



INDEX OF CBP FOIA PRODUCTIONS ON ACCESS TO COUNSEL POLICIES

Production # (Pg. range)	Document	Description	Date	Key Information
1 (001 - 002)	CBP Office of Field Ops Memo: Attorney representation during the inspection process	CBP policy on attorney presence in primary, secondary & deferred inspection	07/30/03	No rep in prim & sec (but officers can allow "helper" in appropriate cases); deferred inspection characterized as "continuation of a secondary inspection"; in deferred, att'y can observe/ consult w/client, but not respond to or direct Qs.
1 (003 - 005)	CBP/AILA meeting agenda & responses	Qs & CBP responses on access to counsel at San Ysidro "Barracks" & filing of NTAs for individuals in CBP custody	12/09/08	CBP does not file NTAs, port processing must occur w/in 24 hrs. - if not may go to temporary facilities (Barracks 5) but will be returned to POE for issuing NTA prior to transport to regular detention facility
1 (006)	CBP/AILA Liaison/LACBA meeting agenda & responses	Qs & CBP responses on representation in deferred inspection	03/02/09	No right to rep during deferred insp, but att'y may be allowed by Supervisor upon request to observe/consult.
1 (007)	CBP Standard Operating Procedures for Secondary Immigration Case Processing	Guidance for "dealing with attorneys and other representatives" for "inadmissible aliens"	?	No right to rep during pr/sec insp unless focus of crim investigation, but may allow rep to provide assistance where appropriate. Directs to 8 CFR 292.5(b) & AFM, Chapter 12.

1 (008 - 009)	St. Albans' restrictions on access to counsel at Ports of Entry policy	Policy description from St. Albans Area Port prompted by AIC/AILA letter providing examples of denials of access to counsel (see Production 1[10-15])	? (after May 2011)	At Highgate Springs, Derby Line POEs, no new policy barring counsel from L & TN adjudications; att'ys may be present but not respond to Qs (esp re: admissibility) for clients during sec inspection; disputes existence of complaints re: access to counsel; outlines policy for allowing counsel to be present/confer w/ clients but not respond to Qs
1 (010 - 018)	AILA/AIC Letter to CBP Commissioner Bersin	Letter reporting restrictions on access to counsel by CBP, with attached list of incidents	05/11/11	Includes incidents from Highgate, Derby Line, Logan Airport, Indianapolis, Dulles Airport, San Ysidro & Miami
1 (019 - 020)	Emails, Boston CBP Acting Area Port Director & Boston Logan Airport Chief CBPO	Reporting policy change for representation at deferred inspections: att'ys should be allowed to sit in (observe/consult) at deferred inspection at all ports in Boston Field Office	6/24/2011-7/9/2011	Notes on 7/9/2011, had not received any requests for presence of counsel at deferred inspections at Logan; At BFO area port, counsel had previously not been permitted in deferred inspections; due to change in policy, supervisor should be nearby in all cases to intervene in case attorney attempts to "represent" client.
1 (021)	Emails, Boston CBP Acting Area Port Director & Providence Port Director	Reporting policy change that att'ys should be allowed to sit in (observe/consult) at deferred inspection in all ports in Boston Field Office	06/24/11	Same as 19-20. Providence port director notes that this is a "dramatic change in policy".
1 (022 - 023)	Letter, ACLU - SD & Cooley Godward & Kronish, to AILA-SD	Reporting that CBP officials at San Ysidro "Barracks 5" facility would be changing policy to allow access to counsel	01/22/08	
1 (024)	Border Patrol SD Memo: FOIA Request Pertaining to Barracks 5	Re: FOIA Request by ACLU, Cooley Godward & Kronish	12/28/08	

