

Lesson 3: Removal/Deportabilities: Day 24

Description

Purpose Expedited Removal is an administrative disposition available in immigration related cases. This lesson will introduce Border Patrol agents to the Expedited Removal process.

Objectives **Terminal Learning Objective**
IM.1 At the conclusion of this course, the student will be able to determine the immigration status of aliens encountered in the United States and recognize violations of the immigration laws.

Enabling Learning Objectives

(b) (7)(E) [Redacted]
[Redacted]
[Redacted]
[Redacted]

Length (b) (7)(E) [Redacted]

References Immigration and Nationality Act and United States Code

Methods of Instruction (b) (7) (E) [Redacted]

Evaluation (b) (7)(E) [Redacted]

Instructor Guidance (b) (7)(E) [Redacted]

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D. Juvenile Aliens

1. A juvenile is defined as an alien under the age of eighteen years.
2. Based on the 1997 Flores v. Reno Settlement Agreement and the Homeland Security Act of 2002, there are safeguards in place for the detention of these alien minors.
3. The DHS will separate unaccompanied minors from unrelated adults whenever possible.
4. As soon as processing ends (including the locating of an adult or entity to which the alien minor can be released) or not later than 72 hours after custody begins, the juvenile must either be released from detention or transferred to an DHS contract facility specifically for the detention of juveniles.

E. Hearing Before An Immigration Judge

1. The immigration judge will conduct proceedings to determine if the alien is subject to removal.
2. Regulations require a fair and impartial hearing. The decision must be based on clear, convincing, unequivocal evidence.
3. The immigration judge shall make determinations, including orders of removal.
4. The immigration judge shall administer oaths, present and receive evidence, interrogate, and examine or cross-examine the alien and/or witnesses.
5. If, without reasonable cause, the alien fails or refuses to attend or remain in attendance, the immigration judge may proceed to a determination as if the alien were in attendance.

F. Voluntary Departure (V/D) and Voluntary Return (V/R)**(b) (7)(E)**

1. The Secretary of Homeland Security may permit an alien to voluntarily depart the United States at the alien's own expense.
2. There are two types of voluntary departure (V/D):
 - a. Voluntary Departure prior to removal hearing, and
 - b. Voluntary Departure in lieu of removal.

3. Restrictions to Voluntary Departure

- a. The Secretary of DHS may not remove an alien if s/he decides that the alien would be subject to persecution due to race, religion, or political opinion.
- b. This relief from deportation is not discretionary in that if it were shown that it is more likely than not that the alien would be persecuted, then withholding must be granted.
- c. The following classes are ineligible for this relief:
 - i. Aliens who persecuted others for race, religion, etc.
 - ii. Aliens convicted of serious crime (includes aggravated felons),
 - iii. Aliens who have committed serious non-political crimes outside the United States, and
 - iv. Aliens who are a threat to U.S. security.

II. Expedited Removal

(b) (7)(E)

A. At the conclusion of the Expedited Removal Training you will be able to:

- 1. Identify the applicable charges for Expedited Removal
- 2. Recognize the conditions making an alien amenable to Expedited Removal
- 3. Properly process an alien for Expedited Removal
- 4. Recognize circumstances that require referral for a credible fear interview or Judicial Review

B. Expedited Removal (ER), under INA 235(b)(1)(A)(iii) and 8 CFR §235.3(b), grants the Border Patrol Agent in the field the authority to formally remove certain aliens from the U.S. without a further hearing or review.

(b) (7)(E)

(b) (7)(E)

- 1. An expedited removal order carries the same legal weight as a removal order issued by a judge.
- 2. As a result this use of this authority is limited to some extent by both the law and policy.

(b) (7)(E)

(b) (7)(E)

D. (b) (7)(E)

(b) (7)(E)

E. (b) (7)(E)

F. (b) (7)(E)

VI. When To Use Expedited Removal

(b) (7)(E)

A. What are the steps you must take to determine when expedited removal is appropriate?

B. (b) (7)(E)

1. (b) (7)(E)

2. (b) (7)(E)

C. Step 1. Question

1. Will we seek a formal removal of the individual in question?

2. If yes: proceed to Step 2

a. If no: VR per existing local procedure.

Lesson 3: Removal/Deportabilities: Day 23

Description

Purpose	This lesson covers removal proceedings.
Objectives	Terminal Learning Objective IM.1 At the conclusion of this course, the student will be able to determine the immigration status of aliens encountered in the United States and recognize violations of the immigration laws. Enabling Learning Objectives (b) (7)(E) [REDACTED] [REDACTED] Explain the application of voluntary departure before and in lieu of removal proceedings.
Length	(b) (7)(E) [REDACTED]
References	Immigration and Nationality Act and United States Code
Methods of Instruction	(b) (7) [REDACTED] (E) [REDACTED]
Evaluation	(b) (7)(E) [REDACTED]
Instructor Guidance	(b) (7)(E) [REDACTED]

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I. Introduction

- A. When an alien is encountered and determined to be in violation of Immigration law, Border Patrol Agents refer the aliens for removal procedures. (b) (7)(E)
 - 1. Identify the requirements of a removal hearing.
 - 2. Explain the application of voluntary departure before and in lieu of removal proceedings.
- B. An immigration judge will make a determination of inadmissibility or deportability.

II. Objectives

- A. The purpose of this lesson is to introduce the removal procedure process and the custody of aliens, including juvenile aliens. (b) (7)(E)
- B. By the end of this lesson you will be able to: (b) (7)(E)
 - 1. Identify the requirements of a removal hearing.
 - 2. Explain the application of voluntary departure before and in lieu of removal proceedings.

