

Appendix 8: United States – List of Ego-Alter Links and Descriptions

ego	alter	type	link description
POE Expedited Removal	department_of_homeland_security	Direct	The Department of Homeland Security ('DHS') is the overarching cabinet-level agency responsible for identifying and processing asylum seekers and other individuals in need of protection at borders, as well as in the interior of the US. ¹
POE Expedited Removal	secretary_exec_mgmt_dhs	Indirect	The Office of the Secretary and Executive Management plays a leadership role in 'directing the Department's efforts to prevent terrorism and enhance security, secure and manage borders, enforce and administer the Nation's immigration laws ...' ² This includes efforts to process asylum seekers at the southern border, as well as administering immigration laws relating to asylum and other forms of international protection.
POE Expedited Removal	secretary_osem_dhs	Indirect	The Secretary of Homeland Security 'oversees Department of Homeland Security (DHS) efforts to ... secure and manage our borders while facilitating trade and travel, enforce and administer our immigration laws.' ³ This includes overseeing, enforcing and administering laws relating to asylum and the processing of people at borders attempting to raise a protection claim.
POE Expedited Removal	chief_of_staff_osem_dhs	Indirect	The Chief of Staff 'is responsible for coordinating policy initiatives and other actions of the Department's components, directorates, and offices. The COS oversees DHS activities, assists the Deputy in managing DHS operations, and supports the Secretary.' ⁴ This includes coordinating policy initiatives and other actions relating to processing asylum seekers at the southern border.
POE Expedited Removal	military_advisor_osem_dhs	Indirect	The Military Advisor's 'essential functions include: Deploying at the discretion of the Secretary and Deputy Secretary for major incidents or other contingencies. Serving as the focal point for DHS-DoD collaboration through established working groups and a cooperative approach to homeland security, homeland defense, and incident management. Being a key advisor to DHS senior staff and Components on matters involving policy and procedure development, information and resources exchanges, and operations between DHS and DoD.' ⁵ This includes the deployment of DoD personnel at the southern border to assist CBP. "The duties to be performed by military personnel include the same categories of support as those currently being carried out along the border, including detection

¹ See Department of Homeland Security, *FY 2021 Budget in Brief* (Report, 9 February 2020) <<https://www.dhs.gov/publication/fy-2021-budget-brief>>.

² Ibid at 11.

³ 'Office of the Secretary', *Department of Homeland Security* (Web Page) <<https://www.dhs.gov/office-secretary>>.

⁴ Office of the Secretary and Executive Management, *Budget Overview: Fiscal Year 2021 Congressional Justification* (DHS Report, 10 February 2020) 72 <https://www.dhs.gov/sites/default/files/publications/office_of_the_secretary_and_executive_management.pdf>.

⁵ 'Office of the Military Advisor', *Department of Homeland Security* (Web Page) <<https://www.dhs.gov/about-office-military-advisor>>.

			and monitoring, logistics, and transportation support to U.S. Customs and Border Protection,” according to the DoD statement.’ ⁶
POE Expedited Removal	executive_secretary_osem_dhs	Indirect	The Executive Secretary ‘is the principal liaison between the Department and its Components, and coordinates all external correspondence for the Immediate Office of the Secretary and all directorates.’ ⁷ The Executive Secretary works with components like CBP, ICE, and USCIS to coordinate all external correspondence, including correspondence related to asylum for various audiences including Congress and the public.
POE Expedited Removal	deputy_secretary_osem_dhs	Indirect	‘The Deputy Secretary’s role is to provide internal oversight of all Departmental operations’. ⁸ The Deputy Secretary is responsible for providing accountability and oversight of all of DHS, including components responsible for referring or adjudicating asylum claims, such as USCIS, CBP, and ICE. ⁹
POE Expedited Removal	strategy_policy_plans_osem_dhs	Indirect	The Office of Strategy, Policy, and Plans (‘PLCY’) ‘serves as a central resource to the Secretary and other Department leaders for policy development and review, strategic planning and analysis, and facilitation of decision-making on the full breadth of issues that may arise across the dynamic homeland security enterprise. PLCY is responsible for strengthening our Nation’s homeland security by developing DHS-wide policies, programs, and planning to promote and ensure the highest level of performance, quality, consistency, and integration in the execution of all homeland security missions. PLCY represents and coordinates the consolidated DHS position at White House interagency committee meetings.’ ¹⁰ This includes issues related to asylum and the southern land border.
POE Expedited Removal	strategy_policy_plans_exec_osem_dhs	Indirect	The Executive Office ‘manages the following: The Executive Secretariat functions; training and education programs, which include intern and Presidential Management Fellow programs; operations and resource management; Freedom of Information Act requests and inquiries; Privacy and Audit Liaison functions; and the Department’s coordination process for Policy Coordination Committees (PCCs). Moreover, The Executive Office provides a centralized coordination point for developing and communicating policies across multiple sub offices within PLCY, throughout the Department, and across the homeland security enterprise.’ ¹¹ This includes policies relating to asylum and the southern land border.

⁶ Oriana Pawlyk, ‘US Military’s Deployment to the Southern Border Has Been Extended Another Year’, *Military.com* (online, 25 June 2020) <<https://www.military.com/daily-news/2020/06/25/us-militarys-deployment-southern-border-has-been-extended-another-year.html>>.

⁷ *Budget Overview: Fiscal Year 2021 Congressional Justification* (n 4) 72.

⁸ Ibid.

⁹ Carrie Cordero, ‘Reforming the Department of Homeland Security Through Enhanced Oversight & Accountability’ (Research Report, Center for a New American Security, 12 May 2020).

¹⁰ *Budget Overview: Fiscal Year 2021 Congressional Justification* (n 4) 36.

¹¹ Ibid.

POE Expedited Removal	threat_prevention_security_plcy_osem_dhs	Indirect	The Office of Threat Prevention & Security Policy ‘supports the Department’s mission to secure the Homeland by countering terrorism, transnational criminal organizations, ... human trafficking, and emerging threats, and addressing ... screening and vetting, watchlisting, information sharing, identity management and credentialing, and biometrics through the development and coordination of department-wide strategy, policy and plans’ ¹² ‘In these interrelated roles, [the former Assistant Secretary of Homeland Security for Threat Prevention and Security Policy] served on the DHS leadership team and led policy development and DHS diplomatic engagements on various issues, including border security and immigration, asylum and refugee policy’ ¹³
POE Expedited Removal	strategy_plans_analysis_risk_plcy_osem_dhs	Indirect	“[T]he Office of the Assistant Secretary, Strategy, Plans, Analysis & Risk (SPAR) controls the development of DHS strategy documents. SPAR creates the two main documents that detail DHS’ long-term strategic planning, the QHSR [Quadrennial Homeland Security Review] and the DHS Strategic Plan. These two documents serve as the basis in determining DHS’ strategic priorities, plans, and areas of focus....’ ¹⁴ ‘The purpose of the QHSR is to “be a comprehensive examination of the homeland security strategy of the Nation, including recommendations regarding the long term strategy and priorities of the Nation for homeland security and guidance on the programs, assets, capabilities, budget, policies, and authorities of the Department.”’ ¹⁵ These strategic priorities include work regarding asylum seekers, the US southern border, and other policy and legal initiatives which impact asylum seekers. For example, as of 2014, DHS considered the following among its strategic priorities: ‘Secure and Manage U.S. Borders’ and ‘Enforce and Administer our Immigration Laws’. ¹⁶
POE Expedited Removal	border_immigration_trade_plcy_osem_dhs	Indirect	‘Border, Immigration & Trade Policy (BIT) supports DHS’s border security and immigration missions by developing and coordinating policies on the transit of people and goods across U.S. borders.... On immigration matters, BIT consolidates Component statistics and conducts quantitative studies to assess immigration trends and effects, advises Department leadership on immigration policies and regulations, and engages interagency counterparts on immigration policies.’ ¹⁷ These data and quantitative studies would include individuals seeking asylum, as well as advising on policies and regulations and in interagency settings on immigration policy impacting asylum seekers.
POE Expedited Removal	international_affairs_plcy_osem_dhs	Indirect	‘On January 4, 2016, Secretary Johnson announced a number of ongoing and new actions that will address recent trends and improve southwest border security, including increasing border security,

¹² Ibid.

¹³ ‘Seth Stodder’, *Criminal Investigations and Network Analysis: A DHS Center of Excellence* (Web Page, 2021) <<https://cina.gmu.edu/people/seth-stodder/>>.

¹⁴ Michael A Davis Jr, ‘Looking Beyond the Horizon: Modelling DHS Net Assessment’ (Master’s Thesis, Naval Postgraduate School, March 2020) 21.

¹⁵ Ibid at 22.

¹⁶ Ibid at 23.

¹⁷ *Budget Overview: Fiscal Year 2021 Congressional Justification* (n 4) 37.

			cracking down on criminal smugglers, and expanding cooperation with international partners. All of these measures, in concert with actions undertaken by our interagency and regional partners, will make it that much more difficult for extra-hemispheric migrants to move unimpeded into and through Central America and Mexico and approach the U.S. border.’ ¹⁸
POE Expedited Removal	public_affairs_osem_dhs	Indirect	‘DHS and State carried out several public information campaigns between 2013 and 2015 intended to dissuade citizens of El Salvador, Guatemala, and Honduras from migrating to the United States.... The campaigns ran in El Salvador, Guatemala, Honduras, and Mexico, with ads placed on radio and TV stations, and on billboards, bus stops, and in and on buses (see fig. 3). According to an official from DHS CBP’s Office of Public Affairs, in developing the 2013 dangers of the journey campaign, DHS incorporated feedback from various U.S. agencies and a working group composed of several DHS components; the embassies of El Salvador, Guatemala, and Honduras; and other international and nongovernmental organizations.’ ¹⁹ ‘DHS continues to work with DOS and other partners to create opportunities for media in the region using DHS spokespeople to discuss migration to the United States, as well as to update its messaging campaigns and create new media products for use with Central American audiences.’ ²⁰
POE Expedited Removal	strategic_communications_pa_osem_dhs	Indirect	Strategic Communications ‘provides overall management for implementation of communication plans relating to DHS programs and policies, rules/regulations, and complex domestic and international issues requiring extensive outreach and public education.’ ²¹ ‘Under President Trump, the Department of Homeland Security (DHS) rolled out the controversial parent-child separation policy, also known as zero tolerance, and the Migrant Protection Protocols program (MPP) in 2018–19. How DHS conducts strategic communications about such controversial policies is directly related to public and stakeholder perception of these policies.’ ²²
POE Expedited Removal	press_secretary_pa_osem_dhs	Indirect	The Press Secretary ‘coordinates media relations and serve as the spokespersons for the Secretary, senior leadership, and the Department.’ ²³ ‘DHS continues to work with DOS and other partners to

¹⁸ Written Evidence to the Committee on Foreign Affairs, Subcommittee on the Western Hemisphere, United States House of Representatives, Washington, DC, 22 March 2016 (Alan Bersin, Assistant Secretary and Chief Diplomatic Officer, PLCY Office of International Affairs) <www.dhs.gov/news/2016/03/22/written-testimony-plcy-house-foreign-affairs-subcommittee-western-hemisphere-hearing>.

¹⁹ Government Accountability Office, ‘Central America: Improved Evaluation Efforts Could Enhance Agency Programs to Reduce Unaccompanied Child Migration’ (GAO Report No GAO-15-707, 29 July 2015) 14.

²⁰ Evidence to the Committee on the Judiciary, Subcommittee on Border Security and Immigration, United States Senate, Washington, DC, 23 May 2018 (Richard M Hudson, Deputy Chief, Operational Programs, Law Enforcement Operations Directorate, US Border Patrol) 5.

²¹ *Budget Overview: Fiscal Year 2021 Congressional Justification* (n 4) 85.

²² Jonathan M Graham, ‘Strategic Communications and the Department of Homeland Security: Immigration Policies, Mixed Messaging, and Information Fratricide’ (Master’s Thesis, Naval Postgraduate School, March 2021) v.

²³ *Budget Overview: Fiscal Year 2021 Congressional Justification* (n 4) 85.

			create opportunities for media in the region using DHS spokespeople to discuss migration to the United States, as well as to update its messaging campaigns and create new media products for use with Central American audiences.’ ²⁴ ‘Under President Trump, the Department of Homeland Security (DHS) rolled out the controversial parent-child separation policy, also known as zero tolerance, and the Migrant Protection Protocols program (MPP) in 2018–19. How DHS conducts strategic communications about such controversial policies is directly related to public and stakeholder perception of these policies.’ ²⁵
POE Expedited Removal	communications_operations_pa_osem_dhs	Indirect	The Communications Operations Division provides ‘information directly to the public through our Department and components websites. Coordinating, integrating and synchronizing employee communications efforts of the Components and DHS headquarters.’ ²⁶ This Division facilitates both internal communication amongst DHS and its components, which includes communications around asylum and border enforcement law and policy, as well as external communication to the public through its websites. DHS and component websites include (or omit) critical information that individuals need to locate detained family members, apply for asylum, or engage in various other acts in pursuance of a protection claim.
POE Expedited Removal	legislative_affairs_osem_dhs	Indirect	The Office of Legislative Affairs (‘OLA’) serves as a ‘primary liaison to Members of Congress and their staff, to respond to inquiries from Congress and notify Congress of Department initiatives, policies, and programs’, ²⁷ which include programs related to border enforcement and asylum. OLA works to ‘enhance the ability of the Department to execute its missions by providing timely information to Members of Congress about our efforts to prevent terrorism and enhance security; manage our borders; administer immigration laws; secure cyberspace; and ensure disaster resilience’ essentially lobbying Congress in ‘an integrated approach that recognizes the interconnectedness of DHS’s legislative mission with a sound, robust and fully engaged staff to formulate the legislation recommendations that drive the priorities of the Administration and Secretary.’ ²⁸
POE Expedited Removal	assistant_secretary_la_osem_dhs	Indirect	The Office of the Assistant Secretary ‘advises the Secretary on key legislative strategies, facilitates the DHS Senate-confirmation process, clearly articulates DHS’ views in support of needed authorities and appropriations, and directs the Department’s complex congressional relations programs ensuring a cross-Departmental approach for DHS to speak with one, informed voice to

²⁴ Evidence to the Committee on the Judiciary, Subcommittee on Border Security and Immigration, United States Senate, Washington, DC, 23 May 2018 (Richard M Hudson, Deputy Chief, Operational Programs, Law Enforcement Operations Directorate, US Border Patrol) 5.

²⁵ Jonathan M Graham, ‘Strategic Communications and the Department of Homeland Security: Immigration Policies, Mixed Messaging, and Information Fratricide’ (Master’s Thesis, Naval Postgraduate School, March 2021) v.

²⁶ *Budget Overview: Fiscal Year 2021 Congressional Justification* (n 4) 85.

²⁷ *Ibid* at 87.

²⁸ *Ibid*.

			Members of Congress and their staffs. ²⁹ These legislative strategies and relations with Congress – including in relation to Congressional oversight of agency activities – often relate to asylum seekers and the southern border.
POE Expedited Removal	legislative_affairs_teams_la_osem_dhs	Indirect	‘The Legislative Affairs Teams serves as the primary liaison to Congress and advocates for the policy interest of the Administration and the Secretary, ensures that all DHS Components are actively engaged with Congress by responding to requests and inquiries from congressional committees, Members of Congress and their staffs, and fully participates in the DHS Senate confirmation process.’ ³⁰ This liaison and advocacy work with Congress – including in relation to Congressional oversight of agency activities – often relates to asylum seekers and the southern border.
POE Expedited Removal	general_counsel_osem_dhs	Indirect	The General Counsel’s work includes work relating to asylum and the ability of asylum seekers to access a fair and efficient process for refugee status determination, and in relation to engagements with foreign governments on policies seeking to prevent or make it difficult for people to access the asylum system.
POE Expedited Removal	general_law_gc_osem_dhs	Indirect	The ‘General Law Division (GLD) advises the Secretary and other Department leaders on legal issues associated with the management and operation of the Department. GLD regularly coordinates with Component Chief Counsel Offices on critical legal issues that are relevant to multiple DHS components. GLD oversees portfolios involved with administrative law; fiscal law; appropriations; the Vacancy Reform Act ... torts ... delegations and authorities; and environmental and property law matters.’ ³¹ Many of these purviews bear upon asylum law and policy, including administrative law matters, matters relating to the appointment of senior and other Department officials, torts committed by agency officials, as well as legal matters relating to the acquisition of land for the Trump Administration’s border wall effort.
POE Expedited Removal	ethics_law_gc_osem_dhs	Indirect	The ELD provides ‘guidance guidance related to related areas of law, such as procurement integrity and partisan political activity regulations and policies’ and advises on ‘complex and sensitive legal and policy matters both for individual questions and as related to DHS programs and operations.’ ³² These legal and policy matters, as well as partisan political activity issues, may involve asylum law and policy, or policies impacting the ability of individuals to access a fair and efficient refugee status determination process.
POE Expedited Removal	regulatory_affairs_gc_osem_dhs	Indirect	‘The Regulatory Affairs Law Division (RLD) advises the Secretary and Department leaders on legal and economic issues associated with DHS regulatory actions and ensures that those actions comply

²⁹ Ibid.

³⁰ Ibid.

³¹ *Budget Overview: Fiscal Year 2021 Congressional Justification* (n 4) 75.

³² ‘Attorney-Advisor (Open Continuous)’, *USAJobs* (Web Page, 22 February 2021) <<https://www.usajobs.gov/GetJob/ViewDetails/592974400>>.

			with constitutional, statutory, and other legal requirements. RLD manages the DHS regulatory docket, develops the DHS regulatory and deregulatory agenda, oversees the regulatory process for the Department, and provides leadership for regulatory and administrative law practice matters. This Division provides substantive legal review on numerous DHS regulations and manages the clearance of hundreds of interagency regulations each year. They also oversee execution of Executive Order 13771 - Reducing Regulation and Controlling Regulatory Costs and Executive Order 13777 - Enforcing the Regulatory Reform Agenda. ¹³³ This regulatory work includes work on asylum and other regulations that impact the ability of individuals to access the asylum process.
POE Expedited Removal	operations_enforcement_law_gc_osem_dhs	Indirect	‘The Operations and Enforcement Law Division (OELD) advises the Secretary and Department leaders on legal issues associated with enforcement and operational activities designed to protect the United States from, respond to, and recover from both natural and man-made threats. OELD is involved in the operations and enforcement of legal issues that concern Secretarial authorities, two or more DHS components, or the role of the Department in interagency operations. The Division provides legal advice regarding: air, land, and maritime domain security; border, cargo, and port security; counterterrorism; crisis-cell leadership; domestic-incident management; exercises; international law; law enforcement; national security; transportation security....’ ¹³⁴ Many of these areas relate to operational and legal issues that may impact asylum seekers and their ability to access the asylum process including, for example, operations at or between ports of entry along the southern land border.
POE Expedited Removal	immigration_law_gc_osem_dhs	Direct	The Immigration Law Division (‘IMM’) ‘provides expertise in U.S. immigration and nationality law, including removal, arrest and detention authorities, national security matters, asylum, refugee and other protection-related issues, matters related to unaccompanied minors and victims of human trafficking, inspection and admissibility issues, naturalization and citizenship, constitutional and international human rights of migrants, immigrant and nonimmigrant visas/status. IMM also assists with administrative and federal court litigation of immigration-related matters and immigration-related legislative, regulatory and policy initiatives.’ ¹³⁵
POE Expedited Removal	legal_counsel_gc_osem_dhs	Indirect	‘The Legal Counsel Division (LCD) advises the Secretary and Department leaders on significant legal issues associated with litigation; legislation; the Freedom of Information Act (FOIA); civil rights and civil liberties; privacy; and oversight matters involving Congress, the U.S. Government Accountability Office, and the DHS Inspector General. LCD regularly coordinates agency positions across the Department in high-profile legislative and litigation matters, to include numerous cases

¹³³ *Budget Overview: Fiscal Year 2021 Congressional Justification* (n 4) 75.

¹³⁴ *Ibid* at 75-76.

¹³⁵ ‘Office of the General Counsel’, *US Department of Homeland Security* (Web Page, 22 March 2021) <<https://www.dhs.gov/office-general-counsel>>.

			before the Supreme Court, that have large-scale implications for DHS and its components. ¹³⁶ This would include litigation related to asylum, metering, Operation Streamline, the 'Migrant Protection Protocols', as well as FOIA litigation.
POE Expedited Removal	management_division_gc_osem_dhs	Indirect	'The Management Division (MGMT) provides management, operational, and mission support to OGC Headquarter attorneys. Specific responsibilities include: financial oversight and budget planning; personnel management; employee training; management of controlled and executive correspondence; knowledge systems management; and strategic planning. MGMT engages with counterparts in component counsel and DHS HQ offices on cross-cutting management issues. ¹³⁷ This Division is involved in the training and management of employees that may work directly on legal and policy issues related to asylum, including the asylum process and policies and laws that impact whether a person is able to access the asylum process.
POE Expedited Removal	privacy_office_osem_dhs	Indirect	The Privacy Office ('PRIV') is 'required to protect individuals by embedding and enforcing privacy protections and transparency in all DHS activities, and has oversight of all privacy and disclosure policy matters including compliance with the Privacy Act of 1974, the Freedom of Information Act (FOIA), and the completion of privacy impact statements on all new programs and systems, as required by the E-Government Act of 2002. All DHS systems, technology, and programs that either collect personally identifiable information (PII) or have a privacy impact are subject to the oversight of the Chief Privacy Officer (CPO) and the requirements of U.S. data privacy and security laws. ¹³⁸ This includes ultimate responsibility for policies regarding FOIA in removal proceedings and expedited removal proceedings, related to asylum and other types of protection from harm. This would also necessarily include policies related to the disclosure of personally identifiable information provided by asylum seekers in their applications to foreign governments and other transnational or international entities.
POE Expedited Removal	foia_team_privacy_osem_dhs	Indirect	This Office's work would include FOIA requests relating to asylum seekers in removal proceedings, as well as FOIA requests for entities or individuals seeking disclosure of DHS policies, procedures, and other information relating to asylum-related programs (including MPP and metering), enforcement, or training. The FOIA Appeals and Litigation Team 'provides guidance and training on recent developments in the field of disclosure, including court decisions and current legislation. The team researches, analyzes, and evaluates complex FOIA requests to determine if the FOIA and

³⁶ *Budget Overview: Fiscal Year 2021 Congressional Justification* (n 4) 76.

³⁷ *Ibid* at 77.

³⁸ *Ibid* at 80.

			Privacy Act were properly applied during the original processing of a FOIA request. ³⁹ This work would also involve litigation around asylum-related FOIA requests.
POE Expedited Removal	policy_oversight_team_privacy_osem_dhs	Indirect	This team is dedicated to implementing accountability and continually improving DHS privacy processes and programs, such as in the development of the National Vetting Center (NVC)... ⁴⁰ The National Vetting Center was created to ‘coordinate the efforts of Federal officials to vet people seeking to enter or remain within our country. It will help fulfill President Donald J. Trump’s requirement that departments and agencies improve their coordination and use of intelligence and other information to identify potential threats to national security, border security, homeland security, and public safety.’ ⁴¹ People seeking asylum are vetted by the NVC.
POE Expedited Removal	civil_rights_civil_liberties_osem_dhs	Direct	The Office for Civil Rights and Civil Liberties (CRCL) ‘Communicates with individuals and communities whose civil rights and civil liberties may be affected by DHS activities, informs them about policies and avenues of redress, and promotes appropriate attention within the Department to their experiences and concerns. Investigates and issues recommendations regarding civil rights and civil liberties complaints filed by the public regarding DHS policies or activities, or actions taken by DHS personnel.’ ⁴² For example, the Office has coordinated ‘community engagement meetings with more than 400 governmental organizations in the review of DHS immigration and asylum-related policies or proposals; and opened/closed 801 complaint investigations relating to Family Separations, Indefinite Detention, and Religious Questioning at Ports of Entry.’ ⁴³
POE Expedited Removal	front_office_crcl_osem_dhs	Indirect	The Front Office ‘provides advice to DHS leadership on civil rights and civil liberties issues impacting the DHS programs and/or activities. This includes providing civil rights expertise regarding immediate issues affecting the DHS mission which implicate civil rights or liberties concerns.’ ⁴⁴ This might include providing civil rights expertise on Family Separation policies or other policies implicating the rights of those seeking asylum and their families.
POE Expedited Removal	programs_branch_crcl_osem_dhs	Indirect	‘The Programs Branch also ... coordinates outreach and engagement activities in communities where civil rights and civil liberties are particularly affected by DHS programs (Community Engagement Section). Additionally, the Programs Branch works to ensure that the Department’s programs and activities do not discriminate against individuals or prohibit access to the Department’s programs on the basis of race, color, national origin, limited English proficiency, age, sex, or disability, and that

³⁹ Ibid at 81.

⁴⁰ *Budget Overview: Fiscal Year 2021 Congressional Justification* (n 4) 81.

⁴¹ ‘The National Vetting Center’, *US Department of Homeland Security* (Fact Sheet, 6 February 2018) <<https://www.dhs.gov/news/2018/02/06/national-vetting-center>>.

⁴² *Budget Overview: Fiscal Year 2021 Congressional Justification* (n 4) 49.

⁴³ *FY 2021 Budget in Brief* (n 1) 12.

⁴⁴ *Budget Overview: Fiscal Year 2021 Congressional Justification* (n 4) 49.

			recipients of Federal financial assistance comply with their civil rights obligations (Antidiscrimination Group). ⁴⁵ This work might include community engagement ‘in the review of DHS immigration and asylum-related policies or proposals’ and ‘complaint investigations relating to Family Separations, Indefinite Detention, and Religious Questioning at Ports of Entry.’ ⁴⁶
POE Expedited Removal	community_engagement_programs_crcl_osem_dhs	Direct	The goal of CRCL is to ‘[c]ommunicate reliable information about federal programs and policies, including avenues for redress and complaints; Obtain feedback about community concerns and on-the-ground impacts of Department activities, in order to incorporate into the policymaking process community ideas and issues relating to civil rights and civil liberties; and Deepen channels of communication between communities and federal officials in order to facilitate solution of problems.’ ⁴⁷ These federal programs and policies include asylum-related policies and proposals, as well as rights violations resulting from the action of DHS officials, or from policies.
POE Expedited Removal	immigration_programs_crcl_osem_dhs	Indirect	The ‘immigration-related programs affect both U.S. citizens and non-U.S. citizens, including lawful permanent residents, asylum seekers, refugees, non-immigrant and immigrant visa holders, migrant workers, undocumented persons, and persons in detention.’ ⁴⁸ ‘The Immigration Section works with ICE to design and implement policies, procedures, and guidance to protect the civil and human rights of immigrant detainees while fulfilling the DHS mission. Reforms have included: an online detainee locator system; immigration detention policy; policy safeguarding parental interests; improved risk assessment tools; the development of guidance on the care of transgender detainees in ICE custody; monitoring use of segregation in detention; and revising ICE’s detention standards, including the Performance-Based National Detention Standards, the Family Residential Standards, and the National Detention Standards.’ ⁴⁹ ‘The CRCL Officer is the designated Department single point of contact for international human rights treaty reporting and coordination under Executive Order 13107. The Immigration Section works with DHS components to develop and advance protective policies, procedures, and training for victims of torture and persecution, battered immigrants, trafficked persons, and other needing special attention.’ ⁵⁰ This includes asylum seekers.
POE Expedited Removal	compliance_branch_crcl_osem_dhs	Direct	The Compliance Branch ‘investigates complaints from the public, media reports, and other sources, alleging civil rights or civil liberties violations by Department personnel or programs, including disability discrimination prohibited by the Rehabilitation Act of 1973, inappropriate use of force by

⁴⁵ Ibid at 51.

⁴⁶ *FY 2021 Budget in Brief* (n 1) 12.

⁴⁷ Ibid.

⁴⁸ ‘CRCL Immigration Section’, *US Department of Homeland Security* (Web Page, 31 March 2021) <<https://www.dhs.gov/crcl-immigration-section>>.

⁴⁹ Ibid.

⁵⁰ Ibid.

			DHS officers or agents, inadequate conditions of detention, violation of right to due process, and racial or ethnic profiling. CRCL makes formal recommendations to DHS Component leadership stemming from its investigations to address issues related to civil rights, such as changes to DHS policies, practices, and training.... ⁵¹ These complaints include complaints against US Customs and Border Protection officials for mistreatment, abuse and other misconduct against asylum seekers. ⁵²
POE Expedited Removal	partnership_engagement_osem_dhs	Indirect	The Office of Partnership and Engagement (OPE) coordinates the Department of Homeland Security's outreach efforts with critical stakeholders nationwide, including state, local, tribal, territorial (SLTT) governments, SLTT elected officials, SLTT law enforcement, the private sector, and colleges and universities, ensuring a unified approach to external engagement. OPE advocates and represents interests of these stakeholders through the Department's policy making process and as a conduit for the Secretary to engage with stakeholders or share information. ⁵³ This includes engaging with tribal governments on policies such as the construction of the Trump Administration's wall along the southern border and other policies that might impact asylum seekers, as well as policy engagements with the variety of other external actors. ⁵⁴
POE Expedited Removal	intergovernmental_affairs_pe_osem_dhs	Indirect	IGA also 'serves as an advocate for SLTT interests within the Department. IGA works with State and local officials and their representative associations to ensure that these viewpoints are heard and incorporated into the policy process.' ⁵⁵ These viewpoints may include views on border operations, as with border states such as Arizona and Texas, as well as on asylum seekers.
POE Expedited Removal	state_local_law_enforcement_pe_osem_dhs	Indirect	Through the Intergovernmental Public Liaison ('IPL'), OSLE 'liaises with state, local, tribal, and territorial governments and non-governmental organizations.' ⁵⁶ In addition, IPL 'serves the dual role of representing the intergovernmental and external perspective in the federal policymaking process, as well as clarifying the federal perspective to intergovernmental officials and external stakeholders.' ⁵⁷ This includes liaison work and input on policies relating to asylum seekers, including the detention of unaccompanied migrant children and Family Separation. Operation Stonegarden 'provides funding to support joint efforts to secure the United States' borders along routes of

⁵¹ *Budget Overview: Fiscal Year 2021 Congressional Justification* (n 4) 51.

⁵² Letter from the American Civil Liberties Union to US Department of Homeland Security Secretary Alejandro Mayorkas, 3 March 2021 <https://www.aclu.org/sites/default/files/field_document/2021_03_03_aclu_complaint_letter.pdf>.

⁵³ 'Office of Partnership and Engagement', *US Department of Homeland Security* (Web Page, 6 July 2021) <<https://www.dhs.gov/partnership-engagement>>.

⁵⁴ US Customs and Border Protection, *Released Record* (0001 - BW6 FOIA CBP 000899 – 001536, 31 October 2018) 000930.

⁵⁵ 'DHS Office of Intergovernmental Affairs Overview', *US Department of Homeland Security* (Fact Sheet) <<https://www.dhs.gov/sites/doi.gov/files/uploads/23-Homeland-Security-DHS-Intergovernmental-Affairs-IGA-Overview.pdf>>.

⁵⁶ 'DHS State and Local Law Enforcement Resource Catalogue', *US Department of Homeland Security* (Resource Catalogue Vol VI, May 2018) 17.

⁵⁷ Ibid.

			ingress/egress to and from international borders, to include travel corridors in states bordering Mexico ⁵⁸ which often results in these agencies encountering asylum seekers.
POE Expedited Removal	blue_campaign_pe_osem_dhs	Indirect	Law enforcement agencies ('LEAs') frequently have initial contact with asylum seekers who may also be victims of human trafficking, however research has shown that LEAs, including CBP and ICE, often 'failed either to recognise ... clients as human trafficking survivors or to comply with DHS's stated practice of referring them to adequate services and providing information about immigration relief.' ⁵⁹
POE Expedited Removal	private_sector_pe_osem_dhs	Indirect	The PSO 'advises the Secretary on the impact of the Department's policies, regulations, processes, and actions on the private sector, and fosters strategic communications with the private sector to enhance the primary mission of the Department....' ⁶⁰ DHS works 'work closely with industry to learn from their expertise, engage on best practices, and identify new opportunities to improve our operations.' ⁶¹ This includes work on data collection and use in making screening and other operational decisions that might impact asylum seekers, as well as technologies and procedures at or between ports of entry that might impact asylum seekers access to the asylum process.
POE Expedited Removal	loaned_executive_ps_pe_osem_dhs	Indirect	Positions recruited by DHS include, for example, 'a Loaned Executive to advise the Office of Intelligence and Analysis (I&A) Homeland Identities, Targeting, and Exploitation Center (HITEC) on the development and integration of Artificial Intelligence (AI) and Machine Learning (ML) technologies to be applied to intelligence and analysis programs within DHS I&A.' ⁶² According to DHS, 'Efforts to secure the border, identify and interdict criminal actors, and secure cyberspace will be aided by use of AI systems.' ⁶³ Using AI in pursuit of these goals can impact who is able to access an asylum process, or even who may be granted asylum where AI systems flag risk or other negative determination relating to an applicant.
POE Expedited Removal	academic_engagement_pe_osem_dhs	Indirect	The OAE '[t]aps the expertise of the nation's colleges and universities to address pressing homeland security needs', ⁶⁴ which may include research, advice and recommendations on policy, technology,

⁵⁸ Ibid.

⁵⁹ Katherine Soltis and Rebecca Walters, "'What's in a Name?': Mislabelling, Misidentification, and the US Government's Failure to Protect Human Trafficking Survivors in the Central American Refugee Crisis' (2018) 11 *Anti Trafficking Review* 85, 96.

⁶⁰ 'Private Sector Office', *US Department of Homeland Security* (Web Page, 30 January 2020) <<https://www.dhs.gov/private-sector-office>>.

⁶¹ Evidence to the Committee on Commerce, Science, and Transportation, Subcommittee on Tourism, Competitiveness, and Innovation, United States Senate, Washington, DC (26 June 2014, Private Sector Office acting Assistant Secretary Michael Stroud and CBP Office of Field Operations acting Assistant Commissioner John Wagner).

⁶² 'Private Sector Expert Technologist or Executive Technical Strategist, Artificial Intelligence and Machine Learning, I&A', *US Department of Homeland Security* (Assignment Announcement, Loaned Executive Program, 6 April 2020).

⁶³ 'U.S. Department of Homeland Security Artificial Intelligence Strategy', *US Department of Homeland Security* (Report, 3 December 2020) 1.

⁶⁴ 'Office of Academic Engagement', *US Department of Homeland Security* (Overview) <https://www.dhs.gov/sites/default/files/publications/OAE%20Overview_0.pdf>.

			or other issues that can influence access to the asylum framework, or even the operational and adjudicatory framework.
POE Expedited Removal	homeland_security_academic_advisory_ae_pe_osem_dhs	Indirect	The Homeland Security Academic Advisory Council (HSAAC) 'is a Federal advisory committee comprised of university presidents and academic leaders that provides advice and recommendations to the Secretary and senior leadership at the Department of Homeland Security (DHS) on matters related to homeland security and the academic community.' ⁶⁵ Advice and recommendation may cover topics such as border enforcement, management, and operational and policy issues that impact whether people are able to access asylum procedures, as well as the operation of the asylum process itself.
POE Expedited Removal	cmte_mgmt_office_pe_osem_dhs	Indirect	The HSAC 'Provides advice on the creation and implementation of actionable policy relating to security of the homeland' while S&T 'Provides advice on innovative technologies and products to strengthen the security and resilience of the U.S. technological system'. ⁶⁶ Both of these committees make decisions and contribute to policy that impacts asylum seekers, including the development of risk assessment tools, research programs that evaluate DHS programs and initiatives, as well as border security technology.
POE Expedited Removal	homeland_security_advisory_council_pe_osem_dhs	Indirect	The HSAC evaluates and provides advice on policies that impact asylum seekers and others in need of protection, including tasks as varied as recommending best practices for families and children in CBP custody or identifying and recommending best practices for a multi-year biometrics vision, strategy and implementation plan. ⁶⁷
POE Expedited Removal	families_children_care_panel_hsic_pe_osem_dhs	Indirect	The CBP Families and Children Care Panel is part of the Homeland Security Advisory Council. ⁶⁸ The so-called 'bipartisan' panel 'was formed in October 2018 because of the burgeoning humanitarian crisis resulting from a surge in migration of FMUs, primarily from Guatemala and Honduras, overwhelming the DHS resources at the border to address the crisis.' ⁶⁹ The Panel evaluated and provided advice – largely in line with CBP talking points – that impacted children and others seeking asylum.

⁶⁵ 'Office of Academic Engagement: Homeland Security Academic Advisory Council (HSAAC), *US Department of Homeland Security* (Overview) 1 <<https://www.dhs.gov/sites/default/files/publications/HSAAC%20Overview.pdf>>.

⁶⁶ 'Mission and Objectives of the Committee Management Office, *US Department of Homeland Security Headquarters* (Pamphlet) 2 <https://www.dhs.gov/sites/default/files/publications/committee_management_office_pamphlet_11_2020.pdf>.

⁶⁷ 'CBP Families and Children Care Panel Final Report', *Homeland Security Advisory Council* (Report, 14 November 2019); Exhibit 9 in Support of Plaintiffs' Memorandum of Points and Authorities in Support of their Motion for Summary Judgment, *Al Otro Lado, Inc.*, 327 F Supp 3d 1284 (No 535-11) 89-96; Chad F Wolf, *Four New Homeland Security Advisory Council (HSAC) Taskings* (DHS Memorandum, 21 February 2020).

⁶⁸ *Homeland Security Advisory Council* (n 67).

⁶⁹ *Ibid* at 4.

POE Expedited Removal	cis_ombudsman_osem_dhs	Direct	The Ombudsman's office routinely assists people seeking asylum, while also engaging with non-profits and other organisations that work with asylum seekers to identify and resolve common or systemic problems that impact asylum seekers.
POE Expedited Removal	imm_detention_ombudsman_osem_dhs	Direct	The Ombudsman works to 'ensure humane conditions for foreign nationals held in detention' and focuses 'individual and policy-level conditions of immigration detention' while providing 'recommendations to improve the conditions of immigration detention.' ⁷⁰ The Ombudsman's oversight includes detention facilities at the border, and other facilities where asylum seekers are detained. ⁷¹
POE Expedited Removal	joint_requirements_council_osem_dhs	Indirect	For example, in the Rio Grande Valley Systems Analysis Project, S&T 'collaborated with agents at the RGV McAllen Station (MCS) detention center, in McAllen, Texas, to gain a firsthand understanding of agent operations in surveillance, detection, apprehension and processing of illegal immigrants', which resulted in changes 'to the ways MCS agents process apprehended illegal immigrants.' ⁷² People detected, apprehended and processed by MCS include those individuals seeking asylum.
POE Expedited Removal	mgmt_dhs	Indirect	MGMT 'provides the overarching management structure for the Department to enable missions' ⁷³ and engages in activities relevant to border security, operations, and programs that impact upon asylum seekers. For example, the Office of the Chief Human Capital Officer (within MGMT) analyses 'the effectiveness of DHS's training programs', ⁷⁴ while the Office of Biometric Identity Management (within MGMT) 'provides biometric match, store, share, and analyze services to DHS and mission partners' ⁷⁵ including USCIS and other components in the processing and adjudication of asylum claims, expedited removal proceedings, and other processes that involve the collection of biometrics from asylum seekers.
POE Expedited Removal	chief_financial_officer_mgmt_dhs	Indirect	According to CBP, for example, Performance Accountability Reports describe 'how we manage our resources and administer our programs' and 'provides an opportunity to communicate to the public our programs, challenges, and accomplishments in achieving our mission.' ⁷⁶ These reports are required under US law and provide the basis for 'preparing and supporting the budget requests of the agency', 'controlling the carrying out of the agency budget', and 'providing financial information the

⁷⁰ 'Annual Report', *Office of the Immigration Detention Ombudsman* (Report, 19 January 2021) 6.

⁷¹ Ibid.

⁷² 'Research & Development Analysis and Assessment: Rio Grande Valley Systems Analysis', *DHS Science and Technology Directorate* (Report, 24 September 2013).

⁷³ *FY 2021 Budget in Brief* (n 1) 11.

⁷⁴ Ibid at 12.

⁷⁵ 'Office of Biometric Identity Management', *US Department of Homeland Security* (Web Page, 18 March 2021) <<https://www.dhs.gov/obim>>.

⁷⁶ '2016 Performance and Accountability Report', *US Customs and Border Protection* (Report, 2016) 4.

			President requires’ ⁷⁷ in preparing a budget. This information relates directly to the funding and accountability of programs and operations that impact people seeking asylum, including detention and processing capabilities, amongst other things.
POE Expedited Removal	program_analysis_evaluation_cfo_mgmt_dhs	Indirect	OPAE analyses ‘inform resource prioritization and Secretary and Deputy Secretary decisions and support DHS Management Directorate (MGMT) leadership in developing Resource Allocation Decisions (RADs).’ ⁷⁸ The analysis and evaluation of DHS and component plans, programs, and budgets would include an analysis of plans, programs, and budgets relating to the reception and processing of asylum seekers, as well as the adjudication of asylum applications.
POE Expedited Removal	human_capital_mgmt_dhs	Indirect	The Chief Human Capital Officer’s tasks include addressing ‘DHS’ inability to hire personnel in a timely manner [which] has led to staffing shortfalls, which can affect productivity and morale, and disrupt mission critical operations. OCHCO recognizes this challenge, and on April 5, 2017, the Office of Personnel Management approved the Department’s request for direct hiring authority for a number of positions having critical hiring needs at DHS, including CBP Border Patrol Agents and Human Resource Specialists, as well as ICE Deportation Officers, Criminal Investigators, and Human Resource Specialists.’ ⁷⁹ Staffing levels, as well as the quality of individuals recruited, directly impacts how and whether asylum seekers are able to access the asylum process.
POE Expedited Removal	human_capital_leadership_council_hc_mgmt_dhs	Indirect	The HCLC also establishes and administers the DHS Workforce Strategy (“Strategic Human Capital Plan”) and other HC initiatives that link to and support the DHS mission, vision, core values, goals, and objectives.’ ⁸⁰ Inadequate workforce planning can ‘undermine the ability of CBP and ICE to achieve hiring mandates and perform mission essential duties and functions’, which includes receiving and processing asylum seekers at the border. ⁸¹
POE Expedited Removal	chief_information_officer_mgmt_dhs	Indirect	The work of the OCIO can have a direct impact on the ability of asylum seekers to access the asylum process, as well as on whether CBP officials are collecting and sharing accurate information relating to individuals. For example, during the Trump Administration’s ‘Zero Tolerance’ policy which separated thousands of families – including asylum seekers – ‘DHS did not have the information technology (IT) system functionality needed to track separated migrant families during the execution of the Zero Tolerance Policy. U.S. Customs and Border Protection (CBP) adopted various ad hoc methods to record and track family separations, but these methods led to widespread errors....

⁷⁷ 31 USC § 3512(b)(4)(a)-(d).

⁷⁸ Ibid at 23.

⁷⁹ US DHS Office of Inspector General, *Special Report: Challenges Facing DHS in Its Attempt to Hire 15,000 Border Patrol Agents and Immigration Officers* (OIG Report No. OIG-17-98-SR, 27 July 2017) 12.

⁸⁰ US Department of Homeland Security, *Human Capital Line of Business Integration and Management* (DHS Directive 258-01, 6 February 2014) 4.

⁸¹ *Special Report: Challenges Facing DHS in Its Attempt to Hire 15,000 Border Patrol Agents and Immigration Officers* (n 79) 1.

			Because of these IT deficiencies, we could not confirm the total number of families DHS separated during the Zero Tolerance period. ⁸²
POE Expedited Removal	biometric_identity_mgmt_mgmt_dhs	Indirect	'A single query of OBIM's biometric system can retrieve data for an individual tied to a Department of State visa application, a U.S. Customs and Border Protection log of an entry into the United States, and an immigration status change logged by U.S. Citizenship and Immigration Services.' ⁸³ 'The Secure Real-Time Platform (SRTP) ... provides decision makers with data to assist in the adjudication of immigration benefits, enforcement actions, credentialing, and country access permissions. SRTP currently supports business use cases for refugee claimants, entry clearance (visas), foreign criminals, redocumentation, and fugitives.' ⁸⁴ OBIM provides data to USCIS and other DHS components in the processing and adjudication of asylum claims, expedited removal proceedings, and other processes that involve the collection of biometrics from asylum seekers.
POE Expedited Removal	program_accountability_risk_mgmt_dhs	Indirect	Particularly relevant to asylum seekers and others seeking protection is the role that PARM plays in analysing 'human resources deficiencies and gaps to support component staffing prioritization and planning' and 'any aspects of program execution or staffing levels' that could impact the successful delivery of acquisition 'strategies, contracts, scheduling ... investments in systems engineering, logistics, external factors affecting program execution.' ⁸⁵ For example, monitoring and evaluating CBP's acquisition of sufficient staff or facilities to house people seeking asylum as they are processed, or contracts for unmanned aircraft systems and other field support resources that assist in the apprehension of people crossing the border. ⁸⁶
POE Expedited Removal	chief_security_officer_mgmt_dhs	Indirect	The OSCO implemented the Integrated Security Management System ('ISMS') in 2008 to support 'DHS's personnel security, administrative security, and classified visit management records ("passing a clearance") by managing data related to suitability determinations, background investigations, security clearance processing, security container and document tracking, personnel administration for security and classified contract support....' ⁸⁷ This data and information is used to

⁸² US DHS Office of Inspector General, *DHS Lacked Technology Needed to Successfully Account for Separated Migrant Families* (OIG Report No OIG-20-06, 25 November 2019).

⁸³ 'Office of Biometric Identity Management', *US Department of Homeland Security* (Web Page, 18 March 2021) <<https://www.dhs.gov/obim>>.

⁸⁴ Ibid.

⁸⁵ Jeffrey B Wenger, R Kekoa Koehler, Henry H Willis, *An Analytic Inventory of DHS Headquarters Business Processes* (RAND, Homeland Security Operational Analysis Center, 2019) 43.

⁸⁶ 'Forecast Record: Acquisition Planning Forecast System', *US Department of Homeland Security* (Forecast Record No F2020049279, 17 August 2020): 'CBP AMO has a requirement to provide Headquarters and field support for the Unmanned Aircraft Systems (UAS) program'

⁸⁷ US Department of Homeland Security, *Privacy Impact Assessment Update for the Integrated Security Management System* (Report No DHS/ALL/PIA-038(c), 26 June 2017) 1.

			screen CBP and other DHS employment ‘applicants for potential issues of suitability’ ⁸⁸ and contributes to hiring time and other human resources concerns that impact the types of people who CBP (or DHS) hire and who ultimately may encounter asylum seekers in the course of their employment.
POE Expedited Removal	analysis_sub_risk_analysis_exec_steering_committee_dhs	Indirect	'DHS-HQ has long recognized that successful strategic planning requires “having the right people, policies, processes, technologies, and analytic capabilities” to effectively and efficiently execute the Department’s mission. Part of the strategic planning process requires effectively using available data and analytics to provide decision support to senior leadership and DHS-HQ management. Consequently, the Analytic Agenda aims to advance data-driven management to facilitate performance oversight, capability development, and the implementation of strategically important goals.’ ⁸⁹ There are ‘six overarching homeland security missions’ that make up the DHS strategic plan, including to ‘Secure U.S. Borders and Approaches’ which includes ‘implementing a comprehensive border security approach to secure and maintain our borders, prevent and intercept foreign threats so they do not reach U.S. soil, enforce immigration laws throughout the United States, and properly administer immigration benefits.’ ⁹⁰ This would include using data and analytics to provide decision support in relation to people seeking asylum at the southern border, including access to asylum procedures and the operation of the asylum adjudication system.
POE Expedited Removal	inspector_general_dhs	Direct	‘The OIG serves as an independent and objective audit, inspection, and investigative body to promote economy, effectiveness, and efficiency in DHS programs and operations, and to prevent and detect fraud, waste, and abuse in these programs and operations.’ ⁹¹ The OIG has conducted numerous audits of DHS and its components, including CBP, in relation to the operation and management of policies and programs relating to asylum seekers. This has included audits of the ‘Zero Tolerance’ (Family Separation) policy, as well as other asylum-related issues. ⁹²

⁸⁸ Evidence to Committee on Homeland Security and Governmental Affairs, Subcommittee on Regulatory Affairs and Federal Management, United States House of Representatives, Washington, DC, 1 March 2018 (Angela Bailey, Chief Human Capital Officer).

⁸⁹ *An Analytic Inventory of DHS Headquarters Business Processes* (n 85) 1.

⁹⁰ US Department of Homeland Security, *The DHS Strategic Plan: Fiscal Years 2020-2024* (Report, 2020) 17.

⁹¹ *FY 2021 Budget in Brief* (n 1) 20.

⁹² See *DHS Lacked Technology Needed to Successfully Account for Separated Migrant Families* (n 82); *Special Report: Challenges Facing DHS in Its Attempt to Hire 15,000 Border Patrol Agents and Immigration Officers* (n 79); DHS Office of Inspector General, *CBP Has Taken Steps to Limit Processing of Undocumented Aliens at Ports of Entry* (Report, OIG-21-02, 27 October 2020); DHS Office of Inspector General, *CBP Separated More Asylum-Seeking Families at Ports of Entry Than Reported and for Reasons Other Than Those Outlined in Public Statements* (Report, OIG-20-35, 29 May 2020).

POE Expedited Removal	integrity_quality_oversight_oig_dhs	Direct	'IQO manages the Hotline, Whistleblower Protection, and Ombudsman programs, and compliance and quality assurance of audits, inspections, investigations, and reports.' ⁹³ For example, there have been numerous whistleblower reports of misconduct at DHS, some of which related to 'possible violations of immigration law at the Tecate, California Port of Entry'. ⁹⁴ That report was ultimately published in 2019 and related to violations of asylum law. ⁹⁵
POE Expedited Removal	audits_oig_dhs	Indirect	The Office of Audits 'Conducts and coordinates audits and program evaluations of the management and financial operations of DHS.' ⁹⁶ This has included audits of numerous CBP policies and practices relating to asylum seekers at the southern border, including conditions and treatment that impact directly on an individual's ability to raise and pursue an asylum claim. ⁹⁷
POE Expedited Removal	investigations_oig_dhs	Direct	The Office of Investigations 'Investigates allegations of criminal, civil, and administrative misconduct involving DHS employees, contractors, grantees, and programs. These investigations can result in criminal prosecutions, fines, civil monetary penalties, administrative sanctions, and personnel actions.' ⁹⁸ This office investigates complaints of misconduct by CBP officials, including excessive use of force against asylum seekers and other criminal matters, as well as deaths of asylum seekers in CBP custody, including the deaths of children. ⁹⁹
POE Expedited Removal	special_reviews_evaluations_oig_dhs	Direct	The Office of Special Reviews and Evaluations (SRE) 'conducts inspections and evaluations of DHS facilities, programs and activities, often of a highly sensitive nature. SRE work includes liaison activities with other DHS Components, other federal agencies, the news media, legislative aides, attorneys, the Congress, and members of the public.' ¹⁰⁰ The SRE has been involved in a number of

⁹³ US Government Accountability Office, *DHS OIG's Structure, Policies, and Procedures Are Consistent with Standards, but Areas for Improvement Exist* (Report, GAO-14-726, September 2014) 5.

⁹⁴ Wilmer Hale, *Report of Independent Investigation: Allegations of Misconduct by [Redacted], [Redacted] and [Redacted]* (Report, 14 December 2020) <https://www.oig.dhs.gov/sites/default/files/assets/FOIA/final-redacted-wilmerhale-roi_01-13-21_0516pm.pdf>.

⁹⁵ Ibid.; DHS Office of Inspector General, *Investigation of Alleged Violations of Immigration Laws at the Tecate, California, Port of Entry by U.S. Customs and Border Protection Personnel* (Report, OIG-19-65, 26 September 2019).

⁹⁶ *DHS OIG's Structure, Policies, and Procedures Are Consistent with Standards, but Areas for Improvement Exist* (n 93) 5.

⁹⁷ See, eg DHS Office of Inspector General, *CBP Needs to Strengthen Its Oversight and Policy to Better Care for Migrants Needing Medical Attention* (Report, OIG-21-48, 20 July 2021); DHS Office of Inspector General, *CBP Generally Provided Accurate Notices to Appear to Migrant Protection Protocols Enrollees, but Could Improve Procedures to Reduce Future Errors* (Report, OIG-21-45, 14 July 2021); DHS Office of Inspector General, *DHS' Fragmented Approach to Immigration Enforcement and Poor Planning Resulted in Extended Migrant Detention during the 2019 Surge* (Report, OIG-21-29, 18 March 2021).

⁹⁸ *DHS OIG's Structure, Policies, and Procedures Are Consistent with Standards, but Areas for Improvement Exist* (n 93) 5.

⁹⁹ DHS Office of Inspector General, *U.S. Customs and Border Protection Compliance with Use of Force Policy for Incidents on November 25, 2018 and January 1, 2019 (Redacted)* (Report, OIG-20-64, 24 August 2020); Letter from Joseph V Cuffari to Bennie G Thompson, 14 April 2020 <<https://homeland.house.gov/download/chairman-thompson-letter-oig-response-041420>>.

¹⁰⁰ 'Deputy Assistant Inspector General', *USAJobs* (Job Posting, No 42028214, 7 March 2021).

			inspections and investigations of CBP, including those that impact on the conditions under which asylum seekers are detained and which may influence an individual's ability to raise or pursue an asylum claim. ¹⁰¹
POE Expedited Removal	operations_coordination_dhs	Indirect	The Office of Operations Coordination ('OPS') 'serves as the focal point for information sharing, decision support products, situational awareness, and coordination among DHS Components; Federal, state, local, tribal, and territorial (SLTT) agencies; nongovernmental agencies; the private sector; international partners; and Federal operations and fusion centers.' ¹⁰² The OPS is involved in monitoring interagency coordination efforts of the Alliance to Combat Transnational Threats (ACTT)-Arizona and the South Texas Campaign (STC)-South Texas, which '[l]everage the capabilities and resources of partners against individuals and criminal organizations involved in illegal cross-border activity' and 'integrate intelligence, leverage communities of interest, pursue enhanced coordination with the government of Mexico, and conduct targeted operations to disrupt and degrade transnational criminal organizations.' ¹⁰³ Asylum seekers are amongst individuals targeted as being involved in 'illegal cross-border activity'.
POE Expedited Removal	operations_deputies_board_oc_dhs	Indirect	The DHS Operations Deputies Board provides 'a formalized and consistent mechanism for enabling senior-level, cross-Component operational coordination, information sharing, and issue identification. This board provided critical coordination of complex homeland security issues to include multiple dimensions of the Southwest Border crisis, which facilitated the creation of a DHS surge Volunteer Force. The DHS Volunteer Force provided over 1,000 volunteers who support crisis response.' ¹⁰⁴ The 'Southwest Border crisis' involved the arrival of large numbers of asylum seekers.
POE Expedited Removal	national_operations_center_oc_dhs	Indirect	The National Operations Center ('NOC') '[p]rovides timely reporting and products derived from traditional and social media monitoring; DHS Component reporting; federal, state, local, tribal, territorial governments, and sector reports to support senior-leader decision making; Provides and maintain information dissemination tools such as a common operating picture and the Homeland Security Information Network (HSIN) to facilitate information sharing with the federal, state, local, tribal, territorial governments, and private sector professionals....' ¹⁰⁵ 'The NOC also coordinates with the US CBP via the Air and Marine Operations Center to task CBP unmanned aerial vehicles to fly particular missions. Real-time video feeds from these tactical resources are streamed to the NOC for

¹⁰¹ See, eg DHS Office of Inspector General, *Capping Report: CBP Struggled to Provide Adequate Detention Conditions During the 2019 Migrant Surge* (Report, OIG-20-38, 12 June 2020).

¹⁰² *FY 2021 Budget in Brief* (n 1) 16.

¹⁰³ US Government Accountability Office, *Border Security: Opportunities Exist to Strengthen Collaborative Mechanisms along the Southwest Border* (Report, GAO-14-494, June 2014) 8.

¹⁰⁴ *FY 2021 Budget in Brief* (n 1) 18.

¹⁰⁵ 'Office of Operations Coordination', *US Department of Homeland Security* (Web Page, 24 May 2021) <<https://www.dhs.gov/office-operations-coordination>>.

			SWO Situational Awareness.’ ¹⁰⁶ CBP unmanned aerial vehicles often spot people crossing the border without inspection, which also includes asylum seekers.
POE Expedited Removal	science_technology_dhs	Indirect	‘S&T provides technical and operational support to ensure the transition, acquisition, and deployment of technologies, information, and procedures that improve the efficiency and effectiveness of the operational capabilities across HSE missions.’ ¹⁰⁷ ‘S&T invests in border security research and development for technologies and solutions to prevent the illicit movement and illegal entry or exit of people, weapons, dangerous goods, and contraband, and manage the risk posed by people and goods in transit.’ ¹⁰⁸ The ‘Immigration Services Program’ also ‘develops technologies for USCIS to meet their goals to (1) provide efficient adjudication of all applications and petitions for immigration benefits, (2) enhance the integrity of the legal immigration system, and (3) provide trusted and timely immigration, employment, and identity information through a culture of efficiency and creativity.’ ¹⁰⁹ These tools may impact an individual’s ability to both access the asylum process, as well as the asylum adjudication.
POE Expedited Removal	enterprise_services_std_dhs	Indirect	The Office of Enterprise Services (‘OES’) ‘supports the Department of Homeland Security (DHS) Science and Technology Directorate (S&T) internal operations including the management of personnel, finance and budget, facilities, information technology, and security.’ ¹¹⁰ OES Works collaboratively with S&T’s other offices in ‘a deliberate, team-based approach that leverages S&T’s full range of capabilities, beginning with seeking out ready-made or easily adaptable solutions that can be delivered quickly and cost-effectively.’ ¹¹¹ This includes working with CBP and other DHS components on border security and other technological capabilities that may directly or indirectly impact asylum seekers.
POE Expedited Removal	innovation_collaboration_std_dhs	Indirect	The Office of Innovation and Collaboration ‘provides the homeland security community outreach and access to partnerships with world-class subject matter experts, resources and innovative tools. It leverages external relationships with other government agencies, industry, foreign partners, and academia to provide S&T programs, DHS Components, and the vast homeland security network with better, faster, and/or cheaper access to innovative security solutions. Those relationships range from

¹⁰⁶ ‘DHS National Operations Center’, *GeoPlatform.gov* (Web Page, 29 October 2018) <<https://communities.geoplatform.gov/geoconops/2018/09/01/dhs-national-operations-center/>>.

¹⁰⁷ *FY 2021 Budget in Brief* (n 1) 71.

¹⁰⁸ Science and Technology Directorate, *Budget Overview: Fiscal Year 2021 Congressional Justification* (DHS Report, 2020) 15 <https://www.dhs.gov/sites/default/files/publications/science_and_technology_directorate.pdf>.

¹⁰⁹ *Ibid* at 21.

¹¹⁰ ‘Office of Enterprise Services’, *US Department of Homeland Security* (Web Page) <<https://www.dhs.gov/science-and-technology/office-enterprise-services>>.

¹¹¹ Science and Technology Directorate, ‘DHS S&T Reveals New Business Model and Organizational Structure’ (News Release, 1 October 2018) <<https://www.dhs.gov/science-and-technology/news/2018/10/01/news-release-dhs-st-reveals-new-business-model-and>>.

			informal conversations and coordination with other agency stakeholders to develop innovative, contracted solutions to more formal commercialization support. ¹¹² For example, S&T partners with the University of Houston on the DHS Center of Excellence, Borders, Trade, and Immigration (BTI) Institute, which '[t]o help Customs and Border Protection prepare for a potential migration crisis, BTI Institute researchers are exploring the dimensions of the Venezuelan and Nicaraguan migration outflow. The results will help inform policies to prevent a broader hemispheric crisis.' ¹¹³ In other words, monitoring people who are often seeking protection from violence, persecution, or other serious harm in order to develop policies to secure US borders, facilitate 'legitimate trade and travel, and ensure the integrity of the immigration system.' ¹¹⁴
POE Expedited Removal	operational_analysis_center_std_dhs	Indirect	'The RAND Corporation operates the Homeland Security Operational Analysis Center (HSOAC) as an FFRDC (Federally Funded Research and Development Center) for the U.S. Department of Homeland Security (DHS)' and 'provides the government with independent and objective analyses and advice in core areas important to the department in support of policy development, decisionmaking, alternative approaches, and new ideas on issues of significance.' ¹¹⁵ 'HSOAC researchers have expertise in the complexities of meshing military and civilian organizational structures and cultures, and experience assessing workforce and performance management efforts for several DHS components and for other large federal agencies. As homeland security threats, risks and opportunities are not static, HSOAC possesses expert forecasting capability and the capacity to improve its accuracy and effectiveness over time. This is achieved through examining mission risk analysis for capability gaps; assessing threat, vulnerability, and risks from national and international trends with U.S. security implications; and by examining policies and other issues affecting border security.' ¹¹⁶ These issues affecting border security may include large numbers of individuals seeking asylum at the southern border.
POE Expedited Removal	mission_capability_support_std_dhs	Indirect	The Office of Mission and Capability Support 'works with DHS operational Components, first responders at all levels of government, emergency management personnel and public safety and other homeland security organizations to define priorities, gaps and requirements to find or develop technology solutions.' ¹¹⁷ This Office's research areas include 'Borders & Maritime Security' through

¹¹² 'Office of Innovation & Collaboration', *US Department of Homeland Security* (Web Page) <<https://www.dhs.gov/science-and-technology/office-innovation-and-collaboration>>.

¹¹³ 'Borders Trade and Immigration (BTI) Institute', *US Department of Homeland Security* (Fact Sheet, 23 July 2019) 2.

¹¹⁴ Ibid.

¹¹⁵ *An Analytic Inventory of DHS Headquarters Business Processes* (n 85) iii-iv.

¹¹⁶ 'Homeland Security Operational Analysis Center', *US Department of Homeland Security* (Web Page) <<https://www.dhs.gov/science-and-technology/hsoac>>.

¹¹⁷ 'Office of Mission & Capability Support', *US Department of Homeland Security* (Web Page) <<https://www.dhs.gov/science-and-technology/office-mission-and-capability-support>>.

			which it ‘works closely with border and immigration officials to understand how technology can help support their missions and overcome challenges. We strive to develop and transition technical capabilities to strengthen U.S. land border security and safeguard lawful trade and travel by preventing illegal goods and people from crossing our borders or entering our country illegally. These projects consists of technologies, sensors, radars and more that monitor air, ground, and underground – from drones to tunnels. We want to know who and what is crossing our borders.’ ¹¹⁸ The individuals targeted by these efforts include those seeking asylum.
POE Expedited Removal	science_engineering_std_dhs	Indirect	The Office of Science and Engineering ‘provides technical functions and services to S&T programs and projects’ and ‘directly to DHS Components and other homeland security customers. Technical subject matter experts in this group conduct technology scouting, test and evaluation, gap and requirement analysis, and transition planning.’ ¹¹⁹ Within this Office, the Operations and Requirements Analysis (ORA) Division ‘collaborated with agents at the RGV McAllen Station (MCS) detention center, in McAllen, Texas, to gain a firsthand understanding of agent operations in surveillance, detection, apprehension and processing of illegal immigrants’ in the ‘Rio Grande Valley Systems Analysis’ project. ¹²⁰ As part of that project, the Office recommended changes ‘to the ways MCS agents process apprehended illegal immigrants’ ¹²¹ at the border, which includes people seeking asylum.
POE Expedited Removal	intelligence_analysis_dhs	Indirect	The Office of Intelligence & Analysis (I&A) produces ‘strategic intelligence products that leverage law enforcement, unique DHS data and Intelligence Community (IC) holdings to facilitate intelligence-driven decision making by all levels of DHS leadership, other U.S. Government policymakers and SLTT partners. Deliver access to data and systems, infrastructure and analytic expertise, mission readiness services and Intelligence Community (IC) capabilities to DHS Operational Components. Ensure unique DHS datasets are available to Mission Centers, the IC and law enforcement partners to bolster collaborative government efforts to counter threats. Provide unique data on immigration, travel and intelligence, analytic tools and technical infrastructure to assist the U.S. Government stand-up of the National Vetting Center.’ ¹²² The National Vetting Center, and data provided to it, are used in the adjudication of immigration cases including asylum and withholding of removal.

¹¹⁸ ‘Borders and Maritime Security’, *US Department of Homeland Security* (Web Page, 12 June 2021) <<https://web.archive.org/web/20210612022356/https://www.dhs.gov/science-and-technology/borders-and-maritime-security-0>>.

¹¹⁹ ‘Office of Science & Engineering’, *US Department of Homeland Security* (Web Page) <<https://www.dhs.gov/science-and-technology/office-science-engineering>>.

¹²⁰ DHS Science and Technology Directorate, *Research & Development Analysis and Assessment: Rio Grande Valley Systems Analysis* (Fact Sheet, 24 September 2013).

¹²¹ Ibid.

¹²² ‘Office of Intelligence and Analysis’, *US Department of Homeland Security* (Web Page, 13 July 2021) <<https://www.dhs.gov/office-intelligence-and-analysis>>.

POE Expedited Removal	federal_law_enforcement_training_centers_dhs	Indirect	The Federal Law Enforcement Training Center's (FLETC) members, principally federal law enforcement organizations, rely on FLETC to maintain all of the instruments of training and to prepare their law enforcement cadre to perform their law enforcement tasks. ¹²³ The Charleston, South Carolina FLETC training facility runs the US Coast Guard Maritime Law Enforcement Academy, the US Customs and Border Protection Field Operations Academy, the US Immigration and Customs Enforcement Training Academy, and the US Citizenship and Immigration Services Academy Training Center. ¹²⁴ The Artesia, New Mexico facility is the basic training hub for Border Patrol and the Federal Air Marshal's Service. ¹²⁵ It is at FLETC that CBP officials learn about asylum law, though very little focus is placed upon either international law or the law of asylum.
POE Expedited Removal	training_mgmt_ops_fletc_dhs	Indirect	The Training Management Operations Directorate participates in the 'planning, development, modification, and coordination of training programs throughout the FLETC' and conducts 'studies to analyze the training needs of the Partner Organizations, the requirements of the training programs, and the processes, methodologies and technologies required for training.' ¹²⁶ The Directorate also assesses 'training needs and deficiencies to plan, develop and evaluate training programs based on the requirements of requested training programs and modifications' and applies 'forecast analysis methods to determine if training needs will meet future demand.' ¹²⁷ The Directorate is therefore responsible for ensuring that CBP officials have appropriate training and background in international and asylum law in order to perform their duties.
POE Expedited Removal	ncr_training_ops_fletc_dhs	Indirect	The National Capitol Region (NCR) Training Operations Directorate 'advises and assists the Director, Deputy Director, and other senior officials in fulfilling the management responsibilities of the FLETC. Specific responsibilities include, but are not limited to ... Representing the FLETC with Federal (Executive, Judicial, and Legislative) organizations, professional organizations, and the private sector, to include negotiating policy positions, projecting needs and operational interests, and other matters. Developing and implementing policies which relate to training program requirements, facility planning and development, human resource activities, and budgetary issues; and analyzing situations to identify strategies designed to gain support from the Department, Office of Management and Budget, and the Congress. ... Serving as the principal interface with the Congress, its members, staffs, and committees regarding FLETC activities, policies, programs, appropriation matters, and

¹²³ US Department of Homeland Security, *FLETC Strategic Plan 2018-2022* (Report, 2018) 7.

¹²⁴ US Department of Homeland Security, *Student Handbook: Artesia Facility* (Handbook, 2018-AN-0008, 2018) 8.

¹²⁵ Ibid.

¹²⁶ 'Program Analyst: Federal Law Enforcement Training Centers', *USAJobs* (Job Announcement, FLETC-TMO-2021-0015, 16 March 2021).

¹²⁷ Ibid.

			other related legislation. ¹²⁸ Developing and implementing policies that relate to training program requirements, for example, would include training in international law and the law of asylum.
POE Expedited Removal	chief_counsel_fletc_dhs	Indirect	‘The responsibilities of the FLETC Chief Counsel include providing legal advice to the Director and other senior FLETC leaders on legal issues associated with the FLETC mission, as well as ... providing legal advice on information/intellectual law matters to include copyright, the Freedom of Information Act (FOIA) and the Privacy Act; and providing legal training for federal, state, local and international law enforcement officers attending basic and advanced training at FLETC’s four domestic and two international training sites.’ ¹²⁹ This would include legal advice on the requirements of US asylum law and international refugee law, as well as advice as to civil rights and liberties of individuals with whom CBP officials will come into contact, including asylum seekers.
POE Expedited Removal	customs_and_border_protection_dhs	Direct	CBP seeks to 'leverage technological tools and analytic approaches to improve operational efficiency and effectiveness; integrate data and interagency information to establish a common operating picture that provides actionable information to enable decision makers and operators; and expand the zone of security away from physical borders.' ¹³⁰ The agency further utilizes 'foreign liaisons to disrupt special-interest alien travel before reaching U.S. borders' and works with 'state and local law enforcement agencies' to 'secure the border'. ¹³¹ CBP is the agency that regulates the ability of asylum seekers to access US territory, refers asylum seekers to the relevant procedure, and also interacts with asylum seekers within the US who may or may not have lawful status.
POE Expedited Removal	commissioner_cbp_dhs	Indirect	The Office of the Commissioner (‘OC’) is 'responsible for the overall management of CBP and develops long range management plans for the efficient and effective operation of the organization. OC develops and reviews CBP policy guidance, prescribes rules and regulations, and issues internal instructions to provide guidance to CBP employees that are consistent with regulations, and the authority delegated by DHS. The Executive staff supports and develops new policy and plans in alignment with the Commissioner’s priorities, simultaneously ensuring that CBP’s financial and personnel resources are available, and aligned for the development, articulation, and implementation of CBP’s current and future mission priorities and direction.' ¹³² This includes policy, guidance and regulations that relate to an individual’s ability to access asylum procedures, as well as to how that individual accesses procedures.

¹²⁸ ‘National Capital Region Training Operations’, *Federal Law Enforcement Training Centers* (Web Page) <<https://www.fletc.gov/site-page/national-capital-region-training-operations>>.

¹²⁹ ‘Office of the General Counsel’, *US Department of Homeland Security* (Web Page, 22 March 2021) <<https://www.dhs.gov/office-general-counsel>>.

¹³⁰ US Customs and Border Protection, *Strategy 2021-2026* (Report, Publication No 1280-1220, December 2020) 12.

¹³¹ Ibid.

¹³² US Customs and Border Protection, *Budget Overview: Fiscal Year 2020 Congressional Justification* (DHS Report, 18 March 2019) 88 <https://www.dhs.gov/sites/default/files/publications/19_0318_MGMT_CBJ-Customs-Border-Protection_0.pdf>.

POE Expedited Removal	chief_of_staff_commissioner_cbp_dhs	Indirect	The Chief of Staff ‘serves as the direct liaison to DHS for all Agency issues. The COS assists the Office of the Commissioner in formulating and implementing policies through coordination with other CBP offices, DHS, and other government agencies. The COS provides advice and counsel to the Commissioner in defining priorities to accomplish CBP’s mission and goals.’ ¹³³ This includes policies and priorities relating to asylum, as well as border security and other efforts that may impact an individual’s ability to access the asylum process.
POE Expedited Removal	deputy_commissioner_cbp_dhs	Indirect	The Deputy Commissioner ‘provides leadership and executive-level direction on CBP’s day-to-day operations, including oversight of Agency initiatives that facilitate the international movement of legitimate, low-risk goods and travelers, while promoting effective border security.’ ¹³⁴ This includes operations that impact asylum seekers, who often must travel without documents and are characterised by CBP as illegitimate travellers.
POE Expedited Removal	chief_of_staff_deputy_cbp_dhs	Indirect	The Chief of Staff assists the Deputy Commissioner in ‘formulating and implementing policies through coordination with other CBP offices, DHS, and other government agencies.’ ¹³⁵ The Chief of Staff to the Deputy Commissioner, coordinates ‘interagency efforts related to immigration reform, global supply chain security, and intelligence matters’ and serves ‘as the point of contact for all emergency situations to include potential terrorist attack threats and natural disaster responses.’ ¹³⁶ This includes policies and coordination relating to asylum and policies which impact an individual’s ability to access the protection framework.
POE Expedited Removal	office_public_affairs_cbp_dhs	Direct	The Office of Public Affairs ‘communicates to external and internal audiences to build support for CBP’s mission. Audiences include the American public, international trade and travel stakeholders, travelers who cross U.S. borders, and U.S. and international government agencies.’ ¹³⁷ In the case of the Trump Travel Ban, CBP recognised that the ‘absence of CBP-initiated messages to the media and public created a vacuum in which stories casting CBP in a negative light proliferated. In the absence of an effective public affairs strategy, public officials and the media often speculated and assumed the worst about CBP’s conduct. Had CBP clearly communicated the status of its operations to external stakeholders, it may have prevented significant mistrust and misinformation from developing over the weekend.’ ¹³⁸ Similar lessons on the importance of Public Affairs in selling policy

¹³³ US Customs and Border Protection, *2016 Performance and Accountability Report* (DHS Report, 2017) 9.

¹³⁴ Ibid.

¹³⁵ Ibid.

¹³⁶ ‘Bio of Andrew Farrelly, L3 Security and Detection Systems’ (Web Page) <<https://na.eventscloud.com/ereg/popups/speakerdetails.php?eventid=281311&language=eng&speakerid=995508>>.

¹³⁷ *2016 Performance and Accountability Report* (n 133) 10.

¹³⁸ DHS Office of Inspector General, *DHS Implementation of Executive Order #13769 “Protecting the Nation From Foreign Terrorist Entry Into the United States”* (January 27, 2017) (Report, OIG-18-37, 18 January 2018) 43-44.

			have been applied in the context of the Family Separation (Zero Tolerance) policy, which impacted asylum seekers and others at the southern border. ‘The mixed messaging regarding many facets of the policy caused public and stakeholder confusion and outrage, courtroom losses, and may have resulted in DHS Secretary Kirstjen Nielsen’s ouster.’ ¹³⁹
POE Expedited Removal	office_congressional_affairs_cbp_dhs	Indirect	OCA has four directorates that 'reflect the mission of CBP's operational offices and directorates'. ¹⁴⁰ They are Border, Air, & Marine Operations, Field Operations & Intelligence, Operations Support/Enterprise Services, and Trade & Agriculture. OCA has two functional directorates, which are Budget & Appropriations and Management, Operations, & Communications. ¹⁴¹
POE Expedited Removal	budget_appropriations_oca_cbp_dhs	Indirect	Securing adequate funding through the annual appropriations process is a vital part of CBP's legislative work. ¹⁴² 'The directorate also interacts frequently with the appropriations associate staff of the committee members, as well as various other Congressional staff depending on the nature of their inquiry. Additionally, the branch interacts and responds to requests from the Congressional Budget Office and Congressional Research Service.' ¹⁴³ This may involve securing appropriations for apprehending and processing people seeking asylum, among other things.
POE Expedited Removal	field_operations_intelligence_oca_cbp_dhs	Indirect	The directorate deals with issues like 'Passenger and cargo targeting efforts', 'CBP officer staffing levels and the Workload Staffing Model', 'CBP land port of entry infrastructure', 'Biometric entry-exit', 'Non-Intrusive Inspection technology', 'Mass migration events at ports of entry', and 'Global pandemic mitigation'. ¹⁴⁴ Asylum seekers may seek entry into the US at or between ports of entry, in in ‘mass migration events’ or during the global pandemic, and even issues such as workload staffing may impact the ability of asylum seekers to access protection.
POE Expedited Removal	office_professional_responsibility_cbp_dhs	Direct	‘The AC [Assistant Commissioner] OPR has executive oversight of CBP’s Integrity and Personal Accountability Strategy and the agency’s efforts to prevent, detect, and investigate employee misconduct and corruption. The AC also serves as CBP’s Chief Security Officer, responsible for ensuring the safety and security of CBP’s assets and personnel.’ ¹⁴⁵ This office is responsible for

¹³⁹ Graham (n 22) xvii.

¹⁴⁰ ‘OCA Directorates’, *US Customs and Border Protection* (Web Page, 18 March 2021) <<https://web.archive.org/web/20210318124111/https://www.cbp.gov/accordion-page/oca-directorates>>.

¹⁴¹ Ibid.

¹⁴² ‘OCA Directorates and Committees of Jurisdiction’, *US Customs and Border Protection* (Web Page, 20 August 2021) <<https://web.archive.org/web/20210820184914/https://www.cbp.gov/about/oca-directorates-and-committees-jurisdiction>>.

¹⁴³ Ibid.

¹⁴⁴ ‘OCA Directorates’, *US Customs and Border Protection* (Web Page, 18 March 2021) <<https://web.archive.org/web/20210318124111/https://www.cbp.gov/accordion-page/oca-directorates>>.

¹⁴⁵ Office of Professional Responsibility, *Annual Report: Office of Professional Responsibility (OPR)* (CBP Report, No 1172-0720, August 2020) 4 (‘OPR Annual Report’).

			investigating and addressing the abuse and mistreatment of ‘detainees in CBP’s custody or care’ including minor children and other individuals seeking asylum. ¹⁴⁶
POE Expedited Removal	office_field_operations_cbp_dhs	Direct	‘CBP’s primary immigration enforcement mission at ports of entry is to confirm that travelers are eligible to enter the United States and to exclude inadmissible aliens. Yet strict enforcement is in tension with a second core mission: to facilitate the flow of lawful travelers, who are the vast majority of persons seeking admission.’ ¹⁴⁷ OFO staffs the ports of entry and is responsible for screening travellers and referring asylum seekers, or others, who raise protection claims to the appropriate legal process.
POE Expedited Removal	ofc_special_response_team_ofc_cbp_dhs	Indirect	‘SRT responds to and counters high-risk, unconventional threats at CBP’s ports of entry by conducting national and local special operations. ... SRT conducts special missions, such as protection details or support for foreign border security operations, and advises foreign law enforcement agencies, such as the Guatemalan police.’ ¹⁴⁸ SRT may encounter asylum seekers and others seeking international protection during the course of these deployments. Furthermore, in providing training to foreign law enforcement agencies, SRT exports its law-enforcement focussed methods and culture to foreign agencies who often come into contact with asylum seekers and other vulnerable people.
POE Expedited Removal	national_targeting_center_ofc_cbp_dhs	Indirect	The National Targeting Center (NTC) ‘is a key component of CBP’s comprehensive border security and management strategy to safeguard travelers and cargo. NTC is the point within the agency where advance data, access to law enforcement and intelligence resources, and enterprise systems converge to conduct the vetting necessary to identify travelers and shipments that pose the highest risk potential to U.S. security, economy, and public safety. Targeting traveler and cargo information plays a pivotal role of CBP’s layered security strategy by extending our borders outward in order to identify and mitigate threats before they board (or are laden on) conveyances destined for the U.S.’ ¹⁴⁹ NTC biographic and information vetting includes travellers who may seek asylum.
POE Expedited Removal	ntc_counter_network_ofc_cbp_dhs	Indirect	‘CND is structured across multiple lines of effort to illuminate opportunities for CBP and its partners to identify and disrupt transnational threats including countering terrorism, narcotics, illicit trade, special interest aliens, state-sponsored, and providing analysis in support of the current immigration crisis.’ CND also provides intelligence to CBP officers and agents who target people who may seek

¹⁴⁶ Ibid at 3.

¹⁴⁷ Lisa Seghetti, *Border Security: Immigration Inspections at Ports of Entry* (Congressional Research Service Report, No R43356, 9 January 2014) i.

¹⁴⁸ US Government Accountability Office, *Federal Tactical Teams: Characteristics, Training, Deployments, and Inventory* (GAO Report, GAO-20-710, September 2020) 31 (‘Federal Tactical Teams’).

¹⁴⁹ US Customs and Border Protection, *Budget Overview: Fiscal Year 2020 Congressional Justification* (DHS Report, 2020) 163 (‘CBP Budget Overview 2020’).

			the assistance of human smugglers or otherwise seek to move into the United States without a visa in order to seek asylum. ¹⁵⁰
POE Expedited Removal	national_vetting_center	Indirect	The National Vetting Center (NVC) makes security and other data available to adjudicators making decisions about immigration-related benefits, which include decisions relating to asylum. The NVC has also developed and maintained ‘new cloud analytics to compare US person data against relevant disseminated Intelligence Community information for affirmative asylum vetting’. ¹⁵¹
POE Expedited Removal	joint_task_force_west_cbp_dhs	Indirect	‘To support the Unity of Effort and SBAC, DHS established three joint task forces (JTF) — JTF-East, JTF-West, and JTF-Investigations — to enforce immigration laws, prevent illegal entries, interrupt transnational criminal organizations, and minimize the terrorism threat to our Nation.’ ¹⁵² JTF-W partners with DHS Components, other U.S. Federal, State, and local agencies, and international partners to plan and implement enhanced counter network operations directed at disrupting and dismantling TCOs and targeting individuals and organizations whose criminal conduct undermines border security. By identifying evolving threats, critical intelligence gaps, and vulnerabilities, these operations develop comprehensive common operational and intelligence pictures that ultimately enhance DHS’s ability to disrupt, degrade, and dismantle TCOs exploiting the homeland.’ ¹⁵³ JTF targets include asylum seekers arriving at the border without documentation and who may have used smugglers to reach or cross the US border.
POE Expedited Removal	joint_intelligence_operations_center_jtlfw_cbp_dhs	Indirect	The ‘Joint Intelligence and Operations Center (JIOC), which serves as a command, control, and 24x7 communications center, providing situational awareness to all Arizona-based CBP operational components and their respective commands.’ ¹⁵⁴ This would include providing information about people arriving at the border without documentation and who may have used smugglers to reach or cross the US border, including asylum seekers.
POE Expedited Removal	joint_task_force_investigations_cbp_dhs	Indirect	JTF-Investigations is a functionally based task force that provides investigatory support to JTF-East and JTF-West. ¹⁵⁵ JTF-Investigations provides investigatory support for ICE and related to human smuggling and other types of smuggling investigations, which may involve asylum seekers.
POE Expedited Removal	intergovernmental_public_liaison_cbp	Indirect	The Intergovernmental Public Liaison advises the commissioner, deputy commissioner and program offices on the impact of CBP policies and initiatives with regard to state, local and tribal stakeholders.

¹⁵⁰ *CBP Budget Overview 2020* (n 149) 137.

¹⁵¹ *Ibid* at 49.

¹⁵² DHS Office of Inspector General, *DHS Cannot Determine the Total Cost, Effectiveness, and Value of Its Joint Task Forces* (Report, OIG-20-80, 30 September 2020) 1 (‘*DHS Cannot Determine*’).

¹⁵³ *CBP Budget Overview 2020* (n 149) 194.

¹⁵⁴ *Ibid*.

¹⁵⁵ *DHS Cannot Determine* (n 152).

	dhs		CBP policies often impact tribes and other localities along the southern border. This includes when CBP began ‘metering’ asylum seekers at ports of entry, which drove many people to seek asylum by crossing in remote areas of the desert, which may include tribal lands. ¹⁵⁶ CBP often engages with these stakeholders and may adjust policy based on feedback, which can in turn impact asylum seekers.
POE Expedited Removal	privacy_diversity_cbp_dhs	Direct	The processing of FOIA requests for A files and other documents related to an individual's case can have a significant impact on the ability of the person to present a strong case. Furthermore, asylum seekers are frequently concerned about the release of information related to their case to their own government, or others who might harm them. This can impact whether or not the person lodges a claim.
POE Expedited Removal	chief_counsel_cbp_dhs	Indirect	‘The Office of the Chief Counsel provides legal advice to, and legal representation of, CBP officers in matters relating to the activities and functions of CBP. The office is also responsible for reviewing proposed actions to ensure compliance with legal requirements, preparing formal legal opinions, preparing or reviewing responses in all court actions, civil or criminal, involving CBP, and developing, implementing, and evaluating nationwide programs, policies, and procedures within its functional areas. ¹⁵⁷ CBP Chief Counsel provides legal advice to components regarding international legal obligations, domestic legal requirements related to asylum, representing CBP in administrative hearings, providing litigation support to DOJ in federal litigation involving asylum or international legal obligations, providing advice as to the legality of regulatory, legislative and policy proposals, as well as training CBP staff in terms of international and domestic asylum requirements.
POE Expedited Removal	chief_counsel_enforcement_cbp_dhs	Indirect	‘Functional area of the CBP Office of Chief counsel responsible for reviewing proposed actions to ensure compliance with legal requirements, preparing formal legal opinions, preparing or reviewing responses in all court actions, civil or criminal, involving CBP, and developing, implementing, and evaluating nationwide programs, policies, and procedures within the functional area of enforcement.’ ¹⁵⁸ This would include policies that impact asylum seekers and others seeking protection at or between ports of entry.
POE Expedited Removal	chief_counsel_field_office_cbp_dhs	Indirect	‘Associate and Assistant Chief Counsels located in major cities across the U.S. who advise CBP field managers in their geographic areas as to compliance with legal requirements, preparing formal legal

¹⁵⁶ ‘Executive Assistant Commissioner’s Offices’, US Customs and Border Protection (Web Page, 17 August 2021) <<https://www.cbp.gov/about/leadershiporganization/executive-assistant-commissioners-offices>>.

¹⁵⁷ ‘Chief Counsel’, US Customs and Border Protection (Web Page, 3 October 2017) <<https://www.cbp.gov/about/leadership-organization/chief-counsel>>.

¹⁵⁸ Ibid.

			opinions, and preparing or reviewing responses in court actions involving CBP.’ ¹⁵⁹ This includes court actions related to asylum litigation and individual asylum cases.
POE Expedited Removal	operations_support_cbp_dhs	Indirect	‘The Operations Support Division is the lead for issues such as less-lethal training and use-of-force review, CBP policy, asset management, and the National Firearms and Tactics Branch.’ ¹⁶⁰ Use-of-force and non-lethal law enforcement methods are often at issue in cases involving people – including asylum seekers – apprehended by Border Patrol. These methods of apprehension (and particularly the use of force) can influence whether someone is able to raise an asylum claim, when they are able to raise that claim, or whether they are able to pursue the claim.
POE Expedited Removal	intelligence_os_cbp_dhs	Indirect	The Office of Intelligence collects and disseminates intelligence ‘to facilitate intelligence-driven decision making by all levels of DHS leadership, other U.S. Government policymakers and SLTT [state, local, tribal and territorial] partners’ and provide information to the National Vetting Center. ¹⁶¹ This would include intelligence relating to people seeking asylum and intelligence relating to events, including so-called migrant ‘surges’ or ‘caravans’, that require policy and legal decisions from DHS officials.
POE Expedited Removal	strategic_intelligence_analysis_intel_os_cbp_dhs	Indirect	‘The Strategic Intelligence and Analysis Division (SIAD) leverages CBP’s unique authorities, capabilities, data, access, and partnerships to deliver comprehensive and analytically sound intelligence products to U.S and international government officials positioned to make strategic policy, operational, and resource decisions on border issues.’ ¹⁶² These strategic policy, operational, and resource decisions would include decisions relating to people seeking asylum.
POE Expedited Removal	field_intelligence_intel_os_cbp_dhs	Indirect	‘The HQ Field Intelligence Division (FID) serves as the key conduit to provide intelligence capabilities to CBP’s components in the field and the organizations that partner with them enabling them to conduct effective law enforcement operations.’ ¹⁶³ This includes providing intelligence relating to border operations and people who may be seeking asylum.
POE Expedited Removal	current_emerging_threat_intel_os_cbp_dhs	Indirect	‘The National Intelligence Watch maintains awareness of national and international emerging issues that have potential impact on CBP operations and interests, and facilitates intelligence collaboration and dissemination of intelligence to field components and intelligence community members.’ ¹⁶⁴ This

¹⁵⁹ ‘San Diego’, US Customs and Border Protection (Web Page) <<https://www.cbp.gov/contact/ports/field-office/san-diego>>.

¹⁶⁰ ‘Operational Support/Enterprise Services’, US Customs and Border Protection (Web Page, 24 August 2021) <<https://www.cbp.gov/about/congressional-resources/operational-supportenterprise-services>>.

¹⁶¹ ‘Office of Intelligence and Analysis’, US Department of Homeland Security (Web Page) <<https://www.dhs.gov/office-intelligence-and-analysis>>.

¹⁶² *CBP Budget Overview 2020* (n 149) 185.

¹⁶³ Ibid.

¹⁶⁴ Ibid.

			includes events such as the ‘migrant caravan’ and other events relating to asylum seekers on the move, which may impact how and whether they are able to access the asylum process.
POE Expedited Removal	planning_analysis_requirements_evaluation_os_cbp_dhs	Indirect	The PARE Directorate ‘serves as @CBP’s functional authority for planning, data science, statistics, analytics, and operational requirements to provide innovative, analytically-based decision support to border security leaders.’ ¹⁶⁵ ‘PARE manages CBP’s risk management framework that enables CBP leadership to make fully informed analytics-based and risk-based decisions. PARE integrates CBP operations through comprehensive understanding of the operating environment, risk management, analytics-based decision support, and operational needs.’ ¹⁶⁶ This includes gathering and providing information relating to asylum seekers and policies that may impact upon asylum seekers.
POE Expedited Removal	law_enforcement_safety_compliance_os_cbp_dhs	Indirect	‘LESC supports CBP’s law enforcement mission through use of force policy development and incident review, advanced firearms and defensive tactics training and the testing, evaluation, contracting, and maintenance for CBP weapons, ammunition and body armor.’ ¹⁶⁷ The use of force policy development and incident review would impact asylum seekers arriving at or between ports of entry, including their ability to access the asylum process.
POE Expedited Removal	international_affairs_os_cbp_dhs	Indirect	‘INA strives to extend U.S. borders by implementing programs and initiatives that promote anti-terrorism, global border security, non-proliferation, export controls, immigration and capacity building. ... INA provides in-country advisory support for broad-based customs reform and modernization and ensures CBP is represented at overseas posts and influencing policy throughout the world.’ ¹⁶⁸ The Overseas Program ‘helps CBP mitigate international threats including ... transnational organized crime, illegal migration, and economic crime.’ ¹⁶⁹ This includes policies and reforms that stop, or attempt to stop, asylum seekers from arriving in the US.
POE Expedited Removal	information_incident_coordination_center_os_cbp_dhs	Indirect	‘It is responsible for managing information flow regarding all significant incidents involving CBP personnel and operations, and is the primary entity responsible for coordination information sharing across all CBP operational offices, DHS, and CBP’s interagency partners.’ ¹⁷⁰ This includes information and coordination regarding migrant ‘caravans’ and other migration events that involve asylum seekers.

¹⁶⁵ @CBPPAREXD Twitter

¹⁶⁶ *CBP Budget Overview 2020* (n 149) 195.

¹⁶⁷ Ibid.

¹⁶⁸ ‘Operations Support Assistant Commissioners’ Offices’, US Customs and Border Protection (Web Page, 30 December 2020) <<https://www.cbp.gov/about/leadership-organization/executive-assistant-commissioners-offices/operations-support-assistant-commissioners-offices>>.

¹⁶⁹ *CBP Budget Overview 2020* (n 149) 180.

¹⁷⁰ Ibid at 195.

POE Expedited Removal	laboratories_scientific_services_os_cbp_dhs	Indirect	‘LSS operates eight nationally accredited laboratories and four forward-deployed satellite laboratories that conduct advanced forensic and technical analyses in support of frontline CBP officers for law enforcement activities’ ¹⁷¹ This includes law enforcement activities targeting human smuggling and other cross-border activities that may involve people seeking to cross the border to claim asylum, or people encountered in a law enforcement setting (including with external law enforcement agencies) who may also seek asylum.
POE Expedited Removal	policy_cbp_dhs	Indirect	‘The Policy Directorate ensures a unified approach to policy management across CBP and facilitates consistent and comprehensive policy development and implementation.’ ¹⁷² This includes reviewing all policy activities – many of which may directly or indirectly impact asylum seekers – such as regulations, privacy documentation, communication materials and programmatic decision-making, as well as briefing executive leadership on goals, accomplishments and the status of deliverables. ¹⁷³
POE Expedited Removal	enterprise_services_cbp_dhs	Indirect	‘Enterprise Services serves an integral role as the mission support core for CBP by providing the necessary goods and services required by operational personnel and business partners to fulfill mission goals.’ ¹⁷⁴ This support includes providing the appropriate technology and infrastructure for a variety of functions served by CBP, including the detention and processing of asylum seekers at the border.
POE Expedited Removal	accountability_es_cbp_dhs	Indirect	‘OACT tracks CBP’s progress toward its goals and evaluates effectiveness and efficiency of programs.’ ¹⁷⁵ This includes programs relating to the treatment, detention, and processing of asylum seekers.
POE Expedited Removal	programming_es_cbp_dhs	Indirect	‘OP translates CBP’s five-year strategic plan into individual efforts (programs) to ensure that CBP can reach its long-term goals.’ ¹⁷⁶ This includes translating plans relating to the ability of asylum seekers to access the asylum process, or even the physical border, into operational programs.
POE Expedited Removal	chief_of_staff_es_cbp_dhs	Indirect	The COS ‘bridges the gap between people and information in Enterprise Services.’ ¹⁷⁷ The COS ties together information about program development, accountability, and physical goods and services required by components, which includes programs, goods and services which relate to asylum seekers.

¹⁷¹ Ibid.

¹⁷² 2016 Performance and Accountability Report (n 133) 12.

¹⁷³ ‘Michael Hardin, Director, Policy/Planning at U.S. Customs and Border Protection’, *LinkedIn* (online, 22 March 2021) <<https://www.linkedin.com/in/michael-hardin-14187a167/>>.

¹⁷⁴ CBP Budget Overview 2020 (n 149) 74.

¹⁷⁵ 2016 Performance and Accountability Report (n 133) 13.

¹⁷⁶ Ibid.

¹⁷⁷ Ibid.

POE Expedited Removal	enterprise_effectiveness_es_cbp_dhs	Indirect	‘EE oversees, manages, and improves strategic resource management, leadership development, business practices, customer relations, and use of business information for organizational performance management, customer service, and strategic decision-making.’ ¹⁷⁸ This would include determining the business information necessary for evaluating organisational performance management, as well as strategic decision-making relating to policies, practices, programs and even aspects of agency culture that impact asylum seekers.
POE Expedited Removal	human_resources_mgmt_es_cbp_dhs	Indirect	‘HRM supervises all matters involving human capital, including organizational structure, staffing, compensation administration, benefits, workplace safety, personnel actions, and labor and employee relations.’ ¹⁷⁹ Labour and employee complaints were at least part of the reason for the development of a written policy of ‘metering’. Furthermore, this office would be responsible for, or implicated in, decisions to deploy USBP agents (for example) in remote areas without a partner and other decisions regarding how personnel are used in implementing law and policy.
POE Expedited Removal	training_development_es_cbp_dhs	Indirect	‘OTD leads all CBP training programs for the entire CBP workforce. OTD ensures that all training supports the CBP mission and strategic goals and prepares the Agency’s workforce to meet the challenges of mission-critical operations. OTD establishes CBP training standards and policies; and develops, delivers, and evaluates resident based training.’ ¹⁸⁰ OTD would be responsible for developing, delivering and evaluating training programs (in coordination with FLETC) for Basic Training program, as well as any continuing trainings that impact how and whether asylum seekers are referred to the asylum process, as well as how and whether they are able to pursue asylum claims.
POE Expedited Removal	facilities_asset_mgmt_es_cbp_dhs	Indirect	‘OFAM is CBP’s property, asset, logistics, and sustainability-focused organization.’ ¹⁸¹ OFAM is responsible for managing and maintaining short-term Border Patrol holding facilities referred to as hieleras and perreras, as well as tent courts and other structures meant to hold and process asylum seekers and other migrants.
POE Expedited Removal	info_tech_es_cbp_dhs	Indirect	The Office of Information and Technology ‘and the Chief Information Officer (CIO) provide information, infrastructure, communications, services, and technology solutions to secure the U.S. border, prevent the entry of terrorists and terrorist weapons, and facilitate legitimate trade and travel.’ ¹⁸² This office is responsible for IT infrastructure such as the systems that were not equipped to record and track children separated from parents during the ‘Zero Tolerance’ policy, which included asylum seekers. The office is also responsible for ensuring data collection and data quality,

¹⁷⁸ Ibid.

