



**U.S. Customs and
Border Protection**

February 21, 2017

MEMORANDUM FOR: Directors, Field Operations

FROM: (b) (6), (b) (7)(C) (b) (6), (b) (7)(C)
Executive Director
Admissibility and Passenger Programs
Office of Field Operations

SUBJECT: Executive Orders 13767 and 13768 and the Secretary's
Implementation Directions of February 20, 2017

On February 20, 2017 Secretary Kelly issued the attached memoranda titled *Implementation of the President's Border Security and Immigration Enforcement Improvements Policies and Enforcement of the Immigration Laws to Serve the National Interest*. These provide implementation guidance to U.S. Immigration and Customs Enforcement (ICE), U.S. Customs and Border Protection (CBP), and U.S. Citizenship and Immigration Services (USCIS) regarding Executive Order 13767, entitled "Border Security and Immigration Enforcement Improvements," and Executive Order 13768, entitled "Enhancing Public Safety in the Interior of the United States," issued by the President on January 25, 2017. The Office of Field Operations (OFO) is a critical component in ensuring the safety and territorial integrity of the United States as well as the public safety of the American people. In order to fulfill the directions outlined in the attached memoranda, effective immediately, the Office of Field Operations will begin executing the following:

With the exception of the June 15, 2012, memorandum entitled "Exercising Prosecutorial Discretion with Respect to Individuals Who Came to the United States as Children," (DACA) and the November 20, 2014 memorandum entitled "Exercising Prosecutorial Discretion with Respect to Individuals Who Came to the United States as Children and With Respect to Certain Individuals Who Are the Parents of U.S. Citizens or Permanent Residents," (DACA and DAPA) all existing OFO conflicting directives, memoranda, or field guidance regarding the enforcement of U.S. immigration laws and priorities for removal are hereby rescinded. As the referenced 2012 and 2014 DACA and DAPA memoranda remain in effect, along with applicable court orders, the DHS and CBP posture with respect to DACA and DAPA is not affected by issuance of the Secretary's memoranda of February 20, 2017.

Moreover, in support of this effort, the Secretary has terminated the *Priority Enforcement Program* and reinstated the *Secure Communities Program*. Below you will find guidance on the operational impact of this guidance:

1. Processing, Inspection, and Detention of Aliens Arriving at Ports Of Entry

Officers are reminded that all individuals who are not admissible should be processed consistent with CBP Directive (b) (7)(E) *The Exercise of Discretion* and, absent some form of discretion such as a waiver or parole, as discussed more fully below, placed in removal proceedings. Aliens should be placed in the appropriate form of removal proceedings consistent with the requirements of the INA, regulations, and current guidance. Officers are reminded that any alien who is subject to expedited removal who claims fear must be referred to an asylum officer for proper disposition.

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2. Priorities for Non-Arriving Aliens

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3. Proper Use of Parole Authority Pursuant to Section 212(d)(5) of the INA

Officers are reminded to continue to adhere to CBP Directive (b) (7)(E) *The Exercise of Discretion*, with respect to aliens who have not yet been placed in removal proceedings.

Parole should not be considered for individuals who (b) (7)(E)

(b) (7)(E)

(b) (7)(E)

Authorization of parole, unless otherwise proscribed by the Secretary's above-referenced memoranda, may only be delegated from Directors, Field Operations to Port Directors, Assistant Port Directors and Watch Commanders no lower than the GS-14 level. For further parole guidance see *CBP Directive (b) (7)(E), The Exercise of Discretion*.

4. Requests for Cancellation of Removal Proceedings or Other Forms of Discretion

(b) (7)(E)

5. Public Reporting of Border Apprehension Data

CBP officers are not respond to public or media inquiries regarding border apprehension data. Inquiries should be referred to the CBP Office of Public Affairs.

6. Proper Processing and Treatment of Children

CBP officers are reminded that all children are to be provided special protections to ensure that they are properly processed and receive the appropriate care consistent with CBP's obligation under the *Flores* Settlement Agreement and the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (codified in part at 8 U.S.C. § 1232) including all implementing policies and procedures. (b) (7)(E)

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7. Provisions of Section 235(b)(2)(C) of the INA to Return Arriving Aliens to Contiguous Countries

Aliens described in Section 235(b)(2)(A) of the INA, who are placed in removal proceedings under Section 240 of the INA, (b) (7)(E) may be returned to the territory of the foreign contiguous country (Mexico or Canada) from which they arrived pending the final resolution of such removal proceedings. OFO leadership, in coordination with CBP International Affairs, is actively developing the implementation process for this

(b) (7)(E)

8. Expanding Expedited Removal Pursuant to Section 235(b)(1)(A)(iii)(I) of the INA

The Secretary's memorandum contemplates the expansion of Expedited Removal on terms to be specified. This guidance may not be implemented until such time as a Federal Register notice is issued and further guidance is provided.

Please ensure that this memorandum is disseminated to all ports of entry within your jurisdiction. If you have any questions or require additional information, please contact (b) (6), (b) (7)(C), Supervisory Program Manager, Admissibility and Passenger Programs, at (b) (6), (b) (7)(C) or (b) (6), (b) (7)(C) (A) Director, Enforcement Programs Division, at (b) (6), (b) (7)(C)