III. Review of Day 22

- A. Removal Proceedings (b) (7)(E)
 - 1. Removal proceedings are conducted under INA 240 and an immigration judge presides over these proceedings. (b) (7)(E)
 - 2. The immigration judge determines inadmissibility or deportability of the alien.
 - 3. (b) (7)(E) [Redacted]
 - 4. (b) (7)(E) [Redacted]
 - 5. (b) (7)(E) [Redacted]

(b) (7)

(E)

[Redacted]

B. Notification of Conditions of Release or Detention (I-286)

1. (b) (7)(E)

[Redacted]

(b) (7)(E)

[Redacted]

[Redacted]

[Redacted]

[Redacted]

C. Warrant of Arrest (I-200)

(b) (7)(E)

(b) (7)(E)

[Redacted]

D. Juvenile Aliens

1. A juvenile is defined as an alien under the age of eighteen years.
2. Based on the 1997 Flores v. Reno Settlement Agreement and the Homeland Security Act of 2002, there are safeguards in place for the detention of these alien minors.
3. The DHS will separate unaccompanied minors from unrelated adults whenever possible.
4. As soon as processing ends (including the locating of an adult or entity to which the alien minor can be released) or not later than 72 hours after custody begins, the juvenile must either be released from detention or transferred to an DHS contract facility specifically for the detention of juveniles.

IV. Hearing Before An Immigration Judge

A. (b) (7)(E)

[Redacted]

(b) (7)(E)

B. (b) (7)(E)

[Redacted]

(b) (7)(E)

[Redacted]

V. Voluntary Departure (V/D) and Voluntary Return (V/R)

INA 240B

A. The Secretary of DHS may permit an alien to voluntarily depart the United States at the alien’s own expense.

(b) (7)(E)

B. There are two types of voluntary departure (V/D):

(b) (7)(E)

- 1. Voluntary Departure prior to removal hearing, and
- 2. Voluntary Departure in lieu of removal.

C. Voluntary Departure Prior To Removal Hearing

(b) (7)(E)

- 1. To cope with the large number of illegal entries across the Mexican border, the Department of Homeland Security for many years has used a form of Voluntary Departure *prior* to a removal hearing; this is known as Voluntary Return (V/R).
- 2. A large number of removable aliens are permitted to leave voluntarily, and return to their country of residence without the institution of removal proceedings.
 - a. This benefit is generally granted to aliens that are considered “seeking admission” and are removable as inadmissible under INA 212.
 - b. The Sector Chief is responsible for setting the eligibility criteria allowing an alien to be eligible for a grant of Voluntary Departure (VD).
 - i. Voluntary Return (VR) is a Border Patrol specific term that is used to describe an alien that has been granted a Voluntary Departure (VD) prior to a *formal* removal hearing.
 - c. Prior to the issuance of an I-862 (Notice to Appear) only a Border Patrol CPA can authorize a VD (what agents would call a VR).
 - d. Once the I-862 has been issued, only an IJ can grant VD.

(b) (7)(E)

[Redacted]

(b) (7)(E)

(b) (7)(E)

[Redacted]

3. Obviously, it is advantageous to the United States and to the alien that Voluntary Departure is permitted in such cases.
4. Voluntary Return (V/R) is granted by issuance of a Form I-826 (Notice of Rights and Request for Disposition).
5. Form I-826 must be issued to all aliens eligible for an INA 240 removal hearing.

The image shows Form I-826, titled "Notice of Rights and Request for Disposition". At the top, it is identified as a U.S. Department of Homeland Security form. It includes fields for Subject ID, Event No., FINS #, and File No. Below this is a section for the subject's name. The main body of the form is divided into three primary sections: "NOTICE OF RIGHTS", "REQUEST FOR DISPOSITION", and "CERTIFICATION OF SERVICE".

NOTICE OF RIGHTS
 You have been arrested because immigration officers believe that you are illegally in the United States. You have the right to a hearing before the Immigration Court to determine whether you may remain in the United States. If you request a hearing, you may be detained in custody or you may be eligible to be released on bond, until your hearing date. In the alternative, you may request to return to your country as soon as possible, without a hearing.
 You have the right to contact an attorney or other legal representative to represent you at your hearings, or to answer any questions regarding your legal rights in the United States. Upon your request, the officer who gave you this notice will provide you with a list of legal organizations that may represent you for free or for a small fee. You have the right to communicate with consular or diplomatic officer from your country. You may use a telephone to call a lawyer, other legal representative, or consular officer at any time prior to your departure from the United States.

REQUEST FOR DISPOSITION
 I request a hearing before the Immigration Court to determine whether or not I may remain in the United States.
 I believe I face harm if I return to my country. My case will be referred to the Immigration Court for a hearing.
 I admit that I am in the United States illegally, and I believe that I do not face harm if I return to my country. I give up my right to a hearing before the Immigration Court. I wish to return to my country as soon as arrangements can be made to effect my departure. I understand that I may be held in detention until my departure.

CERTIFICATION OF SERVICE
 Notice read by subject.
 Notice read to subject by _____ in the Spanish language.
 _____ Name of Officer (Print) _____ Name of Interpreter (Print)
 _____ Signature of Officer _____ Date and Time of Service

Form I-826 (Rev. 06/01/07)

*Form I-826 (Notice of Rights and Request for Disposition)
 Refer to Appendix for larger version.*

- D. Officers who are authorized to grant Voluntary Departure prior to removal hearing (V/R) are: 8 C.F.R. § 240.25(a).
1. Chief Patrol Agents,
 2. Officers in Charge of Ports of Entry and DHS sub-

(b) (7)(E)

(b) (7)(E)

(b) (7)(E)

offices,

3. Deputy Executive Associate Commissioner for Detention and Removal,
4. Director of the Office of Juvenile Affairs,
5. BCIS Center Directors, *and*
6. Assistant Service Center Directors for Examinations.

Once the alien is served with an I-862, the only person that can authorize V.D. is the I.J.; because it is at that moment that proceedings begin

E. The privilege of Voluntary Departure shall not be granted when the Secretary of DHS has reason to believe that the alien is deportable for specified grounds relating generally to:

(b) (7)(E)

1. Aggravated felons
2. Terrorists
3. Criminals
4. Subversives
5. Narcotics violators
6. Certain firearm offenses
7. Violators of registration and reporting requirements
8. Convicted of falsification of documents
9. Document fraud
10. Participated in persecution or genocide
11. Offenses of national security and related grounds

F. There is no appeal from a decision not to grant Voluntary Departure under INA 240B(f).

(b) (7)(E)

G. The DHS may attach to the granting of Voluntary Departure any conditions it deems necessary to ensure the alien's timely departure from the United States including posting of bond, continued detention pending departure, and/or removal under safeguards.