¹⁷⁹ Ibid at 14.

¹⁸⁰ Ibid at 15.

¹⁸¹ Ibid.

¹⁸² Ibid.

			including data on asylum seekers and others seeking protection that will be used in strategy and policy development, as well as in accountability fora such as Congressional hearings and federal court proceedings.
POE Expedited Removal	transportation_security_admin_dhs	Direct	‘TSA is an intelligence-driven, national security organization that combines the skill of its workforce, evolving security procedures, and technology to optimize resource utilization and mission effectiveness. TSA employs risk-based security principles to actively combat evolving threats to critical transportation infrastructure.’ ¹⁸³ In 2019, TSA deployed hundreds of officials to the border to assist CBP with immigration duties. ¹⁸⁴
POE Expedited Removal	immigration_and_customs_enforcement_dhs	Direct	ICE is responsible for immigration detention centres, including coordinating to transfer detainees from CBP custody to immigration detention. Asylum-seekers are among those transferred from short-term CBP custody to ICE custody. ICE officials are also responsible for parole decisions, bond and detention condition decisions. Also, ICE trial attorneys (TAs) represent the government in immigration court and before the BIA in individual asylum cases.
POE Expedited Removal	director_ice_dhs	Indirect	The Director of ICE oversees ICE’s day-to-day operations, which includes oversight of enforcement and removal operations, as well as policy decisions that impact asylum seekers and others in search of protection.
POE Expedited Removal	chief_of_staff_ice_dhs	Indirect	The ICE Chief of Staff manages a ‘broad domestic and international portfolio’ that includes advising on the creation of policy and operational guidance as well as working with foreign diplomats and law enforcement. ¹⁸⁵ This would include the creation of policy and operational guidance relating to border operations such as metering and other policies that impact how and whether asylum seekers are able to access protection. This would also include the creation of policy and operational guidance relating to interacting and working with foreign governments and law enforcement agencies, such as Mexico’s INM and other agencies, to prevent people from reaching the US border.
POE Expedited Removal	congressional_relations_ice_dhs	Indirect	The Office of Congressional Relations (OCR) ‘is the primary point of contact for the U.S. Congress. OCR focuses on promoting a greater understanding of ICE operations, policies, programs and initiatives among members of Congress, congressional committees and their staff.’ ¹⁸⁶ This office provides information to Congress in order to justify decisions and actions, while also advocating for policy changes, including those relating to asylum, detention conditions for asylum seekers, and many others.

¹⁸³ *FY 2021 Budget in Brief* (n 1) 34.

¹⁸⁴ CNN Newsource, ‘TSA to deploy hundreds, including air marshals, to border’, *ABC 15 Arizona* (online, 15 May 2019) <<https://www.abc15.com/news/national/tsa-to-deploy-hundreds-including-air-marshals-to-border>>.

¹⁸⁵ ‘John Amaya’, *Harris, Wiltshire & Grannis LLP* (Web Page, 2021) <<https://www.hwglaw.com/team/john-amaya/>>.

¹⁸⁶ ‘Office of Congressional Relations’, *US Immigration and Customs Enforcement* (Web Page, 2 September 2021) <<https://www.ice.gov/leadership/ocr>>.

POE Expedited Removal	partnership_engagement_ice_dhs	Indirect	The Office of Partnership and Engagement (OPE) ‘coordinates outreach efforts with the public, key stakeholders, and ICE leadership to increase local and national awareness of U.S. Immigration and Customs Enforcement’s (ICE) mission, while building relationships and fostering trust in our communities.’ ¹⁸⁷ This includes engaging with the public, stakeholders and ICE leadership to advocate for ICE policies, while also attempting to shape public perception of events such as detainee deaths, poor detention conditions, and family separation.
POE Expedited Removal	public_affairs_ice_dhs	Indirect	The Office of Public Affairs (OPA) ‘is the agency's public face, a team of communications professionals dedicated to telling the story of ICE and fostering an understanding of the agency's mission through outreach to employees, the media and the general public.’ ¹⁸⁸ This includes attempting to shape public perception of agency actions, while also contributing to the morale of employees. OPA made numerous efforts to mitigate public outrage over controversial policies such as family separation and ICE offices routinely engage in the production of media content to shape public opinion.
POE Expedited Removal	principal_legal_advisor_ice_dhs	Direct	‘The responsibilities of the Principal Legal Advisor include providing legal advice to the Assistant Secretary and other senior ICE leaders on legal issues associated with the ICE mission, as well as representing the Department in all exclusion, deportation, and removal proceedings; prosecuting removal court cases; handling Board of Immigration Appeal cases; providing litigation support to U.S. Attorney Offices; assisting with removal order reinstatements, administrative removal orders, and expedited removals; reviewing legislative and regulatory proposals; providing legal training and ethics guidance to all ICE personnel; and representing ICE in court and administrative proceedings.’ ¹⁸⁹ ‘OPLA also provides a full range of legal services to ICE programs and offices. OPLA provides legal advice and prudential counsel to ICE personnel on their customs, criminal, and immigration law enforcement authorities, the Freedom of Information Act and Privacy Act, ethics, liability under the Federal Tort Claims Act, and a range of administrative law issues, such as contract, fiscal, and employment law.’ ¹⁹⁰ This office both participates in all types of legal decision-making relating to individual asylum cases, as well as decisions which impact the ability of a person to raise a claim, as well as in legal decisions relating to how ICE personnel use their authority.
POE Expedited Removal	enforcement_litigation_opla_ice_dhs	Direct	The Enforcement and Litigation (E&L) section ‘advances U.S. Immigration and Customs Enforcement’s (ICE) homeland security and public safety mission by enforcing our nation’s immigration, customs, and criminal laws and policies, defending the operational authorities and

¹⁸⁷ ‘Office of Partnership and Engagement’, *US Immigration and Customs Enforcement* (Web Page, 2 September 2021) <<https://www.ice.gov/leadership/ope>>.

¹⁸⁸ ‘Office of Public Affairs’, *US Immigration and Customs Enforcement* (Web Page, 2 September 2021) <<https://www.ice.gov/leadership/opa>>.

¹⁸⁹ ‘Office of the General Counsel’, *US Department of Homeland Security* (Web Page, 24 August 2021) <<https://www.dhs.gov/office-general-counsel>>.

¹⁹⁰ ‘Office of the Principal Legal Advisor’, *US Immigration and Customs Enforcement* (Web Page, 27 July 2021) <<https://www.ice.gov/about-ice/opla>>.

			decisions of ICE officers and agents in the federal courts, and guiding and supporting the advocacy of ICE attorneys before the immigration courts and the Board of Immigration Appeals (Board), with special emphasis on cases involving criminal aliens, human rights violators, and aliens who threaten our national security.’ ¹⁹¹ Defending the operational authorities and decisions of ICE officers and agents, as well as supporting ICE attorneys before the immigration courts and the BIA, includes cases involving people seeking asylum.
POE Expedited Removal	district_court_litigation_el_opla_ice_dhs	Direct	The ‘DCLD defends ICE’s operational prerogatives and activities, its budget, and its people by zealously representing agency interests in civil litigation and through the adjudication of administrative tort actions.’ ¹⁹² ‘DCLD assists ICE personnel and DOJ in all aspects of federal litigation ... in cases ranging from common-law tort suits, lawsuits against ICE employees in their individual capacity under <i>Bivens v. Six Unknown Named Agents</i> , 403 U.S. 388 (1971), and claims seeking injunctive or declaratory relief, including class action habeas corpus relief. DCLD also provides oral and written advice to ICE leadership and employees regarding potential litigation risks, represents ICE’s interests in litigation-related discussions with other agencies and Department of Homeland Security (DHS) components, and adjudicates administrative claims for personal injuries and property damage pursuant to the Federal Tort Claims Act.’ ¹⁹³ Cases brought under <i>Bivens</i> and against ICE officials for torts, often include harm done to people seeking asylum. Habeas and injunctive or declaratory claims often include claims for relief by asylum seekers who are detained, or are seeking some other type of relief in order to better present their claims.
POE Expedited Removal	ero_law_el_opla_ice_dhs	Indirect	‘EROLD attorneys prepare legal opinions, review and draft policy directives, legislation, regulations, and other materials for DHS, ICE, and OPLA leadership on the legal and policy aspects of Enforcement and Removal Operations’ (ERO) immigration enforcement functions, including: alternatives to detention, civil immigration arrest and detention authorities, civil rights and disabilities, conditions of confinement, detainers, expedited removal processes, family detention, fugitive operations, juvenile issues, repatriation initiatives, the 287(g) Program, and the Visa Waiver Program. EROLD also houses OPLA’s regulatory program and provides significant litigation support to DOJ for federal court matters impacting ICE equities with regard to arrest, detention, and removal authorities.’ ¹⁹⁴ These matters, including detention and expedited removal, often involve asylum seekers and impact their ability to raise or pursue an asylum claim.

¹⁹¹ Ibid.

¹⁹² Ibid.

¹⁹³ Ibid.

¹⁹⁴ Ibid.

POE Expedited Removal	hsi_law_el_opla_ice_dhs	Indirect	‘HSILD provides customs law, criminal law, and criminal immigration law advice to the ICE Director, HSI, and Office of Professional Responsibility on a wide range matters related to the movement of people and goods into, within, and out of the United States. ... Working in close partnership with HSI Headquarters, HSILD interprets and defends HSI’s many unique authorities; reviews national policies, novel issues, and matters of national importance; drafts proposed legislation; liaises with other law enforcement agencies; and provides advanced training to HSI special agents.’ ¹⁹⁵ At the time of this research, HSILD was working closely with one Border Patrol sector in Arizona on what Border Patrol considered to be a smuggling ring that also involved people seeking asylum. HSILD takes a law enforcement focussed position on the movement of people who may also have protection claims, and advocates for policies and action from that perspective.
POE Expedited Removal	human_rights_violator_el_opla_ice_dhs	Indirect	‘With interagency partners at the Human Rights Violators and War Crimes Center, the Homeland Security Investigations (HSI) Human Rights Violators and War Crimes Unit and OPLA attorneys pursue the criminal prosecution, denaturalization, and ultimately the removal of individuals seeking U.S. immigration benefits who have been involved in human rights violations or war crimes. HRVLD also works to prevent human rights abusers and war criminals from gaining a safe haven in the United States. HRVLD supports HSI as it conducts thousands of criminal investigations against human smugglers who engage in particularly egregious activities which endanger human life, and human traffickers who compel their victims into work or prostitution.’ ¹⁹⁶ People seeking asylum may sometimes have complex histories of persecution (eg child soldiers), or have taken dangerous routes using human smugglers to travel to the US in search of protection. These individuals may be impacted by this office.
POE Expedited Removal	imm_law_practice_el_opla_ice_dhs	Direct	The Immigration Law and Practice Division (ILPD) advocates ‘on ICE’s behalf in appellate proceedings before the Board and the Attorney General, ensuring consistency in OPLA’s litigating positions before the nation’s immigration courts, guiding the development of federal court decisional law, and providing expert counsel on issues of substantive immigration law and protection law matters. ... ILPD also provides guidance to OPLA field locations, agency leadership, DHS OGC HQ, and various DOJ components on a wide range of substantive immigration law issues, including, but not limited to, criminal grounds of removability, bond proceedings, and extradition. ILPD attorneys also provide specialized legal advice on matters involving refugees, asylum, withholding of removal, protection under the Convention Against Torture regulations, and Temporary Protected Status, and

¹⁹⁵ Ibid.

¹⁹⁶ ‘Office of the Principal Legal Advisor’, *US Immigration and Customs Enforcement* (Web Page, 27 July 2021) <<https://www.ice.gov/about-ice/opla>>.

			advance OPLA's efforts to combat protection law-related fraud perpetrated by applicants and preparers. ¹⁹⁷
POE Expedited Removal	national_securty_el_opla_ice_dhs	Indirect	'NSLD provides national oversight and litigation support for OPLA's litigation of national security cases before the immigration courts, including the development of legal and policy positions and litigation strategy, and the approval of substantive national security charges. ... NSLD's cases often involve individuals convicted of terrorism-related offenses or who have engaged in terrorist activity.' ¹⁹⁸ Asylum seekers may have diverse experiences of persecution, which may also include providing assistance under extreme duress, or in complex circumstances.
POE Expedited Removal	field_legal_ops_opla_ice_dhs	Direct	'The OPLA field locations are responsible for representing DHS in detained and non-detained removal cases before the Department of Justice's Executive Office for Immigration Review (EOIR).' ¹⁹⁹ This includes representing DHS in opposition to individuals in detained and non-detained removal cases with asylum claims.
POE Expedited Removal	general_admin_law_opla_ice_dhs	Indirect	The General and Administrative Law 'attorneys and staff support a diverse portfolio of ICE-wide legal programs and OPLA-wide mission and program support.' ²⁰⁰ This includes acting as the ethics officials for ICE attorneys who represent DHS in detained and non-detained asylum cases, while also advising ICE offices on the disclosure of information to foreign governments (which may concern asylum seekers) and under FOIA, while also adjudicating FOIA appeals for information that may also involve asylum seeker A files.
POE Expedited Removal	govt_info_law_ga_opla_ice_dhs	Indirect	'Their work includes the legal review of international agreements, such as Mutual Legal Assistance Treaties, Customs Mutual Assistance Agreements and Letters of Intent with foreign governments. They also adjudicate administrative appeals under the Freedom of Information Act and help U.S. Attorneys' Offices to defend information-related litigation filed against ICE.' ²⁰¹ Release of information to foreign governments and other agencies may implicate asylum seekers, as they are often concerned about the country of persecution receiving information related to their claims. Adjudicating FOIA appeals may also impact asylum seekers attempting to gain access to information in their A files, which may also be used against them in removal proceedings, or affirmative asylum adjudications.
POE Expedited Removal	ice_ethics_ga_opla_ice_dhs	Direct	'Its attorneys establish, maintain and carry out the ICE ethics program, which includes collecting, reviewing and certifying financial disclosure reports, providing ethics advice on the standards of

¹⁹⁷ Ibid.

¹⁹⁸ Ibid.

¹⁹⁹ Ibid.

²⁰⁰ Ibid.

²⁰¹ Ibid.

			conduct and executing a robust employee ethics education program. The ICE Ethics Office also serves as ICE's point of contact for attorney professional responsibility complaints, and it oversees the Administrative Inquiry and Management Referral program for attorney misconduct cases.' This office is responsible for pursuing, or failing to pursue, professional responsibility and other misconduct investigations against ICE attorneys representing DHS in detained and non-detained asylum cases.
POE Expedited Removal	mission_support_ga_opla_ice_dhs	Indirect	The Mission Support Division (MSD) 'team of support professionals delivers comprehensive, nationwide administrative services to advance OPLA's operational mission. ... It manages OPLA's hiring and oversees employee performance management. It is also responsible for tracking OPLA's facility needs and its government property.' ²⁰² This includes ensuring that OPLA and the agency's attorneys, have the resources to effectively carry out law and policy relating to asylum seekers.
POE Expedited Removal	enforcement_removal_ops_ice_dhs	Direct	Enforcement and Removal Operations 'enforces the Nation's immigration laws by identifying and apprehending illegal immigrants, detaining those individuals pending final determination of removability, and removing them from the United States. ... ERO manages all logistical aspects of the removal process, including domestic transportation, detention, alternatives to detention programs, bond management, and supervised release. In addition, ERO repatriates those ordered removed from the United States to more than 170 countries around the world.' ²⁰³ Asylum seekers may come into contact with ERO officials at almost any stage of the asylum and removal process.
POE Expedited Removal	custody_mgmt_ero_ice_dhs	Direct	'Custody Management manages ICE detention operations efficiently and effectively to provide for the safety, security, and care of aliens in ERO custody.' ²⁰⁴ Custody Management is essentially responsible for all aspects of immigration detention, including parole, other alternatives to detention, and detention conditions which can have a significant impact on detained asylum seekers' ability to raise and pursue a claim.
POE Expedited Removal	enforcement_ero_ice_dhs	Direct	'The Enforcement Division manages the enforcement initiatives and components through which ERO identifies and arrests removable aliens.' ²⁰⁵ Though the agency website focuses on 'criminal aliens', the ERO Enforcement Division targets anyone without status who may or may not have been convicted (or even accused) of criminal activity. Many people – including asylum seekers – are targeted for civil immigration violations, or even civil traffic violations.' ²⁰⁶ ERO also includes

²⁰² Ibid.

²⁰³ US Department of Homeland Security, *FY 2019-2021 Annual Performance Report* (Report, 2019) 38.

²⁰⁴ 'Enforcement and Removal Operations', *US Immigration and Customs Enforcement* (Web Page, 20 May 2021) <<https://www.ice.gov/about-ice/ero#custody>>.

²⁰⁵ 'Enforcement and Removal Operations', *US Immigration and Customs Enforcement* (Web Page, 20 May 2021) <<https://www.ice.gov/about-ice/ero#enforcement>>.

²⁰⁶ See eg, *Aguilar v US Immigration and Customs Enforcement Division*, 07-civ-08224; Roque Planas, 'Latest ICE Data Details Increasingly Indiscriminate Arrests', *HuffPost* (online, 8 July 2018) <https://www.huffpost.com/entry/ice-arrest-data-details-increasingly-indiscriminate-arrests_n_5b40e791e4b05127ccf2af63?t08=>>.

			‘Deportation Officers’ who oversee the removal process and detention of detainees, including asylum seekers.
POE Expedited Removal	field_ops_ero_ice_dhs	Direct	The ERO Field Operations Division comprises 24 national field offices where ‘enforcement and removal efforts are conducted’. ²⁰⁷ Headquarters and the national field offices coordinate to transfer and manage immigration detainees, which includes asylum seekers, while also managing the administrative removal process and the physical requirements of removal.
POE Expedited Removal	ice_health_service_ero_ice_dhs	Direct	The ICE ‘Health Service Corps (IHSC) provides direct care daily to approximately 100,000 detainees housed at 20 designated facilities throughout the nation. The health care provided includes medical, dental and mental health care, and public health services. IHSC also provides medical case management and oversight for an additional 169,000 detainees housed at approximately 148 non-IHSC-staffed detention facilities daily across the country.’ ²⁰⁸ Detainees include asylum seekers, who may often have mental and other health issues resulting from their persecution, which may impact on their ability to raise and pursue an asylum claim.
POE Expedited Removal	operations_support_ero_ice_dhs	Indirect	‘OS responsibilities include budget formulation and execution management, financial management, purchase card support, facilities construction and leasing management, fleet and personal property management, training management, human capital management, and compliance and oversight support. The Assistant Director (AD) for OS is responsible for a dynamic human capital program that includes aggressive recruitment, hiring, and retention of a diverse professional, managerial and officer workforce and provides sound and cost-effective budget and financial management policies, procedures and guidance. The AD for OS also provides a safe and effective fleet, and provides planning and oversight of ERO facilities and construction. The AD for OS ensures collaboration with internal stakeholders to define requirements and guarantee timely responses to Freedom of Information Act (FOIA) cases, and institutes a partnership throughout the agency to develop an overarching ERO training strategy that includes mission-specific training needs.’ ²⁰⁹ This office influences the types of people hired by ERO, which overwhelmingly includes people with a law enforcement – not humanitarian – focus. This office is also responsible for providing appropriate and humane facilities for people being detained and removed, including asylum seekers, while also being responsible for providing timely responses to FOIA requests which asylum seekers often depend upon in presenting their cases.
POE Expedited Removal	removal_ero_ice_dhs	Direct	‘ERO’s Removal Division coordinates, manages, and facilitates efforts to successfully remove aliens from the United States. In collaboration with other ICE offices and the Department of State, ERO

²⁰⁷ ‘Enforcement and Removal Operations’, *US Immigration and Customs Enforcement* (Web Page, 20 May 2021) <<https://www.ice.gov/about-ice/ero#fieldOps>>.

²⁰⁸ ‘ICE Health Service Corps’, *US Immigration and Customs Enforcement* (Web Page, 24 March 2021) <<https://www.ice.gov/detain/ice-health-service-corps>>.

²⁰⁹ ‘Enforcement and Removal Operations’, *US Immigration and Customs Enforcement* (Web Page, 20 May 2021) <<https://www.ice.gov/about-ice/ero#operations>>.

			also works with international partners to successfully execute removal operations.’ ²¹⁰ ‘ERO facilitates the processing of illegal aliens through the immigration court system and coordinates their departure from the United States. ... ERO removal operations require complex coordination, management, and facilitation efforts to successfully remove/return aliens from the United States. ERO accomplishes this mission through contract/chartered flights and commercial airlines for escorted and unescorted removals. In collaboration with the ICE HSI Office of International Operations and the Department of State, ERO also works with international partners to successfully execute removal operations.’ ²¹¹ This includes the removal and attempted removal of people seeking asylum and refugees.
POE Expedited Removal	ice_air_removal_ero_ice_dhs	Direct	ICE Air Operations Division ‘Provides commercial and chartered aviation support, both domestically and internationally, to all 24 ERO Field Offices strategically located throughout the United States, providing air transportation to transfer aliens to designated detention locations and/or to staging sites in order to accomplish removal flights to aliens’ countries of origin.’ ²¹² This includes the transport of asylum seekers in detention to other detention locations, and/or to staging sites for removal.
POE Expedited Removal	removal_mgmt_removal_ero_ice_dhs	Direct	The Removal Management Divisions (RMD) East and West support ‘the 24 ERO Field Offices nationwide in the coordination of removals, and develops and implements strategies to support ERO’s mission to remove priority aliens from the United States through collaboration within the agency as well as interagency stakeholders, foreign embassies and consulates, and international networks.’ ²¹³ ‘In addition to the removal of aliens, ICE transfers UCs to the care of HHS ORR upon the assignment of bed space and transports family units internally to ERO’s FRCs.’ ²¹⁴ ‘Ground transportation includes alien pick-ups, transfers, and removals. Transportation network performance affects other ICE activities, including custody management, enforcement, removals, and local field operations. TRP uses ground to move detainees from jails into ICE custody, between detention facilities, and to legal, medical, and consular appointments. TRP relies on ground transportation for out-processing, for movement to a commercial flight, or to a staging site. TRP uses ground to remove Mexican nationals, leaving them at designated points of entry on the southwest border.’ ²¹⁵ All of these operations include the transport of asylum seekers.

²¹⁰ ‘Enforcement and Removal Operations’, *US Immigration and Customs Enforcement* (Web Page, 20 May 2021) <<https://www.ice.gov/about-ice/ero#removal>>.

²¹¹ ‘Removal’, *US Immigration and Customs Enforcement* (Web Page, 7 January 2021) <<https://www.ice.gov/remove/removal>>.

²¹² ‘Enforcement and Removal Operations’, *US Immigration and Customs Enforcement* (Web Page, 20 May 2021) <<https://www.ice.gov/about-ice/ero#removal>>.

²¹³ Ibid.

²¹⁴ US Immigration and Customs Enforcement, *Budget Overview: Fiscal Year 2020 Congressional Justification* (DHS Report) 163 (‘ICE Budget Overview 2020’).

²¹⁵ Ibid at 162-163.

POE Expedited Removal	intl_ops_removal_ero_ice_dhs	Direct	The International Operations Division (IOD) consists of ‘ERO’s overseas-based personnel and supports the 24 ERO Field Offices nationwide through regular and ongoing liaison with host-nation government officials in the coordination of removal operations.’ ²¹⁶ The IOD provides assistance in the removal of people who have raised unsuccessful asylum claims, as well as people who may have claims but who have not been able to raise them.
POE Expedited Removal	ero_special_response_teams_ice_dhs	Direct	‘ERO’s SRTs execute high-risk immigration enforcement operations that ICE officials stated require additional capabilities beyond those of regular ERO officers. ... SRTs provide security during the transportation of detained individuals between facilities or to the border or airport, as well as during the movement of large numbers of detainees by air or ground transport.’ ²¹⁷ SRT may encounter asylum seekers and others seeking international protection during the course of these deployments.
POE Expedited Removal	ice_law_enforcement_support_center_ice_dhs	Indirect	The ICE Law Enforcement Support Center (LESC) provides Law Enforcement Agencies (LEAs) ‘with data and intelligence, including information regarding immigration status and criminal history of persons under investigation, in custody, or otherwise encountered. ... LESC supports Federal, State, local, tribal, and international law enforcement partners, including INTERPOL and ICE Attaché offices. LESC also manages the administration of ICE records within the National Crime Information Center (NCIC)’. ²¹⁸ This information may include information about asylum seekers who ICE has encountered, as well as managing the administration of NCIC criminal records, which may impact a person’s asylum adjudication.
POE Expedited Removal	homeland_security_investigations_ice_dhs	Direct	‘HSI uses its legal authorities to investigate immigration and customs violations, including those related to export control, human rights abuses, narcotics, firearms and contraband smuggling, financial crimes, cybercrime, human trafficking and smuggling, child exploitation, intellectual property infringements, transnational gangs, and immigration benefit fraud. Additionally, specially trained investigative support staff assist in a broad range of functions requiring specialized knowledge and capabilities that are force multipliers in mission-critical areas.’ ²¹⁹ ‘HSI’s international force is DHS’s largest investigative presence abroad, anchored by special agents assigned to U.S. embassies, consulates and Department of Defense (DOD) combatant commands around the globe. HSI has one of the largest international footprints in U.S. law enforcement.’ ²²⁰ Border Patrol routinely works with HSI in various initiatives that impact asylum seekers, including at least two mentioned during interviews focussed on a North Carolina 'smuggling ring' as well as 'recycled children'.

²¹⁶ ‘Enforcement and Removal Operations’, *US Immigration and Customs Enforcement* (Web Page, 20 May 2021) <<https://www.ice.gov/about-ice/ero#removal>>.

²¹⁷ *Federal Tactical Teams* (n 148) 32.

²¹⁸ *ICE Budget Overview 2020* (n 214) 145.

²¹⁹ *Ibid* at 4.

²²⁰ *Ibid*.

POE Expedited Removal	domestic_ops_hsi_ice_dhs	Direct	HSI Domestic Operations ‘oversees all major HSI enforcement initiatives and de-conflicts operations among HSI field offices. Domestic Operations personnel serve as subject matter experts for senior leadership regarding ongoing HSI field investigations and serve as the single point of contact for HQ and support to the field.’ ²²¹ HSI targets ‘transnational criminal activities’, which they define to include human trafficking, human smuggling and document fraud. Asylum seekers may be trafficked, use smugglers or even false documents to reach the US, which may put them in contact with HSI.
POE Expedited Removal	intl_ops_hsi_ice_dhs	Indirect	HSI International Operations ‘interacts with the international law enforcement communities on behalf of ICE to investigate immigration and customs violations.’ ²²² Asylum seekers may be impacted by HSI’s focus on border security and law enforcement through the training delivered to foreign law enforcement agencies, which is aimed at stopping the movement of people without lawful status on their way to the US, or through the BITMAP program in which HSI trains and helps foreign law enforcement agencies to tactically collect the biometric and biographic data on people who lack status and are seeking to reach the US.
POE Expedited Removal	transnational_crim_invest_units_intl_ops_hsi_ice_dhs	Indirect	HSI’s Transnational Criminal Investigative Units (TCIUs) ‘comprise trained foreign law enforcement officials who work closely alongside HSI to investigate and prosecute individuals involved in transnational criminal activity.’ ²²³ This includes human smuggling and trafficking, which may involve people seeking asylum as they attempt to reach the US.
POE Expedited Removal	investigative_programs_hsi_ice_dhs	Indirect	HSI’s Investigative Programs Division ‘furthers HSI’s mission by supporting investigations and operations related to transnational crime, financial and narcotics violations, human trafficking and smuggling, public safety, and worksite enforcement.’ ²²⁴ This Division manages Human Smuggling, Human Trafficking and Transnational Gang programs, which may overlap with individuals seeking asylum at or between ports of entry.
POE Expedited Removal	national_security_investigations_hsi_ice_dhs	Indirect	‘NSID also leads efforts on investigating and prosecuting human rights violators and war criminals and preventing them from seeking refuge in the United States. NSID utilizes the breadth of ICE’s statutory legal authorities and robust interagency partnerships to counter national security threats identified through HSI investigations of fraud or abuse of the immigration, trade and financial

²²¹ ‘Homeland Security Investigations’, *US Immigration and Customs Enforcement* (Web Page, 1 September 2021) <<https://www.ice.gov/about-ice/homeland-security-investigations/domestic-operations>>.

²²² ‘International Operations’, *US Immigration and Customs Enforcement* (Web Page, 31 March 2021) <<https://www.ice.gov/about-ice/homeland-security-investigations/international-operations>>.

²²³ ‘Transnational Criminal Investigative Units’, *US Immigration and Customs Enforcement* (Web Page, 12 January 2021) <<https://www.ice.gov/partnerships-centers/transnational-criminal-investigative-units>>.

²²⁴ ‘Investigative Programs’, *US Immigration and Customs Enforcement* (Web Page, 31 August 2021) <<https://www.ice.gov/about-ice/homeland-security-investigations/investigative-programs>>.

			sectors.’ ²²⁵ HSI takes a broad view of ‘national security’ and investigates immigration fraud, including the use or manufacture of false immigration documents, as well as accused war criminals and human rights abusers who may have complicated histories of persecution and seek asylum in the US. The Pre-Adjudicated Threat Recognition and Intelligence Operations Team (PATRIOT) administered by this office would also encompass visa applicants who may be seeking to enter the US to claim asylum.
POE Expedited Removal	op_tech_cyber_hsi_ice_dhs	Indirect	‘OTC supports ICE and DHS by improving methods for managing different types of information and operational technology and directing how these tools are shared with other agencies and organizations.’ ²²⁶ OTC’s Innovation Lab houses the RAVEN system, which ‘incorporates elements of Predictive, Prescriptive and Descriptive Analytics throughout the system. There are several efforts ongoing which are aimed to deliver powerful analytics which focus on providing the User with historical context, likely future trends and suggestions for next steps.’ ²²⁷ The information collected, analysed and distributed by OTC includes information relating to asylum seekers, human smuggling, and other related issues. This information, as well as the tools used to collect, analyse and deliver it, are being used to inform law enforcement and other types of agency decision-making.
POE Expedited Removal	intelligence_hsi_ice_dhs	Indirect	The HSI Office of Intelligence ‘produces timely, comprehensive, and accurate criminal analysis that enables criminal investigators to identify, prioritize, disrupt, and dismantle transnational terrorist and criminal networks, and any other individual or organization that threatens national security or seeks to exploit the customs and immigration laws of the United States.’ ²²⁸ This office collects, analyses and distributes intelligence regarding people, including asylum seekers, attempting to reach or cross the US border without a visa or other documentation. The Collections Division also ‘manages ICE’s Technical Intelligence Center where LETC operations cue the tactical interdiction and investigation of illicit trafficking bound for the United States.’ ²²⁹ The interdiction and investigation of ‘illicit trafficking’ includes the movement of asylum seekers, while the division also investigates and distributes information to prevent human smuggling – without distinguishing the movement of asylum seekers from other types of movement.
POE Expedited Removal	mission_support_hsi_ice_dhs	Indirect	‘Mission Support manages logistics and internal control activities; oversees HSI’s fleet, travel, property, and facilities; reports on HSI’s performance; coordinates the development and issuance of

²²⁵ ‘National Security Investigations Division’, *US Immigration and Customs Enforcement* (Web Page, 12 February 2021) <<https://www.ice.gov/about-ice/homeland-security-investigations/national-security-investigations-division>>.

²²⁶ ‘Operational Technology and Cyber’, *US Immigration and Customs Enforcement* (Web Page, 8 January 2021) <<https://www.ice.gov/about-ice/homeland-security-investigations/otcd>>.

²²⁷ US Department of Homeland Security, ‘Questions and Answers for Request For Information (RFI) ICE-HSI-2021-RAVEN’ (FAQ, 7 January 2021) 2.

²²⁸ US Immigration and Customs Enforcement, *Homeland Security Investigations: HSI* (DHS Report, 2021) 18.

²²⁹ *ICE Budget Overview 2020* (n 214) 97.

			handbooks, policies, delegation orders, and forms that HSI needs to address its national security and public safety missions; ensures that HSI's resources are aligned to the broader goals of ICE and DHS; oversees the disclosure of information; and supports all HSI headquarters, field offices, and mission areas with strategic planning, analytics, modeling, and efficiency studies to facilitate fact-based decision-making. ²³⁰ This office is responsible for developing policies, handbooks, missions, in furtherance of the multi-faceted legal responsibilities of HSI, which includes the referral of individuals who might raise an asylum claim to the appropriate adjudicative process.
POE Expedited Removal	management_administration_ice_dhs	Indirect	'M&A oversees ICE's financial and human resources, IT, sensitive property, and other assets, and it collaborates with internal and external stakeholders to increase ICE's ability to attract and retain a diverse workforce.' ²³¹ This office contributes to the type of individuals who are recruited and hired within ICE, while also being responsible for identifying, developing and communicating ICE's strategic and other policies, regulations, regulatory processes, and operational requirements. All of these inputs may impact asylum seekers, from the types of individuals hired to work for ICE and whether they have the capacity or disposition to undertake humanitarian work, as well as in the organisational and other policies which prioritise certain types of law enforcement action and goals over the protection of individual asylum seekers.
POE Expedited Removal	chief_financial_officer_mgmt_ice_dhs	Indirect	OCFO is essentially responsible for providing the staffing, funding, and physical asset requirements for ICE to undertake its operations. OFCO 'allocate[s] resources to ICE's operational components by implementing best practices and linking strategic planning, budgeting and program performance to financial decision making.' ²³² These operations include transporting asylum seekers and others in need of protection from Border Patrol temporary holding facilities to long-term holding facilities, or paroling people, or releasing them using alternative forms of detention.
POE Expedited Removal	human_capital_mgmt_ice_dhs	Indirect	OHC is responsible for recruiting and retaining the staff necessary for ICE to function, including determining what types of people to recruit. For example, military veterans currently comprise one-third of ICE's total workforce. ²³³ Who the agency hires has a direct bearing on how legal obligations are implemented, as well as the agency culture. These, in turn, can directly impact how people in need of protection are perceived and treated.
POE Expedited Removal	acquisition_mgmt_mt_ice_dhs	Indirect	'OAQ procures various products and services such as: Law enforcement services and products, including handcuffs, hand restraints, guns and ammunition; Detention and removal services such as

²³⁰ *Homeland Security Investigations: HSI* (n 228) 19.

²³¹ *ICE Budget Overview 2020* (n 214) 3.

²³² 'Office of the Chief Financial Officer', *US Immigration and Customs Enforcement* (Web Page, 23 August 2021) <<https://www.ice.gov/about-ice/management-administration/cfo>>.

²³³ 'Office of Human Capital', *US Immigration and Customs Enforcement* (Web Page, 23 August 2021) <<https://www.ice.gov/about-ice/management-administration/hc>>.

			temporary housing, food, clothing and transportation, including air charter flights; Operational support like data analysis, interpreter services and clerical support; and Information technology supplies and services, including computers, security equipment, software and telecommunications equipment. ²³⁴ These acquisitions directly influence how and whether ICE can meet its legal and operational requirements. For example, OAQ would procure the transport for ICE to be able to move asylum seekers and others from temporary CBP detention to long-term detention, or another type of ICE processing facility.
POE Expedited Removal	chief_information_officer_mgmt_ice_dhs	Indirect	This office provides the information technology tools for ICE officials to enter and transfer information about people who come into contact with the agency, which includes asylum seekers. Inadequate information technology systems were at issue in the ‘Zero Tolerance’ policy, because DHS officials – including ICE – did not properly track separated parents and children, creating massive logistical and humanitarian problems.
POE Expedited Removal	information_governance_privacy_mgmt_ice_dhs	Indirect	The Office of Information Governance and Privacy (OIGP) ‘oversees the management, sharing, protection and access to ICE data, and ensures the information ICE maintains meets legal and policy requirements.’ ²³⁵ OIGP is critical to a number of functions that directly impact people seeking asylum or other forms of protection, including collecting appropriate data to ensure that ICE is actually adhering to legal obligations, including <i>non-refoulement</i> , providing information about where detainees are held, collecting and providing data to be used for the development of policy and law.
POE Expedited Removal	policy_planning_mgmt_ice_dhs	Indirect	The Office of Policy and Planning (OPP) ‘collaborates with internal and external stakeholders to identify, develop and effectively communicate ICE’s: strategic and organizational policies; regulations and regulatory processes; and operational requirements. Further, OPP supports ICE’s strategic priorities through coordination with departmental and interagency partners, establishing policies and regulations impacting ICE.’ ²³⁶ These policies include those which impact asylum seekers including, but not limited to, detention, transport and their ability to access the RSD process.
POE Expedited Removal	leadership_career_dev_mgmt_ice_dhs	Indirect	The ICE Office of Leadership and Career Development (OLCD) ‘establishes and maintains standards for ICE training programs and curricula, facilitates the accreditation of ICE training programs and oversees training delivered to ICE personnel.’ ²³⁷ Oversight of standards for ICE training programs

²³⁴ ‘Office of Acquisition Management’, *US Immigration and Customs Enforcement* (Web Page, 23 August 2021) <<https://www.ice.gov/about-ice/management-administration/oaq>>.

²³⁵ ‘Office of Information Governance and Privacy’, *US Immigration and Customs Enforcement* (Web Page, 23 August 2021) <<https://www.ice.gov/about-ice/management-administration/privacy>>.

²³⁶ ‘Office of Policy’, *US Immigration and Customs Enforcement* (Web Page, 2 September 2021) <<https://web.archive.org/web/20210808050139/www.ice.gov/about-ice/management-administration/policy>>.

²³⁷ ‘Office of Leadership and Career Development’, *US Immigration and Customs Enforcement* (Web Page, 23 August 2021) <<https://www.ice.gov/about-ice/management-administration/olcd>>.

			and curricula necessarily includes decisions around what types of material to include, whether that be on international legal obligations, humanitarian obligations, or other types of training that could impact how ICE officials encounter, interact with, and view their responsibilities towards asylum seekers and others in search of international protection.
POE Expedited Removal	professional_responsibility_ice_dhs	Direct	OPR conducts reviews of ICE programs and operations, and investigates ‘allegations of serious employee and contractor misconduct, as well as internal and external threats against ICE personnel and facilities. OPR assesses pre-employment suitability and continuously evaluates background investigations of the ICE workforce.’ ²³⁸ The extent to which OPR is successful in fully conducting investigations into misconduct, as well as perceived or actual problems with the integrity and professionalism of ICE officials, can have a direct impact on asylum seekers ability to lodge an application for relief, access counsel, or undertake any number of tasks that might be relevant to preparing and presenting a case, particularly if they are detained.
POE Expedited Removal	investigation_opr_ice_dhs	Direct	The OPR Investigation Division ‘investigates allegations of criminal and administrative misconduct of ICE employees and contractors, evaluates criminal misconduct of CBP employees when related to an ICE investigation, and administers the Insider Threat Program.’ ²³⁹ As outlined above, ICE misconduct can directly impact asylum seekers' ability to present or pursue a protection claim.
POE Expedited Removal	inspections_detention_oversight_opr_ice_dhs	Indirect	The OPR Inspections and Detention Oversight Division ‘assesses ICE’s organizational health by providing independent reviews of Component programs, offices, and detention facilities to measure compliance with applicable policies, procedures, and standards, conducting detainee death reviews, and auditing ICE’s implementation of the DHS Prison Rape Elimination Act (PREA).’ ²⁴⁰ Asylum seekers and others seeking international protection who are detained at ICE or ICE-contracted facilities, routinely face problems with access to counsel, accessing translators, accessing appropriate medical care, and various other issues that directly impact their ability to present and pursue a protection claim. Whether the OPR Inspections and Detention Oversight Division properly investigates, finds, and requires redress of these issues can have a direct influence on asylum seekers.
POE Expedited Removal	uscis_dhs	Direct	USCIS deals with biometrics appointments at field offices for asylum applicants, requests for information about applications, hosts asylum officers at field offices during circuit rides, and issues proof of status documents for people granted asylum (including by EOIR).
POE Expedited Removal	external_affairs_uscis_dhs	Indirect	The External Affairs Directorate (EXA) develops and circulates ‘official USCIS materials aimed at external audiences, including Congress, the press, immigration stakeholders, and the general

²³⁸ ‘Office of Professional Responsibility’, *US Immigration and Customs Enforcement* (Web Page, 2 April 2021) <<https://www.ice.gov/about-ice/opr>>.

²³⁹ *ICE Budget Overview 2020* (n 214) 47.

²⁴⁰ *Ibid.*

			public.’ ²⁴¹ The office provides responses to Congressional policy questions and constituent casework inquiries, and by provides ongoing education for members of Congress and their staff. This includes policy relating to asylum seekers, as well as casework inquiries for people seeking asylum.
POE Expedited Removal	office_of_legislative_affairs_ea_uscis_dhs	Indirect	The Office of Legislative and Intergovernmental Affairs (OLA) communicates with congressional stakeholders regarding USCIS policy changes and lobbies for the understanding and development of immigration legislation, policy, and practices. This includes policy, legislation and practices relating to asylum seekers and access to RSD.
POE Expedited Removal	legislative_affairs_ola_ea_uscis_dhs	Indirect	This office informs and advises USCIS leadership on congressional activity, informs Congress of USCIS policies and priorities, provides Congress with technical assistance on proposed legislation, briefs members and their staff on agency operations and policies, and supports agency leadership for congressional hearings. This includes USCIS policies and priorities, agency operations, and proposed legislation relating to asylum and access to the asylum framework.
POE Expedited Removal	operations_field_coordination_ola_ea_uscis_dhs	Indirect	This office supports the Congressional Liaison Corps throughout the agency to ensure consistency in outreach and operations. This includes outreach and operations relating to asylum, asylum-seekers and access to the asylum framework.
POE Expedited Removal	congressional_constituent_services_ola_ea_uscis_dhs	Indirect	This office responds to congressional inquiries concerning constituent casework and policy questions, which includes people seeking asylum.
POE Expedited Removal	liaison_and_coordination_branch_ola_ea_uscis_dhs	Indirect	This office facilitates unified USCIS responses to intradepartmental inquiries, requests for information and formal recommendations on all immigration issues as well as allegations of civil rights violations. This includes intradepartmental inquiries relating to asylum cases, requests for information and formal recommendations on issues relating to asylum, and allegations of civil rights violations relating to the asylum process.
POE Expedited Removal	office_of_public_affairs_ea_uscis_dhs	Direct	‘The Office of Public Affairs (OPA) functions as a conveyor of information, context, and insights to external and internal audiences with the aim of enhancing the public’s understanding of our agency and the laws and policies affecting benefit seekers, stakeholders, and the American people.’ ²⁴² This includes conveying information about laws relating to asylum, as well as messaging in support of agency policies and rules relating to asylum-seekers.
POE Expedited Removal	plain_language_opa_ea_uscis_dhs	Indirect	The Plain Language Division drafts content, reviews and edits communications materials and web content, as well as reports, internal memos, forms, and instructions. ‘The division also translates web content into Spanish and provides plain language training to USCIS employees and other components

²⁴¹ ‘External Affairs Directorate’, *US Citizenship and Immigration Services* (Web Page, 17 February 2021) <<https://www.uscis.gov/about-us/organization/directorates-and-program-offices/external-affairs-directorate>>.

²⁴² Ibid.

			of DHS. ²⁴³ This information both communicates how individuals can apply for immigration benefits like asylum, as well as the process for seeking asylum, in multiple languages. Reviewing and editing the language of reports, internal memos, forms, and instructions can directly impact how people understand the asylum process, as well as policies and information relating to the process.
POE Expedited Removal	internal_communications_opa_ea_uscis_dhs	Indirect	‘The Internal Communications Division coordinates all internal communications with the USCIS workforce. It also produces a digital employee newsletter and maintains the agency’s intranet.’ ²⁴⁴ Internal communications within UCSIS can be critical for communicating agency policy and practices which relate to asylum, or have an impact on a person’s ability to raise or pursue a claim.
POE Expedited Removal	strategic_communications_opa_ea_uscis_dhs	Indirect	‘The Strategic Communications Division plans, develops, and communicates USCIS messaging to announce short- or long-term programmatic and policy updates, changes, or new initiatives.’ ²⁴⁵ This includes messaging on legislation, agency policy and practices which relate to asylum, or have an impact on a person’s ability to raise or pursue a claim.
POE Expedited Removal	public_engagement_opa_ea_uscis_dhs	Direct	‘The division supports a variety of outreach programs and initiatives to ensure that the public has a clear understanding of our agency’s priorities and policies.’ ²⁴⁶ This includes outreach and initiatives on agency priorities and policies which relate to asylum, or have an impact on a person’s ability to raise or pursue a claim.
POE Expedited Removal	citizenship_and_applicant_info_services_ea_uscis_dhs	Direct	‘The Office of Citizenship and Applicant Information Services (CAIS) helps the public learn about U.S. citizenship and assists applicants with a variety of resources and tools.’ ²⁴⁷ These resources and tools include those relating to asylum requirements, the asylum process, and case information regarding certain types of pending benefits applications.
POE Expedited Removal	public_services_division_on_cais_ea_uscis_dhs	Direct	‘The Public Services Division responds to questions by phone, email, live chat, and written correspondence through the USCIS Contact Center. This division helps people locate information on the USCIS website using our virtual assistant, Emma, and provides language services to USCIS, ICE, and CBP.’ ²⁴⁸ This includes questions relating to certain types of benefits applications, while also helping people to locate information on asylum on the USCIS website, and providing language services to USCIS, ICE and CBP on issues that may involve asylum seekers.

²⁴³ Ibid.

²⁴⁴ Ibid.

²⁴⁵ Ibid.

²⁴⁶ Ibid.

²⁴⁷ ‘External Affairs Directorate’, *US Citizenship and Immigration Services* (Web Page, 17 February 2021) <<https://www.uscis.gov/about-us/organization/directorates-and-program-offices/external-affairs-directorate>>.

²⁴⁸ Ibid.

POE Expedited Removal	digital_services_division_cais_ea_uscis_dhs	Direct	‘The Digital Services Division manages the USCIS website and online self-help tools, builds digital forms and online account services in support of the USCIS eProcessing initiative, and ensures that people with limited English proficiency and people with disabilities can use our online resources.’ ²⁴⁹ Digital forms, online account and self-help services and tools may impact a person’s ability to access an asylum application, as well as benefits such as work authorisation that make it easier for a person to pursue a protection claim over a period of time.
POE Expedited Removal	field_operations_directorate_uscis_dhs	Direct	The Field Operations Directorate provides in-person information and documentary services for applicants, including issuing proof of asylum status and work authorisation for asylees, asylum applicants, and those granted withholding of removal or Convention Against Torture relief. Field offices also ‘fee in’ certain types of immigration forms that may be needed in certain CAT and withholding of removal cases.
POE Expedited Removal	field_offices_fod_uscis_dhs	Direct	The Field Operations Directorate has 88 field offices that deliver immigration benefit services directly to applicants and petitioners in communities across the United States and its territories. These field offices are frequently used for asylum officer ‘circuit rides’ where, for example, the Los Angeles Asylum Office will send an officer to the Phoenix Field Office to conduct interviews of asylum applicants in a location closer to where the applicants are actually located. Field offices also ‘fee in’ some types of immigration forms, such as stays of removal which may be needed in certain CAT and withholding cases.
POE Expedited Removal	national_benefits_center_fod_uscis_dhs	Indirect	The National Benefits Center (NBC) adjudicates I-765 employment authorisation (EAD) applications for applicants, including asylum-seekers. The NBC also processes adjustment of status (permanent residency) cases based on a prior grant of asylum.
POE Expedited Removal	headquarters_fod_uscis_dhs	Indirect	Field Operations Headquarters (HQ), the four regional offices and 16 district offices provide oversight, direction and support to the field offices, field support offices and the NBC, which includes oversight on document issuance and EAD issuance that impacts asylees, asylum applicants, and those granted withholding of removal or Convention Against Torture relief.
POE Expedited Removal	fraud_detection_national_security_uscis_dhs	Indirect	Fraud Detection and National Security (FDNS) ‘officers are located in USCIS service centers (including the NBC), asylum offices, domestic and international field offices, and are embedded in other government agencies. ... Administrative investigations may include compliance reviews, interviews, site visits, requests for evidence, and may also result in a referral to ICE for consideration of a criminal investigation.’ ²⁵⁰ This includes investigations into asylum applications and other applications for protection, or people granted protection.

²⁴⁹ Ibid.

²⁵⁰ ‘Fraud Detection and National Security Directorate’, *US Citizenship and Immigration Services* (Web Page, 13 March 2020) <<https://www.uscis.gov/about-us/directorates-and-program-offices/fraud-detection-and-national-security-directorate>>.

POE Expedited Removal	immigration_records_identity_services_uscis_dhs	Indirect	‘The Immigration Records and Identity Services Directorate (IRIS) provides immigration, employment, and identity information accurately and completely to enable confident and timely decisions.’ ²⁵¹ This includes support for asylum and related decisions, such as employment authorisation or derivative applications.
POE Expedited Removal	identity_information_management_iris_uscis_dhs	Indirect	‘The Identity and Information Management Division (IIMD) provides reliable person centric identity and immigration information management and services for an ecosystem of more than 100 million immigration records.’ This office stores, processes and provides information to USCIS officials who are adjudicating asylum and related benefits applications. The office also implements official identity and immigration records policy and guidance across USCIS, Customs and Border Protection and Immigration and Customs Enforcement, while engaging with ‘international and interagency actors to establish information sharing agreements and improve interoperability of identity and immigration information systems and processes’ ²⁵² all of which includes the implementation of policy and sharing of information related to asylum seekers. This includes biometrics and background check information for asylum seekers, asylees, and others seeking protection.
POE Expedited Removal	national_records_center_iris_uscis_dhs	Indirect	‘The National Records Center (NRC) provides records storage, management, and information retrieval services, and maintains the integrity of over 55.6 million immigration records and 23 million receipt files while supporting the largest Freedom of Information Act (FOIA) program in the federal government.’ ²⁵³ The NRC is responsible for immigrant ‘A files’ or ‘alien files’ which contain immigration documents, applications, enforcement actions, and other information that is relevant to asylum seekers and others seeking protection, particularly before immigration courts.
POE Expedited Removal	verification_iris_uscis_dhs	Indirect	‘The Verification Division provides timely and accurate immigration status and information to public benefit granting agencies and employment authorization to employers.’ ²⁵⁴ This includes asylum applicants granted employment authorisation, as well as asylees, Convention Against Torture and withholding of removal grantees also granted employment authorisation.
POE Expedited Removal	management_directorate_uscis_dhs	Indirect	‘[T]he directorate plans, directs, manages, and coordinates all management support functions within USCIS. This includes everything from hiring and training employees, providing information technology and other capabilities in support of adjudication and other functions, designing and maintaining application and other USCIS forms, receiving forms and accepting filing fees, and providing data and operational analysis to senior decisionmakers and key stakeholders like Congress,

²⁵¹ ‘Immigration Records and Identity Service Directorate’, *US Citizenship and Immigration Services* (Web Page, 2 August 2019) <<https://www.uscis.gov/about-us/directorates-and-program-offices/immigration-records-and-identity-services-directorate>>.

²⁵² Ibid.

²⁵³ Ibid.

²⁵⁴ Ibid.

			DHS and others. ²⁵⁵ Each of these functions impact on the agency's ability to deliver accurate, efficient and robust asylum and other benefits adjudications, as well as asylum applicants' ability to understand application and form requirements and actually file complete applications.
POE Expedited Removal	human_capital_trainin g_md_uscis_dhs	Indirect	This office 'attracts, hires, trains, and retains a quality and diverse workforce, offers USCIS employees' career development opportunities, and supports work-life balance.' ²⁵⁶ This includes employees working in asylum adjudication, as well as on employment authorisation, biometrics processing, background checks, and the variety of other functions that go into adjudicating protection applications, employment authorisation documents, and proof of status.
POE Expedited Removal	information_technolo gy_md_uscis_dhs	Indirect	This office 'provides the information technology services, strategic vision, leadership, technical expertise, and capabilities necessary to enable USCIS to deliver effective, efficient, economical, and secure immigration services.' ²⁵⁷ This includes services related to asylum adjudication and other protection benefits and requirements outlined above.
POE Expedited Removal	intake_document_pro duction_md_uscis_dh s	Indirect	This office 'designs and maintains all USCIS forms for internal and public use, produces secure identification documents, and oversees the receipt of USCIS applications and any associated filing fees.' ²⁵⁸ The office designs, prints and distributes USCIS forms, including the I-589, Application for Asylum, and manages the USCIS Lockbox facilities paper intake system. The Office also troubleshoots intake issues, adjudicates fee waiver requests, and resolves filing issues with applications. The office further produces and mails secure identity documents, such as Employment Authorisation Documents, which are relevant to asylum applicants, grantees, and those granted relief under CAT or withholding of removal. They also print and distribute notices, such as receipt and appointment notices, to applicants and petitioners. This includes asylum appointments and receipts.
POE Expedited Removal	investigations_uscis_d hs	Direct	Investigates allegations of misconduct, including those with a counterintelligence concern, to protect and strengthen the integrity of USCIS programs and systems, including the asylum program. In particular, the office conducts investigations of misconduct, corruption, and fraud involving USCIS employees and contractors, and prepares the semi-annual Report on Internal Affairs Investigations to Congress, which summarizes the USCIS investigative process and investigative activity by the Office of Investigations during the reporting period.
POE Expedited Removal	privacy_uscis_dhs	Indirect	The Office 'evaluates USCIS legislative and regulatory proposals involving collection, use, and disclosure of personally identifiable information (PII), and provides privacy policy and programmatic

²⁵⁵ 'Management Directorate', *US Citizenship and Immigration Services* (Web Page, 9 August 2021) <<https://www.uscis.gov/about-us/organization/directorates-and-program-offices/management-directorate>>.

²⁵⁶ Ibid.

²⁵⁷ Ibid.

²⁵⁸ Ibid.

			oversight and supports implementation across USCIS. ²⁵⁹ Privacy and non-disclosure of personally identifiable information is a particularly important concern for asylum applicants seeking or granted protection. Applicants are routinely concerned about whether information in an application, or the existence of the application itself, will be disclosed to a foreign government and often take this into consideration when applying.
POE Expedited Removal	office_of_chief_counsel_uscis_dhs	Indirect	OCC ‘fields a wide range of inquiries concerning immigrant and nonimmigrant employment and family-based petitions, adjustment of status, adoptions, inadmissibility and waivers, naturalization, asylum and refugee status, contract and administrative matters, labor issues, and records and verification issues. OCC provides comprehensive litigation support to the Department of Justice’s Office of Immigration Litigation and the Offices of the United States Attorney. OCC’s areas of responsibility include providing legal education and training to USCIS staff, and advising USCIS and DHS staff on legislative, regulatory and national security issues.’ ²⁶⁰ This includes legal education and training related to asylum and related processes, as well as litigation support in asylum-related cases.
POE Expedited Removal	refugee_asylum_occ_uscis_dhs	Indirect	Fields inquiries and provides 'specialized legal advice, opinions, determinations, regulations and any other assistance' required on asylum and refugee status issues. ²⁶¹ 'Provide legal advice on domestic asylum law and practice, overseas refugee resettlement programs, temporary protected status, and CAT.’ ²⁶²
POE Expedited Removal	training_knowledge_management_occ_uscis_dhs	Indirect	Provides education and training to USCIS staff, including training on legal and other issues that might impact asylum applicants, asylees, and those granted relief under CAT or withholding of removal. ‘Through TKMD, OCC works closely with the USCIS Refugee, Asylum and International Operations branch, the Fraud Detection and National Security branch, the Human Capital and Training divisions, as well as other divisions to vet training products and provide instruction on certain topics. OCC also creates certain training materials for use with its USCIS client, and those materials are coordinated and vetted through TKMD.’ ²⁶³ This also includes conducting research on the legal sufficiency of education and training materials related to asylum.

²⁵⁹ ‘Office of Privacy’, *US Citizenship and Immigration Services* (Web Page, 15 January 2021) <<https://www.uscis.gov/about-us/organization/directorates-and-program-offices/office-of-privacy>>.

²⁶⁰ ‘Office of the Chief Counsel’, *US Citizenship and Immigration Services* (Web Page, 9 August 2021) <<https://www.uscis.gov/about-us/organization/directorates-and-program-offices/office-of-the-chief-counsel>>.

²⁶¹ Ibid.

²⁶² ‘Help Wanted: Immigration Attorney’, *Immigration Daily* (Job Announcement No COU-CIS-2008-0010, 3 October 2008).

²⁶³ ‘[blindlaw] GS-0905-13/15-Experienced Attorney, Department of Homeland Security, Citizenship and Immigration Services’, *nfbnet.org* (Job Announcement No CIS-708340-COU, 10 August 2012) 2.

POE Expedited Removal	litigation_national_security_coordination_office_uscis_dhs	Direct	This office 'provides comprehensive litigation support to the Department of Justice's Office of Immigration Litigation and the Offices of the United States Attorney', while coordinating with other DHS components. ²⁶⁴ This includes litigation on asylum, access to the asylum process, and agency-wide litigation holds for classes of applicants that may include asylum seekers.
POE Expedited Removal	executive_secretariat_uscis_dhs	Indirect	EXSO plays a 'lead role in coordinating and clearing information and materials prepared within USCIS that are intended for review/approval ... to support the development of policy priorities.' ²⁶⁵ These directives and information involve policy and other materials relevant to asylum, or other benefits that impact people seeking or granted asylum, withholding of removal and CAT. EXSO's work also encompasses correspondence with Congress, including managing Congressional Reports, Congressional Questions for the Record, and other communications that may relate to asylum policy or issues directly/indirectly related to asylum applicants and those granted protection, withholding of removal, and CAT relief (such as EAD issuance, proof of status, immigration history or other background checks, etc).
POE Expedited Removal	external_liaison_es_uscis_dhs	Indirect	'The External Team provides essential executive support and collaborates with USCIS program offices and directorates, DHS components, and other government departments.' ²⁶⁶ This work encompasses managing external communications such as Congressional Reports and correspondence with Congress, that may relate to asylum policy or issues directly/indirectly related to asylum applicants and those granted protection, withholding of removal, and CAT relief (such as EAD issuance, proof of status, immigration history or other background checks, etc).
POE Expedited Removal	internal_es_uscis_dhs	Indirect	'The Internal Team plays a lead role in coordinating and clearing information and materials prepared within USCIS that are intended for review/approval by the Office of the Director to support the development of policy priorities. They serve as the focal point for coordinating and clearing official documents from DHS headquarters and components, including DHS Administrative Policy and Guidance documents that are binding on all DHS components.' ²⁶⁷ This includes documents that relate to asylum law and policy, or issues indirectly related to asylum applicants and those granted protection, withholding of removal, and CAT relief (such as EAD issuance, proof of status, immigration history or other background checks, etc).

²⁶⁴ 'Office of the Chief Counsel', *US Citizenship and Immigration Services* (Web Page, 9 August 2021) <<https://www.uscis.gov/about-us/organization/directorates-and-program-offices/office-of-the-chief-counsel>>.

²⁶⁵ 'Office of the Executive Secretariat', *US Citizenship and Immigration Services* (Web Page, 19 September 2019) <<https://www.uscis.gov/about-us/directorates-and-program-offices/office-of-the-executive-secretariat>>.

²⁶⁶ Ibid.

²⁶⁷ Ibid.

POE Expedited Removal	refugee_asylum_intl_ops_directorate_uscis_dhs	Direct	This office conducts protection screenings, adjudicates asylum and refugee applications, and adjudicates other immigration benefits both domestically and internationally. ²⁶⁸ The office also consults ‘with other countries to build the capacity of their protection systems, implement bilateral information-sharing agreements for identity management and confidentiality, and help advance the U.S. government’s strategic priorities in the international and refugee protection arenas.’ ²⁶⁹ Asylum officers travel within the US to process asylum-related claims, including to USCIS field offices.
POE Expedited Removal	asylum_raio_uscis_dhs	Direct	‘The Asylum Division adjudicates affirmative asylum applications for people who are already in the US and, generally, are not already in removal proceedings. The Asylum Division also adjudicates applications to suspend deportation or cancel removal under the Nicaraguan Adjustment and Central American Relief Act (NACARA). Additionally, the Asylum Division conducts credible fear screenings for people placed in expedited removal; reasonable fear screenings for people subject to final administrative removal orders or reinstatement of prior removal orders; screenings for people processed under the Migrant Protection Protocols; and screening functions under bilateral asylum cooperative agreements.’ ²⁷⁰
POE Expedited Removal	service_center_ops_uscis_dhs	Indirect	SCOPS is made up of 5 service centres ‘that provide immigration benefits for petitioners and applicants who do not require interviews’, but also receive applications for asylum and other protection claims by mail. ²⁷¹ The work of each service center is generally split into multiple product lines, one of which is ‘Humanitarian’. This includes ‘Benefit requests filed by refugees and asylees and their accompanying family members, individuals seeking consideration of Deferred Action for Childhood Arrivals (DACA), and individuals seeking temporary protected status (TPS); relief for victims of abuse, crimes, and severe forms of trafficking’. ²⁷²
POE Expedited Removal	policy_and_strategy_uscis_dhs	Indirect	The Office of Policy and Strategy (OPS) ‘is the USCIS lead for policy development and regulations coordination. OPS develops national immigration policy recommendations, coordinates regulations development, performs research, evaluation, and analysis on immigration issues, and is a principal liaison on immigration policy and strategic planning issues with DHS headquarters and sister agencies. OPS maintains effective relationships with Congress, stakeholders, and other government entities. OPS analysts regularly educate the public on new areas of policy or adjudicative practice and maintain awareness on research and policy issues of interest. OPS reviews and interprets policy

²⁶⁸ ‘Refugee, Asylum and International Operations Directorate’, *US Citizenship and Immigration Services* (Web Page, 10 March 2020) <<https://www.uscis.gov/about-us/directorates-and-program-offices/refugee-asylum-and-international-operations-directorate>>.

²⁶⁹ Ibid.

²⁷⁰ Ibid.

²⁷¹ ‘Service Center Operations Directorate’, *US Citizenship and Immigration Services* (Web Page, 22 January 2021) <<https://www.uscis.gov/about-us/organization/directorates-and-program-offices/service-center-operations-directorate>>.

²⁷² Ibid.

			and program issues, formulates the development of new USCIS policies and programs that reflect the emphasis desired by the Administration and the Department' and ensures that 'policy implementation problems are resolved or raised to the appropriate level of authority.' ²⁷³ This includes policy, regulations, and practices relating to the asylum process, or the processing of ancillary benefits for asylum seekers.
POE Expedited Removal	president	Indirect	The President is responsible for the execution and enforcement of the immigration and asylum laws created by Congress and also appoints the heads of Cabinet and agencies to carry out the daily administration of the federal government. This includes administration of all of the agencies that conduct activities impacting asylum seekers. The President has the power to sign legislation relating to asylum into law, conducts diplomacy with other nations, negotiates and signs treaties, and can issue executive orders on immigration.
POE Expedited Removal	executive_office_president	Indirect	The EOP provides support to the President to govern effectively, including on issues related to asylum seekers and immigration.
POE Expedited Removal	omb_eop	Indirect	OMB 'oversees the implementation of the President's vision across the Executive Branch' which includes the vision with respect to immigration and asylum seekers. ²⁷⁴ OMB develops and executes budgets from DHS and other executive departments and agencies, manages agency performance, coordinates and reviews all significant Federal regulations relating to immigration and asylum, as well as coordinating legislative materials and other presidential actions.
POE Expedited Removal	general_gov_programs_rmo_omb_eop	Indirect	OMB includes Resource Management Offices (RMOs), which include General Government Programs under which homeland security falls. ²⁷⁵ RMOs examine USCIS, ICE, CBP and other agency budget requests and develop funding recommendations for those agencies after integrating management, budget, and policy perspectives into their work. This includes policy perspectives on asylum and budget and funding recommendations that relate to the asylum process and policies that impact access to the asylum process.
POE Expedited Removal	omb_support_offices_omb_eop	Indirect	OMB-wide support offices coordinate the process for preparing the President's annual budget which addresses the implementation of laws relating to asylum, while also coordinating review of draft bills, congressional testimony and correspondence from agencies charged with implementing asylum laws and policies in accordance with the President's agenda.
POE Expedited Removal	electronic_govt_omb_eop	Indirect	The Office of Electronic Government (E-Gov) is a statutory office of OMB. ²⁷⁶ E-Gov policy directly impacts agencies like DHS and DOJ, which use technology for everything from providing access to

²⁷³ 'Deputy Chief, Office of Policy and Strategy', *USAJobs* (Job No 42014455, 4 March 2021).

²⁷⁴ 'Office of Management and Budget', *The White House* (Web Page, 2021) <<https://www.whitehouse.gov/omb/>>.

²⁷⁵ Ibid at 4.

²⁷⁶ Congressional Research Service, *Office of Management and Budget (OMB): An Overview* (Report, RS21665, 12 November 2020) 23.

			application forms, to entering data about people seeking asylum at the border which will be used throughout their immigration process.
POE Expedited Removal	info_regulatory_affairs_omb_eop	Indirect	‘OIRA has substantial responsibilities and influence over federal agencies’ regulations under a centralized review process established through executive order.’ ²⁷⁷ ‘Through this review, OIRA exerts considerable influence over the content of regulations, ensuring that federal agencies’ actions are consistent with the President’s policy preferences.’ ²⁷⁸ This review includes regulations related to asylum and other forms of protection, regulations relating to immigration benefits such as work authorisation, as well as regulations relating to immigration enforcement and the operation of immigration courts and the Board of Immigration Appeals.
POE Expedited Removal	domestic_policy_council_eop	Indirect	The Domestic Policy Council (DPC) ‘drives the development and implementation of the President’s domestic policy agenda in the White House and across the Federal government, ensuring that domestic policy decisions and programs are consistent with the President’s stated goals, and are carried out for the American people.’ ²⁷⁹ The DPC develops and implements policies on asylum and related issues that impact access to the asylum process.
POE Expedited Removal	national_security_council_eop	Indirect	The National Security Council (NSC) ‘is the President’s principal forum for national security and foreign policy decision making with his or her senior national security advisors and cabinet officials, and the President’s principal arm for coordinating these policies across federal agencies.’ ²⁸⁰ The NSC addresses issues related to border security along the southern border, as well as other migration issues that impact asylum-seekers and the asylum process.
POE Expedited Removal	intergovernmental_affairs_eop	Indirect	During the Trump Administration, the IGA coordinated extensively with state and local law enforcement to push the White House’s agenda on immigration and asylum, which included deterring people from applying for asylum. ²⁸¹
POE Expedited Removal	office_vice_president	Indirect	As an integral part of the executive administration, the Vice President may be given a portfolio that includes immigration issues like Biden has done with current Vice President Kamala Harris. These issues may take many forms, including immigration enforcement actions that impact asylum seekers’ ability to move and access protection, or responding to crises that may produce asylees and refugees.

²⁷⁷ Ibid at 18.

²⁷⁸ Ibid.

²⁷⁹ ‘Domestic Policy Council’, *The White House* (Web Page, 2021) <<https://www.whitehouse.gov/dpc/>>.

²⁸⁰ ‘National Security Council’, *The White House* (Web Page, 2021) <<https://www.whitehouse.gov/nsc/>>.

²⁸¹ ACLU of Massachusetts, ‘Miscellaneous communications between Sheriff or staff and White House or Secret Service_Redacted_part1’, *Data* (PDF Document, 12 May 2019) <https://data.aclum.org/wp-content/uploads/2019/12/Miscellaneous-communications-between-Sheriff-or-staff-and-White-House-or-Secret-Service_Redacted_part1.pdf>.

POE Expedited Removal	department_of_justice	Direct	The DOJ consists of a number of components that directly interact with or influence asylum seekers. This includes United States Attorneys who litigate immigration and asylum-related cases in federal court, the FBI which conducts background and other investigations used in deciding asylum claims, the United States Marshals Service which transports and sometimes jails people prosecuted for immigration violations (which include asylum seekers), the Federal Bureau of Prisons which confines immigration detainees including asylum seekers. The Executive Office for Immigration Review oversees and manages the immigration courts and the Board of Immigration Appeals where asylum seekers litigate their claims. DOJ and its components also administer and fund programs such as Legal Orientation Programs (LOPs) (which the Trump Administration suspended in April 2018) ²⁸² and have funded legal services for children and detainees deemed mentally incompetent in immigration proceedings, which all include people seeking asylum. ²⁸³
POE Expedited Removal	attorney_general_doj	Direct	As head of the Department of Justice, the Attorney General directs and controls US Attorneys and all other counsel employed on behalf of the United States who litigate immigration cases and provide legal advice and direction for agencies implementing immigration-related legislation and regulations. The Attorney General supervises the administration and operation of the Department of Justice, which includes the Executive Office for Immigration Review, the Board of Immigration Appeals, the Federal Bureau of Investigation, Bureau of Prisons, and the US Attorneys and US Marshals Service, which all engage in activities relating to asylum and asylum seekers. The Attorney General also enforces, interprets and makes recommendations on immigration law. The AG also has the power to refer cases before the Board of Immigration Appeals to themselves for a binding decision in the first instance.
POE Expedited Removal	deputy_attorney_general_ag_doj	Indirect	The Deputy Attorney General advises and assists the Attorney General ‘in formulating and implementing Department policies and programs and in providing overall supervision and direction to all organizational units of the Department’, which includes immigration and asylum-related policies and programs, as well as organisational units implementing those policies and programs. ²⁸⁴ The Deputy Attorney General also represents DOJ at meetings of the National Security Council and Homeland Security Council, which may relate to asylum-seekers or circumstances from which people might flee. The Deputy Attorney General also sets enforcement priorities in consultation with

²⁸² Lorelai Laird, ‘ABA condemns suspension of Justice Department’s Legal Orientation Program for immigrants’, *ABA Journal* (Online, 11 April 2018) <https://www.abajournal.com/news/article/aba_condemns_suspension_of_justice_departments_legal_orientation_program>.

²⁸³ ‘Protecting Against Threats to the Most Vulnerable Populations’, US Department of Justice Archives (Web Page, 18 January 2017) <<https://www.justice.gov/archives/doj/accomplishments-under-leadership-attorney-general-eric-holder#s4>>.

²⁸⁴ ‘Organization, Mission & Functions Manual: Attorney General, Deputy and Associate’, *The United States Department of Justice* (Web Page, 26 May 2021) <<https://www.justice.gov/jmd/organization-mission-and-functions-manual-attorney-general#ag>> (‘Organization, Mission & Functions Manual’).

			the Attorney General, which during the Trump Administration included prosecuting people for unlawful entry and other immigration-related offences.
POE Expedited Removal	associate_attorney_general_ag_doj	Indirect	The Associate Attorney General (ASG) advises and assists the AG and Deputy AG ‘on the formulation and implementation of Department of Justice policies and programs’ which include matters relating to asylum seekers. ²⁸⁵ This includes the Office of Information Policy, which oversees agency compliance with FOIA and developing government-wide policy on FOIA. ²⁸⁶ The ASG also oversees a number of programs that fund or administer programs relating to crime victims, human trafficking, policing, and access to justice, which may encompass asylum seekers within the people targeted by the programs. Programs include the Office of Justice Programs, the Office of Community Oriented Policing Services, the Access to Justice Initiative, the Community Relations Service, and the Office on Violence Against Women. ²⁸⁷
POE Expedited Removal	solicitor_general_ag_doj	Direct	‘The mission of OSG is to represent the interests of the United States before the Supreme Court and to oversee appellate and certain other litigation on behalf of the United States in the lower federal and state courts.’ ²⁸⁸ The OSG does this in relation to cases involving asylum seekers, as well as cases that have a direct or indirect impact on the asylum system, or people’s ability to access the asylum process.
POE Expedited Removal	civil_division_ag_doj	Indirect	The Civil Division of the DOJ ‘represents the United States in any civil or criminal matter within its scope of responsibility’ ²⁸⁹ and defending laws and policies relating to asylum and asylum seekers. The Civil Division also encompasses the Office of Immigration Litigation (OIL) and represents the federal government in asylum and other immigration cases, as well as in cases brought by individuals subject to abuses in the context of immigration detention and other matters seeking damages against officers of the United States. The Civil Division is also responsible for representing the interests of the United States in similar litigation in foreign courts. OIL ‘oversees all civil immigration litigation ... and it is responsible for coordinating national immigration matters before the federal district courts and circuit courts of appeals. It provides support and counsel to all federal agencies involved in alien admission, regulation, and removal under U.S. immigration and nationality statutes.’ ²⁹⁰

²⁸⁵ Ibid.

²⁸⁶ ‘About the Office’, US Department of Justice (Online, 15 February 2017) <<https://www.justice.gov/oip/about-office>>.

²⁸⁷ ‘Organization, Mission & Functions Manual’ (n 284).

²⁸⁸ ‘Organization, Mission and Functions Manual: Office of the Solicitor General’, *The United States Department of Justice* (Web Page, 26 May 2021) <<https://www.justice.gov/jmd/organization-mission-and-functions-manual-office-solicitor-general>>.

²⁸⁹ ‘Organization, Mission and Functions Manual: Civil Division’, *The United States Department of Justice* (Web Page, 5 October 2020) <<https://www.justice.gov/jmd/organization-mission-and-functions-manual-civil-division>>.

²⁹⁰ ‘Office of Immigration Litigation’, *The United States Department of Justice* (Web Page, 9 September 2020) <<https://www.justice.gov/civil/office-immigration-litigation>>.

POE Expedited Removal	civil_rights_ag_doj	Indirect	This portfolio includes work on immigration, in relation to survivors of trafficking including those who may have claims for international protection, as well as violations of civil rights in the context of the enforcement or implementation of immigration laws, including in the context of detention.
POE Expedited Removal	executive_office_immigration_review_ag_doj	Direct	‘EOIR is responsible for adjudicating immigration cases. Specifically, under delegated authority from the Attorney General, EOIR interprets and administers federal immigration laws by conducting immigration court proceedings, appellate reviews, and administrative hearings. EOIR consists of three components: the Office of the Chief Immigration Judge, which is responsible for managing the numerous Immigration Courts located throughout the United States, where Immigration Judges adjudicate individual cases; the Board of Immigration Appeals, which primarily conducts appellate reviews of Immigration Judge decisions; and the Office of the Chief Administrative Hearing Officer, which adjudicates immigration-related employment cases.’ ²⁹¹
POE Expedited Removal	director_eoir_ag_doj	Indirect	The Director of EOIR supervises the Deputy Director, the Chairman of the Board of Immigration Appeals, the Chief Immigration Judge, the Chief Administrative Hearing Officer, and all agency personnel in the administration and implementation of the immigration court and BIA systems. The Director also represents the position and policies of EOIR to the Attorney General, Deputy Attorney General, Members of Congress, and other governmental bodies, the news media, the bar, and private groups interested in immigration matters. ²⁹² Asylum seekers litigate their protection claims before the immigration courts and BIA and the policies and procedures which govern these systems may have a significant impact on whether asylum seekers are able to fully present and receive a fair decision on their claims.
POE Expedited Removal	board_immigration_appeals_eoir_ag_doj	Direct	‘The Board is the highest administrative body for interpreting and applying immigration laws. ... In addition, the Board is responsible for recognition of organizations and accreditation of representatives requesting permission to practice before DHS, the Immigration Courts, and the Board. Decisions of the Board are binding on all DHS immigration officials and Immigration Judges unless modified or overruled by the Attorney General or a federal court. ... In addition, the Board provides guidance to practitioners in the immigration field, including Immigration Judges, DHS, and private attorneys and alien representatives, through the publication of decisions of precedential value.’ ²⁹³ The BIA decides asylum cases and cases related to access to asylum, while also being

²⁹¹ ‘Organization, Mission and Functions Manual: Executive Office for Immigration Review’, *The United States Department of Justice* (Web Page, 5 October 2020) <<https://www.justice.gov/jmd/organization-mission-and-functions-manual-executive-office-immigration-review>>.

²⁹² ‘Office of the Director’, *The United States Department of Justice* (Web Page, 2 August 2021) <<https://www.justice.gov/eoir/office-of-the-director>>.

²⁹³ ‘Organization, Mission and Functions Manual: Executive Office for Immigration Review’, *The United States Department of Justice* (Web Page, 5 October 2020) <<https://www.justice.gov/jmd/organization-mission-and-functions-manual-executive-office-immigration-review>>.

			responsible for recognising and accrediting organisations and representatives who work with asylum seekers, among others.
POE Expedited Removal	chief_immigration_judge_eoir_ag_doj	Indirect	‘OCIJ provides overall program direction, articulates policies and procedures, and establishes priorities for more than 200 United States Immigration Judges located in 53 Immigration Courts throughout the Nation.’ ²⁹⁴ Immigration Judges conduct immigration court proceedings and make decisions in cases, including asylum, Convention Against Torture, and withholding of removal cases. The OCIJ is responsible for policies and procedures with an impact on how Immigration Judges handle and decide cases, including the quota system and other major changes with significant consequences for people seeking asylum in immigration court. ²⁹⁵
POE Expedited Removal	general_counsel_eoir_ag_doj	Indirect	The OGC has a significant hand in the development of regulations and policy for EOIR, which can often directly influence the cases of asylum seekers and other applicants for protection. For example, immigration judge case quotas severely restricted the ability of judges to schedule asylum hearings for the time necessary to thoroughly present evidence and take testimony. Prior to the change, it was routine for asylum hearings to be scheduled for a full day to take testimony and evidence, but not after. Also, the change in timing for submission of an application, among other things.
POE Expedited Removal	administration_eoir_ag_doj	Indirect	‘Specifically, the Office of Administration supports the following areas: appropriations, budget and financial management, contracts and procurement, human resources, security, space and facilities management, and logistics.’ ²⁹⁶ This office also works on issues that impact immigration judge employment reviews, case quotas, the status and relationship with the National Association of Immigration Judges (the Immigration Judge’s union), which can influence the cases of asylum seekers, as outlined above.
POE Expedited Removal	information_tech_eoir_ag_doj	Indirect	OIT is responsible for EOIRs online filing systems, which include extremely limited functionality in comparison with the online filing and case management systems of the federal court system. ²⁹⁷ Problems with EOIR filing are routine, particularly in asylum cases, which require asylum applications to be fee’d in with the court administration prior to filing the application in open court. BIA appeals must be filed on paper, which also causes routine and significant issues with the timeliness of filings and the issuance of filing receipts.
POE Expedited Removal	policy_eoir_ag_doj	Direct	The EOIR Office of Policy ‘is responsible for all agency policy and regulatory review and development; internal and external communications; oversight of pro bono and legal orientation

²⁹⁴ Ibid.

²⁹⁵ Ibid.

²⁹⁶ ‘Office of Administration’, *The United States Department of Justice* (Web Page, 29 March 2021) <<https://www.justice.gov/eoir/office-administration>>.

²⁹⁷ Holly Furman, ‘Immigration Courts are Rolling Out an Electronic Filing Pilot Program in July’, *Immigration Impact* (Blog Post, 6 July 2018) <www.immigrationimpact.com/2018/07/06/immigration-courts-electronic-filing-pilot-program/>.

			program activities; and legal education, research, and certifications.’ ²⁹⁸ The work of this Office encompasses work on asylum and other forms of protection, as well as policies and processes related to the administration of EOIR and its courts, as well as the ability of litigants to access counsel and other related issues.
POE Expedited Removal	communication_leg_affairs_policy_eoir_ag_doj	Direct	The Communications and Legislative Affairs Division (CLAD) liaises with Congress on agency issues that impact asylum seekers, including case quotas, the court backlog, and a myriad of other policy and legal questions. This office also manages EOIR’s Law Library and Immigration Research Center, which are critical tools for EOIR, as well as a Virtual Law Library upon which many legal representatives and individuals presenting asylum cases before EOIR rely.
POE Expedited Removal	immigration_law_policy_eoir_ag_doj	Indirect	The Immigration Law Division ‘is responsible for drafting regulations, coordinating legal policy development and drafting policy memoranda as necessary, and coordinating the review of proposed legislation.’ ²⁹⁹ This includes regulations, policy, and legislation relating to asylum and issues that impact upon asylum seekers, including access to the asylum process.
POE Expedited Removal	legal_education_research_services_policy_eoir_ag_doj	Indirect	The Legal Education and Research Services Division (LERS) develops and coordinates legal training for judges, attorneys, and others within EOIR who directly work in adjudicative functions. This includes training (or lack of training) relating to asylum and specific issues that impact upon asylum seekers.
POE Expedited Removal	legal_access_programs_policy_eoir_ag_doj	Direct	OLAP programs include the Recognition and Accreditation Program of non-attorney ‘Accredited Representatives’, the List of Pro Bono Legal Service Providers, the Legal Orientation Program through which ‘nonprofit organizations provide comprehensive explanations about immigration court procedures along with other basic legal information to large groups of detained individuals’ and various other initiatives that directly impact asylum seekers’ ability to find counsel, and/or raise and litigate protection claims. ³⁰⁰
POE Expedited Removal	executive_office_us_attorneys_ag_doj	Indirect	The work of the Executive Office for United States Attorneys encompasses litigation relating to civil and criminal immigration issues which impact asylum seekers and their ability to pursue or seek protection.
POE Expedited Removal	legislative_affairs_ag_doj	Indirect	The Office of Legislative Affairs (OLA) is ‘the coordinating center for all Department of Justice activities relating to legislation and the Congress.’ ³⁰¹ OLA advises DOJ components on the development of official policies through legislation relating to asylum and the ability of asylum

²⁹⁸ ‘Office of Policy’, *The United States Department of Justice* (Web Page, 13 January 2021) <<https://www.justice.gov/eoir/office-of-policy>>.

²⁹⁹ ‘Immigration Law Division’, *The United States Department of Justice* (Web Page, 3 January 2020) <<https://www.justice.gov/eoir/immigration-law-division>>.

³⁰⁰ ‘Legal Orientation Program’, *The United States Department of Justice* (Web Page, 24 July 2020) <www.justice.gov/eoir/legal-orientation-program>.

³⁰¹ ‘Organization, Mission and Functions Manual: Office of Legislative Affairs’, *The United States Department of Justice* (Web Page, 5 October 2020) <<https://www.justice.gov/jmd/organization-mission-and-functions-manual-office-legislative-affairs>>.

			seekers to raise and pursue asylum claims, among other things. The Office also deals with DOJ nominees who may have a significant impact on asylum law, while also dealing with congressional oversight which can also have a significant impact on DOJ policy and operation.
POE Expedited Removal	legal_policy_ag_doj	Indirect	The Office of Legal Policy (OLP) develops and implements significant DOJ policy initiatives and handles special projects that involve the asylum framework and asylum seekers ability to access that framework. OLP also reviews and coordinates all DOJ regulations and conducts policy reviews of legislation and other proposals, including those relating to asylum or asylum seekers.
POE Expedited Removal	legal_counsel_ag_doj	Indirect	‘The major functions of OLC are to: Draft the Attorney General's formal opinions and render its own opinions to the White House and to the heads of executive departments and agencies on a variety of legal questions involving the operations of the executive branch. Review as to form and legality all proposed Executive Orders, certain Presidential proclamations, and regulations requiring approval by the President or the Attorney General. Render opinions to the Attorney General and to the heads of the various organizational units of the Department on questions of law arising in the administration of the Department. Advise the Attorney General in connection with the review of decisions by the Board of Immigration Appeals and other organizational units of the Department. Prepare reports on proposed legislation submitted to the Department for comment, and reports to the Office of Management and Budget on enrolled bills.’ ³⁰² This work includes legal questions, Executive Orders, Presidential proclamations, regulations, and the review of BIA decisions relating to asylum and the ability of asylum seekers to raise protection claims.
POE Expedited Removal	public_affairs_ag_doj	Indirect	The Office of Public Affairs (PAO) ensures that DOJ messaging and talking points regarding its activities, priorities and policies reach the public in order to win, or sustain, public support of DOJ policies. This includes disseminating DOJ talking points regarding policies such as Zero Tolerance and other activities that may have a significant impact on asylum seekers and their ability to access protection.
POE Expedited Removal	information_policy_ag_doj	Direct	‘The mission of OIP is to provide legal and policy advice to all agencies on administration of the FOIA. OIP is responsible for encouraging agency compliance with the law and for overseeing agency implementation of it.’ ³⁰³ FOIA is routinely used in immigration cases to obtain information on individual files in immigration cases, including asylum and other applications for protection. This office would have direct contact with an individual who appeals their DOJ FOIA result.

³⁰² ‘Organization, Mission and Functions Manual: Office of Legal Counsel’, *The United States Department of Justice* (Web Page, 5 October 2020) <<https://www.justice.gov/jmd/organization-mission-and-functions-manual-office-legal-counsel>>.

³⁰³ ‘Organization, Mission and Functions Manual: Office of Information Policy’, *The United States Department of Justice* (Web Page, 5 October 2020) <<https://www.justice.gov/jmd/organization-mission-and-functions-manual-office-information-policy>>.

POE Expedited Removal	us_marshalls_service_ag_doj	Direct	The USMS ‘is the enforcement arm of the federal courts, involved in virtually every federal law enforcement initiative.’ ³⁰⁴ The USMS both houses and transports immigration detainees, including asylum seekers. ³⁰⁵ ‘Increased immigration enforcement along the southwest border over the past several years has substantially impacted USMS operations, particularly in the Southern District of California, where detention resources are very limited. As a result of the increased workload, the USMS was increasingly required to house prisoners prosecuted in Southern California outside of the judicial district. To accommodate the increased detention population, the USMS collaborated with the DHS to repurpose a decommissioned Service Processing Center into a detention facility. After it was renovated and put into use in March 2020, the facility was able to provide the USMS with 512 detention beds, increasing the district’s detention capacity by nearly 25 percent.’ ³⁰⁶
POE Expedited Removal	bureau_of_prisons_ag_doj	Direct	Foreign nationals with or without immigration status, including asylum seekers or those granted relief under the Convention Against Torture, withholding of removal, or asylum, are often held in BOP facilities. ³⁰⁷ BOP also held parents separated from their children during the Trump Administration's Zero Tolerance policy. ³⁰⁸
POE Expedited Removal	national_institute_corrections_bop_ag_doj	Indirect	The National Institute of Corrections (NIC) provides ‘assistance to federal, state, and local correctional agencies, and work to advance the practice of corrections throughout the country. Provide training, technical assistance, and clearinghouse services, and undertake research, evaluation, and policy formulation to advance correctional practices in many different areas.’ ³⁰⁹ This includes correctional practices and policies that impact on the ability of people in civil immigration detention, including asylum seekers, to raise and pursue protection claims. This also includes policies that impact upon the ability of asylum seekers to access legal counsel and the ability of counsel to communicate with their clients throughout the course of a case.
POE Expedited Removal	fbi_doj	Indirect	‘While the FBI has no direct involvement in U.S. border security, in addition to our active participation with U.S. Intelligence Community and law enforcement partners abroad, the FBI as an agency, and the Legat program in particular works closely with State's Consular Affairs Office and Homeland Security by being an active participant in border security initiatives such as the visa waiver

³⁰⁴ ‘Organization, Mission and Functions Manual: United States Marshals Service’, *The United States Department of Justice* (Web Page, 5 October 2020) <<https://www.justice.gov/jmd/organization-mission-and-functions-manual-united-states-marshals-service>>.

³⁰⁵ United States Marshals Service, *United States Marshals Service: FY 2020 Annual Report* (USMS Pub 2, March 2021) 48.

³⁰⁶ Ibid.

³⁰⁷ United States Department of Justice, ‘Departments of Justice and Homeland Security Release Data on Incarcerated Aliens’ (Media Release, 16 October 2020).

³⁰⁸ Interview with Participant 013 (Regina Jefferies, United States) on file with author.

³⁰⁹ ‘Organization, Mission and Functions Manual: Federal Bureau of Prisons’, *The United States Department of Justice* (Web Page, 5 October 2020) <<https://www.justice.gov/jmd/organization-mission-and-functions-manual-federal-bureau-prisons>>.

			program, the visa viper program and related initiatives.’ ³¹⁰ Furthermore, the Department of Homeland Security and USCIS are the FBI's largest name check and fingerprint identification customers, relying upon information provided by FBI security checks, along with other intelligence information, to adjudicate immigration applications like asylum applications. ³¹¹ The FBI also provides information to ICE ‘to identify noncitizens ICE sought to deport through matching fingerprint records submitted to the FBI by law enforcement and other sources with DHS records on noncitizens.’ ³¹²
POE Expedited Removal	info_mgmt_fbi_doj	Indirect	The FBI's Information Management Division ‘regularly responds to name check requests from approximately 50 authorized federal agencies to determine whether a specific individual has been the subject of or mentioned in any FBI investigation, and if so, what—if any—relevant information may be disseminated to the requesting agency. The NNCP also conducts name searches in direct support of the counterterrorism, counterintelligence, and homeland security efforts of the FBI. In addition, the Information Management Division responds to a large number of Freedom of Information Act and Privacy Act requests every year from the news media, citizens, and others around the world.’ ³¹³ Asylum seekers are among the subjects of name check requests and name searches, which are used in removal proceedings and to adjudicate immigration benefit applications. FOIA and Privacy Act requests may also involve asylum seekers.
POE Expedited Removal	crim_justice_info_services_fbi_doj	Indirect	‘The CJIS Division was established in February 1992 out of the former Identification Division to serve as the focal point and central repository for criminal justice information services in the FBI. ... In addition, responsibility for several ongoing technological initiatives was transferred to the CJIS Division, including the Integrated Automated Fingerprint Identification System (IAFIS), NCIC 2000, and the National Incident-Based Reporting System (NIBRS).’ ³¹⁴ These systems are used to vet and run background and other security checks on people applying for affirmative asylum, or asylum seekers in removal proceedings, among others.
POE Expedited Removal	national_crime_info_center_cjis_fbi_doj	Indirect	The National Crime Information Center (NCIC) is part of the Criminal Justice Information Services Division (CJIS) and ‘is a computerized index of criminal justice information (i.e.- criminal record history information, fugitives, stolen properties, missing persons).’ ³¹⁵ This information is used to vet

³¹⁰ Evidence to the Committee on the Judiciary, United States House of Representatives, Washington, DC, 13 May 2003 (Roderick L Beverly, Special Agent in Charge, Office of International Operations).

³¹¹ US Department of Justice Office of the Inspector General, *The Federal Bureau of Investigation's Security Check Procedures for Immigration Applications and Petitions* (Audit Report, No 08-24, June 2008) ii.

³¹² ‘About the Data – ICE Removals under Secure Communities’, *TRAC Immigration* (Web Page, 2019) <https://trac.syr.edu/phptools/immigration/secure/about_data.html>.

³¹³ ‘Information Management’, *FBI* (Web Page) <<https://www.fbi.gov/services/information-management>>.

³¹⁴ ‘Criminal Justice Information Services (CJIS)’, *FBI* (Web Page) <<https://www.fbi.gov/services/cjis>>.

³¹⁵ ‘National Crime Information Center (NCIC)’, *Federal Bureau of Investigation* (Web Page, 2 June 2008) <<https://irp.fas.org/agency/doj/fbi/is/ncic.htm>>.

			and run background and other security checks on people applying for affirmative asylum, or asylum seekers in removal proceedings, among others.
POE Expedited Removal	national_security_fbi_doj	Indirect	The NSB blends ‘resources across all national security components to work together; normalize integration, training, and sharing; and seize upon every opportunity to disrupt and defeat our enemies as a joint team.’ ³¹⁶ This information is used to vet and run background and other security checks on people applying for affirmative asylum, or asylum seekers in removal proceedings, among others.
POE Expedited Removal	terrorist_screening_center_nsb_fbi_doj	Indirect	‘By supporting the ability of front-line screening agencies to positively identify known or suspected terrorists trying to obtain visas, enter the country, board aircraft, or engage in other activity, the consolidated Terrorist Watchlist is one of the most effective counterterrorism tools for the U.S. government.’ ³¹⁷ This information is used to vet and run background and other security checks on people applying for affirmative asylum, or asylum seekers in removal proceedings, among others.
POE Expedited Removal	intl_operations_crim_cyber_response_services_fbi_doj	Indirect	The legats ‘establish and maintain liaison with principal law enforcement and security services in designated foreign countries. ... Liaison is carried out in accordance with executive orders, statutes, treaties, Attorney General Guidelines, FBI policies, and interagency agreements.’ ³¹⁸ This includes liaising on immigration, human smuggling, and other issues that impact the ability of asylum seekers to move and access protection in the US.
POE Expedited Removal	interpol_washington_ag_doj	Indirect	The exchange of information through INTERPOL may include information related to people fleeing persecution in their home countries, including INTERPOL notices issued for political or other purposes. ³¹⁹ INTERPOL Washington also has a Border Security Division through which projects such as Project TERMINUS, ‘an automated system for uploading ... stolen and lost travel documents into INTERPOL’s Stolen and Lost Travel Documents (SLTD) database, a searchable repository containing more than 100 million records that can be queried by law enforcement and border security authorities in all 194 INTERPOL member countries.’ ³²⁰ This can also impact asylum seekers attempting to use false or stolen documents to access protection.
POE Expedited Removal	professional_responsibility_ag_doj	Direct	‘OPR’s primary responsibility is to investigate allegations that Department attorneys, prosecutors, and immigration judges have committed misconduct while performing their duties to investigate, litigate, or give legal advice. OPR also investigates certain misconduct allegations involving federal law enforcement agents when they relate to a Department attorney’s alleged professional misconduct,

³¹⁶ ‘National Security Branch’, *FBI* (Web Page) <<https://www.fbi.gov/about/leadership-and-structure/national-security-branch>>.

³¹⁷ Ibid.

³¹⁸ ‘International Operations’, *FBI* (Web Page) <<https://www.fbi.gov/about/leadership-and-structure/international-operations>>.

³¹⁹ See Fair Trial, *Dismantling the Tools of Oppression: Ending the Misuse of INTERPOL* (Report, 2018).

³²⁰ US Department of Justice, ‘INTERPOL Washington Assists the Republic of Maldives in Enhancing its Border Security Capabilities.’ (Media Release, 1 March 2021) <<https://www.justice.gov/interpol-washington/pr/interpol-washington-assists-republic-maldives-enhancing-its-border-security>>.

			as well as claims of reprisal against FBI whistleblowers. ³²¹ Misconduct may include that committed in the context of asylum cases, as well as misconduct relating to claims of reprisal against whistleblowers raising claims which may relate to asylum seekers or the asylum system.
POE Expedited Removal	inspector_general_ag_doj	Direct	‘The OIG investigates alleged violations of criminal and civil laws by DOJ employees and also audits and inspects DOJ programs.’ ³²² The OIG has jurisdiction to review the programs and personnel of the FBI, BOP, US Marshals, US Attorneys, and all other organisations in the DOJ. Many of these programs and personnel work directly on asylum law, or on policies, programs and issues relating to the asylum framework or asylum seekers.
POE Expedited Removal	violence_against_women_ag_doj	Indirect	‘OVW administers both formula-based and discretionary grant programs, established under VAWA and subsequent legislation. The four formula programs are STOP (Services, Training, Officers, Prosecutors), SASP (Sexual Assault Services Program), State Coalitions, and Tribal Coalitions. The discretionary programs work to support victims and hold perpetrators accountable through promoting a coordinated community response.’ ³²³ VAWA-funded grantees serve victims who identify as immigrants, refugees, or asylum seekers. ³²⁴
POE Expedited Removal	national_association_of_immigration_judges	Indirect	The NAIJ’s ‘current priorities include pursuing enhancement of resources for our severely under-resourced courts and increasing judicial independence through structural reform. We represent our members in collective bargaining, defend them in individual grievances, pursue remedies through arbitration and participate in on-going liaison activities with Agency management. We advocate to improve the quality of our members’ work environment and work life, to improve judicial security and to reduce work related burnout and stress.’ ³²⁵ This includes pursuing resources and reform that impact the impartiality of the immigration courts, the quality of immigration court decision-making, and access to the immigration courts, all of which impact the cases of asylum seekers and the ability of people to raise asylum claims.
POE Expedited Removal	special_operations_group_usms_doj	Direct	SOG may come into contact with asylum seekers or others in need of international protection in the course of deployments, including when executing warrants and transporting detainees, or in fugitive and manhunt operations.

