanied children. DHS also launched targeted enforcement operations in high-priority regions along the border, including El Paso, to quickly process migrants and place them in removal proceedings. DHS last week also announced over \$250 million in additional assistance for communities receiving migrants.
- **Expanding Access to the CBP One App.** DHS will transition the CBP One App to a new appointment scheduling system on May 10, in order to enable improved access to this orderly process for seeking asylum into the United States. Under the new system, noncitizens will have additional time to request appointments and, if allocated an appointment, will have additional time to confirm that appointment. When allocating appointments, CBP will work to prioritize noncitizens who have waited the longest. This change will give noncitizens more time to navigate the appointment scheduling app, and therefore help ensure that noncitizens with limited connectivity have meaningful opportunities to schedule appointments to present themselves at southwest border ports. In addition, CBP will also increase the number of available appointments available each day.
- **Issuing New Rules to Encourage Migrants to Use Lawful Pathways.** The Biden-Harris Administration has led the largest expansion of lawful pathways for protection in the United States in decades. DHS and DOJ will be issuing a final rule to encourage individuals to use those lawful pathways instead of seeking to enter the United States between ports of entry without prior authorization along the southwest border. This rule is critical to creating an orderly process to seek protection in the United States at a time when Congress refuses to reform broken immigration laws or provide the necessary funds to hire sufficient asylum officers and immigration judges to process claims.



- **Ramping Up Efforts to Counter Misinformation.** Smugglers have stepped up their efforts to falsely claim the border is open in order to profit off vulnerable migrants. In response, the Department of State and DHS are stepping up their efforts to counter this misinformation, including by launching additional digital advertising campaigns in Central and South America, and in the Caribbean. This campaign will communicate clearly that individuals who unlawfully cross the U.S. southwest border will be presumed ineligible for asylum under new regulations, will be subject to expedited removal, and will be barred from reentry to the United States for at least five years, if ordered removed. The Department of State is also amplifying information about lawful migration pathways and efforts to address the root causes of migration. This information is broadcast via social media, newspapers, television, and radio in high-out-migration areas across the region.

The additional measures announced today build on actions the Department of State and DHS announced earlier this month to humanely manage the border through deterrence, enforcement, and diplomacy. This also builds on DHS's work over the past year that was first outlined in the April 2022 DHS Plan for Southwest Border Security and Preparedness. Those actions included:

Deterrence

- Surging Panamanian, Colombian, and U.S. authorities to the Darien to improve security of this region and root out the criminal smuggling networks
- Doubling the number of refugees to be accepted from the Western Hemisphere
- Expanding and creating new [family reunification](#) programs
- Accepting up to 30,000 individuals per month from Venezuela, Nicaragua, Cuba, and Haiti as part of the expanded parole processes announced earlier this year
- Imposing consequences for migrants who fail to use lawful pathways, including a five-year ban on reentry and presumption of ineligibility under a new regulation
- Subjecting individuals to expedited removal, with consequences for those ordered removed, including a five-year bar on reentry

Enforcement

- Sending 1,500 troops to the border (bringing the total to 4,000 troops), while DHS is bringing on thousands of DHS contractors and non-uniformed employees to assist in administrative tasks to free up more of the agency's 24,000 agents and officers to focus on frontline duties.
- Surging asylum officers to expedite processing times from months to days for recent border crossers. Holding Credible Fear Interviews for certain populations earlier on in the process, enabling DHS to quickly remove those who don't have a legal basis to remain.



- Expanding CBP holding capacity by more than 50%.
- Dramatically scaling up the number of weekly removal flights, with the number of flights doubling or tripling for some countries.

Diplomacy

- Securing repatriation agreements from countries in the Western Hemisphere, including diplomatic efforts with Mexico to quickly remove individuals who cannot be returned to their countries of origin.
- Stepping up joint Mexico-United States enforcement actions to counter-human smugglers and traffickers that are exploiting migrants.
- Mexico and the United States redoubling their development efforts that focus on people-to-people support.