H. The authorized officer, in his/her discretion, shall specify the period of time for Voluntary Departure, and may grant extensions thereof.

(b) (7)(E)

1. Voluntary Departure is usually authorized for a period of not more than 30 days.
2. The total period allowed including extensions shall not exceed 120 days.

I. Cost of Removal

1. Generally, Voluntary Departure means that the alien will pay his/her own way.
2. However, the statute authorizes the Secretary of DHS to pay the removal expenses of indigent aliens whose voluntary departure s/he authorizes.
3. An alien who accepts such Voluntary Departure at government expense is barred from reentry unless s/he obtains permission to reapply.

*INA 240
B(b)(1)(D)
(b) (7)(E)*

J. Ineligible for Discretionary Relief

1. An alien previously granted Voluntary Departure and who fails to depart voluntarily within the time specified shall thereafter be ineligible, for a period of ten years, for Voluntary Departure or for other forms of discretionary relief.
2. In removal proceedings, the immigration judge makes available any discretionary relief to the alien which may apply.

(b) (7)(E)

K. Voluntary Departure in Lieu of Removal

1. A voluntary departure in lieu of removal is authorized by the Attorney General – Executive Office for Immigration Review.
 - a. This is a type of discretionary relief that is allowed by the IJ (The alien is ordered removed and the alien pays their way out of the country).
 - b. If VD is not granted then the alien is ordered removed and the U.S. escorts the alien out of the country and pays for the official removal.
2. It is granted by an immigration judge during removal proceedings, and usually after the alien is found deportable and applies for such relief at a removal hearing.

(b) (7)(E)

*VD in lieu of removal
*generally means the judge releases the alien and allows them time to leave the U.S. (within a certain time period) with no official escort or associated travel cost to the U.S.
with exceptions

L. Granting of Voluntary Departure

1. An immigration judge may enter an order granting voluntary departure in lieu of removal if s/he finds that:
 - a. the alien has been physically present in the United States for a period of at least one year immediately preceding the date the notice to appear was served,
 - b. the alien is, and has been, a person of good moral

(b) (7)(E)

- character (as defined in INA101(f)) for at least 5 years immediately preceding the application,
- c. the alien is not deportable under: (b) (7)(E)
 - i. INA 237(a)(2)(A)(iii) (*aggravated felony*)
 - ii. INA 237(a)(4) (*security and related grounds*),
 - d. the alien has established by clear and convincing evidence that the alien has the means to depart the United States and has the intention to do so.
2. Period of Time to Depart (b) (7)(E)
- a. Voluntary departure may be allowed at any stage of the proceeding.
 - b. The immigration judge withholds the entry of a final deportation order and specifies the period of time during which the alien must depart:
 - i. if granted prior to completion hearing, NTE 120 days.
 - ii. if granted at conclusion of hearing, NTE 60 days.
 - c. The authority to extend the period of time granted by the immigration judge or BIA is only within the jurisdiction of the Deputy Executive Associate Commissioner for Detention and Removal or the Director of the Office of Juvenile Affairs (no appeal). (b) (7)(E)
 - d. If the alien does not depart the U.S. in the time specified, an alternate order of deportation becomes automatically effective.
3. Restrictions to Voluntary Departure (b) (7)(E)
- a. The Secretary of DHS may not remove an alien if s/he decides that the alien would be subject to persecution due to race, religion, or political opinion.
 - b. This relief from deportation is not discretionary in that if it were shown that it is more likely than not that the alien would be persecuted, then withholding must be granted.
 - c. The following classes are ineligible for this relief: (b) (7)(E)
 - i. Aliens who persecuted others for race,

- religion, etc.
- ii. Aliens convicted of serious crime (includes aggravated felons),
- iii. Aliens who have committed serious non-political crimes outside the United States, *and*
- iv. Aliens who are a threat to U.S. security.

VI. Summary

A. Hearing Before An Immigration Judge

B. Voluntary Departure (V/D) and Voluntary Return (V/R) - INA 240B

- 1. There are two types of voluntary departure (V/D):
 - a. Voluntary Departure prior to removal hearing, *and*
 - b. Voluntary Departure in lieu of removal.

2. Voluntary Departure Prior To Removal Hearing

- a. Voluntary Return (V/R) is granted by issuance of a Form I-826 (Notice of Rights and Request for Disposition).
- b. Form I-826 must be issued to all aliens eligible for an INA 240 removal hearing.
- c. Officers who are authorized to grant Voluntary Departure prior to removal hearing (V/R).
- d. The authorized officer, in his/her discretion, shall specify the period of time for Voluntary Departure, and may grant extensions thereof.
 - i. Voluntary Departure is usually authorized
 - ii. for a period of not more than 30 days.
 - iii. The total period allowed including extensions shall not exceed 120 days.



C. Cost of Removal; INA 240B(b)(1)(D)

D. Ineligible for Discretionary Relief

E. Voluntary Departure in Lieu of Removal

- 1. A voluntary departure in lieu of removal is authorized by the Attorney General – Executive Office for Immigration Review.

2. It is granted by an immigration judge during removal proceedings, and usually after the alien is found deportable and applies for such relief at a removal hearing.

F. Granting of Voluntary Departure

1. Period of Time to Depart

- a. Voluntary departure may be allowed at any stage of the proceeding.
- b. The immigration judge withholds the entry of a final deportation order and specifies the period of time during which the alien must depart:
 - i. if granted prior to completion hearing, NTE 120 days.
 - ii. if granted at conclusion of hearing, NTE 60 days

2. Restrictions to Voluntary Departure

- a. The Secretary of DHS may not remove an alien if s/he decides that the alien would be subject to persecution due to race, religion, or political opinion.
- b. This relief from deportation is not discretionary in that if it were shown that it is more likely than not that the alien would be persecuted, then withholding must be granted.

VII. Pre-Class Assignment

DIRECTIONS: In the following statements select the best answer or fill in the blank with the correct word(s) or phrase(s) which correctly complete(s) the statements.