³²¹ ‘Office of Professional Responsibility’, *The United States Department of Justice* (Web Page) <<https://www.justice.gov/opr#:~:text=OPR's%20primary%20responsibility%20is%20to,litigate%2C%20or%20give%20legal%20advice.&text=Additional%20information%20about%20the%20relationship,OIG%20can%20be%20found%20here.>>.

³²² ‘About the Office’, *US Department of Justice, Office of Inspector General* (Web Page) <<https://oig.justice.gov/about>>.

³²³ ‘About the Office’, *The United States Department of Justice* (Web Page, 25 January 2021) <<https://www.justice.gov/ovw/about-office>>.

³²⁴ US Department of Justice Office on Violence Against Women, *2018 Biennial Report* (Report to Congress, 2018) 13-14.

³²⁵ ‘About the NAIJ’, *National Association of Immigration Judges* (Web Page, 2021) <<https://www.naij-usa.org/about>>.

POE Expedited Removal	judicial_conference_united_states	Indirect	The Judicial Conference of the United States makes policies for the federal courts that may impact upon the ability of asylum seekers to raise claims, secure release from detention to pursue claims, and related issues. The Judicial Conference also comments on how immigration law and policy changes might impact the federal court system and advocates for changes and resourcing needed to adjudicate cases. ³²⁶
POE Expedited Removal	circuit_judicial_councils_judicial_conference	Indirect	The Circuit Judicial Councils operate in each geographic circuit to oversee ‘the administration of courts located in that circuit.’ ³²⁷ The Judicial Council of the Ninth Circuit declared a judicial emergency in 2011, as a result of the massive increase in criminal cases filed in the district due to increased border enforcement. The Council noted that ‘Operation Streamline’, a program that requires criminal prosecution and imprisonment of all individuals unlawfully crossing the border, eliminated the discretion traditionally reserved by United States Attorney's offices to limit prosecution to immigrants with criminal records or previous illegal border-crossings. ³²⁸ This program has led to a growing number of federal criminal prosecutions in all districts bordering Mexico and includes the prosecution of asylum seekers, which impacts their ability to raise or pursue a claim.
POE Expedited Removal	federal_judicial_center	Indirect	The Federal Judicial Center ‘is the research and education agency of the judicial branch of the United States Government.’ ³²⁹ The FJC produces reports and educational materials for federal judicial personnel in topic areas like immigration and international human rights law, which impact asylum seekers. ³³⁰
POE Expedited Removal	federal_district_courts	Direct	District Courts frequently hear challenges to the detention of asylum seekers, as well as criminal cases relating to unlawful entry or re-entry that may be brought against asylum seekers under federal policy. They may also receive mandamus and other special cases involving asylum seekers, including civil class action litigation on ‘metering’, the detention of minors, and other types of systemic issues.
POE Expedited Removal	federal_courts_of_appeals	Direct	The Courts of Appeals hear a variety of appeals in immigration cases, relating to anything from asylum and other international protection claims, as well as whether a person seeking international protection should be detained.
POE Expedited Removal	us_supreme_court	Direct	The Supreme Court has the final word on asylum and related cases litigated before the federal courts, which serve as precedent for the lower courts and agencies.

³²⁶ Letter from Thomas F Hogan, Secretary of the Judicial Conference of the United States, to Senator Charles E Grassley, 7 May 2013.

³²⁷ ‘Governance & the Judicial Conference’, *United States Courts* (Web Page) <<https://www.uscourts.gov/about-federal-courts/governance-judicial-conference>>.

³²⁸ Judicial Council of the Ninth Circuit, *In Re: Approval of the Judicial Emergency Declared in the District of Arizona* (Decision, 2 March 2011) 1-7.

³²⁹ ‘About the FJC’, *Federal Judicial Center* (Web Page) <<https://www.fjc.gov/node/12506>>.

³³⁰ See, eg Federal Judicial Center, *International Human Rights Litigation: A Guide for Judges* (International Litigation Guide, 2016).

POE Expedited Removal	administrative_conference_us	Indirect	ACUS' research and recommendations frequently overlap, or directly address, administrative law issues in the immigration space, which include issues relating to asylum seekers and their ability to access protection.
POE Expedited Removal	privacy_and_civil liberties_oversight_board	Indirect	The Board provides oversight and advice on actions related to the use of things like facial recognition technologies, or even policies mandating disclosure of personal information of immigrants that might have an adverse or other impact on people in vulnerable situations seeking asylum.
POE Expedited Removal	department_of_state	Indirect	'At home and abroad, the Department helps protect U.S. national borders through sharing of information within and between foreign governments by improving passport security and implementing effective visa adjudication processes that deny access to individuals who pose risks to U.S. national security. The Department's diplomatic engagement on counterterrorism and homeland security increases two way information sharing on known and suspected terrorists, risk-based border management, and threat-based security and border screening at all land, air, and sea borders' ³³¹ Among other things, State engages in actions that inhibit or prevent the movement of people seeking asylum and also provides country reports and human rights reports that are used in asylum litigation.
POE Expedited Removal	population_refugees_migration_state	Indirect	The Bureau of Population, Refugees, and Migration (PRM) 'is the U.S. government's lead for international migration policy'. ³³² PRM undertakes to 'defend the sovereign right of the United States to regulate the entry and stay of foreign nationals; resist attempts to introduce "global governance" of international migration; press countries to facilitate the repatriation of their nationals when we seek to return them; promote well-managed, legal forms of immigration that protect vulnerable people; and seek to address the root causes in origin countries of illegal immigration.' ³³³ All of these issues may impact asylum seekers ability to seek and enjoy protection from persecution, particularly where PRM takes the view that '[t]he illegal movement of people across international borders threatens national security and public safety'. ³³⁴ Interestingly, until 2017, the PRM's mission was to 'protect and assist asylum-seekers and other vulnerable migrants, and to advance effective and humane international migration policies, in order to enhance stability and security and promote human rights.' ³³⁵ PRM also administers programs 'to deter illegal immigration and promote well-managed, legal forms of immigration', which may prevent asylum seekers from reaching the US to

³³¹ US Department of State and US Agency for International Development, *Joint Strategic Plan: FY 2018-2022* (Report, February 2018) 32.

³³² 'International Migration: Bureau of Population, Refugees, and Migration', *US Department of State* (Web Page) <<https://www.state.gov/other-policy-issues/international-migration/>>.

³³³ Ibid.

³³⁴ Ibid.

³³⁵ 'Archived Content: International Migration', *US Department of State* (Web Page, 2017) <<https://2009-2017.state.gov/j/prm/migration/index.htm>>.

			access protection. ³³⁶ PRM has also been UNHCR's largest donor and PRM and UNHCR regularly renew a bilateral framework for cooperation. ³³⁷
POE Expedited Removal	international_migration_prm_state	Indirect	The Office of International Migration (OIM) 'works to promote well-managed, legal forms of immigration through bilateral and multilateral diplomacy and targeted capacity-building programs.' ³³⁸ PRM and OIM are key in the current US strategy to stop the movement of asylum seekers from Central America to the United States. 'President Biden and Vice President Harris have set out an ambitious, multi-pronged approach to address the root causes of irregular migration and strengthen collaborative migration management across Central America. ... The Vice President's announcement of \$310 million in increased assistance in the region includes \$104 million through the State Department's Bureau of Population, Refugees, and Migration' ³³⁹
POE Expedited Removal	civilian_security_democracy_human_rights_state	Indirect	The Under Secretary for Civilian Security, Democracy, and Human Rights oversees the Bureau of Democracy, Human Rights, and Labor, which produces country reports on human rights that are used in asylum adjudications.
POE Expedited Removal	democracy_human_rights_labor_cdh_state	Indirect	The Bureau of Democracy, Human Rights and Labor produces annual country human rights reports that are used in asylum, withholding and CAT adjudications.
POE Expedited Removal	intl_narcotics_law_enforcement_affairs_state	Indirect	'INL designs, plans, and funds foreign assistance programs to address aspects of border security including: cross-border crimes, maritime security, aviation security, migrant smuggling, and trafficking in persons. This includes sponsoring training, workshops, and technical support provided by other U.S. agencies and international organizations. ... INL programs help deter and prevent the flow of illegal migrants into the United States as part of the U.S. National Strategy to Combat Transnational Organized Crime, as well as other national security-related strategies.' ³⁴⁰ INL efforts aim to prevent people without visas or travel authorisation, including asylum seekers, from travelling through third countries and reaching the United States. INL also trains foreign police and military in border security in order to stop people, including asylum seekers, from moving without visas or travel authorisation.

³³⁶ 'International Migration: Bureau of Population, Refugees, and Migration', *US Department of State* (Web Page) <<https://www.state.gov/other-policy-issues/international-migration/>>.

³³⁷ See *Framework for Cooperation between the Office of the UN High Commissioner for Refugees and the Bureau of Population, Refugees and Migration, U.S. Department of State for the Year 2010-2011* (signed 21 April 2010).

³³⁸ 'International Migration: Bureau of Population, Refugees, and Migration', *US Department of State* (Web Page) <<https://www.state.gov/other-policy-issues/international-migration/>>.

³³⁹ Anthony J Blinken, Secretary of State, 'Providing Humanitarian Assistance to Support the Vice President's Leadership in Addressing Migration Challenges in Central America' (Press Statement, US Department of State, 27 April 2021).

³⁴⁰ 'Border Security/Migrant Smuggling', *US Department of State* (Web Page) <<https://www.state.gov/border-security-migrant-smuggling-2/>>.

POE Expedited Removal	usaid	Direct	‘Through diplomacy and development, the Department and USAID work to reduce poor governance and weak institutions, lack of economic opportunity, corruption, and persistent human rights abuses, which otherwise contribute to transnational crime, illegal immigration, and the spread of pandemic diseases.’ ³⁴¹ USAID also works to prevent people without visas or travel authorisation, including asylum seekers, from travelling through third countries and reaching the United States. USAID also contributes to training foreign police and military in border security in order to stop people, including asylum seekers, from moving without visas or travel authorisation.
POE Expedited Removal	iom	Direct	‘The Western Hemisphere Program is implemented by the International Organization for Migration and financed by the U.S. Department of State Bureau of Population, Refugees and Migration.’ ³⁴² IOM runs programs to strengthen border security and migration management, to prevent the irregular movement of people -- including asylum seekers -- in Latin America and the Caribbean. For example, ‘[o]ver 100 thousand Haitians living in border areas cross into the Dominican Republic each week, and an estimated 2 out of every 3 of the 230 thousand recorded Haitian migrants do not have any form of documentation. Many of these people are exposed to human trafficking and migrant smuggling. In this context, IOM Haiti is acting to strengthen border security and migration management.’ ³⁴³
POE Expedited Removal	contract_guards	Direct	US Customs and Border Protection uses an extensive range of contractors to perform tasks such as transporting people apprehended ‘within and across Border Patrol sectors and ports while in CBP’s custody.’ ³⁴⁴ ‘In 2006, in order to meet the need for transporting individuals apprehended along the southwest border and to minimize the use of agents and officers performing guard and transportation duties, CBP began contracting for these services.’ ³⁴⁵ At the San Ysidro Port of Entry, CBP used Paragon contract guards. ³⁴⁶
POE Expedited Removal	migration_crisis_action_team_cbp	Indirect	‘U.S. Customs and Border Protection (CBP) continues to overcome the various demands of unlawful migration along the Southwest border of the United States. To facilitate its efforts, CBP convened a Migration Crisis Action Team (MCAT) to oversee its efforts and milestones through a whole-of-agency approach. The MCAT provides senior leadership with situational awareness, analysis, and

³⁴¹ US Department of State and US Agency for International Development, *Joint Strategic Plan: FY 2018-2022* (Report, February 2018) 32.

³⁴² ‘About Us’, *IOM* (Web Page, 2020) <<https://programamesoamerica.iom.int/en/about-us>>.

³⁴³ ‘IOM Haiti implements MIDAS to improve security and border management’, *IOM* (Web Page, 5 November 2019) <<https://programamesoamerica.iom.int/en/news/iom-haiti-implements-midas-improve-security-and-border-management>>.

³⁴⁴ Government Accountability Office, *U.S. Customs and Border Protection Contracting for Transportation and Guard Services for Detainees* (Report, GAO-17-89R, 2016) 1-2.

³⁴⁵ *Ibid* at 2.

³⁴⁶ Exhibit 8 in Support of Plaintiffs’ Memorandum of Points and Authorities in Support of their Motion for Summary Judgment (Redacted Version), *Al Otro Lado*, 327 F Supp 3d 1284 (No 535-10) 18.

			strategic plans to manage current and future migration surge events. ³⁴⁷ These migration ‘surges’ have included large numbers of asylum seekers, including children and other vulnerable populations. The actions and policies undertaken by MCAT have a direct impact on the ability of asylum seekers to raise and pursue a protection claim.
POE Expedited Removal	national_guard	Direct	About 3,500 National Guard troops from 22 states are currently assisting Customs and Border Protection (CBP) in a mission along the southern border funded through September. ³⁴⁸ ‘Any spotted attempts to cross the border are reported to CBP, with the Guardsmen uninvolved with apprehension or detention efforts, he added.’ ³⁴⁹ Spotted attempts to cross the border include attempts made by people seeking asylum.
POE Expedited Removal	house_of_representatives	Indirect	The House drafts and passes legislation related to asylum and immigration, while also conducting Executive Branch oversight activities for agencies like DHS.
POE Expedited Removal	senate	Indirect	The Senate drafts and passes legislation related to asylum and immigration, while also conducting investigations into the executive branch, and reviewing and approving (or rejecting) presidential appointees to agencies such as the Departments of Justice, State, and others that have an impact on asylum law and policy. The Senate also may approve, amend, or adopt changes to treaties, including the <i>1967 Protocol</i> and other treaties relating to <i>non-refoulement</i> .
POE Expedited Removal	committee_homeland_security_house	Indirect	‘The Committee was first formed as a Select, non-permanent Committee to provide Congressional oversight over the development of the Department of Homeland Security. The Committee was made permanent when it was designated as a Standing Committee of the House on January 4, 2005, the first day of the 109th Congress.’ ³⁵⁰ The CBP Border, Air & Marine Operations Directorate ‘collaborates regularly with Congressional staff’ from this committee, in working with the DHS Office of Congressional Affairs on CBP policy and actions relating to border enforcement operations and other policies and practices that directly or indirectly impact people’s ability to raise and pursue asylum claims. ³⁵¹
POE Expedited Removal	committee_homeland_security_gov_affairs_senate	Indirect	‘The Committee on Homeland Security and Governmental Affairs (HSGAC) is the Senate’s primary oversight committee with broad jurisdiction over government operations generally and the Department of Homeland Security in particular.’ ³⁵² DHS Office of Congressional Affairs

³⁴⁷ US Customs and Border Protection, FOIA Division, *Freedom of Information Act Response* (DHS-CBP-18-0692, 26 February 2020) 000001.

³⁴⁸ Ellen Mitchell, ‘Pentagon could extend National Guard mission at southern border’, *The Hill* (online, 16 March 2021) <<https://thehill.com/policy/defense/543505-pentagon-could-extend-national-guard-mission-at-southern-border>>.

³⁴⁹ Ibid.

³⁵⁰ ‘Committee History’, *Committee on Homeland Security* (Web Page) <<https://homeland.house.gov/about/committee-history>>.

³⁵¹ ‘OCA Directorates’, *US Customs and Border Protection* (Archived Web Page, 11 June 2021) <<https://web.archive.org/web/20210611194608/https://www.cbp.gov/accordion-page/oca-directorates>>.

³⁵² ‘Jurisdiction and Rules’, *US Senate Committee on Homeland Security & Governmental Affairs* (Web Page) <<https://www.hsgac.senate.gov/about/jurisdiction>>.

			‘collaborates regularly with Congressional staff’ from this committee on CBP policy and actions relating to border enforcement operations and other policies and practices that directly or indirectly impact people’s ability to raise and pursue asylum claims. ³⁵³
POE Expedited Removal	committee_judiciary_house	Indirect	The House Judiciary Committee is involved in ‘protecting Constitutional freedoms and civil liberties, oversight of the U.S. Departments of Justice and Homeland Security, legal and regulatory reform, innovation, competition and anti-trust laws, terrorism and crime, and immigration reform.’ ³⁵⁴ This oversight includes holding hearings on DHS policies relating to asylum seekers and access to the asylum system, as well as introducing and passing legislation relating to the same issues. The DHS Office of Congressional Affairs ‘collaborates regularly with Congressional staff’ from this committee on CBP policy and actions relating to border enforcement operations and other policies and practices that directly or indirectly impact people’s ability to raise and pursue asylum claims. ³⁵⁵
POE Expedited Removal	committee_judiciary_senate	Indirect	The Judiciary Committee oversees the Department of Justice and agencies under the Department’s jurisdiction, including those that have a direct and indirect impact on asylum as outlined above. The Judiciary Committee also plays a key role in consideration of nominations for high-ranking agency officials, and all Article III judicial nominations. These people can have a significant impact on policy and regulations relating to asylum and the ability of people to access asylum. The Senate Judiciary Committee also considers legislation, resolutions, messages, petitions, memorials and other matters relating to civil liberties and immigration, which includes asylum and legislation impacting access to asylum. DHS OCA ‘collaborates regularly with Congressional staff’ from this committee on CBP policy and actions relating to border enforcement operations and other policies and practices that directly or indirectly impact people’s ability to raise and pursue asylum claims. ³⁵⁶
POE Expedited Removal	committee_appropriations_sub_homeland_security_house	Indirect	The Homeland Security Subcommittee holds hearings and drafts legislation on appropriations relating to the Department of Homeland Security. ³⁵⁷ In terms of immigration, for example, the Appropriations Committee passed a 2021 DHS appropriations bill that, among other things, ‘Reduces funding for Immigration and Customs Enforcement and sharply decreases detention beds, Phases out family detention by the end of 2020 ... Rejects the proposed hiring of additional Border Patrol agents

³⁵³ ‘OCA Directorates’, *US Customs and Border Protection* (Archived Web Page, 11 June 2021) <<https://web.archive.org/web/20210611194608/https://www.cbp.gov/accordion-page/oca-directorates>>.

³⁵⁴ ‘About’, *House Committee on the Judiciary* (Web Page) <<https://judiciary.house.gov/about/>>.

³⁵⁵ ‘OCA Directorates’, *US Customs and Border Protection* (Archived Web Page, 11 June 2021) <<https://web.archive.org/web/20210611194608/https://www.cbp.gov/accordion-page/oca-directorates>>.

³⁵⁶ Ibid.

³⁵⁷ House Appropriations, *House Democrats’ \$4.5 Billion Supplemental Appropriations Bill to Address the Humanitarian Crisis at the Border* (Fact Sheet, 21 June 2019).

			... ³⁵⁸ DHS Office of Congressional Affairs 'collaborates regularly with Congressional staff' from this committee in order 'to ensure favorable consideration of CBP's budgetary requests and initiatives.' ³⁵⁹
POE Expedited Removal	committee_appropriations_sub_homeland_security_senate	Indirect	The Senate Appropriations Committee 'writes the legislation that allocates federal funds to the numerous government agencies, departments, and organizations on an annual basis. Twelve subcommittees are tasked with drafting legislation to allocate funds to government agencies within their jurisdictions. These subcommittees are responsible for reviewing the President's budget request, hearing testimony from government officials and other witnesses, and drafting the spending plans for the coming fiscal year. Their work is passed on to the full Senate Appropriations Committee, which may review and modify the bills and approve them for consideration by the full Senate.' ³⁶⁰ This includes legislation funding operations of the 'Department of Homeland Security, Analysis and Operations, Biometric Identity Management Office of [US-VISIT] ... Federal Emergency Management Agency, Federal Law Enforcement Training Center ... Inspector General ... U.S. Citizenship and Immigration Services, U.S. Coast Guard, U.S. Customs and Border Protection ... U.S. Immigration and Customs Enforcement ...', which has direct and indirect impact on asylum seekers and their ability to raise and pursue a claim. ³⁶¹ DHS Office of Congressional Affairs 'collaborates regularly with Congressional staff' from this committee in order 'to ensure favorable consideration of CBP's budgetary requests and initiatives.' ³⁶²
POE Expedited Removal	committee_oversight_reform_house	Indirect	The House Committee on Oversight and Reform 'is the main investigative committee in the U.S. House of Representatives.' ³⁶³ Oversight responsibilities include the review on a continuing basis 'the application, administration, execution, and effectiveness of laws and programs addressing subjects within its jurisdiction ... the organization and operation of Federal agencies and entities having responsibilities for the administration and execution of laws and programs addressing subjects within its jurisdiction ... any conditions or circumstances that may indicate the necessity or desirability of enacting new or additional legislation addressing subjects within its jurisdiction'. ³⁶⁴ This includes the application, administration, execution and effectiveness of laws on asylum and which impact people's ability to access asylum, as well as the organisation and operation of agencies that are

³⁵⁸ House Appropriations, *Fiscal Year 2021 Appropriations Bill At-a-Glance* (Fact Sheet, 2021).

³⁵⁹ 'OCA Directorates', *US Customs and Border Protection* (Archived Web Page, 11 June 2021) <<https://web.archive.org/web/20210611194608/https://www.cbp.gov/accordion-page/oca-directorates>>.

³⁶⁰ 'Committee Jurisdiction', *United States Senate Committee on Appropriations* (Web Page) <<https://www.appropriations.senate.gov/about/jurisdiction>>.

³⁶¹ 'Homeland Security', *United States Senate Committee on Appropriations* (Web Page) <<https://www.appropriations.senate.gov/subcommittees/homeland-security>>.

³⁶² 'OCA Directorates', *US Customs and Border Protection* (Archived Web Page, 11 June 2021) <<https://web.archive.org/web/20210611194608/https://www.cbp.gov/accordion-page/oca-directorates>>.

³⁶³ 'About', *House Committee on Oversight and Reform* (Web Page) <<https://oversight.house.gov/about>>.

³⁶⁴ 'Committee Jurisdiction', *House Committee on Oversight and Reform* (Web Page) <<https://oversight.house.gov/about/committee-jurisdiction>>.

			directly and indirectly involved in the asylum framework. DHS Office of Congressional Affairs ‘collaborates regularly with Congressional staff’ from this committee on issues relating to land ports of entry, CBP officer staffing, passenger targeting efforts, biometric entry-exit and other issues that may impact asylum seekers. ³⁶⁵
POE Expedited Removal	committee_commerce_science_transport_senate	Indirect	The Senate Committee on Commerce, Science and Transportation reviews ‘all proposed legislation, messages, petitions, memorials, and other matters relating to the ... Coast Guard ... Interstate commerce ... Science, engineering, and technology research and development and policy ... Transportation. ... Such committee shall also study and review, on a comprehensive basis, all matters relating to science and technology, oceans policy, transportation, communications, and consumer affairs, and report thereon from time to time.’ ³⁶⁶ Matters relating to science and technology research and development and policy, as well as the Coast Guard, may have a direct or indirect impact on asylum seekers. DHS increasingly uses different types of technology to deter people from reaching the United States and thus accessing the asylum framework, as well as to vet and collect information about applicants for immigration benefits including asylum. The DHS Office of Congressional Affairs ‘collaborates regularly with Congressional staff’ from this committee on issues relating to land ports of entry, CBP officer staffing, passenger targeting efforts, biometric entry-exit and other issues that may impact asylum seekers. ³⁶⁷
POE Expedited Removal	house_committee_energy_commerce	Indirect	The House Committee on Energy and Commerce ‘legislates on a wide variety of issues, including: ... privacy, cybersecurity and data security ... interstate and foreign commerce. The Committee also oversees several federal departments and agencies, including: ... Centers for Disease Control and Prevention ... Department of Homeland Security’. ³⁶⁸ The DHS Office of Congressional Affairs ‘collaborates regularly with Congressional staff’ from this committee on issues relating to land ports of entry, CBP officer staffing, passenger targeting efforts, biometric entry-exit and other issues that may impact asylum seekers. ³⁶⁹
POE Expedited Removal	house_perm_select_committee_intelligence	Indirect	‘The House Permanent Select Committee on Intelligence oversees the nation’s intelligence agencies including components of the Departments of Defense, Homeland Security, Justice, State, Treasury

³⁶⁵ ‘OCA Directorates’, *US Customs and Border Protection* (Archived Web Page, 11 June 2021) <<https://web.archive.org/web/20210611194608/https://www.cbp.gov/accordion-page/oca-directorates>>.

³⁶⁶ ‘Jurisdiction’, *US Senate Committee on Commerce, Science, & Transportation* (Web Page) <<https://www.commerce.senate.gov/jurisdiction>>.

³⁶⁷ ‘OCA Directorates’, *US Customs and Border Protection* (Archived Web Page, 11 June 2021) <<https://web.archive.org/web/20210611194608/https://www.cbp.gov/accordion-page/oca-directorates>>.

³⁶⁸ ‘About E&C’, *House Committee on Energy & Commerce* (Web Page) <<https://energycommerce.house.gov/about-ec>>.

³⁶⁹ ‘OCA Directorates’, *US Customs and Border Protection* (Archived Web Page, 11 June 2021) <<https://web.archive.org/web/20210611194608/https://www.cbp.gov/accordion-page/oca-directorates>>.

			and Energy. ³⁷⁰ The DHS Office of Congressional Affairs ‘collaborates regularly with Congressional staff’ from this committee on issues relating to land ports of entry, CBP officer staffing, passenger targeting efforts, biometric entry-exit and other issues that may impact asylum seekers. ³⁷¹
POE Expedited Removal	senate_select_committee_intelligence	Indirect	‘The Committee’s staff reviews intelligence reports, budgets, and activities; investigates matters on behalf of the Committee; prepares legislation; and receives briefings.’ ³⁷² ‘The topics for hearings include agency activities, intelligence collection programs, and intelligence analysis on a geographic region or issue ... The Committee writes an annual intelligence authorization bill that authorizes funding levels for intelligence activities (these set caps for agency funding) and provides legislative provisions that limit or allow intelligence conduct. ... On occasion, the Committee reviews intelligence aspects of treaties as part of the Senate’s ratification process. ... The Committee conducts reviews of intelligence programs or events, ranging from routine and continuing study (the conduct of covert action programs and intelligence operations) to formal inquiries. ... The Committee receives and reviews intelligence analysis on a broad range of topics to inform policy decisions.’ ³⁷³ The DHS Office of Congressional Affairs ‘collaborates regularly with Congressional staff’ from this committee on issues relating to land ports of entry, CBP officer staffing, passenger targeting efforts, biometric entry-exit and other issues that may impact asylum seekers. ³⁷⁴
POE Expedited Removal	congressional_budget_office	Indirect	‘CBO analyzes proposals to change federal policies regarding aviation and border security, emergency response, anticounterfeiting measures, the protection of federal infrastructure, cybersecurity, and other topics related to securing the nation from threats.’ ³⁷⁵ CBO reports can influence the form and content of immigration legislation, including rules that impact asylum seekers.
POE Expedited Removal	government_accountability_office	Indirect	‘GAO’s High-Risk List provides a road map for priority actions needed in agencies and program areas that we deem high risk due to their vulnerabilities to fraud, waste, abuse, and mismanagement, or are most in need of transformation. Areas on the HighRisk List cover some of the largest agencies and programs, including ... the Department of Homeland Security.’ ³⁷⁶ The GAO has issued numerous reports and recommendations of actions and policies of the Department of Homeland Security, including those related to Southwest Border Security and other measures that impact asylum

³⁷⁰ ‘About’, *US House of Representatives Permanent Select Committee on Intelligence* (Web Page) <<https://intelligence.house.gov/about/>>.

³⁷¹ ‘OCA Directorates’, *US Customs and Border Protection* (Archived Web Page, 11 June 2021) <<https://web.archive.org/web/20210611194608/https://www.cbp.gov/accordion-page/oca-directorates>>.

³⁷² ‘About the Committee’, *US Senate Select Committee on Intelligence* (Web Page) <<https://www.intelligence.senate.gov/about>>.

³⁷³ Ibid.

³⁷⁴ ‘OCA Directorates’, *US Customs and Border Protection* (Archived Web Page, 11 June 2021) <<https://web.archive.org/web/20210611194608/https://www.cbp.gov/accordion-page/oca-directorates>>.

³⁷⁵ ‘Homeland Security’, *Congressional Budget Office* (Web Page) <<https://www.cbo.gov/topics/homeland-security>>.

³⁷⁶ Government Accountability Office, *Strategic Plan 2018-2023* (Report, GAO-18-1SP) 6.

			seekers. ³⁷⁷ For example, GAO-21-144, <i>Southwest Border: DHS and DOJ Have Implemented Expedited Credible Fear Screening Pilot Programs, but Should Ensure Timely Data Entry</i> reviewed the screening pilot programs and found that DHS and DOJ did not have appropriate systems in place to accurately track data relating to expedited credible fear screening programs for asylum seekers.
POE Expedited Removal	library_of_congress	Indirect	‘The Library is the main research arm of the U.S. Congress and the home of the U.S. Copyright Office.’ ³⁷⁸ ‘The Library serves Congress by providing access to its collection, as well as policy consultations, on-demand analysis, briefings, events, programs, and constituent engagement.’ ³⁷⁹ ‘Congress, the judiciary, and other federal agencies have reliable, round-the-clock access to reliable knowledge in print, online, and via consultation with scholars and experts from the Congressional Research Service, the U.S. Copyright Office, the Law Library, and the Kluge Center.’ ³⁸⁰ Library services include providing consultations, analysis, briefings, events, programs and other services related to asylum law and policy, as well as in relation to policies and laws which impact the ability of people to access and pursue a claim within the asylum system.
POE Expedited Removal	congressional_research_service_loc	Indirect	‘The Congressional Research Service (CRS) works exclusively for the United States Congress, providing policy and legal analysis to committees and Members of both the House and Senate, regardless of party affiliation. As a legislative branch agency within the Library of Congress, CRS has been a valued and respected resource on Capitol Hill for more than a century. CRS is well-known for analysis that is authoritative, confidential, objective and nonpartisan. Its highest priority is to ensure that Congress has 24/7 access to the nation’s best thinking.’ ³⁸¹ CRS provides policy and legal analysis in relation to asylum, as well as in relation to policies and laws which impact the ability of people to access and pursue a claim within the asylum system.
POE Expedited Removal	instituto_nacional_de_migracion	Direct	INM is responsible for assisting in the maintenance of ‘lists’ of asylum seekers in Mexico waiting to be accepted for processing by CBP during the operation of metering at the southern border. INM would unofficially oversee the registration of asylum seekers on the informal lists, including standing by as volunteers called the names of people who would be processed that day, and then taking asylum seekers in a van for CBP processing at CBP's direction. People also might have contact with INM when being issued transit permits or humanitarian permits when crossing through Mexico.

³⁷⁷ ‘Homeland Security’, *US Government Accountability Office* (Web Page, 2021) <<https://www.gao.gov/topics/homeland-security/>>.

³⁷⁸ ‘About the Library’, *Library of Congress* (Web Page) <<https://loc.gov/about/>>.

³⁷⁹ ‘Enriching the Library Experience: The FY2019-2023 Strategic Plan of the Library of Congress’, *Library of Congress* (Web Page) <<https://loc.gov/strategic-plan/>>.

³⁸⁰ Ibid.

³⁸¹ ‘Congressional Research Service Careers’, *Library of Congress* (Web Page) <<https://www.loc.gov/crsinfo/>>.

POE Expedited Removal	grupos_beta_inm	Direct	‘[V]arious Mexican entities, including the military and Grupos Beta’ have been engaged in ‘preventing some asylum seekers from accessing U.S. ports of entry’. ³⁸² ‘The Tijuana appointment system was initially developed by U.S. and Mexican officials as an ad hoc response to the arrival of large numbers of Haitians at three ports of entry in the San Diego border sector during the summer of 2016. The plan tasked Grupos Beta, the humanitarian branch of the Mexican immigration enforcement agency (INM), with providing these “appointments” for migrants and asylum seekers who did not have entry documents, to present themselves to CBP at a later day and time. This flawed appointment system was plagued with misinformation and abuse, leaving many asylum seekers stranded in Mexico. It has continued at the San Ysidro port of entry long after the number of Haitians attempting to enter the United States fell—and despite the much-touted decrease in arrivals along the border.’ ³⁸³ ‘Since Central Americans are typically not issued a transit visa at Mexico’s southern border, they are effectively blocked from receiving an “appointment.” Grupos Beta has also refused appointments for individuals with legal status in Mexico, such as a tourist visa, blocking other nationalities that enter Mexico on visas from approaching U.S. officials to seek asylum.’ ³⁸⁴
POE Expedited Removal	domestic_nongovernmental_organisations	Direct	Non-governmental organisations and other community volunteers in the United States that support asylum seekers, contribute to policy development and change, engage in community education, advocacy, and administration. These organisations also provide non-legal services to asylum seekers, such as detention visits, or assistance with shelter, transportation, food, or clothing.
POE Expedited Removal	unhcr	Indirect	UNHCR is responsible for providing international protection to refugees and other persons within its mandate, which includes asylum seekers. UNHCR fulfils its international protection mandate by, inter alia, ‘[p]romoting the conclusion and ratification of international conventions for the protection of refugees, supervising their application and proposing amendments thereto.’ ³⁸⁵ UNHCR has also increased its assistance to refugees and asylum seekers in Mexico, including through the construction of shelters, access to asylum and relocation assistance, and other forms of aid. ³⁸⁶

³⁸² Human Rights First, *Crossing the Line: U.S. Border Agents Illegally Reject Asylum Seekers* (Report, May 2017) 2.

³⁸³ Ibid at 8.

³⁸⁴ Ibid.

³⁸⁵ *Statute of the Office of the United Nations High Commissioner for Refugees*, GA Res 428(V), UN Doc A/RES/428(V) (14 December 1950) annex [1].

³⁸⁶ ‘UNHCR ramps up support for Mexico amid mounting asylum applications’, *UNHCR* (Briefing Note, 13 April 2021) <<https://www.unhcr.org/en-us/news/briefing/2021/4/607549864/unhcr-ramps-support-mexico-amid-mounting-asylum-applications.html#:~:text=UNHCR%2C%20the%20UN%20Refugee%20Agency,registered%2022%2C606%20new%20asylum%20applications>>.

POE Expedited Removal	foreign_consulates	Direct	Foreign consulates may become involved in assisting their nationals who encounter US immigration enforcement officials, who may also raise asylum claims. For example, the Consulate of Guatemala, ³⁸⁷ or the Mexican consulate in Arizona. ³⁸⁸
POE Expedited Removal	legal_service_providers	Direct	Foreign nationals in removal proceedings, including asylum seekers, do not have access to a public defender. ³⁸⁹ Legal service providers including attorneys and BIA accredited representatives, provide a range of services including legal advice, legal orientation programs, assistance with pro bono placement, and direct representation in removal and bond proceedings, or parole requests. ³⁹⁰ This is particularly important in asylum cases.
POE Expedited Removal	translators_interpreters	Direct	‘All documents filed with the Immigration Court must be in the English language or accompanied by a certified English translation.’ ³⁹¹ All immigration court and federal court proceedings are also conducted in English and any documents filed with USCIS must also be in English. ‘Interpreters are provided at government expense to individuals whose command of the English language is inadequate to fully understand and participate in removal proceedings.’ ³⁹² Translators and interpreters are critical in asylum cases which often require translation of evidence and testimony which can make or break a case.
POE Expedited Removal	doctors_physicians	Direct	Doctors and physicians are involved in conducting health evaluations in support of applications for asylum, and in providing health services to asylum seekers and other people in removal proceedings who are not detained.
POE Expedited Removal	psychiatrists_psychologists	Direct	Psychiatrists and psychologists are involved in conducting forensic and other psychological evaluations in support of applications for asylum, as well as providing mental health services to asylum seekers and other people in removal proceedings who are not detained.
POE Expedited Removal	interpol	Indirect	The exchange of information through INTERPOL may include information related to people fleeing persecution in their home countries, including INTERPOL notices issued for political or other purposes. ³⁹³
POE Expedited Removal	united_nations_office_drugs_crime	Indirect	UNODC work includes work on criminalising ‘migrant smuggling’ pursuant to the United Nations Convention Against Transnational Organized Crime Protocol against the Smuggling of Migrants.

³⁸⁷ Interview with Participant 002 (Regina Jefferies, United States) on file with author.

³⁸⁸ Interview with Participant 006 (Regina Jefferies, United States) on file with author.

³⁸⁹ ‘Adult Team’, *Florence Immigrant & Refugee Rights Project* (Web Page, 2021) <<https://firrp.org/what/adult-team/>>.

³⁹⁰ ‘Immigrant Legal Defense Program’, *Justice & Diversity Center of the Bar Association of San Francisco* (Web Page, 2021) <<https://www.sfbar.org/jdc/immigrant-legal-defense/>>.

³⁹¹ Executive Office for Immigration Review, *Immigration Court Practice Manual* (EOIR, 16 November 2020) 43-44, rule 3.3.

³⁹² Ibid at 64, rule 4.11.

³⁹³ See Fair Trial, *Dismantling the Tools of Oppression: Ending the Misuse of INTERPOL* (Report, 2018).

			According to UNHCR, ‘[i]n order to combat human smuggling and trafficking, States have adopted, inter alia, the practice of “intercepting” persons travelling without the required documentation - whether in the country of departure, in the transit country, within territorial waters or on the high seas, or just prior to the arrival in the country of destination. In some instances, interception has affected the ability of asylum-seekers and refugees to benefit from international protection.’ ³⁹⁴
POE Expedited Removal	united_nations_human_rights_council	Direct	The UN Human Rights Council works to promote and protect human rights, which includes the right to life and various other rights that impact asylum seekers. For example, the 2021 <i>Report on means to address the human rights impact of pushbacks of migrants on land and sea</i> , submitted in accordance with Human Rights Council resolution 43/6, concluded that ‘in the absence of an individualized assessment for each migrant concerned and other procedural safeguards, pushbacks result in human rights violations incompatible with States’ obligations under international human rights law, in particular, the prohibition of collective expulsion and refoulement.’ ³⁹⁵ Individuals, including asylum seekers, can also bring complaints before the UN HRC for violations of their human rights.
POE Expedited Removal	five_eyes	Indirect	The Five Eyes share data through the ‘Migration 5’ or M5, which includes ‘biometric and biographic information’ and ‘[d]ata on refugees and immigrants, people with criminal histories or assumed identities and deportees’. ³⁹⁶ ‘The M5 queries fingerprint information to detect immigration and identity fraud or other concealed immigration history. In some instances this may include some limited criminal history information where it relates to an immigration interaction (for example deportation). M5 Members do not automatically share facial or biographical data like names or personal details unless they match a fingerprint.’ ³⁹⁷
POE Expedited Removal	private_prisons	Direct	ICE contracts with numerous private prison companies to house immigration detainees, including asylum seekers and children. ³⁹⁸ ‘The last few decades have witnessed the rising involvement and influence of the private prison industry in U.S. immigration enforcement, alongside the expansion of the immigration detention system. ... As of August 2016, nearly three-quarters of the average daily immigration detainee population was held in facilities operated by private prison companies—a sharp

³⁹⁴ Executive Committee of the High Commissioner’s Programme, *Interception of Asylum-Seekers and Refugees: The International Framework and Recommendations for a Comprehensive Approach*, UN doc EC/50/SC/CPR.17 (9 June 2000).

³⁹⁵ Felipe González Morales, *Report on means to address the human rights impact of pushback of migrants on land and sea*, Report of the Special Rapporteur on the human rights of migrants, 47th sess, UN doc A/HRC/47/30 (12 May 2021) [104].

³⁹⁶ Gill Bonnett, ‘How the Five Eyes countries share immigration data’, RNZ (online, 30 December 2020) <<https://www.rnz.co.nz/news/national/433786/how-the-five-eyes-countries-share-immigration-data>>.

³⁹⁷ Ibid.

³⁹⁸ ‘Detention Facilities’, *US Immigration and Customs Enforcement* (Web Site, 11 March 2021) <<https://www.ice.gov/detention-facilities>>

			contrast from a decade ago, when the majority were held in ICE-contracted bedspace in local jails and state prisons. ³⁹⁹
POE Expedited Removal	public_detention_facilities	Direct	ICE contracts with numerous state and local jails to house immigration detainees, which also includes asylum seekers. ⁴⁰⁰
POE Metered	department_of_homeland_security	Direct	The Department of Homeland Security (‘DHS’) is the overarching cabinet-level agency responsible for identifying and processing asylum seekers and other individuals in need of protection at borders, as well as in the interior of the US. ⁴⁰¹
POE Metered	secretary_exec_mgmt	Indirect	The Office of the Secretary and Executive Management plays a leadership role in ‘directing the Department’s efforts to prevent terrorism and enhance security, secure and manage borders, enforce and administer the Nation’s immigration laws ...’ ⁴⁰² This includes efforts to process asylum seekers at the southern border, as well as administering immigration laws relating to asylum and other forms of international protection.
POE Metered	secretary_osem_dhs	Indirect	The Secretary of Homeland Security ‘oversees Department of Homeland Security (DHS) efforts to ... secure and manage our borders while facilitating trade and travel, enforce and administer our immigration laws.’ ⁴⁰³ This includes overseeing, enforcing and administering laws relating to asylum and the processing of people at borders attempting to raise a protection claim.
POE Metered	chief_of_staff_osem_dhs	Indirect	The Chief of Staff ‘is responsible for coordinating policy initiatives and other actions of the Department’s components, directorates, and offices. The COS oversees DHS activities, assists the Deputy in managing DHS operations, and supports the Secretary.’ ⁴⁰⁴ This includes coordinating policy initiatives and other actions relating to processing asylum seekers at the southern border.
POE Metered	military_advisor_osem_dhs	Indirect	The Military Advisor’s ‘essential functions include: Deploying at the discretion of the Secretary and Deputy Secretary for major incidents or other contingencies. Serving as the focal point for DHS-DoD collaboration through established working groups and a cooperative approach to homeland security, homeland defense, and incident management. Being a key advisor to DHS senior staff and Components on matters involving policy and procedure development, information and resources

³⁹⁹ Livia Luan, *Profiting From Enforcement: The Role of Private Prisons in U.S. Immigration Detention* (Migration Policy Institute, Migration Information Source, 2 May 2018).

⁴⁰⁰ ‘Detention Facilities’, *US Immigration and Customs Enforcement* (Web Site, 11 March 2021) <<https://www.ice.gov/detention-facilities>>; TRAC Immigration, *New Data on 637 Detention Facilities Used by ICE in FY 2015* (TRAC Reports, 12 April 2016).

⁴⁰¹ See Department of Homeland Security, *FY 2021 Budget in Brief* (Report, 9 February 2020) <<https://www.dhs.gov/publication/fy-2021-budget-brief>>.

⁴⁰² Ibid at 11.

⁴⁰³ ‘Office of the Secretary’, *Department of Homeland Security* (Web Page) <<https://www.dhs.gov/office-secretary>>.

⁴⁰⁴ Office of the Secretary and Executive Management, *Budget Overview: Fiscal Year 2021 Congressional Justification* (DHS Report, 10 February 2020) 72 <https://www.dhs.gov/sites/default/files/publications/office_of_the_secretary_and_executive_management.pdf>.

			exchanges, and operations between DHS and DoD. ⁴⁰⁵ This includes the deployment of DoD personnel at the southern border to assist CBP. “The duties to be performed by military personnel include the same categories of support as those currently being carried out along the border, including detection and monitoring, logistics, and transportation support to U.S. Customs and Border Protection,” according to the DoD statement. ⁴⁰⁶
POE Metered	executive_secretary_osem_dhs	Indirect	The Executive Secretary ‘is the principal liaison between the Department and its Components, and coordinates all external correspondence for the Immediate Office of the Secretary and all directorates.’ ⁴⁰⁷ The Executive Secretary works with components like CBP, ICE, and USCIS to coordinate all external correspondence, including correspondence related to asylum for various audiences including Congress and the public.
POE Metered	deputy_secretary_osem_dhs	Indirect	‘The Deputy Secretary’s role is to provide internal oversight of all Departmental operations’. ⁴⁰⁸ The Deputy Secretary is responsible for providing accountability and oversight of all of DHS, including components responsible for referring or adjudicating asylum claims, such as USCIS, CBP, and ICE. ⁴⁰⁹
POE Metered	strategy_policy_plans_osem_dhs	Indirect	The Office of Strategy, Policy, and Plans (‘PLCY’) ‘serves as a central resource to the Secretary and other Department leaders for policy development and review, strategic planning and analysis, and facilitation of decision-making on the full breadth of issues that may arise across the dynamic homeland security enterprise. PLCY is responsible for strengthening our Nation’s homeland security by developing DHS-wide policies, programs, and planning to promote and ensure the highest level of performance, quality, consistency, and integration in the execution of all homeland security missions. PLCY represents and coordinates the consolidated DHS position at White House interagency committee meetings.’ ⁴¹⁰ This includes issues related to asylum and the southern land border.
POE Metered	strategy_policy_plans_exec_osem_dhs	Indirect	The Executive Office ‘manages the following: The Executive Secretariat functions; training and education programs, which include intern and Presidential Management Fellow programs; operations and resource management; Freedom of Information Act requests and inquiries; Privacy and Audit Liaison functions; and the Department’s coordination process for Policy Coordination Committees

⁴⁰⁵ ‘Office of the Military Advisor’, *Department of Homeland Security* (Web Page) <<https://www.dhs.gov/about-office-military-advisor>>.

⁴⁰⁶ Oriana Pawlyk, ‘US Military’s Deployment to the Southern Border Has Been Extended Another Year’, *Military.com* (online, 25 June 2020) <<https://www.military.com/daily-news/2020/06/25/us-militarys-deployment-southern-border-has-been-extended-another-year.html>>.

⁴⁰⁷ *Budget Overview: Fiscal Year 2021 Congressional Justification* (n 4) 72.

⁴⁰⁸ Ibid.

⁴⁰⁹ Carrie Cordero, ‘Reforming the Department of Homeland Security Through Enhanced Oversight & Accountability’ (Research Report, Center for a New American Security, 12 May 2020).

⁴¹⁰ *Budget Overview: Fiscal Year 2021 Congressional Justification* (n 4) 36.

			(PCCs). Moreover, The Executive Office provides a centralized coordination point for developing and communicating policies across multiple sub offices within PLCY, throughout the Department, and across the homeland security enterprise. ⁴¹¹ This includes policies relating to asylum and the southern land border.
POE Metered	threat_prevention_security_plcy_osem_dhs	Indirect	The Office of Threat Prevention & Security Policy ‘supports the Department’s mission to secure the Homeland by countering terrorism, transnational criminal organizations, ... human trafficking, and emerging threats, and addressing ... screening and vetting, watchlisting, information sharing, identity management and credentialing, and biometrics through the development and coordination of department-wide strategy, policy and plans’ ⁴¹² ‘In these interrelated roles, [the former Assistant Secretary of Homeland Security for Threat Prevention and Security Policy] served on the DHS leadership team and led policy development and DHS diplomatic engagements on various issues, including border security and immigration, asylum and refugee policy’ ⁴¹³
POE Metered	strategy_plans_analysis_risk_plcy_osem_dhs	Indirect	“[T]he Office of the Assistant Secretary, Strategy, Plans, Analysis & Risk (SPAR) controls the development of DHS strategy documents. SPAR creates the two main documents that detail DHS’ long-term strategic planning, the QHSR [Quadrennial Homeland Security Review] and the DHS Strategic Plan. These two documents serve as the basis in determining DHS’ strategic priorities, plans, and areas of focus....’ ⁴¹⁴ ‘The purpose of the QHSR is to “be a comprehensive examination of the homeland security strategy of the Nation, including recommendations regarding the long term strategy and priorities of the Nation for homeland security and guidance on the programs, assets, capabilities, budget, policies, and authorities of the Department.”’ ⁴¹⁵ These strategic priorities include work regarding asylum seekers, the US southern border, and other policy and legal initiatives which impact asylum seekers. For example, as of 2014, DHS considered the following among its strategic priorities: ‘Secure and Manage U.S. Borders’ and ‘Enforce and Administer our Immigration Laws’. ⁴¹⁶
POE Metered	border_immigration_trade_plcy_osem_dhs	Indirect	‘Border, Immigration & Trade Policy (BIT) supports DHS’s border security and immigration missions by developing and coordinating policies on the transit of people and goods across U.S. borders.... On immigration matters, BIT consolidates Component statistics and conducts quantitative studies to assess immigration trends and effects, advises Department leadership on immigration

⁴¹¹ Ibid.

⁴¹² Ibid.

⁴¹³ ‘Seth Stodder’, *Criminal Investigations and Network Analysis: A DHS Center of Excellence* (Web Page, 2021) <<https://cina.gmu.edu/people/seth-stodder/>>.

⁴¹⁴ Michael A Davis Jr, ‘Looking Beyond the Horizon: Modelling DHS Net Assessment’ (Master’s Thesis, Naval Postgraduate School, March 2020) 21.

⁴¹⁵ Ibid at 22.

⁴¹⁶ Ibid at 23.

			policies and regulations, and engages interagency counterparts on immigration policies. ⁴¹⁷ These data and quantitative studies would include individuals seeking asylum, as well as advising on policies and regulations and in interagency settings on immigration policy impacting asylum seekers.
POE Metered	international_affairs_ plicity_osem_dhs	Indirect	‘On January 4, 2016, Secretary Johnson announced a number of ongoing and new actions that will address recent trends and improve southwest border security, including increasing border security, cracking down on criminal smugglers, and expanding cooperation with international partners. All of these measures, in concert with actions undertaken by our interagency and regional partners, will make it that much more difficult for extra-hemispheric migrants to move unimpeded into and through Central America and Mexico and approach the U.S. border.’ ⁴¹⁸
POE Metered	public_affairs_osem_ dhs	Indirect	‘DHS and State carried out several public information campaigns between 2013 and 2015 intended to dissuade citizens of El Salvador, Guatemala, and Honduras from migrating to the United States.... The campaigns ran in El Salvador, Guatemala, Honduras, and Mexico, with ads placed on radio and TV stations, and on billboards, bus stops, and in and on buses (see fig. 3). According to an official from DHS CBP’s Office of Public Affairs, in developing the 2013 dangers of the journey campaign, DHS incorporated feedback from various U.S. agencies and a working group composed of several DHS components; the embassies of El Salvador, Guatemala, and Honduras; and other international and nongovernmental organizations.’ ⁴¹⁹ ‘DHS continues to work with DOS and other partners to create opportunities for media in the region using DHS spokespeople to discuss migration to the United States, as well as to update its messaging campaigns and create new media products for use with Central American audiences.’ ⁴²⁰
POE Metered	strategic_ communications_pa_ osem_dhs	Indirect	Strategic Communications ‘provides overall management for implementation of communication plans relating to DHS programs and policies, rules/regulations, and complex domestic and international issues requiring extensive outreach and public education.’ ⁴²¹ ‘Under President Trump, the Department of Homeland Security (DHS) rolled out the controversial parent-child separation policy, also known as zero tolerance, and the Migrant Protection Protocols program (MPP) in 2018–

⁴¹⁷ *Budget Overview: Fiscal Year 2021 Congressional Justification* (n 4) 37.

⁴¹⁸ Written Evidence to the Committee on Foreign Affairs, Subcommittee on the Western Hemisphere, United States House of Representatives, Washington, DC, 22 March 2016 (Alan Bersin, Assistant Secretary and Chief Diplomatic Officer, PLCY Office of International Affairs) <www.dhs.gov/news/2016/03/22/written-testimony-plcy-house-foreign-affairs-subcommittee-western-hemisphere-hearing>.

⁴¹⁹ Government Accountability Office, ‘Central America: Improved Evaluation Efforts Could Enhance Agency Programs to Reduce Unaccompanied Child Migration’ (GAO Report No GAO-15-707, 29 July 2015) 14.

⁴²⁰ Evidence to the Committee on the Judiciary, Subcommittee on Border Security and Immigration, United States Senate, Washington, DC, 23 May 2018 (Richard M Hudson, Deputy Chief, Operational Programs, Law Enforcement Operations Directorate, US Border Patrol) 5.

⁴²¹ *Budget Overview: Fiscal Year 2021 Congressional Justification* (n 4) 85.

			19. How DHS conducts strategic communications about such controversial policies is directly related to public and stakeholder perception of these policies.’ ⁴²²
POE Metered	press_secretary_pa_osem_dhs	Indirect	The Press Secretary ‘coordinates media relations and serve as the spokespersons for the Secretary, senior leadership, and the Department.’ ⁴²³ ‘DHS continues to work with DOS and other partners to create opportunities for media in the region using DHS spokespeople to discuss migration to the United States, as well as to update its messaging campaigns and create new media products for use with Central American audiences.’ ⁴²⁴ ‘Under President Trump, the Department of Homeland Security (DHS) rolled out the controversial parent-child separation policy, also known as zero tolerance, and the Migrant Protection Protocols program (MPP) in 2018–19. How DHS conducts strategic communications about such controversial policies is directly related to public and stakeholder perception of these policies.’ ⁴²⁵
POE Metered	communications_operations_pa_osem_dhs	Indirect	The Communications Operations Division provides ‘information directly to the public through our Department and components websites. Coordinating, integrating and synchronizing employee communications efforts of the Components and DHS headquarters.’ ⁴²⁶ This Division facilitates both internal communication amongst DHS and its components, which includes communications around asylum and border enforcement law and policy, as well as external communication to the public through its websites. DHS and component websites include (or omit) critical information that individuals need to locate detained family members, apply for asylum, or engage in various other acts in pursuance of a protection claim.
POE Metered	legislative_affairs_osem_dhs	Indirect	The Office of Legislative Affairs (‘OLA’) serves as a ‘primary liaison to Members of Congress and their staff, to respond to inquiries from Congress and notify Congress of Department initiatives, policies, and programs’, ⁴²⁷ which include programs related to border enforcement and asylum. OLA works to ‘enhance the ability of the Department to execute its missions by providing timely information to Members of Congress about our efforts to prevent terrorism and enhance security; manage our borders; administer immigration laws; secure cyberspace; and ensure disaster resilience’ essentially lobbying Congress in ‘an integrated approach that recognizes the interconnectedness of

⁴²² Jonathan M Graham, ‘Strategic Communications and the Department of Homeland Security: Immigration Policies, Mixed Messaging, and Information Fratricide’ (Master’s Thesis, Naval Postgraduate School, March 2021) v.

⁴²³ *Budget Overview: Fiscal Year 2021 Congressional Justification* (n 4) 85.

⁴²⁴ Evidence to the Committee on the Judiciary, Subcommittee on Border Security and Immigration, United States Senate, Washington, DC, 23 May 2018 (Richard M Hudson, Deputy Chief, Operational Programs, Law Enforcement Operations Directorate, US Border Patrol) 5.

⁴²⁵ Jonathan M Graham, ‘Strategic Communications and the Department of Homeland Security: Immigration Policies, Mixed Messaging, and Information Fratricide’ (Master’s Thesis, Naval Postgraduate School, March 2021) v.

⁴²⁶ *Budget Overview: Fiscal Year 2021 Congressional Justification* (n 4) 85.

⁴²⁷ *Ibid* at 87.

			DHS's legislative mission with a sound, robust and fully engaged staff to formulate the legislation recommendations that drive the priorities of the Administration and Secretary. ⁴²⁸
POE Metered	assistant_secretary_la_osem_dhs	Indirect	The Office of the Assistant Secretary 'advises the Secretary on key legislative strategies, facilitates the DHS Senate-confirmation process, clearly articulates DHS' views in support of needed authorities and appropriations, and directs the Department's complex congressional relations programs ensuring a cross-Departmental approach for DHS to speak with one, informed voice to Members of Congress and their staffs.' ⁴²⁹ These legislative strategies and relations with Congress – including in relation to Congressional oversight of agency activities – often relate to asylum seekers and the southern border.
POE Metered	legislative_affairs_teams_la_osem_dhs	Indirect	'The Legislative Affairs Teams serves as the primary liaison to Congress and advocates for the policy interest of the Administration and the Secretary, ensures that all DHS Components are actively engaged with Congress by responding to requests and inquiries from congressional committees, Members of Congress and their staffs, and fully participates in the DHS Senate confirmation process.' ⁴³⁰ This liaison and advocacy work with Congress – including in relation to Congressional oversight of agency activities – often relates to asylum seekers and the southern border.
POE Metered	general_counsel_osem_dhs	Indirect	The General Counsel's work includes work relating to asylum and the ability of asylum seekers to access a fair and efficient process for refugee status determination, and in relation to engagements with foreign governments on policies seeking to prevent or make it difficult for people to access the asylum system.
POE Metered	general_law_gc_osem_dhs	Indirect	The 'General Law Division (GLD) advises the Secretary and other Department leaders on legal issues associated with the management and operation of the Department. GLD regularly coordinates with Component Chief Counsel Offices on critical legal issues that are relevant to multiple DHS components. GLD oversees portfolios involved with administrative law; fiscal law; appropriations; the Vacancy Reform Act ... torts ... delegations and authorities; and environmental and property law matters.' ⁴³¹ Many of these purviews bear upon asylum law and policy, including administrative law matters, matters relating to the appointment of senior and other Department officials, torts committed by agency officials, as well as legal matters relating to the acquisition of land for the Trump Administration's border wall effort.
POE Metered	ethics_law_gc_osem_dhs	Indirect	The ELD provides 'guidance guidance related to related areas of law, such as procurement integrity and partisan political activity regulations and policies' and advises on 'complex and sensitive legal

⁴²⁸ Ibid.

⁴²⁹ Ibid.

⁴³⁰ Ibid.

⁴³¹ *Budget Overview: Fiscal Year 2021 Congressional Justification* (n 4) 75.

			and policy matters both for individual questions and as related to DHS programs and operations. ⁴³² These legal and policy matters, as well as partisan political activity issues, may involve asylum law and policy, or policies impacting the ability of individuals to access a fair and efficient refugee status determination process.
POE Metered	regulatory_affairs_gc_osem_dhs	Indirect	‘The Regulatory Affairs Law Division (RLD) advises the Secretary and Department leaders on legal and economic issues associated with DHS regulatory actions and ensures that those actions comply with constitutional, statutory, and other legal requirements. RLD manages the DHS regulatory docket, develops the DHS regulatory and deregulatory agenda, oversees the regulatory process for the Department, and provides leadership for regulatory and administrative law practice matters. This Division provides substantive legal review on numerous DHS regulations and manages the clearance of hundreds of interagency regulations each year. They also oversee execution of Executive Order 13771 - Reducing Regulation and Controlling Regulatory Costs and Executive Order 13777 - Enforcing the Regulatory Reform Agenda.’ ⁴³³ This regulatory work includes work on asylum and other regulations that impact the ability of individuals to access the asylum process.
POE Metered	operations_enforcement_law_gc_osem_dhs	Indirect	‘The Operations and Enforcement Law Division (OELD) advises the Secretary and Department leaders on legal issues associated with enforcement and operational activities designed to protect the United States from, respond to, and recover from both natural and man-made threats. OELD is involved in the operations and enforcement of legal issues that concern Secretarial authorities, two or more DHS components, or the role of the Department in interagency operations. The Division provides legal advice regarding: air, land, and maritime domain security; border, cargo, and port security; counterterrorism; crisis-cell leadership; domestic-incident management; exercises; international law; law enforcement; national security; transportation security....’ ⁴³⁴ Many of these areas relate to operational and legal issues that may impact asylum seekers and their ability to access the asylum process including, for example, operations at or between ports of entry along the southern land border.
POE Metered	immigration_law_gc_osem_dhs	Direct	The Immigration Law Division (‘IMM’) ‘provides expertise in U.S. immigration and nationality law, including removal, arrest and detention authorities, national security matters, asylum, refugee and other protection-related issues, matters related to unaccompanied minors and victims of human trafficking, inspection and admissibility issues, naturalization and citizenship, constitutional and international human rights of migrants, immigrant and nonimmigrant visas/status. IMM also assists

⁴³² ‘Attorney-Advisor (Open Continuous)’, *USAJobs* (Web Page, 22 February 2021) <<https://www.usajobs.gov/GetJob/ViewDetails/592974400>>.

⁴³³ *Budget Overview: Fiscal Year 2021 Congressional Justification* (n 4) 75.

⁴³⁴ *Ibid* at 75-76.

			with administrative and federal court litigation of immigration-related matters and immigration-related legislative, regulatory and policy initiatives. ⁴³⁵
POE Metered	legal_counsel_gc_osem_dhs	Direct	‘The Legal Counsel Division (LCD) advises the Secretary and Department leaders on significant legal issues associated with litigation; legislation; the Freedom of Information Act (FOIA); civil rights and civil liberties; privacy; and oversight matters involving Congress, the U.S. Government Accountability Office, and the DHS Inspector General. LCD regularly coordinates agency positions across the Department in high-profile legislative and litigation matters, to include numerous cases before the Supreme Court, that have large-scale implications for DHS and its components.’ ⁴³⁶ This would include litigation related to asylum, metering, Operation Streamline, the 'Migrant Protection Protocols', as well as FOIA litigation.
POE Metered	management_division_gc_osem_dhs	Indirect	‘The Management Division (MGMT) provides management, operational, and mission support to OGC Headquarter attorneys. Specific responsibilities include: financial oversight and budget planning; personnel management; employee training; management of controlled and executive correspondence; knowledge systems management; and strategic planning. MGMT engages with counterparts in component counsel and DHS HQ offices on cross-cutting management issues.’ ⁴³⁷ This Division is involved in the training and management of employees that may work directly on legal and policy issues related to asylum, including the asylum process and policies and laws that impact whether a person is able to access the asylum process.
POE Metered	privacy_office_osem_dhs	Indirect	The Privacy Office (‘PRIV’) is ‘required to protect individuals by embedding and enforcing privacy protections and transparency in all DHS activities, and has oversight of all privacy and disclosure policy matters including compliance with the Privacy Act of 1974, the Freedom of Information Act (FOIA), and the completion of privacy impact statements on all new programs and systems, as required by the E-Government Act of 2002. All DHS systems, technology, and programs that either collect personally identifiable information (PII) or have a privacy impact are subject to the oversight of the Chief Privacy Officer (CPO) and the requirements of U.S. data privacy and security laws.’ ⁴³⁸ This includes ultimate responsibility for policies regarding FOIA in removal proceedings and expedited removal proceedings, related to asylum and other types of protection from harm. This would also necessarily include policies related to the disclosure of personally identifiable information provided by asylum seekers in their applications to foreign governments and other transnational or international entities.

⁴³⁵ ‘Office of the General Counsel’, *US Department of Homeland Security* (Web Page, 22 March 2021) <<https://www.dhs.gov/office-general-counsel>>.

⁴³⁶ *Budget Overview: Fiscal Year 2021 Congressional Justification* (n 4) 76.

⁴³⁷ Ibid at 77.

⁴³⁸ Ibid at 80.

POE Metered	foia_team_privacy_osem_dhs	Indirect	This Office's work would include FOIA requests relating to asylum seekers in removal proceedings, as well as FOIA requests for entities or individuals seeking disclosure of DHS policies, procedures, and other information relating to asylum-related programs (including MPP and metering), enforcement, or training. The FOIA Appeals and Litigation Team 'provides guidance and training on recent developments in the field of disclosure, including court decisions and current legislation. The team researches, analyzes, and evaluates complex FOIA requests to determine if the FOIA and Privacy Act were properly applied during the original processing of a FOIA request.' ⁴³⁹ This work would also involve litigation around asylum-related FOIA requests.
POE Metered	policy_oversight_team_privacy_osem_dhs	Indirect	This team is dedicated to implementing accountability and continually improving DHS privacy processes and programs, such as in the development of the National Vetting Center (NVC).... ⁴⁴⁰ The National Vetting Center was created to 'coordinate the efforts of Federal officials to vet people seeking to enter or remain within our country. It will help fulfill President Donald J. Trump's requirement that departments and agencies improve their coordination and use of intelligence and other information to identify potential threats to national security, border security, homeland security, and public safety.' ⁴⁴¹ People seeking asylum are vetted by the NVC.
POE Metered	civil_rights_civil_libraries_osem_dhs	Direct	The Office for Civil Rights and Civil Liberties (CRCL) 'Communicates with individuals and communities whose civil rights and civil liberties may be affected by DHS activities, informs them about policies and avenues of redress, and promotes appropriate attention within the Department to their experiences and concerns. Investigates and issues recommendations regarding civil rights and civil liberties complaints filed by the public regarding DHS policies or activities, or actions taken by DHS personnel.' ⁴⁴² For example, the Office has coordinated 'community engagement meetings with more than 400 governmental organizations in the review of DHS immigration and asylum-related policies or proposals; and opened/closed 801 complaint investigations relating to Family Separations, Indefinite Detention, and Religious Questioning at Ports of Entry.' ⁴⁴³
POE Metered	front_office_crcl_osem_dhs	Indirect	The Front Office 'provides advice to DHS leadership on civil rights and civil liberties issues impacting the DHS programs and/or activities. This includes providing civil rights expertise regarding immediate issues affecting the DHS mission which implicate civil rights or liberties

⁴³⁹ Ibid at 81.

⁴⁴⁰ *Budget Overview: Fiscal Year 2021 Congressional Justification* (n 4) 81.

⁴⁴¹ 'The National Vetting Center', *US Department of Homeland Security* (Fact Sheet, 6 February 2018) <<https://www.dhs.gov/news/2018/02/06/national-vetting-center>>.

⁴⁴² *Budget Overview: Fiscal Year 2021 Congressional Justification* (n 4) 49.

⁴⁴³ *FY 2021 Budget in Brief* (n 1) 12.

			concerns. ⁴⁴⁴ This might include providing civil rights expertise on Family Separation policies or other policies implicating the rights of those seeking asylum and their families.
POE Metered	programs_branch_crcl_osem_dhs	Indirect	'The Programs Branch also ... coordinates outreach and engagement activities in communities where civil rights and civil liberties are particularly affected by DHS programs (Community Engagement Section). Additionally, the Programs Branch works to ensure that the Department's programs and activities do not discriminate against individuals or prohibit access to the Department's programs on the basis of race, color, national origin, limited English proficiency, age, sex, or disability, and that recipients of Federal financial assistance comply with their civil rights obligations (Antidiscrimination Group). ⁴⁴⁵ This work might include community engagement 'in the review of DHS immigration and asylum-related policies or proposals' and 'complaint investigations relating to Family Separations, Indefinite Detention, and Religious Questioning at Ports of Entry.' ⁴⁴⁶
POE Metered	community_engagement_programs_crcl_osem_dhs	Direct	The goal of CRCL is to '[c]ommunicate reliable information about federal programs and policies, including avenues for redress and complaints; Obtain feedback about community concerns and on-the-ground impacts of Department activities, in order to incorporate into the policymaking process community ideas and issues relating to civil rights and civil liberties; and Deepen channels of communication between communities and federal officials in order to facilitate solution of problems.' ⁴⁴⁷ These federal programs and policies include asylum-related policies and proposals, as well as rights violations resulting from the action of DHS officials, or from policies.
POE Metered	immigration_programs_crcl_osem_dhs	Indirect	The 'immigration-related programs affect both U.S. citizens and non-U.S. citizens, including lawful permanent residents, asylum seekers, refugees, non-immigrant and immigrant visa holders, migrant workers, undocumented persons, and persons in detention.' ⁴⁴⁸ 'The Immigration Section works with ICE to design and implement policies, procedures, and guidance to protect the civil and human rights of immigrant detainees while fulfilling the DHS mission. Reforms have included: an online detainee locator system; immigration detention policy; policy safeguarding parental interests; improved risk assessment tools; the development of guidance on the care of transgender detainees in ICE custody; monitoring use of segregation in detention; and revising ICE's detention standards, including the Performance-Based National Detention Standards, the Family Residential Standards, and the National Detention Standards.' ⁴⁴⁹ 'The CRCL Officer is the designated Department single point of

⁴⁴⁴ *Budget Overview: Fiscal Year 2021 Congressional Justification* (n 4) 49.

⁴⁴⁵ *Ibid* at 51.

⁴⁴⁶ *FY 2021 Budget in Brief* (n 1) 12.

⁴⁴⁷ *Ibid*.

⁴⁴⁸ 'CRCL Immigration Section', *US Department of Homeland Security* (Web Page, 31 March 2021) <<https://www.dhs.gov/crcl-immigration-section>>.

⁴⁴⁹ *Ibid*.

			contact for international human rights treaty reporting and coordination under Executive Order 13107. The Immigration Section works with DHS components to develop and advance protective policies, procedures, and training for victims of torture and persecution, battered immigrants, trafficked persons, and other needing special attention. ⁴⁵⁰ This includes asylum seekers.
POE Metered	compliance_branch_cr cl_osem_dhs	Direct	The Compliance Branch 'investigates complaints from the public, media reports, and other sources, alleging civil rights or civil liberties violations by Department personnel or programs, including disability discrimination prohibited by the Rehabilitation Act of 1973, inappropriate use of force by DHS officers or agents, inadequate conditions of detention, violation of right to due process, and racial or ethnic profiling. CRCL makes formal recommendations to DHS Component leadership stemming from its investigations to address issues related to civil rights, such as changes to DHS policies, practices, and training....' ⁴⁵¹ These complaints include complaints against US Customs and Border Protection officials for mistreatment, abuse and other misconduct against asylum seekers. ⁴⁵²
POE Metered	partnership_engagement_osem_dhs	Indirect	The Office of Partnership and Engagement (OPE) coordinates the Department of Homeland Security's outreach efforts with critical stakeholders nationwide, including state, local, tribal, territorial (SLTT) governments, SLTT elected officials, SLTT law enforcement, the private sector, and colleges and universities, ensuring a unified approach to external engagement. OPE advocates and represents interests of these stakeholders through the Department's policy making process and as a conduit for the Secretary to engage with stakeholders or share information. ⁴⁵³ This includes engaging with tribal governments on policies such as the construction of the Trump Administration's wall along the southern border and other policies that might impact asylum seekers, as well as policy engagements with the variety of other external actors. ⁴⁵⁴
POE Metered	intergovernmental_affairs_pe_osem_dhs	Indirect	IGA also 'serves as an advocate for SLTT interests within the Department. IGA works with State and local officials and their representative associations to ensure that these viewpoints are heard and incorporated into the policy process.' ⁴⁵⁵ These viewpoints may include views on border operations, as with border states such as Arizona and Texas, as well as on asylum seekers.

⁴⁵⁰ Ibid.

⁴⁵¹ *Budget Overview: Fiscal Year 2021 Congressional Justification* (n 4) 51.

⁴⁵² Letter from the American Civil Liberties Union to US Department of Homeland Security Secretary Alejandro Mayorkas, 3 March 2021 <https://www.aclu.org/sites/default/files/field_document/2021_03_03_aclu_complaint_letter.pdf>.

⁴⁵³ 'Office of Partnership and Engagement', *US Department of Homeland Security* (Web Page, 6 July 2021) <<https://www.dhs.gov/partnership-engagement>>.

⁴⁵⁴ US Customs and Border Protection, *Released Record* (0001 - BW6 FOIA CBP 000899 – 001536, 31 October 2018) 000930.

⁴⁵⁵ 'DHS Office of Intergovernmental Affairs Overview', *US Department of Homeland Security* (Fact Sheet) <<https://www.doi.gov/sites/doi.gov/files/uploads/23-Homeland-Security-DHS-Intergovernmental-Affairs-IGA-Overview.pdf>>.

POE Metered	state_local_law_enforcement_pe_osem_dhs	Indirect	Through the Intergovernmental Public Liaison ('IPL'), OSLLLE 'liaises with state, local, tribal, and territorial governments and non-governmental organizations.' ⁴⁵⁶ In addition, IPL 'serves the dual role of representing the intergovernmental and external perspective in the federal policymaking process, as well as clarifying the federal perspective to intergovernmental officials and external stakeholders.' ⁴⁵⁷ This includes liaison work and input on policies relating to asylum seekers, including the detention of unaccompanied migrant children and Family Separation. Operation Stonegarden 'provides funding to support joint efforts to secure the United States' borders along routes of ingress/egress to and from international borders, to include travel corridors in states bordering Mexico' ⁴⁵⁸ which often results in these agencies encountering asylum seekers.
POE Metered	blue_campaign_pe_osem_dhs	Indirect	Law enforcement agencies ('LEAs') frequently have initial contact with asylum seekers who may also be victims of human trafficking, however research has shown that LEAs, including CBP and ICE, often 'failed either to recognise ... clients as human trafficking survivors or to comply with DHS's stated practice of referring them to adequate services and providing information about immigration relief.' ⁴⁵⁹
POE Metered	private_sector_pe_osem_dhs	Indirect	The PSO 'advises the Secretary on the impact of the Department's policies, regulations, processes, and actions on the private sector, and fosters strategic communications with the private sector to enhance the primary mission of the Department....' ⁴⁶⁰ DHS works 'work closely with industry to learn from their expertise, engage on best practices, and identify new opportunities to improve our operations.' ⁴⁶¹ This includes work on data collection and use in making screening and other operational decisions that might impact asylum seekers, as well as technologies and procedures at or between ports of entry that might impact asylum seekers access to the asylum process.
POE Metered	loaned_executive_ps_pe_osem_dhs	Indirect	Positions recruited by DHS include, for example, 'a Loaned Executive to advise the Office of Intelligence and Analysis (I&A) Homeland Identities, Targeting, and Exploitation Center (HITEC) on the development and integration of Artificial Intelligence (AI) and Machine Learning (ML) technologies to be applied to intelligence and analysis programs within DHS I&A.' ⁴⁶² According to

⁴⁵⁶ 'DHS State and Local Law Enforcement Resource Catalogue', *US Department of Homeland Security* (Resource Catalogue Vol VI, May 2018) 17.

⁴⁵⁷ Ibid.

⁴⁵⁸ Ibid.

⁴⁵⁹ Katherine Soltis and Rebecca Walters, "'What's in a Name?': Mislabelling, Misidentification, and the US Government's Failure to Protect Human Trafficking Survivors in the Central American Refugee Crisis' (2018) 11 *Anti Trafficking Review* 85, 96.

⁴⁶⁰ 'Private Sector Office', *US Department of Homeland Security* (Web Page, 30 January 2020) <<https://www.dhs.gov/private-sector-office>>.

⁴⁶¹ Evidence to the Committee on Commerce, Science, and Transportation, Subcommittee on Tourism, Competitiveness, and Innovation, United States Senate, Washington, DC (26 June 2014, Private Sector Office acting Assistant Secretary Michael Stroud and CBP Office of Field Operations acting Assistant Commissioner John Wagner).

⁴⁶² 'Private Sector Expert Technologist or Executive Technical Strategist, Artificial Intelligence and Machine Learning, I&A', *US Department of Homeland Security* (Assignment Announcement, Loaned Executive Program, 6 April 2020).

			DHS, 'Efforts to secure the border, identify and interdict criminal actors, and secure cyberspace will be aided by use of AI systems.' ⁴⁶³ Using AI in pursuit of these goals can impact who is able to access an asylum process, or even who may be granted asylum where AI systems flag risk or other negative determination relating to an applicant.
POE Metered	academic_engagement_pe_osem_dhs	Indirect	The OAE '[t]aps the expertise of the nation's colleges and universities to address pressing homeland security needs', ⁴⁶⁴ which may include research, advice and recommendations on policy, technology, or other issues that can influence access to the asylum framework, or even the operational and adjudicatory framework.
POE Metered	homeland_security_academic_advisory_ae_pe_osem_dhs	Indirect	The Homeland Security Academic Advisory Council (HSAAC) 'is a Federal advisory committee comprised of university presidents and academic leaders that provides advice and recommendations to the Secretary and senior leadership at the Department of Homeland Security (DHS) on matters related to homeland security and the academic community.' ⁴⁶⁵ Advice and recommendation may cover topics such as border enforcement, management, and operational and policy issues that impact whether people are able to access asylum procedures, as well as the operation of the asylum process itself.
POE Metered	cmte_mgmt_office_pe_osem_dhs	Indirect	The HSAC 'Provides advice on the creation and implementation of actionable policy relating to security of the homeland' while S&T 'Provides advice on innovative technologies and products to strengthen the security and resilience of the U.S. technological system'. ⁴⁶⁶ Both of these committees make decisions and contribute to policy that impacts asylum seekers, including the development of risk assessment tools, research programs that evaluate DHS programs and initiatives, as well as border security technology.
POE Metered	homeland_security_advisory_council_pe_osem_dhs	Indirect	The HSAC evaluates and provides advice on policies that impact asylum seekers and others in need of protection, including tasks as varied as recommending best practices for families and children in CBP custody or identifying and recommending best practices for a multi-year biometrics vision, strategy and implementation plan. ⁴⁶⁷

⁴⁶³ 'U.S. Department of Homeland Security Artificial Intelligence Strategy', *US Department of Homeland Security* (Report, 3 December 2020) 1.

⁴⁶⁴ 'Office of Academic Engagement', *US Department of Homeland Security* (Overview) <https://www.dhs.gov/sites/default/files/publications/OAE%20Overview_0.pdf>.

⁴⁶⁵ 'Office of Academic Engagement: Homeland Security Academic Advisory Council (HSAAC)', *US Department of Homeland Security* (Overview) 1 <<https://www.dhs.gov/sites/default/files/publications/HSAAC%20Overview.pdf>>.

⁴⁶⁶ 'Mission and Objectives of the Committee Management Office', *US Department of Homeland Security Headquarters* (Pamphlet) 2 <https://www.dhs.gov/sites/default/files/publications/committee_management_office_pamphlet_11_2020.pdf>.

⁴⁶⁷ 'CBP Families and Children Care Panel Final Report', *Homeland Security Advisory Council* (Report, 14 November 2019); Exhibit 9 in Support of Plaintiffs' Memorandum of Points and Authorities in Support of their Motion for Summary Judgment, *Al Otro Lado, Inc.*, 327 F Supp 3d 1284 (No 535-11) 89-96; Chad F Wolf, *Four New Homeland Security Advisory Council (HSAC) Taskings* (DHS Memorandum, 21 February 2020).

POE Metered	families_children_care_panel_hsac_pe_osem_dhs	Indirect	The CBP Families and Children Care Panel is part of the Homeland Security Advisory Council. ⁴⁶⁸ The so-called 'bipartisan' panel 'was formed in October 2018 because of the burgeoning humanitarian crisis resulting from a surge in migration of FMUs, primarily from Guatemala and Honduras, overwhelming the DHS resources at the border to address the crisis.' ⁴⁶⁹ The Panel evaluated and provided advice – largely in line with CBP talking points – that impacted children and others seeking asylum.
POE Metered	cis_ombudsman_osem_dhs	Direct	The Ombudsman's office routinely assists people seeking asylum, while also engaging with non-profits and other organisations that work with asylum seekers to identify and resolve common or systemic problems that impact asylum seekers.
POE Metered	imm_detention_ombudsman_osem_dhs	Direct	The Ombudsman works to 'ensure humane conditions for foreign nationals held in detention' and focuses 'individual and policy-level conditions of immigration detention' while providing 'recommendations to improve the conditions of immigration detention.' ⁴⁷⁰ The Ombudsman's oversight includes detention facilities at the border, and other facilities where asylum seekers are detained. ⁴⁷¹
POE Metered	joint_requirements_council_osem_dhs	Indirect	For example, in the Rio Grande Valley Systems Analysis Project, S&T 'collaborated with agents at the RGV McAllen Station (MCS) detention center, in McAllen, Texas, to gain a firsthand understanding of agent operations in surveillance, detection, apprehension and processing of illegal immigrants', which resulted in changes 'to the ways MCS agents process apprehended illegal immigrants.' ⁴⁷² People detected, apprehended and processed by MCS include those individuals seeking asylum.
POE Metered	mgmt_dhs	Indirect	MGMT 'provides the overarching management structure for the Department to enable missions' ⁴⁷³ and engages in activities relevant to border security, operations, and programs that impact upon asylum seekers. For example, the Office of the Chief Human Capital Officer (within MGMT) analyses 'the effectiveness of DHS's training programs', ⁴⁷⁴ while the Office of Biometric Identity Management (within MGMT) 'provides biometric match, store, share, and analyze services to DHS and mission partners', ⁴⁷⁵ including USCIS and other components in the processing and adjudication

⁴⁶⁸ *Homeland Security Advisory Council* (n 67).

⁴⁶⁹ *Ibid* at 4.

⁴⁷⁰ 'Annual Report', *Office of the Immigration Detention Ombudsman* (Report, 19 January 2021) 6.

⁴⁷¹ *Ibid*.

⁴⁷² 'Research & Development Analysis and Assessment: Rio Grande Valley Systems Analysis', *DHS Science and Technology Directorate* (Report, 24 September 2013).

⁴⁷³ *FY 2021 Budget in Brief* (n 1) 11.

⁴⁷⁴ *Ibid* at 12.

⁴⁷⁵ 'Office of Biometric Identity Management', *US Department of Homeland Security* (Web Page, 18 March 2021) <<https://www.dhs.gov/obim>>.

			of asylum claims, expedited removal proceedings, and other processes that involve the collection of biometrics from asylum seekers.
POE Metered	chief_financial_office r_mgmt_dhs	Indirect	According to CBP, for example, Performance Accountability Reports describe ‘how we manage our resources and administer our programs’ and ‘provides an opportunity to communicate to the public our programs, challenges, and accomplishments in achieving our mission.’ ⁴⁷⁶ These reports are required under US law and provide the basis for ‘preparing and supporting the budget requests of the agency’, ‘controlling the carrying out of the agency budget’, and ‘providing financial information the President requires’ ⁴⁷⁷ in preparing a budget. This information relates directly to the funding and accountability of programs and operations that impact people seeking asylum, including detention and processing capabilities, amongst other things.
POE Metered	program_analysis_eva luation_cfo_mgmt_dh s	Indirect	OPAE analyses ‘inform resource prioritization and Secretary and Deputy Secretary decisions and support DHS Management Directorate (MGMT) leadership in developing Resource Allocation Decisions (RADs).’ ⁴⁷⁸ The analysis and evaluation of DHS and component plans, programs, and budgets would include an analysis of plans, programs, and budgets relating to the reception and processing of asylum seekers, as well as the adjudication of asylum applications.
POE Metered	human_capital_mgmt _dhs	Indirect	The Chief Human Capital Officer’s tasks include addressing ‘DHS’ inability to hire personnel in a timely manner [which] has led to staffing shortfalls, which can affect productivity and morale, and disrupt mission critical operations. OCHCO recognizes this challenge, and on April 5, 2017, the Office of Personnel Management approved the Department’s request for direct hiring authority for a number of positions having critical hiring needs at DHS, including CBP Border Patrol Agents and Human Resource Specialists, as well as ICE Deportation Officers, Criminal Investigators, and Human Resource Specialists.’ ⁴⁷⁹ Staffing levels, as well as the quality of individuals recruited, directly impacts how and whether asylum seekers are able to access the asylum process.
POE Metered	human_capital_leader ship_council_hc_mgm t_dhs	Indirect	The HCLC also establishes and administers the DHS Workforce Strategy (“Strategic Human Capital Plan”) and other HC initiatives that link to and support the DHS mission, vision, core values, goals, and objectives.’ ⁴⁸⁰ Inadequate workforce planning can ‘undermine the ability of CBP and ICE to

⁴⁷⁶ ‘2016 Performance and Accountability Report’, *US Customs and Border Protection* (Report, 2016) 4.

⁴⁷⁷ 31 USC § 3512(b)(4)(a)-(d).

⁴⁷⁸ *An Analytic Inventory of DHS Headquarters Business Processes* (n 85) 23.

⁴⁷⁹ US DHS Office of Inspector General, *Special Report: Challenges Facing DHS in Its Attempt to Hire 15,000 Border Patrol Agents and Immigration Officers* (OIG Report No OIG-17-98-SR, 27 July 2017) 12.

⁴⁸⁰ *Human Capital Line of Business Integration and Management* (n 80) 4.

			achieve hiring mandates and perform mission essential duties and functions’, which includes receiving and processing asylum seekers at the border. ⁴⁸¹
POE Metered	chief_information_officer_mgmt_dhs	Indirect	The work of the OCIO can have a direct impact on the ability of asylum seekers to access the asylum process, as well as on whether CBP officials are collecting and sharing accurate information relating to individuals. For example, during the Trump Administration’s ‘Zero Tolerance’ policy which separated thousands of families – including asylum seekers – ‘DHS did not have the information technology (IT) system functionality needed to track separated migrant families during the execution of the Zero Tolerance Policy. U.S. Customs and Border Protection (CBP) adopted various ad hoc methods to record and track family separations, but these methods led to widespread errors.... Because of these IT deficiencies, we could not confirm the total number of families DHS separated during the Zero Tolerance period.’ ⁴⁸²
POE Metered	biometric_identity_mgmt_mgmt_dhs	Indirect	'A single query of OBIM’s biometric system can retrieve data for an individual tied to a Department of State visa application, a U.S. Customs and Border Protection log of an entry into the United States, and an immigration status change logged by U.S. Citizenship and Immigration Services.’ ⁴⁸³ 'The Secure Real-Time Platform (SRTP) ... provides decision makers with data to assist in the adjudication of immigration benefits, enforcement actions, credentialing, and country access permissions. SRTP currently supports business use cases for refugee claimants, entry clearance (visas), foreign criminals, redocumentation, and fugitives.’ ⁴⁸⁴ OBIM provides data to USCIS and other DHS components in the processing and adjudication of asylum claims, expedited removal proceedings, and other processes that involve the collection of biometrics from asylum seekers.
POE Metered	program_accountability_risk_mgmt_dhs	Indirect	Particularly relevant to asylum seekers and others seeking protection is the role that PARM plays in analysing 'human resources deficiencies and gaps to support component staffing prioritization and planning' and 'any aspects of program execution or staffing levels' that could impact the successful delivery of acquisition 'strategies, contracts, scheduling ... investments in systems engineering, logistics, external factors affecting program execution.’ ⁴⁸⁵ For example, monitoring and evaluating CBP's acquisition of sufficient staff or facilities to house people seeking asylum as they are

⁴⁸¹ *Special Report: Challenges Facing DHS in Its Attempt to Hire 15,000 Border Patrol Agents and Immigration Officers* (n 79) 1.

⁴⁸² US DHS Office of Inspector General, *DHS Lacked Technology Needed to Successfully Account for Separated Migrant Families* (OIG Report No OIG-20-06, 25 November 2019).

⁴⁸³ ‘Office of Biometric Identity Management’, *US Department of Homeland Security* (Web Page, 18 March 2021) <<https://www.dhs.gov/obim>>.

⁴⁸⁴ *Ibid.*

⁴⁸⁵ *An Analytic Inventory of DHS Headquarters Business Processes* (n 85) 43.

			processed, or contracts for unmanned aircraft systems and other field support resources that assist in the apprehension of people crossing the border. ⁴⁸⁶
POE Metered	chief_security_officer_mgmt_dhs	Indirect	The OSCO implemented the Integrated Security Management System (‘ISMS’) in 2008 to support ‘DHS’s personnel security, administrative security, and classified visit management records (“passing a clearance”) by managing data related to suitability determinations, background investigations, security clearance processing, security container and document tracking, personnel administration for security and classified contract support....’ ⁴⁸⁷ This data and information is used to screen CBP and other DHS employment ‘applicants for potential issues of suitability’ ⁴⁸⁸ and contributes to hiring time and other human resources concerns that impact the types of people who CBP (or DHS) hire and who ultimately may encounter asylum seekers in the course of their employment.
POE Metered	analysis_sub_risk_analysis_exec_steering_cmt_dhs	Indirect	‘DHS-HQ has long recognized that successful strategic planning requires “having the right people, policies, processes, technologies, and analytic capabilities” to effectively and efficiently execute the Department’s mission. Part of the strategic planning process requires effectively using available data and analytics to provide decision support to senior leadership and DHS-HQ management. Consequently, the Analytic Agenda aims to advance data-driven management to facilitate performance oversight, capability development, and the implementation of strategically important goals.’ ⁴⁸⁹ There are ‘six overarching homeland security missions’ that make up the DHS strategic plan, including to ‘Secure U.S. Borders and Approaches’ which includes ‘implementing a comprehensive border security approach to secure and maintain our borders, prevent and intercept foreign threats so they do not reach U.S. soil, enforce immigration laws throughout the United States, and properly administer immigration benefits.’ ⁴⁹⁰ This would include using data and analytics to provide decision support in relation to people seeking asylum at the southern border, including access to asylum procedures and the operation of the asylum adjudication system.
POE Metered	inspector_general_dhs	Direct	‘The OIG serves as an independent and objective audit, inspection, and investigative body to promote economy, effectiveness, and efficiency in DHS programs and operations, and to prevent and detect

⁴⁸⁶ ‘Forecast Record: Acquisition Planning Forecast System’, *US Department of Homeland Security* (Forecast Record No F2020049279, 17 August 2020): ‘CBP AMO has a requirement to provide Headquarters and field support for the Unmanned Aircraft Systems (UAS) program’

⁴⁸⁷ US Department of Homeland Security, *Privacy Impact Assessment Update for the Integrated Security Management System* (Report No DHS/ALL/PIA-038(c), 26 June 2017) 1.

⁴⁸⁸ Evidence to Committee on Homeland Security and Governmental Affairs, Subcommittee on Regulatory Affairs and Federal Management, United States House of Representatives, Washington, DC, 1 March 2018 (Angela Bailey, Chief Human Capital Officer).

⁴⁸⁹ *An Analytic Inventory of DHS Headquarters Business Processes* (n 85) 1.

⁴⁹⁰ US Department of Homeland Security, *The DHS Strategic Plan: Fiscal Years 2020-2024* (Report, 2020) 17.

			fraud, waste, and abuse in these programs and operations.’ ⁴⁹¹ The OIG has conducted numerous audits of DHS and its components, including CBP, in relation to the operation and management of policies and programs relating to asylum seekers. This has included audits of the ‘Zero Tolerance’ (Family Separation) policy, as well as other asylum-related issues. ⁴⁹²
POE Metered	integrity_quality_over_sight_oig_dhs	Direct	‘IQO manages the Hotline, Whistleblower Protection, and Ombudsman programs, and compliance and quality assurance of audits, inspections, investigations, and reports.’ ⁴⁹³ For example, there have been numerous whistleblower reports of misconduct at DHS, some of which related to ‘possible violations of immigration law at the Tecate, California Port of Entry’. ⁴⁹⁴ That report was ultimately published in 2019 and related to violations of asylum law. ⁴⁹⁵
POE Metered	audits_oig_dhs	Indirect	The Office of Audits ‘Conducts and coordinates audits and program evaluations of the management and financial operations of DHS.’ ⁴⁹⁶ This has included audits of numerous CBP policies and practices relating to asylum seekers at the southern border, including conditions and treatment that impact directly on an individual’s ability to raise and pursue an asylum claim. ⁴⁹⁷
POE Metered	investigations_oig_dhs	Direct	The Office of Investigations ‘Investigates allegations of criminal, civil, and administrative misconduct involving DHS employees, contractors, grantees, and programs. These investigations can result in criminal prosecutions, fines, civil monetary penalties, administrative sanctions, and personnel actions.’ ⁴⁹⁸ This office investigates complaints of misconduct by CBP officials, including

⁴⁹¹ FY 2021 Budget in Brief (n 1) 20.

⁴⁹² See *DHS Lacked Technology Needed to Successfully Account for Separated Migrant Families* (n 82); *Special Report: Challenges Facing DHS in Its Attempt to Hire 15,000 Border Patrol Agents and Immigration Officers* (n 79); DHS Office of Inspector General, *CBP Has Taken Steps to Limit Processing of Undocumented Aliens at Ports of Entry* (Report, OIG-21-02, 27 October 2020); DHS Office of Inspector General, *CBP Separated More Asylum-Seeking Families at Ports of Entry Than Reported and for Reasons Other Than Those Outlined in Public Statements* (Report, OIG-20-35, 29 May 2020).

⁴⁹³ US Government Accountability Office, *DHS OIG’s Structure, Policies, and Procedures Are Consistent with Standards, but Areas for Improvement Exist* (Report, GAO-14-726, September 2014) 5.

⁴⁹⁴ Wilmer Hale, *Report of Independent Investigation: Allegations of Misconduct by [Redacted], [Redacted] and [Redacted]* (Report, 14 December 2020) <https://www.oig.dhs.gov/sites/default/files/assets/FOIA/final-redacted-wilmerhale-roi_01-13-21_0516pm.pdf>.

⁴⁹⁵ Ibid.; DHS Office of Inspector General, *Investigation of Alleged Violations of Immigration Laws at the Tecate, California, Port of Entry by U.S. Customs and Border Protection Personnel* (Report, OIG-19-65, 26 September 2019).

⁴⁹⁶ *DHS OIG’s Structure, Policies, and Procedures Are Consistent with Standards, but Areas for Improvement Exist* (n 93) 5.

⁴⁹⁷ See, eg DHS Office of Inspector General, *CBP Needs to Strengthen Its Oversight and Policy to Better Care for Migrants Needing Medical Attention* (Report, OIG-21-48, 20 July 2021); DHS Office of Inspector General, *CBP Generally Provided Accurate Notices to Appear to Migrant Protection Protocols Enrollees, but Could Improve Procedures to Reduce Future Errors* (Report, OIG-21-45, 14 July 2021); DHS Office of Inspector General, *DHS’ Fragmented Approach to Immigration Enforcement and Poor Planning Resulted in Extended Migrant Detention during the 2019 Surge* (Report, OIG-21-29, 18 March 2021).

⁴⁹⁸ *DHS OIG’s Structure, Policies, and Procedures Are Consistent with Standards, but Areas for Improvement Exist* (n 93) 5.

			excessive use of force against asylum seekers and other criminal matters, as well as deaths of asylum seekers in CBP custody, including the deaths of children. ⁴⁹⁹
POE Metered	special_reviews_evaluations_oig_dhs	Direct	The Office of Special Reviews and Evaluations (SRE) 'conducts inspections and evaluations of DHS facilities, programs and activities, often of a highly sensitive nature. SRE work includes liaison activities with other DHS Components, other federal agencies, the news media, legislative aides, attorneys, the Congress, and members of the public.' ⁵⁰⁰ The SRE has been involved in a number of inspections and investigations of CBP, including those that impact on the conditions under which asylum seekers are detained and which may influence an individual's ability to raise or pursue an asylum claim. ⁵⁰¹
POE Metered	operations_coordination_dhs	Indirect	The Office of Operations Coordination ('OPS') 'serves as the focal point for information sharing, decision support products, situational awareness, and coordination among DHS Components; Federal, state, local, tribal, and territorial (SLTT) agencies; nongovernmental agencies; the private sector; international partners; and Federal operations and fusion centers.' ⁵⁰² The OPS is involved in monitoring interagency coordination efforts of the Alliance to Combat Transnational Threats (ACTT)-Arizona and the South Texas Campaign (STC)-South Texas, which '[l]everage the capabilities and resources of partners against individuals and criminal organizations involved in illegal cross-border activity' and 'integrate intelligence, leverage communities of interest, pursue enhanced coordination with the government of Mexico, and conduct targeted operations to disrupt and degrade transnational criminal organizations.' ⁵⁰³ Asylum seekers are amongst individuals targeted as being involved in 'illegal cross-border activity'.
POE Metered	operations_deputies_board_oc_dhs	Indirect	The DHS Operations Deputies Board provides 'a formalized and consistent mechanism for enabling senior-level, cross-Component operational coordination, information sharing, and issue identification. This board provided critical coordination of complex homeland security issues to include multiple dimensions of the Southwest Border crisis, which facilitated the creation of a DHS

⁴⁹⁹ DHS Office of Inspector General, *U.S. Customs and Border Protection Compliance with Use of Force Policy for Incidents on November 25, 2018 and January 1, 2019 (Redacted)* (Report, OIG-20-64, 24 August 2020); Letter from Joseph V Cuffari to Bennie G Thompson, 14 April 2020 <<https://homeland.house.gov/download/chairman-thompson-letter-oig-response-041420>>.