1 (025 - 027)	ACLU SD FOIA Request	Requesting info re: detainees, arrests, detention, bond, voluntary departure, att'ys access to clients, other temporary holding facilities, booking procedures, transfers at Barracks 5 (San Ysidro)	12/18/08	
1 (028)	Letter ACLU SD, to SD CBP Field Ops	Seeking meeting re: lack of access to counsel at Barracks 5, noting will litigate if issue not resolved	12/04/08	
1 (029)	Letter, SD CBP Field Ops Director to SD Border Patrol Chief	Informing of ACLU letter re: counsel at Barracks 5	12/11/08	
1 (030)	Letter, SD CBP Field Ops Director to ACLU	Informing of meeting w/ AILA on the issue, and directing further questions to SD Border Patrol	12/10/08	
1 (031 - 032)	Letter, SD Border Patrol Chief to ACLU	Providing policy for attorney access to San Ysidro Barracks 5	02/13/09	Provides process for access, notes that detainees have access to telephones and those who requested hearings have received lists of free legal services providers.
1 (033 - 034)	Interview & Interrogation, Ch. 16: Att'ys and Reps	Excerpt from manual	?	Directs to 8 CFR 292; 103.10; 103.20; from Border Patrol Handbook?
1 (035 - 037)	CBP/AILA meeting agenda & responses	Same materials provided on pages 3 - 5	12/09/08	
1 (038)	8 CFR 292.5	text of the regulation	?	
1 (039)	IFM 17.1(e) Deferred Inspection: Att'y Rep at Onward Office	excerpt of Inspector's Field Manual on representation in deferred inspection	revised 5/16/2005	Individuals do not have right to counsel during deferred inspection, but att'ys may be allowed upon request to CBP supervisor; att'ys may only observe & consult.

1 (040)	IFM 44.8(d) Conveyance Seizure - Notification, Att'ys	excerpt of IFM on notice to attorneys (after a conveyance seizure?)	?	After filing g28, att'ys can get copies of notification letters, previous correspondence, decision letters, & client's sworn statement - but no other investigative material; att'ys may be attend interviews but not in place of their clients. All w/r/t conveyance seizures?
1 (041)	IFM 17.8(9.11.2.1 & .2) Detention of Aliens at PoEs	excerpt of IFM on communication privileges of individuals detained for more than 2 hours after a personal search (of "internal carriers/ smugglers")	revised 1/12/2009	Can have OFO personnel notify someone (including att'y) of delay if continuation of personal search process more than 2 hrs.; notification should use Attachment 2 of the Personal Search Handbook, see Production 1(50); individual not allowed to consult w/ att'y at any time before Miranda warnings are required & invoked
1 (042)	Excerpt, Houston/ Galveston Port policy: secure detention & transport of detainees	policy for notice for personal search ("internal carriers/ smugglers")	?	Unless probable cause determined, detainee can invoke notice procedure (see Production 1(41)); no consulting w/ att'y pre Miranda warning/invocation; details of notice call must be recorded on I-213
1 (043 - 044)	Personal Search Handbook 3300-04b, Chapter 2(o): What You Need to Know for a Personal Search, Detention After 2 Hours	excerpt from handbook providing personal search delay notice policy	?	If detained 2 hrs. during continuation of personal search process, can have CBP notify someone, incl att'y; 2 hrs. begins at initial patdown or when get permission to do juvenile search, body scan; time during prior interviews, baggage & vehicle exams does not count; notice can be by phone or in person; document cuts off, see also Production 1(48-49)
1 (045)	IFM 17.1(g) Att'y rep at deferred inspection	IFM excerpt	?	Different version of document at Production 1(39); this version also states that questions on counsel at deferred inspection should go to CBP Field Counsel.

1 (046 - 047)	CBP/AILA/LACBA Liaison meeting questions & responses	CBP response re: right to counsel in pr/sec insp when client is the focus of crim investigation	09/14/09	Process is that CBP will provide individual w/ Miranda warning & ability to invoke if becomes focus of crim investigation.
1 (048 - 049)	Personal Search Handbook 3300-04b, Chapter 2(o): What You Need to Know for a Personal Search, Detention After 2 Hours	same document as at Production 1(43 - 44), but continues past where previous doc cuts off	?	Additional info: person notified can be att'y but individual can't consult w/counsel unless Mirandized, invoke rights; CBP supervisor or passenger service rep should make notice; record: when notice made, info on person notified, and/or if detained person declined to make notification.
1 (050)	Personal Search Handbook, Attachment 2: Contact Advisory of CBP Detention	script for making personal search notifications, add'l info that notifier may provide	?	Does not apply to detentions for admissibility determinations or removal; Personal search is not an arrest; CBP counsel can contact att'ys who want more info on legal authority of CBP for personal searches
1 (051)	Personal Search Handbook Chapter 10(d): Misc., personal searches beyond patdown	Excerpt from handbook re: requests for att'y during personal searches	?	Inform individuals that no interrogation will take place, so no right to att'y; CBP may ask routine admin qs but not interrogate; Info obtained may be inadmissible in crim proceedings if don't Mirandize & get waiver before interrogating beyond administrative qs
1 (052 - 054)	Blaine Field Office Weekly Muster: Dealing with att'ys & other reps at PoEs	policy on right to counsel and penalties for impeding officers' duties; excerpts Fed Reg, IFM, AFM, regs, statutes, IA security policy	04/02/12	Same info provided elsewhere, but also: "[s]ubsequent admin[] proceedings (NTA) will determine whether or not an alien is admissible or excludable and it is at this point that the alien has the right to representation"; provides what to do if att'y interferes w/ inspection & possible penalties for such interference.
1 (055)	IFM 17.1(e) Att'y rep at deferred inspection	IFM excerpt	?	See Production 1 (39)