1. What are the types of Voluntary Departure?
 - a. Voluntary Departure prior to removal hearing
 - b. Voluntary Departure in lieu of removal

2. Who is authorized to grant Voluntary Departures?
 - a. Chief Patrol Agents
 - b. Officers in Charge of POE's and DHS sub-offices
 - c. Deputy Executive Associate Commissioner for Detention and Removal
 - d. Director of the office of Juvenile Affairs
 - e. BCIS Center Directors
 - f. Assistant Service Center Directors for Examinations

3. The burden of proof in removal proceedings is on the DHS to prove deportability.

4. The immigration judge shall:
 - a) (b) (7)(E) [REDACTED]

5. The alien is entitled to representation of his/her own choice at no expense to the government.

Lesson 2: Removal/Inadmissibilities: Day 15

Description

Purpose This lesson continues with inadmissibility codes, INA 212(a)(5) through INA 212(a)(6).

Objectives **Terminal Learning Objective**

(b) (7)(E) [Redacted]

Enabling Learning Objectives

(b) (7)(E) [Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

Lesson Length (b) (7)(E) [Redacted]

References Immigration and Nationality Act and United States Code

Methods of Instruction (b) (7)(E) [Redacted]

Evaluation (b) (7)(E) [Redacted]

Instructor Guidance (b) (7)(E) [Redacted]

- (b) (7)(E)
- 3. (b) (7)(E)
- 4. (b) (7)(E)

(b) (7)(E)

IV. Illegal Entrants and Immigration Violators

INA 212(a)(6)

A. Aliens Present Without Admission or Parole

INA 212(a)(6)(A)

- 1. Any alien present in the United States without being admitted or paroled, or who arrives in the United States at any time or place other than as designated by the Secretary of DHS, is inadmissible.
- 2. This inadmissibility ground relates to those who are found in the U.S. without having been admitted. Aliens who enter without inspection are now charged with this ground of inadmissibility.
INA 235(a)(1)
- 3. An alien who is found in the United States as described above will be granted voluntary return (VR - discussed later) or placed in removal proceedings.
- 4. This charge shall not apply to an alien who demonstrates that:
 - a. they qualified for immigrant status as a spouse or child of a USC or LAPR.
 - b. the alien spouse or child was battered or subjected to extreme cruelty by the spouse, parent, or by a member of the spouse’s or parent’s family residing in the same household; and the spouse or parent consented or allowed such battery or cruelty.
 - c. there was a substantial connection between the battery or cruelty and unlawful entry into the United States.

(b) (7)(E)

(b) (7)(E)

(b) (7)(E)

(b) (7)(E)

(b) (7)(E)

B. Failure to Attend Removal Proceedings

INA 212(a)(6)(B)

- 1. (b) (7)(E)

(b) (7)(E)

Immigration Law: Appendix A: Glossary

removal means the transfer or moving of a person or thing from one location, position, or residence to another. (Black's Law Dictionary Seventh Edition)

Any reference to a term of imprisonment or a **sentence** with respect to an offense is deemed to include the period of incarceration or confinement ordered by a court of law regardless of any suspension of the imposition or execution of that imprisonment or sentence in whole or in part. (INA 101(a)(48))

stowaway Non-responsive to the request



voluntary departure (VD) means the privilege of voluntarily departing the United States in lieu of being subject to removal proceedings. An alien who requests VD prior to the completion of removal proceedings may be granted a departure period not to exceed 120 days. INA § 240B(a) (1996). At the conclusion of removal proceedings, an immigration judge may order voluntary departure in lieu of removal, upon a showing that the alien has been physically present in the United States for at least one year preceding the date of service of the Notice to Appear (I-862); that the alien is a person of good moral character during the previous five years; that the alien does not present a threat to national security and has not been convicted of an aggravated felony; and that the alien has the intent and the means to depart the United States immediately. INA § 240B(b). The advantage of voluntary departure is that it is not a bar to return as an immigrant or non-immigrant. An alien who receives voluntary departure but fails to depart as ordered is barred for a period of ten years from applying for voluntary departure, adjustment of status, cancellation of removal, or registry. INA § 240B(c) (1996). In addition, the alien will be subject to a civil penalty of not less than \$1,000 and not greater than \$5000. (United States Department of Justice Executive Office For US Attorneys Immigration Law Chapter 1.9, Pg. 19)

voluntary return means, the process whereby a border patrol agent or an INS investigator returns an alien to Mexico or Canada without a hearing. (United States Department of Justice Executive Office For US Attorneys Immigration Law Chapter 1.9, Pg. 19)

2. (b) (7)(E)

D. Adding a Narrative

1. (b) (7)(E)
- 2.
- 3.
- 4.

E. Printing

1. (b) (7)(E)

2. Distribution

- a. (b) (7)(E)

F. William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008

1. In December 2008, Congress approved the William Wilberforce Trafficking Protection Reauthorization Act (TVPRA).
2. The TVPRA provides requirement for Department of Homeland Security (DHS) to combat the trafficking of children along the Borders of the United States and U.S. Ports of Entry. The TVPRA has developed Interim Guidance for Processing Unaccompanied Alien Children

AP.1.37 Explain the TVPRA in detail.

(UAC), created CBP Form 93-UAC Screening Addendum (see Appendix C).

3. A flowchart has been created to help you in TVPRA decision making (see flowchart “Interim Unaccompanied Alien Children Guidance, Appendix C).
4. A UAC is defined by Homeland Security Act of 2002, Section 462(g) (6 USC 279(g)) as a child who:
 - a. has no lawful immigration status in the US;
 - b. has not attained 18 years of age; and
 - c. with respect to whom:
 - i. there is no parent or legal guardian in the United States; or
 - ii. No parent or legal guardian in the United States is available to provide care and physical custody.
 1. Documentation as to guardianship should be examined by CBP to determine is validity.
 2. Immediate family member (e.g. grandparent, aunt/uncle, and brother/sister) not in possession of valid supporting documentation of guardianship is capable of providing care and physical custody of UAC under the TVPRA family reunification procedures.
 - d. Agents will continue to process UAC as current policy; Agents will also screen all UAC using CBP Form 93 for possible victimization. This form will be inserted into the aliens file (A-file) or Voluntary return (VR) packets. Agents will need to use a hard copy until this form is placed into the E3 processing.
 - e. (b) (7)(E)
 - f. CBP will ensure that UAC are processed in an expeditious and complete manner. As current policy UAC (b) (7)(E) unable to

(b) (7)(E)

(b) (7)(E)

(b) (7)(E)

understand his/her rights, the agents must read and explain all documents in a language that the UAC will understand.