⁵⁰⁰ 'Deputy Assistant Inspector General', *USAJobs* (Job Posting, No 42028214, 7 March 2021).

⁵⁰¹ See, eg DHS Office of Inspector General, *Capping Report: CBP Struggled to Provide Adequate Detention Conditions During the 2019 Migrant Surge* (Report, OIG-20-38, 12 June 2020).

⁵⁰² *FY 2021 Budget in Brief* (n 1) 16.

⁵⁰³ US Government Accountability Office, *Border Security: Opportunities Exist to Strengthen Collaborative Mechanisms along the Southwest Border* (Report, GAO-14-494, June 2014) 8.

			surge Volunteer Force. The DHS Volunteer Force provided over 1,000 volunteers who support crisis response. ⁵⁰⁴ The 'Southwest Border crisis' involved the arrival of large numbers of asylum seekers.
POE Metered	national_operations_center_oc_dhs	Indirect	The National Operations Center ('NOC') '[p]rovides timely reporting and products derived from traditional and social media monitoring; DHS Component reporting; federal, state, local, tribal, territorial governments, and sector reports to support senior-leader decision making; Provides and maintain information dissemination tools such as a common operating picture and the Homeland Security Information Network (HSIN) to facilitate information sharing with the federal, state, local, tribal, territorial governments, and private sector professionals....' ⁵⁰⁵ 'The NOC also coordinates with the US CBP via the Air and Marine Operations Center to task CBP unmanned aerial vehicles to fly particular missions. Real-time video feeds from these tactical resources are streamed to the NOC for SWO Situational Awareness.' ⁵⁰⁶ CBP unmanned aerial vehicles often spot people crossing the border without inspection, which also includes asylum seekers.
POE Metered	science_technology_dhs	Indirect	'S&T provides technical and operational support to ensure the transition, acquisition, and deployment of technologies, information, and procedures that improve the efficiency and effectiveness of the operational capabilities across HSE missions.' ⁵⁰⁷ 'S&T invests in border security research and development for technologies and solutions to prevent the illicit movement and illegal entry or exit of people, weapons, dangerous goods, and contraband, and manage the risk posed by people and goods in transit.' ⁵⁰⁸ The 'Immigration Services Program' also 'develops technologies for USCIS to meet their goals to (1) provide efficient adjudication of all applications and petitions for immigration benefits, (2) enhance the integrity of the legal immigration system, and (3) provide trusted and timely immigration, employment, and identity information through a culture of efficiency and creativity.' ⁵⁰⁹ These tools may impact an individual's ability to both access the asylum process, as well as the asylum adjudication.
POE Metered	enterprise_services_std_dhs	Indirect	The Office of Enterprise Services ('OES') 'supports the Department of Homeland Security (DHS) Science and Technology Directorate (S&T) internal operations including the management of personnel, finance and budget, facilities, information technology, and security.' ⁵¹⁰ OES Works

⁵⁰⁴ *FY 2021 Budget in Brief* (n 1) 18.

⁵⁰⁵ 'Office of Operations Coordination', *US Department of Homeland Security* (Web Page, 24 May 2021) <<https://www.dhs.gov/office-operations-coordination>>.

⁵⁰⁶ 'DHS National Operations Center', *GeoPlatform.gov* (Web Page, 29 October 2018) <<https://communities.geoplatform.gov/geoconops/2018/09/01/dhs-national-operations-center/>>.

⁵⁰⁷ *FY 2021 Budget in Brief* (n 1) 71.

⁵⁰⁸ Science and Technology Directorate, *Budget Overview: Fiscal Year 2021 Congressional Justification* (DHS Report, 2020) 15 <https://www.dhs.gov/sites/default/files/publications/science_and_technology_directorate.pdf>.

⁵⁰⁹ *Ibid* at 21.

⁵¹⁰ 'Office of Enterprise Services', *US Department of Homeland Security* (Web Page) <<https://www.dhs.gov/science-and-technology/office-enterprise-services>>.

			collaboratively with S&T's other offices in 'a deliberate, team-based approach that leverages S&T's full range of capabilities, beginning with seeking out ready-made or easily adaptable solutions that can be delivered quickly and cost-effectively.' ⁵¹¹ This includes working with CBP and other DHS components on border security and other technological capabilities that may directly or indirectly impact asylum seekers.
POE Metered	innovation_collaborati on_std_dhs	Indirect	The Office of Innovation and Collaboration 'provides the homeland security community outreach and access to partnerships with world-class subject matter experts, resources and innovative tools. It leverages external relationships with other government agencies, industry, foreign partners, and academia to provide S&T programs, DHS Components, and the vast homeland security network with better, faster, and/or cheaper access to innovative security solutions. Those relationships range from informal conversations and coordination with other agency stakeholders to develop innovative, contracted solutions to more formal commercialization support.' ⁵¹² For example, S&T partners with the University of Houston on the DHS Center of Excellence, Borders, Trade, and Immigration (BTI) Institute, which '[t]o help Customs and Border Protection prepare for a potential migration crisis, BTI Institute researchers are exploring the dimensions of the Venezuelan and Nicaraguan migration outflow. The results will help inform policies to prevent a broader hemispheric crisis.' ⁵¹³ In other words, monitoring people who are often seeking protection from violence, persecution, or other serious harm in order to develop policies to secure US borders, facilitate 'legitimate trade and travel, and ensure the integrity of the immigration system.' ⁵¹⁴
POE Metered	operational_analysis_ center_std_dhs	Indirect	'The RAND Corporation operates the Homeland Security Operational Analysis Center (HSOAC) as an FFRDC (Federally Funded Research and Development Center) for the U.S. Department of Homeland Security (DHS)' and 'provides the government with independent and objective analyses and advice in core areas important to the department in support of policy development, decisionmaking, alternative approaches, and new ideas on issues of significance.' ⁵¹⁵ 'HSOAC researchers have expertise in the complexities of meshing military and civilian organizational structures and cultures, and experience assessing workforce and performance management efforts for several DHS components and for other large federal agencies. As homeland security threats, risks and opportunities are not static, HSOAC possesses expert forecasting capability and the capacity to

⁵¹¹ Science and Technology Directorate, 'DHS S&T Reveals New Business Model and Organizational Structure' (News Release, 1 October 2018) <<https://www.dhs.gov/science-and-technology/news/2018/10/01/news-release-dhs-st-reveals-new-business-model-and>>.

⁵¹² 'Office of Innovation & Collaboration', *US Department of Homeland Security* (Web Page) <<https://www.dhs.gov/science-and-technology/office-innovation-and-collaboration>>.

⁵¹³ 'Borders Trade and Immigration (BTI) Institute', *US Department of Homeland Security* (Fact Sheet, 23 July 2019) 2.

⁵¹⁴ Ibid.

⁵¹⁵ *An Analytic Inventory of DHS Headquarters Business Processes* (n 85) iii-iv.

			improve its accuracy and effectiveness over time. This is achieved through examining mission risk analysis for capability gaps; assessing threat, vulnerability, and risks from national and international trends with U.S. security implications; and by examining policies and other issues affecting border security. ⁵¹⁶ These issues affecting border security may include large numbers of individuals seeking asylum at the southern border.
POE Metered	mission_capability_support_std_dhs	Indirect	The Office of Mission and Capability Support 'works with DHS operational Components, first responders at all levels of government, emergency management personnel and public safety and other homeland security organizations to define priorities, gaps and requirements to find or develop technology solutions.' ⁵¹⁷ This Office's research areas include 'Borders & Maritime Security' through which it 'works closely with border and immigration officials to understand how technology can help support their missions and overcome challenges. We strive to develop and transition technical capabilities to strengthen U.S. land border security and safeguard lawful trade and travel by preventing illegal goods and people from crossing our borders or entering our country illegally. These projects consists of technologies, sensors, radars and more that monitor air, ground, and underground – from drones to tunnels. We want to know who and what is crossing our borders.' ⁵¹⁸ The individuals targeted by these efforts include those seeking asylum.
POE Metered	science_engineering_std_dhs	Indirect	The Office of Science and Engineering 'provides technical functions and services to S&T programs and projects' and 'directly to DHS Components and other homeland security customers. Technical subject matter experts in this group conduct technology scouting, test and evaluation, gap and requirement analysis, and transition planning.' ⁵¹⁹ Within this Office, the Operations and Requirements Analysis (ORA) Division 'collaborated with agents at the RGV McAllen Station (MCS) detention center, in McAllen, Texas, to gain a firsthand understanding of agent operations in surveillance, detection, apprehension and processing of illegal immigrants' in the 'Rio Grande Valley Systems Analysis' project. ⁵²⁰ As part of that project, the Office recommended changes 'to the ways MCS agents process apprehended illegal immigrants' ⁵²¹ at the border, which includes people seeking asylum.

⁵¹⁶ 'Homeland Security Operational Analysis Center', *US Department of Homeland Security* (Web Page) <<https://www.dhs.gov/science-and-technology/hsoac>>.

⁵¹⁷ 'Office of Mission & Capability Support', *US Department of Homeland Security* (Web Page) <<https://www.dhs.gov/science-and-technology/office-mission-and-capability-support>>.

⁵¹⁸ 'Borders and Maritime Security', *US Department of Homeland Security* (Web Page, 12 June 2021) <<https://web.archive.org/web/20210612022356/https://www.dhs.gov/science-and-technology/borders-and-maritime-security-0>>.

⁵¹⁹ 'Office of Science & Engineering', *US Department of Homeland Security* (Web Page) <<https://www.dhs.gov/science-and-technology/office-science-engineering>>.

⁵²⁰ DHS Science and Technology Directorate, *Research & Development Analysis and Assessment: Rio Grande Valley Systems Analysis* (Fact Sheet, 24 September 2013).

⁵²¹ Ibid.

POE Metered	intelligence_analysis_dhs	Indirect	The Office of Intelligence & Analysis (I&A) produces ‘strategic intelligence products that leverage law enforcement, unique DHS data and Intelligence Community (IC) holdings to facilitate intelligence-driven decision making by all levels of DHS leadership, other U.S. Government policymakers and SLTT partners. Deliver access to data and systems, infrastructure and analytic expertise, mission readiness services and Intelligence Community (IC) capabilities to DHS Operational Components. Ensure unique DHS datasets are available to Mission Centers, the IC and law enforcement partners to bolster collaborative government efforts to counter threats. Provide unique data on immigration, travel and intelligence, analytic tools and technical infrastructure to assist the U.S. Government stand-up of the National Vetting Center.’ ⁵²² The National Vetting Center, and data provided to it, are used in the adjudication of immigration cases including asylum and withholding of removal.
POE Metered	federal_law_enforcement_training_centers_dhs	Indirect	The Federal Law Enforcement Training Center’s (FLETC) members, principally federal law enforcement organizations, rely on FLETC to maintain all of the instruments of training and to prepare their law enforcement cadre to perform their law enforcement tasks.’ ⁵²³ The Charleston, South Carolina FLETC training facility runs the US Coast Guard Maritime Law Enforcement Academy, the US Customs and Border Protection Field Operations Academy, the US Immigration and Customs Enforcement Training Academy, and the US Citizenship and Immigration Services Academy Training Center.’ ⁵²⁴ The Artesia, New Mexico facility is the basic training hub for Border Patrol and the Federal Air Marshal's Service.’ ⁵²⁵ It is at FLETC that CBP officials learn about asylum law, though very little focus is placed upon either international law or the law of asylum.
POE Metered	training_mgmt_ops_fl_etc_dhs	Indirect	The Training Management Operations Directorate participates in the ‘planning, development, modification, and coordination of training programs throughout the FLETC’ and conducts ‘studies to analyze the training needs of the Partner Organizations, the requirements of the training programs, and the processes, methodologies and technologies required for training.’ ⁵²⁶ The Directorate also assesses ‘training needs and deficiencies to plan, develop and evaluate training programs based on the requirements of requested training programs and modifications’ and applies ‘forecast analysis methods to determine if training needs will meet future demand.’ ⁵²⁷ The Directorate is therefore

⁵²² ‘Office of Intelligence and Analysis’, *US Department of Homeland Security* (Web Page, 13 July 2021) <<https://www.dhs.gov/office-intelligence-and-analysis>>.

⁵²³ US Department of Homeland Security, *FLETC Strategic Plan 2018-2022* (Report, 2018) 7.

⁵²⁴ US Department of Homeland Security, *Student Handbook: Artesia Facility* (Handbook, 2018-AN-0008, 2018) 8.

⁵²⁵ Ibid.

⁵²⁶ ‘Program Analyst: Federal Law Enforcement Training Centers’, *USAJobs* (Job Announcement, FLETC-TMO-2021-0015, 16 March 2021).

⁵²⁷ Ibid.

			responsible for ensuring that CBP officials have appropriate training and background in international and asylum law in order to perform their duties.
POE Metered	ncr_training_ops_fletc_dhs	Indirect	The National Capitol Region (NCR) Training Operations Directorate 'advises and assists the Director, Deputy Director, and other senior officials in fulfilling the management responsibilities of the FLETC. Specific responsibilities include, but are not limited to ... Representing the FLETC with Federal (Executive, Judicial, and Legislative) organizations, professional organizations, and the private sector, to include negotiating policy positions, projecting needs and operational interests, and other matters. Developing and implementing policies which relate to training program requirements, facility planning and development, human resource activities, and budgetary issues; and analyzing situations to identify strategies designed to gain support from the Department, Office of Management and Budget, and the Congress. ... Serving as the principal interface with the Congress, its members, staffs, and committees regarding FLETC activities, policies, programs, appropriation matters, and other related legislation.' ⁵²⁸ Developing and implementing policies that relate to training program requirements, for example, would include training in international law and the law of asylum.
POE Metered	chief_counsel_fletc_dhs	Indirect	'The responsibilities of the FLETC Chief Counsel include providing legal advice to the Director and other senior FLETC leaders on legal issues associated with the FLETC mission, as well as ... providing legal advice on information/intellectual law matters to include copyright, the Freedom of Information Act (FOIA) and the Privacy Act; and providing legal training for federal, state, local and international law enforcement officers attending basic and advanced training at FLETC's four domestic and two international training sites.' ⁵²⁹ This would include legal advice on the requirements of US asylum law and international refugee law, as well as advice as to civil rights and liberties of individuals with whom CBP officials will come into contact, including asylum seekers.
POE Metered	customs_and_border_protection_dhs	Direct	CBP seeks to 'leverage technological tools and analytic approaches to improve operational efficiency and effectiveness; integrate data and interagency information to establish a common operating picture that provides actionable information to enable decision makers and operators; and expand the zone of security away from physical borders.' ⁵³⁰ The agency further utilizes 'foreign liaisons to disrupt special-interest alien travel before reaching U.S. borders' and works with 'state and local law enforcement agencies' to 'secure the border'. ⁵³¹ CBP is the agency that regulates the ability of asylum

⁵²⁸ 'National Capital Region Training Operations', *Federal Law Enforcement Training Centers* (Web Page) <<https://www.fletc.gov/site-page/national-capital-region-training-operations>>.

⁵²⁹ 'Office of the General Counsel', *US Department of Homeland Security* (Web Page, 22 March 2021) <<https://www.dhs.gov/office-general-counsel>>.

⁵³⁰ US Customs and Border Protection, *Strategy 2021-2026* (Report, Publication No 1280-1220, December 2020) 12.

⁵³¹ Ibid.

			seekers to access US territory, refers asylum seekers to the relevant procedure, and also interacts with asylum seekers within the US who may or may not have lawful status.
POE Metered	commissioner_cbp_dhs	Indirect	The Office of the Commissioner ('OC') is 'responsible for the overall management of CBP and develops long range management plans for the efficient and effective operation of the organization. OC develops and reviews CBP policy guidance, prescribes rules and regulations, and issues internal instructions to provide guidance to CBP employees that are consistent with regulations, and the authority delegated by DHS. The Executive staff supports and develops new policy and plans in alignment with the Commissioner's priorities, simultaneously ensuring that CBP's financial and personnel resources are available, and aligned for the development, articulation, and implementation of CBP's current and future mission priorities and direction.' ⁵³² This includes policy, guidance and regulations that relate to an individual's ability to access asylum procedures, as well as to how that individual accesses procedures.
POE Metered	chief_of_staff_commissioner_cbp_dhs	Indirect	The Chief of Staff 'serves as the direct liaison to DHS for all Agency issues. The COS assists the Office of the Commissioner in formulating and implementing policies through coordination with other CBP offices, DHS, and other government agencies. The COS provides advice and counsel to the Commissioner in defining priorities to accomplish CBP's mission and goals.' ⁵³³ This includes policies and priorities relating to asylum, as well as border security and other efforts that may impact an individual's ability to access the asylum process.
POE Metered	deputy_commissioner_cbp_dhs	Indirect	The Deputy Commissioner 'provides leadership and executive-level direction on CBP's day-to-day operations, including oversight of Agency initiatives that facilitate the international movement of legitimate, low-risk goods and travelers, while promoting effective border security.' ⁵³⁴ This includes operations that impact asylum seekers, who often must travel without documents and are characterised by CBP as illegitimate travellers.
POE Metered	chief_of_staff_deputy_cbp_dhs	Indirect	The Chief of Staff assists the Deputy Commissioner in 'formulating and implementing policies through coordination with other CBP offices, DHS, and other government agencies.' ⁵³⁵ The Chief of Staff to the Deputy Commissioner, coordinates 'interagency efforts related to immigration reform, global supply chain security, and intelligence matters' and serves 'as the point of contact for all

⁵³² US Customs and Border Protection, *Budget Overview: Fiscal Year 2020 Congressional Justification* (DHS Report, 18 March 2019) 88 <https://www.dhs.gov/sites/default/files/publications/19_0318_MGMT_CBJ-Customs-Border-Protection_0.pdf>.

⁵³³ US Customs and Border Protection, *2016 Performance and Accountability Report* (DHS Report, 2017) 9.

⁵³⁴ Ibid.

⁵³⁵ Ibid.

			emergency situations to include potential terrorist attack threats and natural disaster responses. ⁵³⁶ This includes policies and coordination relating to asylum and policies which impact an individual's ability to access the protection framework.
POE Metered	office_public_affairs_cbp_dhs	Direct	The Office of Public Affairs 'communicates to external and internal audiences to build support for CBP's mission. Audiences include the American public, international trade and travel stakeholders, travelers who cross U.S. borders, and U.S. and international government agencies.' ⁵³⁷ In the case of the Trump Travel Ban, CBP recognised that the 'absence of CBP-initiated messages to the media and public created a vacuum in which stories casting CBP in a negative light proliferated. In the absence of an effective public affairs strategy, public officials and the media often speculated and assumed the worst about CBP's conduct. Had CBP clearly communicated the status of its operations to external stakeholders, it may have prevented significant mistrust and misinformation from developing over the weekend.' ⁵³⁸ Similar lessons on the importance of Public Affairs in selling policy have been applied in the context of the Family Separation (Zero Tolerance) policy, which impacted asylum seekers and others at the southern border. 'The mixed messaging regarding many facets of the policy caused public and stakeholder confusion and outrage, courtroom losses, and may have resulted in DHS Secretary Kirstjen Nielsen's ouster.' ⁵³⁹
POE Metered	office_congressional_affairs_cbp_dhs	Indirect	OCA has four directorates that 'reflect the mission of CBP's operational offices and directorates'. ⁵⁴⁰ They are Border, Air, & Marine Operations, Field Operations & Intelligence, Operations Support/Enterprise Services, and Trade & Agriculture. OCA has two functional directorates, which are Budget & Appropriations and Management, Operations, & Communications. ⁵⁴¹
POE Metered	budget_appropriations_oca_cbp_dhs	Indirect	Securing adequate funding through the annual appropriations process is a vital part of CBP's legislative work. ⁵⁴² 'The directorate also interacts frequently with the appropriations associate staff of the committee members, as well as various other Congressional staff depending on the nature of their inquiry. Additionally, the branch interacts and responds to requests from the Congressional

⁵³⁶ 'Bio of Andrew Farrelly, L3 Security and Detection Systems' (Web Page) <<https://na.eventscloud.com/ereg/popups/speakerdetails.php?eventid=281311&language=eng&speakerid=995508&>>.

⁵³⁷ 2016 Performance and Accountability Report (n 133) 10.

⁵³⁸ DHS Office of Inspector General, *DHS Implementation of Executive Order #13769 "Protecting the Nation From Foreign Terrorist Entry Into the United States"* (January 27, 2017) (Report, OIG-18-37, 18 January 2018) 43-44.

⁵³⁹ Graham (n 22) xvii.

⁵⁴⁰ 'OCA Directorates', *US Customs and Border Protection* (Web Page, 18 March 2021) <<https://web.archive.org/web/20210318124111/https://www.cbp.gov/accordion-page/oca-directorates>>.

⁵⁴¹ Ibid.

⁵⁴² 'OCA Directorates and Committees of Jurisdiction', *US Customs and Border Protection* (Web Page, 20 August 2021) <<https://web.archive.org/web/20210820184914/https://www.cbp.gov/about/oca-directorates-and-committees-jurisdiction>>.

			Budget Office and Congressional Research Service. ⁵⁴³ This may involve securing appropriations for apprehending and processing people seeking asylum, among other things.
POE Metered	field_operations_intelligence_oca_cbp_dhs	Indirect	The directorate deals with issues like 'Passenger and cargo targeting efforts', 'CBP officer staffing levels and the Workload Staffing Model', 'CBP land port of entry infrastructure', 'Biometric entry-exit', 'Non-Intrusive Inspection technology', 'Mass migration events at ports of entry', and 'Global pandemic mitigation'. ⁵⁴⁴ Asylum seekers may seek entry into the US at or between ports of entry, in in 'mass migration events' or during the global pandemic, and even issues such as workload staffing may impact the ability of asylum seekers to access protection.
POE Metered	office_professional_responsibility_cbp_dhs	Direct	'The AC [Assistant Commissioner] OPR has executive oversight of CBP's Integrity and Personal Accountability Strategy and the agency's efforts to prevent, detect, and investigate employee misconduct and corruption. The AC also serves as CBP's Chief Security Officer, responsible for ensuring the safety and security of CBP's assets and personnel.' ⁵⁴⁵ This office is responsible for investigating and addressing the abuse and mistreatment of 'detainees in CBP's custody or care' including minor children and other individuals seeking asylum. ⁵⁴⁶
POE Metered	office_field_operations_cbp_dhs	Direct	'CBP's primary immigration enforcement mission at ports of entry is to confirm that travelers are eligible to enter the United States and to exclude inadmissible aliens. Yet strict enforcement is in tension with a second core mission: to facilitate the flow of lawful travelers, who are the vast majority of persons seeking admission.' ⁵⁴⁷ OFO staffs the ports of entry and is responsible for screening travellers and referring asylum seekers, or others, who raise protection claims to the appropriate legal process.
POE Metered	ofc_special_response_team_ofc_cbp_dhs	Direct	'SRT responds to and counters high-risk, unconventional threats at CBP's ports of entry by conducting national and local special operations. ... SRT conducts special missions, such as protection details or support for foreign border security operations, and advises foreign law enforcement agencies, such as the Guatemalan police.' ⁵⁴⁸ SRT may encounter asylum seekers and others seeking international protection during the course of these deployments. Furthermore, in providing training to foreign law enforcement agencies, SRT exports its law-enforcement focussed

⁵⁴³ Ibid.

⁵⁴⁴ 'OCA Directorates', *US Customs and Border Protection* (Web Page, 18 March 2021) <<https://web.archive.org/web/20210318124111/https://www.cbp.gov/accordion-page/oca-directorates>>.

⁵⁴⁵ Office of Professional Responsibility, *Annual Report: Office of Professional Responsibility (OPR)* (CBP Report, No 1172-0720, August 2020) 4 ('*OPR Annual Report*').

⁵⁴⁶ Ibid at 3.

⁵⁴⁷ Lisa Seghetti, *Border Security: Immigration Inspections at Ports of Entry* (Congressional Research Service Report, No R43356, 9 January 2014) i.

⁵⁴⁸ *Federal Tactical Teams* (n 148) 31.

			methods and culture to foreign agencies who often come into contact with asylum seekers and other vulnerable people.
POE Metered	national_targeting_center_ofo_cbp_dhs	Indirect	The National Targeting Center (NTC) 'is a key component of CBP's comprehensive border security and management strategy to safeguard travelers and cargo. NTC is the point within the agency where advance data, access to law enforcement and intelligence resources, and enterprise systems converge to conduct the vetting necessary to identify travelers and shipments that pose the highest risk potential to U.S. security, economy, and public safety. Targeting traveler and cargo information plays a pivotal role of CBP's layered security strategy by extending our borders outward in order to identify and mitigate threats before they board (or are laden on) conveyances destined for the U.S.' ⁵⁴⁹ NTC biographic and information vetting includes travellers who may seek asylum.
POE Metered	ntc_counter_network_ofo_cbp_dhs	Indirect	'CND is structured across multiple lines of effort to illuminate opportunities for CBP and its partners to identify and disrupt transnational threats including countering terrorism, narcotics, illicit trade, special interest aliens, state-sponsored, and providing analysis in support of the current immigration crisis.' CND also provides intelligence to CBP officers and agents who target people who may seek the assistance of human smugglers or otherwise seek to move into the United States without a visa in order to seek asylum. ⁵⁵⁰
POE Metered	national_vetting_center	Indirect	The National Vetting Center (NVC) makes security and other data available to adjudicators making decisions about immigration-related benefits, which include decisions relating to asylum. The NVC has also developed and maintained 'new cloud analytics to compare US person data against relevant disseminated Intelligence Community information for affirmative asylum vetting'. ⁵⁵¹
POE Metered	joint_task_force_west_ofo_cbp_dhs	Indirect	'To support the Unity of Effort and SBAC, DHS established three joint task forces (JTF) — JTF-East, JTF-West, and JTF-Investigations — to enforce immigration laws, prevent illegal entries, interrupt transnational criminal organizations, and minimize the terrorism threat to our Nation.' ⁵⁵² JTF-W partners with DHS Components, other U.S. Federal, State, and local agencies, and international partners to plan and implement enhanced counter network operations directed at disrupting and dismantling TCOs and targeting individuals and organizations whose criminal conduct undermines border security. By identifying evolving threats, critical intelligence gaps, and vulnerabilities, these operations develop comprehensive common operational and intelligence pictures that ultimately enhance DHS's ability to disrupt, degrade, and dismantle TCOs exploiting

⁵⁴⁹ US Customs and Border Protection, *Budget Overview: Fiscal Year 2020 Congressional Justification* (DHS Report, 2020) 163 ('*CBP Budget Overview 2020*').

⁵⁵⁰ *CBP Budget Overview 2020* (n 149) 137.

⁵⁵¹ *Ibid* at 49.

⁵⁵² DHS Office of Inspector General, *DHS Cannot Determine the Total Cost, Effectiveness, and Value of Its Joint Task Forces* (Report, OIG-20-80, 30 September 2020) 1 ('*DHS Cannot Determine*').

			the homeland.’ ⁵⁵³ JTF targets include asylum seekers arriving at the border without documentation and who may have used smugglers to reach or cross the US border.
POE Metered	joint_intelligence_operations_center_jtfw_cbp_dhs	Indirect	The ‘Joint Intelligence and Operations Center (JIOC), which serves as a command, control, and 24x7 communications center, providing situational awareness to all Arizona-based CBP operational components and their respective commands.’ ⁵⁵⁴ This would include providing information about people arriving at the border without documentation and who may have used smugglers to reach or cross the US border, including asylum seekers.
POE Metered	joint_task_force_investigations_cbp_dhs	Indirect	JTF-Investigations is a functionally based task force that provides investigatory support to JTF-East and JTF-West. ⁵⁵⁵ JTF-Investigations provides investigatory support for ICE and related to human smuggling and other types of smuggling investigations, which may involve asylum seekers.
POE Metered	intergovernmental_public_liaison_cbp_dhs	Indirect	The Intergovernmental Public Liaison advises the commissioner, deputy commissioner and program offices on the impact of CBP policies and initiatives with regard to state, local and tribal stakeholders. CBP policies often impact tribes and other localities along the southern border. This includes when CBP began ‘metering’ asylum seekers at ports of entry, which drove many people to seek asylum by crossing in remote areas of the desert, which may include tribal lands. ⁵⁵⁶ CBP often engages with these stakeholders and may adjust policy based on feedback, which can in turn impact asylum seekers.
POE Metered	privacy_diversity_cbp_dhs	Direct	The processing of FOIA requests for A files and other documents related to an individual's case can have a significant impact on the ability of the person to present a strong case. Furthermore, asylum seekers are frequently concerned about the release of information related to their case to their own government, or others who might harm them. This can impact whether or not the person lodges a claim.
POE Metered	chief_counsel_cbp_dhs	Indirect	‘The Office of the Chief Counsel provides legal advice to, and legal representation of, CBP officers in matters relating to the activities and functions of CBP. The office is also responsible for reviewing proposed actions to ensure compliance with legal requirements, preparing formal legal opinions, preparing or reviewing responses in all court actions, civil or criminal, involving CBP, and developing, implementing, and evaluating nationwide programs, policies, and procedures within its functional areas.’ ⁵⁵⁷ CBP Chief Counsel provides legal advice to components regarding international legal obligations, domestic legal requirements related to asylum, representing CBP in administrative

⁵⁵³ *CBP Budget Overview 2020* (n 149) 194.

⁵⁵⁴ *Ibid.*

⁵⁵⁵ *DHS Cannot Determine* (n 152).

⁵⁵⁶ ‘Commissioner’s Office’, US Customs and Border Protection (Web Page, 16 July 2021) <<https://www.cbp.gov/about/leadership-organization/commissioners-office>>.

⁵⁵⁷ ‘Chief Counsel’, US Customs and Border Protection (Web Page, 3 October 2017) <www.cbp.gov/about/leadership-organization/chief-counsel>.

			hearings, providing litigation support to DOJ in federal litigation involving asylum or international legal obligations, providing advice as to the legality of regulatory, legislative and policy proposals, as well as training CBP staff in terms of international and domestic asylum requirements.
POE Metered	chief_counsel_enforcement_cbp_dhs	Indirect	‘Functional area of the CBP Office of Chief counsel responsible for reviewing proposed actions to ensure compliance with legal requirements, preparing formal legal opinions, preparing or reviewing responses in all court actions, civil or criminal, involving CBP, and developing, implementing, and evaluating nationwide programs, policies, and procedures within the functional area of enforcement.’ ⁵⁵⁸ This would include policies that impact asylum seekers and others seeking protection at or between ports of entry.
POE Metered	chief_counsel_field_office_cbp_dhs	Indirect	‘Associate and Assistant Chief Counsels located in major cities across the U.S. who advise CBP field managers in their geographic areas as to compliance with legal requirements, preparing formal legal opinions, and preparing or reviewing responses in court actions involving CBP.’ ⁵⁵⁹ This includes court actions related to asylum litigation and individual asylum cases.
POE Metered	operations_support_cbp_dhs	Indirect	‘The Operations Support Division is the lead for issues such as less-lethal training and use-of-force review, CBP policy, asset management, and the National Firearms and Tactics Branch.’ ⁵⁶⁰ Use-of-force and non-lethal law enforcement methods are often at issue in cases involving people – including asylum seekers – apprehended by Border Patrol. These methods of apprehension (and particularly the use of force) can influence whether someone is able to raise an asylum claim, when they are able to raise that claim, or whether they are able to pursue the claim.
POE Metered	intelligence_os_cbp_dhs	Indirect	The Office of Intelligence collects and disseminates intelligence ‘to facilitate intelligence-driven decision making by all levels of DHS leadership, other U.S. Government policymakers and SLTT [state, local, tribal and territorial] partners’ and provide information to the National Vetting Center. ⁵⁶¹ This would include intelligence relating to people seeking asylum and intelligence relating to events, including so-called migrant ‘surges’ or ‘caravans’, that require policy and legal decisions from DHS officials.
POE Metered	strategic_intelligence_analysis_intel_os_cbp_dhs	Indirect	‘The Strategic Intelligence and Analysis Division (SIAD) leverages CBP's unique authorities, capabilities, data, access, and partnerships to deliver comprehensive and analytically sound intelligence products to U.S and international government officials positioned to make strategic

⁵⁵⁸ ‘Chief Counsel’, US Customs and Border Protection (Web Page, 3 October 2017) <<https://www.cbp.gov/about/leadership-organization/chief-counsel>>.

⁵⁵⁹ ‘San Diego’, US Customs and Border Protection (Web Page) <<https://www.cbp.gov/contact/ports/field-office/san-diego>>.

⁵⁶⁰ ‘Operational Support/Enterprise Services’, US Customs and Border Protection (Web Page, 24 August 2021) <<https://www.cbp.gov/about/congressional-resources/operational-supportenterprise-services>>.

⁵⁶¹ ‘Office of Intelligence and Analysis’, *US Department of Homeland Security* (Web Page, 13 July 2021) <<https://www.dhs.gov/office-intelligence-and-analysis>>.

			policy, operational, and resource decisions on border issues.’ ⁵⁶² These strategic policy, operational, and resource decisions would include decisions relating to people seeking asylum.
POE Metered	field_intelligence_intel_os_cbp_dhs	Indirect	‘The HQ Field Intelligence Division (FID) serves as the key conduit to provide intelligence capabilities to CBP’s components in the field and the organizations that partner with them enabling them to conduct effective law enforcement operations.’ ⁵⁶³ This includes providing intelligence relating to border operations and people who may be seeking asylum.
POE Metered	current_emerging_threat_intel_os_cbp_dhs	Indirect	‘The National Intelligence Watch maintains awareness of national and international emerging issues that have potential impact on CBP operations and interests, and facilitates intelligence collaboration and dissemination of intelligence to field components and intelligence community members.’ ⁵⁶⁴ This includes events such as the ‘migrant caravan’ and other events relating to asylum seekers on the move, which may impact how and whether they are able to access the asylum process.
POE Metered	planning_analysis_requirements_evaluation_os_cbp_dhs	Indirect	The PARE Directorate ‘serves as @CBP’s functional authority for planning, data science, statistics, analytics, and operational requirements to provide innovative, analytically-based decision support to border security leaders.’ ⁵⁶⁵ ‘PARE manages CBP’s risk management framework that enables CBP leadership to make fully informed analytics-based and risk-based decisions. PARE integrates CBP operations through comprehensive understanding of the operating environment, risk management, analytics-based decision support, and operational needs.’ ⁵⁶⁶ This includes gathering and providing information relating to asylum seekers and policies that may impact upon asylum seekers.
POE Metered	law_enforcement_safety_compliance_os_cbp_dhs	Indirect	‘LESC supports CBP’s law enforcement mission through use of force policy development and incident review, advanced firearms and defensive tactics training and the testing, evaluation, contracting, and maintenance for CBP weapons, ammunition and body armor.’ ⁵⁶⁷ The use of force policy development and incident review would impact asylum seekers arriving at or between ports of entry, including their ability to access the asylum process.
POE Metered	international_affairs_os_cbp_dhs	Indirect	‘INA strives to extend U.S. borders by implementing programs and initiatives that promote anti-terrorism, global border security, non-proliferation, export controls, immigration and capacity building. ... INA provides in-country advisory support for broad-based customs reform and modernization and ensures CBP is represented at overseas posts and influencing policy throughout

⁵⁶² *CBP Budget Overview 2020* (n 149) 185.

⁵⁶³ Ibid.

⁵⁶⁴ Ibid.

⁵⁶⁵ @CBPPAREXD Twitter

⁵⁶⁶ *CBP Budget Overview 2020* (n 149) 195.

⁵⁶⁷ Ibid.

			the world. ⁵⁶⁸ The Overseas Program ‘helps CBP mitigate international threats including ... transnational organized crime, illegal migration, and economic crime.’ ⁵⁶⁹ This includes policies and reforms that stop, or attempt to stop, asylum seekers from arriving in the US.
POE Metered	information_incident_coordination_center_o s_cbp_dhs	Indirect	‘It is responsible for managing information flow regarding all significant incidents involving CBP personnel and operations, and is the primary entity responsible for coordination information sharing across all CBP operational offices, DHS, and CBP’s interagency partners.’ ⁵⁷⁰ This includes information and coordination regarding migrant ‘caravans’ and other migration events that involve asylum seekers.
POE Metered	laboratories_scientific_services_os_cbp_dhs	Indirect	‘LSS operates eight nationally accredited laboratories and four forward-deployed satellite laboratories that conduct advanced forensic and technical analyses in support of frontline CBP officers for law enforcement activities’ ⁵⁷¹ This includes law enforcement activities targeting human smuggling and other cross-border activities that may involve people seeking to cross the border to claim asylum, or people encountered in a law enforcement setting (including with external law enforcement agencies) who may also seek asylum.
POE Metered	policy_cbp_dhs	Indirect	‘The Policy Directorate ensures a unified approach to policy management across CBP and facilitates consistent and comprehensive policy development and implementation.’ ⁵⁷² This includes reviewing all policy activities – many of which may directly or indirectly impact asylum seekers – such as regulations, privacy documentation, communication materials and programmatic decision-making, as well as briefing executive leadership on goals, accomplishments and the status of deliverables. ⁵⁷³
POE Metered	enterprise_services_cb p_dhs	Indirect	‘Enterprise Services serves an integral role as the mission support core for CBP by providing the necessary goods and services required by operational personnel and business partners to fulfill mission goals.’ ⁵⁷⁴ This support includes providing the appropriate technology and infrastructure for a variety of functions served by CBP, including the detention and processing of asylum seekers at the border.

⁵⁶⁸ ‘Operations Support Assistant Commissioners’ Offices’, US Customs and Border Protection (Web Page, 30 December 2020) <<https://www.cbp.gov/about/leadership-organization/executive-assistant-commissioners-offices/operations-support-assistant-commissioners-offices>>.

⁵⁶⁹ *CBP Budget Overview 2020* (n 149) 180.

⁵⁷⁰ *Ibid* at 195.

⁵⁷¹ *Ibid*.

⁵⁷² *2016 Performance and Accountability Report* (n 133) 12.

⁵⁷³ ‘Michael Hardin, Director, Policy/Planning at U.S. Customs and Border Protection’, *LinkedIn* (online, 22 March 2021) <<https://www.linkedin.com/in/michael-hardin-14187a167>>.

⁵⁷⁴ *CBP Budget Overview 2020* (n 149) 74.

POE Metered	accountability_es_cbp_dhs	Indirect	‘OACT tracks CBP’s progress toward its goals and evaluates effectiveness and efficiency of programs.’ ⁵⁷⁵ This includes programs relating to the treatment, detention, and processing of asylum seekers.
POE Metered	programming_es_cbp_dhs	Indirect	‘OP translates CBP’s five-year strategic plan into individual efforts (programs) to ensure that CBP can reach its long-term goals.’ ⁵⁷⁶ This includes translating plans relating to the ability of asylum seekers to access the asylum process, or even the physical border, into operational programs.
POE Metered	chief_of_staff_es_cbp_dhs	Indirect	The COS ‘bridges the gap between people and information in Enterprise Services.’ ⁵⁷⁷ The COS ties together information about program development, accountability, and physical goods and services required by components, which includes programs, goods and services which relate to asylum seekers.
POE Metered	enterprise_effectiveness_es_cbp_dhs	Indirect	‘EE oversees, manages, and improves strategic resource management, leadership development, business practices, customer relations, and use of business information for organizational performance management, customer service, and strategic decision-making.’ ⁵⁷⁸ This would include determining the business information necessary for evaluating organisational performance management, as well as strategic decision-making relating to policies, practices, programs and even aspects of agency culture that impact asylum seekers.
POE Metered	human_resources_management_es_cbp_dhs	Indirect	‘HRM supervises all matters involving human capital, including organizational structure, staffing, compensation administration, benefits, workplace safety, personnel actions, and labor and employee relations.’ ⁵⁷⁹ Labour and employee complaints were at least part of the reason for the development of a written policy of ‘metering’. Furthermore, this office would be responsible for, or implicated in, decisions to deploy USBP agents (for example) in remote areas without a partner and other decisions regarding how personnel are used in implementing law and policy.
POE Metered	training_development_es_cbp_dhs	Indirect	‘OTD leads all CBP training programs for the entire CBP workforce. OTD ensures that all training supports the CBP mission and strategic goals and prepares the Agency’s workforce to meet the challenges of mission-critical operations. OTD establishes CBP training standards and policies; and develops, delivers, and evaluates resident based training.’ ⁵⁸⁰ OTD would be responsible for developing, delivering and evaluating training programs (in coordination with FLETC) for Basic

⁵⁷⁵ 2016 Performance and Accountability Report (n 133) 13.

⁵⁷⁶ Ibid.

⁵⁷⁷ Ibid.

⁵⁷⁸ Ibid.

⁵⁷⁹ Ibid at 14.

⁵⁸⁰ Ibid at 15.

			Training program, as well as any continuing trainings that impact how and whether asylum seekers are referred to the asylum process, as well as how and whether they are able to pursue asylum claims.
POE Metered	facilities_asset_mgmt _es_cbp_dhs	Indirect	‘OFAM is CBP’s property, asset, logistics, and sustainability-focused organization.’ ⁵⁸¹ OFAM is responsible for managing and maintaining short-term Border Patrol holding facilities referred to as hieleras and perreras, as well as tent courts and other structures meant to hold and process asylum seekers and other migrants.
POE Metered	info_tech_es_cbp_dhs	Indirect	The Office of Information and Technology ‘and the Chief Information Officer (CIO) provide information, infrastructure, communications, services, and technology solutions to secure the U.S. border, prevent the entry of terrorists and terrorist weapons, and facilitate legitimate trade and travel.’ ⁵⁸² This office is responsible for IT infrastructure such as the systems that were not equipped to record and track children separated from parents during the ‘Zero Tolerance’ policy, which included asylum seekers. The office is also responsible for ensuring data collection and data quality, including data on asylum seekers and others seeking protection that will be used in strategy and policy development, as well as in accountability fora such as Congressional hearings and federal court proceedings.
POE Metered	transportation_security_admin_dhs	Direct	‘TSA is an intelligence-driven, national security organization that combines the skill of its workforce, evolving security procedures, and technology to optimize resource utilization and mission effectiveness. TSA employs risk-based security principles to actively combat evolving threats to critical transportation infrastructure.’ ⁵⁸³ In 2019, TSA deployed hundreds of officials to the border to assist CBP with immigration duties. ⁵⁸⁴
POE Metered	immigration_and_customs_enforcement_dhs	Direct	ICE is responsible for immigration detention centres, including coordinating to transfer detainees from CBP custody to immigration detention. Asylum-seekers are among those transferred from short-term CBP custody to ICE custody. ICE officials are also responsible for parole decisions, bond and detention condition decisions. Also, ICE trial attorneys (TAs) represent the government in immigration court and before the BIA in individual asylum cases.
POE Metered	director_ice_dhs	Indirect	The Director of ICE oversees ICE’s day-to-day operations, which includes oversight of enforcement and removal operations, as well as policy decisions that impact asylum seekers and others in search of protection.

⁵⁸¹ Ibid.

⁵⁸² Ibid.

⁵⁸³ *FY 2021 Budget in Brief* (n 1) 34.

⁵⁸⁴ CNN Newsource, ‘TSA to deploy hundreds, including air marshals, to border’, *ABC 15 Arizona* (online, 15 May 2019) < <https://www.abc15.com/news/national/tsa-to-deploy-hundreds-including-air-marshals-to-border>>.

POE Metered	chief_of_staff_ice_dhs	Indirect	The ICE Chief of Staff manages a ‘broad domestic and international portfolio’ that includes advising on the creation of policy and operational guidance as well as working with foreign diplomats and law enforcement. ⁵⁸⁵ This would include the creation of policy and operational guidance relating to border operations such as metering and other policies that impact how and whether asylum seekers are able to access protection. This would also include the creation of policy and operational guidance relating to interacting and working with foreign governments and law enforcement agencies, such as Mexico’s INM and other agencies, to prevent people from reaching the US border.
POE Metered	congressional_relations_ice_dhs	Indirect	The Office of Congressional Relations (OCR) ‘is the primary point of contact for the U.S. Congress. OCR focuses on promoting a greater understanding of ICE operations, policies, programs and initiatives among members of Congress, congressional committees and their staff.’ ⁵⁸⁶ This office provides information to Congress in order to justify decisions and actions, while also advocating for policy changes, including those relating to asylum, detention conditions for asylum seekers, and many others.
POE Metered	partnership_engagement_ice_dhs	Indirect	The Office of Partnership and Engagement (OPE) ‘coordinates outreach efforts with the public, key stakeholders, and ICE leadership to increase local and national awareness of U.S. Immigration and Customs Enforcement’s (ICE) mission, while building relationships and fostering trust in our communities.’ ⁵⁸⁷ This includes engaging with the public, stakeholders and ICE leadership to advocate for ICE policies, while also attempting to shape public perception of events such as detainee deaths, poor detention conditions, and family separation.
POE Metered	public_affairs_ice_dhs	Indirect	The Office of Public Affairs (OPA) ‘is the agency's public face, a team of communications professionals dedicated to telling the story of ICE and fostering an understanding of the agency's mission through outreach to employees, the media and the general public.’ ⁵⁸⁸ This includes attempting to shape public perception of agency actions, while also contributing to the morale of employees. OPA made numerous efforts to mitigate public outrage over controversial policies such as family separation and ICE offices routinely engage in the production of media content to shape public opinion.
POE Metered	principal_legal_advisor_ice_dhs	Direct	‘The responsibilities of the Principal Legal Advisor include providing legal advice to the Assistant Secretary and other senior ICE leaders on legal issues associated with the ICE mission, as well as representing the Department in all exclusion, deportation, and removal proceedings; prosecuting removal court cases; handling Board of Immigration Appeal cases; providing litigation support to

⁵⁸⁵ ‘John Amaya’, *Harris, Wiltshire & Grannis LLP* (Web Page, 2021) <<https://www.hwglaw.com/team/john-amaya/>>.

⁵⁸⁶ ‘Office of Congressional Relations’, *US Immigration and Customs Enforcement* (Web Page, 2 September 2021) <<https://www.ice.gov/leadership/ocr>>.

⁵⁸⁷ ‘Office of Partnership and Engagement’, *US Immigration and Customs Enforcement* (Web Page, 2 September 2021) <<https://www.ice.gov/leadership/oep>>.

⁵⁸⁸ ‘Office of Public Affairs’, *US Immigration and Customs Enforcement* (Web Page, 2 September 2021) <<https://www.ice.gov/leadership/opa>>.

			U.S. Attorney Offices; assisting with removal order reinstatements, administrative removal orders, and expedited removals; reviewing legislative and regulatory proposals; providing legal training and ethics guidance to all ICE personnel; and representing ICE in court and administrative proceedings. ⁵⁸⁹ ‘OPLA also provides a full range of legal services to ICE programs and offices. OPLA provides legal advice and prudential counsel to ICE personnel on their customs, criminal, and immigration law enforcement authorities, the Freedom of Information Act and Privacy Act, ethics, liability under the Federal Tort Claims Act, and a range of administrative law issues, such as contract, fiscal, and employment law.’ ⁵⁹⁰ This office both participates in all types of legal decision-making relating to individual asylum cases, as well as decisions which impact the ability of a person to raise a claim, as well as in legal decisions relating to how ICE personnel use their authority.
POE Metered	enforcement_litigation _opla_ice_dhs	Direct	The Enforcement and Litigation (E&L) section ‘advances U.S. Immigration and Customs Enforcement’s (ICE) homeland security and public safety mission by enforcing our nation’s immigration, customs, and criminal laws and policies, defending the operational authorities and decisions of ICE officers and agents in the federal courts, and guiding and supporting the advocacy of ICE attorneys before the immigration courts and the Board of Immigration Appeals (Board), with special emphasis on cases involving criminal aliens, human rights violators, and aliens who threaten our national security.’ ⁵⁹¹ Defending the operational authorities and decisions of ICE officers and agents, as well as supporting ICE attorneys before the immigration courts and the BIA, includes cases involving people seeking asylum.
POE Metered	district_court_litigation n_el_opla_ice_dhs	Direct	The ‘DCLD defends ICE’s operational prerogatives and activities, its budget, and its people by zealously representing agency interests in civil litigation and through the adjudication of administrative tort actions.’ ⁵⁹² ‘DCLD assists ICE personnel and DOJ in all aspects of federal litigation ... in cases ranging from common-law tort suits, lawsuits against ICE employees in their individual capacity under <i>Bivens v. Six Unknown Named Agents</i> , 403 U.S. 388 (1971), and claims seeking injunctive or declaratory relief, including class action habeas corpus relief. DCLD also provides oral and written advice to ICE leadership and employees regarding potential litigation risks, represents ICE’s interests in litigation-related discussions with other agencies and Department of Homeland Security (DHS) components, and adjudicates administrative claims for personal injuries and property damage pursuant to the Federal Tort Claims Act.’ ⁵⁹³ Cases brought under <i>Bivens</i> and

⁵⁸⁹ ‘Office of the General Counsel’, *US Department of Homeland Security* (Web Page, 24 August 2021) <<https://www.dhs.gov/office-general-counsel>>.

⁵⁹⁰ ‘Office of the Principal Legal Advisor’, *US Immigration and Customs Enforcement* (Web Page, 27 July 2021) <<https://www.ice.gov/about-ice/opla>>.

⁵⁹¹ Ibid.

⁵⁹² Ibid.

⁵⁹³ Ibid.

			against ICE officials for torts, often include harm done to people seeking asylum. Habeas and injunctive or declaratory claims often include claims for relief by asylum seekers who are detained, or are seeking some other type of relief in order to better present their claims.
POE Metered	ero_law_el_opla_ice_dhs	Indirect	‘EROLD attorneys prepare legal opinions, review and draft policy directives, legislation, regulations, and other materials for DHS, ICE, and OPLA leadership on the legal and policy aspects of Enforcement and Removal Operations’ (ERO) immigration enforcement functions, including: alternatives to detention, civil immigration arrest and detention authorities, civil rights and disabilities, conditions of confinement, detainers, expedited removal processes, family detention, fugitive operations, juvenile issues, repatriation initiatives, the 287(g) Program, and the Visa Waiver Program. EROLD also houses OPLA’s regulatory program and provides significant litigation support to DOJ for federal court matters impacting ICE equities with regard to arrest, detention, and removal authorities.’ ⁵⁹⁴ These matters, including detention and expedited removal, often involve asylum seekers and impact their ability to raise or pursue an asylum claim.
POE Metered	hsi_law_el_opla_ice_dhs	Indirect	‘HSILD provides customs law, criminal law, and criminal immigration law advice to the ICE Director, HSI, and Office of Professional Responsibility on a wide range matters related to the movement of people and goods into, within, and out of the United States. ... Working in close partnership with HSI Headquarters, HSILD interprets and defends HSI’s many unique authorities; reviews national policies, novel issues, and matters of national importance; drafts proposed legislation; liaises with other law enforcement agencies; and provides advanced training to HSI special agents.’ ⁵⁹⁵ At the time of this research, HSILD was working closely with one Border Patrol sector in Arizona on what Border Patrol considered to be a smuggling ring that also involved people seeking asylum. HSILD takes a law enforcement focussed position on the movement of people who may also have protection claims, and advocates for policies and action from that perspective.
POE Metered	human_rights_violator_el_opla_ice_dhs	Indirect	‘With interagency partners at the Human Rights Violators and War Crimes Center, the Homeland Security Investigations (HSI) Human Rights Violators and War Crimes Unit and OPLA attorneys pursue the criminal prosecution, denaturalization, and ultimately the removal of individuals seeking U.S. immigration benefits who have been involved in human rights violations or war crimes. HRVLD also works to prevent human rights abusers and war criminals from gaining a safe haven in the United States. HRVLD supports HSI as it conducts thousands of criminal investigations against human smugglers who engage in particularly egregious activities which endanger human life, and human traffickers who compel their victims into work or prostitution.’ ⁵⁹⁶ People seeking asylum may

⁵⁹⁴ Ibid.

⁵⁹⁵ Ibid.

⁵⁹⁶ ‘Office of the Principal Legal Advisor’, *US Immigration and Customs Enforcement* (Web Page, 27 July 2021) <<https://www.ice.gov/about-ice/opla>>.

			sometimes have complex histories of persecution (eg child soldiers), or have taken dangerous routes using human smugglers to travel to the US in search of protection. These individuals may be impacted by this office.
POE Metered	imm_law_practice_el_opla_ice_dhs	Direct	The Immigration Law and Practice Division (ILPD) advocates ‘on ICE’s behalf in appellate proceedings before the Board and the Attorney General, ensuring consistency in OPLA’s litigating positions before the nation’s immigration courts, guiding the development of federal court decisional law, and providing expert counsel on issues of substantive immigration law and protection law matters. ... ILPD also provides guidance to OPLA field locations, agency leadership, DHS OGC HQ, and various DOJ components on a wide range of substantive immigration law issues, including, but not limited to, criminal grounds of removability, bond proceedings, and extradition. ILPD attorneys also provide specialized legal advice on matters involving refugees, asylum, withholding of removal, protection under the Convention Against Torture regulations, and Temporary Protected Status, and advance OPLA’s efforts to combat protection law-related fraud perpetrated by applicants and preparers.’ ⁵⁹⁷
POE Metered	national_secuirty_el_opla_ice_dhs	Indirect	‘NSLD provides national oversight and litigation support for OPLA’s litigation of national security cases before the immigration courts, including the development of legal and policy positions and litigation strategy, and the approval of substantive national security charges. ... NSLD’s cases often involve individuals convicted of terrorism-related offenses or who have engaged in terrorist activity.’ ⁵⁹⁸ Asylum seekers may have diverse experiences of persecution, which may also include providing assistance under extreme duress, or in complex circumstances.
POE Metered	field_legal_ops_opla_ice_dhs	Direct	‘The OPLA field locations are responsible for representing DHS in detained and non-detained removal cases before the Department of Justice’s Executive Office for Immigration Review (EOIR).’ ⁵⁹⁹ This includes representing DHS in opposition to individuals in detained and non-detained removal cases with asylum claims.
POE Metered	general_admin_law_opla_ice_dhs	Indirect	The General and Administrative Law ‘attorneys and staff support a diverse portfolio of ICE-wide legal programs and OPLA-wide mission and program support.’ ⁶⁰⁰ This includes acting as the ethics officials for ICE attorneys who represent DHS in detained and non-detained asylum cases, while also advising ICE offices on the disclosure of information to foreign governments (which may concern asylum seekers) and under FOIA, while also adjudicating FOIA appeals for information that may also involve asylum seeker A files.

⁵⁹⁷ Ibid.

⁵⁹⁸ Ibid.

⁵⁹⁹ Ibid.

⁶⁰⁰ Ibid.

POE Metered	govt_info_law_ga_opl a_ice_dhs	Indirect	‘Their work includes the legal review of international agreements, such as Mutual Legal Assistance Treaties, Customs Mutual Assistance Agreements and Letters of Intent with foreign governments. They also adjudicate administrative appeals under the Freedom of Information Act and help U.S. Attorneys’ Offices to defend information-related litigation filed against ICE.’ ⁶⁰¹ Release of information to foreign governments and other agencies may implicate asylum seekers, as they are often concerned about the country of persecution receiving information related to their claims. Adjudicating FOIA appeals may also impact asylum seekers attempting to gain access to information in their A files, which may also be used against them in removal proceedings, or affirmative asylum adjudications.
POE Metered	ice_ethics_ga_opla_ice e_dhs	Direct	‘Its attorneys establish, maintain and carry out the ICE ethics program, which includes collecting, reviewing and certifying financial disclosure reports, providing ethics advice on the standards of conduct and executing a robust employee ethics education program. The ICE Ethics Office also serves as ICE’s point of contact for attorney professional responsibility complaints, and it oversees the Administrative Inquiry and Management Referral program for attorney misconduct cases.’ This office is responsible for pursuing, or failing to pursue, professional responsibility and other misconduct investigations against ICE attorneys representing DHS in detained and non-detained asylum cases.
POE Metered	mission_support_ga_opla_ice dhs	Indirect	The Mission Support Division (MSD) ‘team of support professionals delivers comprehensive, nationwide administrative services to advance OPLA’s operational mission. ... It manages OPLA’s hiring and oversees employee performance management. It is also responsible for tracking OPLA’s facility needs and its government property.’ ⁶⁰² This includes ensuring that OPLA and the agency’s attorneys, have the resources to effectively carry out law and policy relating to asylum seekers.
POE Metered	enforcement_removal _ops_ice_dhs	Direct	Enforcement and Removal Operations ‘enforces the Nation’s immigration laws by identifying and apprehending illegal immigrants, detaining those individuals pending final determination of removability, and removing them from the United States. ... ERO manages all logistical aspects of the removal process, including domestic transportation, detention, alternatives to detention programs, bond management, and supervised release. In addition, ERO repatriates those ordered removed from the United States to more than 170 countries around the world.’ ⁶⁰³ Asylum seekers may come into contact with ERO officials at almost any stage of the asylum and removal process.

⁶⁰¹ Ibid.

⁶⁰² Ibid.

⁶⁰³ US Department of Homeland Security, *FY 2019-2021 Annual Performance Report* (Report, 2019) 38.

POE Metered	custody_mgmt_ero_ice_dhs	Direct	‘Custody Management manages ICE detention operations efficiently and effectively to provide for the safety, security, and care of aliens in ERO custody.’ ⁶⁰⁴ Custody Management is essentially responsible for all aspects of immigration detention, including parole, other alternatives to detention, and detention conditions which can have a significant impact on detained asylum seekers’ ability to raise and pursue a claim.
POE Metered	enforcement_ero_ice_dhs	Direct	‘The Enforcement Division manages the enforcement initiatives and components through which ERO identifies and arrests removable aliens.’ ⁶⁰⁵ Though the agency website focuses on ‘criminal aliens’, the ERO Enforcement Division targets anyone without status who may or may not have been convicted (or even accused) of criminal activity. Many people – including asylum seekers – are targeted for civil immigration violations, or even civil traffic violations. ⁶⁰⁶ ERO also includes ‘Deportation Officers’ who oversee the removal process and detention of detainees, including asylum seekers.
POE Metered	field_ops_ero_ice_dhs	Direct	The ERO Field Operations Division comprises 24 national field offices where ‘enforcement and removal efforts are conducted’. ⁶⁰⁷ Headquarters and the national field offices coordinate to transfer and manage immigration detainees, which includes asylum seekers, while also managing the administrative removal process and the physical requirements of removal.
POE Metered	ice_health_service_ero_ice_dhs	Direct	The ICE ‘Health Service Corps (IHSC) provides direct care daily to approximately 100,000 detainees housed at 20 designated facilities throughout the nation. The health care provided includes medical, dental and mental health care, and public health services. IHSC also provides medical case management and oversight for an additional 169,000 detainees housed at approximately 148 non-IHSC-staffed detention facilities daily across the country.’ ⁶⁰⁸ Detainees include asylum seekers, who may often have mental and other health issues resulting from their persecution, which may impact on their ability to raise and pursue an asylum claim.
POE Metered	operations_support_ero_ice_dhs	Indirect	‘OS responsibilities include budget formulation and execution management, financial management, purchase card support, facilities construction and leasing management, fleet and personal property management, training management, human capital management, and compliance and oversight support. The Assistant Director (AD) for OS is responsible for a dynamic human capital program that includes aggressive recruitment, hiring, and retention of a diverse professional, managerial and

⁶⁰⁴ ‘Enforcement and Removal Operations’, *US Immigration and Customs Enforcement* (Web Page, 20 May 2021) <<https://www.ice.gov/about-ice/ero#custody>>.

⁶⁰⁵ ‘Enforcement and Removal Operations’, *US Immigration and Customs Enforcement* (Web Page, 20 May 2021) <<https://www.ice.gov/about-ice/ero#enforcement>>.

⁶⁰⁶ See eg, *Aguilar v US Immigration and Customs Enforcement Division*, 07-civ-08224; Roque Planas, ‘Latest ICE Data Details Increasingly Indiscriminate Arrests’, *HuffPost* (online, 8 July 2018) <https://www.huffpost.com/entry/ice-arrest-data-details-increasingly-indiscriminate-arrests_n_5b40e791e4b05127ccf2af63?t08=>>.

⁶⁰⁷ ‘Enforcement and Removal Operations’, *US Immigration and Customs Enforcement* (Web Page, 20 May 2021) <<https://www.ice.gov/about-ice/ero#fieldOps>>.

⁶⁰⁸ ‘ICE Health Service Corps’, *US Immigration and Customs Enforcement* (Web Page, 24 March 2021) <<https://www.ice.gov/detain/ice-health-service-corps>>.

			officer workforce and provides sound and cost-effective budget and financial management policies, procedures and guidance. The AD for OS also provides a safe and effective fleet, and provides planning and oversight of ERO facilities and construction. The AD for OS ensures collaboration with internal stakeholders to define requirements and guarantee timely responses to Freedom of Information Act (FOIA) cases, and institutes a partnership throughout the agency to develop an overarching ERO training strategy that includes mission-specific training needs. ⁶⁰⁹ This office influences the types of people hired by ERO, which overwhelmingly includes people with a law enforcement – not humanitarian – focus. This office is also responsible for providing appropriate and humane facilities for people being detained and removed, including asylum seekers, while also being responsible for providing timely responses to FOIA requests which asylum seekers often depend upon in presenting their cases.
POE Metered	removal_ero_ice_dhs	Direct	‘ERO’s Removal Division coordinates, manages, and facilitates efforts to successfully remove aliens from the United States. In collaboration with other ICE offices and the Department of State, ERO also works with international partners to successfully execute removal operations.’ ⁶¹⁰ ‘ERO facilitates the processing of illegal aliens through the immigration court system and coordinates their departure from the United States. ... ERO removal operations require complex coordination, management, and facilitation efforts to successfully remove/return aliens from the United States. ERO accomplishes this mission through contract/chartered flights and commercial airlines for escorted and unescorted removals. In collaboration with the ICE HSI Office of International Operations and the Department of State, ERO also works with international partners to successfully execute removal operations.’ ⁶¹¹ This includes the removal and attempted removal of people seeking asylum and refugees.
POE Metered	ice_air_removal_ero_ice_dhs	Direct	ICE Air Operations Division ‘Provides commercial and chartered aviation support, both domestically and internationally, to all 24 ERO Field Offices strategically located throughout the United States, providing air transportation to transfer aliens to designated detention locations and/or to staging sites in order to accomplish removal flights to aliens’ countries of origin.’ ⁶¹² This includes the transport of asylum seekers in detention to other detention locations, and/or to staging sites for removal.
POE Metered	removal_mgmt_removal_ero_ice_dhs	Direct	The Removal Management Divisions (RMD) East and West support ‘the 24 ERO Field Offices nationwide in the coordination of removals, and develops and implements strategies to support ERO's mission to remove priority aliens from the United States through collaboration within the agency as

⁶⁰⁹ ‘Enforcement and Removal Operations’, *US Immigration and Customs Enforcement* (Web Page, 20 May 2021) <<https://www.ice.gov/about-ice/ero#operations>>.

⁶¹⁰ ‘Enforcement and Removal Operations’, *US Immigration and Customs Enforcement* (Web Page, 20 May 2021) <<https://www.ice.gov/about-ice/ero#removal>>.

⁶¹¹ ‘Removal’, *US Immigration and Customs Enforcement* (Web Page, 7 January 2021) <<https://www.ice.gov/remove/removal>>.

⁶¹² ‘Enforcement and Removal Operations’, *US Immigration and Customs Enforcement* (Web Page, 20 May 2021) <<https://www.ice.gov/about-ice/ero#removal>>.

			well as interagency stakeholders, foreign embassies and consulates, and international networks.’ ⁶¹³ ‘In addition to the removal of aliens, ICE transfers UCs to the care of HHS ORR upon the assignment of bed space and transports family units internally to ERO’s FRCs.’ ⁶¹⁴ ‘Ground transportation includes alien pick-ups, transfers, and removals. Transportation network performance affects other ICE activities, including custody management, enforcement, removals, and local field operations. TRP uses ground to move detainees from jails into ICE custody, between detention facilities, and to legal, medical, and consular appointments. TRP relies on ground transportation for out-processing, for movement to a commercial flight, or to a staging site. TRP uses ground to remove Mexican nationals, leaving them at designated points of entry on the southwest border.’ ⁶¹⁵ All of these operations include the transport of asylum seekers.
POE Metered	intl_ops_removal_ero_ice_dhs	Direct	The International Operations Division (IOD) consists of ‘ERO’s overseas-based personnel and supports the 24 ERO Field Offices nationwide through regular and ongoing liaison with host-nation government officials in the coordination of removal operations.’ ⁶¹⁶ The IOD provides assistance in the removal of people who have raised unsuccessful asylum claims, as well as people who may have claims but who have not been able to raise them.
POE Metered	ero_special_response_teams_ice_dhs	Direct	‘ERO’s SRTs execute high-risk immigration enforcement operations that ICE officials stated require additional capabilities beyond those of regular ERO officers. ... SRTs provide security during the transportation of detained individuals between facilities or to the border or airport, as well as during the movement of large numbers of detainees by air or ground transport.’ ⁶¹⁷ SRT may encounter asylum seekers and others seeking international protection during the course of these deployments.
POE Metered	ice_law_enforcement_support_center_ice_dhs	Indirect	The ICE Law Enforcement Support Center (LESC) provides Law Enforcement Agencies (LEAs) ‘with data and intelligence, including information regarding immigration status and criminal history of persons under investigation, in custody, or otherwise encountered. ... LESC supports Federal, State, local, tribal, and international law enforcement partners, including INTERPOL and ICE Attaché offices. LESC also manages the administration of ICE records within the National Crime Information Center (NCIC)’. ⁶¹⁸ This information may include information about asylum seekers who ICE has encountered, as well as managing the administration of NCIC criminal records, which may impact a person’s asylum adjudication.

⁶¹³ ‘Enforcement and Removal Operations’, *US Immigration and Customs Enforcement* (Web Page, 20 May 2021) <<https://www.ice.gov/about-ice/ero#removal>>.

⁶¹⁴ US Immigration and Customs Enforcement, *Budget Overview: Fiscal Year 2020 Congressional Justification* (DHS Report) 163 (‘*ICE Budget Overview 2020*’).

⁶¹⁵ Ibid at 162-163.

⁶¹⁶ ‘Enforcement and Removal Operations’, *US Immigration and Customs Enforcement* (Web Page, 20 May 2021) <<https://www.ice.gov/about-ice/ero#removal>>.

⁶¹⁷ *Federal Tactical Teams* (n 148) 32.

⁶¹⁸ *ICE Budget Overview 2020* (n 214) 145.

POE Metered	homeland_security_investigations_ice_dhs	Direct	‘HSI uses its legal authorities to investigate immigration and customs violations, including those related to export control, human rights abuses, narcotics, firearms and contraband smuggling, financial crimes, cybercrime, human trafficking and smuggling, child exploitation, intellectual property infringements, transnational gangs, and immigration benefit fraud. Additionally, specially trained investigative support staff assist in a broad range of functions requiring specialized knowledge and capabilities that are force multipliers in mission-critical areas.’ ⁶¹⁹ ‘HSI’s international force is DHS’s largest investigative presence abroad, anchored by special agents assigned to U.S. embassies, consulates and Department of Defense (DOD) combatant commands around the globe. HSI has one of the largest international footprints in U.S. law enforcement.’ ⁶²⁰ Border Patrol routinely works with HSI in various initiatives that impact asylum seekers, including at least two mentioned during interviews focussed on a North Carolina 'smuggling ring' as well as 'recycled children'.
POE Metered	domestic_ops_hsi_ice_dhs	Direct	HSI Domestic Operations ‘oversees all major HSI enforcement initiatives and de-conflicts operations among HSI field offices. Domestic Operations personnel serve as subject matter experts for senior leadership regarding ongoing HSI field investigations and serve as the single point of contact for HQ and support to the field.’ ⁶²¹ HSI targets ‘transnational criminal activities’, which they define to include human trafficking, human smuggling and document fraud. Asylum seekers may be trafficked, use smugglers or even false documents to reach the US, which may put them in contact with HSI.
POE Metered	intl_ops_hsi_ice_dhs	Indirect	HSI International Operations ‘interacts with the international law enforcement communities on behalf of ICE to investigate immigration and customs violations.’ ⁶²² Asylum seekers may be impacted by HSI's focus on border security and law enforcement through the training delivered to foreign law enforcement agencies, which is aimed at stopping the movement of people without lawful status on their way to the US, or through the BITMAP program in which HSI trains and helps foreign law enforcement agencies to tactically collect the biometric and biographic data on people who lack status and are seeking to reach the US.
POE Metered	transnational_crim_invest_units_intl_ops_hsi_ice_dhs	Indirect	HSI’s Transnational Criminal Investigative Units (TCIUs) ‘comprise trained foreign law enforcement officials who work closely alongside HSI to investigate and prosecute individuals involved in

⁶¹⁹ ICE Budget Overview 2020 (n 214) 4.

⁶²⁰ Ibid.

⁶²¹ ‘Homeland Security Investigations’, *US Immigration and Customs Enforcement* (Web Page, 1 September 2021) <<https://www.ice.gov/about-ice/homeland-security-investigations/domestic-operations>>.

⁶²² ‘International Operations’, *US Immigration and Customs Enforcement* (Web Page, 31 March 2021) <<https://www.ice.gov/about-ice/homeland-security-investigations/international-operations>>.

			transnational criminal activity.’ ⁶²³ This includes human smuggling and trafficking, which may involve people seeking asylum as they attempt to reach the US.
POE Metered	investigative_programs_hsi_ice_dhs	Indirect	HSI’s Investigative Programs Division ‘furthers HSI’s mission by supporting investigations and operations related to transnational crime, financial and narcotics violations, human trafficking and smuggling, public safety, and worksite enforcement.’ ⁶²⁴ This Division manages Human Smuggling, Human Trafficking and Transnational Gang programs, which may overlap with individuals seeking asylum at or between ports of entry.
POE Metered	national_security_investigations_hsi_ice_dhs	Indirect	‘NSID also leads efforts on investigating and prosecuting human rights violators and war criminals and preventing them from seeking refuge in the United States. NSID utilizes the breadth of ICE’s statutory legal authorities and robust interagency partnerships to counter national security threats identified through HSI investigations of fraud or abuse of the immigration, trade and financial sectors.’ ⁶²⁵ HSI takes a broad view of ‘national security’ and investigates immigration fraud, including the use or manufacture of false immigration documents, as well as accused war criminals and human rights abusers who may have complicated histories of persecution and seek asylum in the US. The Pre-Adjudicated Threat Recognition and Intelligence Operations Team (PATRIOT) administered by this office would also encompass visa applicants who may be seeking to enter the US to claim asylum.
POE Metered	op_tech_cyber_hsi_ice_dhs	Indirect	‘OTC supports ICE and DHS by improving methods for managing different types of information and operational technology and directing how these tools are shared with other agencies and organizations.’ ⁶²⁶ OTC’s Innovation Lab houses the RAVEN system, which ‘incorporates elements of Predictive, Prescriptive and Descriptive Analytics throughout the system. There are several efforts ongoing which are aimed to deliver powerful analytics which focus on providing the User with historical context, likely future trends and suggestions for next steps.’ ⁶²⁷ The information collected, analysed and distributed by OTC includes information relating to asylum seekers, human smuggling, and other related issues. This information, as well as the tools used to collect, analyse and deliver it, are being used to inform law enforcement and other types of agency decision-making.

⁶²³ ‘Transnational Criminal Investigative Units’, *US Immigration and Customs Enforcement* (Web Page, 12 January 2021) <<https://www.ice.gov/partnerships-centers/transnational-criminal-investigative-units>>.

⁶²⁴ ‘Investigative Programs’, *US Immigration and Customs Enforcement* (Web Page, 31 August 2021) <<https://www.ice.gov/about-ice/homeland-security-investigations/investigative-programs>>.

⁶²⁵ ‘National Security Investigations Division’, *US Immigration and Customs Enforcement* (Web Page, 12 February 2021) <<https://www.ice.gov/about-ice/homeland-security-investigations/national-security-investigations-division>>.

⁶²⁶ ‘Operational Technology and Cyber’, *US Immigration and Customs Enforcement* (Web Page, 8 January 2021) <<https://www.ice.gov/about-ice/homeland-security-investigations/otcd>>.

⁶²⁷ US Department of Homeland Security, ‘Questions and Answers for Request For Information (RFI) ICE-HSI-2021-RAVEN’ (FAQ, 7 January 2021) 2.

POE Metered	intelligence_hsi_ice_dhs	Indirect	The HSI Office of Intelligence ‘produces timely, comprehensive, and accurate criminal analysis that enables criminal investigators to identify, prioritize, disrupt, and dismantle transnational terrorist and criminal networks, and any other individual or organization that threatens national security or seeks to exploit the customs and immigration laws of the United States.’ ⁶²⁸ This office collects, analyses and distributes intelligence regarding people, including asylum seekers, attempting to reach or cross the US border without a visa or other documentation. The Collections Division also ‘manages ICE’s Technical Intelligence Center where LETC operations cue the tactical interdiction and investigation of illicit trafficking bound for the United States.’ ⁶²⁹ The interdiction and investigation of ‘illicit trafficking’ includes the movement of asylum seekers, while the division also investigates and distributes information to prevent human smuggling – without distinguishing the movement of asylum seekers from other types of movement.
POE Metered	mission_support_hsi_ice_dhs	Indirect	‘Mission Support manages logistics and internal control activities; oversees HSI’s fleet, travel, property, and facilities; reports on HSI’s performance; coordinates the development and issuance of handbooks, policies, delegation orders, and forms that HSI needs to address its national security and public safety missions; ensures that HSI’s resources are aligned to the broader goals of ICE and DHS; oversees the disclosure of information; and supports all HSI headquarters, field offices, and mission areas with strategic planning, analytics, modeling, and efficiency studies to facilitate fact-based decision-making.’ ⁶³⁰ This office is responsible for developing policies, handbooks, missions, in furtherance of the multi-faceted legal responsibilities of HSI, which includes the referral of individuals who might raise an asylum claim to the appropriate adjudicative process.
POE Metered	management_administration_ice_dhs	Indirect	‘M&A oversees ICE’s financial and human resources, IT, sensitive property, and other assets, and it collaborates with internal and external stakeholders to increase ICE’s ability to attract and retain a diverse workforce.’ ⁶³¹ This office contributes to the type of individuals who are recruited and hired within ICE, while also being responsible for identifying, developing and communicating ICE’s strategic and other policies, regulations, regulatory processes, and operational requirements. All of these inputs may impact asylum seekers, from the types of individuals hired to work for ICE and whether they have the capacity or disposition to undertake humanitarian work, as well as in the organisational and other policies which prioritise certain types of law enforcement action and goals over the protection of individual asylum seekers.

⁶²⁸ US Immigration and Customs Enforcement, *Homeland Security Investigations: HSI* (DHS Report, 2021) 18.

⁶²⁹ *ICE Budget Overview 2020* (n 214) 97.

⁶³⁰ *Homeland Security Investigations: HSI* (n 228) 19.

⁶³¹ *ICE Budget Overview 2020* (n 214) 3.

POE Metered	chief_financial_office r_mgmt_ice_dhs	Indirect	OCFO is essentially responsible for providing the staffing, funding, and physical asset requirements for ICE to undertake its operations. OFCO ‘allocate[s] resources to ICE’s operational components by implementing best practices and linking strategic planning, budgeting and program performance to financial decision making.’ ⁶³² These operations include transporting asylum seekers and others in need of protection from Border Patrol temporary holding facilities to long-term holding facilities, or paroling people, or releasing them using alternative forms of detention.
POE Metered	human_capital_mgmt _ice_dhs	Indirect	OHC is responsible for recruiting and retaining the staff necessary for ICE to function, including determining what types of people to recruit. For example, military veterans currently comprise one-third of ICE's total workforce. ⁶³³ Who the agency hires has a direct bearing on how legal obligations are implemented, as well as the agency culture. These, in turn, can directly impact how people in need of protection are perceived and treated.
POE Metered	acquisition_mgmt_mg mt_ice_dhs	Indirect	‘OAQ procures various products and services such as: Law enforcement services and products, including handcuffs, hand restraints, guns and ammunition; Detention and removal services such as temporary housing, food, clothing and transportation, including air charter flights; Operational support like data analysis, interpreter services and clerical support; and Information technology supplies and services, including computers, security equipment, software and telecommunications equipment.’ ⁶³⁴ These acquisitions directly influence how and whether ICE can meet its legal and operational requirements. For example, OAQ would procure the transport for ICE to be able to move asylum seekers and others from temporary CBP detention to long-term detention, or another type of ICE processing facility.
POE Metered	chief_information_off icer_mgmt_ice_dhs	Indirect	This office provides the information technology tools for ICE officials to enter and transfer information about people who come into contact with the agency, which includes asylum seekers. Inadequate information technology systems were at issue in the ‘Zero Tolerance’ policy, because DHS officials – including ICE – did not properly track separated parents and children, creating massive logistical and humanitarian problems.
POE Metered	information_governan ce_privacy_mgmt_ice dhs	Indirect	The Office of Information Governance and Privacy (OIGP) ‘oversees the management, sharing, protection and access to ICE data, and ensures the information ICE maintains meets legal and policy

⁶³² ‘Office of the Chief Financial Officer’, *US Immigration and Customs Enforcement* (Web Page, 23 August 2021) <<https://www.ice.gov/about-ice/management-administration/cfo>>.

⁶³³ ‘Office of Human Capital’, *US Immigration and Customs Enforcement* (Web Page, 23 August 2021) <<https://www.ice.gov/about-ice/management-administration/hc>>.

⁶³⁴ ‘Office of Acquisition Management’, *US Immigration and Customs Enforcement* (Web Page, 23 August 2021) <<https://www.ice.gov/about-ice/management-administration/oaq>>.

			requirements. ⁶³⁵ OIGP is critical to a number of functions that directly impact people seeking asylum or other forms of protection, including collecting appropriate data to ensure that ICE is actually adhering to legal obligations, including <i>non-refoulement</i> , providing information about where detainees are held, collecting and providing data to be used for the development of policy and law.
POE Metered	policy_planning_mgmt_ice_dhs	Indirect	The Office of Policy and Planning (OPP) 'collaborates with internal and external stakeholders to identify, develop and effectively communicate ICE's: strategic and organizational policies; regulations and regulatory processes; and operational requirements. Further, OPP supports ICE's strategic priorities through coordination with departmental and interagency partners, establishing policies and regulations impacting ICE.' ⁶³⁶ These policies include those which impact asylum seekers including, but not limited to, detention, transport and their ability to access the RSD process.
POE Metered	leadership_career_dev_mgmt_ice_dhs	Indirect	The ICE Office of Leadership and Career Development (OLCD) 'establishes and maintains standards for ICE training programs and curricula, facilitates the accreditation of ICE training programs and oversees training delivered to ICE personnel.' ⁶³⁷ Oversight of standards for ICE training programs and curricula necessarily includes decisions around what types of material to include, whether that be on international legal obligations, humanitarian obligations, or other types of training that could impact how ICE officials encounter, interact with, and view their responsibilities towards asylum seekers and others in search of international protection.
POE Metered	professional_responsibility_ice_dhs	Direct	OPR conducts reviews of ICE programs and operations, and investigates 'allegations of serious employee and contractor misconduct, as well as internal and external threats against ICE personnel and facilities. OPR assesses pre-employment suitability and continuously evaluates background investigations of the ICE workforce.' ⁶³⁸ The extent to which OPR is successful in fully conducting investigations into misconduct, as well as perceived or actual problems with the integrity and professionalism of ICE officials, can have a direct impact on asylum seekers ability to lodge an application for relief, access counsel, or undertake any number of tasks that might be relevant to preparing and presenting a case, particularly if they are detained.
POE Metered	investigation_opr_ice_dhs	Direct	The OPR Investigation Division 'investigates allegations of criminal and administrative misconduct of ICE employees and contractors, evaluates criminal misconduct of CBP employees when related

⁶³⁵ 'Office of Information Governance and Privacy', *US Immigration and Customs Enforcement* (Web Page, 23 August 2021) <<https://www.ice.gov/about-ice/management-administration/privacy>>.

⁶³⁶ 'Office of Policy', *US Immigration and Customs Enforcement* (Web Page, 2 September 2021) <<https://web.archive.org/web/20210808050139/www.ice.gov/about-ice/management-administration/policy>>.

⁶³⁷ 'Office of Leadership and Career Development', *US Immigration and Customs Enforcement* (Web Page, 23 August 2021) <<https://www.ice.gov/about-ice/management-administration/olcd>>.

⁶³⁸ 'Office of Professional Responsibility', *US Immigration and Customs Enforcement* (Web Page, 2 April 2021) <<https://www.ice.gov/about-ice/opr>>.

			to an ICE investigation, and administers the Insider Threat Program.’ ⁶³⁹ As outlined above, ICE misconduct can directly impact asylum seekers' ability to present or pursue a protection claim.
POE Metered	inspections_detention_oversight_opr_ice_dhs	Indirect	The OPR Inspections and Detention Oversight Division ‘assesses ICE’s organizational health by providing independent reviews of Component programs, offices, and detention facilities to measure compliance with applicable policies, procedures, and standards, conducting detainee death reviews, and auditing ICE’s implementation of the DHS Prison Rape Elimination Act (PREA).’ ⁶⁴⁰ Asylum seekers and others seeking international protection who are detained at ICE or ICE-contracted facilities, routinely face problems with access to counsel, accessing translators, accessing appropriate medical care, and various other issues that directly impact their ability to present and pursue a protection claim. Whether the OPR Inspections and Detention Oversight Division properly investigates, finds, and requires redress of these issues can have a direct influence on asylum seekers.
POE Metered	uscis_dhs	Direct	USCIS deals with biometrics appointments at field offices for asylum applicants, requests for information about applications, hosts asylum officers at field offices during circuit rides, and issues proof of status documents for people granted asylum (including by EOIR).
POE Metered	external_affairs_uscis_dhs	Indirect	The External Affairs Directorate (EXA) develops and circulates ‘official USCIS materials aimed at external audiences, including Congress, the press, immigration stakeholders, and the general public.’ ⁶⁴¹ The office provides responses to Congressional policy questions and constituent casework inquiries, and by provides ongoing education for members of Congress and their staff. This includes policy relating to asylum seekers, as well as casework inquiries for people seeking asylum.
POE Metered	office_of_legislative_affairs_ea_uscis_dhs	Indirect	The Office of Legislative and Intergovernmental Affairs (OLA) communicates with congressional stakeholders regarding USCIS policy changes and lobbies for the understanding and development of immigration legislation, policy, and practices. This includes policy, legislation and practices relating to asylum seekers and access to RSD.
POE Metered	legislative_affairs_ola_ea_uscis_dhs	Indirect	This office informs and advises USCIS leadership on congressional activity, informs Congress of USCIS policies and priorities, provides Congress with technical assistance on proposed legislation, briefs members and their staff on agency operations and policies, and supports agency leadership for congressional hearings. This includes USCIS policies and priorities, agency operations, and proposed legislation relating to asylum and access to the asylum framework.

⁶³⁹ ICE Budget Overview 2020 (n 214) 47.

⁶⁴⁰ Ibid.

⁶⁴¹ ‘External Affairs Directorate’, *US Citizenship and Immigration Services* (Web Page, 17 February 2021) <<https://www.uscis.gov/about-us/organization/directorates-and-program-offices/external-affairs-directorate>>.

POE Metered	operations_field_coordination_ola_ea_uscis_dhs	Indirect	This office supports the Congressional Liaison Corps throughout the agency to ensure consistency in outreach and operations. This includes outreach and operations relating to asylum, asylum-seekers and access to the asylum framework.
POE Metered	congressional_constituent_services_ola_ea_uscis_dhs	Indirect	This office responds to congressional inquiries concerning constituent casework and policy questions, which includes people seeking asylum.
POE Metered	liaison_and_coordination_branch_ola_ea_uscis_dhs	Indirect	This office facilitates unified USCIS responses to intradepartmental inquiries, requests for information and formal recommendations on all immigration issues as well as allegations of civil rights violations. This includes intradepartmental inquiries relating to asylum cases, requests for information and formal recommendations on issues relating to asylum, and allegations of civil rights violations relating to the asylum process.
POE Metered	office_of_public_affairs_ea_uscis_dhs	Direct	‘The Office of Public Affairs (OPA) functions as a conveyor of information, context, and insights to external and internal audiences with the aim of enhancing the public’s understanding of our agency and the laws and policies affecting benefit seekers, stakeholders, and the American people.’ ⁶⁴² This includes conveying information about laws relating to asylum, as well as messaging in support of agency policies and rules relating to asylum-seekers.
POE Metered	plain_language_opa_ea_uscis_dhs	Indirect	The Plain Language Division drafts content, reviews and edits communications materials and web content, as well as reports, internal memos, forms, and instructions. ‘The division also translates web content into Spanish and provides plain language training to USCIS employees and other components of DHS.’ ⁶⁴³ This information both communicates how individuals can apply for immigration benefits like asylum, as well as the process for seeking asylum, in multiple languages. Reviewing and editing the language of reports, internal memos, forms, and instructions can directly impact how people understand the asylum process, as well as policies and information relating to the process.
POE Metered	internal_communications_opa_ea_uscis_dhs	Indirect	‘The Internal Communications Division coordinates all internal communications with the USCIS workforce. It also produces a digital employee newsletter and maintains the agency’s intranet.’ ⁶⁴⁴ Internal communications within UCSIS can be critical for communicating agency policy and practices which relate to asylum, or have an impact on a person’s ability to raise or pursue a claim.
POE Metered	strategic_communications_opa_ea_uscis_dhs	Indirect	‘The Strategic Communications Division plans, develops, and communicates USCIS messaging to announce short- or long-term programmatic and policy updates, changes, or new initiatives.’ ⁶⁴⁵ This

⁶⁴² Ibid.

⁶⁴³ Ibid.

⁶⁴⁴ Ibid.

⁶⁴⁵ Ibid.

			includes messaging on legislation, agency policy and practices which relate to asylum, or have an impact on a person's ability to raise or pursue a claim.
POE Metered	public_engagement_o pa_ea_uscis_dhs	Direct	'The division supports a variety of outreach programs and initiatives to ensure that the public has a clear understanding of our agency's priorities and policies.' ⁶⁴⁶ This includes outreach and initiatives on agency priorities and policies which relate to asylum, or have an impact on a person's ability to raise or pursue a claim.
POE Metered	citizenship_and_appli cant_info_services_ea _uscis_dhs	Direct	'The Office of Citizenship and Applicant Information Services (CAIS) helps the public learn about U.S. citizenship and assists applicants with a variety of resources and tools.' ⁶⁴⁷ These resources and tools include those relating to asylum requirements, the asylum process, and case information regarding certain types of pending benefits applications.
POE Metered	public_services_divisi on_cais_ea_uscis_dhs	Direct	'The Public Services Division responds to questions by phone, email, live chat, and written correspondence through the USCIS Contact Center. This division helps people locate information on the USCIS website using our virtual assistant, Emma, and provides language services to USCIS, ICE, and CBP.' ⁶⁴⁸ This includes questions relating to certain types of benefits applications, while also helping people to locate information on asylum on the USCIS website, and providing language services to USCIS, ICE and CBP on issues that may involve asylum seekers.
POE Metered	digital_services_divisi on_cais_ea_uscis_dhs	Direct	'The Digital Services Division manages the USCIS website and online self-help tools, builds digital forms and online account services in support of the USCIS eProcessing initiative, and ensures that people with limited English proficiency and people with disabilities can use our online resources.' ⁶⁴⁹ Digital forms, online account and self-help services and tools may impact a person's ability to access an asylum application, as well as benefits such as work authorisation that make it easier for a person to pursue a protection claim over a period of time.
POE Metered	field_operations_direc torate_uscis_dhs	Direct	The Field Operations Directorate provides in-person information and documentary services for applicants, including issuing proof of asylum status and work authorisation for asylees, asylum applicants, and those granted withholding of removal or Convention Against Torture relief. Field offices also 'fee in' certain types of immigration forms that may be needed in certain CAT and withholding of removal cases.
POE Metered	field_offices_fod_usci s_dhs	Direct	The Field Operations Directorate has 88 field offices that deliver immigration benefit services directly to applicants and petitioners in communities across the United States and its territories. These

⁶⁴⁶ Ibid.

⁶⁴⁷ 'External Affairs Directorate', *US Citizenship and Immigration Services* (Web Page, 17 February 2021) <<https://www.uscis.gov/about-us/organization/directorates-and-program-offices/external-affairs-directorate>>.

⁶⁴⁸ Ibid.

⁶⁴⁹ Ibid.

			field offices are frequently used for asylum officer 'circuit rides' where, for example, the Los Angeles Asylum Office will send an officer to the Phoenix Field Office to conduct interviews of asylum applicants in a location closer to where the applicants are actually located. Field offices also 'fee in' some types of immigration forms, such as stays of removal which may be needed in certain CAT and withholding cases.
POE Metered	national_benefits_center_fod_uscis_dhs	Indirect	The National Benefits Center (NBC) adjudicates I-765 employment authorisation (EAD) applications for applicants, including asylum-seekers. The NBC also processes adjustment of status (permanent residency) cases based on a prior grant of asylum.
POE Metered	headquarters_fod_uscis_dhs	Indirect	Field Operations Headquarters (HQ), the four regional offices and 16 district offices provide oversight, direction and support to the field offices, field support offices and the NBC, which includes oversight on document issuance and EAD issuance that impacts asylees, asylum applicants, and those granted withholding of removal or Convention Against Torture relief.
POE Metered	fraud_detection_national_security_uscis_dhs	Indirect	Fraud Detection and National Security (FDNS) 'officers are located in USCIS service centers (including the NBC), asylum offices, domestic and international field offices, and are embedded in other government agencies. ... Administrative investigations may include compliance reviews, interviews, site visits, requests for evidence, and may also result in a referral to ICE for consideration of a criminal investigation.' ⁶⁵⁰ This includes investigations into asylum applications and other applications for protection, or people granted protection.
POE Metered	immigration_records_identity_services_uscis_dhs	Indirect	'The Immigration Records and Identity Services Directorate (IRIS) provides immigration, employment, and identity information accurately and completely to enable confident and timely decisions.' ⁶⁵¹ This includes support for asylum and related decisions, such as employment authorisation or derivative applications.
POE Metered	identity_information_management_iris_uscis_dhs	Indirect	'The Identity and Information Management Division (IIMD) provides reliable person centric identity and immigration information management and services for an ecosystem of more than 100 million immigration records.' This office stores, processes and provides information to USCIS officials who are adjudicating asylum and related benefits applications. The office also implements official identity and immigration records policy and guidance across USCIS, Customs and Border Protection and Immigration and Customs Enforcement, while engaging with 'international and interagency actors to establish information sharing agreements and improve interoperability of identity and immigration

⁶⁵⁰ 'Fraud Detection and National Security Directorate', *US Citizenship and Immigration Services* (Web Page, 13 March 2020) <<https://www.uscis.gov/about-us/directorates-and-program-offices/fraud-detection-and-national-security-directorate>>.

⁶⁵¹ 'Immigration Records and Identity Service Directorate', *US Citizenship and Immigration Services* (Web Page, 2 August 2019) <<https://www.uscis.gov/about-us/directorates-and-program-offices/immigration-records-and-identity-services-directorate>>.

			information systems and processes ⁶⁵² all of which includes the implementation of policy and sharing of information related to asylum seekers. This includes biometrics and background check information for asylum seekers, asylees, and others seeking protection.
POE Metered	national_records_center_iris_uscis_dhs	Indirect	‘The National Records Center (NRC) provides records storage, management, and information retrieval services, and maintains the integrity of over 55.6 million immigration records and 23 million receipt files while supporting the largest Freedom of Information Act (FOIA) program in the federal government.’ ⁶⁵³ The NRC is responsible for immigrant 'A files' or 'alien files' which contain immigration documents, applications, enforcement actions, and other information that is relevant to asylum seekers and others seeking protection, particularly before immigration courts.
POE Metered	verification_iris_uscis_dhs	Indirect	‘The Verification Division provides timely and accurate immigration status and information to public benefit granting agencies and employment authorization to employers.’ ⁶⁵⁴ This includes asylum applicants granted employment authorisation, as well as asylees, Convention Against Torture and withholding of removal grantees also granted employment authorisation.
POE Metered	management_directorate_uscis_dhs	Indirect	‘[T]he directorate plans, directs, manages, and coordinates all management support functions within USCIS. This includes everything from hiring and training employees, providing information technology and other capabilities in support of adjudication and other functions, designing and maintaining application and other USCIS forms, receiving forms and accepting filing fees, and providing data and operational analysis to senior decisionmakers and key stakeholders like Congress, DHS and others.’ ⁶⁵⁵ Each of these functions impact on the agency's ability to deliver accurate, efficient and robust asylum and other benefits adjudications, as well as asylum applicants' ability to understand application and form requirements and actually file complete applications.
POE Metered	human_capital_training_md_uscis_dhs	Indirect	This office ‘attracts, hires, trains, and retains a quality and diverse workforce, offers USCIS employees’ career development opportunities, and supports work-life balance.’ ⁶⁵⁶ This includes employees working in asylum adjudication, as well as on employment authorisation, biometrics processing, background checks, and the variety of other functions that go into adjudicating protection applications, employment authorisation documents, and proof of status.
POE Metered	information_technology_md_uscis_dhs	Indirect	This office ‘provides the information technology services, strategic vision, leadership, technical expertise, and capabilities necessary to enable USCIS to deliver effective, efficient, economical, and

⁶⁵² Ibid.

⁶⁵³ Ibid.

⁶⁵⁴ Ibid.

⁶⁵⁵ ‘Management Directorate’, *US Citizenship and Immigration Services* (Web Page, 9 August 2021) <<https://www.uscis.gov/about-us/organization/directorates-and-program-offices/management-directorate>>.

⁶⁵⁶ Ibid.

			secure immigration services. ⁶⁵⁷ This includes services related to asylum adjudication and other protection benefits and requirements outlined above.
POE Metered	intake_document_production_md_uscis_dhs	Indirect	This office ‘designs and maintains all USCIS forms for internal and public use, produces secure identification documents, and oversees the receipt of USCIS applications and any associated filing fees.’ ⁶⁵⁸ The office designs, prints and distributes USCIS forms, including the I-589, Application for Asylum, and manages the USCIS Lockbox facilities paper intake system. The Office also troubleshoots intake issues, adjudicates fee waiver requests, and resolves filing issues with applications. The office further produces and mails secure identity documents, such as Employment Authorisation Documents, which are relevant to asylum applicants, grantees, and those granted relief under CAT or withholding of removal. They also print and distribute notices, such as receipt and appointment notices, to applicants and petitioners. This includes asylum appointments and receipts.
POE Metered	investigations_uscis_dhs	Direct	Investigates allegations of misconduct, including those with a counterintelligence concern, to protect and strengthen the integrity of USCIS programs and systems, including the asylum program. In particular, the office conducts investigations of misconduct, corruption, and fraud involving USCIS employees and contractors, and prepares the semi-annual Report on Internal Affairs Investigations to Congress, which summarizes the USCIS investigative process and investigative activity by the Office of Investigations during the reporting period.
POE Metered	privacy_uscis_dhs	Indirect	The Office ‘evaluates USCIS legislative and regulatory proposals involving collection, use, and disclosure of personally identifiable information (PII), and provides privacy policy and programmatic oversight and supports implementation across USCIS.’ ⁶⁵⁹ Privacy and non-disclosure of personally identifiable information is a particularly important concern for asylum applicants seeking or granted protection. Applicants are routinely concerned about whether information in an application, or the existence of the application itself, will be disclosed to a foreign government and often take this into consideration when applying.
POE Metered	office_of_chief_counsel_uscis_dhs	Indirect	OCC ‘fields a wide range of inquiries concerning immigrant and nonimmigrant employment and family-based petitions, adjustment of status, adoptions, inadmissibility and waivers, naturalization, asylum and refugee status, contract and administrative matters, labor issues, and records and verification issues. OCC provides comprehensive litigation support to the Department of Justice’s Office of Immigration Litigation and the Offices of the United States Attorney. OCC’s areas of responsibility include providing legal education and training to USCIS staff, and advising USCIS

⁶⁵⁷ Ibid.