1 (056)	Email from unknown sender re: Att'y Rep during Inspection	includes some text from memo at Production 1 (1 - 2)	8/25/2003, forwarded 7/24/12	See Production 1(1 -2)
1 (057 - 060)	Emails between Baltimore Field Office Ops Specialist on Border Security & Baltimore Dir. of Field Ops	emails re: restrictions on access to counsel, responding to qs re: counsel at deferred inspections in Baltimore or Dulles CBP facility	5/18/2011-6/27/12	Must distinguish between "examination" under 292.5(b), for those admitted and "inspection," for applicants for admission; No right to counsel in deferred inspection (secondary inspection), permitted only in discretion of CBP; Will use discretion to not allow disrespectful, disruptive att'ys. Generally, people in secondary inspection are not allowed to make phone calls.
2 (1)	Attorney Representation at Deferred Inspection sign	LAX sign re: att'y rep in deferred inspection, w text of IFM 17.1 (e)	?	
2 (2 - 3)	CBP/Nevada AILA Liaison meeting agenda & responses	CBP responses re: local CBP training & policies for att'y rep	11/16/07	CBP secondary inspection officers trained on att'y/client relationship & "it's [sic] limitations in regards to the enforcement" of the INA, are aware of G28s, no right to rep under 292.5(b) but must notify friend or relative if processing takes more than 2hrs; local policies: 292.5(b) and "national guidelines" that are part of local operating procedures
2 (4 - 6)	CBP/LACBA/So CA AILA Liaison meeting agenda & responses	CBP responses re access to att'ys for individuals in exp removal	10/18/10	Att'ys cannot request CBP reconsider decision to order ER re: no right to counsel in pr/sec inspection & ER generally completed w/in 1 day; cites IFM 2.9

2 (7 - 8)	LAX Draft Passport Control Muster: Att'y inquiries re: admissibility issues	draft guidance re: responding to att'y requests regarding admissibility of noncitizens in secondary or deferred inspection and inadmissible aliens	?	No rtc in secondary or deferred, but CBP management only may speak to att'ys as a courtesy; Mgmt official should accept offered evidence of admissibility from att'ys if it will not delay the inspection BUT NOT allow arguments re: admissibility or for favorable use of discretion (e.g. waiver, parole); May inform the att'y about decisions in secondary that have already been made.
2 (9 - 11)	LAX Draft Passport Control Muster: Att'y inquiries re: admissibility issues & guidance on responding to imm att'y phone calls	document at Production 2 (7-8) w/ fewer redactions; guidance to CBP management on responses to attorney questions	03/15/10	Same as Production 2 (7-8), plus: What to do if att'y is "rude, abusive or threatening"; Guidance for phone calls: do not discuss particular cases in advance of arrival; can inform att'ys of disposition of inspection, date/country of deportation, if case was turned over to DRO or another LEA; att'ys cannot contact clients in secondary, but noncitizens may make calls after inspection if will not interfere w/ transfer/departure. CBP "may pass the attorney's phone number to the alien is [sic] requested" Att'y threat to file lawsuit or contact media should be "treat[ed] as threatening behavior" See also Production 3 (111-112)
3 (061)	Contact advisory of CBP detention	Script & form w/ procedure for providing notice of 3 hour + detention in secondary	?	Contact for notice may be an att'y; Individual not permitted to contact anyone (including att'y) until CBP processing is complete