5. Special Rules for Children from Contiguous Countries (UAC Screening)

- a. The TVPRA states that any UAC found to be a national or resident of a contiguous territory to the US shall be subject to the screening process as they may return.
- b. UAC Screening: If the UAC wishes to withdraw the application for admission they may do so if CBP determines the following three criteria:
 - i. The CBP must determine, on a case by case basis, if the UAC is able to make an independent decision. CBP must take into consideration:
 - ii. If UAC is (b) (7)(E) [REDACTED] they can make an independent decision unless factors indicate otherwise.
 - iii. Any UAC (b) (7)(E) [REDACTED] unable to make an independent decision unless factors indicate otherwise.
- c. The UAC should not have a fear of returning to his/her country of nationality or last residence due to a credible fear of persecution.
 - i. The CBP FORM 93 will provide for the UAC to express that fear during the screening process.
 - ii. If the UAC or the CBP indicates a fear is likely to exist then removal proceedings will be initiated under INA 240 and the UAC will be transferred to ORR custody.

6. Visa Waiver Program (VWP).

- a. (b) (7)(E) [REDACTED]

(b) (7)(E)

b. (b) (7)(E)

7. All Other Children

- a. Any UAC who has not met the exceptions above and CBP wishes to remove that UAC from the US must be placed in removal proceeding under INA 240. The Juvenile Coordinator within ORR, ICE Detention and Removal Operations (DRO), and Division of Unaccompanied Children’s Services (DUCS) must be notified immediately of the situation. Notification must occur within 48 hours from the apprehension, discovery of a UAC, or any claim/suspicion that an alien in custody is unaccompanied and under 18 years of age.
- b. CBP will process UAC and complete the necessary documents for inclusion into the A-File, along with providing the alien with a Form I-770, Notice of Rights and Disposition of Juveniles.
- c. If alien is (b) (7)(E) and transferred to ORR, then ORR will sign the issued Form I-862, Notice To Appear (NTA) on behalf of the UAC. Custody to ORR will be performed normally through DRO no later than 72 hours after determining the alien is a UAC, this will include any UAC that is amenable to criminal prosecution.
- d. While being detained by CBP awaiting transfer to ORR, the UAC will be held in accordance to CBP guidelines for detention of juveniles.

8. Summary

- a. To successfully accomplish the mission, an agent that processes an alien for admission or removal must ensure to determine whether the alien is considered to be a UAC.
- b. If it is determined if the alien being processed is a UAC then assess the risk of trafficking and/or credible fear by following all stipulated guidelines in the TVPRA of 2008 and utilize CBP Form 93.

- c. If the UAC is to be processed for removal proceedings under INA 240 then process the UAC expeditiously as per CBP and TVPRA guidelines.
- d. If the UAC is determined to be at risk of trafficking and/or credible fear then detain and transfer the UAC as per CBP and TVPRA guidelines.

Lesson 1: Introduction to e3 Processing; Day 1

Description

Purpose

e3 Processing is the computer application used to process undocumented aliens, alien smuggling cases, and other apprehensions and seizures made by the Border Patrol. This course will familiarize you with the e3 Processing system. (b) (7)(E)

(b) (7)(E)

This will give Border Patrol Agent trainees the ability to process apprehensions with th (b) (7)(E) Quick VR, Full VR, (b) (7)(E)

Objectives

Terminal Learning Objective

AP.1 Upon apprehending a subject who is amenable to removal and/or criminal proceedings, the agent will use the e3 Processing system to complete and process various forms according to existing operating instructions, policy memorandums, and regulations.

Enabling Learning Objectives

AP.1.1 (b) (7)(E)

AP.1.3

AP.1.5

AP.1.6

AP.1.7 (b) (7)(E)

AP.1.8 (b) (7)(E)


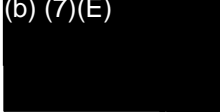
AP.1.9 Identify Quick VR screen items, and demonstrate necessary steps to process an alien.

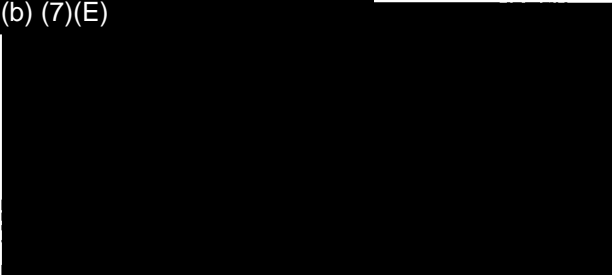
AP.1.10 (b) (7)(E)

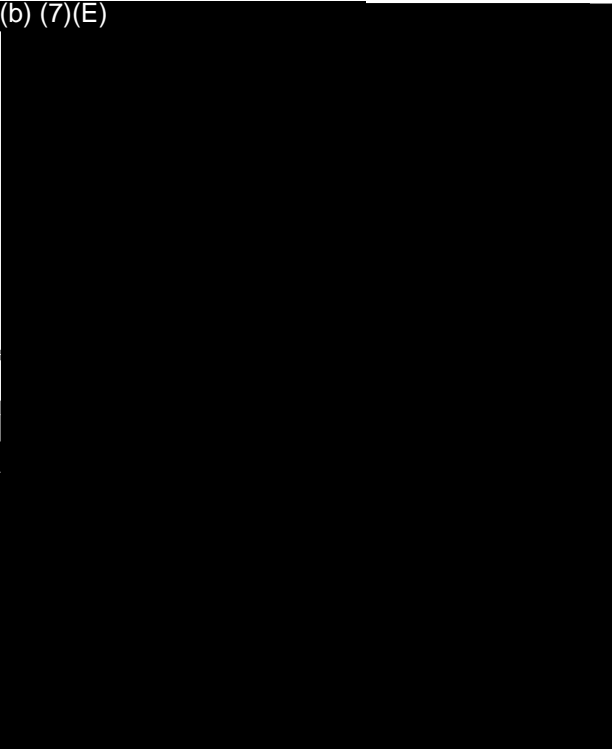
AP.1.11 Identify and complete the information (b) (7)(E) (b) (7)(E) contained in the Quick VR screen.