Multiple federal agencies are working to manage the border using the tools they have. But, Congress needs to update our immigration laws. Congress also needs to provide the funds the administration requested, including the \$4.9 billion for border security and management that Congress cut in half.

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Press Release: Homeland Security Task Force – Southeast Sustains Enhanced Migration Enforcement Posture

Release Date: May 10, 2023

MIAMI— Yesterday, the U.S. Department of Homeland Security and the U.S. Department of State announced sweeping new measures to further reduce irregular migration, including irregular maritime migration, and to significantly expand lawful pathways to facilitate the safe, orderly and humane processing of migrants. The measures announced Thursday draw on the success of recent processes that have significantly reduced unlawful migration through a combination of expanded lawful pathways and swift returns and removal of those who fail to use those lawful pathways.

The announcement made clear that the United States, in coordination with our regional partners, have dramatically scaled up the number of removal flights per week. That includes flights to Cuba, which resumed this week following a pause due to COVID-19. The number of weekly flights will double or triple for some countries. With this increase in removal flights, migrants who cross the U.S. border without documents sufficient for lawful admission, which includes migrants who attempt to make landfall by sea, and who fail to qualify for relief or protection should expect to be swiftly returned.

DHS also made Cubans and Haitians who attempt to migrate irregularly to the U.S. via maritime means after April 27, 2023, ineligible for the parole processes announced in January, including those interdicted at sea.

“This announcement provides important clarity for at-sea interdictions. Anyone interdicted at sea while trying to enter the United States irregularly will be ineligible for the Cuban and Haitian parole processes announced in January,” said Rear Adm. Brendan C. McPherson, director of HSTF-SE and commander of U.S. Coast Guard Seventh District. “Taking to the sea in unsafe and unseaworthy vessels is inherently dangerous and is often deadly. Our Task Force will continue to rescue and repatriate, in accordance with governing policies and guidance, anyone attempting to enter the U.S. irregularly through maritime routes. We encourage everyone planning to come to the U.S. to do so through safe and lawful pathways.”

Since August 21, 2022, HSTF-SE partners have repatriated more than 11,747 migrants. Migrants rescued at sea or interdicted ashore are provided food, water, shelter, basic medical attention, and are processed to determine if they have a legal basis to enter or remain in the U.S.

The sustained surge of DHS personnel, interagency coordination and surge of air and sea assets to save lives and prevent unlawful entry into the United States is the largest federally-led response to irregular maritime migration in the region since 2010.



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HSTF-SE serves as the DHS lead for operational and tactical planning, command and control, and as a standing organization to deter, mitigate and respond to maritime mass migration in the Caribbean Sea and the Straits of Florida. HSTF-SE is the supported DHS entity for Caribbean maritime migration operations, and HSTF-SE partners include federal, state and local agencies. HSTF-SE continues enhanced enforcement efforts in support of Operation Vigilant Sentry (OVS), the 2004 DHS plan to respond to irregular maritime migration in the Caribbean Sea and the Straits of Florida. The Task Force provides the organizational framework to plan for and execute a scalable operational plan under OVS, detect maritime migration indicators, monitor maritime migration trends, and conduct joint training, exercises and planning. The following federal, state and local law enforcement and emergency management components work together as part of the task force: DHS, USCG, USBP, CBP-AMO, CBP-OFO, HSI, ICE-ERO, USCIS, FEMA, HHS, FDEM, FDLE, Miami-Dade County and Monroe County.

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Fact Sheet: U.S. Government Announces Sweeping New Actions to Manage Regional Migration

Release Date: April 27, 2023

Today, the Department of State (State) and Department of Homeland Security (DHS) are announcing sweeping new measures to further reduce unlawful migration across the Western Hemisphere, significantly expand lawful pathways for protection, and facilitate the safe, orderly, and humane processing of migrants.