3 (062 - 066)	Seattle, WA SOP: Secure Detention Procedures for Arriving Passengers in a Secure Area, attachments	SeaTac Int'l Airport guidelines for temporary detention, including third party notifications, with attached Contact Advisory form, see also Production 3 (061), Declination of Notification form, Discretionary Authority Checklist	03/16/10	See less redacted version of page 63 at Production 10 (1 - 2).
3 (067 - 077)	Border Patrol Memo: Implementation of TVPRA, attached unaccompanied children processing guidance and UAC screening form	Interim guidelines & screening form for unaccompanied children apprehended at border or POEs	03/20/09	Includes standards for the temporary detention of unaccompanied children by CBP; policy for UACs to accept voluntary return; (redacted) questions for screening for trafficking victims or those w/ credible fear of return See less redacted version of page 68 at Production 10 (3 - 4).
3 (078 - 080)	Notice of Rights to Salvadorans	Blank form	?	Includes notice of right to counsel
3 (081 - 082)	Buffalo CBP/AILA Liaison meeting agenda & responses	CBP responses about attorney presence at L1 processing at POEs	03/13/08	CBP addresses such issues on case-by-case basis, but not CBP policy or practice to deny admission if att'y arrives late
3 (083 - 084)	Interview & Interrogation, Ch. 16: Att'ys and Reps	same document at Production 1 (33-34)	?	
3 (085 - 086)	IFM 17.1(g) Att'y rep at deferred inspection	nonredacted portion is same document at Production 1 (41)	?	

3 (087-92)	Emails from AIC Executive Director, CBP Admissibility & Passengers Program, and Boston Field Office, attached memo	emails re: restrictions on counsel in New England field offices (esp inconsistent policies re: counsel in deferred inspections at VT POEs, Logan) in response to AIC/AILA inquiry (see Production 1 (10 - 18); attached is same doc at Production 1 (8 - 9)	5/11/11-5/27/11	Different policies w/r/t att'y access to deferred inspections and inspections involving adjudication of L-1 petitioner/TN status at different New England POEs: VT has no policy barring attorneys, Highgate Springs allows att'ys in deferred, VT offices keep open lines of communication w/ att'ys w/r/t L-1 & TN processing; Logan does not generally allow att'ys into deferred though allows some phone inquiries, provision of documents by attorneys; Boston FO "mandated a more open approach to attorney presence at deferred inspections" for Logan
3 (093 - 097)	Buffalo Muster: DoS Consular Notification & Access; attachments	Buffalo muster on consular notification processes, including list of countries w/ mandatory c.n.; c.n. fax sheet; script saying consular reps may be able to help find counsel	03/08/10	
3 (098 - 102)	Email, CBP/S. FL AILA Liaison meeting agenda & attached meeting agenda questions	AILA questions re: att'y access to deferred inspection and arriving aliens, but no responses	9/1/2011, forwarded 7/20/12	
3 (103 - 105)	CBP/LACBA/So CA AILA Liaison meeting agenda & responses	CBP responses re: right to counsel where applicant for admission has become focus of a criminal investigation, taken into custody	09/14/09	"When the CBP officer examines an alien under these limited circumstances, the officer will advise the alien of his/her Miranda rights and afford the alien an opportunity to assert those rights and request that his/her attorney be present for the interrogation."
3 (106 - 108)	CBP/LACBA/So CA AILA Liaison meeting agenda & responses	CBP response re: att'ys seeking to challenge ER decisions	10/18/10	There is no way for an att'y to request CBP reconsider ER decision

3 (109 - 110)	Laredo Field Office Muster: Improper Use of I-214 for Admin Rights	policy regarding when CBP officers should administer Miranda-like warnings to noncitizens	10/25/09-10/31/09	Directs officers not to "prematurely or erroneously" administer warnings during NTA-processing, notes officers had provided warnings at this stage & noncitizens had refused to answer questions, provide sworn statements; "Issuing Miranda-type warnings is not appropriate during this initial phase of administrative processing and may mislead the alien by giving the false impression that he or she has a right to an attorney and not make a statement. This hinders CBP's ability to sustain the gov't's allegations that the alien is subject to removal." NTA provides required warnings; no Miranda warnings where only contemplated legal action is removal
3 (111 - 112)	LAX Draft Passport Control Muster: Att'y inquiries re: admissibility issues	Same document at Production 2 (7-8), (9-10), but with additional unredacted info	?	
3 (113)	Cover of the Personal Search Handbook (CIS HB 3300-04B)	cover w/o any pages from the handbook attached	Jul-04	Excerpts of handbook at Production 1 (43-44, 48-51)
3 (114 - 116)	Laredo SOP: Secondary Immigration Case Processing	Excerpt from policy on secondary imm case processing, re: dealing with attorneys	?	Refers to AFM, 292.5(b); no rtc in primary/secondary, inspecting officer may allow relative, friend or rep to provide assistance
3 (117)	Letter, Miami Airport Ass't Port Dir. to S. FL AILA	Responding to an inquiry re: att'y access to deferred inspection	04/29/11	Deferred inspection is a continuation of POE inspection; No rtc unless applicant is focus of crim investigation & taken into custody; Att'y access at discretion of supervisory officer
3 (118 - 120)	Form G-28	Blank version of form.	Rev. 4/22/09	