Length

(b) (7)(E)

- a. (b) (7)(E)  (b) (7)(E) 

- b. (b) (7)(E) 

- c. (b) (7)(E) 

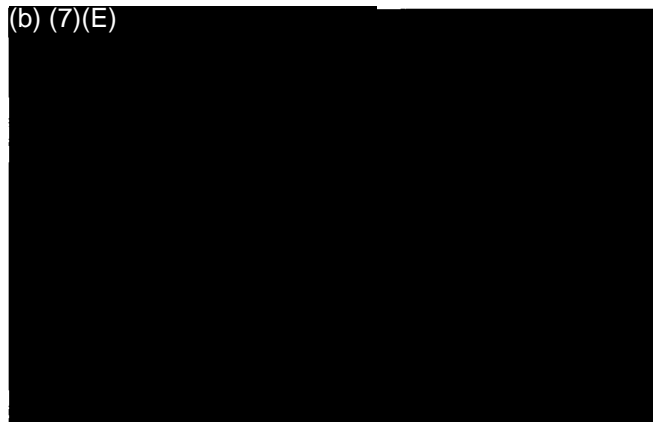
7. Disposition

- a. After obtaining all pertinent data relating to the case, the processing officer will record his/her recommendation for the disposition of the SUBJECT, following outstanding Service policy and guidelines.
- b. The four types of dispositions that can generally be recommended on an I-213 are:
 - i. Prosecution;

- ii. Removal;
- iii. Voluntary departure; OR
- iv. V/R (Voluntary Return) without safeguards (Form I-210).


8. Justification for Notice to Appear (NTA) -

(b) (7)(E)



9. Justification for Warrant of Arrest (WA)

(b) (7)(E)



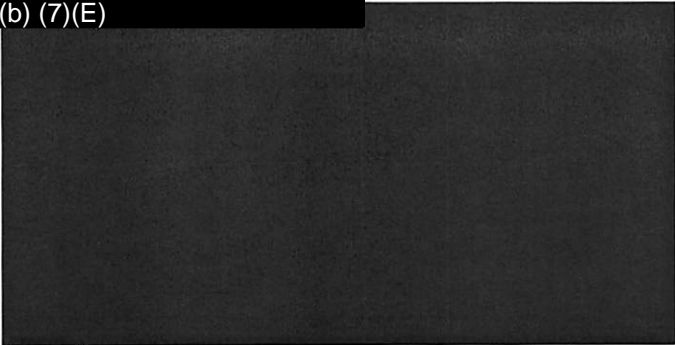


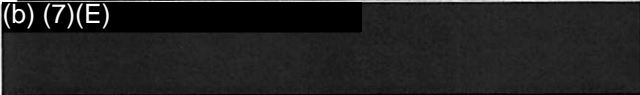
(b) (7)(E)



IV. Introduction to e3 Processing

A. Background:

- 1. The Immigration and Nationality Act (INA) empowers Border Patrol Agents to apprehend immigration law violators and remove undocumented aliens from the United States. Further, Title 19 and Title 21 cross designation authority grant Border Patrol Agents the authority to make arrests for a wide variety of federal crimes to include controlled substance violations. These authorities and crimes are discussed during Applied Authority.

2. In order to accomplish this task the Office of Border Patrol designed the e3 processing (e3) system to facilitate the processing procedure and to reduce the amount of time that agents spend on manual administrative work which is necessary for the successful completion of both administrative and criminal casework. e3 was designed by Border Patrol Agents specifically for Border Patrol Agents, and implemented during Fiscal Year 2009.
3. The previous application, Enforce, was not solely designed for the Border Patrol's mission, but for use by multiple agencies within the Department of Homeland Security. Although Enforce would allow Border Patrol Agents to process their arrests and complete all necessary casework, the multi-agency design was not efficient and did not allow the system to change as the Border Patrol's missions, goals and policies rapidly evolved after September 11, 2001.
4. (b) (7)(E) 
5. (b) (7)(E)  (b) (7)(E) 
6. (b) (7)(E) 
7. Some examples of the available casework are simple Voluntary Return, a variety of administrative removals, Alien Smuggling and Controlled Substance violations. Remember this is not a complete list and not all aspects of e3 are covered in this course. Once all necessary data is entered the user can print all required forms.

3. During this section, the user will be taken step by step through the Quick VR path. After each block is explained, the instructor will direct the trainee to input (b) (7)(E)

D. Navigation within e3 Processing

1. (b) (7)(E)

(b) (7)(E) This course will discuss the Quick VR, Full VR, Non-responsive to Non-responsive (b) (7)(E)
2. (b) (7)(E)
3. (b) (7)(E)
4. (b) (7)(E)
5. (b) (7)(E)
6. (b) (7)(E)

6. (b) (7)(E)

7. (b) (7)(E)

M. The Quick VR (b) (7)

1. (b) (7)(E)

(b) (7)(E)

(b) (7)(E)

