

JAN 19 2012



U.S. Customs and
Border Protection

MEMORANDUM FOR: Directors, Field Operations
Office of Field Operations

Director, Preclearance Operations

FROM: Executive Director for (b) (6), (b) (7)(C)
Admissibility and Passenger Programs

SUBJECT: Exercise of Prosecutorial Discretion

Recently, U.S. Immigration and Customs Enforcement (ICE) informed U.S. Customs and Border Protection (CBP) of guidance issued to their Offices of Chief Counsel directing the implementation of a review of incoming and pending immigration cases (see attached). Some field offices may have already been contacted by local ICE Counsel seeking to establish and implement local processes to notify you of their intent to exercise prosecutorial discretion regarding case(s) initiated by your offices.

(b) (7)(E)

This process will not affect your offices nor is there a requirement for your offices to dedicate any resources locally.

In the event ICE does notify your offices of candidates for whom they wish to exercise prosecutorial discretion, ICE should be directed to forward the notification to the CBP mailbox at (b) (7)(E).

Nothing in this memorandum should be construed to prohibit your enforcement activities regarding the processing, detention or removal of any individual you encounter that is inadmissible to the United States. Existing CBP field guidance and procedures remain in effect.

Please ensure that this memorandum with attachment is disseminated to all ports of entry within your jurisdiction.

If you have any questions, please contact (b) (6), (b) (7)(C), Director, Enforcement Programs, Admissibility and Passenger Programs at (b) (6), (b) (7)(C).

Attachment