4 (1 - 3)	IFM Appendix 17-4: Materials related to <i>Flores v. Reno</i> settlement	Excerpts IFM Appendix, including exhibits to Flores settlement on re: processing, treatment & placement of noncitizen minors; agreement re: counsel visits to juvenile detention facilities	07/18/97	Juveniles in custody must get list of free legal service providers; No minor rep'ed by counsel should be transferred w/o advance notice to counsel, except in unusual & compelling circumstances
4 (4 - 9)	Border Patrol Handbook, Ch. 5: Civil Rights in Law Enforcement (issued but withdrawn)	Excerpts of handbook addressing constitutional rights (4th, 5th & 6th Ams), law enforcement violations of rights, consequences of violations; & advisals of rights	? (post 2001)	<p>287.3 advisals should occur after decision to issue NTA or after arrest warrant is served on noncitizen; people compelled to appear by subpoena entitled to counsel under 292.5(b), advisals of rights; "If persons indicate in any manner, at any time before or during questioning, their wish to remain silent, interrogation must stop. If they want to consult counsel or have counsel present, interrogation must be suspended until the request has been satisfied. They must express any waiver of the right to remain silent and to have counsel present in clear and unequivocal terms."</p> <p>"Even though persons questioned are entitled to representation, counsel may only advise clients whether they should answer specific questions. Counsel may not claim privilege against self-incrimination Counsel is limited to an advisory function in such cases and may not participate in or obstruct inquiries. Moreover, counsel is not entitled to cross-examine persons interviewed or to direct questions to interrogators for the record."</p> <p>See less redacted version of pages 6 and 7, plus page not previously provided, at Production 10 (5 - 8).</p>

4 (10 - 11)	Tucson Border Patrol Memo: Phone Calls and Visitors to Aliens in Detention	policy for phone calls and visits, including by att'ys, to noncitizens in BP custody pending transfer to long-term detention or removal	12/20/04	<p>Access to telephone governed by Lopez v. INS settlement: must provide reasonable access to telephone, list of free legal service providers, & not less than 2 hrs. to contact an att'y;</p> <p>No obligation to allow visits to noncitizens in custody pending transport to long-term detention or removal;</p> <p>"If the alien requests to speak to an attorney during processing, then we may obtain certain 'booking information' from the alien . . . but not alienage. . . . (Note: We should already have determined alienage before placing the subject under arrest in the field, so this should not be a problem.) Once we obtain this 'booking information, we must stop questioning and follow the above 3 steps. During the 2-hour period, we may not question the alien, but we may still run fingerprint and record checks, etc. After the 2-hour period, we may resume questioning even if the alien has been unable to contact an attorney."</p> <p>No obligation to verify for callers if a particular person is detained at station or to put a detained noncitizen on the phone to answer a call, even from att'y</p> <p>See less redacted version of pages 6 and 7, plus page not previously provided, at Production 10 (9 - 11)</p>
4 (12 - 14)	Tucson Border Patrol SOP 12: Telephone Use & Release of Information of Subjects in Custody	Policy for use of telephones by noncitizens in custody; release of info re: individuals in custody	Sep-10	<p>Detainees held more than 24 hrs. (calculated from time of apprehension) will have access to telephone, including to call an att'y & have access at least once/day</p>