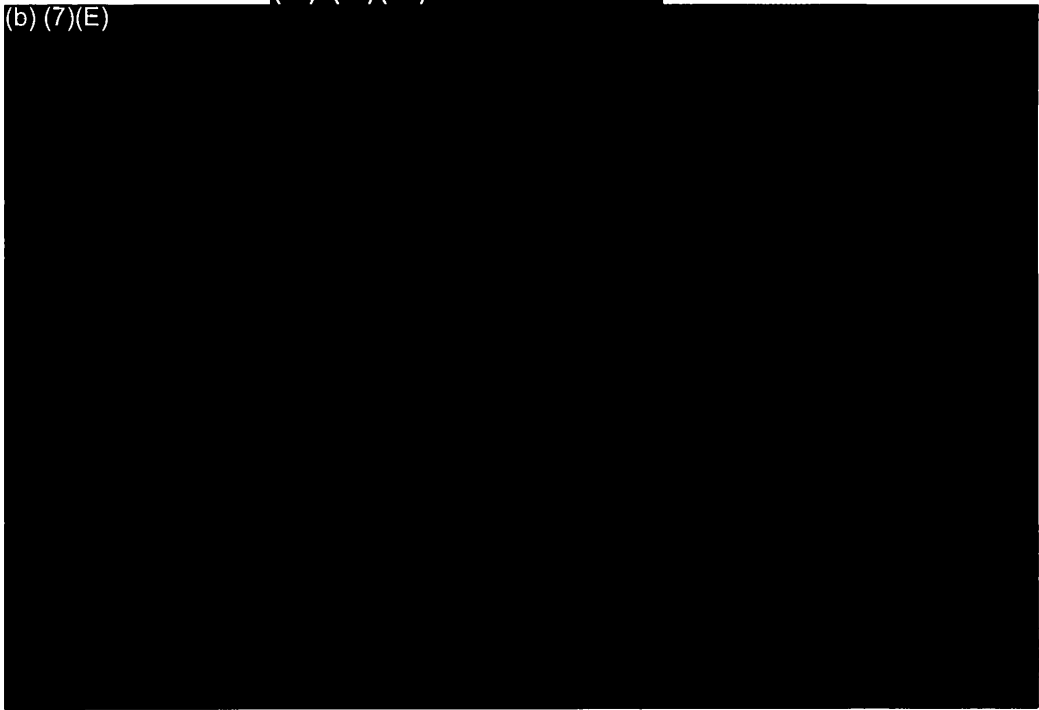
2. Some subjects processed in this path will be granted Voluntary Return and no further processing will be needed. The Quick VR (b) (7)(E) generates all necessary paperwork: I-213 Record of Inadmissible/Deportable Alien, and I-826 Notice of Rights and Request for Disposition or I-770 Notice of Rights and Request for Disposition (Juvenile). The entire content of each form should be committed to memory to ensure the processing agent understands the required data and purpose for each.
3. To process an inadmissible or deportable alien complete the following steps:

- a. (b) (7)(E)



b. The Record Voluntary Return Screen shown

below (b) (7)(E)



c. The Quick VR screen's data entry fields are

(b) (7)(E)

(b) (7)(E)

(b) (7)(E)

- iii. (b) (7)(E)
- iv. [Redacted]
- v. [Redacted]
- vi. [Redacted]
- vii. [Redacted]
- viii. [Redacted]

(b) (7)(E)

- d. (b) (7)(E)

4. Subject Block

- a. (b) (7)(E)

- b. Date and time the VR event occurred. Complete (b) (7)(E)

- c. Enter subject's A-File number if available (not required for VR).

- d. (b) (7)(E)

- e. Enter subject's country of birth or accept default.
- f. Enter subject's gender.
- g. Enter the subject's date of birth. The system will calculate the age; OR

h. Enter subject's age (b) (7)(E)
(b) (7)(E)

i. If a subject is an accompanied juvenile, the adult subject must be processed first. When processing the juvenile, select the adult accompanying him or her in the juvenile block.

j. Enter the city of birth. This is a free text field.
(b) (7)(E)

k. Enter the state of birth (b) (7)(E)
(b) (7)(E)

l. (b) (7)(E) return to the VR screen

5. (b) (7)(E)

entry when recording family relationships for multiple subjects and VR events.

6. (b) (7)(E)

(b) (7)(E)

a. Enter father's name, country of citizenship, and country of birth. The first name is mandatory.

c. Country of citizenship and country of birth
(b) (7)(E)

(b) (7)(E)

i. (b) (7)(E)

ii. (b) (7)(E)

(b) (7)(E)

iii. (b) (7)(E)

iv. (b) (7)(E)

15. Form I-826/I-770 Block

- a. e3 captures the data needed to complete the Form I-826, Notice of Rights and Request for Disposition. e3 captures the subject’s name, the name of the person who read the subject their rights, and in what language the rights were read.
- b. Upon arresting an individual for an immigration offense, and prior to post-arrest questioning and processing, the subject will be provided Form I-826 (Notice of Rights and Request for Disposition). The subject will be given adequate time to read and understand these rights.
- c. To complete the Record Voluntary Return/I-826 fields, perform the following steps:

(b) (7)(E)

i. (b) (7)(E)

ii. (b) (7)(E)

- iii. Enter the language in which the subject was read his/her rights; the field defaults to Spanish, but this is a free text field and will accept any entry. The I-826 does not automatically print in Spanish. To print an I-826 in Spanish, choose the I-826 format at the top and then select Spanish in the next box. The VR will then print in Spanish.

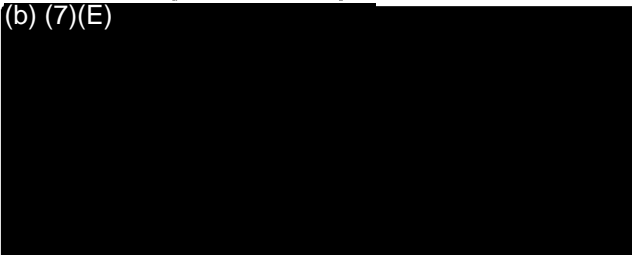
16. I-826 NOTICE OF RIGHTS AND REQUEST FOR DISPOSITION

- a. A Border Patrol Agent must give the Form I-826 (Notice of Rights and Request for Disposition) to every alien who is arrested with or without a warrant (other than Salvadorans or juveniles).
- b. After an arrest and after an officer has determined that removal proceedings will be instituted, or that voluntary departure (including a departure via a Voluntary Departure Notice, I-210) will be offered, the I-826 must be issued.
- c. Form I-826 explains to persons in custody why they have been arrested and the procedures they face, as well as to inform them of their rights. Form I-826 also allows the alien to request one of the following choices for his disposition.
 - i. The alien may request a hearing before an Immigration Court to determine eligibility to remain in the United States; OR
 - ii. Alien may indicate that he/she has a fear of persecution if returned to

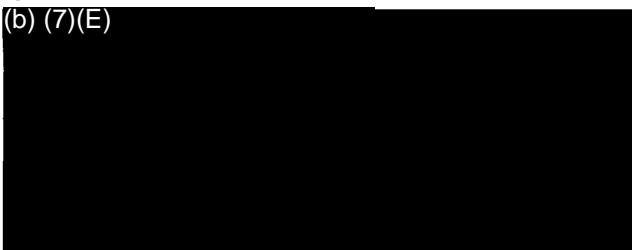
country of citizenship and may seek a hearing; OR