⁶⁵⁸ Ibid.

⁶⁵⁹ ‘Office of Privacy’, *US Citizenship and Immigration Services* (Web Page, 15 January 2021) <<https://www.uscis.gov/about-us/organization/directorates-and-program-offices/office-of-privacy>>.

			and DHS staff on legislative, regulatory and national security issues.’ ⁶⁶⁰ This includes legal education and training related to asylum and related processes, as well as litigation support in asylum-related cases.
POE Metered	refugee_asylum_occ_uscis_dhs	Indirect	Fields inquiries and provides 'specialized legal advice, opinions, determinations, regulations and any other assistance' required on asylum and refugee status issues.’ ⁶⁶¹ 'Provide legal advice on domestic asylum law and practice, overseas refugee resettlement programs, temporary protected status, and CAT.’ ⁶⁶²
POE Metered	training_knowledge_management_occ_uscis_dhs	Indirect	Provides education and training to USCIS staff, including training on legal and other issues that might impact asylum applicants, asylees, and those granted relief under CAT or withholding of removal. 'Through TKMD, OCC works closely with the USCIS Refugee, Asylum and International Operations branch, the Fraud Detection and National Security branch, the Human Capital and Training divisions, as well as other divisions to vet training products and provide instruction on certain topics. OCC also creates certain training materials for use with its USCIS client, and those materials are coordinated and vetted through TKMD.’ ⁶⁶³ This also includes conducting research on the legal sufficiency of education and training materials related to asylum.
POE Metered	litigation_national_security_coordination_occ_uscis_dhs	Direct	This office 'provides comprehensive litigation support to the Department of Justice's Office of Immigration Litigation and the Offices of the United States Attorney', while coordinating with other DHS components.’ ⁶⁶⁴ This includes litigation on asylum, access to the asylum process, and agency-wide litigation holds for classes of applicants that may include asylum seekers.
POE Metered	executive_secretariat_uscis_dhs	Indirect	EXSO plays a 'lead role in coordinating and clearing information and materials prepared within USCIS that are intended for review/approval ... to support the development of policy priorities.’ ⁶⁶⁵ These directives and information involve policy and other materials relevant to asylum, or other benefits that impact people seeking or granted asylum, withholding of removal and CAT. EXSO's work also encompasses correspondence with Congress, including managing Congressional Reports, Congressional Questions for the Record, and other communications that may relate to asylum policy

⁶⁶⁰ 'Office of the Chief Counsel', *US Citizenship and Immigration Services* (Web Page, 9 August 2021) <<https://www.uscis.gov/about-us/organization/directorates-and-program-offices/office-of-the-chief-counsel>>.

⁶⁶¹ Ibid.

⁶⁶² 'Help Wanted: Immigration Attorney', *Immigration Daily* (Job Announcement No COU-CIS-2008-0010, 3 October 2008).

⁶⁶³ '[blindlaw] GS-0905-13/15-Experienced Attorney, Department of Homeland Security, Citizenship and Immigration Services', *nfbnet.org* (Job Announcement No CIS-708340-COU, 10 August 2012) 2.

⁶⁶⁴ 'Office of the Chief Counsel', *US Citizenship and Immigration Services* (Web Page, 9 August 2021) <<https://www.uscis.gov/about-us/organization/directorates-and-program-offices/office-of-the-chief-counsel>>.

⁶⁶⁵ 'Office of the Executive Secretariat', *US Citizenship and Immigration Services* (Web Page, 19 September 2019) <<https://www.uscis.gov/about-us/directorates-and-program-offices/office-of-the-executive-secretariat>>.

			or issues directly/indirectly related to asylum applicants and those granted protection, withholding of removal, and CAT relief (such as EAD issuance, proof of status, immigration history or other background checks, etc).
POE Metered	external_liaison_es_uscis_dhs	Indirect	‘The External Team provides essential executive support and collaborates with USCIS program offices and directorates, DHS components, and other government departments.’ ⁶⁶⁶ This work encompasses managing external communications such as Congressional Reports and correspondence with Congress, that may relate to asylum policy or issues directly/indirectly related to asylum applicants and those granted protection, withholding of removal, and CAT relief (such as EAD issuance, proof of status, immigration history or other background checks, etc).
POE Metered	internal_es_uscis_dhs	Indirect	‘The Internal Team plays a lead role in coordinating and clearing information and materials prepared within USCIS that are intended for review/approval by the Office of the Director to support the development of policy priorities. They serve as the focal point for coordinating and clearing official documents from DHS headquarters and components, including DHS Administrative Policy and Guidance documents that are binding on all DHS components.’ ⁶⁶⁷ This includes documents that relate to asylum law and policy, or issues indirectly related to asylum applicants and those granted protection, withholding of removal, and CAT relief (such as EAD issuance, proof of status, immigration history or other background checks, etc).
POE Metered	refugee_asylum_intl_ops_directorate_uscis_dhs	Direct	This office conducts protection screenings, adjudicates asylum and refugee applications, and adjudicates other immigration benefits both domestically and internationally. ⁶⁶⁸ The office also consults ‘with other countries to build the capacity of their protection systems, implement bilateral information-sharing agreements for identity management and confidentiality, and help advance the U.S. government’s strategic priorities in the international and refugee protection arenas.’ ⁶⁶⁹ Asylum officers travel within the US to process asylum-related claims, including to USCIS field offices.
POE Metered	asylum_raio_uscis_dhs	Direct	‘The Asylum Division adjudicates affirmative asylum applications for people who are already in the US and, generally, are not already in removal proceedings. The Asylum Division also adjudicates applications to suspend deportation or cancel removal under the Nicaraguan Adjustment and Central American Relief Act (NACARA). Additionally, the Asylum Division conducts credible fear screenings for people placed in expedited removal; reasonable fear screenings for people subject to final administrative removal orders or reinstatement of prior removal orders; screenings for people

⁶⁶⁶ Ibid.

⁶⁶⁷ Ibid.

⁶⁶⁸ ‘Refugee, Asylum and International Operations Directorate’, *US Citizenship and Immigration Services* (Web Page, 10 March 2020) <<https://www.uscis.gov/about-us/directorates-and-program-offices/refugee-asylum-and-international-operations-directorate>>.

⁶⁶⁹ Ibid.

			processed under the Migrant Protection Protocols; and screening functions under bilateral asylum cooperative agreements. ⁶⁷⁰
POE Metered	service_center_ops_us cis_dhs	Indirect	SCOPS is made up of 5 service centres ‘that provide immigration benefits for petitioners and applicants who do not require interviews’, but also receive applications for asylum and other protection claims by mail. ⁶⁷¹ The work of each service center is generally split into multiple product lines, one of which is ‘Humanitarian’. This includes ‘Benefit requests filed by refugees and asylees and their accompanying family members, individuals seeking consideration of Deferred Action for Childhood Arrivals (DACA), and individuals seeking temporary protected status (TPS); relief for victims of abuse, crimes, and severe forms of trafficking’. ⁶⁷²
POE Metered	policy_and_strategy_u scis_dhs	Indirect	The Office of Policy and Strategy (OPS) ‘is the USCIS lead for policy development and regulations coordination. OPS develops national immigration policy recommendations, coordinates regulations development, performs research, evaluation, and analysis on immigration issues, and is a principal liaison on immigration policy and strategic planning issues with DHS headquarters and sister agencies. OPS maintains effective relationships with Congress, stakeholders, and other government entities. OPS analysts regularly educate the public on new areas of policy or adjudicative practice and maintain awareness on research and policy issues of interest. OPS reviews and interprets policy and program issues, formulates the development of new USCIS policies and programs that reflect the emphasis desired by the Administration and the Department’ and ensures that ‘policy implementation problems are resolved or raised to the appropriate level of authority’. ⁶⁷³ This includes policy, regulations, and practices relating to the asylum process, or the processing of ancillary benefits for asylum seekers.
POE Metered	president	Indirect	The President is responsible for the execution and enforcement of the immigration and asylum laws created by Congress and also appoints the heads of Cabinet and agencies to carry out the daily administration of the federal government. This includes administration of all of the agencies that conduct activities impacting asylum seekers. The President has the power to sign legislation relating to asylum into law, conducts diplomacy with other nations, negotiates and signs treaties, and can issue executive orders on immigration.
POE Metered	executive_office_presi dent	Indirect	The EOP provides support to the President to govern effectively, including on issues related to asylum seekers and immigration.

⁶⁷⁰ Ibid.

⁶⁷¹ ‘Service Center Operations Directorate’, *US Citizenship and Immigration Services* (Web Page, 22 January 2021) <<https://www.uscis.gov/about-us/organization/directorates-and-program-offices/service-center-operations-directorate>>.

⁶⁷² Ibid.

⁶⁷³ ‘Deputy Chief, Office of Policy and Strategy’, *USAJobs* (Job No 42014455, 4 March 2021).

POE Metered	omb_eop	Indirect	OMB ‘oversees the implementation of the President’s vision across the Executive Branch’ which includes the vision with respect to immigration and asylum seekers. ⁶⁷⁴ OMB develops and executes budgets from DHS and other executive departments and agencies, manages agency performance, coordinates and reviews all significant Federal regulations relating to immigration and asylum, as well as coordinating legislative materials and other presidential actions.
POE Metered	general_gov_programs_rmo_omb_eop	Indirect	OMB includes Resource Management Offices (RMOs), which include General Government Programs under which homeland security falls. ⁶⁷⁵ RMOs examine USCIS, ICE, CBP and other agency budget requests and develop funding recommendations for those agencies after integrating management, budget, and policy perspectives into their work. This includes policy perspectives on asylum and budget and funding recommendations that relate to the asylum process and policies that impact access to the asylum process.
POE Metered	omb_support_offices_omb_eop	Indirect	OMB-wide support offices coordinate the process for preparing the President’s annual budget which addresses the implementation of laws relating to asylum, while also coordinating review of draft bills, congressional testimony and correspondence from agencies charged with implementing asylum laws and policies in accordance with the President’s agenda.
POE Metered	electronic_govt_omb_eop	Indirect	The Office of Electronic Government (E-Gov) is a statutory office of OMB. ⁶⁷⁶ E-Gov policy directly impacts agencies like DHS and DOJ, which use technology for everything from providing access to application forms, to entering data about people seeking asylum at the border which will be used throughout their immigration process.
POE Metered	info_regulatory_affairs_omb_eop	Indirect	‘OIRA has substantial responsibilities and influence over federal agencies’ regulations under a centralized review process established through executive order.’ ⁶⁷⁷ ‘Through this review, OIRA exerts considerable influence over the content of regulations, ensuring that federal agencies’ actions are consistent with the President’s policy preferences.’ ⁶⁷⁸ This review includes regulations related to asylum and other forms of protection, regulations relating to immigration benefits such as work authorisation, as well as regulations relating to immigration enforcement and the operation of immigration courts and the Board of Immigration Appeals.
POE Metered	domestic_policy_council_omb_eop	Indirect	The Domestic Policy Council (DPC) ‘drives the development and implementation of the President’s domestic policy agenda in the White House and across the Federal government, ensuring that domestic policy decisions and programs are consistent with the President’s stated goals, and are

⁶⁷⁴ ‘Office of Management and Budget’, *The White House* (Web Page, 2021) <<https://www.whitehouse.gov/omb/>>.

⁶⁷⁵ Ibid at 4.

⁶⁷⁶ Congressional Research Service, *Office of Management and Budget (OMB): An Overview* (Report, RS21665, 12 November 2020) 23.

⁶⁷⁷ Ibid at 18.

⁶⁷⁸ Ibid.

			carried out for the American people. ⁶⁷⁹ The DPC develops and implements policies on asylum and related issues that impact access to the asylum process.
POE Metered	national_security_council_eop	Indirect	The National Security Council (NSC) ‘is the President’s principal forum for national security and foreign policy decision making with his or her senior national security advisors and cabinet officials, and the President’s principal arm for coordinating these policies across federal agencies.’ ⁶⁸⁰ The NSC addresses issues related to border security along the southern border, as well as other migration issues that impact asylum-seekers and the asylum process.
POE Metered	intergovernmental_affairs_eop	Indirect	During the Trump Administration, the IGA coordinated extensively with state and local law enforcement to push the White House's agenda on immigration and asylum, which included deterring people from applying for asylum. ⁶⁸¹
POE Metered	office_vice_president	Indirect	As an integral part of the executive administration, the Vice President may be given a portfolio that includes immigration issues like Biden has done with current Vice President Kamala Harris. These issues may take many forms, including immigration enforcement actions that impact asylum seekers’ ability to move and access protection, or responding to crises that may produce asylees and refugees.
POE Metered	department_of_justice	Direct	The DOJ consists of a number of components that directly interact with or influence asylum seekers. This includes United States Attorneys who litigate immigration and asylum-related cases in federal court, the FBI which conducts background and other investigations used in deciding asylum claims, the United States Marshals Service which transports and sometimes jails people prosecuted for immigration violations (which include asylum seekers), the Federal Bureau of Prisons which confines immigration detainees including asylum seekers. The Executive Office for Immigration Review oversees and manages the immigration courts and the Board of Immigration Appeals where asylum seekers litigate their claims. DOJ and its components also administer and fund programs such as Legal Orientation Programs (LOPs) (which the Trump Administration suspended in April 2018) ⁶⁸² and have funded legal services for children and detainees deemed mentally incompetent in immigration proceedings, which all include people seeking asylum. ⁶⁸³

⁶⁷⁹ ‘Domestic Policy Council’, *The White House* (Web Page, 2021) <<https://www.whitehouse.gov/dpc/>>.

⁶⁸⁰ ‘National Security Council’, *The White House* (Web Page, 2021) <<https://www.whitehouse.gov/nsc/>>.

⁶⁸¹ ACLU of Massachusetts, ‘Miscellaneous communications between Sheriff or staff and White House or Secret Service_Redacted_part1’, *Data* (PDF Document, 12 May 2019) <https://data.aclum.org/wp-content/uploads/2019/12/Miscellaneous-communications-between-Sheriff-or-staff-and-White-House-or-Secret-Service_Redacted_part1.pdf>.

⁶⁸² Lorelai Laird, ‘ABA condemns suspension of Justice Department’s Legal Orientation Program for immigrants’, *ABA Journal* (Online, 11 April 2018) <https://www.abajournal.com/news/article/aba_condemns_suspension_of_justice_departments_legal_orientation_program>.

⁶⁸³ ‘Protecting Against Threats to the Most Vulnerable Populations’, US Department of Justice Archives (Web Page, 18 January 2017) <<https://www.justice.gov/archives/doj/accomplishments-under-leadership-attorney-general-eric-holder#s4>>.

POE Metered	attorney_general_doj	Direct	As head of the Department of Justice, the Attorney General directs and controls US Attorneys and all other counsel employed on behalf of the United States who litigate immigration cases and provide legal advice and direction for agencies implementing immigration-related legislation and regulations. The Attorney General supervises the administration and operation of the Department of Justice, which includes the Executive Office for Immigration Review, the Board of Immigration Appeals, the Federal Bureau of Investigation, Bureau of Prisons, and the US Attorneys and US Marshals Service, which all engage in activities relating to asylum and asylum seekers. The Attorney General also enforces, interprets and makes recommendations on immigration law. The AG also has the power to refer cases before the Board of Immigration Appeals to himself for a binding decision in the first instance.
POE Metered	deputy_attorney_general_ag_doj	Indirect	The Deputy Attorney General advises and assists the Attorney General ‘in formulating and implementing Department policies and programs and in providing overall supervision and direction to all organizational units of the Department’, which includes immigration and asylum-related policies and programs, as well as organisational units implementing those policies and programs. ⁶⁸⁴ The Deputy Attorney General also represents DOJ at meetings of the National Security Council and Homeland Security Council, which may relate to asylum-seekers or circumstances from which people might flee. The Deputy Attorney General also sets enforcement priorities in consultation with the Attorney General, which during the Trump Administration included prosecuting people for unlawful entry and other immigration-related offences.
POE Metered	associate_attorney_general_ag_doj	Indirect	The Associate Attorney General (ASG) advises and assists the AG and Deputy AG ‘on the formulation and implementation of Department of Justice policies and programs’ which include matters relating to asylum seekers. ⁶⁸⁵ This includes the Office of Information Policy, which oversees agency compliance with FOIA and developing government-wide policy on FOIA. ⁶⁸⁶ The ASG also oversees a number of programs that fund or administer programs relating to crime victims, human trafficking, policing, and access to justice, which may encompass asylum seekers within the people targeted by the programs. Programs include the Office of Justice Programs, the Office of Community Oriented Policing Services, the Access to Justice Initiative, the Community Relations Service, and the Office on Violence Against Women. ⁶⁸⁷

⁶⁸⁴ ‘Organization, Mission & Functions Manual: Attorney General, Deputy and Associate’, *The United States Department of Justice* (Web Page, 26 May 2021) <<https://www.justice.gov/jmd/organization-mission-and-functions-manual-attorney-general#ag>> (‘Organization, Mission & Functions Manual’).

⁶⁸⁵ Ibid.

⁶⁸⁶ ‘About the Office’, US Department of Justice (Online, 15 February 2017) <<https://www.justice.gov/oip/about-office>>.

⁶⁸⁷ ‘Organization, Mission & Functions Manual’ (n 284).

POE Metered	solicitor_general_ag_doj	Direct	‘The mission of OSG is to represent the interests of the United States before the Supreme Court and to oversee appellate and certain other litigation on behalf of the United States in the lower federal and state courts.’ ⁶⁸⁸ The OSG does this in relation to cases involving asylum seekers, as well as cases that have a direct or indirect impact on the asylum system, or people’s ability to access the asylum process.
POE Metered	civil_division_ag_doj	Indirect	The Civil Division of the DOJ ‘represents the United States in any civil or criminal matter within its scope of responsibility’ ⁶⁸⁹ and defending laws and policies relating to asylum and asylum seekers. The Civil Division also encompasses the Office of Immigration Litigation (OIL) and represents the federal government in asylum and other immigration cases, as well as in cases brought by individuals subject to abuses in the context of immigration detention and other matters seeking damages against officers of the United States. The Civil Division is also responsible for representing the interests of the United States in similar litigation in foreign courts. OIL ‘oversees all civil immigration litigation ... and it is responsible for coordinating national immigration matters before the federal district courts and circuit courts of appeals. It provides support and counsel to all federal agencies involved in alien admission, regulation, and removal under U.S. immigration and nationality statutes.’ ⁶⁹⁰
POE Metered	civil_rights_ag_doj	Indirect	This portfolio includes work on immigration, in relation to survivors of trafficking including those who may have claims for international protection, as well as violations of civil rights in the context of the enforcement or implementation of immigration laws, including in the context of detention.
POE Metered	executive_office_immigration_review_ag_doj	Direct	‘EOIR is responsible for adjudicating immigration cases. Specifically, under delegated authority from the Attorney General, EOIR interprets and administers federal immigration laws by conducting immigration court proceedings, appellate reviews, and administrative hearings. EOIR consists of three components: the Office of the Chief Immigration Judge, which is responsible for managing the numerous Immigration Courts located throughout the United States, where Immigration Judges adjudicate individual cases; the Board of Immigration Appeals, which primarily conducts appellate reviews of Immigration Judge decisions; and the Office of the Chief Administrative Hearing Officer, which adjudicates immigration-related employment cases.’ ⁶⁹¹

⁶⁸⁸ ‘Organization, Mission and Functions Manual: Office of the Solicitor General’, *The United States Department of Justice* (Web Page, 26 May 2021) <<https://www.justice.gov/jmd/organization-mission-and-functions-manual-office-solicitor-general>>.

⁶⁸⁹ ‘Organization, Mission and Functions Manual: Civil Division’, *The United States Department of Justice* (Web Page, 5 October 2020) <<https://www.justice.gov/jmd/organization-mission-and-functions-manual-civil-division>>.

⁶⁹⁰ ‘Office of Immigration Litigation’, *The United States Department of Justice* (Web Page, 9 September 2020) <<https://www.justice.gov/civil/office-immigration-litigation>>.

⁶⁹¹ ‘Organization, Mission and Functions Manual: Executive Office for Immigration Review’, *The United States Department of Justice* (Web Page, 5 October 2020) <<https://www.justice.gov/jmd/organization-mission-and-functions-manual-executive-office-immigration-review>>.

POE Metered	director_eoir_ag_doj	Indirect	The Director of EOIR supervises the Deputy Director, the Chairman of the Board of Immigration Appeals, the Chief Immigration Judge, the Chief Administrative Hearing Officer, and all agency personnel in the administration and implementation of the immigration court and BIA systems. The Director also represents the position and policies of EOIR to the Attorney General, Deputy Attorney General, Members of Congress, and other governmental bodies, the news media, the bar, and private groups interested in immigration matters. ⁶⁹² Asylum seekers litigate their protection claims before the immigration courts and BIA and the policies and procedures which govern these systems may have a significant impact on whether asylum seekers are able to fully present and receive a fair decision on their claims.
POE Metered	board_immigration_appeals_eoir_ag_doj	Direct	‘The Board is the highest administrative body for interpreting and applying immigration laws. ... In addition, the Board is responsible for recognition of organizations and accreditation of representatives requesting permission to practice before DHS, the Immigration Courts, and the Board. Decisions of the Board are binding on all DHS immigration officials and Immigration Judges unless modified or overruled by the Attorney General or a federal court. ... In addition, the Board provides guidance to practitioners in the immigration field, including Immigration Judges, DHS, and private attorneys and alien representatives, through the publication of decisions of precedential value.’ ⁶⁹³ The BIA decides asylum cases and cases related to access to asylum, while also being responsible for recognising and accrediting organisations and representatives who work with asylum seekers, among others.
POE Metered	chief_immigration_judge_eoir_ag_doj	Indirect	‘OCIJ provides overall program direction, articulates policies and procedures, and establishes priorities for more than 200 United States Immigration Judges located in 53 Immigration Courts throughout the Nation.’ ⁶⁹⁴ Immigration Judges conduct immigration court proceedings and make decisions in cases, including asylum, Convention Against Torture, and withholding of removal cases. The OCIJ is responsible for policies and procedures with an impact on how Immigration Judges handle and decide cases, including the quota system and other major changes with significant consequences for people seeking asylum in immigration court. ⁶⁹⁵
POE Metered	general_counsel_eoir_ag_doj	Indirect	The OGC has a significant hand in the development of regulations and policy for EOIR, which can often directly influence the cases of asylum seekers and other applicants for protection. For example, immigration judge case quotas severely restricted the ability of judges to schedule asylum hearings

⁶⁹² ‘Office of the Director’, *The United States Department of Justice* (Web Page, 2 August 2021) <<https://www.justice.gov/eoir/office-of-the-director>>.

⁶⁹³ ‘Organization, Mission and Functions Manual: Executive Office for Immigration Review’, *The United States Department of Justice* (Web Page, 5 October 2020) <<https://www.justice.gov/jmd/organization-mission-and-functions-manual-executive-office-immigration-review>>.

⁶⁹⁴ Ibid.

⁶⁹⁵ Ibid.

			for the time necessary to thoroughly present evidence and take testimony. Prior to the change, it was routine for asylum hearings to be scheduled for a full day to take testimony and evidence, but not after. Also, the change in timing for submission of an application, among other things.
POE Metered	administration_eoir_ag_doj	Indirect	‘Specifically, the Office of Administration supports the following areas: appropriations, budget and financial management, contracts and procurement, human resources, security, space and facilities management, and logistics.’ ⁶⁹⁶ This office also works on issues that impact immigration judge employment reviews, case quotas, the status and relationship with the National Association of Immigration Judges (the Immigration Judge's union), which can influence the cases of asylum seekers, as outlined above.
POE Metered	information_tech_eoir_ag_doj	Indirect	OIT is responsible for EOIRs online filing systems, which include extremely limited functionality in comparison with the online filing and case management systems of the federal court system. ⁶⁹⁷ Problems with EOIR filing are routine, particularly in asylum cases, which require asylum applications to be fee’d in with the court administration prior to filing the application in open court. BIA appeals must be filed on paper, which also causes routine and significant issues with the timeliness of filings and the issuance of filing receipts.
POE Metered	policy_eoir_ag_doj	Direct	The EOIR Office of Policy ‘is responsible for all agency policy and regulatory review and development; internal and external communications; oversight of pro bono and legal orientation program activities; and legal education, research, and certifications.’ ⁶⁹⁸ The work of this Office encompasses work on asylum and other forms of protection, as well as policies and processes related to the administration of EOIR and its courts, as well as the ability of litigants to access counsel and other related issues.
POE Metered	communication_leg_affairs_policy_eoir_ag_doj	Direct	The Communications and Legislative Affairs Division (CLAD) liaises with Congress on agency issues that impact asylum seekers, including case quotas, the court backlog, and a myriad of other policy and legal questions. This office also manages EOIR’s Law Library and Immigration Research Center, which are critical tools for EOIR, as well as a Virtual Law Library upon which many legal representatives and individuals presenting asylum cases before EOIR rely.
POE Metered	immigration_law_policy_eoir_ag_doj	Indirect	The Immigration Law Division 'is responsible for drafting regulations, coordinating legal policy development and drafting policy memoranda as necessary, and coordinating the review of proposed

⁶⁹⁶ ‘Office of Administration’, *The United States Department of Justice* (Web Page, 29 March 2021) <<https://www.justice.gov/eoir/office-administration>>.

⁶⁹⁷ Holly Furman, ‘Immigration Courts are Rolling Out an Electronic Filing Pilot Program in July’, *Immigration Impact* (Blog Post, 6 July 2018) <www.immigrationimpact.com/2018/07/06/immigration-courts-electronic-filing-pilot-program/>.

⁶⁹⁸ ‘Office of Policy’, *The United States Department of Justice* (Web Page, 13 January 2021) <<https://www.justice.gov/eoir/office-of-policy>>.

			legislation.’ ⁶⁹⁹ This includes regulations, policy, and legislation relating to asylum and issues that impact upon asylum seekers, including access to the asylum process.
POE Metered	legal_education_research_services_policy_eoir_ag_doj	Indirect	The Legal Education and Research Services Division (LERS) develops and coordinates legal training for judges, attorneys, and others within EOIR who directly work in adjudicative functions. This includes training (or lack of training) relating to asylum and specific issues that impact upon asylum seekers.
POE Metered	legal_access_programs_policy_eoir_ag_doj	Direct	OLAP programs include the Recognition and Accreditation Program of non-attorney ‘Accredited Representatives’, the List of Pro Bono Legal Service Providers, the Legal Orientation Program through which ‘nonprofit organizations provide comprehensive explanations about immigration court procedures along with other basic legal information to large groups of detained individuals’ and various other initiatives that directly impact asylum seekers' ability to find counsel, and/or raise and litigate protection claims. ⁷⁰⁰
POE Metered	executive_office_us_attorneys_ag_doj	Indirect	The work of the Executive Office for United States Attorneys encompasses litigation relating to civil and criminal immigration issues which impact asylum seekers and their ability to pursue or seek protection.
POE Metered	legislative_affairs_ag_doj	Indirect	The Office of Legislative Affairs (OLA) is ‘the coordinating center for all Department of Justice activities relating to legislation and the Congress.’ ⁷⁰¹ OLA advises DOJ components on the development of official policies through legislation relating to asylum and the ability of asylum seekers to raise and pursue asylum claims, among other things. The Office also deals with DOJ nominees who may have a significant impact on asylum law, while also dealing with congressional oversight which can also have a significant impact on DOJ policy and operation.
POE Metered	legal_policy_ag_doj	Indirect	The Office of Legal Policy (OLP) develops and implements significant DOJ policy initiatives and handles special projects that involve the asylum framework and asylum seekers ability to access that framework. OLP also reviews and coordinates all DOJ regulations and conducts policy reviews of legislation and other proposals, including those relating to asylum or asylum seekers.
POE Metered	legal_counsel_ag_doj	Indirect	‘The major functions of OLC are to: Draft the Attorney General's formal opinions and render its own opinions to the White House and to the heads of executive departments and agencies on a variety of legal questions involving the operations of the executive branch. Review as to form and legality all proposed Executive Orders, certain Presidential proclamations, and regulations requiring approval by the President or the Attorney General. Render opinions to the Attorney General and to the heads

⁶⁹⁹ ‘Immigration Law Division’, *The United States Department of Justice* (Web Page, 3 January 2020) <<https://www.justice.gov/eoir/immigration-law-division>>.

⁷⁰⁰ ‘Legal Orientation Program’, *The United States Department of Justice* (Web Page, 24 July 2020) <www.justice.gov/eoir/legal-orientation-program>.

⁷⁰¹ ‘Organization, Mission and Functions Manual: Office of Legislative Affairs’, *The United States Department of Justice* (Web Page, 5 October 2020) <<https://www.justice.gov/jmd/organization-mission-and-functions-manual-office-legislative-affairs>>.

			of the various organizational units of the Department on questions of law arising in the administration of the Department. Advise the Attorney General in connection with the review of decisions by the Board of Immigration Appeals and other organizational units of the Department. Prepare reports on proposed legislation submitted to the Department for comment, and reports to the Office of Management and Budget on enrolled bills.’ ⁷⁰² This work includes legal questions, Executive Orders, Presidential proclamations, regulations, and the review of BIA decisions relating to asylum and the ability of asylum seekers to raise protection claims.
POE Metered	public_affairs_ag_doj	Indirect	The Office of Public Affairs (PAO) ensures that DOJ messaging and talking points regarding its activities, priorities and policies reach the public in order to win, or sustain, public support of DOJ policies. This includes disseminating DOJ talking points regarding policies such as Zero Tolerance and other activities that may have a significant impact on asylum seekers and their ability to access protection.
POE Metered	information_policy_ag_doj	Direct	‘The mission of OIP is to provide legal and policy advice to all agencies on administration of the FOIA. OIP is responsible for encouraging agency compliance with the law and for overseeing agency implementation of it.’ ⁷⁰³ FOIA is routinely used in immigration cases to obtain information on individual files in immigration cases, including asylum and other applications for protection. This office would have direct contact with an individual who appeals their DOJ FOIA result.
POE Metered	us_marshals_service_ag_doj	Direct	The USMS ‘is the enforcement arm of the federal courts, involved in virtually every federal law enforcement initiative.’ ⁷⁰⁴ The USMS both houses and transports immigration detainees, including asylum seekers. ⁷⁰⁵ ‘Increased immigration enforcement along the southwest border over the past several years has substantially impacted USMS operations, particularly in the Southern District of California, where detention resources are very limited. As a result of the increased workload, the USMS was increasingly required to house prisoners prosecuted in Southern California outside of the judicial district. To accommodate the increased detention population, the USMS collaborated with the DHS to repurpose a decommissioned Service Processing Center into a detention facility. After it was renovated and put into use in March 2020, the facility was able to provide the USMS with 512 detention beds, increasing the district’s detention capacity by nearly 25 percent.’ ⁷⁰⁶

⁷⁰² ‘Organization, Mission and Functions Manual: Office of Legal Counsel’, *The United States Department of Justice* (Web Page, 5 October 2020) <<https://www.justice.gov/jmd/organization-mission-and-functions-manual-office-legal-counsel>>.

⁷⁰³ ‘Organization, Mission and Functions Manual: Office of Information Policy’, *The United States Department of Justice* (Web Page, 5 October 2020) <<https://www.justice.gov/jmd/organization-mission-and-functions-manual-office-information-policy>>.

⁷⁰⁴ ‘Organization, Mission and Functions Manual: United States Marshals Service’, *The United States Department of Justice* (Web Page, 5 October 2020) <<https://www.justice.gov/jmd/organization-mission-and-functions-manual-united-states-marshals-service>>.

⁷⁰⁵ United States Marshals Service, *United States Marshals Service: FY 2020 Annual Report* (USMS Pub 2, March 2021) 48.

⁷⁰⁶ Ibid.

POE Metered	bureau_of_prisons_ag_doj	Direct	Foreign nationals with or without immigration status, including asylum seekers or those granted relief under the Convention Against Torture, withholding of removal, or asylum, are often held in BOP facilities. ⁷⁰⁷ BOP also held parents separated from their children during the Trump Administration's Zero Tolerance policy. ⁷⁰⁸
POE Metered	national_institute_corrections_bop_ag_doj	Indirect	The National Institute of Corrections (NIC) provides ‘assistance to federal, state, and local correctional agencies, and work to advance the practice of corrections throughout the country. Provide training, technical assistance, and clearinghouse services, and undertake research, evaluation, and policy formulation to advance correctional practices in many different areas.’ ⁷⁰⁹ This includes correctional practices and policies that impact on the ability of people in civil immigration detention, including asylum seekers, to raise and pursue protection claims. This also includes policies that impact upon the ability of asylum seekers to access legal counsel and the ability of counsel to communicate with their clients throughout the course of a case.
POE Metered	fbi_doj	Indirect	‘While the FBI has no direct involvement in U.S. border security, in addition to our active participation with U.S. Intelligence Community and law enforcement partners abroad, the FBI as an agency, and the Legat program in particular works closely with State's Consular Affairs Office and Homeland Security by being an active participant in border security initiatives such as the visa waiver program, the visa viper program and related initiatives.’ ⁷¹⁰ Furthermore, the Department of Homeland Security and USCIS are the FBI's largest name check and fingerprint identification customers, relying upon information provided by FBI security checks, along with other intelligence information, to adjudicate immigration applications like asylum applications. ⁷¹¹ The FBI also provides information to ICE ‘to identify noncitizens ICE sought to deport through matching fingerprint records submitted to the FBI by law enforcement and other sources with DHS records on noncitizens.’ ⁷¹²
POE Metered	info_mgmt_fbi_doj	Indirect	The FBI's Information Management Division ‘regularly responds to name check requests from approximately 50 authorized federal agencies to determine whether a specific individual has been the subject of or mentioned in any FBI investigation, and if so, what—if any—relevant information may be disseminated to the requesting agency. The NNCP also conducts name searches in direct support

⁷⁰⁷ United States Department of Justice, ‘Departments of Justice and Homeland Security Release Data on Incarcerated Aliens’ (Media Release, 16 October 2020).

⁷⁰⁸ Interview with Participant 013 (Regina Jefferies, United States) on file with author.

⁷⁰⁹ ‘Organization, Mission and Functions Manual: Federal Bureau of Prisons’, *The United States Department of Justice* (Web Page, 5 October 2020) <<https://www.justice.gov/jmd/organization-mission-and-functions-manual-federal-bureau-prisons>>.

⁷¹⁰ Evidence to the Committee on the Judiciary, United States House of Representatives, Washington, DC, 13 May 2003 (Roderick L Beverly, Special Agent in Charge, Office of International Operations).

⁷¹¹ US Department of Justice Office of the Inspector General, *The Federal Bureau of Investigation's Security Check Procedures for Immigration Applications and Petitions* (Audit Report, No 08-24, June 2008) ii.

⁷¹² ‘About the Data – ICE Removals under Secure Communities’, *TRAC Immigration* (Web Page, 2019) <https://trac.syr.edu/phptools/immigration/secure/about_data.html>.

			of the counterterrorism, counterintelligence, and homeland security efforts of the FBI. In addition, the Information Management Division responds to a large number of Freedom of Information Act and Privacy Act requests every year from the news media, citizens, and others around the world. ⁷¹³ Asylum seekers are among the subjects of name check requests and name searches, which are used in removal proceedings and to adjudicate immigration benefit applications. FOIA and Privacy Act requests may also involve asylum seekers.
POE Metered	crim_justice_info_services_fbi_doj	Indirect	‘The CJIS Division was established in February 1992 out of the former Identification Division to serve as the focal point and central repository for criminal justice information services in the FBI. ... In addition, responsibility for several ongoing technological initiatives was transferred to the CJIS Division, including the Integrated Automated Fingerprint Identification System (IAFIS), NCIC 2000, and the National Incident-Based Reporting System (NIBRS).’ ⁷¹⁴ These systems are used to vet and run background and other security checks on people applying for affirmative asylum, or asylum seekers in removal proceedings, among others.
POE Metered	national_crime_info_center_cjis_fbi_doj	Indirect	The National Crime Information Center (NCIC) is part of the Criminal Justice Information Services Division (CJIS) and ‘is a computerized index of criminal justice information (i.e.- criminal record history information, fugitives, stolen properties, missing persons).’ ⁷¹⁵ This information is used to vet and run background and other security checks on people applying for affirmative asylum, or asylum seekers in removal proceedings, among others.
POE Metered	national_security_fbi_doj	Indirect	The NSB blends ‘resources across all national security components to work together; normalize integration, training, and sharing; and seize upon every opportunity to disrupt and defeat our enemies as a joint team.’ ⁷¹⁶ This information is used to vet and run background and other security checks on people applying for affirmative asylum, or asylum seekers in removal proceedings, among others.
POE Metered	terrorist_screening_center_nsb_fbi_doj	Indirect	‘By supporting the ability of front-line screening agencies to positively identify known or suspected terrorists trying to obtain visas, enter the country, board aircraft, or engage in other activity, the consolidated Terrorist Watchlist is one of the most effective counterterrorism tools for the U.S. government.’ ⁷¹⁷ This information is used to vet and run background and other security checks on people applying for affirmative asylum, or asylum seekers in removal proceedings, among others.

⁷¹³ ‘Information Management’, *FBI* (Web Page) <<https://www.fbi.gov/services/information-management>>.

⁷¹⁴ ‘Criminal Justice Information Services (CJIS)’, *FBI* (Web Page) <<https://www.fbi.gov/services/cjis>>.

⁷¹⁵ ‘National Crime Information Center (NCIC)’, *Federal Bureau of Investigation* (Web Page, 2 June 2008) <<https://irp.fas.org/agency/doj/fbi/is/ncic.htm>>.

⁷¹⁶ ‘National Security Branch’, *FBI* (Web Page) <<https://www.fbi.gov/about/leadership-and-structure/national-security-branch>>.

⁷¹⁷ Ibid.

POE Metered	intl_operations_crim_cyber_response_services_fbi_doj	Indirect	The legats ‘establish and maintain liaison with principal law enforcement and security services in designated foreign countries. ... Liaison is carried out in accordance with executive orders, statutes, treaties, Attorney General Guidelines, FBI policies, and interagency agreements.’ ⁷¹⁸ This includes liaising on immigration, human smuggling, and other issues that impact the ability of asylum seekers to move and access protection in the US.
POE Metered	interpol_washington_ag_doj	Indirect	The exchange of information through INTERPOL may include information related to people fleeing persecution in their home countries, including INTERPOL notices issued for political or other purposes. ⁷¹⁹ INTERPOL Washington also has a Border Security Division through which projects such as Project TERMINUS, ‘an automated system for uploading ... stolen and lost travel documents into INTERPOL’s Stolen and Lost Travel Documents (SLTD) database, a searchable repository containing more than 100 million records that can be queried by law enforcement and border security authorities in all 194 INTERPOL member countries.’ ⁷²⁰ This can also impact asylum seekers attempting to use false or stolen documents to access protection.
POE Metered	professional_responsibility_ag_doj	Direct	‘OPR’s primary responsibility is to investigate allegations that Department attorneys, prosecutors, and immigration judges have committed misconduct while performing their duties to investigate, litigate, or give legal advice. OPR also investigates certain misconduct allegations involving federal law enforcement agents when they relate to a Department attorney’s alleged professional misconduct, as well as claims of reprisal against FBI whistleblowers.’ ⁷²¹ Misconduct may include that committed in the context of asylum cases, as well as misconduct relating to claims of reprisal against whistleblowers raising claims which may relate to asylum seekers or the asylum system.
POE Metered	inspector_general_ag_doj	Direct	‘The OIG investigates alleged violations of criminal and civil laws by DOJ employees and also audits and inspects DOJ programs.’ ⁷²² The OIG has jurisdiction to review the programs and personnel of the FBI, BOP, US Marshals, US Attorneys, and all other organisations in the DOJ. Many of these programs and personnel work directly on asylum law, or on policies, programs and issues relating to the asylum framework or asylum seekers.
POE Metered	violence_against_women_ag_doj	Indirect	‘OVW administers both formula-based and discretionary grant programs, established under VAWA and subsequent legislation. The four formula programs are STOP (Services, Training, Officers,

⁷¹⁸ ‘International Operations’, *FBI* (Web Page) <<https://www.fbi.gov/about/leadership-and-structure/international-operations>>.

⁷¹⁹ See Fair Trial, *Dismantling the Tools of Oppression: Ending the Misuse of INTERPOL* (Report, 2018).

⁷²⁰ US Department of Justice, ‘INTERPOL Washington Assists the Republic of Maldives in Enhancing its Border Security Capabilities.’ (Media Release, 1 March 2021) <<https://www.justice.gov/interpol-washington/pr/interpol-washington-assists-republic-maldives-enhancing-its-border-security>>.

⁷²¹ ‘Office of Professional Responsibility’, *The United States Department of Justice* (Web Page) <<https://www.justice.gov/opr#:~:text=OPR's%20primary%20responsibility%20is%20to,litigate%2C%20or%20give%20legal%20advice.&text=Additional%20information%20about%20the%20relationship,OIG%20can%20be%20found%20here.>>.

⁷²² ‘About the Office’, *US Department of Justice, Office of Inspector General* (Web Page) <<https://oig.justice.gov/about>>.

			Prosecutors), SASP (Sexual Assault Services Program), State Coalitions, and Tribal Coalitions. The discretionary programs work to support victims and hold perpetrators accountable through promoting a coordinated community response. ⁷²³ VAWA-funded grantees serve victims who identify as immigrants, refugees, or asylum seekers. ⁷²⁴
POE Metered	national_association_i mmigration_judges	Indirect	The NAIJ's 'current priorities include pursuing enhancement of resources for our severely under-resourced courts and increasing judicial independence through structural reform. We represent our members in collective bargaining, defend them in individual grievances, pursue remedies through arbitration and participate in on-going liaison activities with Agency management. We advocate to improve the quality of our members' work environment and work life, to improve judicial security and to reduce work related burnout and stress.' ⁷²⁵ This includes pursuing resources and reform that impact the impartiality of the immigration courts, the quality of immigration court decision-making, and access to the immigration courts, all of which impact the cases of asylum seekers and the ability of people to raise asylum claims.
POE Metered	special_operations_gr oup_usms_doj	Direct	SOG may come into contact with asylum seekers or others in need of international protection in the course of deployments, including when executing warrants and transporting detainees, or in fugitive and manhunt operations.
POE Metered	judicial_conference_u nited_states	Indirect	The Judicial Conference of the United States makes policies for the federal courts that may impact upon the ability of asylum seekers to raise claims, secure release from detention to pursue claims, and related issues. The Judicial Conference also comments on how immigration law and policy changes might impact the federal court system and advocates for changes and resourcing needed to adjudicate cases. ⁷²⁶
POE Metered	circuit_judicial_counc ils_judicial_conferenc e	Indirect	The Circuit Judicial Councils operate in each geographic circuit to oversee 'the administration of courts located in that circuit.' ⁷²⁷ The Judicial Council of the Ninth Circuit declared a judicial emergency in 2011, as a result of the massive increase in criminal cases filed in the district due to increased border enforcement. The Council noted that 'Operation Streamline', a program that requires criminal prosecution and imprisonment of all individuals unlawfully crossing the border, eliminated the discretion traditionally reserved by United States Attorney's offices to limit prosecution to immigrants with criminal records or previous illegal border-crossings. ⁷²⁸ This program

⁷²³ 'About the Office', *The United States Department of Justice* (Web Page, 25 January 2021) <<https://www.justice.gov/ovw/about-office>>.

⁷²⁴ US Department of Justice Office on Violence Against Women, *2018 Biennial Report* (Report to Congress, 2018) 13-14.

⁷²⁵ 'About the NAIJ', *National Association of Immigration Judges* (Web Page, 2021) <<https://www.naij-usa.org/about>>.

⁷²⁶ Letter from Thomas F Hogan, Secretary of the Judicial Conference of the United States, to Senator Charles E Grassley, 7 May 2013.

⁷²⁷ 'Governance & the Judicial Conference', *United States Courts* (Web Page) <<https://www.uscourts.gov/about-federal-courts/governance-judicial-conference>>.

⁷²⁸ Judicial Council of the Ninth Circuit, *In Re: Approval of the Judicial Emergency Declared in the District of Arizona* (Decision, 2 March 2011) 1-7.

			has led to a growing number of federal criminal prosecutions in all districts bordering Mexico and includes the prosecution of asylum seekers, which impacts their ability to raise or pursue a claim.
POE Metered	federal_judicial_center	Indirect	The Federal Judicial Center ‘is the research and education agency of the judicial branch of the United States Government.’ ⁷²⁹ The FJC produces reports and educational materials for federal judicial personnel in topic areas like immigration and international human rights law, which impact asylum seekers. ⁷³⁰
POE Metered	federal_district_courts	Direct	District Courts frequently hear challenges to the detention of asylum seekers, as well as criminal cases relating to unlawful entry or re-entry that may be brought against asylum seekers under federal policy. They may also receive mandamus and other special cases involving asylum seekers, including civil class action litigation on ‘metering’, the detention of minors, and other types of systemic issues.
POE Metered	federal_courts_of_appeals	Direct	The Courts of Appeals hear a variety of appeals in immigration cases, relating to anything from asylum and other international protection claims, as well as whether a person seeking international protection should be detained.
POE Metered	us_supreme_court	Direct	The Supreme Court has the final word on asylum and related cases litigated before the federal courts, which serve as precedent for the lower courts and agencies.
POE Metered	administrative_conference_us	Indirect	ACUS’ research and recommendations frequently overlap, or directly address, administrative law issues in the immigration space, which include issues relating to asylum seekers and their ability to access protection.
POE Metered	privacy_and_civil liberties_oversight_board	Indirect	The Board provides oversight and advice on actions related to the use of things like facial recognition technologies, or even policies mandating disclosure of personal information of immigrants that might have an adverse or other impact on people in vulnerable situations seeking asylum.
POE Metered	department_of_state	Indirect	‘At home and abroad, the Department helps protect U.S. national borders through sharing of information within and between foreign governments by improving passport security and implementing effective visa adjudication processes that deny access to individuals who pose risks to U.S. national security. The Department’s diplomatic engagement on counterterrorism and homeland security increases two way information sharing on known and suspected terrorists, risk-based border management, and threat-based security and border screening at all land, air, and sea borders’ ⁷³¹ Among other things, State engages in actions that inhibit or prevent the movement of people seeking asylum and also provides country reports and human rights reports that are used in asylum litigation.

⁷²⁹ ‘About the FJC’, *Federal Judicial Center* (Web Page) <<https://www.fjc.gov/node/12506>>.

⁷³⁰ See, eg Federal Judicial Center, *International Human Rights Litigation: A Guide for Judges* (International Litigation Guide, 2016).

⁷³¹ US Department of State and US Agency for International Development, *Joint Strategic Plan: FY 2018-2022* (Report, February 2018) 32.

POE Metered	population_refugees_migration_state	Indirect	The Bureau of Population, Refugees, and Migration (PRM) ‘is the U.S. government’s lead for international migration policy’. ⁷³² PRM undertakes to ‘defend the sovereign right of the United States to regulate the entry and stay of foreign nationals; resist attempts to introduce “global governance” of international migration; press countries to facilitate the repatriation of their nationals when we seek to return them; promote well-managed, legal forms of immigration that protect vulnerable people; and seek to address the root causes in origin countries of illegal immigration.’ ⁷³³ All of these issues may impact asylum seekers ability to seek and enjoy protection from persecution, particularly where PRM takes the view that ‘[t]he illegal movement of people across international borders threatens national security and public safety’. ⁷³⁴ Interestingly, until 2017, the PRM's mission was to ‘protect and assist asylum-seekers and other vulnerable migrants, and to advance effective and humane international migration policies, in order to enhance stability and security and promote human rights.’ ⁷³⁵ PRM also administers programs ‘to deter illegal immigration and promote well-managed, legal forms of immigration’, which may prevent asylum seekers from reaching the US to access protection. ⁷³⁶ PRM has also been UNHCR's largest donor and PRM and UNHCR regularly renew a bilateral framework for cooperation. ⁷³⁷
POE Metered	international_migration_prm_state	Indirect	The Office of International Migration (OIM) ‘works to promote well-managed, legal forms of immigration through bilateral and multilateral diplomacy and targeted capacity-building programs.’ ⁷³⁸ PRM and OIM are key in the current US strategy to stop the movement of asylum seekers from Central America to the United States. ‘President Biden and Vice President Harris have set out an ambitious, multi-pronged approach to address the root causes of irregular migration and strengthen collaborative migration management across Central America. ... The Vice President’s

⁷³² ‘International Migration: Bureau of Population, Refugees, and Migration’, *US Department of State* (Web Page) <<https://www.state.gov/other-policy-issues/international-migration/>>.

⁷³³ Ibid.

⁷³⁴ Ibid.

⁷³⁵ ‘Archived Content: International Migration’, *US Department of State* (Web Page, 2017) <<https://2009-2017.state.gov/j/prm/migration/index.htm>>.

⁷³⁶ ‘International Migration: Bureau of Population, Refugees, and Migration’, *US Department of State* (Web Page) <<https://www.state.gov/other-policy-issues/international-migration/>>.

⁷³⁷ See *Framework for Cooperation between the Office of the UN High Commissioner for Refugees and the Bureau of Population, Refugees and Migration, U.S. Department of State for the Year 2010-2011* (signed 21 April 2010).

⁷³⁸ ‘International Migration: Bureau of Population, Refugees, and Migration’, *US Department of State* (Web Page) <<https://www.state.gov/other-policy-issues/international-migration/>>.

			announcement of \$310 million in increased assistance in the region includes \$104 million through the State Department's Bureau of Population, Refugees, and Migration ⁷³⁹
POE Metered	civilian_security_democracy_human_rights_state	Indirect	The Under Secretary for Civilian Security, Democracy, and Human Rights oversees the Bureau of Democracy, Human Rights, and Labor, which produces country reports on human rights that are used in asylum adjudications.
POE Metered	democracy_human_rights_labor_cdh_state	Indirect	The Bureau of Democracy, Human Rights and Labor produces annual country human rights reports that are used in asylum, withholding and CAT adjudications.
POE Metered	intl_narcotics_law_enforcement_affairs_state	Indirect	'INL designs, plans, and funds foreign assistance programs to address aspects of border security including: cross-border crimes, maritime security, aviation security, migrant smuggling, and trafficking in persons. This includes sponsoring training, workshops, and technical support provided by other U.S. agencies and international organizations. ... INL programs help deter and prevent the flow of illegal migrants into the United States as part of the U.S. National Strategy to Combat Transnational Organized Crime, as well as other national security-related strategies.' ⁷⁴⁰ INL efforts aim to prevent people without visas or travel authorisation, including asylum seekers, from travelling through third countries and reaching the United States. INL also trains foreign police and military in border security in order to stop people, including asylum seekers, from moving without visas or travel authorisation.
POE Metered	usaid	Direct	'Through diplomacy and development, the Department and USAID work to reduce poor governance and weak institutions, lack of economic opportunity, corruption, and persistent human rights abuses, which otherwise contribute to transnational crime, illegal immigration, and the spread of pandemic diseases.' ⁷⁴¹ USAID also works to prevent people without visas or travel authorisation, including asylum seekers, from travelling through third countries and reaching the United States. USAID also contributes to training foreign police and military in border security in order to stop people, including asylum seekers, from moving without visas or travel authorisation.
POE Metered	iom	Direct	'The Western Hemisphere Program is implemented by the International Organization for Migration and financed by the U.S. Department of State Bureau of Population, Refugees and Migration.' ⁷⁴² IOM runs programs to strengthen border security and migration management, to prevent the irregular movement of people -- including asylum seekers -- in Latin America and the Caribbean. For example, '[o]ver 100 thousand Haitians living in border areas cross into the Dominican Republic each week,

⁷³⁹ Anthony J Blinken, Secretary of State, 'Providing Humanitarian Assistance to Support the Vice President's Leadership in Addressing Migration Challenges in Central America' (Press Statement, US Department of State, 27 April 2021).

⁷⁴⁰ 'Border Security/Migrant Smuggling', *US Department of State* (Web Page) <<https://www.state.gov/border-security-migrant-smuggling-2/>>.

⁷⁴¹ US Department of State and US Agency for International Development, *Joint Strategic Plan: FY 2018-2022* (Report, February 2018) 32.

⁷⁴² 'About Us', *IOM* (Web Page, 2020) <<https://programamesoamerica.iom.int/en/about-us>>.

			and an estimated 2 out of every 3 of the 230 thousand recorded Haitian migrants do not have any form of documentation. Many of these people are exposed to human trafficking and migrant smuggling. In this context, IOM Haiti is acting to strengthen border security and migration management. ⁷⁴³
POE Metered	contract_guards	Direct	US Customs and Border Protection uses an extensive range of contractors to perform tasks such as transporting people apprehended ‘within and across Border Patrol sectors and ports while in CBP's custody.’ ⁷⁴⁴ ‘In 2006, in order to meet the need for transporting individuals apprehended along the southwest border and to minimize the use of agents and officers performing guard and transportation duties, CBP began contracting for these services.’ ⁷⁴⁵ At the San Ysidro Port of Entry, CBP used Paragon contract guards. ⁷⁴⁶
POE Metered	migration_crisis_action_team_cbp	Indirect	‘U.S. Customs and Border Protection (CBP) continues to overcome the various demands of unlawful migration along the Southwest border of the United States. To facilitate its efforts, CBP convened a Migration Crisis Action Team (MCAT) to oversee its efforts and milestones through a whole-of-agency approach. The MCAT provides senior leadership with situational awareness, analysis, and strategic plans to manage current and future migration surge events.’ ⁷⁴⁷ These migration ‘surges’ have included large numbers of asylum seekers, including children and other vulnerable populations. The actions and policies undertaken by MCAT have a direct impact on the ability of asylum seekers to raise and pursue a protection claim.
POE Metered	national_guard	Direct	About 3,500 National Guard troops from 22 states are currently assisting Customs and Border Protection (CBP) in a mission along the southern border funded through September. ⁷⁴⁸ ‘Any spotted attempts to cross the border are reported to CBP, with the Guardsmen uninvolved with apprehension or detention efforts, he added.’ ⁷⁴⁹ Spotted attempts to cross the border include attempts made by people seeking asylum.

⁷⁴³ ‘IOM Haiti implements MIDAS to improve security and border management’, *IOM* (Web Page, 5 November 2019) <<https://programamesoamerica.iom.int/en/news/iom-haiti-implements-midas-improve-security-and-border-management>>.

⁷⁴⁴ Government Accountability Office, *U.S. Customs and Border Protection Contracting for Transportation and Guard Services for Detainees* (Report, GAO-17-89R, 2016) 1-2.

⁷⁴⁵ *Ibid* at 2.

⁷⁴⁶ Exhibit 8 in Support of Plaintiffs’ Memorandum of Points and Authorities in Support of their Motion for Summary Judgment (Redacted Version), *Al Otro Lado*, 327 F Supp 3d 1284 (No 535-10) 18.

⁷⁴⁷ US Customs and Border Protection, FOIA Division, *Freedom of Information Act Response* (DHS-CBP-18-0692, 26 February 2020) 000001.

⁷⁴⁸ Ellen Mitchell, ‘Pentagon could extend National Guard mission at southern border’, *The Hill* (online, 16 March 2021) <<https://thehill.com/policy/defense/543505-pentagon-could-extend-national-guard-mission-at-southern-border>>.

⁷⁴⁹ *Ibid*.

POE Metered	house_of_representatives	Indirect	The House drafts and passes legislation related to asylum and immigration, while also conducting Executive Branch oversight activities for agencies like DHS.
POE Metered	senate	Indirect	The Senate drafts and passes legislation related to asylum and immigration, while also conducting investigations into the executive branch, and reviewing and approving (or rejecting) presidential appointees to agencies such as the Departments of Justice, State, and others that have an impact on asylum law and policy. The Senate also may approve, amend, or adopt changes to treaties, including the <i>1967 Protocol</i> and other treaties relating to <i>non-refoulement</i> .
POE Metered	committee_homeland_security_house	Indirect	‘The Committee was first formed as a Select, non-permanent Committee to provide Congressional oversight over the development of the Department of Homeland Security. The Committee was made permanent when it was designated as a Standing Committee of the House on January 4, 2005, the first day of the 109th Congress.’ ⁷⁵⁰ The CBP Border, Air & Marine Operations Directorate ‘collaborates regularly with Congressional staff’ from this committee, in working with the DHS Office of Congressional Affairs on CBP policy and actions relating to border enforcement operations and other policies and practices that directly or indirectly impact people’s ability to raise and pursue asylum claims. ⁷⁵¹
POE Metered	committee_homeland_security_gov_affairs_senate	Indirect	‘The Committee on Homeland Security and Governmental Affairs (HSGAC) is the Senate’s primary oversight committee with broad jurisdiction over government operations generally and the Department of Homeland Security in particular.’ ⁷⁵² DHS Office of Congressional Affairs ‘collaborates regularly with Congressional staff’ from this committee on CBP policy and actions relating to border enforcement operations and other policies and practices that directly or indirectly impact people’s ability to raise and pursue asylum claims. ⁷⁵³
POE Metered	committee_judiciary_house	Indirect	The House Judiciary Committee is involved in ‘protecting Constitutional freedoms and civil liberties, oversight of the U.S. Departments of Justice and Homeland Security, legal and regulatory reform, innovation, competition and anti-trust laws, terrorism and crime, and immigration reform.’ ⁷⁵⁴ This oversight includes holding hearings on DHS policies relating to asylum seekers and access to the asylum system, as well as introducing and passing legislation relating to the same issues. The DHS Office of Congressional Affairs ‘collaborates regularly with Congressional staff’ from this committee

⁷⁵⁰ ‘Committee History’, *Committee on Homeland Security* (Web Page) <<https://homeland.house.gov/about/committee-history>>.

⁷⁵¹ ‘OCA Directorates’, *US Customs and Border Protection* (Archived Web Page, 11 June 2021) <<https://web.archive.org/web/20210611194608/https://www.cbp.gov/accordion-page/oca-directorates>>.

⁷⁵² ‘Jurisdiction and Rules’, *US Senate Committee on Homeland Security & Governmental Affairs* (Web Page) <<https://www.hsgac.senate.gov/about/jurisdiction>>.

⁷⁵³ ‘OCA Directorates’, *US Customs and Border Protection* (Archived Web Page, 11 June 2021) <<https://web.archive.org/web/20210611194608/https://www.cbp.gov/accordion-page/oca-directorates>>.

⁷⁵⁴ ‘About’, *House Committee on the Judiciary* (Web Page) <<https://judiciary.house.gov/about/>>.

			on CBP policy and actions relating to border enforcement operations and other policies and practices that directly or indirectly impact people's ability to raise and pursue asylum claims. ⁷⁵⁵
POE Metered	committee_judiciary_senate	Indirect	The Judiciary Committee oversees the Department of Justice and agencies under the Department's jurisdiction, including those that have a direct and indirect impact on asylum as outlined above. The Judiciary Committee also plays a key role in consideration of nominations for high-ranking agency officials, and all Article III judicial nominations. These people can have a significant impact on policy and regulations relating to asylum and the ability of people to access asylum. The Senate Judiciary Committee also considers legislation, resolutions, messages, petitions, memorials and other matters relating to civil liberties and immigration, which includes asylum and legislation impacting access to asylum. DHS OCA 'collaborates regularly with Congressional staff' from this committee on CBP policy and actions relating to border enforcement operations and other policies and practices that directly or indirectly impact people's ability to raise and pursue asylum claims. ⁷⁵⁶
POE Metered	committee_appropriations_sub_homeland_security_house	Indirect	The Homeland Security Subcommittee holds hearings and drafts legislation on appropriations relating to the Department of Homeland Security. ⁷⁵⁷ In terms of immigration, for example, the Appropriations Committee passed a 2021 DHS appropriations bill that, among other things, 'Reduces funding for Immigration and Customs Enforcement and sharply decreases detention beds, Phases out family detention by the end of 2020 ... Rejects the proposed hiring of additional Border Patrol agents ...' ⁷⁵⁸ DHS Office of Congressional Affairs 'collaborates regularly with Congressional staff' from this committee in order 'to ensure favorable consideration of CBP's budgetary requests and initiatives.' ⁷⁵⁹
POE Metered	committee_appropriations_sub_homeland_security_senate	Indirect	The Senate Appropriations Committee 'writes the legislation that allocates federal funds to the numerous government agencies, departments, and organizations on an annual basis. Twelve subcommittees are tasked with drafting legislation to allocate funds to government agencies within their jurisdictions. These subcommittees are responsible for reviewing the President's budget request, hearing testimony from government officials and other witnesses, and drafting the spending plans for the coming fiscal year. Their work is passed on to the full Senate Appropriations Committee, which may review and modify the bills and approve them for consideration by the full Senate.' ⁷⁶⁰ This includes legislation funding operations of the 'Department of Homeland Security, Analysis and

⁷⁵⁵ 'OCA Directorates', *US Customs and Border Protection* (Archived Web Page, 11 June 2021) <<https://web.archive.org/web/20210611194608/https://www.cbp.gov/accordion-page/oca-directorates>>.

⁷⁵⁶ Ibid.

⁷⁵⁷ House Appropriations, *House Democrats' \$4.5 Billion Supplemental Appropriations Bill to Address the Humanitarian Crisis at the Border* (Fact Sheet, 21 June 2019).

⁷⁵⁸ House Appropriations, *Fiscal Year 2021 Appropriations Bill At-a-Glance* (Fact Sheet, 2021).

⁷⁵⁹ 'OCA Directorates', *US Customs and Border Protection* (Archived Web Page, 11 June 2021) <<https://web.archive.org/web/20210611194608/https://www.cbp.gov/accordion-page/oca-directorates>>.

⁷⁶⁰ 'Committee Jurisdiction', *United States Senate Committee on Appropriations* (Web Page) <<https://www.appropriations.senate.gov/about/jurisdiction>>.

			Operations, Biometric Identity Management Office of [US-VISIT] ... Federal Emergency Management Agency, Federal Law Enforcement Training Center ... Inspector General ... U.S. Citizenship and Immigration Services, U.S. Coast Guard, U.S. Customs and Border Protection ... U.S. Immigration and Customs Enforcement ...', which has direct and indirect impact on asylum seekers and their ability to raise and pursue a claim. ⁷⁶¹ DHS Office of Congressional Affairs 'collaborates regularly with Congressional staff' from this committee in order 'to ensure favorable consideration of CBP's budgetary requests and initiatives.' ⁷⁶²
POE Metered	committee_oversight_reform_house	Indirect	The House Committee on Oversight and Reform 'is the main investigative committee in the U.S. House of Representatives.' ⁷⁶³ Oversight responsibilities include the review on a continuing basis 'the application, administration, execution, and effectiveness of laws and programs addressing subjects within its jurisdiction ... the organization and operation of Federal agencies and entities having responsibilities for the administration and execution of laws and programs addressing subjects within its jurisdiction ... any conditions or circumstances that may indicate the necessity or desirability of enacting new or additional legislation addressing subjects within its jurisdiction'. ⁷⁶⁴ This includes the application, administration, execution and effectiveness of laws on asylum and which impact people's ability to access asylum, as well as the organisation and operation of agencies that are directly and indirectly involved in the asylum framework. DHS Office of Congressional Affairs 'collaborates regularly with Congressional staff' from this committee on issues relating to land ports of entry, CBP officer staffing, passenger targeting efforts, biometric entry-exit and other issues that may impact asylum seekers. ⁷⁶⁵
POE Metered	committee_commerce_science_transport_senate	Indirect	The Senate Committee on Commerce, Science and Transportation reviews 'all proposed legislation, messages, petitions, memorials, and other matters relating to the ... Coast Guard ... Interstate commerce ... Science, engineering, and technology research and development and policy ... Transportation. ... Such committee shall also study and review, on a comprehensive basis, all matters relating to science and technology, oceans policy, transportation, communications, and consumer affairs, and report thereon from time to time.' ⁷⁶⁶ Matters relating to science and technology research and development and policy, as well as the Coast Guard, may have a direct or indirect impact on

⁷⁶¹ 'Homeland Security', *United States Senate Committee on Appropriations* (Web Page) <<https://www.appropriations.senate.gov/subcommittees/homeland-security>>.

⁷⁶² 'OCA Directorates', *US Customs and Border Protection* (Archived Web Page, 11 June 2021) <<https://web.archive.org/web/20210611194608/https://www.cbp.gov/accordion-page/oca-directorates>>.

⁷⁶³ 'About', *House Committee on Oversight and Reform* (Web Page) <<https://oversight.house.gov/about>>.

⁷⁶⁴ 'Committee Jurisdiction', *House Committee on Oversight and Reform* (Web Page) <<https://oversight.house.gov/about/committee-jurisdiction>>.

⁷⁶⁵ 'OCA Directorates', *US Customs and Border Protection* (Archived Web Page, 11 June 2021) <<https://web.archive.org/web/20210611194608/https://www.cbp.gov/accordion-page/oca-directorates>>.

⁷⁶⁶ 'Jurisdiction', *US Senate Committee on Commerce, Science, & Transportation* (Web Page) <<https://www.commerce.senate.gov/jurisdiction>>.

			asylum seekers. DHS increasingly uses different types of technology to deter people from reaching the United States and thus accessing the asylum framework, as well as to vet and collect information about applicants for immigration benefits including asylum. The DHS Office of Congressional Affairs ‘collaborates regularly with Congressional staff’ from this committee on issues relating to land ports of entry, CBP officer staffing, passenger targeting efforts, biometric entry-exit and other issues that may impact asylum seekers. ⁷⁶⁷
POE Metered	house_committee_energy_commerce	Indirect	The House Committee on Energy and Commerce ‘legislates on a wide variety of issues, including: ... privacy, cybersecurity and data security ... interstate and foreign commerce. The Committee also oversees several federal departments and agencies, including: ... Centers for Disease Control and Prevention ... Department of Homeland Security’. ⁷⁶⁸ The DHS Office of Congressional Affairs ‘collaborates regularly with Congressional staff’ from this committee on issues relating to land ports of entry, CBP officer staffing, passenger targeting efforts, biometric entry-exit and other issues that may impact asylum seekers. ⁷⁶⁹
POE Metered	house_perm_select_committee_intelligence	Indirect	‘The House Permanent Select Committee on Intelligence oversees the nation’s intelligence agencies including components of the Departments of Defense, Homeland Security, Justice, State, Treasury and Energy.’ ⁷⁷⁰ The DHS Office of Congressional Affairs ‘collaborates regularly with Congressional staff’ from this committee on issues relating to land ports of entry, CBP officer staffing, passenger targeting efforts, biometric entry-exit and other issues that may impact asylum seekers. ⁷⁷¹
POE Metered	senate_select_committee_intelligence	Indirect	‘The Committee’s staff reviews intelligence reports, budgets, and activities; investigates matters on behalf of the Committee; prepares legislation; and receives briefings.’ ⁷⁷² ‘The topics for hearings include agency activities, intelligence collection programs, and intelligence analysis on a geographic region or issue ... The Committee writes an annual intelligence authorization bill that authorizes funding levels for intelligence activities (these set caps for agency funding) and provides legislative provisions that limit or allow intelligence conduct. ... On occasion, the Committee reviews intelligence aspects of treaties as part of the Senate’s ratification process. ... The Committee conducts reviews of intelligence programs or events, ranging from routine and continuing study (the conduct

⁷⁶⁷ ‘OCA Directorates’, *US Customs and Border Protection* (Archived Web Page, 11 June 2021) <<https://web.archive.org/web/20210611194608/https://www.cbp.gov/accordion-page/oca-directorates>>.

⁷⁶⁸ ‘About E&C’, *House Committee on Energy & Commerce* (Web Page) <<https://energycommerce.house.gov/about-ec>>.

⁷⁶⁹ ‘OCA Directorates’, *US Customs and Border Protection* (Archived Web Page, 11 June 2021) <<https://web.archive.org/web/20210611194608/https://www.cbp.gov/accordion-page/oca-directorates>>.

⁷⁷⁰ ‘About’, *US House of Representatives Permanent Select Committee on Intelligence* (Web Page) <<https://intelligence.house.gov/about/>>.

⁷⁷¹ ‘OCA Directorates’, *US Customs and Border Protection* (Archived Web Page, 11 June 2021) <<https://web.archive.org/web/20210611194608/https://www.cbp.gov/accordion-page/oca-directorates>>.

⁷⁷² ‘About the Committee’, *US Senate Select Committee on Intelligence* (Web Page) <<https://www.intelligence.senate.gov/about>>.

			of covert action programs and intelligence operations) to formal inquiries. ... The Committee receives and reviews intelligence analysis on a broad range of topics to inform policy decisions.’ ⁷⁷³ The DHS Office of Congressional Affairs ‘collaborates regularly with Congressional staff’ from this committee on issues relating to land ports of entry, CBP officer staffing, passenger targeting efforts, biometric entry-exit and other issues that may impact asylum seekers.’ ⁷⁷⁴
POE Metered	congressional_budget_office	Indirect	‘CBO analyzes proposals to change federal policies regarding aviation and border security, emergency response, anticounterfeiting measures, the protection of federal infrastructure, cybersecurity, and other topics related to securing the nation from threats.’ ⁷⁷⁵ CBO reports can influence the form and content of immigration legislation, including rules that impact asylum seekers.
POE Metered	government_accountability_office	Indirect	‘GAO’s High-Risk List provides a road map for priority actions needed in agencies and program areas that we deem high risk due to their vulnerabilities to fraud, waste, abuse, and mismanagement, or are most in need of transformation. Areas on the HighRisk List cover some of the largest agencies and programs, including ... the Department of Homeland Security.’ ⁷⁷⁶ The GAO has issued numerous reports and recommendations of actions and policies of the Department of Homeland Security, including those related to Southwest Border Security and other measures that impact asylum seekers.’ ⁷⁷⁷ For example, GAO-21-144, <i>Southwest Border: DHS and DOJ Have Implemented Expedited Credible Fear Screening Pilot Programs, but Should Ensure Timely Data Entry</i> reviewed the screening pilot programs and found that DHS and DOJ did not have appropriate systems in place to accurately track data relating to expedited credible fear screening programs for asylum seekers.
POE Metered	library_of_congress	Indirect	‘The Library is the main research arm of the U.S. Congress and the home of the U.S. Copyright Office.’ ⁷⁷⁸ ‘The Library serves Congress by providing access to its collection, as well as policy consultations, on-demand analysis, briefings, events, programs, and constituent engagement.’ ⁷⁷⁹ ‘Congress, the judiciary, and other federal agencies have reliable, round-the-clock access to reliable knowledge in print, online, and via consultation with scholars and experts from the Congressional Research Service, the U.S. Copyright Office, the Law Library, and the Kluge Center.’ ⁷⁸⁰ Library services include providing consultations, analysis, briefings, events, programs and other services

⁷⁷³ Ibid.

⁷⁷⁴ ‘OCA Directorates’, *US Customs and Border Protection* (Archived Web Page, 11 June 2021) <<https://web.archive.org/web/20210611194608/https://www.cbp.gov/accordion-page/oca-directorates>>.

⁷⁷⁵ ‘Homeland Security’, *Congressional Budget Office* (Web Page) <<https://www.cbo.gov/topics/homeland-security>>.

⁷⁷⁶ Government Accountability Office, *Strategic Plan 2018-2023* (Report, GAO-18-1SP) 6.

⁷⁷⁷ ‘Homeland Security’, *US Government Accountability Office* (Web Page, 2021) <<https://www.gao.gov/topics/homeland-security>>.

⁷⁷⁸ ‘About the Library’, *Library of Congress* (Web Page) <<https://loc.gov/about/>>.

⁷⁷⁹ ‘Enriching the Library Experience: The FY2019-2023 Strategic Plan of the Library of Congress’, *Library of Congress* (Web Page) <<https://loc.gov/strategic-plan/>>.

⁷⁸⁰ Ibid.

			related to asylum law and policy, as well as in relation to policies and laws which impact the ability of people to access and pursue a claim within the asylum system.
POE Metered	congressional_research_service_loc	Indirect	‘The Congressional Research Service (CRS) works exclusively for the United States Congress, providing policy and legal analysis to committees and Members of both the House and Senate, regardless of party affiliation. As a legislative branch agency within the Library of Congress, CRS has been a valued and respected resource on Capitol Hill for more than a century. CRS is well-known for analysis that is authoritative, confidential, objective and nonpartisan. Its highest priority is to ensure that Congress has 24/7 access to the nation’s best thinking.’ ⁷⁸¹ CRS provides policy and legal analysis in relation to asylum, as well as in relation to policies and laws which impact the ability of people to access and pursue a claim within the asylum system.
POE Metered	instituto_nacional_de_migracion	Direct	INM is responsible for assisting in the maintenance of ‘lists’ of asylum seekers in Mexico waiting to be accepted for processing by CBP during the operation of metering at the southern border. INM would unofficially oversee the registration of asylum seekers on the informal lists, including standing by as volunteers called the names of people who would be processed that day, and then taking asylum seekers in a van for CBP processing at CBP's direction. People also might have contact with INM when being issued transit permits or humanitarian permits when crossing through Mexico.
POE Metered	grupos_beta_inm	Direct	‘[V]arious Mexican entities, including the military and Grupos Beta’ have been engaged in ‘preventing some asylum seekers from accessing U.S. ports of entry’. ⁷⁸² ‘The Tijuana appointment system was initially developed by U.S. and Mexican officials as an ad hoc response to the arrival of large numbers of Haitians at three ports of entry in the San Diego border sector during the summer of 2016. The plan tasked Grupos Beta, the humanitarian branch of the Mexican immigration enforcement agency (INM), with providing these “appointments” for migrants and asylum seekers who did not have entry documents, to present themselves to CBP at a later day and time. This flawed appointment system was plagued with misinformation and abuse, leaving many asylum seekers stranded in Mexico. It has continued at the San Ysidro port of entry long after the number of Haitians attempting to enter the United States fell—and despite the much-touted decrease in arrivals along the border.’ ⁷⁸³ ‘Since Central Americans are typically not issued a transit visa at Mexico’s southern border, they are effectively blocked from receiving an “appointment.” Grupos Beta has also refused appointments for individuals with legal status in Mexico, such as a tourist visa, blocking other nationalities that enter Mexico on visas from approaching U.S. officials to seek asylum.’ ⁷⁸⁴

⁷⁸¹ ‘Congressional Research Service Careers’, *Library of Congress* (Web Page) <<https://www.loc.gov/crsinfo/>>.

⁷⁸² Human Rights First, *Crossing the Line: U.S. Border Agents Illegally Reject Asylum Seekers* (Report, May 2017) 2.

⁷⁸³ Ibid at 8.

⁷⁸⁴ Ibid.

POE Metered	domestic_nongovernmental_organisations	Direct	Non-governmental organisations and other community volunteers in the United States that support asylum seekers, contribute to policy development and change, engage in community education, advocacy, and administration. These organisations also provide non-legal services to asylum seekers, such as detention visits, or assistance with shelter, transportation, food, or clothing.
POE Metered	international_nongovernmental_organisations	Direct	Non-governmental organisations and other community volunteers outside the United States that support asylum seekers, contribute to policy development and change, engage in community education, advocacy, and administration. These organisations also provide non-legal services to asylum seekers, such as detention visits, or assistance with shelter, transportation, food, or clothing.
POE Metered	unhcr	Direct	UNHCR is responsible for providing international protection to refugees and other persons within its mandate, which includes asylum seekers. UNHCR fulfils its international protection mandate by, inter alia, '[p]romoting the conclusion and ratification of international conventions for the protection of refugees, supervising their application and proposing amendments thereto.' ⁷⁸⁵ UNHCR has also increased its assistance to refugees and asylum seekers in Mexico, including through the construction of shelters, access to asylum and relocation assistance, and other forms of aid. ⁷⁸⁶
POE Metered	foreign_consulates	Direct	Foreign consulates may become involved in assisting their nationals who encounter US immigration enforcement officials, who may also raise asylum claims. For example, the Consulate of Guatemala, ⁷⁸⁷ or the Mexican consulate in Arizona. ⁷⁸⁸
POE Metered	legal_service_providers	Direct	Foreign nationals in removal proceedings, including asylum seekers, do not have access to a public defender. ⁷⁸⁹ Legal service providers including attorneys and BIA accredited representatives, provide a range of services including legal advice, legal orientation programs, assistance with pro bono placement, and direct representation in removal and bond proceedings, or parole requests. ⁷⁹⁰ This is particularly important in asylum cases.
POE Metered	translators_interpreters	Direct	'All documents filed with the Immigration Court must be in the English language or accompanied by a certified English translation.' ⁷⁹¹ All immigration court and federal court proceedings are also conducted in English and any documents filed with USCIS must also be in English. 'Interpreters are

⁷⁸⁵ *Statute of the Office of the United Nations High Commissioner for Refugees*, GA Res 428(V), UN Doc A/RES/428(V) (14 December 1950) annex [1].

⁷⁸⁶ 'UNHCR ramps up support for Mexico amid mounting asylum applications', *UNHCR* (Briefing Note, 13 April 2021) <

⁷⁸⁷ Interview with Participant 002 (Regina Jefferies, United States) on file with author.

⁷⁸⁸ Interview with Participant 006 (Regina Jefferies, United States) on file with author.

⁷⁸⁹ 'Adult Team', *Florence Immigrant & Refugee Rights Project* (Web Page, 2021) <<https://firrp.org/what/adult-team/>>.

⁷⁹⁰ 'Immigrant Legal Defense Program', *Justice & Diversity Center of the Bar Association of San Francisco* (Web Page, 2021) <<https://www.sfbar.org/jdc/immigrant-legal-defense/>>.

⁷⁹¹ Executive Office for Immigration Review, *Immigration Court Practice Manual* (EOIR, 16 November 2020) 43-44, rule 3.3.

			provided at government expense to individuals whose command of the English language is inadequate to fully understand and participate in removal proceedings. ⁷⁹² Translators and interpreters are critical in asylum cases which often require translation of evidence and testimony which can make or break a case.
POE Metered	doctors_physicians	Direct	Doctors and physicians are involved in conducting health evaluations in support of applications for asylum, and in providing health services to asylum seekers and other people in removal proceedings who are not detained.
POE Metered	psychiatrists_psychologists	Direct	Psychiatrists and psychologists are involved in conducting forensic and other psychological evaluations in support of applications for asylum, as well as providing mental health services to asylum seekers and other people in removal proceedings who are not detained.
POE Metered	interpol	Indirect	The exchange of information through INTERPOL may include information related to people fleeing persecution in their home countries, including INTERPOL notices issued for political or other purposes. ⁷⁹³
POE Metered	united_nations_office_drugs_crime	Indirect	UNODC work includes work on criminalising ‘migrant smuggling’ pursuant to the United Nations Convention Against Transnational Organized Crime Protocol against the Smuggling of Migrants. According to UNHCR, ‘[i]n order to combat human smuggling and trafficking, States have adopted, inter alia, the practice of “intercepting” persons travelling without the required documentation - whether in the country of departure, in the transit country, within territorial waters or on the high seas, or just prior to the arrival in the country of destination. In some instances, interception has affected the ability of asylum-seekers and refugees to benefit from international protection.’ ⁷⁹⁴
POE Metered	united_nations_human_rights_council	Direct	The UN Human Rights Council works to promote and protect human rights, which includes the right to life and various other rights that impact asylum seekers. For example, the 2021 <i>Report on means to address the human rights impact of pushbacks of migrants on land and sea</i> , submitted in accordance with Human Rights Council resolution 43/6, concluded that ‘in the absence of an individualized assessment for each migrant concerned and other procedural safeguards, pushbacks result in human rights violations incompatible with States’ obligations under international human rights law, in particular, the prohibition of collective expulsion and refoulement.’ ⁷⁹⁵ Individuals,

⁷⁹² Ibid at 64, rule 4.11.

⁷⁹³ See Fair Trial, *Dismantling the Tools of Oppression: Ending the Misuse of INTERPOL* (Report, 2018).

⁷⁹⁴ Executive Committee of the High Commissioner’s Programme, *Interception of Asylum-Seekers and Refugees: The International Framework and Recommendations for a Comprehensive Approach*, UN doc EC/50/SC/CPR.17 (9 June 2000).

⁷⁹⁵ Felipe González Morales, *Report on means to address the human rights impact of pushback of migrants on land and sea*, Report of the Special Rapporteur on the human rights of migrants, 47th sess, UN doc A/HRC/47/30 (12 May 2021) [104].

			including asylum seekers, can also bring complaints before the UN HRC for violations of their human rights.
POE Metered	five_eyes	Indirect	The Five Eyes share data through the ‘Migration 5’ or M5, which includes ‘biometric and biographic information’ and ‘[d]ata on refugees and immigrants, people with criminal histories or assumed identities and deportees’. ⁷⁹⁶ ‘The M5 queries fingerprint information to detect immigration and identity fraud or other concealed immigration history. In some instances this may include some limited criminal history information where it relates to an immigration interaction (for example deportation). M5 Members do not automatically share facial or biographical data like names or personal details unless they match a fingerprint.’ ⁷⁹⁷
POE Metered	private_prisons	Direct	ICE contracts with numerous private prison companies to house immigration detainees, including asylum seekers and children. ⁷⁹⁸ ‘The last few decades have witnessed the rising involvement and influence of the private prison industry in U.S. immigration enforcement, alongside the expansion of the immigration detention system. ... As of August 2016, nearly three-quarters of the average daily immigration detainee population was held in facilities operated by private prison companies—a sharp contrast from a decade ago, when the majority were held in ICE-contracted bedspace in local jails and state prisons.’ ⁷⁹⁹
POE Metered	public_detention_facilities	Direct	ICE contracts with numerous state and local jails to house immigration detainees, which also includes asylum seekers. ⁸⁰⁰
POE Turnback	department_of_homeland_security	Direct	The Department of Homeland Security (‘DHS’) is the overarching cabinet-level agency responsible for identifying and processing asylum seekers and other individuals in need of protection at borders, as well as in the interior of the US. ⁸⁰¹
POE Turnback	secretary_exec_mgmt	Indirect	The Office of the Secretary and Executive Management plays a leadership role in ‘directing the Department’s efforts to prevent terrorism and enhance security, secure and manage borders, enforce and administer the Nation’s immigration laws ...’ ⁸⁰² This includes efforts to process asylum seekers

⁷⁹⁶ Gill Bonnett, ‘How the Five Eyes countries share immigration data’, *RNZ* (online, 30 December 2020) <<https://www.rnz.co.nz/news/national/433786/how-the-five-eyes-countries-share-immigration-data>>.

⁷⁹⁷ Ibid.

⁷⁹⁸ ‘Detention Facilities’, *US Immigration and Customs Enforcement* (Web Site, 11 March 2021) <<https://www.ice.gov/detention-facilities>>

⁷⁹⁹ Livia Luan, *Profiting From Enforcement: The Role of Private Prisons in U.S. Immigration Detention* (Migration Policy Institute, Migration Information Source, 2 May 2018).

⁸⁰⁰ ‘Detention Facilities’, *US Immigration and Customs Enforcement* (Web Site, 11 March 2021) <<https://www.ice.gov/detention-facilities>>; TRAC Immigration, *New Data on 637 Detention Facilities Used by ICE in FY 2015* (TRAC Reports, 12 April 2016).

⁸⁰¹ See Department of Homeland Security, *FY 2021 Budget in Brief* (Report, 9 February 2020) <<https://www.dhs.gov/publication/fy-2021-budget-brief>>.

⁸⁰² Ibid at 11.

			at the southern border, as well as administering immigration laws relating to asylum and other forms of international protection.
POE Turnback	secretary_osem_dhs	Indirect	The Secretary of Homeland Security ‘oversees Department of Homeland Security (DHS) efforts to ... secure and manage our borders while facilitating trade and travel, enforce and administer our immigration laws.’ ⁸⁰³ This includes overseeing, enforcing and administering laws relating to asylum and the processing of people at borders attempting to raise a protection claim.
POE Turnback	chief_of_staff_osem_dhs	Indirect	The Chief of Staff ‘is responsible for coordinating policy initiatives and other actions of the Department’s components, directorates, and offices. The COS oversees DHS activities, assists the Deputy in managing DHS operations, and supports the Secretary.’ ⁸⁰⁴ This includes coordinating policy initiatives and other actions relating to processing asylum seekers at the southern border.
POE Turnback	military_advisor_osem_dhs	Indirect	The Military Advisor’s ‘essential functions include: Deploying at the discretion of the Secretary and Deputy Secretary for major incidents or other contingencies. Serving as the focal point for DHS-DoD collaboration through established working groups and a cooperative approach to homeland security, homeland defense, and incident management. Being a key advisor to DHS senior staff and Components on matters involving policy and procedure development, information and resources exchanges, and operations between DHS and DoD.’ ⁸⁰⁵ This includes the deployment of DoD personnel at the southern border to assist CBP. “The duties to be performed by military personnel include the same categories of support as those currently being carried out along the border, including detection and monitoring, logistics, and transportation support to U.S. Customs and Border Protection,” according to the DoD statement.’ ⁸⁰⁶
POE Turnback	executive_secretary_osem_dhs	Indirect	The Executive Secretary ‘is the principal liaison between the Department and its Components, and coordinates all external correspondence for the Immediate Office of the Secretary and all directorates.’ ⁸⁰⁷ The Executive Secretary works with components like CBP, ICE, and USCIS to coordinate all external correspondence, including correspondence related to asylum for various audiences including Congress and the public.
POE Turnback	deputy_secretary_osem_dhs	Indirect	‘The Deputy Secretary’s role is to provide internal oversight of all Departmental operations’. ⁸⁰⁸ The Deputy Secretary is responsible for providing accountability and oversight of all of DHS, including

⁸⁰³ ‘Office of the Secretary’, *Department of Homeland Security* (Web Page) <<https://www.dhs.gov/office-secretary>>.

⁸⁰⁴ Office of the Secretary and Executive Management, *Budget Overview: Fiscal Year 2021 Congressional Justification* (DHS Report, 10 February 2020) 72 <https://www.dhs.gov/sites/default/files/publications/office_of_the_secretary_and_executive_management.pdf>.

⁸⁰⁵ ‘Office of the Military Advisor’, *Department of Homeland Security* (Web Page) <<https://www.dhs.gov/about-office-military-advisor>>.

⁸⁰⁶ Oriana Pawlyk, ‘US Military’s Deployment to the Southern Border Has Been Extended Another Year’, *Military.com* (online, 25 June 2020) <<https://www.military.com/daily-news/2020/06/25/us-militarys-deployment-southern-border-has-been-extended-another-year.html>>.

⁸⁰⁷ *Budget Overview: Fiscal Year 2021 Congressional Justification* (n 4) 72.

⁸⁰⁸ Ibid.

			components responsible for referring or adjudicating asylum claims, such as USCIS, CBP, and ICE. ⁸⁰⁹
POE Turnback	strategy_policy_plans_osem_dhs	Indirect	The Office of Strategy, Policy, and Plans (‘PLCY’) ‘serves as a central resource to the Secretary and other Department leaders for policy development and review, strategic planning and analysis, and facilitation of decision-making on the full breadth of issues that may arise across the dynamic homeland security enterprise. PLCY is responsible for strengthening our Nation’s homeland security by developing DHS-wide policies, programs, and planning to promote and ensure the highest level of performance, quality, consistency, and integration in the execution of all homeland security missions. PLCY represents and coordinates the consolidated DHS position at White House interagency committee meetings.’ ⁸¹⁰ This includes issues related to asylum and the southern land border.
POE Turnback	strategy_policy_plans_exec_osem_dhs	Indirect	The Executive Office ‘manages the following: The Executive Secretariat functions; training and education programs, which include intern and Presidential Management Fellow programs; operations and resource management; Freedom of Information Act requests and inquiries; Privacy and Audit Liaison functions; and the Department’s coordination process for Policy Coordination Committees (PCCs). Moreover, The Executive Office provides a centralized coordination point for developing and communicating policies across multiple sub offices within PLCY, throughout the Department, and across the homeland security enterprise.’ ⁸¹¹ This includes policies relating to asylum and the southern land border.
POE Turnback	strategy_plans_analysis_risk_plcy_osem_dhs	Indirect	“[T]he Office of the Assistant Secretary, Strategy, Plans, Analysis & Risk (SPAR) controls the development of DHS strategy documents. SPAR creates the two main documents that detail DHS’ long-term strategic planning, the QHSR [Quadrennial Homeland Security Review] and the DHS Strategic Plan. These two documents serve as the basis in determining DHS’ strategic priorities, plans, and areas of focus....’ ⁸¹² ‘The purpose of the QHSR is to “be a comprehensive examination of the homeland security strategy of the Nation, including recommendations regarding the long term strategy and priorities of the Nation for homeland security and guidance on the programs, assets, capabilities, budget, policies, and authorities of the Department.”’ ⁸¹³ These strategic priorities include work regarding asylum seekers, the US southern border, and other policy and legal initiatives which

⁸⁰⁹ Carrie Cordero, ‘Reforming the Department of Homeland Security Through Enhanced Oversight & Accountability’ (Research Report, Center for a New American Security, 12 May 2020).

⁸¹⁰ *Budget Overview: Fiscal Year 2021 Congressional Justification* (n 4) 36.

⁸¹¹ *Ibid.*

⁸¹² Michael A Davis Jr, ‘Looking Beyond the Horizon: Modelling DHS Net Assessment’ (Master’s Thesis, Naval Postgraduate School, March 2020) 21.

⁸¹³ *Ibid* at 22.

			impact asylum seekers. For example, as of 2014, DHS considered the following among its strategic priorities: ‘Secure and Manage U.S. Borders’ and ‘Enforce and Administer our Immigration Laws’. ⁸¹⁴
POE Turnback	border_immigration_trade_plcy_osem_dhs	Indirect	‘Border, Immigration & Trade Policy (BIT) supports DHS’s border security and immigration missions by developing and coordinating policies on the transit of people and goods across U.S. borders.... On immigration matters, BIT consolidates Component statistics and conducts quantitative studies to assess immigration trends and effects, advises Department leadership on immigration policies and regulations, and engages interagency counterparts on immigration policies.’ ⁸¹⁵ These data and quantitative studies would include individuals seeking asylum, as well as advising on policies and regulations and in interagency settings on immigration policy impacting asylum seekers.
POE Turnback	international_affairs_plcy_osem_dhs	Indirect	‘On January 4, 2016, Secretary Johnson announced a number of ongoing and new actions that will address recent trends and improve southwest border security, including increasing border security, cracking down on criminal smugglers, and expanding cooperation with international partners. All of these measures, in concert with actions undertaken by our interagency and regional partners, will make it that much more difficult for extra-hemispheric migrants to move unimpeded into and through Central America and Mexico and approach the U.S. border.’ ⁸¹⁶
POE Turnback	public_affairs_osem_dhs	Indirect	‘DHS and State carried out several public information campaigns between 2013 and 2015 intended to dissuade citizens of El Salvador, Guatemala, and Honduras from migrating to the United States.... The campaigns ran in El Salvador, Guatemala, Honduras, and Mexico, with ads placed on radio and TV stations, and on billboards, bus stops, and in and on buses (see fig. 3). According to an official from DHS CBP’s Office of Public Affairs, in developing the 2013 dangers of the journey campaign, DHS incorporated feedback from various U.S. agencies and a working group composed of several DHS components; the embassies of El Salvador, Guatemala, and Honduras; and other international and nongovernmental organizations.’ ⁸¹⁷ ‘DHS continues to work with DOS and other partners to create opportunities for media in the region using DHS spokespeople to discuss migration to the

⁸¹⁴ Ibid at 23.

⁸¹⁵ *Budget Overview: Fiscal Year 2021 Congressional Justification* (n 4) 37.

⁸¹⁶ Written Evidence to the Committee on Foreign Affairs, Subcommittee on the Western Hemisphere, United States House of Representatives, Washington, DC, 22 March 2016 (Alan Bersin, Assistant Secretary and Chief Diplomatic Officer, PLCY Office of International Affairs) <www.dhs.gov/news/2016/03/22/written-testimony-plcy-house-foreign-affairs-subcommittee-western-hemisphere-hearing>.

⁸¹⁷ Government Accountability Office, ‘Central America: Improved Evaluation Efforts Could Enhance Agency Programs to Reduce Unaccompanied Child Migration’ (GAO Report No GAO-15-707, 29 July 2015) 14.

			United States, as well as to update its messaging campaigns and create new media products for use with Central American audiences. ⁸¹⁸
POE Turnback	strategic_communications_pa_osem_dhs	Indirect	Strategic Communications ‘provides overall management for implementation of communication plans relating to DHS programs and policies, rules/regulations, and complex domestic and international issues requiring extensive outreach and public education.’ ⁸¹⁹ ‘Under President Trump, the Department of Homeland Security (DHS) rolled out the controversial parent-child separation policy, also known as zero tolerance, and the Migrant Protection Protocols program (MPP) in 2018–19. How DHS conducts strategic communications about such controversial policies is directly related to public and stakeholder perception of these policies.’ ⁸²⁰
POE Turnback	communications_operations_pa_osem_dhs	Indirect	The Communications Operations Division provides ‘information directly to the public through our Department and components websites. Coordinating, integrating and synchronizing employee communications efforts of the Components and DHS headquarters.’ ⁸²¹ This Division facilitates both internal communication amongst DHS and its components, which includes communications around asylum and border enforcement law and policy, as well as external communication to the public through its websites. DHS and component websites include (or omit) critical information that individuals need to locate detained family members, apply for asylum, or engage in various other acts in pursuance of a protection claim.
POE Turnback	legislative_affairs_osem_dhs	Indirect	The Office of Legislative Affairs (‘OLA’) serves as a ‘primary liaison to Members of Congress and their staff, to respond to inquiries from Congress and notify Congress of Department initiatives, policies, and programs’, ⁸²² which include programs related to border enforcement and asylum. OLA works to ‘enhance the ability of the Department to execute its missions by providing timely information to Members of Congress about our efforts to prevent terrorism and enhance security; manage our borders; administer immigration laws; secure cyberspace; and ensure disaster resilience’ essentially lobbying Congress in ‘an integrated approach that recognizes the interconnectedness of DHS’s legislative mission with a sound, robust and fully engaged staff to formulate the legislation recommendations that drive the priorities of the Administration and Secretary.’ ⁸²³

⁸¹⁸ Evidence to the Committee on the Judiciary, Subcommittee on Border Security and Immigration, United States Senate, Washington, DC, 23 May 2018 (Richard M Hudson, Deputy Chief, Operational Programs, Law Enforcement Operations Directorate, US Border Patrol) 5.

⁸¹⁹ *Budget Overview: Fiscal Year 2021 Congressional Justification* (n 4) 85.

⁸²⁰ Jonathan M Graham, ‘Strategic Communications and the Department of Homeland Security: Immigration Policies, Mixed Messaging, and Information Fratricide’ (Master’s Thesis, Naval Postgraduate School, March 2021) v.

⁸²¹ *Budget Overview: Fiscal Year 2021 Congressional Justification* (n 4) 85.

⁸²² *Ibid* at 87.

⁸²³ *Ibid*.