4 (15 - 18)	Tucson CBP Field Office Muster: Miranda rights and subsequent admin processing	Guidance to Tucson CBP on when <i>Miranda</i> warnings apply, what conduct is appropriate when they are invoked	11/04/08	In general, no <i>Miranda</i> warnings necessary when determining admissibility unless focus shifts to criminal prosecution, then must provide warnings & if rights invoked, questioning must stop.
4 (19 - 20)	Email from Tucson CBP	Email describing incident w/ private att'y, looking for his client, who entered CBP detention facility area	6/16/2012, forwarded 6/29/12	
4 (21 - 25)	S FL AILA request for OIG Investigation; S FL AILA/ CBP correspondence re: deferred inspections	elaborating Miami CBP officers' interference w/ representation of "non-arriving aliens" & USCs in deferred inspection interviews	02/24/2011 - 04/12/2011	No substantive response from CBP on the issue; attachments not included.
4 (26)	Letter, CBP to AILA President	Response to complaint at Production 4 (21-25)	04/29/11	Does not address concerns specific to groups other than "arriving aliens"; No rtc in deferred inspection unless pending crim investigation; access is discretion of supervisor
4 (27 - 29)	Email, Miami CBP	Response to AILA/AIC complaint, see Production 1 (10-18), re: access to counsel in deferred inspection, addressing incidents incl those discussed in complaint at Production 4 (21 - 26)	05/11/2011 - 05/20/2011	CBP Miami Deferred Inspection does not have a broad-based policy prohibiting att'ys during inspection; inspectors have discretion to evaluate totality of circumstances and permit att'y presence as appropriate

4 (30 - 44)	Emails, Baltimore CBP Field Office	Responses from/within OFO & Baltimore CBP to AIC/AILA complaint, see Production 1 (10-18). Some of same docs appear at Production 1 (57 - 60)	05/11/2011 - 05/18/2011, forwarded 7/27/12	From Ass't Exec Dir., Admissibility & Passenger Prog: "Regulations do not allow for legal representation to applicants for admission unless we are contemplating criminal proceedings, however, current policy and practice allow for limited attorney presence at deferred inspections, at the discretion of the supervisor in charge We do not support expanded access, and would like to be able to demonstrate that current policies and practices adequately reflect existing statutory and regulatory protections."
4 (45 - 47)	Blaine Field Office Weekly Muster: Dealing with att'ys & other reps at PoEs	Same document at Production 1 (52 - 54)	04/02/12	
4 (48)	Free legal service providers	EOIR list for Montana & Idaho	04/04/12	
4 (49 - 50)	Form G-28 and instructions	Blank form	09/26/00	
4 (51 - 57)	Free legal service providers	EOIR Lists for: Montana & Idaho, AZ (in Spanish), AZ (in English)	01/06/09, ?, 03/07/2012	
4 (58 - 68)	Correspondence, ACLU-SD, AILA-SD & CBP	Same documents at Production 1 (22 -32)	1/22/2008 - 2/13/2009	
4 Supplement (1-5)	Border Patrol guidelines: interview of individuals represented by att'ys	Legacy INS interview guidelines	07/16/86	In both civil & crim proceedings, INS must notify att'ys of intention to interview clients, except routine service/execution of warrants, subpoenas, etc.; physical inspection of premises; interviews unrelated to rep; where notification would jeopardize investigation
5 (1-2)	Champlain, NY Muster: att'y rep at deferred inspections	excerpts of policy; text from IFM Ch. 17.1	2008 (muster); ? (IFM)	IFM 17.1 also at Production 1 (45)

6 (1 - 2)	Form I-214 Warning as to Rights - Interview Log	Blank form from DOJ/INS (in English, shorter script in Spanish)	9/1/1982?	Warning includes right to talk to att'y before questioning & have att'y present during questioning, but re: criminal matters
6 (3 - 4)	Form I-826 Notice of Rights and Request for Disposition	Blank form (in English & Spanish)	04/01/97	Includes advisal of right to counsel to represent at imm ct hearing or answer questions re: legal rights
6 (5 - 10)	Reproduction of doc produced at 4 (4 - 9)			
6 (11 - 14)	CBP HQ Policy: Secure Detention, Transport & Escort Procedures at Ports of Entry (3340-030B)	Excerpts from national guidance on temporary detention and third party notifications by CBP	8/8/2008 (reviewed August 2011)	For purposes of directive, "detention and custody" by CBP begins when individual is referred to secondary; Provisions re: personal search notifications same as Production 1 (41)
6 (15 - 16)	Reproduction of doc produced at 3 (109 - 110)			
6 (17 - 19)	Reproduction of doc produced at 3 (114 - 116)			
6 (20 - 32)	Reproduction of Cover Letter 2 and Production 2 in their entirety			
6 (33 - 34)	AILA/CBP Liaison meeting minutes	excerpts of minutes addressing attorneys delayed from meeting clients at POEs	03/13/08	If att'y, w/ client's L-1 petition papers, is delayed from meeting client at POE (Peace Bridge), att'y should call shift supervisor to coordinate application process; Clients shouldn't be forced to be processed w/o paperwork or w/o att'y who has certain docs
6 (35 - 39)	Reproduction of doc produced at 3 (093 - 097)			