Like many other COVID-era public health measures, the CDC's temporary Title 42 public health order will also come to an end. But the lifting of the Title 42 order does not mean the border is open. When the Title 42 order lifts at 11:59 PM on May 11, the United States will return to using Title 8 immigration authorities to expeditiously process and remove individuals who arrive at the U.S. border unlawfully. These decades-old authorities carry steep consequences for unlawful entry, including at least a five-year ban on reentry and potential criminal prosecution for repeated attempts to enter unlawfully. The return to processing under Title 8 is expected to reduce the number of repeat border crossings over time, which increased significantly under Title 42. Individuals who cross into the United States at the southwest border without authorization or having used a lawful pathway, and without having scheduled a time to arrive at a port of entry, would be presumed ineligible for asylum under a new proposed regulation, absent an applicable exception.

The measures announced today will be implemented in close coordination with regional partners, including the governments of Mexico, Canada, Spain, Colombia, and Guatemala. They draw on the success of recent processes that have significantly reduced unlawful border crossings through a combination of expanded lawful pathways and swift removal of those who fail to use those lawful pathways.

Importantly, these measures do not supplant the need for congressional action. Only Congress can provide the reforms and resources necessary to fully manage the regional migration challenge. Since taking office, President Biden has continually called on Congress to pass legislation to update and reform our outdated immigration system. State and DHS are taking action with the tools and resources available under current law, but Congress's failure to pass and fund the President's plan will increase the challenge at the southwest border.

The measures announced today include:



Imposing Stiffer Consequences for Failing to Use Lawful Pathways

The transition back to Title 8 processing for all individuals encountered at the border will be effective immediately when the Title 42 order lifts. Individuals who unlawfully cross the U.S. Southwest border:

- will generally be processed under Title 8 expedited removal authorities in a matter of days
- will be barred from reentry to the United States for at least five years if ordered removed; and
- would be presumed ineligible for asylum under the proposed Circumvention of Lawful Pathways regulation, absent an applicable exception

To avoid these consequences, individuals are encouraged to use the many lawful pathways the United States has expanded over the past two years. Today, the United States is announcing additional lawful pathways, including:

- **Expanded Access to the CBPOne App to Appear at a U.S. Port of Entry.** When the Title 42 order lifts, migrants located in Central and Northern Mexico will have access to the CBPOne mobile application to schedule an appointment to present themselves at a port of entry rather than trying to enter between ports. CBPOne will make additional appointments available, and the use of this tool will enable safe, orderly, and humane processing.
- **New Family Reunification Parole Processes.** DHS is creating new family reunification parole processes for El Salvador, Guatemala, Honduras and Colombia. The agency is also modernizing existing family reunification parole processes for Cuba and Haiti. These processes, once finalized, will allow vetted individuals with already approved family-based petitions to be paroled into the United States, on a case-by-case basis. The U.S. Government will deliver timely and efficient authorization for those approved and vetted to travel. Individuals paroled into the U.S. under these processes would be eligible to apply for work authorization.
- **Double Number of Refugees from Western Hemisphere.** The United States will commit to welcoming thousands of additional refugees per month from the Western Hemisphere – with the goal of doubling the number of refugees the United States committed to welcome as part of the Los Angeles Declaration on Migration and Protection. To achieve this goal, the United States is building on processing efficiencies achieved over the last two years and further increasing resources and staffing to the U.S. Refugee Admissions Program in this region.

In addition, the United States will continue to accept up to 30,000 individuals per month from Venezuela, Nicaragua, Cuba, and Haiti as part of the expanded parole processes announced earlier this year. Encounters at the border for these nationalities plummeted when DHS expanded the parole programs. The United States will also continue to utilize available authorities to continue to strengthen and expand additional lawful pathways.



Humanely Managing Migration Flows with Regional Partners

A border-only approach to managing migration is insufficient. From day one, the Biden-Harris Administration has approached migration as a regional challenge – rebuilding relationships with key partners across the Western Hemisphere, bringing 20 world leaders together through the Los Angeles Declaration on Migration and Protection to jointly manage migration flows, and securing commitments from across the Western Hemisphere to expand lawful pathways, address root causes, and step up enforcement.