POE Turnback	assistant_secretary_la_osem_dhs	Indirect	The Office of the Assistant Secretary ‘advises the Secretary on key legislative strategies, facilitates the DHS Senate-confirmation process, clearly articulates DHS’ views in support of needed authorities and appropriations, and directs the Department’s complex congressional relations programs ensuring a cross-Departmental approach for DHS to speak with one, informed voice to Members of Congress and their staffs.’ ⁸²⁴ These legislative strategies and relations with Congress – including in relation to Congressional oversight of agency activities – often relate to asylum seekers and the southern border.
POE Turnback	legislative_affairs_teams_la_osem_dhs	Indirect	‘The Legislative Affairs Teams serves as the primary liaison to Congress and advocates for the policy interest of the Administration and the Secretary, ensures that all DHS Components are actively engaged with Congress by responding to requests and inquiries from congressional committees, Members of Congress and their staffs, and fully participates in the DHS Senate confirmation process.’ ⁸²⁵ This liaison and advocacy work with Congress – including in relation to Congressional oversight of agency activities – often relates to asylum seekers and the southern border.
POE Turnback	general_counsel_osem_dhs	Indirect	The General Counsel’s work includes work relating to asylum and the ability of asylum seekers to access a fair and efficient process for refugee status determination, and in relation to engagements with foreign governments on policies seeking to prevent or make it difficult for people to access the asylum system.
POE Turnback	general_law_gc_osem_dhs	Indirect	The ‘General Law Division (GLD) advises the Secretary and other Department leaders on legal issues associated with the management and operation of the Department. GLD regularly coordinates with Component Chief Counsel Offices on critical legal issues that are relevant to multiple DHS components. GLD oversees portfolios involved with administrative law; fiscal law; appropriations; the Vacancy Reform Act ... torts ... delegations and authorities; and environmental and property law matters.’ ⁸²⁶ Many of these purviews bear upon asylum law and policy, including administrative law matters, matters relating to the appointment of senior and other Department officials, torts committed by agency officials, as well as legal matters relating to the acquisition of land for the Trump Administration’s border wall effort.
POE Turnback	ethics_law_gc_osem_dhs	Indirect	The ELD provides ‘guidance guidance related to related areas of law, such as procurement integrity and partisan political activity regulations and policies’ and advises on ‘complex and sensitive legal and policy matters both for individual questions and as related to DHS programs and operations.’ ⁸²⁷ These legal and policy matters, as well as partisan political activity issues, may involve asylum law

⁸²⁴ Ibid.

⁸²⁵ Ibid.

⁸²⁶ *Budget Overview: Fiscal Year 2021 Congressional Justification* (n 4) 75.

⁸²⁷ ‘Attorney-Advisor (Open Continuous)’, *USAJobs* (Web Page, 22 February 2021) <<https://www.usajobs.gov/GetJob/ViewDetails/592974400>>.

			and policy, or policies impacting the ability of individuals to access a fair and efficient refugee status determination process.
POE Turnback	regulatory_affairs_gc_osem_dhs	Indirect	‘The Regulatory Affairs Law Division (RLD) advises the Secretary and Department leaders on legal and economic issues associated with DHS regulatory actions and ensures that those actions comply with constitutional, statutory, and other legal requirements. RLD manages the DHS regulatory docket, develops the DHS regulatory and deregulatory agenda, oversees the regulatory process for the Department, and provides leadership for regulatory and administrative law practice matters. This Division provides substantive legal review on numerous DHS regulations and manages the clearance of hundreds of interagency regulations each year. They also oversee execution of Executive Order 13771 - Reducing Regulation and Controlling Regulatory Costs and Executive Order 13777 - Enforcing the Regulatory Reform Agenda.’ ⁸²⁸ This regulatory work includes work on asylum and other regulations that impact the ability of individuals to access the asylum process.
POE Turnback	operations_enforcement_law_gc_osem_dhs	Indirect	‘The Operations and Enforcement Law Division (OELD) advises the Secretary and Department leaders on legal issues associated with enforcement and operational activities designed to protect the United States from, respond to, and recover from both natural and man-made threats. OELD is involved in the operations and enforcement of legal issues that concern Secretarial authorities, two or more DHS components, or the role of the Department in interagency operations. The Division provides legal advice regarding: air, land, and maritime domain security; border, cargo, and port security; counterterrorism; crisis-cell leadership; domestic-incident management; exercises; international law; law enforcement; national security; transportation security....’ ⁸²⁹ Many of these areas relate to operational and legal issues that may impact asylum seekers and their ability to access the asylum process including, for example, operations at or between ports of entry along the southern land border.
POE Turnback	immigration_law_gc_osem_dhs	Indirect	The Immigration Law Division (‘IMM’) ‘provides expertise in U.S. immigration and nationality law, including removal, arrest and detention authorities, national security matters, asylum, refugee and other protection-related issues, matters related to unaccompanied minors and victims of human trafficking, inspection and admissibility issues, naturalization and citizenship, constitutional and international human rights of migrants, immigrant and nonimmigrant visas/status. IMM also assists with administrative and federal court litigation of immigration-related matters and immigration-related legislative, regulatory and policy initiatives.’ ⁸³⁰

⁸²⁸ *Budget Overview: Fiscal Year 2021 Congressional Justification* (n 4) 75.

⁸²⁹ *Ibid* at 75-76.

⁸³⁰ ‘Office of the General Counsel’, *US Department of Homeland Security* (Web Page, 22 March 2021) <<https://www.dhs.gov/office-general-counsel>>.

POE Turnback	legal_counsel_gc_osem_dhs	Indirect	‘The Legal Counsel Division (LCD) advises the Secretary and Department leaders on significant legal issues associated with litigation; legislation; the Freedom of Information Act (FOIA); civil rights and civil liberties; privacy; and oversight matters involving Congress, the U.S. Government Accountability Office, and the DHS Inspector General. LCD regularly coordinates agency positions across the Department in high-profile legislative and litigation matters, to include numerous cases before the Supreme Court, that have large-scale implications for DHS and its components.’ ⁸³¹ This would include litigation related to asylum, metering, Operation Streamline, the 'Migrant Protection Protocols', as well as FOIA litigation.
POE Turnback	management_division_gc_osem_dhs	Indirect	‘The Management Division (MGMT) provides management, operational, and mission support to OGC Headquarter attorneys. Specific responsibilities include: financial oversight and budget planning; personnel management; employee training; management of controlled and executive correspondence; knowledge systems management; and strategic planning. MGMT engages with counterparts in component counsel and DHS HQ offices on cross-cutting management issues.’ ⁸³² This Division is involved in the training and management of employees that may work directly on legal and policy issues related to asylum, including the asylum process and policies and laws that impact whether a person is able to access the asylum process.
POE Turnback	civil_rights_civil_liberties_osem_dhs	Direct	The Office for Civil Rights and Civil Liberties (CRCL) ‘Communicates with individuals and communities whose civil rights and civil liberties may be affected by DHS activities, informs them about policies and avenues of redress, and promotes appropriate attention within the Department to their experiences and concerns. Investigates and issues recommendations regarding civil rights and civil liberties complaints filed by the public regarding DHS policies or activities, or actions taken by DHS personnel.’ ⁸³³ For example, the Office has coordinated ‘community engagement meetings with more than 400 governmental organizations in the review of DHS immigration and asylum-related policies or proposals; and opened/closed 801 complaint investigations relating to Family Separations, Indefinite Detention, and Religious Questioning at Ports of Entry.’ ⁸³⁴
POE Turnback	programs_branch_crcl_osem_dhs	Indirect	‘The Programs Branch also ... coordinates outreach and engagement activities in communities where civil rights and civil liberties are particularly affected by DHS programs (Community Engagement Section). Additionally, the Programs Branch works to ensure that the Department’s programs and activities do not discriminate against individuals or prohibit access to the Department’s programs on the basis of race, color, national origin, limited English proficiency, age, sex, or disability, and that

⁸³¹ *Budget Overview: Fiscal Year 2021 Congressional Justification* (n 4) 76.

⁸³² *Ibid* at 77.

⁸³³ *Budget Overview: Fiscal Year 2021 Congressional Justification* (n 4) 49.

⁸³⁴ *FY 2021 Budget in Brief* (n 1) 12.

			recipients of Federal financial assistance comply with their civil rights obligations (Antidiscrimination Group). ⁸³⁵ This work might include community engagement ‘in the review of DHS immigration and asylum-related policies or proposals’ and ‘complaint investigations relating to Family Separations, Indefinite Detention, and Religious Questioning at Ports of Entry.’ ⁸³⁶
POE Turnback	immigration_programs_crcl_osem_dhs	Indirect	The 'immigration-related programs affect both U.S. citizens and non-U.S. citizens, including lawful permanent residents, asylum seekers, refugees, non-immigrant and immigrant visa holders, migrant workers, undocumented persons, and persons in detention.' ⁸³⁷ 'The Immigration Section works with ICE to design and implement policies, procedures, and guidance to protect the civil and human rights of immigrant detainees while fulfilling the DHS mission. Reforms have included: an online detainee locator system; immigration detention policy; policy safeguarding parental interests; improved risk assessment tools; the development of guidance on the care of transgender detainees in ICE custody; monitoring use of segregation in detention; and revising ICE's detention standards, including the Performance-Based National Detention Standards, the Family Residential Standards, and the National Detention Standards.' ⁸³⁸ 'The CRCL Officer is the designated Department single point of contact for international human rights treaty reporting and coordination under Executive Order 13107. The Immigration Section works with DHS components to develop and advance protective policies, procedures, and training for victims of torture and persecution, battered immigrants, trafficked persons, and other needing special attention.' ⁸³⁹ This includes asylum seekers.
POE Turnback	compliance_branch_crcl_osem_dhs	Direct	The Compliance Branch 'investigates complaints from the public, media reports, and other sources, alleging civil rights or civil liberties violations by Department personnel or programs, including disability discrimination prohibited by the Rehabilitation Act of 1973, inappropriate use of force by DHS officers or agents, inadequate conditions of detention, violation of right to due process, and racial or ethnic profiling. CRCL makes formal recommendations to DHS Component leadership stemming from its investigations to address issues related to civil rights, such as changes to DHS policies, practices, and training....' ⁸⁴⁰ These complaints include complaints against US Customs and Border Protection officials for mistreatment, abuse and other misconduct against asylum seekers. ⁸⁴¹

⁸³⁵ Ibid at 51.

⁸³⁶ *FY 2021 Budget in Brief* (n 1) 12.

⁸³⁷ ‘CRCL Immigration Section’, *US Department of Homeland Security* (Web Page, 31 March 2021) <<https://www.dhs.gov/crcl-immigration-section>>.

⁸³⁸ Ibid.

⁸³⁹ Ibid.

⁸⁴⁰ *Budget Overview: Fiscal Year 2021 Congressional Justification* (n 4) 51.

⁸⁴¹ Letter from the American Civil Liberties Union to US Department of Homeland Security Secretary Alejandro Mayorkas, 3 March 2021 <https://www.aclu.org/sites/default/files/field_document/2021_03_03_aclu_complaint_letter.pdf>.

POE Turnback	mgmt_dhs	Indirect	MGMT ‘provides the overarching management structure for the Department to enable missions’ ⁸⁴² and engages in activities relevant to border security, operations, and programs that impact upon asylum seekers. For example, the Office of the Chief Human Capital Officer (within MGMT) analyses ‘the effectiveness of DHS’s training programs’, ⁸⁴³ while the Office of Biometric Identity Management (within MGMT) ‘provides biometric match, store, share, and analyze services to DHS and mission partners’ ⁸⁴⁴ including USCIS and other components in the processing and adjudication of asylum claims, expedited removal proceedings, and other processes that involve the collection of biometrics from asylum seekers.
POE Turnback	human_capital_mgmt_dhs	Indirect	The Chief Human Capital Officer’s tasks include addressing ‘DHS’ inability to hire personnel in a timely manner [which] has led to staffing shortfalls, which can affect productivity and morale, and disrupt mission critical operations. OCHCO recognizes this challenge, and on April 5, 2017, the Office of Personnel Management approved the Department’s request for direct hiring authority for a number of positions having critical hiring needs at DHS, including CBP Border Patrol Agents and Human Resource Specialists, as well as ICE Deportation Officers, Criminal Investigators, and Human Resource Specialists.’ ⁸⁴⁵ Staffing levels, as well as the quality of individuals recruited, directly impacts how and whether asylum seekers are able to access the asylum process.
POE Turnback	human_capital_leadership_council_hc_mgmt_dhs	Indirect	The HCLC also establishes and administers the DHS Workforce Strategy (“Strategic Human Capital Plan”) and other HC initiatives that link to and support the DHS mission, vision, core values, goals, and objectives.’ ⁸⁴⁶ Inadequate workforce planning can ‘undermine the ability of CBP and ICE to achieve hiring mandates and perform mission essential duties and functions’, which includes receiving and processing asylum seekers at the border. ⁸⁴⁷
POE Turnback	chief_security_officer_mgmt_dhs	Indirect	The OSCO implemented the Integrated Security Management System (‘ISMS’) in 2008 to support ‘DHS’s personnel security, administrative security, and classified visit management records (“passing a clearance”) by managing data related to suitability determinations, background investigations, security clearance processing, security container and document tracking, personnel administration for security and classified contract support....’ ⁸⁴⁸ This data and information is used to

⁸⁴² *FY 2021 Budget in Brief* (n 1) 11.

⁸⁴³ *Ibid* at 12.

⁸⁴⁴ ‘Office of Biometric Identity Management’, *US Department of Homeland Security* (Web Page, 18 March 2021) <<https://www.dhs.gov/obim>>.

⁸⁴⁵ US DHS Office of Inspector General, *Special Report: Challenges Facing DHS in Its Attempt to Hire 15,000 Border Patrol Agents and Immigration Officers* (OIG Report No OIG-17-98-SR, 27 July 2017) 12.

⁸⁴⁶ *Human Capital Line of Business Integration and Management* (n 80) 4.

⁸⁴⁷ *Special Report: Challenges Facing DHS in Its Attempt to Hire 15,000 Border Patrol Agents and Immigration Officers* (n 79) 1.

⁸⁴⁸ US Department of Homeland Security, *Privacy Impact Assessment Update for the Integrated Security Management System* (Report No DHS/ALL/PIA-038(c), 26 June 2017) 1.

			screen CBP and other DHS employment ‘applicants for potential issues of suitability’ ⁸⁴⁹ and contributes to hiring time and other human resources concerns that impact the types of people who CBP (or DHS) hire and who ultimately may encounter asylum seekers in the course of their employment.
POE Turnback	analysis_sub_risk_analysis_exec_steering_committee_dhs	Indirect	'DHS-HQ has long recognized that successful strategic planning requires “having the right people, policies, processes, technologies, and analytic capabilities” to effectively and efficiently execute the Department’s mission. Part of the strategic planning process requires effectively using available data and analytics to provide decision support to senior leadership and DHS-HQ management. Consequently, the Analytic Agenda aims to advance data-driven management to facilitate performance oversight, capability development, and the implementation of strategically important goals.’ ⁸⁵⁰ There are ‘six overarching homeland security missions’ that make up the DHS strategic plan, including to ‘Secure U.S. Borders and Approaches’ which includes ‘implementing a comprehensive border security approach to secure and maintain our borders, prevent and intercept foreign threats so they do not reach U.S. soil, enforce immigration laws throughout the United States, and properly administer immigration benefits.’ ⁸⁵¹ This would include using data and analytics to provide decision support in relation to people seeking asylum at the southern border, including access to asylum procedures and the operation of the asylum adjudication system.
POE Turnback	inspector_general_dhs	Indirect	‘The OIG serves as an independent and objective audit, inspection, and investigative body to promote economy, effectiveness, and efficiency in DHS programs and operations, and to prevent and detect fraud, waste, and abuse in these programs and operations.’ ⁸⁵² The OIG has conducted numerous audits of DHS and its components, including CBP, in relation to the operation and management of policies and programs relating to asylum seekers. This has included audits of the ‘Zero Tolerance’ (Family Separation) policy, as well as other asylum-related issues. ⁸⁵³

⁸⁴⁹ Evidence to Committee on Homeland Security and Governmental Affairs, Subcommittee on Regulatory Affairs and Federal Management, United States House of Representatives, Washington, DC, 1 March 2018 (Angela Bailey, Chief Human Capital Officer).

⁸⁵⁰ *An Analytic Inventory of DHS Headquarters Business Processes* (n 85) 1.

⁸⁵¹ US Department of Homeland Security, *The DHS Strategic Plan: Fiscal Years 2020-2024* (Report, 2020) 17.

⁸⁵² *FY 2021 Budget in Brief* (n 1) 20.

⁸⁵³ See *DHS Lacked Technology Needed to Successfully Account for Separated Migrant Families* (n 82); *Special Report: Challenges Facing DHS in Its Attempt to Hire 15,000 Border Patrol Agents and Immigration Officers* (n 79); DHS Office of Inspector General, *CBP Has Taken Steps to Limit Processing of Undocumented Aliens at Ports of Entry* (Report, OIG-21-02, 27 October 2020); DHS Office of Inspector General, *CBP Separated More Asylum-Seeking Families at Ports of Entry Than Reported and for Reasons Other Than Those Outlined in Public Statements* (Report, OIG-20-35, 29 May 2020).

POE Turnback	integrity_quality_oversight_oig_dhs	Indirect	'IQO manages the Hotline, Whistleblower Protection, and Ombudsman programs, and compliance and quality assurance of audits, inspections, investigations, and reports.' ⁸⁵⁴ For example, there have been numerous whistleblower reports of misconduct at DHS, some of which related to 'possible violations of immigration law at the Tecate, California Port of Entry'. ⁸⁵⁵ That report was ultimately published in 2019 and related to violations of asylum law. ⁸⁵⁶
POE Turnback	audits_oig_dhs	Indirect	The Office of Audits 'Conducts and coordinates audits and program evaluations of the management and financial operations of DHS.' ⁸⁵⁷ This has included audits of numerous CBP policies and practices relating to asylum seekers at the southern border, including conditions and treatment that impact directly on an individual's ability to raise and pursue an asylum claim. ⁸⁵⁸
POE Turnback	investigations_oig_dhs	Indirect	The Office of Investigations 'Investigates allegations of criminal, civil, and administrative misconduct involving DHS employees, contractors, grantees, and programs. These investigations can result in criminal prosecutions, fines, civil monetary penalties, administrative sanctions, and personnel actions.' ⁸⁵⁹ This office investigates complaints of misconduct by CBP officials, including excessive use of force against asylum seekers and other criminal matters, as well as deaths of asylum seekers in CBP custody, including the deaths of children. ⁸⁶⁰
POE Turnback	special_reviews_evaluations_oig_dhs	Indirect	The Office of Special Reviews and Evaluations (SRE) 'conducts inspections and evaluations of DHS facilities, programs and activities, often of a highly sensitive nature. SRE work includes liaison activities with other DHS Components, other federal agencies, the news media, legislative aides, attorneys, the Congress, and members of the public.' ⁸⁶¹ The SRE has been involved in a number of

⁸⁵⁴ US Government Accountability Office, *DHS OIG's Structure, Policies, and Procedures Are Consistent with Standards, but Areas for Improvement Exist* (Report, GAO-14-726, September 2014) 5.

⁸⁵⁵ Wilmer Hale, *Report of Independent Investigation: Allegations of Misconduct by [Redacted], [Redacted] and [Redacted]* (Report, 14 December 2020) <https://www.oig.dhs.gov/sites/default/files/assets/FOIA/final-redacted-wilmerhale-roi_01-13-21_0516pm.pdf>.

⁸⁵⁶ Ibid.; DHS Office of Inspector General, *Investigation of Alleged Violations of Immigration Laws at the Tecate, California, Port of Entry by U.S. Customs and Border Protection Personnel* (Report, OIG-19-65, 26 September 2019).

⁸⁵⁷ *DHS OIG's Structure, Policies, and Procedures Are Consistent with Standards, but Areas for Improvement Exist* (n 93) 5.

⁸⁵⁸ See, eg DHS Office of Inspector General, *CBP Needs to Strengthen Its Oversight and Policy to Better Care for Migrants Needing Medical Attention* (Report, OIG-21-48, 20 July 2021); DHS Office of Inspector General, *CBP Generally Provided Accurate Notices to Appear to Migrant Protection Protocols Enrollees, but Could Improve Procedures to Reduce Future Errors* (Report, OIG-21-45, 14 July 2021); DHS Office of Inspector General, *DHS' Fragmented Approach to Immigration Enforcement and Poor Planning Resulted in Extended Migrant Detention during the 2019 Surge* (Report, OIG-21-29, 18 March 2021).

⁸⁵⁹ *DHS OIG's Structure, Policies, and Procedures Are Consistent with Standards, but Areas for Improvement Exist* (n 93) 5.

⁸⁶⁰ DHS Office of Inspector General, *U.S. Customs and Border Protection Compliance with Use of Force Policy for Incidents on November 25, 2018 and January 1, 2019 (Redacted)* (Report, OIG-20-64, 24 August 2020); Letter from Joseph V Cuffari to Bennie G Thompson, 14 April 2020 <<https://homeland.house.gov/download/chairman-thompson-letter-oig-response-041420>>.

⁸⁶¹ 'Deputy Assistant Inspector General', *USAJobs* (Job Posting, No 42028214, 7 March 2021).

			inspections and investigations of CBP, including those that impact on the conditions under which asylum seekers are detained and which may influence an individual's ability to raise or pursue an asylum claim. ⁸⁶²
POE Turnback	science_technology_dhs	Indirect	'S&T provides technical and operational support to ensure the transition, acquisition, and deployment of technologies, information, and procedures that improve the efficiency and effectiveness of the operational capabilities across HSE missions.' ⁸⁶³ 'S&T invests in border security research and development for technologies and solutions to prevent the illicit movement and illegal entry or exit of people, weapons, dangerous goods, and contraband, and manage the risk posed by people and goods in transit.' ⁸⁶⁴ The 'Immigration Services Program' also 'develops technologies for USCIS to meet their goals to (1) provide efficient adjudication of all applications and petitions for immigration benefits, (2) enhance the integrity of the legal immigration system, and (3) provide trusted and timely immigration, employment, and identity information through a culture of efficiency and creativity.' ⁸⁶⁵ These tools may impact an individual's ability to both access the asylum process, as well as the asylum adjudication.
POE Turnback	operational_analysis_center_std_dhs	Indirect	'The RAND Corporation operates the Homeland Security Operational Analysis Center (HSOAC) as an FFRDC (Federally Funded Research and Development Center) for the U.S. Department of Homeland Security (DHS)' and 'provides the government with independent and objective analyses and advice in core areas important to the department in support of policy development, decisionmaking, alternative approaches, and new ideas on issues of significance.' ⁸⁶⁶ 'HSOAC researchers have expertise in the complexities of meshing military and civilian organizational structures and cultures, and experience assessing workforce and performance management efforts for several DHS components and for other large federal agencies. As homeland security threats, risks and opportunities are not static, HSOAC possesses expert forecasting capability and the capacity to improve its accuracy and effectiveness over time. This is achieved through examining mission risk analysis for capability gaps; assessing threat, vulnerability, and risks from national and international trends with U.S. security implications; and by examining policies and other issues affecting border

⁸⁶² See, eg DHS Office of Inspector General, *Capping Report: CBP Struggled to Provide Adequate Detention Conditions During the 2019 Migrant Surge* (Report, OIG-20-38, 12 June 2020).

⁸⁶³ *FY 2021 Budget in Brief* (n 1) 71.

⁸⁶⁴ Science and Technology Directorate, *Budget Overview: Fiscal Year 2021 Congressional Justification* (DHS Report, 2020) 15 <https://www.dhs.gov/sites/default/files/publications/science_and_technology_directorate.pdf>.

⁸⁶⁵ *Ibid* at 21.

⁸⁶⁶ *An Analytic Inventory of DHS Headquarters Business Processes* (n 85) iii-iv.

			security. ⁸⁶⁷ These issues affecting border security may include large numbers of individuals seeking asylum at the southern border.
POE Turnback	mission_capability_support_std_dhs	Indirect	The Office of Mission and Capability Support 'works with DHS operational Components, first responders at all levels of government, emergency management personnel and public safety and other homeland security organizations to define priorities, gaps and requirements to find or develop technology solutions.' ⁸⁶⁸ This Office's research areas include 'Borders & Maritime Security' through which it 'works closely with border and immigration officials to understand how technology can help support their missions and overcome challenges. We strive to develop and transition technical capabilities to strengthen U.S. land border security and safeguard lawful trade and travel by preventing illegal goods and people from crossing our borders or entering our country illegally. These projects consists of technologies, sensors, radars and more that monitor air, ground, and underground – from drones to tunnels. We want to know who and what is crossing our borders.' ⁸⁶⁹ The individuals targeted by these efforts include those seeking asylum.
POE Turnback	federal_law_enforcement_training_centers_dhs	Indirect	The Federal Law Enforcement Training Center's (FLETC) members, principally federal law enforcement organizations, rely on FLETC to maintain all of the instruments of training and to prepare their law enforcement cadre to perform their law enforcement tasks.' ⁸⁷⁰ The Charleston, South Carolina FLETC training facility runs the US Coast Guard Maritime Law Enforcement Academy, the US Customs and Border Protection Field Operations Academy, the US Immigration and Customs Enforcement Training Academy, and the US Citizenship and Immigration Services Academy Training Center. ⁸⁷¹ The Artesia, New Mexico facility is the basic training hub for Border Patrol and the Federal Air Marshal's Service. ⁸⁷² It is at FLETC that CBP officials learn about asylum law, though very little focus is placed upon either international law or the law of asylum.
POE Turnback	training_mgmt_ops_fl_etc_dhs	Indirect	The Training Management Operations Directorate participates in the 'planning, development, modification, and coordination of training programs throughout the FLETC' and conducts 'studies to analyze the training needs of the Partner Organizations, the requirements of the training programs, and the processes, methodologies and technologies required for training.' ⁸⁷³ The Directorate also

⁸⁶⁷ 'Homeland Security Operational Analysis Center', *US Department of Homeland Security* (Web Page) <<https://www.dhs.gov/science-and-technology/hsoac>>.

⁸⁶⁸ 'Office of Mission & Capability Support', *US Department of Homeland Security* (Web Page) <<https://www.dhs.gov/science-and-technology/office-mission-and-capability-support>>.

⁸⁶⁹ 'Borders and Maritime Security', *US Department of Homeland Security* (Web Page, 12 June 2021) <<https://web.archive.org/web/20210612022356/https://www.dhs.gov/science-and-technology/borders-and-maritime-security-0>>.

⁸⁷⁰ US Department of Homeland Security, *FLETC Strategic Plan 2018-2022* (Report, 2018) 7.

⁸⁷¹ US Department of Homeland Security, *Student Handbook: Artesia Facility* (Handbook, 2018-AN-0008, 2018) 8.

⁸⁷² Ibid.

⁸⁷³ 'Program Analyst: Federal Law Enforcement Training Centers', *USAJobs* (Job Announcement, FLETC-TMO-2021-0015, 16 March 2021).

			assesses 'training needs and deficiencies to plan, develop and evaluate training programs based on the requirements of requested training programs and modifications' and applies 'forecast analysis methods to determine if training needs will meet future demand.' ⁸⁷⁴ The Directorate is therefore responsible for ensuring that CBP officials have appropriate training and background in international and asylum law in order to perform their duties.
POE Turnback	ncr_training_ops_fletc_dhs	Indirect	The National Capitol Region (NCR) Training Operations Directorate 'advises and assists the Director, Deputy Director, and other senior officials in fulfilling the management responsibilities of the FLETC. Specific responsibilities include, but are not limited to ... Representing the FLETC with Federal (Executive, Judicial, and Legislative) organizations, professional organizations, and the private sector, to include negotiating policy positions, projecting needs and operational interests, and other matters. Developing and implementing policies which relate to training program requirements, facility planning and development, human resource activities, and budgetary issues; and analyzing situations to identify strategies designed to gain support from the Department, Office of Management and Budget, and the Congress. ... Serving as the principal interface with the Congress, its members, staffs, and committees regarding FLETC activities, policies, programs, appropriation matters, and other related legislation.' ⁸⁷⁵ Developing and implementing policies that relate to training program requirements, for example, would include training in international law and the law of asylum.
POE Turnback	chief_counsel_fletc_dhs	Indirect	'The responsibilities of the FLETC Chief Counsel include providing legal advice to the Director and other senior FLETC leaders on legal issues associated with the FLETC mission, as well as ... providing legal advice on information/intellectual law matters to include copyright, the Freedom of Information Act (FOIA) and the Privacy Act; and providing legal training for federal, state, local and international law enforcement officers attending basic and advanced training at FLETC's four domestic and two international training sites.' ⁸⁷⁶ This would include legal advice on the requirements of US asylum law and international refugee law, as well as advice as to civil rights and liberties of individuals with whom CBP officials will come into contact, including asylum seekers.
POE Turnback	customs_and_border_protection_dhs	Direct	CBP seeks to 'leverage technological tools and analytic approaches to improve operational efficiency and effectiveness; integrate data and interagency information to establish a common operating picture that provides actionable information to enable decision makers and operators; and expand the zone of security away from physical borders.' ⁸⁷⁷ The agency further utilizes 'foreign liaisons to disrupt

⁸⁷⁴ Ibid.

⁸⁷⁵ 'National Capital Region Training Operations', *Federal Law Enforcement Training Centers* (Web Page) <<https://www.fletc.gov/site-page/national-capital-region-training-operations>>.

⁸⁷⁶ 'Office of the General Counsel', *US Department of Homeland Security* (Web Page, 22 March 2021) <<https://www.dhs.gov/office-general-counsel>>.

⁸⁷⁷ US Customs and Border Protection, *Strategy 2021-2026* (Report, Publication No 1280-1220, December 2020) 12.

			special-interest alien travel before reaching U.S. borders' and works with 'state and local law enforcement agencies' to 'secure the border'. ⁸⁷⁸ CBP is the agency that regulates the ability of asylum seekers to access US territory, refers asylum seekers to the relevant procedure, and also interacts with asylum seekers within the US who may or may not have lawful status.
POE Turnback	commissioner_cbp_dhs	Indirect	The Office of the Commissioner ('OC') is 'responsible for the overall management of CBP and develops long range management plans for the efficient and effective operation of the organization. OC develops and reviews CBP policy guidance, prescribes rules and regulations, and issues internal instructions to provide guidance to CBP employees that are consistent with regulations, and the authority delegated by DHS. The Executive staff supports and develops new policy and plans in alignment with the Commissioner's priorities, simultaneously ensuring that CBP's financial and personnel resources are available, and aligned for the development, articulation, and implementation of CBP's current and future mission priorities and direction.' ⁸⁷⁹ This includes policy, guidance and regulations that relate to an individual's ability to access asylum procedures, as well as to how that individual accesses procedures.
POE Turnback	chief_of_staff_commissioner_cbp_dhs	Indirect	The Chief of Staff 'serves as the direct liaison to DHS for all Agency issues. The COS assists the Office of the Commissioner in formulating and implementing policies through coordination with other CBP offices, DHS, and other government agencies. The COS provides advice and counsel to the Commissioner in defining priorities to accomplish CBP's mission and goals.' ⁸⁸⁰ This includes policies and priorities relating to asylum, as well as border security and other efforts that may impact an individual's ability to access the asylum process.
POE Turnback	deputy_commissioner_cbp_dhs	Indirect	The Deputy Commissioner 'provides leadership and executive-level direction on CBP's day-to-day operations, including oversight of Agency initiatives that facilitate the international movement of legitimate, low-risk goods and travelers, while promoting effective border security.' ⁸⁸¹ This includes operations that impact asylum seekers, who often must travel without documents and are characterised by CBP as illegitimate travellers.
POE Turnback	chief_of_staff_deputy_cbp_dhs	Indirect	The Chief of Staff assists the Deputy Commissioner in 'formulating and implementing policies through coordination with other CBP offices, DHS, and other government agencies.' ⁸⁸² The Chief of Staff to the Deputy Commissioner, coordinates 'interagency efforts related to immigration reform,

⁸⁷⁸ Ibid.

⁸⁷⁹ US Customs and Border Protection, *Budget Overview: Fiscal Year 2020 Congressional Justification* (DHS Report, 18 March 2019) 88 <https://www.dhs.gov/sites/default/files/publications/19_0318_MGMT_CBJ-Customs-Border-Protection_0.pdf>.

⁸⁸⁰ US Customs and Border Protection, *2016 Performance and Accountability Report* (DHS Report, 2017) 9.

⁸⁸¹ Ibid.

⁸⁸² Ibid.

			global supply chain security, and intelligence matters’ and serves ‘as the point of contact for all emergency situations to include potential terrorist attack threats and natural disaster responses.’ ⁸⁸³ This includes policies and coordination relating to asylum and policies which impact an individual’s ability to access the protection framework.
POE Turnback	office_public_affairs_cbp_dhs	Direct	The Office of Public Affairs ‘communicates to external and internal audiences to build support for CBP’s mission. Audiences include the American public, international trade and travel stakeholders, travelers who cross U.S. borders, and U.S. and international government agencies.’ ⁸⁸⁴ In the case of the Trump Travel Ban, CBP recognised that the ‘absence of CBP-initiated messages to the media and public created a vacuum in which stories casting CBP in a negative light proliferated. In the absence of an effective public affairs strategy, public officials and the media often speculated and assumed the worst about CBP’s conduct. Had CBP clearly communicated the status of its operations to external stakeholders, it may have prevented significant mistrust and misinformation from developing over the weekend.’ ⁸⁸⁵ Similar lessons on the importance of Public Affairs in selling policy have been applied in the context of the Family Separation (Zero Tolerance) policy, which impacted asylum seekers and others at the southern border. ‘The mixed messaging regarding many facets of the policy caused public and stakeholder confusion and outrage, courtroom losses, and may have resulted in DHS Secretary Kirstjen Nielsen’s ouster.’ ⁸⁸⁶
POE Turnback	office_congressional_affairs_cbp_dhs	Indirect	OCA has four directorates that ‘reflect the mission of CBP’s operational offices and directorates’. ⁸⁸⁷ They are Border, Air, & Marine Operations, Field Operations & Intelligence, Operations Support/Enterprise Services, and Trade & Agriculture. OCA has two functional directorates, which are Budget & Appropriations and Management, Operations, & Communications. ⁸⁸⁸
POE Turnback	budget_appropriations_oca_cbp_dhs	Indirect	Securing adequate funding through the annual appropriations process is a vital part of CBP’s legislative work. ⁸⁸⁹ The directorate also interacts frequently with the appropriations associate staff of the committee members, as well as various other Congressional staff depending on the nature of

⁸⁸³ ‘Bio of Andrew Farrelly, L3 Security and Detection Systems’ (Web Page) <<https://na.eventscloud.com/ereg/popups/speakerdetails.php?eventid=281311&language=eng&speakerid=995508>>.

⁸⁸⁴ 2016 Performance and Accountability Report (n 133) 10.

⁸⁸⁵ DHS Office of Inspector General, *DHS Implementation of Executive Order #13769 “Protecting the Nation From Foreign Terrorist Entry Into the United States”* (January 27, 2017) (Report, OIG-18-37, 18 January 2018) 43-44.

⁸⁸⁶ Graham (n 22) xvii.

⁸⁸⁷ ‘OCA Directorates’, *US Customs and Border Protection* (Web Page, 18 March 2021) <<https://web.archive.org/web/20210318124111/https://www.cbp.gov/accordion-page/oca-directorates>>.

⁸⁸⁸ Ibid.

⁸⁸⁹ ‘OCA Directorates and Committees of Jurisdiction’, *US Customs and Border Protection* (Web Page, 20 August 2021) <<https://web.archive.org/web/20210820184914/https://www.cbp.gov/about/oca-directorates-and-committees-jurisdiction>>.

			their inquiry. Additionally, the branch interacts and responds to requests from the Congressional Budget Office and Congressional Research Service. ⁸⁹⁰ This may involve securing appropriations for apprehending and processing people seeking asylum, among other things.
POE Turnback	field_operations_intelligence_oca_cbp_dhs	Indirect	The directorate deals with issues like 'Passenger and cargo targeting efforts', 'CBP officer staffing levels and the Workload Staffing Model', 'CBP land port of entry infrastructure', 'Biometric entry-exit', 'Non-Intrusive Inspection technology', 'Mass migration events at ports of entry', and 'Global pandemic mitigation'. ⁸⁹¹ Asylum seekers may seek entry into the US at or between ports of entry, in in 'mass migration events' or during the global pandemic, and even issues such as workload staffing may impact the ability of asylum seekers to access protection.
POE Turnback	office_professional_responsibility_cbp_dhs	Direct	'The AC [Assistant Commissioner] OPR has executive oversight of CBP's Integrity and Personal Accountability Strategy and the agency's efforts to prevent, detect, and investigate employee misconduct and corruption. The AC also serves as CBP's Chief Security Officer, responsible for ensuring the safety and security of CBP's assets and personnel.' ⁸⁹² This office is responsible for investigating and addressing the abuse and mistreatment of 'detainees in CBP's custody or care' including minor children and other individuals seeking asylum. ⁸⁹³
POE Turnback	office_field_operations_cbp_dhs	Direct	'CBP's primary immigration enforcement mission at ports of entry is to confirm that travelers are eligible to enter the United States and to exclude inadmissible aliens. Yet strict enforcement is in tension with a second core mission: to facilitate the flow of lawful travelers, who are the vast majority of persons seeking admission.' ⁸⁹⁴ OFO staffs the ports of entry and is responsible for screening travellers and referring asylum seekers, or others, who raise protection claims to the appropriate legal process.
POE Turnback	joint_task_force_west_cbp_dhs	Indirect	'To support the Unity of Effort and SBAC, DHS established three joint task forces (JTF) — JTF-East, JTF-West, and JTF-Investigations — to enforce immigration laws, prevent illegal entries, interrupt transnational criminal organizations, and minimize the terrorism threat to our Nation.' ⁸⁹⁵ JTF-W partners with DHS Components, other U.S. Federal, State, and local agencies, and international partners to plan and implement enhanced counter network operations directed at disrupting and dismantling TCOs and targeting individuals and organizations whose criminal conduct

⁸⁹⁰ Ibid.

⁸⁹¹ 'OCA Directorates', *US Customs and Border Protection* (Web Page, 18 March 2021) <<https://web.archive.org/web/20210318124111/https://www.cbp.gov/accordion-page/oca-directorates>>.

⁸⁹² Office of Professional Responsibility, *Annual Report: Office of Professional Responsibility (OPR)* (CBP Report, No 1172-0720, August 2020) 4 ('*OPR Annual Report*').

⁸⁹³ Ibid at 3.

⁸⁹⁴ Lisa Seghetti, *Border Security: Immigration Inspections at Ports of Entry* (Congressional Research Service Report, No R43356, 9 January 2014) i.

⁸⁹⁵ DHS Office of Inspector General, *DHS Cannot Determine the Total Cost, Effectiveness, and Value of Its Joint Task Forces* (Report, OIG-20-80, 30 September 2020) 1 ('*DHS Cannot Determine*').

			undermines border security. By identifying evolving threats, critical intelligence gaps, and vulnerabilities, these operations develop comprehensive common operational and intelligence pictures that ultimately enhance DHS's ability to disrupt, degrade, and dismantle TCOs exploiting the homeland. ⁸⁹⁶ JTF targets include asylum seekers arriving at the border without documentation and who may have used smugglers to reach or cross the US border.
POE Turnback	joint_intelligence_operations_center_jtfw_cbp_dhs	Indirect	The 'Joint Intelligence and Operations Center (JIOC), which serves as a command, control, and 24x7 communications center, providing situational awareness to all Arizona-based CBP operational components and their respective commands.' ⁸⁹⁷ This would include providing information about people arriving at the border without documentation and who may have used smugglers to reach or cross the US border, including asylum seekers.
POE Turnback	joint_task_force_investigations_cbp_dhs	Indirect	JTF-Investigations is a functionally based task force that provides investigatory support to JTF-East and JTF-West. ⁸⁹⁸ JTF-Investigations provides investigatory support for ICE and related to human smuggling and other types of smuggling investigations, which may involve asylum seekers.
POE Turnback	chief_counsel_cbp_dhs	Indirect	'The Office of the Chief Counsel provides legal advice to, and legal representation of, CBP officers in matters relating to the activities and functions of CBP. The office is also responsible for reviewing proposed actions to ensure compliance with legal requirements, preparing formal legal opinions, preparing or reviewing responses in all court actions, civil or criminal, involving CBP, and developing, implementing, and evaluating nationwide programs, policies, and procedures within its functional areas.' ⁸⁹⁹ CBP Chief Counsel provides legal advice to components regarding international legal obligations, domestic legal requirements related to asylum, representing CBP in administrative hearings, providing litigation support to DOJ in federal litigation involving asylum or international legal obligations, providing advice as to the legality of regulatory, legislative and policy proposals, as well as training CBP staff in terms of international and domestic asylum requirements.
POE Turnback	chief_counsel_enforcement_cbp_dhs	Indirect	'Functional area of the CBP Office of Chief counsel responsible for reviewing proposed actions to ensure compliance with legal requirements, preparing formal legal opinions, preparing or reviewing responses in all court actions, civil or criminal, involving CBP, and developing, implementing, and evaluating nationwide programs, policies, and procedures within the functional area of enforcement.' ⁹⁰⁰ This would include policies that impact asylum seekers and others seeking protection at or between ports of entry.

⁸⁹⁶ *CBP Budget Overview 2020* (n 149) 194.

⁸⁹⁷ *Ibid.*

⁸⁹⁸ *DHS Cannot Determine* (n 152).

⁸⁹⁹ 'Chief Counsel', US Customs and Border Protection (Web Page, 3 October 2017) <<https://www.cbp.gov/about/leadership-organization/chief-counsel>>.

⁹⁰⁰ 'Chief Counsel', US Customs and Border Protection (Web Page, 3 October 2017) <<https://www.cbp.gov/about/leadership-organization/chief-counsel>>.

POE Turnback	chief_counsel_field_office_cbp_dhs	Indirect	‘Associate and Assistant Chief Counsels located in major cities across the U.S. who advise CBP field managers in their geographic areas as to compliance with legal requirements, preparing formal legal opinions, and preparing or reviewing responses in court actions involving CBP.’ ⁹⁰¹ This includes court actions related to asylum litigation and individual asylum cases.
POE Turnback	operations_support_cbp_dhs	Indirect	‘The Operations Support Division is the lead for issues such as less-lethal training and use-of-force review, CBP policy, asset management, and the National Firearms and Tactics Branch.’ ⁹⁰² Use-of-force and non-lethal law enforcement methods are often at issue in cases involving people – including asylum seekers – apprehended by Border Patrol. These methods of apprehension (and particularly the use of force) can influence whether someone is able to raise an asylum claim, when they are able to raise that claim, or whether they are able to pursue the claim.
POE Turnback	law_enforcement_safety_compliance_os_cbp_dhs	Indirect	‘LESC supports CBP’s law enforcement mission through use of force policy development and incident review, advanced firearms and defensive tactics training and the testing, evaluation, contracting, and maintenance for CBP weapons, ammunition and body armor.’ ⁹⁰³ The use of force policy development and incident review would impact asylum seekers arriving at or between ports of entry, including their ability to access the asylum process.
POE Turnback	international_affairs_os_cbp_dhs	Indirect	‘INA strives to extend U.S. borders by implementing programs and initiatives that promote anti-terrorism, global border security, non-proliferation, export controls, immigration and capacity building. ... INA provides in-country advisory support for broad-based customs reform and modernization and ensures CBP is represented at overseas posts and influencing policy throughout the world.’ ⁹⁰⁴ The Overseas Program ‘helps CBP mitigate international threats including ... transnational organized crime, illegal migration, and economic crime.’ ⁹⁰⁵ This includes policies and reforms that stop, or attempt to stop, asylum seekers from arriving in the US.
POE Turnback	policy_cbp_dhs	Indirect	‘The Policy Directorate ensures a unified approach to policy management across CBP and facilitates consistent and comprehensive policy development and implementation.’ ⁹⁰⁶ This includes reviewing all policy activities – many of which may directly or indirectly impact asylum seekers – such as

⁹⁰¹ ‘San Diego’, US Customs and Border Protection (Web Page) <<https://www.cbp.gov/contact/ports/field-office/san-diego>>.

⁹⁰² ‘Operational Support/Enterprise Services’, US Customs and Border Protection (Web Page, 24 August 2021) <<https://www.cbp.gov/about/congressional-resources/operational-supportenterprise-services>>.

⁹⁰³ Ibid.

⁹⁰⁴ ‘Operations Support Assistant Commissioners’ Offices’, US Customs and Border Protection (Web Page, 30 December 2020) <<https://www.cbp.gov/about/leadership-organization/executive-assistant-commissioners-offices/operations-support-assistant-commissioners-offices>>.

⁹⁰⁵ *CBP Budget Overview 2020* (n 149) 180.

⁹⁰⁶ *2016 Performance and Accountability Report* (n 133) 12.

			regulations, privacy documentation, communication materials and programmatic decision-making, as well as briefing executive leadership on goals, accomplishments and the status of deliverables. ⁹⁰⁷
POE Turnback	enterprise_services_cbp_dhs	Indirect	‘Enterprise Services serves an integral role as the mission support core for CBP by providing the necessary goods and services required by operational personnel and business partners to fulfill mission goals.’ ⁹⁰⁸ This support includes providing the appropriate technology and infrastructure for a variety of functions served by CBP, including the detention and processing of asylum seekers at the border.
POE Turnback	accountability_es_cbp_dhs	Indirect	‘OACT tracks CBP’s progress toward its goals and evaluates effectiveness and efficiency of programs.’ ⁹⁰⁹ This includes programs relating to the treatment, detention, and processing of asylum seekers.
POE Turnback	programming_es_cbp_dhs	Indirect	‘OP translates CBP’s five-year strategic plan into individual efforts (programs) to ensure that CBP can reach its long-term goals.’ ⁹¹⁰ This includes translating plans relating to the ability of asylum seekers to access the asylum process, or even the physical border, into operational programs.
POE Turnback	chief_of_staff_es_cbp_dhs	Indirect	The COS ‘bridges the gap between people and information in Enterprise Services.’ ⁹¹¹ The COS ties together information about program development, accountability, and physical goods and services required by components, which includes programs, goods and services which relate to asylum seekers.
POE Turnback	enterprise_effectiveness_es_cbp_dhs	Indirect	‘EE oversees, manages, and improves strategic resource management, leadership development, business practices, customer relations, and use of business information for organizational performance management, customer service, and strategic decision-making.’ ⁹¹² This would include determining the business information necessary for evaluating organisational performance management, as well as strategic decision-making relating to policies, practices, programs and even aspects of agency culture that impact asylum seekers.
POE Turnback	human_resources_management_es_cbp_dhs	Indirect	‘HRM supervises all matters involving human capital, including organizational structure, staffing, compensation administration, benefits, workplace safety, personnel actions, and labor and employee relations.’ ⁹¹³ Labour and employee complaints were at least part of the reason for the development

⁹⁰⁷ ‘Michael Hardin, Director, Policy/Planning at U.S. Customs and Border Protection’, *LinkedIn* (online, 22 March 2021) <<https://www.linkedin.com/in/michael-hardin-14187a167/>>.

⁹⁰⁸ *CBP Budget Overview 2020* (n 149) 74.

⁹⁰⁹ *2016 Performance and Accountability Report* (n 133) 13.

⁹¹⁰ *Ibid.*

⁹¹¹ *Ibid.*

⁹¹² *Ibid.*

⁹¹³ *Ibid* at 14.

			of a written policy of ‘metering’. Furthermore, this office would be responsible for, or implicated in, decisions to deploy USBP agents (for example) in remote areas without a partner and other decisions regarding how personnel are used in implementing law and policy.
POE Turnback	training_development _es_cbp_dhs	Indirect	‘OTD leads all CBP training programs for the entire CBP workforce. OTD ensures that all training supports the CBP mission and strategic goals and prepares the Agency’s workforce to meet the challenges of mission-critical operations. OTD establishes CBP training standards and policies; and develops, delivers, and evaluates resident based training.’ ⁹¹⁴ OTD would be responsible for developing, delivering and evaluating training programs (in coordination with FLETC) for Basic Training program, as well as any continuing trainings that impact how and whether asylum seekers are referred to the asylum process, as well as how and whether they are able to pursue asylum claims.
POE Turnback	president	Indirect	The President is responsible for the execution and enforcement of the immigration and asylum laws created by Congress and also appoints the heads of Cabinet and agencies to carry out the daily administration of the federal government. This includes administration of all of the agencies that conduct activities impacting asylum seekers. The President has the power to sign legislation relating to asylum into law, conducts diplomacy with other nations, negotiates and signs treaties, and can issue executive orders on immigration.
POE Turnback	executive_office_presi dent	Indirect	The EOP provides support to the President to govern effectively, including on issues related to asylum seekers and immigration.
POE Turnback	omb_eop	Indirect	OMB ‘oversees the implementation of the President’s vision across the Executive Branch’ which includes the vision with respect to immigration and asylum seekers. ⁹¹⁵ OMB develops and executes budgets from DHS and other executive departments and agencies, manages agency performance, coordinates and reviews all significant Federal regulations relating to immigration and asylum, as well as coordinating legislative materials and other presidential actions.
POE Turnback	general_gov_program s_rmo_omb_eop	Indirect	OMB includes Resource Management Offices (RMOs), which include General Government Programs under which homeland security falls. ⁹¹⁶ RMOs examine USCIS, ICE, CBP and other agency budget requests and develop funding recommendations for those agencies after integrating management, budget, and policy perspectives into their work. This includes policy perspectives on asylum and budget and funding recommendations that relate to the asylum process and policies that impact access to the asylum process.
POE Turnback	omb_support_offices_ omb_eop	Indirect	OMB-wide support offices coordinate the process for preparing the President’s annual budget which addresses the implementation of laws relating to asylum, while also coordinating review of draft bills,

⁹¹⁴ Ibid at 15.

⁹¹⁵ ‘Office of Management and Budget’, *The White House* (Web Page, 2021) <<https://www.whitehouse.gov/omb/>>.

⁹¹⁶ Ibid at 4.

			congressional testimony and correspondence from agencies charged with implementing asylum laws and policies in accordance with the President's agenda.
POE Turnback	info_regulatory_affairs_omb_eop	Indirect	'OIRA has substantial responsibilities and influence over federal agencies' regulations under a centralized review process established through executive order.' ⁹¹⁷ 'Through this review, OIRA exerts considerable influence over the content of regulations, ensuring that federal agencies' actions are consistent with the President's policy preferences.' ⁹¹⁸ This review includes regulations related to asylum and other forms of protection, regulations relating to immigration benefits such as work authorisation, as well as regulations relating to immigration enforcement and the operation of immigration courts and the Board of Immigration Appeals.
POE Turnback	domestic_policy_council_eop	Indirect	The Domestic Policy Council (DPC) 'drives the development and implementation of the President's domestic policy agenda in the White House and across the Federal government, ensuring that domestic policy decisions and programs are consistent with the President's stated goals, and are carried out for the American people.' ⁹¹⁹ The DPC develops and implements policies on asylum and related issues that impact access to the asylum process.
POE Turnback	national_security_council_eop	Indirect	The National Security Council (NSC) 'is the President's principal forum for national security and foreign policy decision making with his or her senior national security advisors and cabinet officials, and the President's principal arm for coordinating these policies across federal agencies.' ⁹²⁰ The NSC addresses issues related to border security along the southern border, as well as other migration issues that impact asylum-seekers and the asylum process.
POE Turnback	office_vice_president	Indirect	As an integral part of the executive administration, the Vice President may be given a portfolio that includes immigration issues like Biden has done with current Vice President Kamala Harris. These issues may take many forms, including immigration enforcement actions that impact asylum seekers' ability to move and access protection, or responding to crises that may produce asylees and refugees.
POE Turnback	department_of_justice	Indirect	The DOJ consists of a number of components that directly interact with or influence asylum seekers. This includes United States Attorneys who litigate immigration and asylum-related cases in federal court, the FBI which conducts background and other investigations used in deciding asylum claims, the United States Marshals Service which transports and sometimes jails people prosecuted for immigration violations (which include asylum seekers), the Federal Bureau of Prisons which confines immigration detainees including asylum seekers. The Executive Office for Immigration Review oversees and manages the immigration courts and the Board of Immigration Appeals where asylum

⁹¹⁷ Ibid at 18.

⁹¹⁸ Ibid.

⁹¹⁹ 'Domestic Policy Council', *The White House* (Web Page, 2021) <<https://www.whitehouse.gov/dpc/>>.

⁹²⁰ 'National Security Council', *The White House* (Web Page, 2021) <<https://www.whitehouse.gov/nsc/>>.

			seekers litigate their claims. DOJ and its components also administer and fund programs such as Legal Orientation Programs (LOPs) (which the Trump Administration suspended in April 2018) ⁹²¹ and have funded legal services for children and detainees deemed mentally incompetent in immigration proceedings, which all include people seeking asylum. ⁹²²
POE Turnback	attorney_general_doj	Indirect	As head of the Department of Justice, the Attorney General directs and controls US Attorneys and all other counsel employed on behalf of the United States who litigate immigration cases and provide legal advice and direction for agencies implementing immigration-related legislation and regulations. The Attorney General supervises the administration and operation of the Department of Justice, which includes the Executive Office for Immigration Review, the Board of Immigration Appeals, the Federal Bureau of Investigation, Bureau of Prisons, and the US Attorneys and US Marshals Service, which all engage in activities relating to asylum and asylum seekers. The Attorney General also enforces, interprets and makes recommendations on immigration law. The AG also has the power to refer cases before the Board of Immigration Appeals to themselves for a binding decision in the first instance.
POE Turnback	deputy_attorney_general_ag_doj	Indirect	The Deputy Attorney General advises and assists the Attorney General ‘in formulating and implementing Department policies and programs and in providing overall supervision and direction to all organizational units of the Department’, which includes immigration and asylum-related policies and programs, as well as organisational units implementing those policies and programs. ⁹²³ The Deputy Attorney General also represents DOJ at meetings of the National Security Council and Homeland Security Council, which may relate to asylum-seekers or circumstances from which people might flee. The Deputy Attorney General also sets enforcement priorities in consultation with the Attorney General, which during the Trump Administration included prosecuting people for unlawful entry and other immigration-related offences.
POE Turnback	associate_attorney_general_ag_doj	Indirect	The Associate Attorney General (ASG) advises and assists the AG and Deputy AG ‘on the formulation and implementation of Department of Justice policies and programs’ which include matters relating to asylum seekers. ⁹²⁴ This includes the Office of Information Policy, which oversees agency compliance with FOIA and developing government-wide policy on FOIA. ⁹²⁵ The ASG also

⁹²¹ Lorelai Laird, ‘ABA condemns suspension of Justice Department’s Legal Orientation Program for immigrants’, *ABA Journal* (Online, 11 April 2018) <https://www.abajournal.com/news/article/aba_condemns_suspension_of_justice_departments_legal_orientation_program>.

⁹²² ‘Protecting Against Threats to the Most Vulnerable Populations’, US Department of Justice Archives (Web Page, 18 January 2017) <<https://www.justice.gov/archives/doj/accomplishments-under-leadership-attorney-general-eric-holder#s4>>.

⁹²³ ‘Organization, Mission & Functions Manual: Attorney General, Deputy and Associate’, *The United States Department of Justice* (Web Page, 26 May 2021) <<https://www.justice.gov/jmd/organization-mission-and-functions-manual-attorney-general#ag>> (‘Organization, Mission & Functions Manual’).

⁹²⁴ Ibid.

⁹²⁵ ‘About the Office’, US Department of Justice (Online, 15 February 2017) <<https://www.justice.gov/oip/about-office>>.

			oversees a number of programs that fund or administer programs relating to crime victims, human trafficking, policing, and access to justice, which may encompass asylum seekers within the people targeted by the programs. Programs include the Office of Justice Programs, the Office of Community Oriented Policing Services, the Access to Justice Initiative, the Community Relations Service, and the Office on Violence Against Women. ⁹²⁶
POE Turnback	solicitor_general_ag_doj	Indirect	‘The mission of OSG is to represent the interests of the United States before the Supreme Court and to oversee appellate and certain other litigation on behalf of the United States in the lower federal and state courts.’ ⁹²⁷ The OSG does this in relation to cases involving asylum seekers, as well as cases that have a direct or indirect impact on the asylum system, or people’s ability to access the asylum process.
POE Turnback	civil_division_ag_doj	Indirect	The Civil Division of the DOJ ‘represents the United States in any civil or criminal matter within its scope of responsibility’ ⁹²⁸ and defending laws and policies relating to asylum and asylum seekers. The Civil Division also encompasses the Office of Immigration Litigation (OIL) and represents the federal government in asylum and other immigration cases, as well as in cases brought by individuals subject to abuses in the context of immigration detention and other matters seeking damages against officers of the United States. The Civil Division is also responsible for representing the interests of the United States in similar litigation in foreign courts. OIL ‘oversees all civil immigration litigation ... and it is responsible for coordinating national immigration matters before the federal district courts and circuit courts of appeals. It provides support and counsel to all federal agencies involved in alien admission, regulation, and removal under U.S. immigration and nationality statutes.’ ⁹²⁹
POE Turnback	executive_office_us_attorneys_ag_doj	Indirect	The work of the Executive Office for United States Attorneys encompasses litigation relating to civil and criminal immigration issues which impact asylum seekers and their ability to pursue or seek protection.
POE Turnback	legislative_affairs_ag_doj	Indirect	The Office of Legislative Affairs (OLA) is ‘the coordinating center for all Department of Justice activities relating to legislation and the Congress.’ ⁹³⁰ OLA advises DOJ components on the development of official policies through legislation relating to asylum and the ability of asylum seekers to raise and pursue asylum claims, among other things. The Office also deals with DOJ

⁹²⁶ ‘Organization, Mission & Functions Manual’ (n 284).

⁹²⁷ ‘Organization, Mission and Functions Manual: Office of the Solicitor General’, *The United States Department of Justice* (Web Page, 26 May 2021) <<https://www.justice.gov/jmd/organization-mission-and-functions-manual-office-solicitor-general>>.

⁹²⁸ ‘Organization, Mission and Functions Manual: Civil Division’, *The United States Department of Justice* (Web Page, 5 October 2020) <<https://www.justice.gov/jmd/organization-mission-and-functions-manual-civil-division>>.

⁹²⁹ ‘Office of Immigration Litigation’, *The United States Department of Justice* (Web Page, 9 September 2020) <<https://www.justice.gov/civil/office-immigration-litigation>>.

⁹³⁰ ‘Organization, Mission and Functions Manual: Office of Legislative Affairs’, *The United States Department of Justice* (Web Page, 5 October 2020) <<https://www.justice.gov/jmd/organization-mission-and-functions-manual-office-legislative-affairs>>.

			nominees who may have a significant impact on asylum law, while also dealing with congressional oversight which can also have a significant impact on DOJ policy and operation.
POE Turnback	legal_policy_ag_doj	Indirect	The Office of Legal Policy (OLP) develops and implements significant DOJ policy initiatives and handles special projects that involve the asylum framework and asylum seekers ability to access that framework. OLP also reviews and coordinates all DOJ regulations and conducts policy reviews of legislation and other proposals, including those relating to asylum or asylum seekers.
POE Turnback	legal_counsel_ag_doj	Indirect	‘The major functions of OLC are to: Draft the Attorney General's formal opinions and render its own opinions to the White House and to the heads of executive departments and agencies on a variety of legal questions involving the operations of the executive branch. Review as to form and legality all proposed Executive Orders, certain Presidential proclamations, and regulations requiring approval by the President or the Attorney General. Render opinions to the Attorney General and to the heads of the various organizational units of the Department on questions of law arising in the administration of the Department. Advise the Attorney General in connection with the review of decisions by the Board of Immigration Appeals and other organizational units of the Department. Prepare reports on proposed legislation submitted to the Department for comment, and reports to the Office of Management and Budget on enrolled bills.’ ⁹³¹ This work includes legal questions, Executive Orders, Presidential proclamations, regulations, and the review of BIA decisions relating to asylum and the ability of asylum seekers to raise protection claims.
POE Turnback	intl_operations_crim_cyber_response_services_fbi_doj	Indirect	The legats ‘establish and maintain liaison with principal law enforcement and security services in designated foreign countries. ... Liaison is carried out in accordance with executive orders, statutes, treaties, Attorney General Guidelines, FBI policies, and interagency agreements.’ ⁹³² This includes liaising on immigration, human smuggling, and other issues that impact the ability of asylum seekers to move and access protection in the US.
POE Turnback	inspector_general_ag_doj	Indirect	‘The OIG investigates alleged violations of criminal and civil laws by DOJ employees and also audits and inspects DOJ programs.’ ⁹³³ The OIG has jurisdiction to review the programs and personnel of the FBI, BOP, US Marshals, US Attorneys, and all other organisations in the DOJ. Many of these programs and personnel work directly on asylum law, or on policies, programs and issues relating to the asylum framework or asylum seekers.
POE Turnback	department_of_state	Indirect	‘At home and abroad, the Department helps protect U.S. national borders through sharing of information within and between foreign governments by improving passport security and

⁹³¹ ‘Organization, Mission and Functions Manual: Office of Legal Counsel’, *The United States Department of Justice* (Web Page, 5 October 2020) <<https://www.justice.gov/jmd/organization-mission-and-functions-manual-office-legal-counsel>>.

⁹³² ‘International Operations’, *FBI* (Web Page) <<https://www.fbi.gov/about/leadership-and-structure/international-operations>>.

⁹³³ ‘About the Office’, *US Department of Justice, Office of Inspector General* (Web Page) <<https://oig.justice.gov/about>>.

			implementing effective visa adjudication processes that deny access to individuals who pose risks to U.S. national security. The Department's diplomatic engagement on counterterrorism and homeland security increases two way information sharing on known and suspected terrorists, risk-based border management, and threat-based security and border screening at all land, air, and sea borders ⁹³⁴ Among other things, State engages in actions that inhibit or prevent the movement of people seeking asylum and also provides country reports and human rights reports that are used in asylum litigation.
POE Turnback	population_refugees_migration_state	Indirect	The Bureau of Population, Refugees, and Migration (PRM) 'is the U.S. government's lead for international migration policy'. ⁹³⁵ PRM undertakes to 'defend the sovereign right of the United States to regulate the entry and stay of foreign nationals; resist attempts to introduce "global governance" of international migration; press countries to facilitate the repatriation of their nationals when we seek to return them; promote well-managed, legal forms of immigration that protect vulnerable people; and seek to address the root causes in origin countries of illegal immigration.' ⁹³⁶ All of these issues may impact asylum seekers ability to seek and enjoy protection from persecution, particularly where PRM takes the view that '[t]he illegal movement of people across international borders threatens national security and public safety'. ⁹³⁷ Interestingly, until 2017, the PRM's mission was to 'protect and assist asylum-seekers and other vulnerable migrants, and to advance effective and humane international migration policies, in order to enhance stability and security and promote human rights.' ⁹³⁸ PRM also administers programs 'to deter illegal immigration and promote well-managed, legal forms of immigration', which may prevent asylum seekers from reaching the US to access protection. ⁹³⁹ PRM has also been UNHCR's largest donor and PRM and UNHCR regularly renew a bilateral framework for cooperation. ⁹⁴⁰
POE Turnback	international_migration_prm_state	Indirect	The Office of International Migration (OIM) 'works to promote well-managed, legal forms of immigration through bilateral and multilateral diplomacy and targeted capacity-building

⁹³⁴ US Department of State and US Agency for International Development, *Joint Strategic Plan: FY 2018-2022* (Report, February 2018) 32.

⁹³⁵ 'International Migration: Bureau of Population, Refugees, and Migration', *US Department of State* (Web Page) <<https://www.state.gov/other-policy-issues/international-migration/>>.

⁹³⁶ Ibid.

⁹³⁷ Ibid.

⁹³⁸ 'Archived Content: International Migration', *US Department of State* (Web Page, 2017) <<https://2009-2017.state.gov/j/prm/migration/index.htm>>.

⁹³⁹ 'International Migration: Bureau of Population, Refugees, and Migration', *US Department of State* (Web Page) <<https://www.state.gov/other-policy-issues/international-migration/>>.

⁹⁴⁰ See *Framework for Cooperation between the Office of the UN High Commissioner for Refugees and the Bureau of Population, Refugees and Migration, U.S. Department of State for the Year 2010-2011* (signed 21 April 2010).

			programs.’ ⁹⁴¹ PRM and OIM are key in the current US strategy to stop the movement of asylum seekers from Central America to the United States. ‘President Biden and Vice President Harris have set out an ambitious, multi-pronged approach to address the root causes of irregular migration and strengthen collaborative migration management across Central America. ... The Vice President’s announcement of \$310 million in increased assistance in the region includes \$104 million through the State Department’s Bureau of Population, Refugees, and Migration’ ⁹⁴²
POE Turnback	intl_narcotics_law_enforcement_affairs_state	Indirect	‘INL designs, plans, and funds foreign assistance programs to address aspects of border security including: cross-border crimes, maritime security, aviation security, migrant smuggling, and trafficking in persons. This includes sponsoring training, workshops, and technical support provided by other U.S. agencies and international organizations. ... INL programs help deter and prevent the flow of illegal migrants into the United States as part of the U.S. National Strategy to Combat Transnational Organized Crime, as well as other national security-related strategies.’ ⁹⁴³ INL efforts aim to prevent people without visas or travel authorisation, including asylum seekers, from travelling through third countries and reaching the United States. INL also trains foreign police and military in border security in order to stop people, including asylum seekers, from moving without visas or travel authorisation.
POE Turnback	usaid	Direct	‘Through diplomacy and development, the Department and USAID work to reduce poor governance and weak institutions, lack of economic opportunity, corruption, and persistent human rights abuses, which otherwise contribute to transnational crime, illegal immigration, and the spread of pandemic diseases.’ ⁹⁴⁴ USAID also works to prevent people without visas or travel authorisation, including asylum seekers, from travelling through third countries and reaching the United States. USAID also contributes to training foreign police and military in border security in order to stop people, including asylum seekers, from moving without visas or travel authorisation.
POE Turnback	iom	Direct	‘The Western Hemisphere Program is implemented by the International Organization for Migration and financed by the U.S. Department of State Bureau of Population, Refugees and Migration.’ ⁹⁴⁵ IOM runs programs to strengthen border security and migration management, to prevent the irregular movement of people -- including asylum seekers -- in Latin America and the Caribbean. For example, ‘[o]ver 100 thousand Haitians living in border areas cross into the Dominican Republic each week,

⁹⁴¹ ‘International Migration: Bureau of Population, Refugees, and Migration’, *US Department of State* (Web Page) <<https://www.state.gov/other-policy-issues/international-migration/>>.

⁹⁴² Anthony J Blinken, Secretary of State, ‘Providing Humanitarian Assistance to Support the Vice President’s Leadership in Addressing Migration Challenges in Central America’ (Press Statement, US Department of State, 27 April 2021).

⁹⁴³ ‘Border Security/Migrant Smuggling’, *US Department of State* (Web Page) <<https://www.state.gov/border-security-migrant-smuggling-2/>>.

⁹⁴⁴ US Department of State and US Agency for International Development, *Joint Strategic Plan: FY 2018-2022* (Report, February 2018) 32.

⁹⁴⁵ ‘About Us’, *IOM* (Web Page, 2020) <<https://programamesoamerica.iom.int/en/about-us>>.

			and an estimated 2 out of every 3 of the 230 thousand recorded Haitian migrants do not have any form of documentation. Many of these people are exposed to human trafficking and migrant smuggling. In this context, IOM Haiti is acting to strengthen border security and migration management. ⁹⁴⁶
POE Turnback	house_of_representatives	Indirect	The House drafts and passes legislation related to asylum and immigration, while also conducting Executive Branch oversight activities for agencies like DHS.
POE Turnback	senate	Indirect	The Senate drafts and passes legislation related to asylum and immigration, while also conducting investigations into the executive branch, and reviewing and approving (or rejecting) presidential appointees to agencies such as the Departments of Justice, State, and others that have an impact on asylum law and policy. The Senate also may approve, amend, or adopt changes to treaties, including the <i>1967 Protocol</i> and other treaties relating to <i>non-refoulement</i> .
POE Turnback	committee_homeland_security_house	Indirect	‘The Committee was first formed as a Select, non-permanent Committee to provide Congressional oversight over the development of the Department of Homeland Security. The Committee was made permanent when it was designated as a Standing Committee of the House on January 4, 2005, the first day of the 109th Congress.’ ⁹⁴⁷ The CBP Border, Air & Marine Operations Directorate ‘collaborates regularly with Congressional staff’ from this committee, in working with the DHS Office of Congressional Affairs on CBP policy and actions relating to border enforcement operations and other policies and practices that directly or indirectly impact people’s ability to raise and pursue asylum claims. ⁹⁴⁸
POE Turnback	committee_homeland_security_gov_affairs_senate	Indirect	‘The Committee on Homeland Security and Governmental Affairs (HSGAC) is the Senate’s primary oversight committee with broad jurisdiction over government operations generally and the Department of Homeland Security in particular.’ ⁹⁴⁹ DHS Office of Congressional Affairs ‘collaborates regularly with Congressional staff’ from this committee on CBP policy and actions relating to border enforcement operations and other policies and practices that directly or indirectly impact people’s ability to raise and pursue asylum claims. ⁹⁵⁰
POE Turnback	committee_judiciary_house	Indirect	The House Judiciary Committee is involved in ‘protecting Constitutional freedoms and civil liberties, oversight of the U.S. Departments of Justice and Homeland Security, legal and regulatory reform,

⁹⁴⁶ ‘IOM Haiti implements MIDAS to improve security and border management’, *IOM* (Web Page, 5 November 2019) <<https://programamesoamerica.iom.int/en/news/iom-haiti-implements-midas-improve-security-and-border-management>>.

⁹⁴⁷ ‘Committee History’, *Committee on Homeland Security* (Web Page) <<https://homeland.house.gov/about/committee-history>>.

⁹⁴⁸ ‘OCA Directorates’, *US Customs and Border Protection* (Archived Web Page, 11 June 2021) <<https://web.archive.org/web/20210611194608/https://www.cbp.gov/accordion-page/oca-directorates>>.

⁹⁴⁹ ‘Jurisdiction and Rules’, *US Senate Committee on Homeland Security & Governmental Affairs* (Web Page) <<https://www.hsgac.senate.gov/about/jurisdiction>>.

⁹⁵⁰ ‘OCA Directorates’, *US Customs and Border Protection* (Archived Web Page, 11 June 2021) <<https://web.archive.org/web/20210611194608/https://www.cbp.gov/accordion-page/oca-directorates>>.

			innovation, competition and anti-trust laws, terrorism and crime, and immigration reform. ⁹⁵¹ This oversight includes holding hearings on DHS policies relating to asylum seekers and access to the asylum system, as well as introducing and passing legislation relating to the same issues. The DHS Office of Congressional Affairs ‘collaborates regularly with Congressional staff’ from this committee on CBP policy and actions relating to border enforcement operations and other policies and practices that directly or indirectly impact people’s ability to raise and pursue asylum claims. ⁹⁵²
POE Turnback	committee_judiciary_senate	Indirect	The Judiciary Committee oversees the Department of Justice and agencies under the Department’s jurisdiction, including those that have a direct and indirect impact on asylum as outlined above. The Judiciary Committee also plays a key role in consideration of nominations for high-ranking agency officials, and all Article III judicial nominations. These people can have a significant impact on policy and regulations relating to asylum and the ability of people to access asylum. The Senate Judiciary Committee also considers legislation, resolutions, messages, petitions, memorials and other matters relating to civil liberties and immigration, which includes asylum and legislation impacting access to asylum. DHS OCA ‘collaborates regularly with Congressional staff’ from this committee on CBP policy and actions relating to border enforcement operations and other policies and practices that directly or indirectly impact people’s ability to raise and pursue asylum claims. ⁹⁵³
POE Turnback	committee_appropriations_sub_homeland_security_house	Indirect	The Homeland Security Subcommittee holds hearings and drafts legislation on appropriations relating to the Department of Homeland Security. ⁹⁵⁴ In terms of immigration, for example, the Appropriations Committee passed a 2021 DHS appropriations bill that, among other things, ‘Reduces funding for Immigration and Customs Enforcement and sharply decreases detention beds, Phases out family detention by the end of 2020 ... Rejects the proposed hiring of additional Border Patrol agents ...’ ⁹⁵⁵ DHS Office of Congressional Affairs ‘collaborates regularly with Congressional staff’ from this committee in order ‘to ensure favorable consideration of CBP’s budgetary requests and initiatives.’ ⁹⁵⁶
POE Turnback	committee_appropriations_sub_homeland_security_senate	Indirect	The Senate Appropriations Committee ‘writes the legislation that allocates federal funds to the numerous government agencies, departments, and organizations on an annual basis. Twelve subcommittees are tasked with drafting legislation to allocate funds to government agencies within their jurisdictions. These subcommittees are responsible for reviewing the President’s budget request,

⁹⁵¹ ‘About’, *House Committee on the Judiciary* (Web Page) <<https://judiciary.house.gov/about/>>.

⁹⁵² ‘OCA Directorates’, *US Customs and Border Protection* (Archived Web Page, 11 June 2021) <<https://web.archive.org/web/20210611194608/https://www.cbp.gov/accordion-page/oca-directorates>>.

⁹⁵³ Ibid.

⁹⁵⁴ House Appropriations, *House Democrats’ \$4.5 Billion Supplemental Appropriations Bill to Address the Humanitarian Crisis at the Border* (Fact Sheet, 21 June 2019).

⁹⁵⁵ House Appropriations, *Fiscal Year 2021 Appropriations Bill At-a-Glance* (Fact Sheet, 2021).

⁹⁵⁶ ‘OCA Directorates’, *US Customs and Border Protection* (Archived Web Page, 11 June 2021) <<https://web.archive.org/web/20210611194608/https://www.cbp.gov/accordion-page/oca-directorates>>.

			hearing testimony from government officials and other witnesses, and drafting the spending plans for the coming fiscal year. Their work is passed on to the full Senate Appropriations Committee, which may review and modify the bills and approve them for consideration by the full Senate. ⁹⁵⁷ This includes legislation funding operations of the 'Department of Homeland Security, Analysis and Operations, Biometric Identity Management Office of [US-VISIT] ... Federal Emergency Management Agency, Federal Law Enforcement Training Center ... Inspector General ... U.S. Citizenship and Immigration Services, U.S. Coast Guard, U.S. Customs and Border Protection ... U.S. Immigration and Customs Enforcement ...', which has direct and indirect impact on asylum seekers and their ability to raise and pursue a claim. ⁹⁵⁸ DHS Office of Congressional Affairs 'collaborates regularly with Congressional staff' from this committee in order 'to ensure favorable consideration of CBP's budgetary requests and initiatives.' ⁹⁵⁹
POE Turnback	committee_oversight_reform_house	Indirect	The House Committee on Oversight and Reform 'is the main investigative committee in the U.S. House of Representatives.' ⁹⁶⁰ Oversight responsibilities include the review on a continuing basis 'the application, administration, execution, and effectiveness of laws and programs addressing subjects within its jurisdiction ... the organization and operation of Federal agencies and entities having responsibilities for the administration and execution of laws and programs addressing subjects within its jurisdiction ... any conditions or circumstances that may indicate the necessity or desirability of enacting new or additional legislation addressing subjects within its jurisdiction'. ⁹⁶¹ This includes the application, administration, execution and effectiveness of laws on asylum and which impact people's ability to access asylum, as well as the organisation and operation of agencies that are directly and indirectly involved in the asylum framework. DHS Office of Congressional Affairs 'collaborates regularly with Congressional staff' from this committee on issues relating to land ports of entry, CBP officer staffing, passenger targeting efforts, biometric entry-exit and other issues that may impact asylum seekers. ⁹⁶²
POE Turnback	committee_commerce_science_transport_senate	Indirect	The Senate Committee on Commerce, Science and Transportation reviews 'all proposed legislation, messages, petitions, memorials, and other matters relating to the ... Coast Guard ... Interstate commerce ... Science, engineering, and technology research and development and policy ...

⁹⁵⁷ 'Committee Jurisdiction', *United States Senate Committee on Appropriations* (Web Page) <<https://www.appropriations.senate.gov/about/jurisdiction>>.

⁹⁵⁸ 'Homeland Security', *United States Senate Committee on Appropriations* (Web Page) <<https://www.appropriations.senate.gov/subcommittees/homeland-security>>.

⁹⁵⁹ 'OCA Directorates', *US Customs and Border Protection* (Archived Web Page, 11 June 2021) <<https://web.archive.org/web/20210611194608/https://www.cbp.gov/accordion-page/oca-directorates>>.

⁹⁶⁰ 'About', *House Committee on Oversight and Reform* (Web Page) <<https://oversight.house.gov/about>>.

⁹⁶¹ 'Committee Jurisdiction', *House Committee on Oversight and Reform* (Web Page) <<https://oversight.house.gov/about/committee-jurisdiction>>.

⁹⁶² 'OCA Directorates', *US Customs and Border Protection* (Archived Web Page, 11 June 2021) <<https://web.archive.org/web/20210611194608/https://www.cbp.gov/accordion-page/oca-directorates>>.

			Transportation. ... Such committee shall also study and review, on a comprehensive basis, all matters relating to science and technology, oceans policy, transportation, communications, and consumer affairs, and report thereon from time to time. ⁹⁶³ Matters relating to science and technology research and development and policy, as well as the Coast Guard, may have a direct or indirect impact on asylum seekers. DHS increasingly uses different types of technology to deter people from reaching the United States and thus accessing the asylum framework, as well as to vet and collect information about applicants for immigration benefits including asylum. The DHS Office of Congressional Affairs ‘collaborates regularly with Congressional staff’ from this committee on issues relating to land ports of entry, CBP officer staffing, passenger targeting efforts, biometric entry-exit and other issues that may impact asylum seekers. ⁹⁶⁴
POE Turnback	house_committee_energ_y_commerce	Indirect	The House Committee on Energy and Commerce ‘legislates on a wide variety of issues, including: ... privacy, cybersecurity and data security ... interstate and foreign commerce. The Committee also oversees several federal departments and agencies, including: ... Centers for Disease Control and Prevention ... Department of Homeland Security’. ⁹⁶⁵ The DHS Office of Congressional Affairs ‘collaborates regularly with Congressional staff’ from this committee on issues relating to land ports of entry, CBP officer staffing, passenger targeting efforts, biometric entry-exit and other issues that may impact asylum seekers. ⁹⁶⁶
POE Turnback	house_perm_select_committee_intelligence	Indirect	‘The House Permanent Select Committee on Intelligence oversees the nation’s intelligence agencies including components of the Departments of Defense, Homeland Security, Justice, State, Treasury and Energy.’ ⁹⁶⁷ The DHS Office of Congressional Affairs ‘collaborates regularly with Congressional staff’ from this committee on issues relating to land ports of entry, CBP officer staffing, passenger targeting efforts, biometric entry-exit and other issues that may impact asylum seekers. ⁹⁶⁸
POE Turnback	senate_select_committee_intelligence	Indirect	‘The Committee’s staff reviews intelligence reports, budgets, and activities; investigates matters on behalf of the Committee; prepares legislation; and receives briefings.’ ⁹⁶⁹ ‘The topics for hearings include agency activities, intelligence collection programs, and intelligence analysis on a geographic

⁹⁶³ ‘Jurisdiction’, *US Senate Committee on Commerce, Science, & Transportation* (Web Page) <<https://www.commerce.senate.gov/jurisdiction>>.

⁹⁶⁴ ‘OCA Directorates’, *US Customs and Border Protection* (Archived Web Page, 11 June 2021) <<https://web.archive.org/web/20210611194608/https://www.cbp.gov/accordion-page/oca-directorates>>.

⁹⁶⁵ ‘About E&C’, *House Committee on Energy & Commerce* (Web Page) <<https://energycommerce.house.gov/about-ec>>.

⁹⁶⁶ ‘OCA Directorates’, *US Customs and Border Protection* (Archived Web Page, 11 June 2021) <<https://web.archive.org/web/20210611194608/https://www.cbp.gov/accordion-page/oca-directorates>>.

⁹⁶⁷ ‘About’, *US House of Representatives Permanent Select Committee on Intelligence* (Web Page) <<https://intelligence.house.gov/about/>>.

⁹⁶⁸ ‘OCA Directorates’, *US Customs and Border Protection* (Archived Web Page, 11 June 2021) <<https://web.archive.org/web/20210611194608/https://www.cbp.gov/accordion-page/oca-directorates>>.

⁹⁶⁹ ‘About the Committee’, *US Senate Select Committee on Intelligence* (Web Page) <<https://www.intelligence.senate.gov/about>>.

			region or issue ... The Committee writes an annual intelligence authorization bill that authorizes funding levels for intelligence activities (these set caps for agency funding) and provides legislative provisions that limit or allow intelligence conduct. ... On occasion, the Committee reviews intelligence aspects of treaties as part of the Senate's ratification process. ... The Committee conducts reviews of intelligence programs or events, ranging from routine and continuing study (the conduct of covert action programs and intelligence operations) to formal inquiries. ... The Committee receives and reviews intelligence analysis on a broad range of topics to inform policy decisions.' ⁹⁷⁰ The DHS Office of Congressional Affairs 'collaborates regularly with Congressional staff' from this committee on issues relating to land ports of entry, CBP officer staffing, passenger targeting efforts, biometric entry-exit and other issues that may impact asylum seekers. ⁹⁷¹
POE Turnback	congressional_budget_office	Indirect	'CBO analyzes proposals to change federal policies regarding aviation and border security, emergency response, anticounterfeiting measures, the protection of federal infrastructure, cybersecurity, and other topics related to securing the nation from threats.' ⁹⁷² CBO reports can influence the form and content of immigration legislation, including rules that impact asylum seekers.
POE Turnback	government_accountability_office	Indirect	'GAO's High-Risk List provides a road map for priority actions needed in agencies and program areas that we deem high risk due to their vulnerabilities to fraud, waste, abuse, and mismanagement, or are most in need of transformation. Areas on the HighRisk List cover some of the largest agencies and programs, including ... the Department of Homeland Security.' ⁹⁷³ The GAO has issued numerous reports and recommendations of actions and policies of the Department of Homeland Security, including those related to Southwest Border Security and other measures that impact asylum seekers. ⁹⁷⁴ For example, GAO-21-144, <i>Southwest Border: DHS and DOJ Have Implemented Expedited Credible Fear Screening Pilot Programs, but Should Ensure Timely Data Entry</i> reviewed the screening pilot programs and found that DHS and DOJ did not have appropriate systems in place to accurately track data relating to expedited credible fear screening programs for asylum seekers.
POE Turnback	library_of_congress	Indirect	'The Library is the main research arm of the U.S. Congress and the home of the U.S. Copyright Office.' ⁹⁷⁵ 'The Library serves Congress by providing access to its collection, as well as policy consultations, on-demand analysis, briefings, events, programs, and constituent engagement.' ⁹⁷⁶

⁹⁷⁰ Ibid.

⁹⁷¹ 'OCA Directorates', *US Customs and Border Protection* (Archived Web Page, 11 June 2021) <<https://web.archive.org/web/20210611194608/https://www.cbp.gov/accordion-page/oca-directorates>>.

⁹⁷² 'Homeland Security', *Congressional Budget Office* (Web Page) <<https://www.cbo.gov/topics/homeland-security>>.

⁹⁷³ Government Accountability Office, *Strategic Plan 2018-2023* (Report, GAO-18-1SP) 6.

⁹⁷⁴ 'Homeland Security', *US Government Accountability Office* (Web Page, 2021) <<https://www.gao.gov/topics/homeland-security>>.

⁹⁷⁵ 'About the Library', *Library of Congress* (Web Page) <<https://loc.gov/about/>>.

⁹⁷⁶ 'Enriching the Library Experience: The FY2019-2023 Strategic Plan of the Library of Congress', *Library of Congress* (Web Page) <<https://loc.gov/strategic-plan/>>.

			‘Congress, the judiciary, and other federal agencies have reliable, round-the-clock access to reliable knowledge in print, online, and via consultation with scholars and experts from the Congressional Research Service, the U.S. Copyright Office, the Law Library, and the Kluge Center.’ ⁹⁷⁷ Library services include providing consultations, analysis, briefings, events, programs and other services related to asylum law and policy, as well as in relation to policies and laws which impact the ability of people to access and pursue a claim within the asylum system.
POE Turnback	congressional_research_service_loc	Indirect	‘The Congressional Research Service (CRS) works exclusively for the United States Congress, providing policy and legal analysis to committees and Members of both the House and Senate, regardless of party affiliation. As a legislative branch agency within the Library of Congress, CRS has been a valued and respected resource on Capitol Hill for more than a century. CRS is well-known for analysis that is authoritative, confidential, objective and nonpartisan. Its highest priority is to ensure that Congress has 24/7 access to the nation’s best thinking.’ ⁹⁷⁸ CRS provides policy and legal analysis in relation to asylum, as well as in relation to policies and laws which impact the ability of people to access and pursue a claim within the asylum system.
POE Turnback	instituto_nacional_de_migracion	Direct	INM is responsible for assisting in the maintenance of ‘lists’ of asylum seekers in Mexico waiting to be accepted for processing by CBP during the operation of metering at the southern border. INM would unofficially oversee the registration of asylum seekers on the informal lists, including standing by as volunteers called the names of people who would be processed that day, and then taking asylum seekers in a van for CBP processing at CBP’s direction. People also might have contact with INM when being issued transit permits or humanitarian permits when crossing through Mexico.
POE Turnback	grupos_beta_inm	Direct	‘[V]arious Mexican entities, including the military and Grupos Beta’ have been engaged in ‘preventing some asylum seekers from accessing U.S. ports of entry’. ⁹⁷⁹ ‘The Tijuana appointment system was initially developed by U.S. and Mexican officials as an ad hoc response to the arrival of large numbers of Haitians at three ports of entry in the San Diego border sector during the summer of 2016. The plan tasked Grupos Beta, the humanitarian branch of the Mexican immigration enforcement agency (INM), with providing these “appointments” for migrants and asylum seekers who did not have entry documents, to present themselves to CBP at a later day and time. This flawed appointment system was plagued with misinformation and abuse, leaving many asylum seekers stranded in Mexico. It has continued at the San Ysidro port of entry long after the number of Haitians attempting to enter the United States fell—and despite the much-touted decrease in arrivals along the

⁹⁷⁷ Ibid.

⁹⁷⁸ ‘Congressional Research Service Careers’, *Library of Congress* (Web Page) <<https://www.loc.gov/crsinfo/>>.

⁹⁷⁹ Human Rights First, *Crossing the Line: U.S. Border Agents Illegally Reject Asylum Seekers* (Report, May 2017) 2.

			border.’ ⁹⁸⁰ ‘Since Central Americans are typically not issued a transit visa at Mexico’s southern border, they are effectively blocked from receiving an “appointment.” Grupos Beta has also refused appointments for individuals with legal status in Mexico, such as a tourist visa, blocking other nationalities that enter Mexico on visas from approaching U.S. officials to seek asylum.’ ⁹⁸¹
POE Turnback	domestic_nongovernmental_organisations	Direct	Non-governmental organisations and other community volunteers in the United States that support asylum seekers, contribute to policy development and change, engage in community education, advocacy, and administration. These organisations also provide non-legal services to asylum seekers, such as detention visits, or assistance with shelter, transportation, food, or clothing.
POE Turnback	international_nongovernmental_organisations	Direct	Non-governmental organisations and other community volunteers outside the United States that support asylum seekers, contribute to policy development and change, engage in community education, advocacy, and administration. These organisations also provide non-legal services to asylum seekers, such as detention visits, or assistance with shelter, transportation, food, or clothing.
POE Turnback	unhcr	Direct	UNHCR is responsible for providing international protection to refugees and other persons within its mandate, which includes asylum seekers. UNHCR fulfils its international protection mandate by, inter alia, ‘[p]romoting the conclusion and ratification of international conventions for the protection of refugees, supervising their application and proposing amendments thereto.’ ⁹⁸² UNHCR has also increased its assistance to refugees and asylum seekers in Mexico, including through the construction of shelters, access to asylum and relocation assistance, and other forms of aid. ⁹⁸³
POE Turnback	foreign_consulates	Direct	Foreign consulates may become involved in assisting their nationals who encounter US immigration enforcement officials, who may also raise asylum claims. For example, the Consulate of Guatemala, ⁹⁸⁴ or the Mexican consulate in Arizona. ⁹⁸⁵
POE Turnback	legal_service_providers	Direct	Foreign nationals in removal proceedings, including asylum seekers, do not have access to a public defender. ⁹⁸⁶ Legal service providers including attorneys and BIA accredited representatives, provide a range of services including legal advice, legal orientation programs, assistance with pro bono

⁹⁸⁰ Ibid at 8.

⁹⁸¹ Ibid.

⁹⁸² *Statute of the Office of the United Nations High Commissioner for Refugees*, GA Res 428(V), UN Doc A/RES/428(V) (14 December 1950) annex [1].

⁹⁸³ ‘UNHCR ramps up support for Mexico amid mounting asylum applications’, *UNHCR* (Briefing Note, 13 April 2021) <<https://www.unhcr.org/en-us/news/briefing/2021/4/607549864/unhcr-ramps-support-mexico-amid-mounting-asylum-applications.html#:~:text=UNHCR%2C%20the%20UN%20Refugee%20Agency,registered%2022%2C606%20new%20asylum%20applications>>.

⁹⁸⁴ Interview with Participant 002 (Regina Jefferies, United States) on file with author.

⁹⁸⁵ Interview with Participant 006 (Regina Jefferies, United States) on file with author.

⁹⁸⁶ ‘Adult Team’, *Florence Immigrant & Refugee Rights Project* (Web Page, 2021) <<https://firrp.org/what/adult-team/>>.

			placement, and direct representation in removal and bond proceedings, or parole requests. ⁹⁸⁷ This is particularly important in asylum cases.
POE Turnback	translators_interpreters	Direct	‘All documents filed with the Immigration Court must be in the English language or accompanied by a certified English translation.’ ⁹⁸⁸ All immigration court and federal court proceedings are also conducted in English and any documents filed with USCIS must also be in English. ‘Interpreters are provided at government expense to individuals whose command of the English language is inadequate to fully understand and participate in removal proceedings.’ ⁹⁸⁹ Translators and interpreters are critical in asylum cases which often require translation of evidence and testimony which can make or break a case.
Between POE Turnback	department_of_homeland_security	Direct	The Department of Homeland Security (‘DHS’) is the overarching cabinet-level agency responsible for identifying and processing asylum seekers and other individuals in need of protection at borders, as well as in the interior of the US. ⁹⁹⁰
Between POE Turnback	secretary_exec_mgmt	Indirect	The Office of the Secretary and Executive Management plays a leadership role in ‘directing the Department’s efforts to prevent terrorism and enhance security, secure and manage borders, enforce and administer the Nation’s immigration laws ...’ ⁹⁹¹ This includes efforts to process asylum seekers at the southern border, as well as administering immigration laws relating to asylum and other forms of international protection.
Between POE Turnback	secretary_osem_dhs	Indirect	The Secretary of Homeland Security ‘oversees Department of Homeland Security (DHS) efforts to ... secure and manage our borders while facilitating trade and travel, enforce and administer our immigration laws.’ ⁹⁹² This includes overseeing, enforcing and administering laws relating to asylum and the processing of people at borders attempting to raise a protection claim.
Between POE Turnback	chief_of_staff_osem_dhs	Indirect	The Chief of Staff ‘is responsible for coordinating policy initiatives and other actions of the Department’s components, directorates, and offices. The COS oversees DHS activities, assists the Deputy in managing DHS operations, and supports the Secretary.’ ⁹⁹³ This includes coordinating policy initiatives and other actions relating to processing asylum seekers at the southern border.

⁹⁸⁷ ‘Immigrant Legal Defense Program’, *Justice & Diversity Center of the Bar Association of San Francisco* (Web Page, 2021) <<https://www.sfbar.org/jdc/immigrant-legal-defense/>>.

⁹⁸⁸ Executive Office for Immigration Review, *Immigration Court Practice Manual* (EOIR, 16 November 2020) 43-44, rule 3.3.

⁹⁸⁹ Ibid at 64, rule 4.11.

⁹⁹⁰ See Department of Homeland Security, *FY 2021 Budget in Brief* (Report, 9 February 2020) <<https://www.dhs.gov/publication/fy-2021-budget-brief>>.

⁹⁹¹ Ibid at 11.

⁹⁹² ‘Office of the Secretary’, *Department of Homeland Security* (Web Page) <<https://www.dhs.gov/office-secretary>>.

⁹⁹³ Office of the Secretary and Executive Management, *Budget Overview: Fiscal Year 2021 Congressional Justification* (DHS Report, 10 February 2020) 72 <https://www.dhs.gov/sites/default/files/publications/office_of_the_secretary_and_executive_management.pdf>.

Between Turnback	POE	military_advisor_osem_dhs	Indirect	The Military Advisor's 'essential functions include: Deploying at the discretion of the Secretary and Deputy Secretary for major incidents or other contingencies. Serving as the focal point for DHS-DoD collaboration through established working groups and a cooperative approach to homeland security, homeland defense, and incident management. Being a key advisor to DHS senior staff and Components on matters involving policy and procedure development, information and resources exchanges, and operations between DHS and DoD.' ⁹⁹⁴ This includes the deployment of DoD personnel at the southern border to assist CBP. "The duties to be performed by military personnel include the same categories of support as those currently being carried out along the border, including detection and monitoring, logistics, and transportation support to U.S. Customs and Border Protection," according to the DoD statement.' ⁹⁹⁵
Between Turnback	POE	executive_secretary_osem_dhs	Indirect	The Executive Secretary 'is the principal liaison between the Department and its Components, and coordinates all external correspondence for the Immediate Office of the Secretary and all directorates.' ⁹⁹⁶ The Executive Secretary works with components like CBP, ICE, and USCIS to coordinate all external correspondence, including correspondence related to asylum for various audiences including Congress and the public.
Between Turnback	POE	deputy_secretary_osem_dhs	Indirect	'The Deputy Secretary's role is to provide internal oversight of all Departmental operations'. ⁹⁹⁷ The Deputy Secretary is responsible for providing accountability and oversight of all of DHS, including components responsible for referring or adjudicating asylum claims, such as USCIS, CBP, and ICE. ⁹⁹⁸
Between Turnback	POE	strategy_policy_plans_osem_dhs	Indirect	The Office of Strategy, Policy, and Plans ('PLCY') 'serves as a central resource to the Secretary and other Department leaders for policy development and review, strategic planning and analysis, and facilitation of decision-making on the full breadth of issues that may arise across the dynamic homeland security enterprise. PLCY is responsible for strengthening our Nation's homeland security by developing DHS-wide policies, programs, and planning to promote and ensure the highest level of performance, quality, consistency, and integration in the execution of all homeland security missions. PLCY represents and coordinates the consolidated DHS position at White House

⁹⁹⁴ 'Office of the Military Advisor', *Department of Homeland Security* (Web Page) <<https://www.dhs.gov/about-office-military-advisor>>.

⁹⁹⁵ Oriana Pawlyk, 'US Military's Deployment to the Southern Border Has Been Extended Another Year', *Military.com* (online, 25 June 2020) <<https://www.military.com/daily-news/2020/06/25/us-militarys-deployment-southern-border-has-been-extended-another-year.html>>.

⁹⁹⁶ *Budget Overview: Fiscal Year 2021 Congressional Justification* (n 4) 72.

⁹⁹⁷ Ibid.