- iii. Alien may admit that he/she is in the United States illegally, faces no harm in country of origin and waives right to a hearing and request return to country of origin as soon as possible.

d. (b) (7)(E)



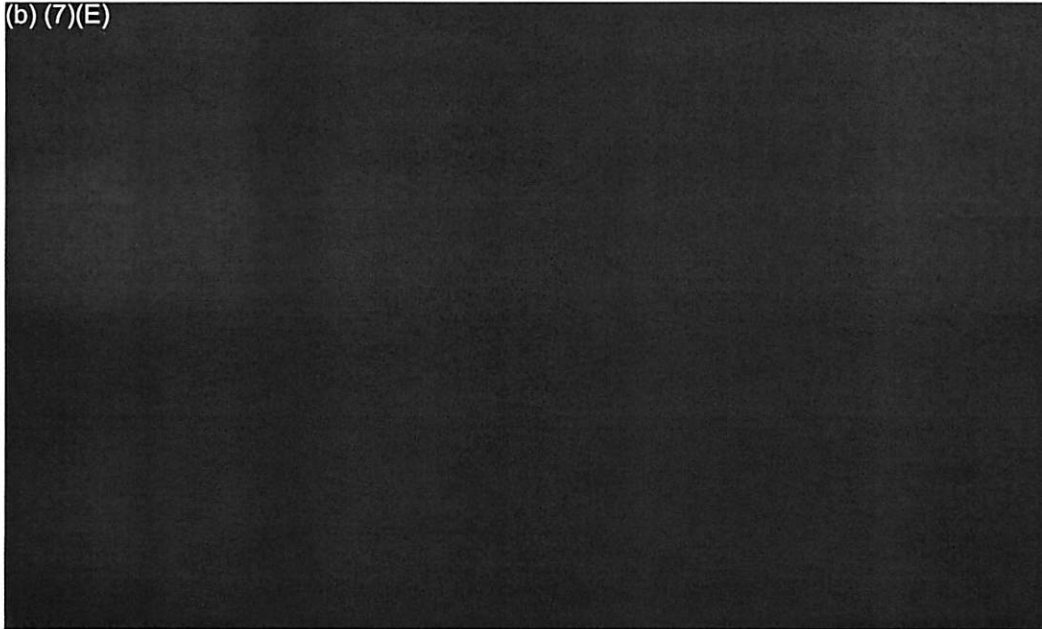
e. (b) (7)(E)



17. I-770 – Juveniles Rights (Perez Decision)

- a. Form I-770 (Notice of Rights and Request for Disposition), is required to be given to all persons taken into custody and who appear, are known, or claim to be under the age of eighteen, and who are not accompanied by one of their natural or lawful parents. (The I-826 is used when a juvenile is accompanied. The accompanying parent may also sign the I-826 for the juveniles if unable to sign themselves).
- b. No juvenile in this category can be offered or permitted to depart voluntarily from the United States until after having been given this notice.
- c. One of the requirements of the I-770 is that the juvenile be allowed to use the telephone to contact a relative or friend in the United States.
- d. The purpose of this call is to permit the juvenile to seek advice as to whether to voluntarily depart or whether they should request a removal proceeding. Border Patrol Agents are required to make a record of any refusal to accept our offer of a telephone call.

- e. To access and complete the Record Voluntary Return/I-770 Information screen, perform the following steps:



- ii. (b) (7)(E)
- iii. (b) (7)(E)
- iv. (b) (7)(E)
- v. (b) (7)(E)
- vi. (b) (7)(E)

- f. The Department has the right to decide when to allow telephone calls. The only prohibition is that the juvenile cannot be asked to voluntarily depart until after telephone access has been provided.

- g. If the juvenile is not offered voluntary departure, but is put into removal proceedings by the issuance of a Notice to Appear, this form and procedure is not necessary. It is our duty to make reasonable efforts to contact the person of the minor's choice, but after unsuccessful efforts to reach that person, we can attempt to contact another such person.
- h. Whenever a minor elects to pursue a process, such as a call to a foreign country, which is operationally unacceptable, we can always proceed to issue a Notice to Appear.
- i. The minor must tell the agent the relationship type of the person that he/she talked to (i.e. parent, relative, etc.), but need not give us that person's name or identifying information.
- j. If a juvenile, of his own volition, asks to talk to a consular officer, this will satisfy the requirements of the notice.
- k. Officers are not to offer any advice to any minor as to what he/she should or should not do.

18. (b) (7)(E)

19. (b) (7)(E)

(b) (7)(E)

20. (b) (7)(E)

- (b) (7)(E)
- (b) (7)(E)
- k. (b) (7)(E)
- l. (b) (7)(E)
- 21. (b) (7)(E)
- 22. (b) (7)(E)
- (b) (7)(E)
- a. (b) (7)(E)
- b. (b) (7)(E) (b) (7)(E)
- c. (b) (7)(E)
- 23. Logging Off (b) (7)(E)
 - a. Upon completion of the VR screen,
 - (b) (7)(E)
 - i. Click (b) (7)(E) save the information in the VR screen.
 - (b) (7)(E)
 - ii. (b) (7)(E)
 - b. (b) (7)(E)
 - i. (b) (7)(E)
 - OR
 - ii. (b) (7)(E)
 - iii. (b) (7)(E)

Appendix A: Pre-Class Assignment

Narrative Assignment

(b) (7)(E)



Instructor Note: Check the trainees narrative to make sure it complies with law enforcement standards, has the proper flow, etc. Have the trainee correct any mistakes you may find.

Answer the Following Questions

1. (b) (7)(E)

2. (b) (7)(E)

- A. (b) (7)(E)
- B.
- C.
- D.

3. (b) (7)(E)

4. For a Voluntary Return, what is the correct event type? (b) (7)(E)

5. (b) (7)(E)

6. (b) (7)(E)

7. (b) (7)(E)

8. (b) (7)(E)

e3 Processing: Day 1 – Appendix

9. When completing the I-826, there are three options that an alien can chose from. What are they? **1. Hearing before the Immigration Court 2. Fear of persecution 3. Request return to country of origin as soon as possible (Voluntary Return).**

10. (b) (7)(E)