Building on these efforts, the United States is joining forces with partners across the Western Hemisphere to:

- **Open Regional Processing Centers Across the Western Hemisphere to Facilitate Access to Lawful Pathways.** In a historic move, the United States alongside other countries of the Los Angeles Declaration today announced they will establish Regional Processing Centers (RPCs) in key locations throughout the Western Hemisphere to reduce irregular migration and facilitate safe, orderly, humane, and lawful pathways from the Americas. The first centers will be established in several countries, including Colombia and Guatemala, in the region. Individuals from the region will be able to make an appointment on their phone to visit the nearest RPC before traveling, receive an interview with immigration specialists, and if eligible, be processed rapidly for lawful pathways to the United States, Canada, and Spain.
- **Launch an Aggressive Anti-Smuggling Campaign Targeting Criminal Networks in the Darien.** Panama, Colombia and the United States reached an historic agreement to launch a 60-day surge campaign to address the unprecedented migration through the dangerous Darien corridor. The campaign officially launched on April 20 and is focused on disrupting criminal networks that facilitate the illicit movement of people and increasing state presence in the jungle. As the authorities reclaim control of this region and root out criminal actors, migrants are urged to wait and avail themselves of safe, orderly lawful pathways, including new pathways announced today.
- **Increase Removals of Those Without a Lawful Basis to Stay.** The United States, in coordination with our regional partners, has dramatically scaled up the number of removal flights per week. That includes flights to Cuba, which resumed this week following a pause due to COVID-19. The number of weekly flights will double or triple for some countries. With this increase in removal flights, migrants who cross the U.S. border without authorization and who fail to qualify for protection should expect to be swiftly returned with at least a five-year bar to returning. The United States is also collaborating with foreign partners to crack down on criminal networks that charge enormous fees to migrants to facilitate migration by air. Individuals who arrive at international airports in the region with the intent to cross the U.S. border unlawfully should expect to be turned around and subject to consequences. DHS has also made those who attempt to migrate irregularly to the U.S. via dangerous maritime means ineligible for the parole processes announced in January.



- **Combat Smuggler Misinformation.** Smugglers are already ramping up misinformation campaigns to profit off of vulnerable migrants ahead of the return to Title 8 processing. To combat this misinformation, State’s diplomatic missions across the hemisphere are broadcasting accurate information about U.S. migration laws and engaging with a wide spectrum of regional audiences to counter smuggler narratives. It will be incumbent upon all elected leaders and stakeholders – regardless of political affiliation – to work to counter smuggler misinformation and propaganda, not contribute to it.

Facilitating Safe, Orderly, and Humane Processing of Migrants

The measures announced today aim to change the incentive structure that drives individuals to flee their countries and seek unlawful immigration pathways. They facilitate safe and orderly access to lawful pathways throughout the Western Hemisphere so that fewer migrants are putting their lives at risk to arrive directly at the Southwest border.

To facilitate the safe, orderly, and humane processing of migrants who arrive at the Southwest border, the United States will:

- **Expediently Process and Remove Individuals Who Arrive at the Southwest Border and Don’t Have a Legal Basis to Remain.** Individuals in expedited removal proceedings and who express a fear of persecution in their country of nationality or designated country of removal will be referred to a U.S. Citizenship and Immigration Services officer with specialized asylum training for a credible fear interview. Interviews of single adults, as well as any immigration judge review of a negative determination, will take place while the noncitizen is in DHS custody, either in a U.S. Border Patrol or U.S. Immigration and Customs Enforcement facility. By expediting review of these asylum claims, DHS will be able to provide relief more quickly to those who are eligible and to more quickly remove those who are not. To support faster processing, DHS is increasing its holding capacity, expanding capabilities and technologies, installing hundreds of phone lines and privacy booths to conduct credible fear interviews (CFIs) and increase access to counsel, and schedule CFI interviews within 24 hours. DHS and the Department of Justice (DOJ) are also surging asylum officers and immigration judges, respectively, to complete immigration proceedings at the border more quickly. Like single adults, families will be placed in removal proceedings, which will include expedited removal. DHS is currently focused on utilizing its Alternatives to Detention program for families, including GPS monitors and enhanced supervision, such as curfews, and expanding case management services. More stringent measures may be used for those who do not comply. Like single adults, families with final orders of removal will be removed.
- **Surge Additional Resources.** DHS is significantly scaling up its air and ground transportation capabilities to quickly remove migrants when warranted or transport migrants to less-congested border sectors for further immigration enforcement proceedings. DHS is also making an additional \$15 million available for its Case Management Pilot Program to provide voluntary case management and other services to noncitizens to increase compliance with court dates and



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accelerate processing times. Services will be made available to certain noncitizens enrolled in DHS's Alternatives to Detention program, which is an important tool used by DHS for individuals and families as they await the outcome of immigration proceedings.

- **Manage Resource Needs.** The initial actions announced today are necessary to prepare the return to Title 8 processing and increased encounters along the Southwest Border but are not in and of themselves sufficient to address the resources requirements DHS will incur after Title 42 is lifted. DHS notified Congress of its intent to reprogram funds within its budget to support other emerging requirements across DHS. The reprogramming of existing funds to address the immediate shortfalls in border operations should not be interpreted as adequate for the longer term needs of securing our border and enforcing our laws. The Administration requested \$4.9 billion for these functions but received only \$2.7 billion in the Omnibus passed in December, which is not an adequate level to address both the anticipated short-term surge following the end of Title 42 on May 11 and the longer-term constraints of operating within a broken immigration system that Congress has not updated for decades. While the Department is prudently utilizing the limited funding Congress has provided to prepare for the post-Title 42 environment, this notification of repurposing existing funds is only a fraction of what DHS will ultimately need.
- **Reduce Impacts on Border Communities.** DHS has awarded more than \$135 million to communities to date this fiscal year and will award an additional \$290 million in the coming weeks. The Administration is also ramping up coordination between state and local officials and other federal agencies to provide resources, technical assistance and support, including through regular information sessions with stakeholders to ensure that the program is broadly understood and the funds are accessible. The Administration will continue to mobilize faith-based and non-profit organizations supporting migrants, including those providing temporary shelter, food, transportation, and humanitarian assistance as individuals await the outcome of their immigration proceedings.

The Biden-Harris Administration has been preparing for the eventual lifting of the Title 42 public health order for well over a year. In addition to working to combat misinformation and coordinating with local communities and NGOs, DHS began contingency planning efforts to prepare for the eventual lifting of Title 42. In February 2022, DHS formally stood up the Southwest Border Coordination Center, which leads the planning and coordinating of a whole of government response to the anticipated increase in border encounters. In April 2022, Secretary Mayorkas issued the DHS Plan for Southwest Border Security and Preparedness, laying out a six-pillar plan to manage an increase in encounters once Title 42 is no longer in effect, and updated the plan in December 2022.

Notwithstanding these efforts, we expect the days following the end of Title 42 public health order will be challenging and that encounters will increase for a time, as smugglers will seek to spread disinformation to capitalize on this change. Through the approach described above and the work of our outstanding personnel, the Biden-Harris Administration will do everything within its authority to manage this challenge,



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but until and unless Congress delivers on the immigration reform measures President Biden requested on his first day in office, the United States' immigration system will remain broken.

To access the digital version of this information, follow the QR code below:



<https://go.dhs.gov/4Qw>



Contact Information

The DHS Southwest Border Coordination Center thanks our many partners for their efforts and coordination through this period of change. The Migration Information Center wants to be a continued resource for our stakeholders. If you have any questions, requests, or concerns, please feel free to reach out to us via email and we will be in touch shortly:

SBCC-MIC@cbp.dhs.gov