⁹⁹⁸ Carrie Cordero, 'Reforming the Department of Homeland Security Through Enhanced Oversight & Accountability' (Research Report, Center for a New American Security, 12 May 2020).

			interagency committee meetings.’ ⁹⁹⁹ This includes issues related to asylum and the southern land border.	
Between Turnback	POE	strategy_policy_plans_exec_osem_dhs	Indirect	The Executive Office ‘manages the following: The Executive Secretariat functions; training and education programs, which include intern and Presidential Management Fellow programs; operations and resource management; Freedom of Information Act requests and inquiries; Privacy and Audit Liaison functions; and the Department’s coordination process for Policy Coordination Committees (PCCs). Moreover, The Executive Office provides a centralized coordination point for developing and communicating policies across multiple sub offices within PLCY, throughout the Department, and across the homeland security enterprise.’ ¹⁰⁰⁰ This includes policies relating to asylum and the southern land border.
Between Turnback	POE	strategy_plans_analysis_risk_plcy_osem_dhs	Indirect	“[T]he Office of the Assistant Secretary, Strategy, Plans, Analysis & Risk (SPAR) controls the development of DHS strategy documents. SPAR creates the two main documents that detail DHS’ long-term strategic planning, the QHSR [Quadrennial Homeland Security Review] and the DHS Strategic Plan. These two documents serve as the basis in determining DHS’ strategic priorities, plans, and areas of focus....’ ¹⁰⁰¹ ‘The purpose of the QHSR is to “be a comprehensive examination of the homeland security strategy of the Nation, including recommendations regarding the long term strategy and priorities of the Nation for homeland security and guidance on the programs, assets, capabilities, budget, policies, and authorities of the Department.”’ ¹⁰⁰² These strategic priorities include work regarding asylum seekers, the US southern border, and other policy and legal initiatives which impact asylum seekers. For example, as of 2014, DHS considered the following among its strategic priorities: ‘Secure and Manage U.S. Borders’ and ‘Enforce and Administer our Immigration Laws’. ¹⁰⁰³
Between Turnback	POE	border_immigration_trade_plcy_osem_dhs	Indirect	‘Border, Immigration & Trade Policy (BIT) supports DHS’s border security and immigration missions by developing and coordinating policies on the transit of people and goods across U.S. borders.... On immigration matters, BIT consolidates Component statistics and conducts quantitative studies to assess immigration trends and effects, advises Department leadership on immigration policies and regulations, and engages interagency counterparts on immigration policies.’ ¹⁰⁰⁴ These

⁹⁹⁹ *Budget Overview: Fiscal Year 2021 Congressional Justification* (n 4) 36.

¹⁰⁰⁰ *Ibid.*

¹⁰⁰¹ Michael A Davis Jr, ‘Looking Beyond the Horizon: Modelling DHS Net Assessment’ (Master’s Thesis, Naval Postgraduate School, March 2020) 21.

¹⁰⁰² *Ibid* at 22.

¹⁰⁰³ *Ibid* at 23.

¹⁰⁰⁴ *Budget Overview: Fiscal Year 2021 Congressional Justification* (n 4) 37.

				data and quantitative studies would include individuals seeking asylum, as well as advising on policies and regulations and in interagency settings on immigration policy impacting asylum seekers.
Between Turnback	POE	international_affairs_ plcy_osem_dhs	Indirect	‘On January 4, 2016, Secretary Johnson announced a number of ongoing and new actions that will address recent trends and improve southwest border security, including increasing border security, cracking down on criminal smugglers, and expanding cooperation with international partners. All of these measures, in concert with actions undertaken by our interagency and regional partners, will make it that much more difficult for extra-hemispheric migrants to move unimpeded into and through Central America and Mexico and approach the U.S. border.’ ¹⁰⁰⁵
Between Turnback	POE	public_affairs_osem_ dhs	Indirect	‘DHS and State carried out several public information campaigns between 2013 and 2015 intended to dissuade citizens of El Salvador, Guatemala, and Honduras from migrating to the United States.... The campaigns ran in El Salvador, Guatemala, Honduras, and Mexico, with ads placed on radio and TV stations, and on billboards, bus stops, and in and on buses (see fig. 3). According to an official from DHS CBP’s Office of Public Affairs, in developing the 2013 dangers of the journey campaign, DHS incorporated feedback from various U.S. agencies and a working group composed of several DHS components; the embassies of El Salvador, Guatemala, and Honduras; and other international and nongovernmental organizations.’ ¹⁰⁰⁶ ‘DHS continues to work with DOS and other partners to create opportunities for media in the region using DHS spokespeople to discuss migration to the United States, as well as to update its messaging campaigns and create new media products for use with Central American audiences.’ ¹⁰⁰⁷
Between Turnback	POE	strategic_ communications_pa_ osem_dhs	Indirect	Strategic Communications ‘provides overall management for implementation of communication plans relating to DHS programs and policies, rules/regulations, and complex domestic and international issues requiring extensive outreach and public education.’ ¹⁰⁰⁸ ‘Under President Trump, the Department of Homeland Security (DHS) rolled out the controversial parent-child separation policy, also known as zero tolerance, and the Migrant Protection Protocols program (MPP) in 2018–

¹⁰⁰⁵ Written Evidence to the Committee on Foreign Affairs, Subcommittee on the Western Hemisphere, United States House of Representatives, Washington, DC, 22 March 2016 (Alan Bersin, Assistant Secretary and Chief Diplomatic Officer, PLCY Office of International Affairs) <www.dhs.gov/news/2016/03/22/written-testimony-plcy-house-foreign-affairs-subcommittee-western-hemisphere-hearing>.

¹⁰⁰⁶ Government Accountability Office, ‘Central America: Improved Evaluation Efforts Could Enhance Agency Programs to Reduce Unaccompanied Child Migration’ (GAO Report No GAO-15-707, 29 July 2015) 14.

¹⁰⁰⁷ Evidence to the Committee on the Judiciary, Subcommittee on Border Security and Immigration, United States Senate, Washington, DC, 23 May 2018 (Richard M Hudson, Deputy Chief, Operational Programs, Law Enforcement Operations Directorate, US Border Patrol) 5.

¹⁰⁰⁸ *Budget Overview: Fiscal Year 2021 Congressional Justification* (n 4) 85.

				19. How DHS conducts strategic communications about such controversial policies is directly related to public and stakeholder perception of these policies.’ ¹⁰⁰⁹
Between Turnback	POE	communications_operations_pa_osem_dhs	Indirect	The Communications Operations Division provides 'information directly to the public through our Department and components websites. Coordinating, integrating and synchronizing employee communications efforts of the Components and DHS headquarters.’ ¹⁰¹⁰ This Division facilitates both internal communication amongst DHS and its components, which includes communications around asylum and border enforcement law and policy, as well as external communication to the public through its websites. DHS and component websites include (or omit) critical information that individuals need to locate detained family members, apply for asylum, or engage in various other acts in pursuance of a protection claim.
Between Turnback	POE	legislative_affairs_osem_dhs	Indirect	The Office of Legislative Affairs (‘OLA’) serves as a ‘primary liaison to Members of Congress and their staff, to respond to inquiries from Congress and notify Congress of Department initiatives, policies, and programs’, ¹⁰¹¹ which include programs related to border enforcement and asylum. OLA works to ‘enhance the ability of the Department to execute its missions by providing timely information to Members of Congress about our efforts to prevent terrorism and enhance security; manage our borders; administer immigration laws; secure cyberspace; and ensure disaster resilience’ essentially lobbying Congress in ‘an integrated approach that recognizes the interconnectedness of DHS’s legislative mission with a sound, robust and fully engaged staff to formulate the legislation recommendations that drive the priorities of the Administration and Secretary.’ ¹⁰¹²
Between Turnback	POE	assistant_secretary_la_osem_dhs	Indirect	The Office of the Assistant Secretary ‘advises the Secretary on key legislative strategies, facilitates the DHS Senate-confirmation process, clearly articulates DHS’ views in support of needed authorities and appropriations, and directs the Department’s complex congressional relations programs ensuring a cross-Departmental approach for DHS to speak with one, informed voice to Members of Congress and their staffs.’ ¹⁰¹³ These legislative strategies and relations with Congress – including in relation to Congressional oversight of agency activities – often relate to asylum seekers and the southern border.
Between Turnback	POE	legislative_affairs_teams_la_osem_dhs	Indirect	‘The Legislative Affairs Teams serves as the primary liaison to Congress and advocates for the policy interest of the Administration and the Secretary, ensures that all DHS Components are actively

¹⁰⁰⁹ Jonathan M Graham, ‘Strategic Communications and the Department of Homeland Security: Immigration Policies, Mixed Messaging, and Information Fratricide’ (Master’s Thesis, Naval Postgraduate School, March 2021) v.

¹⁰¹⁰ *Budget Overview: Fiscal Year 2021 Congressional Justification* (n 4) 85.

¹⁰¹¹ *Ibid* at 87.

¹⁰¹² *Ibid*.

¹⁰¹³ *Ibid*.

				engaged with Congress by responding to requests and inquiries from congressional committees, Members of Congress and their staffs, and fully participates in the DHS Senate confirmation process. ¹⁰¹⁴ This liaison and advocacy work with Congress – including in relation to Congressional oversight of agency activities – often relates to asylum seekers and the southern border.
Between Turnback	POE	general_counsel_osem_dhs	Indirect	The General Counsel’s work includes work relating to asylum and the ability of asylum seekers to access a fair and efficient process for refugee status determination, and in relation to engagements with foreign governments on policies seeking to prevent or make it difficult for people to access the asylum system.
Between Turnback	POE	general_law_gc_osem_dhs	Indirect	The ‘General Law Division (GLD) advises the Secretary and other Department leaders on legal issues associated with the management and operation of the Department. GLD regularly coordinates with Component Chief Counsel Offices on critical legal issues that are relevant to multiple DHS components. GLD oversees portfolios involved with administrative law; fiscal law; appropriations; the Vacancy Reform Act ... torts ... delegations and authorities; and environmental and property law matters.’ ¹⁰¹⁵ Many of these purviews bear upon asylum law and policy, including administrative law matters, matters relating to the appointment of senior and other Department officials, torts committed by agency officials, as well as legal matters relating to the acquisition of land for the Trump Administration’s border wall effort.
Between Turnback	POE	ethics_law_gc_osem_dhs	Indirect	The ELD provides ‘guidance guidance related to related areas of law, such as procurement integrity and partisan political activity regulations and policies’ and advises on ‘complex and sensitive legal and policy matters both for individual questions and as related to DHS programs and operations.’ ¹⁰¹⁶ These legal and policy matters, as well as partisan political activity issues, may involve asylum law and policy, or policies impacting the ability of individuals to access a fair and efficient refugee status determination process.
Between Turnback	POE	regulatory_affairs_gc_osem_dhs	Indirect	‘The Regulatory Affairs Law Division (RLD) advises the Secretary and Department leaders on legal and economic issues associated with DHS regulatory actions and ensures that those actions comply with constitutional, statutory, and other legal requirements. RLD manages the DHS regulatory docket, develops the DHS regulatory and deregulatory agenda, oversees the regulatory process for the Department, and provides leadership for regulatory and administrative law practice matters. This Division provides substantive legal review on numerous DHS regulations and manages the clearance of hundreds of interagency regulations each year. They also oversee execution of Executive Order 13771 - Reducing Regulation and Controlling Regulatory Costs and Executive Order 13777 -

¹⁰¹⁴ Ibid.

¹⁰¹⁵ *Budget Overview: Fiscal Year 2021 Congressional Justification* (n 4) 75.

¹⁰¹⁶ ‘Attorney-Advisor (Open Continuous)’, *USAJobs* (Web Page, 22 February 2021) <<https://www.usajobs.gov/GetJob/ViewDetails/592974400>>.

			Enforcing the Regulatory Reform Agenda. ¹⁰¹⁷ This regulatory work includes work on asylum and other regulations that impact the ability of individuals to access the asylum process.
Between Turnback	POE operations_enforceme nt_law_gc_osem_dhs	Indirect	‘The Operations and Enforcement Law Division (OELD) advises the Secretary and Department leaders on legal issues associated with enforcement and operational activities designed to protect the United States from, respond to, and recover from both natural and man-made threats. OELD is involved in the operations and enforcement of legal issues that concern Secretarial authorities, two or more DHS components, or the role of the Department in interagency operations. The Division provides legal advice regarding: air, land, and maritime domain security; border, cargo, and port security; counterterrorism; crisis-cell leadership; domestic-incident management; exercises; international law; law enforcement; national security; transportation security....’ ¹⁰¹⁸ Many of these areas relate to operational and legal issues that may impact asylum seekers and their ability to access the asylum process including, for example, operations at or between ports of entry along the southern land border.
Between Turnback	POE immigration_law_gc_ osem_dhs	Indirect	The Immigration Law Division (‘IMM’) ‘provides expertise in U.S. immigration and nationality law, including removal, arrest and detention authorities, national security matters, asylum, refugee and other protection-related issues, matters related to unaccompanied minors and victims of human trafficking, inspection and admissibility issues, naturalization and citizenship, constitutional and international human rights of migrants, immigrant and nonimmigrant visas/status. IMM also assists with administrative and federal court litigation of immigration-related matters and immigration-related legislative, regulatory and policy initiatives.’ ¹⁰¹⁹
Between Turnback	POE legal_counsel_gc_ose m_dhs	Indirect	‘The Legal Counsel Division (LCD) advises the Secretary and Department leaders on significant legal issues associated with litigation; legislation; the Freedom of Information Act (FOIA); civil rights and civil liberties; privacy; and oversight matters involving Congress, the U.S. Government Accountability Office, and the DHS Inspector General. LCD regularly coordinates agency positions across the Department in high-profile legislative and litigation matters, to include numerous cases before the Supreme Court, that have large-scale implications for DHS and its components.’ ¹⁰²⁰ This would include litigation related to asylum, metering, Operation Streamline, the ‘Migrant Protection Protocols’, as well as FOIA litigation.
Between Turnback	POE management_division _gc_osem_dhs	Indirect	‘The Management Division (MGMT) provides management, operational, and mission support to OGC Headquarter attorneys. Specific responsibilities include: financial oversight and budget

¹⁰¹⁷ *Budget Overview: Fiscal Year 2021 Congressional Justification* (n 4) 75.

¹⁰¹⁸ *Ibid* at 75-76.

¹⁰¹⁹ ‘Office of the General Counsel’, *US Department of Homeland Security* (Web Page, 22 March 2021) <<https://www.dhs.gov/office-general-counsel>>.

¹⁰²⁰ *Budget Overview: Fiscal Year 2021 Congressional Justification* (n 4) 76.

			planning; personnel management; employee training; management of controlled and executive correspondence; knowledge systems management; and strategic planning. MGMT engages with counterparts in component counsel and DHS HQ offices on cross-cutting management issues. ¹⁰²¹ This Division is involved in the training and management of employees that may work directly on legal and policy issues related to asylum, including the asylum process and policies and laws that impact whether a person is able to access the asylum process.
Between Turnback	POE civil_rights_civil_liber- ties_osem_dhs	Direct	The Office for Civil Rights and Civil Liberties (CRCL) ‘Communicates with individuals and communities whose civil rights and civil liberties may be affected by DHS activities, informs them about policies and avenues of redress, and promotes appropriate attention within the Department to their experiences and concerns. Investigates and issues recommendations regarding civil rights and civil liberties complaints filed by the public regarding DHS policies or activities, or actions taken by DHS personnel.’ ¹⁰²² For example, the Office has coordinated ‘community engagement meetings with more than 400 governmental organizations in the review of DHS immigration and asylum-related policies or proposals; and opened/closed 801 complaint investigations relating to Family Separations, Indefinite Detention, and Religious Questioning at Ports of Entry.’ ¹⁰²³
Between Turnback	POE programs_branch_crcl- osem_dhs	Indirect	‘The Programs Branch also ... coordinates outreach and engagement activities in communities where civil rights and civil liberties are particularly affected by DHS programs (Community Engagement Section). Additionally, the Programs Branch works to ensure that the Department’s programs and activities do not discriminate against individuals or prohibit access to the Department’s programs on the basis of race, color, national origin, limited English proficiency, age, sex, or disability, and that recipients of Federal financial assistance comply with their civil rights obligations (Antidiscrimination Group).’ ¹⁰²⁴ This work might include community engagement ‘in the review of DHS immigration and asylum-related policies or proposals’ and ‘complaint investigations relating to Family Separations, Indefinite Detention, and Religious Questioning at Ports of Entry.’ ¹⁰²⁵
Between Turnback	POE immigration_program- s_crcl_osem_dhs	Indirect	The ‘immigration-related programs affect both U.S. citizens and non-U.S. citizens, including lawful permanent residents, asylum seekers, refugees, non-immigrant and immigrant visa holders, migrant workers, undocumented persons, and persons in detention.’ ¹⁰²⁶ ‘The Immigration Section works with ICE to design and implement policies, procedures, and guidance to protect the civil and human rights

¹⁰²¹ Ibid at 77.

¹⁰²² *Budget Overview: Fiscal Year 2021 Congressional Justification* (n 4) 49.

¹⁰²³ *FY 2021 Budget in Brief* (n 1) 12.

¹⁰²⁴ Ibid at 51.

¹⁰²⁵ *FY 2021 Budget in Brief* (n 1) 12.

¹⁰²⁶ ‘CRCL Immigration Section’, *US Department of Homeland Security* (Web Page, 31 March 2021) <<https://www.dhs.gov/crcl-immigration-section>>.

				of immigrant detainees while fulfilling the DHS mission. Reforms have included: an online detainee locator system; immigration detention policy; policy safeguarding parental interests; improved risk assessment tools; the development of guidance on the care of transgender detainees in ICE custody; monitoring use of segregation in detention; and revising ICE’s detention standards, including the Performance-Based National Detention Standards, the Family Residential Standards, and the National Detention Standards.’ ¹⁰²⁷ ‘The CRCL Officer is the designated Department single point of contact for international human rights treaty reporting and coordination under Executive Order 13107. The Immigration Section works with DHS components to develop and advance protective policies, procedures, and training for victims of torture and persecution, battered immigrants, trafficked persons, and other needing special attention.’ ¹⁰²⁸ This includes asylum seekers.
Between Turnback	POE	compliance_branch_cr cl_osem_dhs	Direct	The Compliance Branch ‘investigates complaints from the public, media reports, and other sources, alleging civil rights or civil liberties violations by Department personnel or programs, including disability discrimination prohibited by the Rehabilitation Act of 1973, inappropriate use of force by DHS officers or agents, inadequate conditions of detention, violation of right to due process, and racial or ethnic profiling. CRCL makes formal recommendations to DHS Component leadership stemming from its investigations to address issues related to civil rights, such as changes to DHS policies, practices, and training....’ ¹⁰²⁹ These complaints include complaints against US Customs and Border Protection officials for mistreatment, abuse and other misconduct against asylum seekers.’ ¹⁰³⁰
Between Turnback	POE	mgmt_dhs	Indirect	MGMT ‘provides the overarching management structure for the Department to enable missions’ ¹⁰³¹ and engages in activities relevant to border security, operations, and programs that impact upon asylum seekers. For example, the Office of the Chief Human Capital Officer (within MGMT) analyses ‘the effectiveness of DHS’s training programs’, ¹⁰³² while the Office of Biometric Identity Management (within MGMT) ‘provides biometric match, store, share, and analyze services to DHS and mission partners’ ¹⁰³³ including USCIS and other components in the processing and adjudication of asylum claims, expedited removal proceedings, and other processes that involve the collection of biometrics from asylum seekers.

¹⁰²⁷ Ibid.

¹⁰²⁸ Ibid.

¹⁰²⁹ *Budget Overview: Fiscal Year 2021 Congressional Justification* (n 4) 51.

¹⁰³⁰ Letter from the American Civil Liberties Union to US Department of Homeland Security Secretary Alejandro Mayorkas, 3 March 2021 <https://www.aclu.org/sites/default/files/field_document/2021_03_03_aclu_complaint_letter.pdf>.

¹⁰³¹ *FY 2021 Budget in Brief* (n 1) 11.

¹⁰³² Ibid at 12.

¹⁰³³ 'Office of Biometric Identity Management', *US Department of Homeland Security* (Web Page, 18 March 2021) <<https://www.dhs.gov/obim>>.

Between Turnback	POE	human_capital_mgmt_dhs	Indirect	The Chief Human Capital Officer's tasks include addressing 'DHS' inability to hire personnel in a timely manner [which] has led to staffing shortfalls, which can affect productivity and morale, and disrupt mission critical operations. OCHCO recognizes this challenge, and on April 5, 2017, the Office of Personnel Management approved the Department's request for direct hiring authority for a number of positions having critical hiring needs at DHS, including CBP Border Patrol Agents and Human Resource Specialists, as well as ICE Deportation Officers, Criminal Investigators, and Human Resource Specialists.' ¹⁰³⁴ Staffing levels, as well as the quality of individuals recruited, directly impacts how and whether asylum seekers are able to access the asylum process.
Between Turnback	POE	human_capital_leadership_council_hc_mgmt_dhs	Indirect	The HCLC also establishes and administers the DHS Workforce Strategy ("Strategic Human Capital Plan") and other HC initiatives that link to and support the DHS mission, vision, core values, goals, and objectives.' ¹⁰³⁵ Inadequate workforce planning can 'undermine the ability of CBP and ICE to achieve hiring mandates and perform mission essential duties and functions', which includes receiving and processing asylum seekers at the border. ¹⁰³⁶
Between Turnback	POE	chief_security_officer_mgmt_dhs	Indirect	The OSCO implemented the Integrated Security Management System ('ISMS') in 2008 to support 'DHS's personnel security, administrative security, and classified visit management records ("passing a clearance") by managing data related to suitability determinations, background investigations, security clearance processing, security container and document tracking, personnel administration for security and classified contract support....' ¹⁰³⁷ This data and information is used to screen CBP and other DHS employment 'applicants for potential issues of suitability' ¹⁰³⁸ and contributes to hiring time and other human resources concerns that impact the types of people who CBP (or DHS) hire and who ultimately may encounter asylum seekers in the course of their employment.
Between Turnback	POE	analysis_sub_risk_analysis_exec_steering_committee_dhs	Indirect	'DHS-HQ has long recognized that successful strategic planning requires "having the right people, policies, processes, technologies, and analytic capabilities" to effectively and efficiently execute the Department's mission. Part of the strategic planning process requires effectively using available data and analytics to provide decision support to senior leadership and DHS-HQ management. Consequently, the Analytic Agenda aims to advance data-driven management to facilitate

¹⁰³⁴ US DHS Office of Inspector General, *Special Report: Challenges Facing DHS in Its Attempt to Hire 15,000 Border Patrol Agents and Immigration Officers* (OIG Report No OIG-17-98-SR, 27 July 2017) 12.

¹⁰³⁵ *Human Capital Line of Business Integration and Management* (n 80) 4.

¹⁰³⁶ *Special Report: Challenges Facing DHS in Its Attempt to Hire 15,000 Border Patrol Agents and Immigration Officers* (n 79) 1.

¹⁰³⁷ US Department of Homeland Security, *Privacy Impact Assessment Update for the Integrated Security Management System* (Report No DHS/ALL/PIA-038(c), 26 June 2017) 1.

¹⁰³⁸ Evidence to Committee on Homeland Security and Governmental Affairs, Subcommittee on Regulatory Affairs and Federal Management, United States House of Representatives, Washington, DC, 1 March 2018 (Angela Bailey, Chief Human Capital Officer).

				performance oversight, capability development, and the implementation of strategically important goals.’ ¹⁰³⁹ There are ‘six overarching homeland security missions’ that make up the DHS strategic plan, including to ‘Secure U.S. Borders and Approaches’ which includes ‘implementing a comprehensive border security approach to secure and maintain our borders, prevent and intercept foreign threats so they do not reach U.S. soil, enforce immigration laws throughout the United States, and properly administer immigration benefits.’ ¹⁰⁴⁰ This would include using data and analytics to provide decision support in relation to people seeking asylum at the southern border, including access to asylum procedures and the operation of the asylum adjudication system.
Between Turnback	POE	inspector_general_dhs	Indirect	‘The OIG serves as an independent and objective audit, inspection, and investigative body to promote economy, effectiveness, and efficiency in DHS programs and operations, and to prevent and detect fraud, waste, and abuse in these programs and operations.’ ¹⁰⁴¹ The OIG has conducted numerous audits of DHS and its components, including CBP, in relation to the operation and management of policies and programs relating to asylum seekers. This has included audits of the ‘Zero Tolerance’ (Family Separation) policy, as well as other asylum-related issues.’ ¹⁰⁴²
Between Turnback	POE	integrity_quality_over_sight_oig_dhs	Indirect	‘IQO manages the Hotline, Whistleblower Protection, and Ombudsman programs, and compliance and quality assurance of audits, inspections, investigations, and reports.’ ¹⁰⁴³ For example, there have been numerous whistleblower reports of misconduct at DHS, some of which related to ‘possible violations of immigration law at the Tecate, California Port of Entry’. ¹⁰⁴⁴ That report was ultimately published in 2019 and related to violations of asylum law.’ ¹⁰⁴⁵
Between Turnback	POE	audits_oig_dhs	Indirect	The Office of Audits ‘Conducts and coordinates audits and program evaluations of the management and financial operations of DHS.’ ¹⁰⁴⁶ This has included audits of numerous CBP policies and practices

¹⁰³⁹ *An Analytic Inventory of DHS Headquarters Business Processes* (n 85) 1.

¹⁰⁴⁰ US Department of Homeland Security, *The DHS Strategic Plan: Fiscal Years 2020-2024* (Report, 2020) 17.

¹⁰⁴¹ *FY 2021 Budget in Brief* (n 1) 20.

¹⁰⁴² See *DHS Lacked Technology Needed to Successfully Account for Separated Migrant Families* (n 82); *Special Report: Challenges Facing DHS in Its Attempt to Hire 15,000 Border Patrol Agents and Immigration Officers* (n 79); DHS Office of Inspector General, *CBP Has Taken Steps to Limit Processing of Undocumented Aliens at Ports of Entry* (Report, OIG-21-02, 27 October 2020); DHS Office of Inspector General, *CBP Separated More Asylum-Seeking Families at Ports of Entry Than Reported and for Reasons Other Than Those Outlined in Public Statements* (Report, OIG-20-35, 29 May 2020).

¹⁰⁴³ US Government Accountability Office, *DHS OIG’s Structure, Policies, and Procedures Are Consistent with Standards, but Areas for Improvement Exist* (Report, GAO-14-726, September 2014) 5.

¹⁰⁴⁴ Wilmer Hale, *Report of Independent Investigation: Allegations of Misconduct by [Redacted], [Redacted] and [Redacted]* (Report, 14 December 2020) <https://www.oig.dhs.gov/sites/default/files/assets/FOIA/final-redacted-wilmerhale-roi_01-13-21_0516pm.pdf>.

¹⁰⁴⁵ Ibid.; DHS Office of Inspector General, *Investigation of Alleged Violations of Immigration Laws at the Tecate, California, Port of Entry by U.S. Customs and Border Protection Personnel* (Report, OIG-19-65, 26 September 2019).

¹⁰⁴⁶ *DHS OIG’s Structure, Policies, and Procedures Are Consistent with Standards, but Areas for Improvement Exist* (n 93) 5.

				relating to asylum seekers at the southern border, including conditions and treatment that impact directly on an individual's ability to raise and pursue an asylum claim. ¹⁰⁴⁷
Between Turnback	POE	investigations_oig_dhs	Indirect	The Office of Investigations 'Investigates allegations of criminal, civil, and administrative misconduct involving DHS employees, contractors, grantees, and programs. These investigations can result in criminal prosecutions, fines, civil monetary penalties, administrative sanctions, and personnel actions.' ¹⁰⁴⁸ This office investigates complaints of misconduct by CBP officials, including excessive use of force against asylum seekers and other criminal matters, as well as deaths of asylum seekers in CBP custody, including the deaths of children. ¹⁰⁴⁹
Between Turnback	POE	special_reviews_evaluations_oig_dhs	Indirect	The Office of Special Reviews and Evaluations (SRE) 'conducts inspections and evaluations of DHS facilities, programs and activities, often of a highly sensitive nature. SRE work includes liaison activities with other DHS Components, other federal agencies, the news media, legislative aides, attorneys, the Congress, and members of the public.' ¹⁰⁵⁰ The SRE has been involved in a number of inspections and investigations of CBP, including those that impact on the conditions under which asylum seekers are detained and which may influence an individual's ability to raise or pursue an asylum claim. ¹⁰⁵¹
Between Turnback	POE	science_technology_dhs	Indirect	'S&T provides technical and operational support to ensure the transition, acquisition, and deployment of technologies, information, and procedures that improve the efficiency and effectiveness of the operational capabilities across HSE missions.' ¹⁰⁵² 'S&T invests in border security research and development for technologies and solutions to prevent the illicit movement and illegal entry or exit of people, weapons, dangerous goods, and contraband, and manage the risk posed by people and goods in transit.' ¹⁰⁵³ The 'Immigration Services Program' also 'develops technologies for USCIS to

¹⁰⁴⁷ See, eg DHS Office of Inspector General, *CBP Needs to Strengthen Its Oversight and Policy to Better Care for Migrants Needing Medical Attention* (Report, OIG-21-48, 20 July 2021); DHS Office of Inspector General, *CBP Generally Provided Accurate Notices to Appear to Migrant Protection Protocols Enrollees, but Could Improve Procedures to Reduce Future Errors* (Report, OIG-21-45, 14 July 2021); DHS Office of Inspector General, *DHS' Fragmented Approach to Immigration Enforcement and Poor Planning Resulted in Extended Migrant Detention during the 2019 Surge* (Report, OIG-21-29, 18 March 2021).

¹⁰⁴⁸ *DHS OIG's Structure, Policies, and Procedures Are Consistent with Standards, but Areas for Improvement Exist* (n 93) 5.

¹⁰⁴⁹ DHS Office of Inspector General, *U.S. Customs and Border Protection Compliance with Use of Force Policy for Incidents on November 25, 2018 and January 1, 2019 (Redacted)* (Report, OIG-20-64, 24 August 2020); Letter from Joseph V Cuffari to Bennie G Thompson, 14 April 2020 <<https://homeland.house.gov/download/chairman-thompson-letter-oig-response-041420>>.

¹⁰⁵⁰ 'Deputy Assistant Inspector General', *USAJobs* (Job Posting, No 42028214, 7 March 2021).

¹⁰⁵¹ See, eg DHS Office of Inspector General, *Capping Report: CBP Struggled to Provide Adequate Detention Conditions During the 2019 Migrant Surge* (Report, OIG-20-38, 12 June 2020).

¹⁰⁵² *FY 2021 Budget in Brief* (n 1) 71.

¹⁰⁵³ Science and Technology Directorate, *Budget Overview: Fiscal Year 2021 Congressional Justification* (DHS Report, 2020) 15 <https://www.dhs.gov/sites/default/files/publications/science_and_technology_directorate.pdf>.

			meet their goals to (1) provide efficient adjudication of all applications and petitions for immigration benefits, (2) enhance the integrity of the legal immigration system, and (3) provide trusted and timely immigration, employment, and identity information through a culture of efficiency and creativity. ¹⁰⁵⁴ These tools may impact an individual's ability to both access the asylum process, as well as the asylum adjudication.
Between Turnback	POE operational_analysis_ center_std_dhs	Indirect	'The RAND Corporation operates the Homeland Security Operational Analysis Center (HSOAC) as an FFRDC (Federally Funded Research and Development Center) for the U.S. Department of Homeland Security (DHS)' and 'provides the government with independent and objective analyses and advice in core areas important to the department in support of policy development, decisionmaking, alternative approaches, and new ideas on issues of significance.' ¹⁰⁵⁵ 'HSOAC researchers have expertise in the complexities of meshing military and civilian organizational structures and cultures, and experience assessing workforce and performance management efforts for several DHS components and for other large federal agencies. As homeland security threats, risks and opportunities are not static, HSOAC possesses expert forecasting capability and the capacity to improve its accuracy and effectiveness over time. This is achieved through examining mission risk analysis for capability gaps; assessing threat, vulnerability, and risks from national and international trends with U.S. security implications; and by examining policies and other issues affecting border security.' ¹⁰⁵⁶ These issues affecting border security may include large numbers of individuals seeking asylum at the southern border.
Between Turnback	POE mission_capability_su pport_std_dhs	Indirect	The Office of Mission and Capability Support 'works with DHS operational Components, first responders at all levels of government, emergency management personnel and public safety and other homeland security organizations to define priorities, gaps and requirements to find or develop technology solutions.' ¹⁰⁵⁷ This Office's research areas include 'Borders & Maritime Security' through which it 'works closely with border and immigration officials to understand how technology can help support their missions and overcome challenges. We strive to develop and transition technical capabilities to strengthen U.S. land border security and safeguard lawful trade and travel by preventing illegal goods and people from crossing our borders or entering our country illegally. These projects consists of technologies, sensors, radars and more that monitor air, ground, and underground

¹⁰⁵⁴ Ibid at 21.

¹⁰⁵⁵ *An Analytic Inventory of DHS Headquarters Business Processes* (n 85) iii-iv.

¹⁰⁵⁶ 'Homeland Security Operational Analysis Center', *US Department of Homeland Security* (Web Page) <<https://www.dhs.gov/science-and-technology/hsoac>>.

¹⁰⁵⁷ 'Office of Mission & Capability Support', *US Department of Homeland Security* (Web Page) <<https://www.dhs.gov/science-and-technology/office-mission-and-capability-support>>.

			– from drones to tunnels. We want to know who and what is crossing our borders. ¹⁰⁵⁸ The individuals targeted by these efforts include those seeking asylum.
Between Turnback	POE coast_guard_dhs	Direct	‘As a branch of the U.S. Armed Forces, a law enforcement organization, a regulatory agency, a member of the U.S. Intelligence Community, and a first responder, the Coast Guard employs a unique mix of authorities, broad jurisdiction, flexible operational capabilities, and a network of partnerships.’ ¹⁰⁵⁹ The Coast Guard is involved in interdicting migrants who attempt to unlawfully cross into the US. ¹⁰⁶⁰ The Migrant Interdiction mission enforces U.S. immigration laws and international conventions against human smuggling through at-sea interdiction and rapid repatriation of undocumented migrants attempting to reach the U.S. ¹⁰⁶¹ This includes asylum seekers attempting to reach the US from Mexico on water in the Eastern Pacific (near Tijuana and Southern California). ¹⁰⁶²
Between Turnback	POE judge_advocate_general_cg_dhs	Indirect	The Judge Advocate General delivers ‘legal services throughout the Coast Guard to support mission execution, managing the Coast Guard Legal Program, and providing legal advice to the commandant and other senior leaders in areas including international and maritime law, including drug and alien migrant interdiction, counterterrorism and defense operations, marine safety and facilitating maritime commerce, and protecting living marine resources and the environment; military justice; litigation and claims; legislation and rulemaking; environmental law; legal assistance; and major systems acquisition.’ ¹⁰⁶³ This would include advice regarding asylum seekers interdicted at sea, amongst other international and domestic legal questions that might arise in the context of an encounter between the Coast Guard and an individual seeking asylum.
Between Turnback	POE federal_law_enforcement_training_centers_dhs	Indirect	The Federal Law Enforcement Training Center’s (FLETC) members, principally federal law enforcement organizations, rely on FLETC to maintain all of the instruments of training and to prepare their law enforcement cadre to perform their law enforcement tasks. ¹⁰⁶⁴ The Charleston, South Carolina FLETC training facility runs the US Coast Guard Maritime Law Enforcement Academy, the US Customs and Border Protection Field Operations Academy, the US Immigration and Customs Enforcement Training Academy, and the US Citizenship and Immigration Services

¹⁰⁵⁸ ‘Borders and Maritime Security’, *US Department of Homeland Security* (Web Page, 12 June 2021) <<https://web.archive.org/web/20210612022356/https://www.dhs.gov/science-and-technology/borders-and-maritime-security-0>>.

¹⁰⁵⁹ ‘United States Coast Guard’ (Web Page) <<https://www.uscg.mil/About/>>.

¹⁰⁶⁰ US Department of Homeland Security, *U.S. Coast Guard Overview* (Report, October 2016).

¹⁰⁶¹ US Coast Guard, *Operations* (Report, 3-0, February 2012) 5.

¹⁰⁶² *U.S. Coast Guard Overview* (n 1060) 10.

¹⁰⁶³ ‘Office of the General Counsel’, *US Department of Homeland Security* (Web Page, 22 March 2021) <<https://www.dhs.gov/office-general-counsel>>.

¹⁰⁶⁴ US Department of Homeland Security, *FLETC Strategic Plan 2018-2022* (Report, 2018) 7.

			Academy Training Center. ¹⁰⁶⁵ The Artesia, New Mexico facility is the basic training hub for Border Patrol and the Federal Air Marshal's Service. ¹⁰⁶⁶ It is at FLETC that CBP officials learn about asylum law, though very little focus is placed upon either international law or the law of asylum.	
Between Turnback	POE	training_mgmt_ops_fl etc_dhs	Indirect	The Training Management Operations Directorate participates in the 'planning, development, modification, and coordination of training programs throughout the FLETC' and conducts 'studies to analyze the training needs of the Partner Organizations, the requirements of the training programs, and the processes, methodologies and technologies required for training.' ¹⁰⁶⁷ The Directorate also assesses 'training needs and deficiencies to plan, develop and evaluate training programs based on the requirements of requested training programs and modifications' and applies 'forecast analysis methods to determine if training needs will meet future demand.' ¹⁰⁶⁸ The Directorate is therefore responsible for ensuring that CBP officials have appropriate training and background in international and asylum law in order to perform their duties.
Between Turnback	POE	ncr_training_ops_fletc _dhs	Indirect	The National Capitol Region (NCR) Training Operations Directorate 'advises and assists the Director, Deputy Director, and other senior officials in fulfilling the management responsibilities of the FLETC. Specific responsibilities include, but are not limited to ... Representing the FLETC with Federal (Executive, Judicial, and Legislative) organizations, professional organizations, and the private sector, to include negotiating policy positions, projecting needs and operational interests, and other matters. Developing and implementing policies which relate to training program requirements, facility planning and development, human resource activities, and budgetary issues; and analyzing situations to identify strategies designed to gain support from the Department, Office of Management and Budget, and the Congress. ... Serving as the principal interface with the Congress, its members, staffs, and committees regarding FLETC activities, policies, programs, appropriation matters, and other related legislation.' ¹⁰⁶⁹ Developing and implementing policies that relate to training program requirements, for example, would include training in international law and the law of asylum.
Between Turnback	POE	chief_counsel_fletc_d hs	Indirect	'The responsibilities of the FLETC Chief Counsel include providing legal advice to the Director and other senior FLETC leaders on legal issues associated with the FLETC mission, as well as ... providing legal advice on information/intellectual law matters to include copyright, the Freedom of Information Act (FOIA) and the Privacy Act; and providing legal training for federal, state, local and

¹⁰⁶⁵ US Department of Homeland Security, *Student Handbook: Artesia Facility* (Handbook, 2018-AN-0008, 2018) 8.

¹⁰⁶⁶ Ibid.

¹⁰⁶⁷ 'Program Analyst: Federal Law Enforcement Training Centers', *USAJobs* (Job Announcement, FLETC-TMO-2021-0015, 16 March 2021).

¹⁰⁶⁸ Ibid.

¹⁰⁶⁹ 'National Capital Region Training Operations', *Federal Law Enforcement Training Centers* (Web Page) <<https://www.fletc.gov/site-page/national-capital-region-training-operations>>.

			international law enforcement officers attending basic and advanced training at FLETC’s four domestic and two international training sites. ¹⁰⁷⁰ This would include legal advice on the requirements of US asylum law and international refugee law, as well as advice as to civil rights and liberties of individuals with whom CBP officials will come into contact, including asylum seekers.	
Between Turnback	POE	customs_and_border_protection_dhs	Direct	CBP seeks to 'leverage technological tools and analytic approaches to improve operational efficiency and effectiveness; integrate data and interagency information to establish a common operating picture that provides actionable information to enable decision makers and operators; and expand the zone of security away from physical borders.' ¹⁰⁷¹ The agency further utilizes 'foreign liaisons to disrupt special-interest alien travel before reaching U.S. borders' and works with 'state and local law enforcement agencies' to 'secure the border'. ¹⁰⁷² CBP is the agency that regulates the ability of asylum seekers to access US territory, refers asylum seekers to the relevant procedure, and also interacts with asylum seekers within the US who may or may not have lawful status.
Between Turnback	POE	commissioner_cbp_dhs	Indirect	The Office of the Commissioner (‘OC’) is 'responsible for the overall management of CBP and develops long range management plans for the efficient and effective operation of the organization. OC develops and reviews CBP policy guidance, prescribes rules and regulations, and issues internal instructions to provide guidance to CBP employees that are consistent with regulations, and the authority delegated by DHS. The Executive staff supports and develops new policy and plans in alignment with the Commissioner’s priorities, simultaneously ensuring that CBP’s financial and personnel resources are available, and aligned for the development, articulation, and implementation of CBP’s current and future mission priorities and direction.' ¹⁰⁷³ This includes policy, guidance and regulations that relate to an individual’s ability to access asylum procedures, as well as to how that individual accesses procedures.
Between Turnback	POE	chief_of_staff_commissioner_cbp_dhs	Indirect	The Chief of Staff ‘serves as the direct liaison to DHS for all Agency issues. The COS assists the Office of the Commissioner in formulating and implementing policies through coordination with other CBP offices, DHS, and other government agencies. The COS provides advice and counsel to the Commissioner in defining priorities to accomplish CBP’s mission and goals.' ¹⁰⁷⁴ This includes policies and priorities relating to asylum, as well as border security and other efforts that may impact an individual’s ability to access the asylum process.

¹⁰⁷⁰ 'Office of the General Counsel', *US Department of Homeland Security* (Web Page, 22 March 2021) <<https://www.dhs.gov/office-general-counsel>>.

¹⁰⁷¹ US Customs and Border Protection, *Strategy 2021-2026* (Report, Publication No 1280-1220, December 2020) 12.

¹⁰⁷² Ibid.

¹⁰⁷³ US Customs and Border Protection, *Budget Overview: Fiscal Year 2020 Congressional Justification* (DHS Report, 18 March 2019) 88 <https://www.dhs.gov/sites/default/files/publications/19_0318_MGMT_CBJ-Customs-Border-Protection_0.pdf>.

¹⁰⁷⁴ US Customs and Border Protection, *2016 Performance and Accountability Report* (DHS Report, 2017) 9.

Between Turnback	POE	deputy_commissioner_cbp_dhs	Indirect	The Deputy Commissioner ‘provides leadership and executive-level direction on CBP’s day-to-day operations, including oversight of Agency initiatives that facilitate the international movement of legitimate, low-risk goods and travelers, while promoting effective border security.’ ¹⁰⁷⁵ This includes operations that impact asylum seekers, who often must travel without documents and are characterised by CBP as illegitimate travellers.
Between Turnback	POE	chief_of_staff_deputy_cbp_dhs	Indirect	The Chief of Staff assists the Deputy Commissioner in ‘formulating and implementing policies through coordination with other CBP offices, DHS, and other government agencies.’ ¹⁰⁷⁶ The Chief of Staff to the Deputy Commissioner, coordinates ‘interagency efforts related to immigration reform, global supply chain security, and intelligence matters’ and serves ‘as the point of contact for all emergency situations to include potential terrorist attack threats and natural disaster responses.’ ¹⁰⁷⁷ This includes policies and coordination relating to asylum and policies which impact an individual’s ability to access the protection framework.
Between Turnback	POE	office_public_affairs_cbp_dhs	Direct	The Office of Public Affairs ‘communicates to external and internal audiences to build support for CBP’s mission. Audiences include the American public, international trade and travel stakeholders, travelers who cross U.S. borders, and U.S. and international government agencies.’ ¹⁰⁷⁸ In the case of the Trump Travel Ban, CBP recognised that the ‘absence of CBP-initiated messages to the media and public created a vacuum in which stories casting CBP in a negative light proliferated. In the absence of an effective public affairs strategy, public officials and the media often speculated and assumed the worst about CBP’s conduct. Had CBP clearly communicated the status of its operations to external stakeholders, it may have prevented significant mistrust and misinformation from developing over the weekend.’ ¹⁰⁷⁹ Similar lessons on the importance of Public Affairs in selling policy have been applied in the context of the Family Separation (Zero Tolerance) policy, which impacted asylum seekers and others at the southern border. ‘The mixed messaging regarding many facets of the policy caused public and stakeholder confusion and outrage, courtroom losses, and may have resulted in DHS Secretary Kirstjen Nielsen’s ouster.’ ¹⁰⁸⁰

¹⁰⁷⁵ Ibid.

¹⁰⁷⁶ Ibid.

¹⁰⁷⁷ ‘Bio of Andrew Farrelly, L3 Security and Detection Systems’ (Web Page) <<https://na.eventcloud.com/ereg/popups/speakerdetails.php?eventid=281311&language=eng&speakerid=995508>>.

¹⁰⁷⁸ 2016 Performance and Accountability Report (n 133) 10.

¹⁰⁷⁹ DHS Office of Inspector General, *DHS Implementation of Executive Order #13769 “Protecting the Nation From Foreign Terrorist Entry Into the United States”* (January 27, 2017) (Report, OIG-18-37, 18 January 2018) 43-44.

¹⁰⁸⁰ Graham (n 22) xvii.

Between Turnback	POE	office_congressional_affairs_cbp_dhs	Indirect	OCA has four directorates that 'reflect the mission of CBP's operational offices and directorates'. ¹⁰⁸¹ They are Border, Air, & Marine Operations, Field Operations & Intelligence, Operations Support/Enterprise Services, and Trade & Agriculture. OCA has two functional directorates, which are Budget & Appropriations and Management, Operations, & Communications. ¹⁰⁸²
Between Turnback	POE	border_air_marine_ops_oca_cbp_dhs	Indirect	Key issues under this directorate include 'Border enforcement operations and challenges between the ports of entry', 'Border technology deployment', 'CBP's use of force policy and training requirements', 'HRM [human resources management] policy and legislative initiatives', 'Unaccompanied minors', 'Human trafficking and the Trafficking Victims Protection Reauthorization Act (TVPRA)', and 'Border Patrol and OFAM facilities and infrastructure'. ¹⁰⁸³ 'Developing and overseeing the most critical legislation strategies involving agency budgetary and legislative proposals. Proactively presenting CBP's initiatives to the appropriate and relevant congressional interests in seeking passage of identified and approve budgetary and legislative priorities. Overseeing the preparation of statistical and narrative information and specific responses to congressional inquiries concerning CBP funding requests, legislation, or policy. Keeps informed of significant scheduled events including congressional hearings and legislative activities. Ensuring that senior agency managers are provided with clear and concise analysis and interpretation of legislation, reports, testimony, statements, and hearings relevant to CBP. Producing highly competent written works and preparing and conducting briefings, hearings, and conferences for high-level audiences'. ¹⁰⁸⁴ Border enforcement operations and challenges, border technology development, the use of force policy, unaccompanied minors, human trafficking and various issues may all involve asylum seekers.
Between Turnback	POE	budget_appropriations_oca_cbp_dhs	Indirect	Securing adequate funding through the annual appropriations process is a vital part of CBP's legislative work. ¹⁰⁸⁵ 'The directorate also interacts frequently with the appropriations associate staff of the committee members, as well as various other Congressional staff depending on the nature of their inquiry. Additionally, the branch interacts and responds to requests from the Congressional Budget Office and Congressional Research Service'. ¹⁰⁸⁶ This may involve securing appropriations for apprehending and processing people seeking asylum, among other things.

¹⁰⁸¹ 'OCA Directorates', *US Customs and Border Protection* (Web Page, 18 March 2021) <<https://web.archive.org/web/20210318124111/https://www.cbp.gov/accordion-page/oca-directorates>>.

¹⁰⁸² Ibid.

¹⁰⁸³ Ibid.

¹⁰⁸⁴ 'Supervisory Congressional Liaison Officer job', *Lensa* (Job Posting, 11 December 2020).

¹⁰⁸⁵ 'OCA Directorates and Committees of Jurisdiction', *US Customs and Border Protection* (Web Page, 20 August 2021) <<https://web.archive.org/web/20210820184914/https://www.cbp.gov/about/oca-directorates-and-committees-jurisdiction>>.

¹⁰⁸⁶ Ibid.

Between Turnback	POE	air_marine_operations_cbp_dhs	Direct	Interdiction is a core component of AMO and the agency 'intercepts, disrupts, and apprehends threats to the United States in the air, sea, and land domains.' ¹⁰⁸⁷ AMO works with Border Patrol to 'apprehend illegal aliens from the air, at the land border, and within our nation's interior.' ¹⁰⁸⁸ AMO also deploys 'beyond the border to the Source and Transit Zones, on international joint operations targeting the high-traffic waterways between South and North America. These international joint operations efficiently disrupt smugglers before they can reach the United States'. ¹⁰⁸⁹ 'AMO partners with U.S. Border Patrol at the border and works with HSI and other federal, state, and local law enforcement agencies within the interior to apply our advanced surveillance techniques and covert airborne surveillance.' ¹⁰⁹⁰ AMO may encounter asylum seekers attempting to enter the US without a visa, or who are being smuggled into the US, and would also gather intelligence to disrupt human smuggling operations, which might be used by asylum seekers to transit into the US (or through countries on the way to the US).
Between Turnback	POE	office_professional_responsibility_cbp_dhs	Direct	'The AC [Assistant Commissioner] OPR has executive oversight of CBP's Integrity and Personal Accountability Strategy and the agency's efforts to prevent, detect, and investigate employee misconduct and corruption. The AC also serves as CBP's Chief Security Officer, responsible for ensuring the safety and security of CBP's assets and personnel.' ¹⁰⁹¹ This office is responsible for investigating and addressing the abuse and mistreatment of 'detainees in CBP's custody or care' including minor children and other individuals seeking asylum. ¹⁰⁹²
Between Turnback	POE	border_patrol_cbp_dhs	Direct	Border Patrol is the primary law enforcement/paramilitary organization responsible for enforcing 'immigration laws and to detect, interdict and apprehend those who attempt to illegally enter or smuggle people or contraband across U.S. borders between official ports of entry.' ¹⁰⁹³ Border Patrol frequently comes into contact with individuals seeking international protection between ports of entry, including asylum seekers and those seeking relief under CAT or withholding of removal.
Between Turnback	POE	bp_special_operations_group_bp_cbp_dhs	Direct	SOG has been deployed, for example, to confront migrant 'caravans' travelling to the US border, many of whom are asylum seekers and others in search of international protection. ¹⁰⁹⁴ 'SOG also

¹⁰⁸⁷ Air and Marine Operations, *2018 Annual Review* (CBP Report, No 0921-0719, July 2019) 8.

¹⁰⁸⁸ Ibid at 9.

¹⁰⁸⁹ Ibid.

¹⁰⁹⁰ Ibid at 19.

¹⁰⁹¹ Office of Professional Responsibility, *Annual Report: Office of Professional Responsibility (OPR)* (CBP Report, No 1172-0720, August 2020) 4 ('OPR Annual Report').

¹⁰⁹² Ibid at 3.

¹⁰⁹³ 'Executive Assistant Commissioners' Offices', US Customs and Border Protection (Web Page, 17 August 2021) <<https://www.cbp.gov/about/leadership-organization/executive-assistant-commissioners-offices>>.

¹⁰⁹⁴ Alex Horton, 'Border Protection is preparing for the caravan – with weapons and gear designed for combat', *Washington Post* (online, 6 November 2018) <<https://www.washingtonpost.com/national-security/2018/11/05/border-protection-is-preparing-caravan-with-weapons-gear-designed-combat/>>.

				administratively supports eight Sector-based Special Operations Detachments with equipment, training, and standardization. Sector-based Special Operations Detachments are BORSTAR and BORTAC teams that are located in designated sectors such as El Paso and Yuma. Sector Chiefs maintain tactical control of the detachments and MRTs for day-to-day operations.’ ¹⁰⁹⁵ ‘SOG personnel also conduct international training and capacity building operations for the Department of State and the Department of Defense.’ ¹⁰⁹⁶ In providing training to foreign border security law enforcement agencies, SOG exports its border control methods and culture.
Between Turnback	POE	sog_intelligence_unit_bp_cbp_dhs	Indirect	‘Provides direct intelligence support to field operators.’ ¹⁰⁹⁷ ‘Identifies threats operating across corridors and threats approaching the U.S. border, prioritizes these risks, and supports the missions to mitigate the operational gaps specific to each corridor.’ ¹⁰⁹⁸ These potential ‘threats’ include people moving towards the border without a visa, which includes asylum seekers.
Between Turnback	POE	bp_tactical_unit_bp_cbp_dhs	Direct	‘Members support Border Patrol’s mission to secure the border by conducting high-risk warrant service; surveillance; and foreign law enforcement capacity building, among other things. ... BORTAC also conducts training and operations with foreign and domestic law enforcement and military entities.’ ¹⁰⁹⁹ BORTAC may encounter asylum seekers and others seeking international protection during the course of their varied deployments. Furthermore, in providing training to foreign law enforcement agencies, BORTAC exports its border control and law enforcement methods and culture.
Between Turnback	POE	bp_search_trauma_rescue_unit_bp_cbp_dhs	Direct	‘BORSTAR will provide mutual assistance to local, county, state, tribal, and Federal entities by responding to enforcement and search and rescue requirements, acts of terrorism, potential terrorism, and natural disasters throughout the United States’. ¹¹⁰⁰ BORSTAR is frequently called to provide search and rescue assistance for people in danger along the southern border, who include asylum seekers.
Between Turnback	POE	mobile_response_team_bp_cbp_dhs	Direct	‘Provides a national group of organized, trained, and equipped Border Patrol Agents capable of rapid response to regional and national incidents in support of priority CBP operations’. ¹¹⁰¹ Mobile Response Teams are often used to augment CBP operations during increases in attempted crossings, which includes asylum seekers. MRTs were used to augment ‘operations in South Texas’, for

¹⁰⁹⁵ DHS Office of Inspector General, *CBP’s Special Operations Group Program Cost and Effectiveness are Unknown* (Report, OIG-16-34, 29 January 2016) 2 (‘*Special Operations Group*’).

¹⁰⁹⁶ Ibid.

¹⁰⁹⁷ Ibid at 14.

¹⁰⁹⁸ Ibid.

¹⁰⁹⁹ GAO 20-710, Federal Tactical Teams, 30.

¹¹⁰⁰ *Special Operations Group* (n 1095) 14.

¹¹⁰¹ Ibid at 14.

			example, during the 2016 increase in the numbers of unaccompanied children and family units seeking protection at the southern border. ¹¹⁰²	
Between Turnback	POE	office_training_development_bp_cbp_dhs	Indirect	‘OTD is responsible for providing all levels of training so that BPAs can carry out their assigned missions.’ ¹¹⁰³ This includes training relating to the humanitarian, international law, and asylum aspects of Border Patrol agent jobs.
Between Turnback	POE	alien_smuggler_ident_deterrence_bp_cbp_dhs	Direct	‘The USBP also collects information from detainees for intelligence purposes, and since 2011 the Alien Smuggler Identification and Deterrence (ASID) unit has attempted to interview a sample of aliens from each group apprehended from each station in each southwest border sector to gain situational awareness and to support tactical operations and criminal investigations.’ ¹¹⁰⁴ Asylum seekers sometimes express fear to ASID agents, but ASID is not interested in protection claims and they may remove the person without them having a chance to lodge a claim. ¹¹⁰⁵
Between Turnback	POE	joint_task_force_west_cbp_dhs	Indirect	‘To support the Unity of Effort and SBAC, DHS established three joint task forces (JTF) — JTF-East, JTF-West, and JTF-Investigations — to enforce immigration laws, prevent illegal entries, interrupt transnational criminal organizations, and minimize the terrorism threat to our Nation.’ ¹¹⁰⁶ JTF-W partners with DHS Components, other U.S. Federal, State, and local agencies, and international partners to plan and implement enhanced counter network operations directed at disrupting and dismantling TCOs and targeting individuals and organizations whose criminal conduct undermines border security. By identifying evolving threats, critical intelligence gaps, and vulnerabilities, these operations develop comprehensive common operational and intelligence pictures that ultimately enhance DHS’s ability to disrupt, degrade, and dismantle TCOs exploiting the homeland.’ ¹¹⁰⁷ JTF targets include asylum seekers arriving at the border without documentation and who may have used smugglers to reach or cross the US border.
Between Turnback	POE	joint_intelligence_operations_center_jtfw_cbp_dhs	Indirect	The ‘Joint Intelligence and Operations Center (JIOC), which serves as a command, control, and 24x7 communications center, providing situational awareness to all Arizona-based CBP operational components and their respective commands.’ ¹¹⁰⁸ This would include providing information about

¹¹⁰² Evidence to the House Committee on Foreign Affairs, United States House of Representatives, Washington, DC, 22 March 2016 (Alan Bersin, Assistant Secretary and Chief Diplomatic Officer, DHS Office of International Affairs).

¹¹⁰³ *CBP Budget Overview 2020* (n 149) 87.

¹¹⁰⁴ US Department of Homeland Security, Office of Immigration Statistics, ‘Efforts by DHS to Estimate Southwest Border Security between Ports of Entry’ (Report, September 2017) 3, note 4.

¹¹⁰⁵ Interview with Participant 004 (Regina Jefferies, United States) on file with author.

¹¹⁰⁶ DHS Office of Inspector General, *DHS Cannot Determine the Total Cost, Effectiveness, and Value of Its Joint Task Forces* (Report, OIG-20-80, 30 September 2020) 1 (‘*DHS Cannot Determine*’).

¹¹⁰⁷ *CBP Budget Overview 2020* (n 149) 194.

¹¹⁰⁸ *Ibid.*

				people arriving at the border without documentation and who may have used smugglers to reach or cross the US border, including asylum seekers.
Between Turnback	POE	joint_task_force_investigations_cbp_dhs	Indirect	JTF-Investigations is a functionally based task force that provides investigatory support to JTF-East and JTF-West. ¹¹⁰⁹ JTF-Investigations provides investigatory support for ICE and related to human smuggling and other types of smuggling investigations, which may involve asylum seekers.
Between Turnback	POE	chief_counsel_cbp_dhs	Indirect	‘The Office of the Chief Counsel provides legal advice to, and legal representation of, CBP officers in matters relating to the activities and functions of CBP. The office is also responsible for reviewing proposed actions to ensure compliance with legal requirements, preparing formal legal opinions, preparing or reviewing responses in all court actions, civil or criminal, involving CBP, and developing, implementing, and evaluating nationwide programs, policies, and procedures within its functional areas.’ ¹¹¹⁰ CBP Chief Counsel provides legal advice to components regarding international legal obligations, domestic legal requirements related to asylum, representing CBP in administrative hearings, providing litigation support to DOJ in federal litigation involving asylum or international legal obligations, providing advice as to the legality of regulatory, legislative and policy proposals, as well as training CBP staff in terms of international and domestic asylum requirements.
Between Turnback	POE	chief_counsel_enforcement_cbp_dhs	Indirect	‘Functional area of the CBP Office of Chief counsel responsible for reviewing proposed actions to ensure compliance with legal requirements, preparing formal legal opinions, preparing or reviewing responses in all court actions, civil or criminal, involving CBP, and developing, implementing, and evaluating nationwide programs, policies, and procedures within the functional area of enforcement.’ ¹¹¹¹ This would include policies that impact asylum seekers and others seeking protection at or between ports of entry.
Between Turnback	POE	chief_counsel_field_office_cbp_dhs	Indirect	‘Associate and Assistant Chief Counsels located in major cities across the U.S. who advise CBP field managers in their geographic areas as to compliance with legal requirements, preparing formal legal opinions, and preparing or reviewing responses in court actions involving CBP.’ ¹¹¹² This includes court actions related to asylum litigation and individual asylum cases.
Between Turnback	POE	operations_support_cbp_dhs	Indirect	‘The Operations Support Division is the lead for issues such as less-lethal training and use-of-force review, CBP policy, asset management, and the National Firearms and Tactics Branch.’ ¹¹¹³ Use-of-force and non-lethal law enforcement methods are often at issue in cases involving people – including

¹¹⁰⁹ *DHS Cannot Determine* (n 152).

¹¹¹⁰ ‘Chief Counsel’, US Customs and Border Protection (Web Page, 3 October 2017) <<https://www.cbp.gov/about/leadership-organization/chief-counsel>>.

¹¹¹¹ *Ibid.*

¹¹¹² ‘San Diego’, US Customs and Border Protection (Web Page) <<https://www.cbp.gov/contact/ports/field-office/san-diego>>.

¹¹¹³ ‘Operational Support/Enterprise Services’, US Customs and Border Protection (Web Page, 24 August 2021) <<https://www.cbp.gov/about/congressional-resources/operational-supportenterprise-services>>.

				asylum seekers – apprehended by Border Patrol. These methods of apprehension (and particularly the use of force) can influence whether someone is able to raise an asylum claim, when they are able to raise that claim, or whether they are able to pursue the claim.
Between Turnback	POE	law_enforcement_safety_compliance_os_cbp_dhs	Indirect	‘LESC supports CBP’s law enforcement mission through use of force policy development and incident review, advanced firearms and defensive tactics training and the testing, evaluation, contracting, and maintenance for CBP weapons, ammunition and body armor.’ ¹¹¹⁴ The use of force policy development and incident review would impact asylum seekers arriving at or between ports of entry, including their ability to access the asylum process.
Between Turnback	POE	international_affairs_os_cbp_dhs	Indirect	‘INA strives to extend U.S. borders by implementing programs and initiatives that promote anti-terrorism, global border security, non-proliferation, export controls, immigration and capacity building. ... INA provides in-country advisory support for broad-based customs reform and modernization and ensures CBP is represented at overseas posts and influencing policy throughout the world.’ ¹¹¹⁵ The Overseas Program ‘helps CBP mitigate international threats including ... transnational organized crime, illegal migration, and economic crime.’ ¹¹¹⁶ This includes policies and reforms that stop, or attempt to stop, asylum seekers from arriving in the US.
Between Turnback	POE	policy_cbp_dhs	Indirect	‘The Policy Directorate ensures a unified approach to policy management across CBP and facilitates consistent and comprehensive policy development and implementation.’ ¹¹¹⁷ This includes reviewing all policy activities – many of which may directly or indirectly impact asylum seekers – such as regulations, privacy documentation, communication materials and programmatic decision-making, as well as briefing executive leadership on goals, accomplishments and the status of deliverables. ¹¹¹⁸
Between Turnback	POE	enterprise_services_cbp_dhs	Indirect	‘Enterprise Services serves an integral role as the mission support core for CBP by providing the necessary goods and services required by operational personnel and business partners to fulfill mission goals.’ ¹¹¹⁹ This support includes providing the appropriate technology and infrastructure for a variety of functions served by CBP, including the detention and processing of asylum seekers at the border.

¹¹¹⁴ Ibid.

¹¹¹⁵ ‘Operations Support Assistant Commissioners’ Offices’, US Customs and Border Protection (Web Page, 30 December 2020) <<https://www.cbp.gov/about/leadership-organization/executive-assistant-commissioners-offices/operations-support-assistant-commissioners-offices>>.

¹¹¹⁶ *CBP Budget Overview 2020* (n 149) 180.

¹¹¹⁷ *2016 Performance and Accountability Report* (n 133) 12.

¹¹¹⁸ ‘Michael Hardin, Director, Policy/Planning at U.S. Customs and Border Protection’, *LinkedIn* (online, 22 March 2021) <<https://www.linkedin.com/in/michael-hardin-14187a167>>.

¹¹¹⁹ *CBP Budget Overview 2020* (n 149) 74.

Between Turnback	POE	accountability_es_cbp_dhs	Indirect	‘OACT tracks CBP’s progress toward its goals and evaluates effectiveness and efficiency of programs.’ ¹¹²⁰ This includes programs relating to the treatment, detention, and processing of asylum seekers.
Between Turnback	POE	programming_es_cbp_dhs	Indirect	‘OP translates CBP’s five-year strategic plan into individual efforts (programs) to ensure that CBP can reach its long-term goals.’ ¹¹²¹ This includes translating plans relating to the ability of asylum seekers to access the asylum process, or even the physical border, into operational programs.
Between Turnback	POE	chief_of_staff_es_cbp_dhs	Indirect	The COS ‘bridges the gap between people and information in Enterprise Services.’ ¹¹²² The COS ties together information about program development, accountability, and physical goods and services required by components, which includes programs, goods and services which relate to asylum seekers.
Between Turnback	POE	enterprise_effectiveness_es_cbp_dhs	Indirect	‘EE oversees, manages, and improves strategic resource management, leadership development, business practices, customer relations, and use of business information for organizational performance management, customer service, and strategic decision-making.’ ¹¹²³ This would include determining the business information necessary for evaluating organisational performance management, as well as strategic decision-making relating to policies, practices, programs and even aspects of agency culture that impact asylum seekers.
Between Turnback	POE	human_resources_management_es_cbp_dhs	Indirect	‘HRM supervises all matters involving human capital, including organizational structure, staffing, compensation administration, benefits, workplace safety, personnel actions, and labor and employee relations.’ ¹¹²⁴ Labour and employee complaints were at least part of the reason for the development of a written policy of ‘metering’. Furthermore, this office would be responsible for, or implicated in, decisions to deploy USBP agents (for example) in remote areas without a partner and other decisions regarding how personnel are used in implementing law and policy.
Between Turnback	POE	training_development_es_cbp_dhs	Indirect	‘OTD leads all CBP training programs for the entire CBP workforce. OTD ensures that all training supports the CBP mission and strategic goals and prepares the Agency’s workforce to meet the challenges of mission-critical operations. OTD establishes CBP training standards and policies; and develops, delivers, and evaluates resident based training.’ ¹¹²⁵ OTD would be responsible for developing, delivering and evaluating training programs (in coordination with FLETC) for Basic

¹¹²⁰ 2016 Performance and Accountability Report (n 133) 13.

¹¹²¹ Ibid.

¹¹²² Ibid.

¹¹²³ Ibid.

¹¹²⁴ Ibid at 14.

¹¹²⁵ Ibid at 15.

				Training program, as well as any continuing trainings that impact how and whether asylum seekers are referred to the asylum process, as well as how and whether they are able to pursue asylum claims.
Between Turnback	POE	president	Indirect	The President is responsible for the execution and enforcement of the immigration and asylum laws created by Congress and also appoints the heads of Cabinet and agencies to carry out the daily administration of the federal government. This includes administration of all of the agencies that conduct activities impacting asylum seekers. The President has the power to sign legislation relating to asylum into law, conducts diplomacy with other nations, negotiates and signs treaties, and can issue executive orders on immigration.
Between Turnback	POE	executive_office_president	Indirect	The EOP provides support to the President to govern effectively, including on issues related to asylum seekers and immigration.
Between Turnback	POE	omb_eop	Indirect	OMB ‘oversees the implementation of the President’s vision across the Executive Branch’ which includes the vision with respect to immigration and asylum seekers. ¹¹²⁶ OMB develops and executes budgets from DHS and other executive departments and agencies, manages agency performance, coordinates and reviews all significant Federal regulations relating to immigration and asylum, as well as coordinating legislative materials and other presidential actions.
Between Turnback	POE	general_gov_programs_rmo_omb_eop	Indirect	OMB includes Resource Management Offices (RMOs), which include General Government Programs under which homeland security falls. ¹¹²⁷ RMOs examine USCIS, ICE, CBP and other agency budget requests and develop funding recommendations for those agencies after integrating management, budget, and policy perspectives into their work. This includes policy perspectives on asylum and budget and funding recommendations that relate to the asylum process and policies that impact access to the asylum process.
Between Turnback	POE	omb_support_offices_omb_eop	Indirect	OMB-wide support offices coordinate the process for preparing the President’s annual budget which addresses the implementation of laws relating to asylum, while also coordinating review of draft bills, congressional testimony and correspondence from agencies charged with implementing asylum laws and policies in accordance with the President’s agenda.
Between Turnback	POE	info_regulatory_affairs_omb_eop	Indirect	‘OIRA has substantial responsibilities and influence over federal agencies’ regulations under a centralized review process established through executive order.’ ¹¹²⁸ ‘Through this review, OIRA exerts considerable influence over the content of regulations, ensuring that federal agencies’ actions are consistent with the President’s policy preferences.’ ¹¹²⁹ This review includes regulations related to asylum and other forms of protection, regulations relating to immigration benefits such as work

¹¹²⁶ ‘Office of Management and Budget’, *The White House* (Web Page, 2021) <<https://www.whitehouse.gov/omb/>>.

¹¹²⁷ Ibid at 4.

¹¹²⁸ Ibid at 18.

¹¹²⁹ Ibid.

				authorisation, as well as regulations relating to immigration enforcement and the operation of immigration courts and the Board of Immigration Appeals.
Between Turnback	POE	domestic_policy_council_eop	Indirect	The Domestic Policy Council (DPC) ‘drives the development and implementation of the President’s domestic policy agenda in the White House and across the Federal government, ensuring that domestic policy decisions and programs are consistent with the President’s stated goals, and are carried out for the American people.’ ¹¹³⁰ The DPC develops and implements policies on asylum and related issues that impact access to the asylum process.
Between Turnback	POE	national_security_council_eop	Indirect	The National Security Council (NSC) ‘is the President’s principal forum for national security and foreign policy decision making with his or her senior national security advisors and cabinet officials, and the President’s principal arm for coordinating these policies across federal agencies.’ ¹¹³¹ The NSC addresses issues related to border security along the southern border, as well as other migration issues that impact asylum-seekers and the asylum process.
Between Turnback	POE	office_vice_president	Indirect	As an integral part of the executive administration, the Vice President may be given a portfolio that includes immigration issues like Biden has done with current Vice President Kamala Harris. These issues may take many forms, including immigration enforcement actions that impact asylum seekers’ ability to move and access protection, or responding to crises that may produce asylees and refugees.
Between Turnback	POE	states	Direct	States often work with DHS and CBP on migration-related law enforcement issues. In Texas, for example, this includes detecting ‘smuggling events in real time through’ a camera surveillance program. ¹¹³² Also in Texas, ‘DPS Special Operations Group and U.S. Border Patrol Special Operations conduct joint tactical operations in remote and high-threat areas. The Texas Rangers oversee DPS tactical operations, which include Ranger Recon teams, the DPS Special Weapons and Tactics (SWAT) team, and six Regional Special Response Teams (SRT).’ ¹¹³³ People encountered and apprehended following detection may include asylum seekers.
Between Turnback	POE	state_law_enforcement_agencies	Direct	Asylum seekers and others seeking protection may be among those apprehended by state law enforcement agencies following detection and interdiction. State law enforcement agencies frequently work with CBP officials by reporting and transferring people with undetermined immigration status to federal officials. In the case of Texas, the Texas Rangers work with Border Patrol through a surveillance program that detects ‘smuggling events in real time’. ¹¹³⁴ Asylum

¹¹³⁰ ‘Domestic Policy Council’, *The White House* (Web Page, 2021) <<https://www.whitehouse.gov/dpc/>>.

¹¹³¹ ‘National Security Council’, *The White House* (Web Page, 2021) <<https://www.whitehouse.gov/nsc/>>.

¹¹³² ‘A “Caravan” of Illegal Immigrants: A Test of U.S. Borders’, Hearing before the House Subcommittee on National Security of the Committee on Oversight and Government Reform, US House of Representatives (Washington, DC, 12 April 2018) 18-19.

¹¹³³ Ibid at 19.

¹¹³⁴ Ibid at 18.

				seekers may be among those apprehended following detection by cameras that the Texas Rangers help to monitor.
Between Turnback	POE	department_of_justice	Indirect	The DOJ consists of a number of components that directly interact with or influence asylum seekers. This includes United States Attorneys who litigate immigration and asylum-related cases in federal court, the FBI which conducts background and other investigations used in deciding asylum claims, the United States Marshals Service which transports and sometimes jails people prosecuted for immigration violations (which include asylum seekers), the Federal Bureau of Prisons which confines immigration detainees including asylum seekers. The Executive Office for Immigration Review oversees and manages the immigration courts and the Board of Immigration Appeals where asylum seekers litigate their claims. DOJ and its components also administer and fund programs such as Legal Orientation Programs (LOPs) (which the Trump Administration suspended in April 2018) ¹¹³⁵ and have funded legal services for children and detainees deemed mentally incompetent in immigration proceedings, which all include people seeking asylum. ¹¹³⁶
Between Turnback	POE	attorney_general_doj	Indirect	As head of the Department of Justice, the Attorney General directs and controls US Attorneys and all other counsel employed on behalf of the United States who litigate immigration cases and provide legal advice and direction for agencies implementing immigration-related legislation and regulations. The Attorney General supervises the administration and operation of the Department of Justice, which includes the Executive Office for Immigration Review, the Board of Immigration Appeals, the Federal Bureau of Investigation, Bureau of Prisons, and the US Attorneys and US Marshals Service, which all engage in activities relating to asylum and asylum seekers. The Attorney General also enforces, interprets and makes recommendations on immigration law. The AG also has the power to refer cases before the Board of Immigration Appeals to themselves for a binding decision in the first instance.
Between Turnback	POE	deputy_attorney_general_ag_doj	Indirect	The Deputy Attorney General advises and assists the Attorney General ‘in formulating and implementing Department policies and programs and in providing overall supervision and direction to all organizational units of the Department’, which includes immigration and asylum-related policies and programs, as well as organisational units implementing those policies and programs. ¹¹³⁷ The Deputy Attorney General also represents DOJ at meetings of the National Security Council and

¹¹³⁵ Lorelai Laird, ‘ABA condemns suspension of Justice Department’s Legal Orientation Program for immigrants’, *ABA Journal* (Online, 11 April 2018) <https://www.abajournal.com/news/article/aba_condemns_suspension_of_justice_departments_legal_orientation_program>.

¹¹³⁶ ‘Protecting Against Threats to the Most Vulnerable Populations’, US Department of Justice Archives (Web Page, 18 January 2017) <<https://www.justice.gov/archives/doj/accomplishments-under-leadership-attorney-general-eric-holder#s4>>.

¹¹³⁷ ‘Organization, Mission & Functions Manual: Attorney General, Deputy and Associate’, *The United States Department of Justice* (Web Page, 26 May 2021) <<https://www.justice.gov/jmd/organization-mission-and-functions-manual-attorney-general#ag>> (‘Organization, Mission & Functions Manual’).

				Homeland Security Council, which may relate to asylum-seekers or circumstances from which people might flee. The Deputy Attorney General also sets enforcement priorities in consultation with the Attorney General, which during the Trump Administration included prosecuting people for unlawful entry and other immigration-related offences.
Between Turnback	POE	associate_attorney_general_ag_doj	Indirect	The Associate Attorney General (ASG) advises and assists the AG and Deputy AG ‘on the formulation and implementation of Department of Justice policies and programs’ which include matters relating to asylum seekers. ¹¹³⁸ This includes the Office of Information Policy, which oversees agency compliance with FOIA and developing government-wide policy on FOIA. ¹¹³⁹ The ASG also oversees a number of programs that fund or administer programs relating to crime victims, human trafficking, policing, and access to justice, which may encompass asylum seekers within the people targeted by the programs. Programs include the Office of Justice Programs, the Office of Community Oriented Policing Services, the Access to Justice Initiative, the Community Relations Service, and the Office on Violence Against Women. ¹¹⁴⁰
Between Turnback	POE	solicitor_general_ag_doj	Indirect	‘The mission of OSG is to represent the interests of the United States before the Supreme Court and to oversee appellate and certain other litigation on behalf of the United States in the lower federal and state courts.’ ¹¹⁴¹ The OSG does this in relation to cases involving asylum seekers, as well as cases that have a direct or indirect impact on the asylum system, or people’s ability to access the asylum process.
Between Turnback	POE	civil_division_ag_doj	Indirect	The Civil Division of the DOJ 'represents the United States in any civil or criminal matter within its scope of responsibility' ¹¹⁴² and defending laws and policies relating to asylum and asylum seekers. The Civil Division also encompasses the Office of Immigration Litigation (OIL) and represents the federal government in asylum and other immigration cases, as well as in cases brought by individuals subject to abuses in the context of immigration detention and other matters seeking damages against officers of the United States. The Civil Division is also responsible for representing the interests of the United States in similar litigation in foreign courts. OIL 'oversees all civil immigration litigation ... and it is responsible for coordinating national immigration matters before the federal district courts

¹¹³⁸ Ibid.

¹¹³⁹ ‘About the Office’, US Department of Justice (Online, 15 February 2017) <<https://www.justice.gov/oip/about-office>>.

¹¹⁴⁰ ‘Organization, Mission & Functions Manual’ (n 284).

¹¹⁴¹ ‘Organization, Mission and Functions Manual: Office of the Solicitor General’, *The United States Department of Justice* (Web Page, 26 May 2021) <<https://www.justice.gov/jmd/organization-mission-and-functions-manual-office-solicitor-general>>.

¹¹⁴² ‘Organization, Mission and Functions Manual: Civil Division’, *The United States Department of Justice* (Web Page, 5 October 2020) <<https://www.justice.gov/jmd/organization-mission-and-functions-manual-civil-division>>.

				and circuit courts of appeals. It provides support and counsel to all federal agencies involved in alien admission, regulation, and removal under U.S. immigration and nationality statutes.’ ¹¹⁴³
Between Turnback	POE	executive_office_us_a ttorneys_ag_doj	Indirect	The work of the Executive Office for United States Attorneys encompasses litigation relating to civil and criminal immigration issues which impact asylum seekers and their ability to pursue or seek protection.
Between Turnback	POE	legislative_affairs_ag_ doj	Indirect	The Office of Legislative Affairs (OLA) is ‘the coordinating center for all Department of Justice activities relating to legislation and the Congress.’ ¹¹⁴⁴ OLA advises DOJ components on the development of official policies through legislation relating to asylum and the ability of asylum seekers to raise and pursue asylum claims, among other things. The Office also deals with DOJ nominees who may have a significant impact on asylum law, while also dealing with congressional oversight which can also have a significant impact on DOJ policy and operation.
Between Turnback	POE	legal_policy_ag_doj	Indirect	The Office of Legal Policy (OLP) develops and implements significant DOJ policy initiatives and handles special projects that involve the asylum framework and asylum seekers ability to access that framework. OLP also reviews and coordinates all DOJ regulations and conducts policy reviews of legislation and other proposals, including those relating to asylum or asylum seekers.
Between Turnback	POE	legal_counsel_ag_doj	Indirect	‘The major functions of OLC are to: Draft the Attorney General's formal opinions and render its own opinions to the White House and to the heads of executive departments and agencies on a variety of legal questions involving the operations of the executive branch. Review as to form and legality all proposed Executive Orders, certain Presidential proclamations, and regulations requiring approval by the President or the Attorney General. Render opinions to the Attorney General and to the heads of the various organizational units of the Department on questions of law arising in the administration of the Department. Advise the Attorney General in connection with the review of decisions by the Board of Immigration Appeals and other organizational units of the Department. Prepare reports on proposed legislation submitted to the Department for comment, and reports to the Office of Management and Budget on enrolled bills.’ ¹¹⁴⁵ This work includes legal questions, Executive Orders, Presidential proclamations, regulations, and the review of BIA decisions relating to asylum and the ability of asylum seekers to raise protection claims.

¹¹⁴³ ‘Office of Immigration Litigation’, *The United States Department of Justice* (Web Page, 9 September 2020) <<https://www.justice.gov/civil/office-immigration-litigation>>.

¹¹⁴⁴ ‘Organization, Mission and Functions Manual: Office of Legislative Affairs’, *The United States Department of Justice* (Web Page, 5 October 2020) <<https://www.justice.gov/jmd/organization-mission-and-functions-manual-office-legislative-affairs>>.

¹¹⁴⁵ ‘Organization, Mission and Functions Manual: Office of Legal Counsel’, *The United States Department of Justice* (Web Page, 5 October 2020) <<https://www.justice.gov/jmd/organization-mission-and-functions-manual-office-legal-counsel>>.

Between Turnback	POE	intl_operations_crim_cyber_response_services_fbi_doj	Indirect	The legats ‘establish and maintain liaison with principal law enforcement and security services in designated foreign countries. ... Liaison is carried out in accordance with executive orders, statutes, treaties, Attorney General Guidelines, FBI policies, and interagency agreements.’ ¹¹⁴⁶ This includes liaising on immigration, human smuggling, and other issues that impact the ability of asylum seekers to move and access protection in the US.
Between Turnback	POE	inspector_general_ag_doj	Indirect	‘The OIG investigates alleged violations of criminal and civil laws by DOJ employees and also audits and inspects DOJ programs.’ ¹¹⁴⁷ The OIG has jurisdiction to review the programs and personnel of the FBI, BOP, US Marshals, US Attorneys, and all other organisations in the DOJ. Many of these programs and personnel work directly on asylum law, or on policies, programs and issues relating to the asylum framework or asylum seekers.
Between Turnback	POE	department_of_state	Indirect	‘At home and abroad, the Department helps protect U.S. national borders through sharing of information within and between foreign governments by improving passport security and implementing effective visa adjudication processes that deny access to individuals who pose risks to U.S. national security. The Department’s diplomatic engagement on counterterrorism and homeland security increases two way information sharing on known and suspected terrorists, risk-based border management, and threat-based security and border screening at all land, air, and sea borders’ ¹¹⁴⁸ Among other things, State engages in actions that inhibit or prevent the movement of people seeking asylum and also provides country reports and human rights reports that are used in asylum litigation.
Between Turnback	POE	population_refugees_migration_state	Indirect	The Bureau of Population, Refugees, and Migration (PRM) ‘is the U.S. government’s lead for international migration policy’. ¹¹⁴⁹ PRM undertakes to ‘defend the sovereign right of the United States to regulate the entry and stay of foreign nationals; resist attempts to introduce “global governance” of international migration; press countries to facilitate the repatriation of their nationals when we seek to return them; promote well-managed, legal forms of immigration that protect vulnerable people; and seek to address the root causes in origin countries of illegal immigration.’ ¹¹⁵⁰ All of these issues may impact asylum seekers ability to seek and enjoy protection from persecution, particularly where PRM takes the view that ‘[t]he illegal movement of people across international borders threatens national security and public safety’. ¹¹⁵¹ Interestingly, until 2017, the PRM's mission was to ‘protect and assist asylum-seekers and other vulnerable migrants, and to advance effective

¹¹⁴⁶ ‘International Operations’, *FBI* (Web Page) <<https://www.fbi.gov/about/leadership-and-structure/international-operations>>.

¹¹⁴⁷ ‘About the Office’, *US Department of Justice, Office of Inspector General* (Web Page) <<https://oig.justice.gov/about>>.

¹¹⁴⁸ US Department of State and US Agency for International Development, *Joint Strategic Plan: FY 2018-2022* (Report, February 2018) 32.

¹¹⁴⁹ ‘International Migration: Bureau of Population, Refugees, and Migration’, *US Department of State* (Web Page) <<https://www.state.gov/other-policy-issues/international-migration/>>.

¹¹⁵⁰ Ibid.

¹¹⁵¹ Ibid.

				and humane international migration policies, in order to enhance stability and security and promote human rights.’ ¹¹⁵² PRM also administers programs ‘to deter illegal immigration and promote well-managed, legal forms of immigration’, which may prevent asylum seekers from reaching the US to access protection. ¹¹⁵³ PRM has also been UNHCR's largest donor and PRM and UNHCR regularly renew a bilateral framework for cooperation. ¹¹⁵⁴
Between Turnback	POE	international_migration_prm_state	Indirect	The Office of International Migration (OIM) ‘works to promote well-managed, legal forms of immigration through bilateral and multilateral diplomacy and targeted capacity-building programs.’ ¹¹⁵⁵ PRM and OIM are key in the current US strategy to stop the movement of asylum seekers from Central America to the United States. ‘President Biden and Vice President Harris have set out an ambitious, multi-pronged approach to address the root causes of irregular migration and strengthen collaborative migration management across Central America. ... The Vice President’s announcement of \$310 million in increased assistance in the region includes \$104 million through the State Department’s Bureau of Population, Refugees, and Migration’ ¹¹⁵⁶
Between Turnback	POE	intl_narcotics_law_enforcement_affairs_state	Indirect	‘INL designs, plans, and funds foreign assistance programs to address aspects of border security including: cross-border crimes, maritime security, aviation security, migrant smuggling, and trafficking in persons. This includes sponsoring training, workshops, and technical support provided by other U.S. agencies and international organizations. ... INL programs help deter and prevent the flow of illegal migrants into the United States as part of the U.S. National Strategy to Combat Transnational Organized Crime, as well as other national security-related strategies.’ ¹¹⁵⁷ INL efforts aim to prevent people without visas or travel authorisation, including asylum seekers, from travelling through third countries and reaching the United States. INL also trains foreign police and military in border security in order to stop people, including asylum seekers, from moving without visas or travel authorisation.
Between Turnback	POE	usaid	Direct	‘Through diplomacy and development, the Department and USAID work to reduce poor governance and weak institutions, lack of economic opportunity, corruption, and persistent human rights abuses,

¹¹⁵² ‘Archived Content: International Migration’, *US Department of State* (Web Page, 2017) <<https://2009-2017.state.gov/j/prm/migration/index.htm>>.

¹¹⁵³ ‘International Migration: Bureau of Population, Refugees, and Migration’, *US Department of State* (Web Page) <<https://www.state.gov/other-policy-issues/international-migration/>>.

¹¹⁵⁴ See *Framework for Cooperation between the Office of the UN High Commissioner for Refugees and the Bureau of Population, Refugees and Migration, U.S. Department of State for the Year 2010-2011* (signed 21 April 2010).

¹¹⁵⁵ ‘International Migration: Bureau of Population, Refugees, and Migration’, *US Department of State* (Web Page) <<https://www.state.gov/other-policy-issues/international-migration/>>.

¹¹⁵⁶ Anthony J Blinken, Secretary of State, ‘Providing Humanitarian Assistance to Support the Vice President’s Leadership in Addressing Migration Challenges in Central America’ (Press Statement, US Department of State, 27 April 2021).

¹¹⁵⁷ ‘Border Security/Migrant Smuggling’, *US Department of State* (Web Page) <<https://www.state.gov/border-security-migrant-smuggling-2/>>.

				which otherwise contribute to transnational crime, illegal immigration, and the spread of pandemic diseases.’ ¹¹⁵⁸ USAID also works to prevent people without visas or travel authorisation, including asylum seekers, from travelling through third countries and reaching the United States. USAID also contributes to training foreign police and military in border security in order to stop people, including asylum seekers, from moving without visas or travel authorisation.
Between Turnback	POE	iom	Direct	‘The Western Hemisphere Program is implemented by the International Organization for Migration and financed by the U.S. Department of State Bureau of Population, Refugees and Migration.’ ¹¹⁵⁹ IOM runs programs to strengthen border security and migration management, to prevent the irregular movement of people -- including asylum seekers -- in Latin America and the Caribbean. For example, ‘[o]ver 100 thousand Haitians living in border areas cross into the Dominican Republic each week, and an estimated 2 out of every 3 of the 230 thousand recorded Haitian migrants do not have any form of documentation. Many of these people are exposed to human trafficking and migrant smuggling. In this context, IOM Haiti is acting to strengthen border security and migration management.’ ¹¹⁶⁰
Between Turnback	POE	fish_wildlife_service	Direct	‘In addition to cooperating with CBP, these land management federal law enforcement officers also often cooperate with local police forces, in what the Department of Interior identifies as a “whole government approach”. Such was the case when the US Fish and Wildlife Service used a mobile app from the Automated Regional Justice Information System to run more than 200 facial recognition requests off the San Diego mugshot database between 2016 and 2018.’ ¹¹⁶¹ Fish and Wildlife officials regularly encounter and report people, including asylum seekers, crossing between ports of entry to CBP. Officials also arrest members of NGOs that provide humanitarian relief to border crossers.
Between Turnback	POE	house_of_representatives	Indirect	The House drafts and passes legislation related to asylum and immigration, while also conducting Executive Branch oversight activities for agencies like DHS.
Between Turnback	POE	senate	Indirect	The Senate drafts and passes legislation related to asylum and immigration, while also conducting investigations into the executive branch, and reviewing and approving (or rejecting) presidential appointees to agencies such as the Departments of Justice, State, and others that have an impact on asylum law and policy. The Senate also may approve, amend, or adopt changes to treaties, including the <i>1967 Protocol</i> and other treaties relating to <i>non-refoulement</i> .

¹¹⁵⁸ US Department of State and US Agency for International Development, *Joint Strategic Plan: FY 2018-2022* (Report, February 2018) 32.

¹¹⁵⁹ ‘About Us’, *IOM* (Web Page, 2020) <<https://programamesoamerica.iom.int/en/about-us>>.

¹¹⁶⁰ ‘IOM Haiti implements MIDAS to improve security and border management’, *IOM* (Web Page, 5 November 2019) <<https://programamesoamerica.iom.int/en/news/iom-haiti-implements-midas-improve-security-and-border-management>>.

¹¹⁶¹ Molly McCluskey, ‘US border national parks increasingly fortified by surveillance’, *Aljazeera* (online, 6 March 2020) <<https://www.aljazeera.com/features/2020/3/6/us-border-national-parks-increasingly-fortified-by-surveillance>>.

Between Turnback	POE	committee_homeland_security_house	Indirect	‘The Committee was first formed as a Select, non-permanent Committee to provide Congressional oversight over the development of the Department of Homeland Security. The Committee was made permanent when it was designated as a Standing Committee of the House on January 4, 2005, the first day of the 109th Congress.’ ¹¹⁶² The CBP Border, Air & Marine Operations Directorate ‘collaborates regularly with Congressional staff’ from this committee, in working with the DHS Office of Congressional Affairs on CBP policy and actions relating to border enforcement operations and other policies and practices that directly or indirectly impact people’s ability to raise and pursue asylum claims. ¹¹⁶³
Between Turnback	POE	committee_homeland_security_gov_affairs_senate	Indirect	‘The Committee on Homeland Security and Governmental Affairs (HSGAC) is the Senate’s primary oversight committee with broad jurisdiction over government operations generally and the Department of Homeland Security in particular.’ ¹¹⁶⁴ DHS Office of Congressional Affairs ‘collaborates regularly with Congressional staff’ from this committee on CBP policy and actions relating to border enforcement operations and other policies and practices that directly or indirectly impact people’s ability to raise and pursue asylum claims. ¹¹⁶⁵
Between Turnback	POE	committee_judiciary_house	Indirect	The House Judiciary Committee is involved in ‘protecting Constitutional freedoms and civil liberties, oversight of the U.S. Departments of Justice and Homeland Security, legal and regulatory reform, innovation, competition and anti-trust laws, terrorism and crime, and immigration reform.’ ¹¹⁶⁶ This oversight includes holding hearings on DHS policies relating to asylum seekers and access to the asylum system, as well as introducing and passing legislation relating to the same issues. The DHS Office of Congressional Affairs ‘collaborates regularly with Congressional staff’ from this committee on CBP policy and actions relating to border enforcement operations and other policies and practices that directly or indirectly impact people’s ability to raise and pursue asylum claims. ¹¹⁶⁷
Between Turnback	POE	committee_judiciary_senate	Indirect	The Judiciary Committee oversees the Department of Justice and agencies under the Department’s jurisdiction, including those that have a direct and indirect impact on asylum as outlined above. The Judiciary Committee also plays a key role in consideration of nominations for high-ranking agency officials, and all Article III judicial nominations. These people can have a significant impact on policy

¹¹⁶² ‘Committee History’, *Committee on Homeland Security* (Web Page) <<https://homeland.house.gov/about/committee-history>>.

¹¹⁶³ ‘OCA Directorates’, *US Customs and Border Protection* (Archived Web Page, 11 June 2021) <<https://web.archive.org/web/20210611194608/https://www.cbp.gov/accordion-page/oca-directorates>>.

¹¹⁶⁴ ‘Jurisdiction and Rules’, *US Senate Committee on Homeland Security & Governmental Affairs* (Web Page) <<https://www.hsgac.senate.gov/about/jurisdiction>>.

¹¹⁶⁵ ‘OCA Directorates’, *US Customs and Border Protection* (Archived Web Page, 11 June 2021) <<https://web.archive.org/web/20210611194608/https://www.cbp.gov/accordion-page/oca-directorates>>.

¹¹⁶⁶ ‘About’, *House Committee on the Judiciary* (Web Page) <<https://judiciary.house.gov/about/>>.

¹¹⁶⁷ ‘OCA Directorates’, *US Customs and Border Protection* (Archived Web Page, 11 June 2021) <<https://web.archive.org/web/20210611194608/https://www.cbp.gov/accordion-page/oca-directorates>>.

				and regulations relating to asylum and the ability of people to access asylum. The Senate Judiciary Committee also considers legislation, resolutions, messages, petitions, memorials and other matters relating to civil liberties and immigration, which includes asylum and legislation impacting access to asylum. DHS OCA ‘collaborates regularly with Congressional staff’ from this committee on CBP policy and actions relating to border enforcement operations and other policies and practices that directly or indirectly impact people’s ability to raise and pursue asylum claims. ¹¹⁶⁸
Between Turnback	POE	committee_appropriations_sub_homeland_security_house	Indirect	The Homeland Security Subcommittee holds hearings and drafts legislation on appropriations relating to the Department of Homeland Security. ¹¹⁶⁹ In terms of immigration, for example, the Appropriations Committee passed a 2021 DHS appropriations bill that, among other things, 'Reduces funding for Immigration and Customs Enforcement and sharply decreases detention beds, Phases out family detention by the end of 2020 ... Rejects the proposed hiring of additional Border Patrol agents ...' ¹¹⁷⁰ DHS Office of Congressional Affairs 'collaborates regularly with Congressional staff' from this committee in order ‘to ensure favorable consideration of CBP's budgetary requests and initiatives.’ ¹¹⁷¹
Between Turnback	POE	committee_appropriations_sub_homeland_security_senate	Indirect	The Senate Appropriations Committee ‘writes the legislation that allocates federal funds to the numerous government agencies, departments, and organizations on an annual basis. Twelve subcommittees are tasked with drafting legislation to allocate funds to government agencies within their jurisdictions. These subcommittees are responsible for reviewing the President's budget request, hearing testimony from government officials and other witnesses, and drafting the spending plans for the coming fiscal year. Their work is passed on to the full Senate Appropriations Committee, which may review and modify the bills and approve them for consideration by the full Senate.’ ¹¹⁷² This includes legislation funding operations of the 'Department of Homeland Security, Analysis and Operations, Biometric Identity Management Office of [US-VISIT] ... Federal Emergency Management Agency, Federal Law Enforcement Training Center ... Inspector General ... U.S. Citizenship and Immigration Services, U.S. Coast Guard, U.S. Customs and Border Protection ... U.S. Immigration and Customs Enforcement ...’, which has direct and indirect impact on asylum seekers and their ability to raise and pursue a claim. ¹¹⁷³ DHS Office of Congressional Affairs

¹¹⁶⁸ Ibid.

¹¹⁶⁹ House Appropriations, *House Democrats’ \$4.5 Billion Supplemental Appropriations Bill to Address the Humanitarian Crisis at the Border* (Fact Sheet, 21 June 2019).

¹¹⁷⁰ House Appropriations, *Fiscal Year 2021 Appropriations Bill At-a-Glance* (Fact Sheet, 2021).

¹¹⁷¹ ‘OCA Directorates’, *US Customs and Border Protection* (Archived Web Page, 11 June 2021) <<https://web.archive.org/web/20210611194608/https://www.cbp.gov/accordion-page/oca-directorates>>.

¹¹⁷² ‘Committee Jurisdiction’, *United States Senate Committee on Appropriations* (Web Page) <<https://www.appropriations.senate.gov/about/jurisdiction>>.

¹¹⁷³ ‘Homeland Security’, *United States Senate Committee on Appropriations* (Web Page) <<https://www.appropriations.senate.gov/subcommittees/homeland-security>>.