6 (40 - 54)	Border Patrol Hold Rooms & Short Term Custody Memo, Juvenile Detention Log	national policy for short-term custody of individuals taken into custody by Border Patrol & held in facilities under CBP control	01/31/08	Includes (redacted) limits on detention time in CBP hold rooms; policies for treatment of unaccompanied children and other minors; special requirements for juvenile hold rooms
7 (1 - 2)	Officers' Manual (M-68)	excerpts from national guidance addressing noncitizens' questions to officers re: obtaining representation & appropriate questioning techniques	? (pre-DHS)	"In no case should [the noncitizen] be informed that he should not obtain an attorney. The person making such inquiry should be informed that he has the right to be represented at his own expense by an attorney in proceedings before the Service." Officers can't decide whether he needs attorney or recommend particular attorneys or bonding companies; During questioning, a noncitizen "should always be fully informed of his rights"
8 (1)	Free legal service providers	EOIR list for Seattle, WA	04/10/08	
8 (2)	Form I-214 Warning as to Rights - Interview Log (Spanish)	Blank form	11/05	
8 (3)	Email, Assistant Port Director, Passenger Operations, Blaine, WA	Circulating muster regarding att'ys and reps at POEs (see 1 (52 - 54))	04/03/12	
8 (4 - 6)	Blaine Field Office Weekly Muster: Dealing with att'ys & other reps at PoEs	Same document at Production 1 (52 - 54)	04/02/12	

9 (1 - 2)	Office of Field Ops Memo to Miami Field Ops: OCRCL Case Referral	Request for information from Miami Field Ops after OCRCL opened investigation based on S FL AILA complaint re: denials of access to counsel	02/05/13	Requesting information regarding policy on counsel in deferred inspections, Miami office's procedure for responding to att'y requests to be present during d.i., and whether officers threaten att'ys who wish to be present or make disparaging remarks against att'ys who are not present during d.i.
9 (3 - 7)	S. Fla. AILA letter to DHS Office of Inspector General	Request for OIG investigation of Miami CBP deferred inspections	12/02/10	Requesting investigation and providing examples of interference with and disparaging remarks about counsel
9 (8 - 12)	Miami Field Ops Memo to Office of Field Ops: OCRCL Case Referral	Responding to Office of Field Ops Memo (see 9 (1 - 2))	02/22/13	<p>Stating that there is no right to counsel at deferred inspection (unless crim investigation is initiated) for applicants for admission, and that, pre-Vartelas, this included LPRs convicted of a crime and that USCs would not be in d.i. unless citizenship was not discovered prior to d.i. interview. Also stating that Miami has no broad-based policy against allowing att'ys into d.i. interviews; decision is at discretion of supervisor. Fails to respond to most specific instances in complaint - but specific response is attached w/r/t one incident(see 9 (15 - 16)).</p> <p>Includes 4 attachments: at 9 (13), 9 (14), 9 (15 - 16), and 11 (23 - 24)</p>

9 (13)	Miami Field Ops letter to S. Fla AILA: Response to complaint	Attachment to memo at 9 (1 - 2) Acknowledging receipt of letter expressing concern regarding CBP conduct at deferred inspections from John Pratt, President S. Fla. AILA, and providing policy w/r/t counsel at d.i.	04/29/11	Stating that there is no right to counsel at deferred inspection (unless crim investigation is initiated) and that att'y presence is at discretion of supervisor officer; noting that CBP takes allegation of officer misconduct seriously but cannot release information regarding disciplinary actions against officers.
9 (14)	IFM 17.1(g) Att'y rep at deferred inspection	Attachment to memo at 9 (1 - 2)	?	
9 (15 - 16)	Miami Field Ops description of incidents w/ att'y at deferred inspection	Attachment to memo at 9 (1 - 2) Describing two incidents w/ an att'y, one in Dec 2010 and the other on 7/12/11	?	
9 (17 - 20)	CBP Miami Field Office/ AILA Liaison Meeting Minutes	Qs & CBP responses on issues including contact info for att'ys w/ clients detained at airport to use, representation in deferred inspection	08/14/12	
10 (1 - 2)	Excerpt of Seattle, WA SOP: Secure Detention Procedures for Arriving Passengers in a Secure Area, attachments	Less redacted version of one page of document produced at 3 (62 - 66)	03/16/10	Newly unredacted information (previous version at 3 (63)) explains whom the Port Director must consult when evaluating prolonged detentions in baggage control ("personal searches"), both during and after office hours.

10 (3 - 4)	Excerpt of Border Patrol Memo: Implementation of TVPRA, attached unaccompanied children processing guidance and UAC screening form	Less redacted version of one page of document produced at 3 (67 - 77)	03/20/09	Newly unredacted information (previous version at 3 (68)) explains documents that CBP should accept as proof of temporary guardianship, examples of other proposed guardians for whom HHS must make a determination regarding their ability to care for an unaccompanied child.
10 (5 - 8)	Excerpt of Border Patrol Handbook, Ch. 5: Civil Rights in Law Enforcement (issued but withdrawn)	Less redacted version of two pages of document produced at 4 (4 - 9), as well as additional page of Handbook not previously provided	? (post 2001)	Newly unredacted information (previous version at 4 (6 - 7)) explains 42 USC § 1983, advises officers to be aware of potential 5th & 6th Am violations during interviews and interrogations, and distinguishes between consensual questioning, brief detentions based on reasonable suspicion, and arrests. Page not previously provided provides CBP policy w/r/t avoiding charges of duress, procedure for obtaining consent to enter homes and other buildings.
10 (9 - 11)	Tucson Border Patrol Memo: Phone Calls and Visitors to Aliens in Detention	Less redacted version of document produced at 4 (10 - 11)	12/20/04	Newly unredacted information explains that the legal interpretations in the memo were provided by a CBP Ass't Chief Counsel.
10 (12 - 19)	Emails from AIC Executive Director, CBP Admissibility & Passengers Program, and Boston Field Office (including Hartford, Providence, Logan Airport ports)	Partially redacted version of two emails initially withheld in full from CBP employees in Hartford and Providence regarding change in policy for counsel at deferred inspections, as well as the same documents released at 1 (19 - 20), 1 (21), and 3 (87 - 89)	5/11/2011 - 7/9/2011	Newly released email from Supervisor in Hartford (Bradley Airport) expresses surprise at new policy and email from Assistant Port Director in Providence expresses notes that att'ys need only be allowed into deferred inspections if they specifically request to be present and that they may only be present to observe (not answer questions, etc.).

11 (1 - 3)	Tucson Assistant Chief Counsel memo: Release of detainee information/ telephone inquiries	Partially redacted version of document previously withheld in full. Unredacted portions provide excerpts from an unidentified manual, form I-826, and the Statement of Records Notice for the ENFORCE database.	08/20/10	Provides that individuals detained for more than 24 hrs. will be given access to a telephone, that "processing agents" may allow phone calls at their discretion, and that UACs should have access to a phone as soon as practicable. Includes that statement of rights provided on Form I-826 (Notice of Rights & Request for Disposition). Provides that info should be released to family members to determine if an individual has been arrested for imm purposes by DHS, the location of the individuals in custody, and whether an individual has been removed - if the family member provides the individual's A# or verifiable of a familial or agency relationship w/ the individual.
11 (4 - 5)	Emails, Buffalo Field Office & Office of Chief Counsel	Partially redacted version of document previously withheld in full; attachments to emails provided at 11 (6 - 10); 11 (11 - 22). Regarding access to counsel for individuals in CBP custody.	11/5/08 - 11/6/08	Quotes 8 CFR § 292.5(b), most other text redacted.
11 (6 - 10)	8 CFR § 292.5	Attachment to emails at 11 (4 - 5) providing text of regulations from Lexis	?	
11 (11 - 22)	Boukhris v. Perryman, 2002 U.S. Dist. LEXIS 1913 (N.D. Ill. Feb. 7, 2002) (unpublished)	Attachment to emails at 11 (4 - 5) providing text of case and notes from Lexis	02/07/02	Court notes that 292.5(b) provides right to counsel in examinations, but holds that INS did not need to notify counsel prior to the examination at issue in this case.

11 (23 - 24)	Miami Associate Chief Counsel memo: Outside Counsel Presence During Deferred Inspections	Partially redacted version of document previously withheld in full, which was an attachment to memo at 9 (1 - 2). Memo to Supervisory CBP Enforcement Officer in the Office of Deferred Inspections	04/03/09	Only unredacted portions quote 8 CFR § 292.5(b); IFM 17.1(e).
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