				'collaborates regularly with Congressional staff' from this committee in order 'to ensure favorable consideration of CBP's budgetary requests and initiatives.' ¹¹⁷⁴
Between Turnback	POE	committee_oversight_ reform_house	Indirect	The House Committee on Oversight and Reform 'is the main investigative committee in the U.S. House of Representatives.' ¹¹⁷⁵ Oversight responsibilities include the review on a continuing basis 'the application, administration, execution, and effectiveness of laws and programs addressing subjects within its jurisdiction ... the organization and operation of Federal agencies and entities having responsibilities for the administration and execution of laws and programs addressing subjects within its jurisdiction ... any conditions or circumstances that may indicate the necessity or desirability of enacting new or additional legislation addressing subjects within its jurisdiction'. ¹¹⁷⁶ This includes the application, administration, execution and effectiveness of laws on asylum and which impact people's ability to access asylum, as well as the organisation and operation of agencies that are directly and indirectly involved in the asylum framework. DHS Office of Congressional Affairs 'collaborates regularly with Congressional staff' from this committee on issues relating to land ports of entry, CBP officer staffing, passenger targeting efforts, biometric entry-exit and other issues that may impact asylum seekers. ¹¹⁷⁷
Between Turnback	POE	committee_commerce_ science_transport_se nate	Indirect	The Senate Committee on Commerce, Science and Transportation reviews 'all proposed legislation, messages, petitions, memorials, and other matters relating to the ... Coast Guard ... Interstate commerce ... Science, engineering, and technology research and development and policy ... Transportation. ... Such committee shall also study and review, on a comprehensive basis, all matters relating to science and technology, oceans policy, transportation, communications, and consumer affairs, and report thereon from time to time.' ¹¹⁷⁸ Matters relating to science and technology research and development and policy, as well as the Coast Guard, may have a direct or indirect impact on asylum seekers. DHS increasingly uses different types of technology to deter people from reaching the United States and thus accessing the asylum framework, as well as to vet and collect information about applicants for immigration benefits including asylum. The DHS Office of Congressional Affairs 'collaborates regularly with Congressional staff' from this committee on issues relating to

¹¹⁷⁴ 'OCA Directorates', *US Customs and Border Protection* (Archived Web Page, 11 June 2021) <<https://web.archive.org/web/20210611194608/https://www.cbp.gov/accordion-page/oca-directorates>>.

¹¹⁷⁵ 'About', *House Committee on Oversight and Reform* (Web Page) <<https://oversight.house.gov/about>>.

¹¹⁷⁶ 'Committee Jurisdiction', *House Committee on Oversight and Reform* (Web Page) <<https://oversight.house.gov/about/committee-jurisdiction>>.

¹¹⁷⁷ 'OCA Directorates', *US Customs and Border Protection* (Archived Web Page, 11 June 2021) <<https://web.archive.org/web/20210611194608/https://www.cbp.gov/accordion-page/oca-directorates>>.

¹¹⁷⁸ 'Jurisdiction', *US Senate Committee on Commerce, Science, & Transportation* (Web Page) <<https://www.commerce.senate.gov/jurisdiction>>.

				land ports of entry, CBP officer staffing, passenger targeting efforts, biometric entry-exit and other issues that may impact asylum seekers. ¹¹⁷⁹
Between Turnback	POE	house_committee_energy_commerce	Indirect	The House Committee on Energy and Commerce ‘legislates on a wide variety of issues, including: ... privacy, cybersecurity and data security ... interstate and foreign commerce. The Committee also oversees several federal departments and agencies, including: ... Centers for Disease Control and Prevention ... Department of Homeland Security’. ¹¹⁸⁰ The DHS Office of Congressional Affairs ‘collaborates regularly with Congressional staff’ from this committee on issues relating to land ports of entry, CBP officer staffing, passenger targeting efforts, biometric entry-exit and other issues that may impact asylum seekers. ¹¹⁸¹
Between Turnback	POE	house_perm_select_committee_intelligence	Indirect	‘The House Permanent Select Committee on Intelligence oversees the nation’s intelligence agencies including components of the Departments of Defense, Homeland Security, Justice, State, Treasury and Energy.’ ¹¹⁸² The DHS Office of Congressional Affairs ‘collaborates regularly with Congressional staff’ from this committee on issues relating to land ports of entry, CBP officer staffing, passenger targeting efforts, biometric entry-exit and other issues that may impact asylum seekers. ¹¹⁸³
Between Turnback	POE	senate_select_committee_intelligence	Indirect	‘The Committee’s staff reviews intelligence reports, budgets, and activities; investigates matters on behalf of the Committee; prepares legislation; and receives briefings.’ ¹¹⁸⁴ ‘The topics for hearings include agency activities, intelligence collection programs, and intelligence analysis on a geographic region or issue ... The Committee writes an annual intelligence authorization bill that authorizes funding levels for intelligence activities (these set caps for agency funding) and provides legislative provisions that limit or allow intelligence conduct. ... On occasion, the Committee reviews intelligence aspects of treaties as part of the Senate’s ratification process. ... The Committee conducts reviews of intelligence programs or events, ranging from routine and continuing study (the conduct of covert action programs and intelligence operations) to formal inquiries. ... The Committee receives and reviews intelligence analysis on a broad range of topics to inform policy decisions.’ ¹¹⁸⁵ The DHS

¹¹⁷⁹ ‘OCA Directorates’, *US Customs and Border Protection* (Archived Web Page, 11 June 2021) <<https://web.archive.org/web/20210611194608/https://www.cbp.gov/accordion-page/oca-directorates>>.

¹¹⁸⁰ ‘About E&C’, *House Committee on Energy & Commerce* (Web Page) <<https://energycommerce.house.gov/about-ec>>.

¹¹⁸¹ ‘OCA Directorates’, *US Customs and Border Protection* (Archived Web Page, 11 June 2021) <<https://web.archive.org/web/20210611194608/https://www.cbp.gov/accordion-page/oca-directorates>>.

¹¹⁸² ‘About’, *US House of Representatives Permanent Select Committee on Intelligence* (Web Page) <<https://intelligence.house.gov/about/>>.

¹¹⁸³ ‘OCA Directorates’, *US Customs and Border Protection* (Archived Web Page, 11 June 2021) <<https://web.archive.org/web/20210611194608/https://www.cbp.gov/accordion-page/oca-directorates>>.

¹¹⁸⁴ ‘About the Committee’, *US Senate Select Committee on Intelligence* (Web Page) <<https://www.intelligence.senate.gov/about>>.

¹¹⁸⁵ Ibid.

				Office of Congressional Affairs ‘collaborates regularly with Congressional staff’ from this committee on issues relating to land ports of entry, CBP officer staffing, passenger targeting efforts, biometric entry-exit and other issues that may impact asylum seekers. ¹¹⁸⁶
Between Turnback	POE	congressional_budget_office	Indirect	‘CBO analyzes proposals to change federal policies regarding aviation and border security, emergency response, anticounterfeiting measures, the protection of federal infrastructure, cybersecurity, and other topics related to securing the nation from threats.’ ¹¹⁸⁷ CBO reports can influence the form and content of immigration legislation, including rules that impact asylum seekers.
Between Turnback	POE	government_accountability_office	Indirect	‘GAO’s High-Risk List provides a road map for priority actions needed in agencies and program areas that we deem high risk due to their vulnerabilities to fraud, waste, abuse, and mismanagement, or are most in need of transformation. Areas on the HighRisk List cover some of the largest agencies and programs, including ... the Department of Homeland Security.’ ¹¹⁸⁸ The GAO has issued numerous reports and recommendations of actions and policies of the Department of Homeland Security, including those related to Southwest Border Security and other measures that impact asylum seekers. ¹¹⁸⁹ For example, GAO-21-144, <i>Southwest Border: DHS and DOJ Have Implemented Expedited Credible Fear Screening Pilot Programs, but Should Ensure Timely Data Entry</i> reviewed the screening pilot programs and found that DHS and DOJ did not have appropriate systems in place to accurately track data relating to expedited credible fear screening programs for asylum seekers.
Between Turnback	POE	library_of_congress	Indirect	‘The Library is the main research arm of the U.S. Congress and the home of the U.S. Copyright Office.’ ¹¹⁹⁰ ‘The Library serves Congress by providing access to its collection, as well as policy consultations, on-demand analysis, briefings, events, programs, and constituent engagement.’ ¹¹⁹¹ ‘Congress, the judiciary, and other federal agencies have reliable, round-the-clock access to reliable knowledge in print, online, and via consultation with scholars and experts from the Congressional Research Service, the U.S. Copyright Office, the Law Library, and the Kluge Center.’ ¹¹⁹² Library services include providing consultations, analysis, briefings, events, programs and other services related to asylum law and policy, as well as in relation to policies and laws which impact the ability of people to access and pursue a claim within the asylum system.

¹¹⁸⁶ ‘OCA Directorates’, *US Customs and Border Protection* (Archived Web Page, 11 June 2021) <<https://web.archive.org/web/20210611194608/https://www.cbp.gov/accordion-page/oca-directorates>>.

¹¹⁸⁷ ‘Homeland Security’, *Congressional Budget Office* (Web Page) <<https://www.cbo.gov/topics/homeland-security>>.

¹¹⁸⁸ Government Accountability Office, *Strategic Plan 2018-2023* (Report, GAO-18-1SP) 6.

¹¹⁸⁹ ‘Homeland Security’, *US Government Accountability Office* (Web Page, 2021) <<https://www.gao.gov/topics/homeland-security>>.

¹¹⁹⁰ ‘About the Library’, *Library of Congress* (Web Page) <<https://loc.gov/about/>>.

¹¹⁹¹ ‘Enriching the Library Experience: The FY2019-2023 Strategic Plan of the Library of Congress’, *Library of Congress* (Web Page) <<https://loc.gov/strategic-plan/>>.

¹¹⁹² Ibid.

Between Turnback	POE	congressional_research_service_loc	Indirect	‘The Congressional Research Service (CRS) works exclusively for the United States Congress, providing policy and legal analysis to committees and Members of both the House and Senate, regardless of party affiliation. As a legislative branch agency within the Library of Congress, CRS has been a valued and respected resource on Capitol Hill for more than a century. CRS is well-known for analysis that is authoritative, confidential, objective and nonpartisan. Its highest priority is to ensure that Congress has 24/7 access to the nation’s best thinking.’ ¹¹⁹³ CRS provides policy and legal analysis in relation to asylum, as well as in relation to policies and laws which impact the ability of people to access and pursue a claim within the asylum system.
Between Turnback	POE	instituto_nacional_de_migracion	Direct	INM is responsible for assisting in the maintenance of ‘lists’ of asylum seekers in Mexico waiting to be accepted for processing by CBP during the operation of metering at the southern border. INM would unofficially oversee the registration of asylum seekers on the informal lists, including standing by as volunteers called the names of people who would be processed that day, and then taking asylum seekers in a van for CBP processing at CBP's direction. People also might have contact with INM when being issued transit permits or humanitarian permits when crossing through Mexico.
Between Turnback	POE	grupos_beta_inm	Direct	‘[V]arious Mexican entities, including the military and Grupos Beta’ have been engaged in ‘preventing some asylum seekers from accessing U.S. ports of entry’. ¹¹⁹⁴ ‘The Tijuana appointment system was initially developed by U.S. and Mexican officials as an ad hoc response to the arrival of large numbers of Haitians at three ports of entry in the San Diego border sector during the summer of 2016. The plan tasked Grupos Beta, the humanitarian branch of the Mexican immigration enforcement agency (INM), with providing these “appointments” for migrants and asylum seekers who did not have entry documents, to present themselves to CBP at a later day and time. This flawed appointment system was plagued with misinformation and abuse, leaving many asylum seekers stranded in Mexico. It has continued at the San Ysidro port of entry long after the number of Haitians attempting to enter the United States fell—and despite the much-touted decrease in arrivals along the border.’ ¹¹⁹⁵ ‘Since Central Americans are typically not issued a transit visa at Mexico’s southern border, they are effectively blocked from receiving an “appointment.” Grupos Beta has also refused appointments for individuals with legal status in Mexico, such as a tourist visa, blocking other nationalities that enter Mexico on visas from approaching U.S. officials to seek asylum.’ ¹¹⁹⁶
Between Turnback	POE	domestic_nongovernmental_organisations	Direct	Non-governmental organisations and other community volunteers in the United States that support asylum seekers, contribute to policy development and change, engage in community education,

¹¹⁹³ ‘Congressional Research Service Careers’, *Library of Congress* (Web Page) <<https://www.loc.gov/crsinfo/>>.

¹¹⁹⁴ Human Rights First, *Crossing the Line: U.S. Border Agents Illegally Reject Asylum Seekers* (Report, May 2017) 2.

¹¹⁹⁵ Ibid at 8.

¹¹⁹⁶ Ibid.

				advocacy, and administration. These organisations also provide non-legal services to asylum seekers, such as detention visits, or assistance with shelter, transportation, food, or clothing.
Between Turnback	POE	international_nongovernmental_organizations	Direct	Non-governmental organisations and other community volunteers outside the United States that support asylum seekers, contribute to policy development and change, engage in community education, advocacy, and administration. These organisations also provide non-legal services to asylum seekers, such as detention visits, or assistance with shelter, transportation, food, or clothing.
Between Turnback	POE	unhcr	Direct	UNHCR is responsible for providing international protection to refugees and other persons within its mandate, which includes asylum seekers. UNHCR fulfils its international protection mandate by, inter alia, '[p]romoting the conclusion and ratification of international conventions for the protection of refugees, supervising their application and proposing amendments thereto.' ¹¹⁹⁷ UNHCR has also increased its assistance to refugees and asylum seekers in Mexico, including through the construction of shelters, access to asylum and relocation assistance, and other forms of aid. ¹¹⁹⁸
Between Turnback	POE	foreign_consulates	Direct	Foreign consulates may become involved in assisting their nationals who encounter US immigration enforcement officials, who may also raise asylum claims. For example, the Consulate of Guatemala, ¹¹⁹⁹ or the Mexican consulate in Arizona. ¹²⁰⁰
Between Turnback	POE	legal_service_providers	Direct	Foreign nationals in removal proceedings, including asylum seekers, do not have access to a public defender. ¹²⁰¹ Legal service providers including attorneys and BIA accredited representatives, provide a range of services including legal advice, legal orientation programs, assistance with pro bono placement, and direct representation in removal and bond proceedings, or parole requests. ¹²⁰² This is particularly important in asylum cases.
Between Turnback	POE	translators_interpreters	Direct	'All documents filed with the Immigration Court must be in the English language or accompanied by a certified English translation.' ¹²⁰³ All immigration court and federal court proceedings are also conducted in English and any documents filed with USCIS must also be in English. 'Interpreters are provided at government expense to individuals whose command of the English language is

¹¹⁹⁷ *Statute of the Office of the United Nations High Commissioner for Refugees*, GA Res 428(V), UN Doc A/RES/428(V) (14 December 1950) annex [1].

¹¹⁹⁸ 'UNHCR ramps up support for Mexico amid mounting asylum applications', *UNHCR* (Briefing Note, 13 April 2021) <

¹¹⁹⁹ Interview with Participant 002 (Regina Jefferies, United States) on file with author.

¹²⁰⁰ Interview with Participant 006 (Regina Jefferies, United States) on file with author.

¹²⁰¹ 'Adult Team', *Florence Immigrant & Refugee Rights Project* (Web Page, 2021) <<https://firrp.org/what/adult-team/>>.

¹²⁰² 'Immigrant Legal Defense Program', *Justice & Diversity Center of the Bar Association of San Francisco* (Web Page, 2021) <<https://www.sfbar.org/jdc/immigrant-legal-defense/>>.

¹²⁰³ Executive Office for Immigration Review, *Immigration Court Practice Manual* (EOIR, 16 November 2020) 43-44, rule 3.3.

			inadequate to fully understand and participate in removal proceedings.’ ¹²⁰⁴ Translators and interpreters are critical in asylum cases which often require translation of evidence and testimony which can make or break a case.
Between POE Turnback	native_american_tribes	Direct	‘Individuals seeking to enter the United States illegally or to smuggle contraband may attempt to avoid the Department of Homeland Security’s (DHS) U.S. Customs and Border Protection (CBP) screening procedures at ports of entry (POE) by crossing the borders in areas between POEs, including Indian reservations on the borders. Eighty-six miles of the northern border and 68 miles of the southwest border are on 13 Indian reservations, many of which are vulnerable to illicit cross-border threat activity, such as drugs, weapons, and human smuggling, according to DHS officials.’ ¹²⁰⁵ Asylum seekers are among the individuals who seek to cross the borders between ports of entry and may be apprehended by cross-deputised tribal law enforcement officers alone, or in joint patrols with CBP.
Between POE Turnback	shadow_wolves_ice	Direct	‘The Tohono O’odham Nation, patrolled by the Shadow Wolves and USBP’s Tucson Sector, covers 2.8 million acres and includes mostly small, scattered villages. CBP transferred the Shadow Wolves Unit to ICE in October 2006. The unit is being used to enhance ICE investigations and operations on the Tohono O’odham Nation.’ ¹²⁰⁶ The Shadow Wolves report illegal border crossings to CBP, which may include asylum seekers. ¹²⁰⁷
Referred Operation Streamline	department_of_homeland_security	Direct	The Department of Homeland Security (‘DHS’) is the overarching cabinet-level agency responsible for identifying and processing asylum seekers and other individuals in need of protection at borders, as well as in the interior of the US. ¹²⁰⁸
Referred Operation Streamline	secretary_exec_mgmt	Indirect	The Office of the Secretary and Executive Management plays a leadership role in ‘directing the Department’s efforts to prevent terrorism and enhance security, secure and manage borders, enforce and administer the Nation’s immigration laws ...’ ¹²⁰⁹ This includes efforts to process asylum seekers at the southern border, as well as administering immigration laws relating to asylum and other forms of international protection.

¹²⁰⁴ Ibid at 64, rule 4.11.

¹²⁰⁵ US Government Accountability Office, *Border Security: Partnership Agreements and Enhanced Oversight Could Strengthen Coordination of Efforts on Indian Reservations* (Report No GAO-13-352, April 2013) 1.

¹²⁰⁶ Chip Fulghum, *Feasibility Report: Establishing an Initiative Specific to Hiring American Indian Veterans into U.S. Customs and Border Protection* (Report to Congress, 27 November 2018) 2-3.

¹²⁰⁷ Faye Bowers, “‘Shadow Wolves’ track drug smugglers the native American way”, *The Christian Science Monitor* (online, 5 July 2007) <<https://www.csmonitor.com/2007/0705/p20s01-ussc.html>>.

¹²⁰⁸ See Department of Homeland Security, *FY 2021 Budget in Brief* (Report, 9 February 2020) <<https://www.dhs.gov/publication/fy-2021-budget-brief>>.

¹²⁰⁹ Ibid at 11.

Referred Operation Streamline	secretary_osem_dhs	Indirect	The Secretary of Homeland Security ‘oversees Department of Homeland Security (DHS) efforts to ... secure and manage our borders while facilitating trade and travel, enforce and administer our immigration laws.’ ¹²¹⁰ This includes overseeing, enforcing and administering laws relating to asylum and the processing of people at borders attempting to raise a protection claim.
Referred Operation Streamline	chief_of_staff_osem_dhs	Indirect	The Chief of Staff ‘is responsible for coordinating policy initiatives and other actions of the Department’s components, directorates, and offices. The COS oversees DHS activities, assists the Deputy in managing DHS operations, and supports the Secretary.’ ¹²¹¹ This includes coordinating policy initiatives and other actions relating to processing asylum seekers at the southern border.
Referred Operation Streamline	military_advisor_osem_dhs	Indirect	The Military Advisor’s ‘essential functions include: Deploying at the discretion of the Secretary and Deputy Secretary for major incidents or other contingencies. Serving as the focal point for DHS-DoD collaboration through established working groups and a cooperative approach to homeland security, homeland defense, and incident management. Being a key advisor to DHS senior staff and Components on matters involving policy and procedure development, information and resources exchanges, and operations between DHS and DoD.’ ¹²¹² This includes the deployment of DoD personnel at the southern border to assist CBP. “‘The duties to be performed by military personnel include the same categories of support as those currently being carried out along the border, including detection and monitoring, logistics, and transportation support to U.S. Customs and Border Protection,” according to the DoD statement.’ ¹²¹³
Referred Operation Streamline	executive_secretary_osem_dhs	Indirect	The Executive Secretary ‘is the principal liaison between the Department and its Components, and coordinates all external correspondence for the Immediate Office of the Secretary and all directorates.’ ¹²¹⁴ The Executive Secretary works with components like CBP, ICE, and USCIS to coordinate all external correspondence, including correspondence related to asylum for various audiences including Congress and the public.
Referred Operation Streamline	deputy_secretary_osem_dhs	Indirect	‘The Deputy Secretary’s role is to provide internal oversight of all Departmental operations’. ¹²¹⁵ The Deputy Secretary is responsible for providing accountability and oversight of all of DHS, including

¹²¹⁰ ‘Office of the Secretary’, *Department of Homeland Security* (Web Page) <<https://www.dhs.gov/office-secretary>>.

¹²¹¹ Office of the Secretary and Executive Management, *Budget Overview: Fiscal Year 2021 Congressional Justification* (DHS Report, 10 February 2020) 72 <https://www.dhs.gov/sites/default/files/publications/office_of_the_secretary_and_executive_management.pdf>.

¹²¹² ‘Office of the Military Advisor’, *Department of Homeland Security* (Web Page) <<https://www.dhs.gov/about-office-military-advisor>>.

¹²¹³ Oriana Pawlyk, ‘US Military’s Deployment to the Southern Border Has Been Extended Another Year’, *Military.com* (online, 25 June 2020) <<https://www.military.com/daily-news/2020/06/25/us-militarys-deployment-southern-border-has-been-extended-another-year.html>>.

¹²¹⁴ *Budget Overview: Fiscal Year 2021 Congressional Justification* (n 4) 72.

¹²¹⁵ Ibid.

			components responsible for referring or adjudicating asylum claims, such as USCIS, CBP, and ICE. ¹²¹⁶
Referred Operation Streamline	strategy_policy_plans_osem_dhs	Indirect	The Office of Strategy, Policy, and Plans (‘PLCY’) ‘serves as a central resource to the Secretary and other Department leaders for policy development and review, strategic planning and analysis, and facilitation of decision-making on the full breadth of issues that may arise across the dynamic homeland security enterprise. PLCY is responsible for strengthening our Nation’s homeland security by developing DHS-wide policies, programs, and planning to promote and ensure the highest level of performance, quality, consistency, and integration in the execution of all homeland security missions. PLCY represents and coordinates the consolidated DHS position at White House interagency committee meetings.’ ¹²¹⁷ This includes issues related to asylum and the southern land border.
Referred Operation Streamline	strategy_policy_plans_exec_osem_dhs	Indirect	The Executive Office ‘manages the following: The Executive Secretariat functions; training and education programs, which include intern and Presidential Management Fellow programs; operations and resource management; Freedom of Information Act requests and inquiries; Privacy and Audit Liaison functions; and the Department’s coordination process for Policy Coordination Committees (PCCs). Moreover, The Executive Office provides a centralized coordination point for developing and communicating policies across multiple sub offices within PLCY, throughout the Department, and across the homeland security enterprise.’ ¹²¹⁸ This includes policies relating to asylum and the southern land border.
Referred Operation Streamline	threat_prevention_security_plcy_osem_dhs	Indirect	The Office of Threat Prevention & Security Policy ‘supports the Department’s mission to secure the Homeland by countering terrorism, transnational criminal organizations, ... human trafficking, and emerging threats, and addressing ... screening and vetting, watchlisting, information sharing, identity management and credentialing, and biometrics through the development and coordination of department-wide strategy, policy and plans’ ¹²¹⁹ ‘In these interrelated roles, [the former Assistant Secretary of Homeland Security for Threat Prevention and Security Policy] served on the DHS leadership team and led policy development and DHS diplomatic engagements on various issues, including border security and immigration, asylum and refugee policy’ ¹²²⁰

¹²¹⁶ Carrie Cordero, ‘Reforming the Department of Homeland Security Through Enhanced Oversight & Accountability’ (Research Report, Center for a New American Security, 12 May 2020).

¹²¹⁷ *Budget Overview: Fiscal Year 2021 Congressional Justification* (n 4) 36.

¹²¹⁸ Ibid.

¹²¹⁹ Ibid.

¹²²⁰ ‘Seth Stodder’, *Criminal Investigations and Network Analysis: A DHS Center of Excellence* (Web Page, 2021) <<https://cina.gmu.edu/people/seth-stodder/>>.

Referred Operation Streamline	strategy_plans_analysis_risk_ply_osem_dhs	Indirect	“[T]he Office of the Assistant Secretary, Strategy, Plans, Analysis & Risk (SPAR) controls the development of DHS strategy documents. SPAR creates the two main documents that detail DHS’ long-term strategic planning, the QHSR [Quadrennial Homeland Security Review] and the DHS Strategic Plan. These two documents serve as the basis in determining DHS’ strategic priorities, plans, and areas of focus....’ ¹²²¹ ‘The purpose of the QHSR is to “be a comprehensive examination of the homeland security strategy of the Nation, including recommendations regarding the long term strategy and priorities of the Nation for homeland security and guidance on the programs, assets, capabilities, budget, policies, and authorities of the Department.”’ ¹²²² These strategic priorities include work regarding asylum seekers, the US southern border, and other policy and legal initiatives which impact asylum seekers. For example, as of 2014, DHS considered the following among its strategic priorities: ‘Secure and Manage U.S. Borders’ and ‘Enforce and Administer our Immigration Laws’. ¹²²³
Referred Operation Streamline	border_immigration_trade_ply_osem_dhs	Indirect	‘Border, Immigration & Trade Policy (BIT) supports DHS’s border security and immigration missions by developing and coordinating policies on the transit of people and goods across U.S. borders.... On immigration matters, BIT consolidates Component statistics and conducts quantitative studies to assess immigration trends and effects, advises Department leadership on immigration policies and regulations, and engages interagency counterparts on immigration policies.’ ¹²²⁴ These data and quantitative studies would include individuals seeking asylum, as well as advising on policies and regulations and in interagency settings on immigration policy impacting asylum seekers.
Referred Operation Streamline	international_affairs_ply_osem_dhs	Indirect	‘On January 4, 2016, Secretary Johnson announced a number of ongoing and new actions that will address recent trends and improve southwest border security, including increasing border security, cracking down on criminal smugglers, and expanding cooperation with international partners. All of these measures, in concert with actions undertaken by our interagency and regional partners, will make it that much more difficult for extra-hemispheric migrants to move unimpeded into and through Central America and Mexico and approach the U.S. border.’ ¹²²⁵
Referred Operation Streamline	public_affairs_osem_dhs	Indirect	‘DHS and State carried out several public information campaigns between 2013 and 2015 intended to dissuade citizens of El Salvador, Guatemala, and Honduras from migrating to the United States.... The campaigns ran in El Salvador, Guatemala, Honduras, and Mexico, with ads placed on radio and

¹²²¹ Michael A Davis Jr, ‘Looking Beyond the Horizon: Modelling DHS Net Assessment’ (Master’s Thesis, Naval Postgraduate School, March 2020) 21.

¹²²² Ibid at 22.

¹²²³ Ibid at 23.

¹²²⁴ *Budget Overview: Fiscal Year 2021 Congressional Justification* (n 4) 37.

¹²²⁵ Written Evidence to the Committee on Foreign Affairs, Subcommittee on the Western Hemisphere, United States House of Representatives, Washington, DC, 22 March 2016 (Alan Bersin, Assistant Secretary and Chief Diplomatic Officer, PLCY Office of International Affairs) <www.dhs.gov/news/2016/03/22/written-testimony-plcy-house-foreign-affairs-subcommittee-western-hemisphere-hearing>.

			TV stations, and on billboards, bus stops, and in and on buses (see fig. 3). According to an official from DHS CBP's Office of Public Affairs, in developing the 2013 dangers of the journey campaign, DHS incorporated feedback from various U.S. agencies and a working group composed of several DHS components; the embassies of El Salvador, Guatemala, and Honduras; and other international and nongovernmental organizations. ¹²²⁶ 'DHS continues to work with DOS and other partners to create opportunities for media in the region using DHS spokespeople to discuss migration to the United States, as well as to update its messaging campaigns and create new media products for use with Central American audiences.' ¹²²⁷
Referred Operation Streamline	strategic_communications_pa_osem_dhs	Indirect	Strategic Communications 'provides overall management for implementation of communication plans relating to DHS programs and policies, rules/regulations, and complex domestic and international issues requiring extensive outreach and public education.' ¹²²⁸ 'Under President Trump, the Department of Homeland Security (DHS) rolled out the controversial parent-child separation policy, also known as zero tolerance, and the Migrant Protection Protocols program (MPP) in 2018–19. How DHS conducts strategic communications about such controversial policies is directly related to public and stakeholder perception of these policies.' ¹²²⁹
Referred Operation Streamline	press_secretary_pa_osem_dhs	Indirect	The Press Secretary 'coordinates media relations and serve as the spokespersons for the Secretary, senior leadership, and the Department.' ¹²³⁰ 'DHS continues to work with DOS and other partners to create opportunities for media in the region using DHS spokespeople to discuss migration to the United States, as well as to update its messaging campaigns and create new media products for use with Central American audiences.' ¹²³¹ 'Under President Trump, the Department of Homeland Security (DHS) rolled out the controversial parent-child separation policy, also known as zero tolerance, and the Migrant Protection Protocols program (MPP) in 2018–19. How DHS conducts

¹²²⁶ Government Accountability Office, 'Central America: Improved Evaluation Efforts Could Enhance Agency Programs to Reduce Unaccompanied Child Migration' (GAO Report No GAO-15-707, 29 July 2015) 14.

¹²²⁷ Evidence to the Committee on the Judiciary, Subcommittee on Border Security and Immigration, United States Senate, Washington, DC, 23 May 2018 (Richard M Hudson, Deputy Chief, Operational Programs, Law Enforcement Operations Directorate, US Border Patrol) 5.

¹²²⁸ *Budget Overview: Fiscal Year 2021 Congressional Justification* (n 4) 85.

¹²²⁹ Jonathan M Graham, 'Strategic Communications and the Department of Homeland Security: Immigration Policies, Mixed Messaging, and Information Fratricide' (Master's Thesis, Naval Postgraduate School, March 2021) v.

¹²³⁰ *Budget Overview: Fiscal Year 2021 Congressional Justification* (n 4) 85.

¹²³¹ Evidence to the Committee on the Judiciary, Subcommittee on Border Security and Immigration, United States Senate, Washington, DC, 23 May 2018 (Richard M Hudson, Deputy Chief, Operational Programs, Law Enforcement Operations Directorate, US Border Patrol) 5.

			strategic communications about such controversial policies is directly related to public and stakeholder perception of these policies.’ ¹²³²
Referred Operation Streamline	communications_operations_pa_osem_dhs	Indirect	The Communications Operations Division provides ‘information directly to the public through our Department and components websites. Coordinating, integrating and synchronizing employee communications efforts of the Components and DHS headquarters.’ ¹²³³ This Division facilitates both internal communication amongst DHS and its components, which includes communications around asylum and border enforcement law and policy, as well as external communication to the public through its websites. DHS and component websites include (or omit) critical information that individuals need to locate detained family members, apply for asylum, or engage in various other acts in pursuance of a protection claim.
Referred Operation Streamline	legislative_affairs_osem_dhs	Indirect	The Office of Legislative Affairs (‘OLA’) serves as a ‘primary liaison to Members of Congress and their staff, to respond to inquiries from Congress and notify Congress of Department initiatives, policies, and programs’, ¹²³⁴ which include programs related to border enforcement and asylum. OLA works to ‘enhance the ability of the Department to execute its missions by providing timely information to Members of Congress about our efforts to prevent terrorism and enhance security; manage our borders; administer immigration laws; secure cyberspace; and ensure disaster resilience’ essentially lobbying Congress in ‘an integrated approach that recognizes the interconnectedness of DHS’s legislative mission with a sound, robust and fully engaged staff to formulate the legislation recommendations that drive the priorities of the Administration and Secretary.’ ¹²³⁵
Referred Operation Streamline	assistant_secretary_la_osem_dhs	Indirect	The Office of the Assistant Secretary ‘advises the Secretary on key legislative strategies, facilitates the DHS Senate-confirmation process, clearly articulates DHS’ views in support of needed authorities and appropriations, and directs the Department’s complex congressional relations programs ensuring a cross-Departmental approach for DHS to speak with one, informed voice to Members of Congress and their staffs.’ ¹²³⁶ These legislative strategies and relations with Congress – including in relation to Congressional oversight of agency activities – often relate to asylum seekers and the southern border.
Referred Operation Streamline	legislative_affairs_teams_la_osem_dhs	Indirect	‘The Legislative Affairs Teams serves as the primary liaison to Congress and advocates for the policy interest of the Administration and the Secretary, ensures that all DHS Components are actively

¹²³² Jonathan M Graham, ‘Strategic Communications and the Department of Homeland Security: Immigration Policies, Mixed Messaging, and Information Fratricide’ (Master’s Thesis, Naval Postgraduate School, March 2021) v.

¹²³³ *Budget Overview: Fiscal Year 2021 Congressional Justification* (n 4) 85.

¹²³⁴ *Ibid* at 87.

¹²³⁵ *Ibid*.

¹²³⁶ *Ibid*.

			engaged with Congress by responding to requests and inquiries from congressional committees, Members of Congress and their staffs, and fully participates in the DHS Senate confirmation process. ¹²³⁷ This liaison and advocacy work with Congress – including in relation to Congressional oversight of agency activities – often relates to asylum seekers and the southern border.
Referred Operation Streamline	general_counsel_osem_dhs	Indirect	The General Counsel’s work includes work relating to asylum and the ability of asylum seekers to access a fair and efficient process for refugee status determination, and in relation to engagements with foreign governments on policies seeking to prevent or make it difficult for people to access the asylum system.
Referred Operation Streamline	general_law_gc_osem_dhs	Indirect	The ‘General Law Division (GLD) advises the Secretary and other Department leaders on legal issues associated with the management and operation of the Department. GLD regularly coordinates with Component Chief Counsel Offices on critical legal issues that are relevant to multiple DHS components. GLD oversees portfolios involved with administrative law; fiscal law; appropriations; the Vacancy Reform Act ... torts ... delegations and authorities; and environmental and property law matters.’ ¹²³⁸ Many of these purviews bear upon asylum law and policy, including administrative law matters, matters relating to the appointment of senior and other Department officials, torts committed by agency officials, as well as legal matters relating to the acquisition of land for the Trump Administration’s border wall effort.
Referred Operation Streamline	ethics_law_gc_osem_dhs	Indirect	The ELD provides ‘guidance guidance related to related areas of law, such as procurement integrity and partisan political activity regulations and policies’ and advises on ‘complex and sensitive legal and policy matters both for individual questions and as related to DHS programs and operations.’ ¹²³⁹ These legal and policy matters, as well as partisan political activity issues, may involve asylum law and policy, or policies impacting the ability of individuals to access a fair and efficient refugee status determination process.
Referred Operation Streamline	regulatory_affairs_gc_osem_dhs	Indirect	‘The Regulatory Affairs Law Division (RLD) advises the Secretary and Department leaders on legal and economic issues associated with DHS regulatory actions and ensures that those actions comply with constitutional, statutory, and other legal requirements. RLD manages the DHS regulatory docket, develops the DHS regulatory and deregulatory agenda, oversees the regulatory process for the Department, and provides leadership for regulatory and administrative law practice matters. This Division provides substantive legal review on numerous DHS regulations and manages the clearance of hundreds of interagency regulations each year. They also oversee execution of Executive Order 13771 - Reducing Regulation and Controlling Regulatory Costs and Executive Order 13777 -

¹²³⁷ Ibid.

¹²³⁸ *Budget Overview: Fiscal Year 2021 Congressional Justification* (n 4) 75.

¹²³⁹ ‘Attorney-Advisor (Open Continuous)’, *USAJobs* (Web Page, 22 February 2021) <<https://www.usajobs.gov/GetJob/ViewDetails/592974400>>.

			Enforcing the Regulatory Reform Agenda. ¹²⁴⁰ This regulatory work includes work on asylum and other regulations that impact the ability of individuals to access the asylum process.
Referred Operation Streamline	operations_enforcement_law_gc_osem_dhs	Indirect	‘The Operations and Enforcement Law Division (OELD) advises the Secretary and Department leaders on legal issues associated with enforcement and operational activities designed to protect the United States from, respond to, and recover from both natural and man-made threats. OELD is involved in the operations and enforcement of legal issues that concern Secretarial authorities, two or more DHS components, or the role of the Department in interagency operations. The Division provides legal advice regarding: air, land, and maritime domain security; border, cargo, and port security; counterterrorism; crisis-cell leadership; domestic-incident management; exercises; international law; law enforcement; national security; transportation security....’ ¹²⁴¹ Many of these areas relate to operational and legal issues that may impact asylum seekers and their ability to access the asylum process including, for example, operations at or between ports of entry along the southern land border.
Referred Operation Streamline	immigration_law_gc_osem_dhs	Indirect	The Immigration Law Division (‘IMM’) ‘provides expertise in U.S. immigration and nationality law, including removal, arrest and detention authorities, national security matters, asylum, refugee and other protection-related issues, matters related to unaccompanied minors and victims of human trafficking, inspection and admissibility issues, naturalization and citizenship, constitutional and international human rights of migrants, immigrant and nonimmigrant visas/status. IMM also assists with administrative and federal court litigation of immigration-related matters and immigration-related legislative, regulatory and policy initiatives.’ ¹²⁴²
Referred Operation Streamline	legal_counsel_gc_osem_dhs	Indirect	‘The Legal Counsel Division (LCD) advises the Secretary and Department leaders on significant legal issues associated with litigation; legislation; the Freedom of Information Act (FOIA); civil rights and civil liberties; privacy; and oversight matters involving Congress, the U.S. Government Accountability Office, and the DHS Inspector General. LCD regularly coordinates agency positions across the Department in high-profile legislative and litigation matters, to include numerous cases before the Supreme Court, that have large-scale implications for DHS and its components.’ ¹²⁴³ This would include litigation related to asylum, metering, Operation Streamline, the ‘Migrant Protection Protocols’, as well as FOIA litigation.
Referred Operation Streamline	management_division_gc_osem_dhs	Indirect	‘The Management Division (MGMT) provides management, operational, and mission support to OGC Headquarter attorneys. Specific responsibilities include: financial oversight and budget

¹²⁴⁰ *Budget Overview: Fiscal Year 2021 Congressional Justification* (n 4) 75.

¹²⁴¹ *Ibid* at 75-76.

¹²⁴² ‘Office of the General Counsel’, *US Department of Homeland Security* (Web Page, 22 March 2021) <<https://www.dhs.gov/office-general-counsel>>.

¹²⁴³ *Budget Overview: Fiscal Year 2021 Congressional Justification* (n 4) 76.

			<p>planning; personnel management; employee training; management of controlled and executive correspondence; knowledge systems management; and strategic planning. MGMT engages with counterparts in component counsel and DHS HQ offices on cross-cutting management issues.¹²⁴⁴</p> <p>This Division is involved in the training and management of employees that may work directly on legal and policy issues related to asylum, including the asylum process and policies and laws that impact whether a person is able to access the asylum process.</p>
Referred Operation Streamline	privacy_office_osem_dhs	Indirect	<p>The Privacy Office ('PRIV') is 'required to protect individuals by embedding and enforcing privacy protections and transparency in all DHS activities, and has oversight of all privacy and disclosure policy matters including compliance with the Privacy Act of 1974, the Freedom of Information Act (FOIA), and the completion of privacy impact statements on all new programs and systems, as required by the E-Government Act of 2002. All DHS systems, technology, and programs that either collect personally identifiable information (PII) or have a privacy impact are subject to the oversight of the Chief Privacy Officer (CPO) and the requirements of U.S. data privacy and security laws.'¹²⁴⁵</p> <p>This includes ultimate responsibility for policies regarding FOIA in removal proceedings and expedited removal proceedings, related to asylum and other types of protection from harm. This would also necessarily include policies related to the disclosure of personally identifiable information provided by asylum seekers in their applications to foreign governments and other transnational or international entities.</p>
Referred Operation Streamline	foia_team_privacy_osem_dhs	Indirect	<p>This Office's work would include FOIA requests relating to asylum seekers in removal proceedings, as well as FOIA requests for entities or individuals seeking disclosure of DHS policies, procedures, and other information relating to asylum-related programs (including MPP and metering), enforcement, or training. The FOIA Appeals and Litigation Team 'provides guidance and training on recent developments in the field of disclosure, including court decisions and current legislation. The team researches, analyzes, and evaluates complex FOIA requests to determine if the FOIA and Privacy Act were properly applied during the original processing of a FOIA request.'¹²⁴⁶ This work would also involve litigation around asylum-related FOIA requests.</p>
Referred Operation Streamline	policy_oversight_team_privacy_osem_dhs	Indirect	<p>This team is dedicated to implementing accountability and continually improving DHS privacy processes and programs, such as in the development of the National Vetting Center (NVC)...¹²⁴⁷ The National Vetting Center was created to 'coordinate the efforts of Federal officials to vet people seeking to enter or remain within our country. It will help fulfill President Donald J. Trump's</p>

¹²⁴⁴ Ibid at 77.

¹²⁴⁵ Ibid at 80.

¹²⁴⁶ Ibid at 81.

¹²⁴⁷ *Budget Overview: Fiscal Year 2021 Congressional Justification* (n 4) 81.

			requirement that departments and agencies improve their coordination and use of intelligence and other information to identify potential threats to national security, border security, homeland security, and public safety.’ ¹²⁴⁸ People seeking asylum are vetted by the NVC.
Referred Operation Streamline	civil_rights_civil_libraries_osem_dhs	Direct	The Office for Civil Rights and Civil Liberties (CRCL) ‘Communicates with individuals and communities whose civil rights and civil liberties may be affected by DHS activities, informs them about policies and avenues of redress, and promotes appropriate attention within the Department to their experiences and concerns. Investigates and issues recommendations regarding civil rights and civil liberties complaints filed by the public regarding DHS policies or activities, or actions taken by DHS personnel.’ ¹²⁴⁹ For example, the Office has coordinated ‘community engagement meetings with more than 400 governmental organizations in the review of DHS immigration and asylum-related policies or proposals; and opened/closed 801 complaint investigations relating to Family Separations, Indefinite Detention, and Religious Questioning at Ports of Entry.’ ¹²⁵⁰
Referred Operation Streamline	front_office_crcl_osem_dhs	Indirect	The Front Office ‘provides advice to DHS leadership on civil rights and civil liberties issues impacting the DHS programs and/or activities. This includes providing civil rights expertise regarding immediate issues affecting the DHS mission which implicate civil rights or liberties concerns.’ ¹²⁵¹ This might include providing civil rights expertise on Family Separation policies or other policies implicating the rights of those seeking asylum and their families.
Referred Operation Streamline	programs_branch_crcl_osem_dhs	Indirect	‘The Programs Branch also ... coordinates outreach and engagement activities in communities where civil rights and civil liberties are particularly affected by DHS programs (Community Engagement Section). Additionally, the Programs Branch works to ensure that the Department’s programs and activities do not discriminate against individuals or prohibit access to the Department’s programs on the basis of race, color, national origin, limited English proficiency, age, sex, or disability, and that recipients of Federal financial assistance comply with their civil rights obligations (Antidiscrimination Group).’ ¹²⁵² This work might include community engagement ‘in the review of DHS immigration and asylum-related policies or proposals’ and ‘complaint investigations relating to Family Separations, Indefinite Detention, and Religious Questioning at Ports of Entry.’ ¹²⁵³

¹²⁴⁸ ‘The National Vetting Center’, *US Department of Homeland Security* (Fact Sheet, 6 February 2018) <<https://www.dhs.gov/news/2018/02/06/national-vetting-center>>.

¹²⁴⁹ *Budget Overview: Fiscal Year 2021 Congressional Justification* (n 4) 49.

¹²⁵⁰ *FY 2021 Budget in Brief* (n 1) 12.

¹²⁵¹ *Budget Overview: Fiscal Year 2021 Congressional Justification* (n 4) 49.

¹²⁵² *Ibid* at 51.

¹²⁵³ *FY 2021 Budget in Brief* (n 1) 12.

Referred Operation Streamline	community_engagement_programs_crcl_osem_dhs	Direct	The goal of CRCL is to '[c]ommunicate reliable information about federal programs and policies, including avenues for redress and complaints; Obtain feedback about community concerns and on-the-ground impacts of Department activities, in order to incorporate into the policymaking process community ideas and issues relating to civil rights and civil liberties; and Deepen channels of communication between communities and federal officials in order to facilitate solution of problems.' ¹²⁵⁴ These federal programs and policies include asylum-related policies and proposals, as well as rights violations resulting from the action of DHS officials, or from policies.
Referred Operation Streamline	immigration_programs_crcl_osem_dhs	Indirect	The 'immigration-related programs affect both U.S. citizens and non-U.S. citizens, including lawful permanent residents, asylum seekers, refugees, non-immigrant and immigrant visa holders, migrant workers, undocumented persons, and persons in detention.' ¹²⁵⁵ 'The Immigration Section works with ICE to design and implement policies, procedures, and guidance to protect the civil and human rights of immigrant detainees while fulfilling the DHS mission. Reforms have included: an online detainee locator system; immigration detention policy; policy safeguarding parental interests; improved risk assessment tools; the development of guidance on the care of transgender detainees in ICE custody; monitoring use of segregation in detention; and revising ICE's detention standards, including the Performance-Based National Detention Standards, the Family Residential Standards, and the National Detention Standards.' ¹²⁵⁶ 'The CRCL Officer is the designated Department single point of contact for international human rights treaty reporting and coordination under Executive Order 13107. The Immigration Section works with DHS components to develop and advance protective policies, procedures, and training for victims of torture and persecution, battered immigrants, trafficked persons, and other needing special attention.' ¹²⁵⁷ This includes asylum seekers.
Referred Operation Streamline	compliance_branch_crcl_osem_dhs	Direct	The Compliance Branch 'investigates complaints from the public, media reports, and other sources, alleging civil rights or civil liberties violations by Department personnel or programs, including disability discrimination prohibited by the Rehabilitation Act of 1973, inappropriate use of force by DHS officers or agents, inadequate conditions of detention, violation of right to due process, and racial or ethnic profiling. CRCL makes formal recommendations to DHS Component leadership stemming from its investigations to address issues related to civil rights, such as changes to DHS

¹²⁵⁴ Ibid.

¹²⁵⁵ 'CRCL Immigration Section', *US Department of Homeland Security* (Web Page, 31 March 2021) <<https://www.dhs.gov/crcl-immigration-section>>.

¹²⁵⁶ Ibid.

¹²⁵⁷ Ibid.

			policies, practices, and training.... ¹²⁵⁸ These complaints include complaints against US Customs and Border Protection officials for mistreatment, abuse and other misconduct against asylum seekers. ¹²⁵⁹
Referred Operation Streamline	partnership_engagement_osem_dhs	Indirect	The Office of Partnership and Engagement (OPE) coordinates the Department of Homeland Security's outreach efforts with critical stakeholders nationwide, including state, local, tribal, territorial (SLTT) governments, SLTT elected officials, SLTT law enforcement, the private sector, and colleges and universities, ensuring a unified approach to external engagement. OPE advocates and represents interests of these stakeholders through the Department's policy making process and as a conduit for the Secretary to engage with stakeholders or share information. ¹²⁶⁰ This includes engaging with tribal governments on policies such as the construction of the Trump Administration's wall along the southern border and other policies that might impact asylum seekers, as well as policy engagements with the variety of other external actors. ¹²⁶¹
Referred Operation Streamline	intergovernmental_affairs_pe_osem_dhs	Indirect	IGA also 'serves as an advocate for SLTT interests within the Department. IGA works with State and local officials and their representative associations to ensure that these viewpoints are heard and incorporated into the policy process.' ¹²⁶² These viewpoints may include views on border operations, as with border states such as Arizona and Texas, as well as on asylum seekers.
Referred Operation Streamline	state_local_law_enforcement_pe_osem_dhs	Indirect	Through the Intergovernmental Public Liaison ('IPL'), OSLLE 'liaises with state, local, tribal, and territorial governments and non-governmental organizations.' ¹²⁶³ In addition, IPL 'serves the dual role of representing the intergovernmental and external perspective in the federal policymaking process, as well as clarifying the federal perspective to intergovernmental officials and external stakeholders.' ¹²⁶⁴ This includes liaison work and input on policies relating to asylum seekers, including the detention of unaccompanied migrant children and Family Separation. Operation Stonegarden 'provides funding to support joint efforts to secure the United States' borders along routes of ingress/egress to and from international borders, to include travel corridors in states bordering Mexico' ¹²⁶⁵ which often results in these agencies encountering asylum seekers.

¹²⁵⁸ *Budget Overview: Fiscal Year 2021 Congressional Justification* (n 4) 51.

¹²⁵⁹ Letter from the American Civil Liberties Union to US Department of Homeland Security Secretary Alejandro Mayorkas, 3 March 2021 <https://www.aclu.org/sites/default/files/field_document/2021_03_03_aclu_complaint_letter.pdf>.

¹²⁶⁰ 'Office of Partnership and Engagement', *US Department of Homeland Security* (Web Page, 6 July 2021) <<https://www.dhs.gov/partnership-engagement>>.

¹²⁶¹ US Customs and Border Protection, *Released Record* (0001 - BW6 FOIA CBP 000899 – 001536, 31 October 2018) 000930.

¹²⁶² 'DHS Office of Intergovernmental Affairs Overview', *US Department of Homeland Security* (Fact Sheet) <<https://www.doi.gov/sites/doi.gov/files/uploads/23-Homeland-Security-DHS-Intergovernmental-Affairs-IGA-Overview.pdf>>.

¹²⁶³ 'DHS State and Local Law Enforcement Resource Catalogue', *US Department of Homeland Security* (Resource Catalogue Vol VI, May 2018) 17.

¹²⁶⁴ Ibid.

¹²⁶⁵ Ibid.

Referred Operation Streamline	blue_campaign_pe_os em_dhs	Indirect	Law enforcement agencies ('LEAs') frequently have initial contact with asylum seekers who may also be victims of human trafficking, however research has shown that LEAs, including CBP and ICE, often 'failed either to recognise ... clients as human trafficking survivors or to comply with DHS's stated practice of referring them to adequate services and providing information about immigration relief.' ¹²⁶⁶
Referred Operation Streamline	private_sector_pe_ose m_dhs	Indirect	The PSO 'advises the Secretary on the impact of the Department's policies, regulations, processes, and actions on the private sector, and fosters strategic communications with the private sector to enhance the primary mission of the Department....' ¹²⁶⁷ DHS works 'work closely with industry to learn from their expertise, engage on best practices, and identify new opportunities to improve our operations.' ¹²⁶⁸ This includes work on data collection and use in making screening and other operational decisions that might impact asylum seekers, as well as technologies and procedures at or between ports of entry that might impact asylum seekers access to the asylum process.
Referred Operation Streamline	loaned_executive_ps_ pe_osem_dhs	Indirect	Positions recruited by DHS include, for example, 'a Loaned Executive to advise the Office of Intelligence and Analysis (I&A) Homeland Identities, Targeting, and Exploitation Center (HITEC) on the development and integration of Artificial Intelligence (AI) and Machine Learning (ML) technologies to be applied to intelligence and analysis programs within DHS I&A.' ¹²⁶⁹ According to DHS, 'Efforts to secure the border, identify and interdict criminal actors, and secure cyberspace will be aided by use of AI systems.' ¹²⁷⁰ Using AI in pursuit of these goals can impact who is able to access an asylum process, or even who may be granted asylum where AI systems flag risk or other negative determination relating to an applicant.
Referred Operation Streamline	academic_engagement _pe_osem_dhs	Indirect	The OAE '[t]aps the expertise of the nation's colleges and universities to address pressing homeland security needs', ¹²⁷¹ which may include research, advice and recommendations on policy, technology, or other issues that can influence access to the asylum framework, or even the operational and adjudicatory framework.

¹²⁶⁶ Katherine Soltis and Rebecca Walters, "'What's in a Name?': Mislabelling, Misidentification, and the US Government's Failure to Protect Human Trafficking Survivors in the Central American Refugee Crisis' (2018) 11 *Anti Trafficking Review* 85, 96.

¹²⁶⁷ 'Private Sector Office', *US Department of Homeland Security* (Web Page, 30 January 2020) <<https://www.dhs.gov/private-sector-office>>.

¹²⁶⁸ Evidence to the Committee on Commerce, Science, and Transportation, Subcommittee on Tourism, Competitiveness, and Innovation, United States Senate, Washington, DC (26 June 2014, Private Sector Office acting Assistant Secretary Michael Stroud and CBP Office of Field Operations acting Assistant Commissioner John Wagner).

¹²⁶⁹ 'Private Sector Expert Technologist or Executive Technical Strategist, Artificial Intelligence and Machine Learning, I&A', *US Department of Homeland Security* (Assignment Announcement, Loaned Executive Program, 6 April 2020).

¹²⁷⁰ 'U.S. Department of Homeland Security Artificial Intelligence Strategy', *US Department of Homeland Security* (Report, 3 December 2020) 1.

¹²⁷¹ 'Office of Academic Engagement', *US Department of Homeland Security* (Overview) <https://www.dhs.gov/sites/default/files/publications/OAE%20Overview_0.pdf>.

Referred Operation Streamline	homeland_security_academic_advisory_ae_pe_osem_dhs	Indirect	The Homeland Security Academic Advisory Council (HSAAC) 'is a Federal advisory committee comprised of university presidents and academic leaders that provides advice and recommendations to the Secretary and senior leadership at the Department of Homeland Security (DHS) on matters related to homeland security and the academic community.' ¹²⁷² Advice and recommendation may cover topics such as border enforcement, management, and operational and policy issues that impact whether people are able to access asylum procedures, as well as the operation of the asylum process itself.
Referred Operation Streamline	cmte_mgmt_office_pe_osem_dhs	Indirect	The HSAC 'Provides advice on the creation and implementation of actionable policy relating to security of the homeland' while S&T 'Provides advice on innovative technologies and products to strengthen the security and resilience of the U.S. technological system'. ¹²⁷³ Both of these committees make decisions and contribute to policy that impacts asylum seekers, including the development of risk assessment tools, research programs that evaluate DHS programs and initiatives, as well as border security technology.
Referred Operation Streamline	homeland_security_advisory_council_pe_osem_dhs	Indirect	The HSAC evaluates and provides advice on policies that impact asylum seekers and others in need of protection, including tasks as varied as recommending best practices for families and children in CBP custody or identifying and recommending best practices for a multi-year biometrics vision, strategy and implementation plan. ¹²⁷⁴
Referred Operation Streamline	families_children_care_panel_hsac_pe_osem_dhs	Indirect	The CBP Families and Children Care Panel is part of the Homeland Security Advisory Council. ¹²⁷⁵ The so-called 'bipartisan' panel 'was formed in October 2018 because of the burgeoning humanitarian crisis resulting from a surge in migration of FMUs, primarily from Guatemala and Honduras, overwhelming the DHS resources at the border to address the crisis.' ¹²⁷⁶ The Panel evaluated and provided advice – largely in line with CBP talking points – that impacted children and others seeking asylum.
Referred Operation Streamline	cis_ombudsman_osem_dhs	Direct	The Ombudsman's office routinely assists people seeking asylum, while also engaging with non-profits and other organisations that work with asylum seekers to identify and resolve common or systemic problems that impact asylum seekers.

¹²⁷² 'Office of Academic Engagement: Homeland Security Academic Advisory Council (HSAAC), *US Department of Homeland Security* (Overview) 1 <<https://www.dhs.gov/sites/default/files/publications/HSAAC%20Overview.pdf>>.

¹²⁷³ 'Mission and Objectives of the Committee Management Office, *US Department of Homeland Security Headquarters* (Pamphlet) 2 <https://www.dhs.gov/sites/default/files/publications/committee_management_office_pamphlet_11_2020.pdf>.

¹²⁷⁴ 'CBP Families and Children Care Panel Final Report', *Homeland Security Advisory Council* (Report, 14 November 2019); Exhibit 9 in Support of Plaintiffs' Memorandum of Points and Authorities in Support of their Motion for Summary Judgment, *Al Otro Lado, Inc.*, 327 F Supp 3d 1284 (No 535-11) 89-96; Chad F Wolf, *Four New Homeland Security Advisory Council (HSAC) Taskings* (DHS Memorandum, 21 February 2020).

¹²⁷⁵ *Homeland Security Advisory Council* (n 67).

¹²⁷⁶ *Ibid* at 4.

Referred Operation Streamline	imm_detention_ombudsman_osem_dhs	Direct	The Ombudsman works to 'ensure humane conditions for foreign nationals held in detention' and focuses 'individual and policy-level conditions of immigration detention' while providing 'recommendations to improve the conditions of immigration detention.' ¹²⁷⁷ The Ombudsman's oversight includes detention facilities at the border, and other facilities where asylum seekers are detained. ¹²⁷⁸
Referred Operation Streamline	joint_requirements_council_osem_dhs	Indirect	For example, in the Rio Grande Valley Systems Analysis Project, S&T 'collaborated with agents at the RGV McAllen Station (MCS) detention center, in McAllen, Texas, to gain a firsthand understanding of agent operations in surveillance, detection, apprehension and processing of illegal immigrants', which resulted in changes 'to the ways MCS agents process apprehended illegal immigrants.' ¹²⁷⁹ People detected, apprehended and processed by MCS include those individuals seeking asylum.
Referred Operation Streamline	mgmt_dhs	Indirect	MGMT 'provides the overarching management structure for the Department to enable missions' ¹²⁸⁰ and engages in activities relevant to border security, operations, and programs that impact upon asylum seekers. For example, the Office of the Chief Human Capital Officer (within MGMT) analyses 'the effectiveness of DHS's training programs', ¹²⁸¹ while the Office of Biometric Identity Management (within MGMT) 'provides biometric match, store, share, and analyze services to DHS and mission partners', ¹²⁸² including USCIS and other components in the processing and adjudication of asylum claims, expedited removal proceedings, and other processes that involve the collection of biometrics from asylum seekers.
Referred Operation Streamline	chief_financial_office_r_mgmt_dhs	Indirect	According to CBP, for example, Performance Accountability Reports describe 'how we manage our resources and administer our programs' and 'provides an opportunity to communicate to the public our programs, challenges, and accomplishments in achieving our mission.' ¹²⁸³ These reports are required under US law and provide the basis for 'preparing and supporting the budget requests of the agency', 'controlling the carrying out of the agency budget', and 'providing financial information the President requires' ¹²⁸⁴ in preparing a budget. This information relates directly to the funding and accountability of programs and operations that impact people seeking asylum, including detention and processing capabilities, amongst other things.

¹²⁷⁷ 'Annual Report', *Office of the Immigration Detention Ombudsman* (Report, 19 January 2021) 6.

¹²⁷⁸ Ibid.

¹²⁷⁹ 'Research & Development Analysis and Assessment: Rio Grande Valley Systems Analysis', *DHS Science and Technology Directorate* (Report, 24 September 2013).

¹²⁸⁰ *FY 2021 Budget in Brief* (n 1) 11.

¹²⁸¹ Ibid at 12.

¹²⁸² 'Office of Biometric Identity Management', *US Department of Homeland Security* (Web Page, 18 March 2021) <<https://www.dhs.gov/obim>>.

¹²⁸³ '2016 Performance and Accountability Report', *US Customs and Border Protection* (Report, 2016) 4.

¹²⁸⁴ 31 USC § 3512(b)(4)(a)-(d).

Referred Operation Streamline	program_analysis_evaluation_cfo_mgmt_dhs	Indirect	OPAE analyses ‘inform resource prioritization and Secretary and Deputy Secretary decisions and support DHS Management Directorate (MGMT) leadership in developing Resource Allocation Decisions (RADs).’ ¹²⁸⁵ The analysis and evaluation of DHS and component plans, programs, and budgets would include an analysis of plans, programs, and budgets relating to the reception and processing of asylum seekers, as well as the adjudication of asylum applications.
Referred Operation Streamline	human_capital_mgmt_dhs	Indirect	The Chief Human Capital Officer’s tasks include addressing ‘DHS’ inability to hire personnel in a timely manner [which] has led to staffing shortfalls, which can affect productivity and morale, and disrupt mission critical operations. OCHCO recognizes this challenge, and on April 5, 2017, the Office of Personnel Management approved the Department’s request for direct hiring authority for a number of positions having critical hiring needs at DHS, including CBP Border Patrol Agents and Human Resource Specialists, as well as ICE Deportation Officers, Criminal Investigators, and Human Resource Specialists.’ ¹²⁸⁶ Staffing levels, as well as the quality of individuals recruited, directly impacts how and whether asylum seekers are able to access the asylum process.
Referred Operation Streamline	human_capital_leadership_council_hc_mgmt_dhs	Indirect	The HCLC also establishes and administers the DHS Workforce Strategy (“Strategic Human Capital Plan”) and other HC initiatives that link to and support the DHS mission, vision, core values, goals, and objectives.’ ¹²⁸⁷ Inadequate workforce planning can ‘undermine the ability of CBP and ICE to achieve hiring mandates and perform mission essential duties and functions’, which includes receiving and processing asylum seekers at the border. ¹²⁸⁸
Referred Operation Streamline	chief_information_officer_mgmt_dhs	Indirect	The work of the OCIO can have a direct impact on the ability of asylum seekers to access the asylum process, as well as on whether CBP officials are collecting and sharing accurate information relating to individuals. For example, during the Trump Administration’s ‘Zero Tolerance’ policy which separated thousands of families – including asylum seekers – ‘DHS did not have the information technology (IT) system functionality needed to track separated migrant families during the execution of the Zero Tolerance Policy. U.S. Customs and Border Protection (CBP) adopted various ad hoc methods to record and track family separations, but these methods led to widespread errors.... Because of these IT deficiencies, we could not confirm the total number of families DHS separated during the Zero Tolerance period.’ ¹²⁸⁹

¹²⁸⁵ Ibid at 23.

¹²⁸⁶ US DHS Office of Inspector General, *Special Report: Challenges Facing DHS in Its Attempt to Hire 15,000 Border Patrol Agents and Immigration Officers* (OIG Report No OIG-17-98-SR, 27 July 2017) 12.

¹²⁸⁷ *Human Capital Line of Business Integration and Management* (n 80) 4.

¹²⁸⁸ *Special Report: Challenges Facing DHS in Its Attempt to Hire 15,000 Border Patrol Agents and Immigration Officers* (n 79) 1.

¹²⁸⁹ US DHS Office of Inspector General, *DHS Lacked Technology Needed to Successfully Account for Separated Migrant Families* (OIG Report No OIG-20-06, 25 November 2019).

Referred Operation Streamline	biometric_identity_mgmt_mgmt_dhs	Indirect	'A single query of OBIM's biometric system can retrieve data for an individual tied to a Department of State visa application, a U.S. Customs and Border Protection log of an entry into the United States, and an immigration status change logged by U.S. Citizenship and Immigration Services.' ¹²⁹⁰ 'The Secure Real-Time Platform (SRTP) ... provides decision makers with data to assist in the adjudication of immigration benefits, enforcement actions, credentialing, and country access permissions. SRTP currently supports business use cases for refugee claimants, entry clearance (visas), foreign criminals, redocumentation, and fugitives.' ¹²⁹¹ OBIM provides data to USCIS and other DHS components in the processing and adjudication of asylum claims, expedited removal proceedings, and other processes that involve the collection of biometrics from asylum seekers.
Referred Operation Streamline	program_accountability_risk_mgmt_dhs	Indirect	Particularly relevant to asylum seekers and others seeking protection is the role that PARM plays in analysing 'human resources deficiencies and gaps to support component staffing prioritization and planning' and 'any aspects of program execution or staffing levels' that could impact the successful delivery of acquisition 'strategies, contracts, scheduling ... investments in systems engineering, logistics, external factors affecting program execution.' ¹²⁹² For example, monitoring and evaluating CBP's acquisition of sufficient staff or facilities to house people seeking asylum as they are processed, or contracts for unmanned aircraft systems and other field support resources that assist in the apprehension of people crossing the border. ¹²⁹³
Referred Operation Streamline	chief_security_officer_mgmt_dhs	Indirect	The OSCO implemented the Integrated Security Management System ('ISMS') in 2008 to support 'DHS's personnel security, administrative security, and classified visit management records ("passing a clearance") by managing data related to suitability determinations, background investigations, security clearance processing, security container and document tracking, personnel administration for security and classified contract support....' ¹²⁹⁴ This data and information is used to screen CBP and other DHS employment 'applicants for potential issues of suitability', ¹²⁹⁵ and contributes to hiring time and other human resources concerns that impact the types of people who CBP (or DHS) hire and who ultimately may encounter asylum seekers in the course of their employment.

¹²⁹⁰ 'Office of Biometric Identity Management', *US Department of Homeland Security* (Web Page, 18 March 2021) <<https://www.dhs.gov/obim>>.

¹²⁹¹ Ibid.

¹²⁹² *An Analytic Inventory of DHS Headquarters Business Processes* (n 85) 43.

¹²⁹³ 'Forecast Record: Acquisition Planning Forecast System', *US Department of Homeland Security* (Forecast Record No F2020049279, 17 August 2020): 'CBP AMO has a requirement to provide Headquarters and field support for the Unmanned Aircraft Systems (UAS) program'

¹²⁹⁴ US Department of Homeland Security, *Privacy Impact Assessment Update for the Integrated Security Management System* (Report No DHS/ALL/PIA-038(c), 26 June 2017) 1.

¹²⁹⁵ Evidence to Committee on Homeland Security and Governmental Affairs, Subcommittee on Regulatory Affairs and Federal Management, United States House of Representatives, Washington, DC, 1 March 2018 (Angela Bailey, Chief Human Capital Officer).

Referred Operation Streamline	analysis_sub_risk_analysis_exec_steering_committee_dhs	Indirect	'DHS-HQ has long recognized that successful strategic planning requires “having the right people, policies, processes, technologies, and analytic capabilities” to effectively and efficiently execute the Department’s mission. Part of the strategic planning process requires effectively using available data and analytics to provide decision support to senior leadership and DHS-HQ management. Consequently, the Analytic Agenda aims to advance data-driven management to facilitate performance oversight, capability development, and the implementation of strategically important goals.’ ¹²⁹⁶ There are ‘six overarching homeland security missions’ that make up the DHS strategic plan, including to ‘Secure U.S. Borders and Approaches’ which includes ‘implementing a comprehensive border security approach to secure and maintain our borders, prevent and intercept foreign threats so they do not reach U.S. soil, enforce immigration laws throughout the United States, and properly administer immigration benefits.’ ¹²⁹⁷ This would include using data and analytics to provide decision support in relation to people seeking asylum at the southern border, including access to asylum procedures and the operation of the asylum adjudication system.
Referred Operation Streamline	inspector_general_dhs	Direct	‘The OIG serves as an independent and objective audit, inspection, and investigative body to promote economy, effectiveness, and efficiency in DHS programs and operations, and to prevent and detect fraud, waste, and abuse in these programs and operations.’ ¹²⁹⁸ The OIG has conducted numerous audits of DHS and its components, including CBP, in relation to the operation and management of policies and programs relating to asylum seekers. This has included audits of the ‘Zero Tolerance’ (Family Separation) policy, as well as other asylum-related issues. ¹²⁹⁹
Referred Operation Streamline	integrity_quality_over_sight_oig_dhs	Direct	‘IQO manages the Hotline, Whistleblower Protection, and Ombudsman programs, and compliance and quality assurance of audits, inspections, investigations, and reports.’ ¹³⁰⁰ For example, there have been numerous whistleblower reports of misconduct at DHS, some of which related to ‘possible

¹²⁹⁶ *An Analytic Inventory of DHS Headquarters Business Processes* (n 85) 1.

¹²⁹⁷ US Department of Homeland Security, *The DHS Strategic Plan: Fiscal Years 2020-2024* (Report, 2020) 17.

¹²⁹⁸ *FY 2021 Budget in Brief* (n 1) 20.

¹²⁹⁹ See *DHS Lacked Technology Needed to Successfully Account for Separated Migrant Families* (n 82); *Special Report: Challenges Facing DHS in Its Attempt to Hire 15,000 Border Patrol Agents and Immigration Officers* (n 79); DHS Office of Inspector General, *CBP Has Taken Steps to Limit Processing of Undocumented Aliens at Ports of Entry* (Report, OIG-21-02, 27 October 2020); DHS Office of Inspector General, *CBP Separated More Asylum-Seeking Families at Ports of Entry Than Reported and for Reasons Other Than Those Outlined in Public Statements* (Report, OIG-20-35, 29 May 2020).

¹³⁰⁰ US Government Accountability Office, *DHS OIG’s Structure, Policies, and Procedures Are Consistent with Standards, but Areas for Improvement Exist* (Report, GAO-14-726, September 2014) 5.

			violations of immigration law at the Tecate, California Port of Entry'. ¹³⁰¹ That report was ultimately published in 2019 and related to violations of asylum law. ¹³⁰²
Referred Operation Streamline	audits_oig_dhs	Indirect	The Office of Audits 'Conducts and coordinates audits and program evaluations of the management and financial operations of DHS.' ¹³⁰³ This has included audits of numerous CBP policies and practices relating to asylum seekers at the southern border, including conditions and treatment that impact directly on an individual's ability to raise and pursue an asylum claim. ¹³⁰⁴
Referred Operation Streamline	investigations_oig_dhs	Direct	The Office of Investigations 'Investigates allegations of criminal, civil, and administrative misconduct involving DHS employees, contractors, grantees, and programs. These investigations can result in criminal prosecutions, fines, civil monetary penalties, administrative sanctions, and personnel actions.' ¹³⁰⁵ This office investigates complaints of misconduct by CBP officials, including excessive use of force against asylum seekers and other criminal matters, as well as deaths of asylum seekers in CBP custody, including the deaths of children. ¹³⁰⁶
Referred Operation Streamline	special_reviews_evaluations_oig_dhs	Direct	The Office of Special Reviews and Evaluations (SRE) 'conducts inspections and evaluations of DHS facilities, programs and activities, often of a highly sensitive nature. SRE work includes liaison activities with other DHS Components, other federal agencies, the news media, legislative aides, attorneys, the Congress, and members of the public.' ¹³⁰⁷ The SRE has been involved in a number of inspections and investigations of CBP, including those that impact on the conditions under which asylum seekers are detained and which may influence an individual's ability to raise or pursue an asylum claim. ¹³⁰⁸

¹³⁰¹ Wilmer Hale, *Report of Independent Investigation: Allegations of Misconduct by [Redacted], [Redacted] and [Redacted]* (Report, 14 December 2020) <https://www.oig.dhs.gov/sites/default/files/assets/FOIA/final-redacted-wilmerhale-roi_01-13-21_0516pm.pdf>.

¹³⁰² Ibid.; DHS Office of Inspector General, *Investigation of Alleged Violations of Immigration Laws at the Tecate, California, Port of Entry by U.S. Customs and Border Protection Personnel* (Report, OIG-19-65, 26 September 2019).

¹³⁰³ *DHS OIG's Structure, Policies, and Procedures Are Consistent with Standards, but Areas for Improvement Exist* (n 93) 5.

¹³⁰⁴ See, eg DHS Office of Inspector General, *CBP Needs to Strengthen Its Oversight and Policy to Better Care for Migrants Needing Medical Attention* (Report, OIG-21-48, 20 July 2021); DHS Office of Inspector General, *CBP Generally Provided Accurate Notices to Appear to Migrant Protection Protocols Enrollees, but Could Improve Procedures to Reduce Future Errors* (Report, OIG-21-45, 14 July 2021); DHS Office of Inspector General, *DHS' Fragmented Approach to Immigration Enforcement and Poor Planning Resulted in Extended Migrant Detention during the 2019 Surge* (Report, OIG-21-29, 18 March 2021).

¹³⁰⁵ *DHS OIG's Structure, Policies, and Procedures Are Consistent with Standards, but Areas for Improvement Exist* (n 93) 5.

¹³⁰⁶ DHS Office of Inspector General, *U.S. Customs and Border Protection Compliance with Use of Force Policy for Incidents on November 25, 2018 and January 1, 2019 (Redacted)* (Report, OIG-20-64, 24 August 2020); Letter from Joseph V Cuffari to Bennie G Thompson, 14 April 2020 <<https://homeland.house.gov/download/chairman-thompson-letter-oig-response-041420>>.

¹³⁰⁷ 'Deputy Assistant Inspector General', *USAJobs* (Job Posting, No 42028214, 7 March 2021).

¹³⁰⁸ See, eg DHS Office of Inspector General, *Capping Report: CBP Struggled to Provide Adequate Detention Conditions During the 2019 Migrant Surge* (Report, OIG-20-38, 12 June 2020).

Referred Operation Streamline	operations_coordination_dhs	Indirect	The Office of Operations Coordination (‘OPS’) ‘serves as the focal point for information sharing, decision support products, situational awareness, and coordination among DHS Components; Federal, state, local, tribal, and territorial (SLTT) agencies; nongovernmental agencies; the private sector; international partners; and Federal operations and fusion centers.’ ¹³⁰⁹ The OPS is involved in monitoring interagency coordination efforts of the Alliance to Combat Transnational Threats (ACTT)-Arizona and the South Texas Campaign (STC)-South Texas, which ‘[l]everage the capabilities and resources of partners against individuals and criminal organizations involved in illegal cross-border activity’ and ‘integrate intelligence, leverage communities of interest, pursue enhanced coordination with the government of Mexico, and conduct targeted operations to disrupt and degrade transnational criminal organizations.’ ¹³¹⁰ Asylum seekers are amongst individuals targeted as being involved in ‘illegal cross-border activity’.
Referred Operation Streamline	operations_deputies_board_oc_dhs	Indirect	The DHS Operations Deputies Board provides ‘a formalized and consistent mechanism for enabling senior-level, cross-Component operational coordination, information sharing, and issue identification. This board provided critical coordination of complex homeland security issues to include multiple dimensions of the Southwest Border crisis, which facilitated the creation of a DHS surge Volunteer Force. The DHS Volunteer Force provided over 1,000 volunteers who support crisis response.’ ¹³¹¹ The ‘Southwest Border crisis’ involved the arrival of large numbers of asylum seekers.
Referred Operation Streamline	national_operations_center_oc_dhs	Indirect	The National Operations Center (‘NOC’) ‘[p]rovides timely reporting and products derived from traditional and social media monitoring; DHS Component reporting; federal, state, local, tribal, territorial governments, and sector reports to support senior-leader decision making; Provides and maintain information dissemination tools such as a common operating picture and the Homeland Security Information Network (HSIN) to facilitate information sharing with the federal, state, local, tribal, territorial governments, and private sector professionals....’ ¹³¹² ‘The NOC also coordinates with the US CBP via the Air and Marine Operations Center to task CBP unmanned aerial vehicles to fly particular missions. Real-time video feeds from these tactical resources are streamed to the NOC for SWO Situational Awareness.’ ¹³¹³ CBP unmanned aerial vehicles often spot people crossing the border without inspection, which also includes asylum seekers.

¹³⁰⁹ *FY 2021 Budget in Brief* (n 1) 16.

¹³¹⁰ US Government Accountability Office, *Border Security: Opportunities Exist to Strengthen Collaborative Mechanisms along the Southwest Border* (Report, GAO-14-494, June 2014) 8.

¹³¹¹ *FY 2021 Budget in Brief* (n 1) 18.

¹³¹² ‘Office of Operations Coordination’, *US Department of Homeland Security* (Web Page, 24 May 2021) <<https://www.dhs.gov/office-operations-coordination>>.

¹³¹³ ‘DHS National Operations Center’, *GeoPlatform.gov* (Web Page, 29 October 2018) <<https://communities.geoplatform.gov/gеоconops/2018/09/01/dhs-national-operations-center/>>.

Referred Operation Streamline	science_technology_dhs	Indirect	‘S&T provides technical and operational support to ensure the transition, acquisition, and deployment of technologies, information, and procedures that improve the efficiency and effectiveness of the operational capabilities across HSE missions.’ ¹³¹⁴ ‘S&T invests in border security research and development for technologies and solutions to prevent the illicit movement and illegal entry or exit of people, weapons, dangerous goods, and contraband, and manage the risk posed by people and goods in transit.’ ¹³¹⁵ The ‘Immigration Services Program’ also ‘develops technologies for USCIS to meet their goals to (1) provide efficient adjudication of all applications and petitions for immigration benefits, (2) enhance the integrity of the legal immigration system, and (3) provide trusted and timely immigration, employment, and identity information through a culture of efficiency and creativity.’ ¹³¹⁶ These tools may impact an individual’s ability to both access the asylum process, as well as the asylum adjudication.
Referred Operation Streamline	enterprise_services_std_dhs	Indirect	The Office of Enterprise Services (‘OES’) ‘supports the Department of Homeland Security (DHS) Science and Technology Directorate (S&T) internal operations including the management of personnel, finance and budget, facilities, information technology, and security.’ ¹³¹⁷ OES Works collaboratively with S&T’s other offices in ‘a deliberate, team-based approach that leverages S&T’s full range of capabilities, beginning with seeking out ready-made or easily adaptable solutions that can be delivered quickly and cost-effectively.’ ¹³¹⁸ This includes working with CBP and other DHS components on border security and other technological capabilities that may directly or indirectly impact asylum seekers.
Referred Operation Streamline	innovation_collaboration_std_dhs	Indirect	The Office of Innovation and Collaboration ‘provides the homeland security community outreach and access to partnerships with world-class subject matter experts, resources and innovative tools. It leverages external relationships with other government agencies, industry, foreign partners, and academia to provide S&T programs, DHS Components, and the vast homeland security network with better, faster, and/or cheaper access to innovative security solutions. Those relationships range from informal conversations and coordination with other agency stakeholders to develop innovative, contracted solutions to more formal commercialization support.’ ¹³¹⁹ For example, S&T partners with

¹³¹⁴ *FY 2021 Budget in Brief* (n 1) 71.

¹³¹⁵ Science and Technology Directorate, *Budget Overview: Fiscal Year 2021 Congressional Justification* (DHS Report, 2020) 15 <https://www.dhs.gov/sites/default/files/publications/science_and_technology_directorate.pdf>.

¹³¹⁶ *Ibid* at 21.

¹³¹⁷ ‘Office of Enterprise Services’, *US Department of Homeland Security* (Web Page) <<https://www.dhs.gov/science-and-technology/office-enterprise-services>>.

¹³¹⁸ Science and Technology Directorate, ‘DHS S&T Reveals New Business Model and Organizational Structure’ (News Release, 1 October 2018) <<https://www.dhs.gov/science-and-technology/news/2018/10/01/news-release-dhs-st-reveals-new-business-model-and>>.

¹³¹⁹ ‘Office of Innovation & Collaboration’, *US Department of Homeland Security* (Web Page) <<https://www.dhs.gov/science-and-technology/office-innovation-and-collaboration>>.

			the University of Houston on the DHS Center of Excellence, Borders, Trade, and Immigration (BTI) Institute, which '[t]o help Customs and Border Protection prepare for a potential migration crisis, BTI Institute researchers are exploring the dimensions of the Venezuelan and Nicaraguan migration outflow. The results will help inform policies to prevent a broader hemispheric crisis.' ¹³²⁰ In other words, monitoring people who are often seeking protection from violence, persecution, or other serious harm in order to develop policies to secure US borders, facilitate 'legitimate trade and travel, and ensure the integrity of the immigration system.' ¹³²¹
Referred Operation Streamline	operational_analysis_center_std_dhs	Indirect	'The RAND Corporation operates the Homeland Security Operational Analysis Center (HSOAC) as an FFRDC (Federally Funded Research and Development Center) for the U.S. Department of Homeland Security (DHS)' and 'provides the government with independent and objective analyses and advice in core areas important to the department in support of policy development, decisionmaking, alternative approaches, and new ideas on issues of significance.' ¹³²² 'HSOAC researchers have expertise in the complexities of meshing military and civilian organizational structures and cultures, and experience assessing workforce and performance management efforts for several DHS components and for other large federal agencies. As homeland security threats, risks and opportunities are not static, HSOAC possesses expert forecasting capability and the capacity to improve its accuracy and effectiveness over time. This is achieved through examining mission risk analysis for capability gaps; assessing threat, vulnerability, and risks from national and international trends with U.S. security implications; and by examining policies and other issues affecting border security.' ¹³²³ These issues affecting border security may include large numbers of individuals seeking asylum at the southern border.
Referred Operation Streamline	mission_capability_support_std_dhs	Indirect	The Office of Mission and Capability Support 'works with DHS operational Components, first responders at all levels of government, emergency management personnel and public safety and other homeland security organizations to define priorities, gaps and requirements to find or develop technology solutions.' ¹³²⁴ This Office's research areas include 'Borders & Maritime Security' through which it 'works closely with border and immigration officials to understand how technology can help support their missions and overcome challenges. We strive to develop and transition technical capabilities to strengthen U.S. land border security and safeguard lawful trade and travel by

¹³²⁰ 'Borders Trade and Immigration (BTI) Institute', *US Department of Homeland Security* (Fact Sheet, 23 July 2019) 2.

¹³²¹ Ibid.

¹³²² *An Analytic Inventory of DHS Headquarters Business Processes* (n 85) iii-iv.

¹³²³ 'Homeland Security Operational Analysis Center', *US Department of Homeland Security* (Web Page) <<https://www.dhs.gov/science-and-technology/hsoac>>.

¹³²⁴ 'Office of Mission & Capability Support', *US Department of Homeland Security* (Web Page) <<https://www.dhs.gov/science-and-technology/office-mission-and-capability-support>>.

			preventing illegal goods and people from crossing our borders or entering our country illegally. These projects consists of technologies, sensors, radars and more that monitor air, ground, and underground – from drones to tunnels. We want to know who and what is crossing our borders. ¹³²⁵ The individuals targeted by these efforts include those seeking asylum.
Referred Operation Streamline	science_engineering_s td_dhs	Indirect	The Office of Science and Engineering ‘provides technical functions and services to S&T programs and projects’ and ‘directly to DHS Components and other homeland security customers. Technical subject matter experts in this group conduct technology scouting, test and evaluation, gap and requirement analysis, and transition planning.’ ¹³²⁶ Within this Office, the Operations and Requirements Analysis (ORA) Division ‘collaborated with agents at the RGV McAllen Station (MCS) detention center, in McAllen, Texas, to gain a firsthand understanding of agent operations in surveillance, detection, apprehension and processing of illegal immigrants’ in the ‘Rio Grande Valley Systems Analysis’ project. ¹³²⁷ As part of that project, the Office recommended changes ‘to the ways MCS agents process apprehended illegal immigrants’ ¹³²⁸ at the border, which includes people seeking asylum.
Referred Operation Streamline	intelligence_analysis_ dhs	Indirect	The Office of Intelligence & Analysis (I&A) produces ‘strategic intelligence products that leverage law enforcement, unique DHS data and Intelligence Community (IC) holdings to facilitate intelligence-driven decision making by all levels of DHS leadership, other U.S. Government policymakers and SLTT partners. Deliver access to data and systems, infrastructure and analytic expertise, mission readiness services and Intelligence Community (IC) capabilities to DHS Operational Components. Ensure unique DHS datasets are available to Mission Centers, the IC and law enforcement partners to bolster collaborative government efforts to counter threats. Provide unique data on immigration, travel and intelligence, analytic tools and technical infrastructure to assist the U.S. Government stand-up of the National Vetting Center.’ ¹³²⁹ The National Vetting Center, and data provided to it, are used in the adjudication of immigration cases including asylum and withholding of removal.
Referred Operation Streamline	federal_law_enforcem ent_training_centers_ dhs	Indirect	The Federal Law Enforcement Training Center’s (FLETC) members, principally federal law enforcement organizations, rely on FLETC to maintain all of the instruments of training and to prepare their law enforcement cadre to perform their law enforcement tasks. ¹³³⁰ The Charleston,

¹³²⁵ ‘Borders and Maritime Security’, *US Department of Homeland Security* (Web Page, 12 June 2021) <<https://web.archive.org/web/20210612022356/https://www.dhs.gov/science-and-technology/borders-and-maritime-security-0>>.

¹³²⁶ ‘Office of Science & Engineering’, *US Department of Homeland Security* (Web Page) <<https://www.dhs.gov/science-and-technology/office-science-engineering>>.

¹³²⁷ DHS Science and Technology Directorate, *Research & Development Analysis and Assessment: Rio Grande Valley Systems Analysis* (Fact Sheet, 24 September 2013).

¹³²⁸ Ibid.

¹³²⁹ ‘Office of Intelligence and Analysis’, *US Department of Homeland Security* (Web Page, 13 July 2021) <<https://www.dhs.gov/office-intelligence-and-analysis>>.

¹³³⁰ US Department of Homeland Security, *FLETC Strategic Plan 2018-2022* (Report, 2018) 7.

			South Carolina FLETC training facility runs the US Coast Guard Maritime Law Enforcement Academy, the US Customs and Border Protection Field Operations Academy, the US Immigration and Customs Enforcement Training Academy, and the US Citizenship and Immigration Services Academy Training Center. ¹³³¹ The Artesia, New Mexico facility is the basic training hub for Border Patrol and the Federal Air Marshal's Service. ¹³³² It is at FLETC that CBP officials learn about asylum law, though very little focus is placed upon either international law or the law of asylum.
Referred Operation Streamline	training_mgmt_ops_fl etc_dhs	Indirect	The Training Management Operations Directorate participates in the 'planning, development, modification, and coordination of training programs throughout the FLETC' and conducts 'studies to analyze the training needs of the Partner Organizations, the requirements of the training programs, and the processes, methodologies and technologies required for training.' ¹³³³ The Directorate also assesses 'training needs and deficiencies to plan, develop and evaluate training programs based on the requirements of requested training programs and modifications' and applies 'forecast analysis methods to determine if training needs will meet future demand.' ¹³³⁴ The Directorate is therefore responsible for ensuring that CBP officials have appropriate training and background in international and asylum law in order to perform their duties.
Referred Operation Streamline	ncr_training_ops_fletc _dhs	Indirect	The National Capitol Region (NCR) Training Operations Directorate 'advises and assists the Director, Deputy Director, and other senior officials in fulfilling the management responsibilities of the FLETC. Specific responsibilities include, but are not limited to ... Representing the FLETC with Federal (Executive, Judicial, and Legislative) organizations, professional organizations, and the private sector, to include negotiating policy positions, projecting needs and operational interests, and other matters. Developing and implementing policies which relate to training program requirements, facility planning and development, human resource activities, and budgetary issues; and analyzing situations to identify strategies designed to gain support from the Department, Office of Management and Budget, and the Congress. ... Serving as the principal interface with the Congress, its members, staffs, and committees regarding FLETC activities, policies, programs, appropriation matters, and other related legislation.' ¹³³⁵ Developing and implementing policies that relate to training program requirements, for example, would include training in international law and the law of asylum.

¹³³¹ US Department of Homeland Security, *Student Handbook: Artesia Facility* (Handbook, 2018-AN-0008, 2018) 8.

¹³³² Ibid.

¹³³³ 'Program Analyst: Federal Law Enforcement Training Centers', *USAJobs* (Job Announcement, FLETC-TMO-2021-0015, 16 March 2021).

¹³³⁴ Ibid.

¹³³⁵ 'National Capital Region Training Operations', *Federal Law Enforcement Training Centers* (Web Page) <<https://www.fletc.gov/site-page/national-capital-region-training-operations>>.

Referred Operation Streamline	chief_counsel_fletc_dhs	Indirect	‘The responsibilities of the FLETC Chief Counsel include providing legal advice to the Director and other senior FLETC leaders on legal issues associated with the FLETC mission, as well as ... providing legal advice on information/intellectual law matters to include copyright, the Freedom of Information Act (FOIA) and the Privacy Act; and providing legal training for federal, state, local and international law enforcement officers attending basic and advanced training at FLETC’s four domestic and two international training sites.’ ¹³³⁶ This would include legal advice on the requirements of US asylum law and international refugee law, as well as advice as to civil rights and liberties of individuals with whom CBP officials will come into contact, including asylum seekers.
Referred Operation Streamline	customs_and_border_protection_dhs	Direct	CBP seeks to 'leverage technological tools and analytic approaches to improve operational efficiency and effectiveness; integrate data and interagency information to establish a common operating picture that provides actionable information to enable decision makers and operators; and expand the zone of security away from physical borders.' ¹³³⁷ The agency further utilizes 'foreign liaisons to disrupt special-interest alien travel before reaching U.S. borders' and works with 'state and local law enforcement agencies' to 'secure the border'. ¹³³⁸ CBP is the agency that regulates the ability of asylum seekers to access US territory, refers asylum seekers to the relevant procedure, and also interacts with asylum seekers within the US who may or may not have lawful status.
Referred Operation Streamline	commissioner_cbp_dhs	Indirect	The Office of the Commissioner (‘OC’) is 'responsible for the overall management of CBP and develops long range management plans for the efficient and effective operation of the organization. OC develops and reviews CBP policy guidance, prescribes rules and regulations, and issues internal instructions to provide guidance to CBP employees that are consistent with regulations, and the authority delegated by DHS. The Executive staff supports and develops new policy and plans in alignment with the Commissioner’s priorities, simultaneously ensuring that CBP’s financial and personnel resources are available, and aligned for the development, articulation, and implementation of CBP’s current and future mission priorities and direction.' ¹³³⁹ This includes policy, guidance and regulations that relate to an individual’s ability to access asylum procedures, as well as to how that individual accesses procedures.
Referred Operation Streamline	chief_of_staff_commissioner_cbp_dhs	Indirect	The Chief of Staff ‘serves as the direct liaison to DHS for all Agency issues. The COS assists the Office of the Commissioner in formulating and implementing policies through coordination with other CBP offices, DHS, and other government agencies. The COS provides advice and counsel to

¹³³⁶ ‘Office of the General Counsel’, *US Department of Homeland Security* (Web Page, 22 March 2021) <<https://www.dhs.gov/office-general-counsel>>.

¹³³⁷ US Customs and Border Protection, *Strategy 2021-2026* (Report, Publication No 1280-1220, December 2020) 12.

¹³³⁸ Ibid.

¹³³⁹ US Customs and Border Protection, *Budget Overview: Fiscal Year 2020 Congressional Justification* (DHS Report, 18 March 2019) 88 <https://www.dhs.gov/sites/default/files/publications/19_0318_MGMT_CBJ-Customs-Border-Protection_0.pdf>.

			the Commissioner in defining priorities to accomplish CBP's mission and goals. ¹³⁴⁰ This includes policies and priorities relating to asylum, as well as border security and other efforts that may impact an individual's ability to access the asylum process.
Referred Operation Streamline	deputy_commissioner_cbp_dhs	Indirect	The Deputy Commissioner 'provides leadership and executive-level direction on CBP's day-to-day operations, including oversight of Agency initiatives that facilitate the international movement of legitimate, low-risk goods and travelers, while promoting effective border security.' ¹³⁴¹ This includes operations that impact asylum seekers, who often must travel without documents and are characterised by CBP as illegitimate travellers.
Referred Operation Streamline	chief_of_staff_deputy_cbp_dhs	Indirect	The Chief of Staff assists the Deputy Commissioner in 'formulating and implementing policies through coordination with other CBP offices, DHS, and other government agencies.' ¹³⁴² The Chief of Staff to the Deputy Commissioner, coordinates 'interagency efforts related to immigration reform, global supply chain security, and intelligence matters' and serves 'as the point of contact for all emergency situations to include potential terrorist attack threats and natural disaster responses.' ¹³⁴³ This includes policies and coordination relating to asylum and policies which impact an individual's ability to access the protection framework.
Referred Operation Streamline	office_public_affairs_cbp_dhs	Direct	The Office of Public Affairs 'communicates to external and internal audiences to build support for CBP's mission. Audiences include the American public, international trade and travel stakeholders, travelers who cross U.S. borders, and U.S. and international government agencies.' ¹³⁴⁴ In the case of the Trump Travel Ban, CBP recognised that the 'absence of CBP-initiated messages to the media and public created a vacuum in which stories casting CBP in a negative light proliferated. In the absence of an effective public affairs strategy, public officials and the media often speculated and assumed the worst about CBP's conduct. Had CBP clearly communicated the status of its operations to external stakeholders, it may have prevented significant mistrust and misinformation from developing over the weekend.' ¹³⁴⁵ Similar lessons on the importance of Public Affairs in selling policy have been applied in the context of the Family Separation (Zero Tolerance) policy, which impacted asylum seekers and others at the southern border. 'The mixed messaging regarding many

¹³⁴⁰ US Customs and Border Protection, *2016 Performance and Accountability Report* (DHS Report, 2017) 9.

¹³⁴¹ Ibid.

¹³⁴² Ibid.

¹³⁴³ 'Bio of Andrew Farrelly, L3 Security and Detection Systems' (Web Page) <<https://na.eventcloud.com/ereg/popups/speakerdetails.php?eventid=281311&language=eng&speakerid=995508>>.

¹³⁴⁴ *2016 Performance and Accountability Report* (n 133) 10.

¹³⁴⁵ DHS Office of Inspector General, *DHS Implementation of Executive Order #13769 "Protecting the Nation From Foreign Terrorist Entry Into the United States"* (January 27, 2017) (Report, OIG-18-37, 18 January 2018) 43-44.

			facets of the policy caused public and stakeholder confusion and outrage, courtroom losses, and may have resulted in DHS Secretary Kirstjen Nielsen's ouster. ¹³⁴⁶
Referred Operation Streamline	office_congressional_affairs_cbp_dhs	Indirect	OCA has four directorates that 'reflect the mission of CBP's operational offices and directorates'. ¹³⁴⁷ They are Border, Air, & Marine Operations, Field Operations & Intelligence, Operations Support/Enterprise Services, and Trade & Agriculture. OCA has two functional directorates, which are Budget & Appropriations and Management, Operations, & Communications. ¹³⁴⁸
Referred Operation Streamline	border_air_marine_ops_oca_cbp_dhs	Indirect	Key issues under this directorate include 'Border enforcement operations and challenges between the ports of entry', 'Border technology deployment', 'CBP's use of force policy and training requirements', 'HRM [human resources management] policy and legislative initiatives', 'Unaccompanied minors', 'Human trafficking and the Trafficking Victims Protection Reauthorization Act (TVPRA)', and 'Border Patrol and OFAM facilities and infrastructure'. ¹³⁴⁹ 'Developing and overseeing the most critical legislation strategies involving agency budgetary and legislative proposals. Proactively presenting CBP's initiatives to the appropriate and relevant congressional interests in seeking passage of identified and approve budgetary and legislative priorities. Overseeing the preparation of statistical and narrative information and specific responses to congressional inquiries concerning CBP funding requests, legislation, or policy. Keeps informed of significant scheduled events including congressional hearings and legislative activities. Ensuring that senior agency managers are provided with clear and concise analysis and interpretation of legislation, reports, testimony, statements, and hearings relevant to CBP. Producing highly competent written works and preparing and conducting briefings, hearings, and conferences for high-level audiences.' ¹³⁵⁰ Border enforcement operations and challenges, border technology development, the use of force policy, unaccompanied minors, human trafficking and various issues may all involve asylum seekers.
Referred Operation Streamline	budget_appropriations_oca_cbp_dhs	Indirect	Securing adequate funding through the annual appropriations process is a vital part of CBP's legislative work. ¹³⁵¹ 'The directorate also interacts frequently with the appropriations associate staff of the committee members, as well as various other Congressional staff depending on the nature of their inquiry. Additionally, the branch interacts and responds to requests from the Congressional

¹³⁴⁶ Graham (n 22) xvii.

¹³⁴⁷ 'OCA Directorates', *US Customs and Border Protection* (Web Page, 18 March 2021) <<https://web.archive.org/web/20210318124111/https://www.cbp.gov/accordion-page/oca-directorates>>.

¹³⁴⁸ Ibid.

¹³⁴⁹ Ibid.

¹³⁵⁰ 'Supervisory Congressional Liaison Officer job', *Lensa* (Job Posting, 11 December 2020).

¹³⁵¹ 'OCA Directorates and Committees of Jurisdiction', *US Customs and Border Protection* (Web Page, 20 August 2021) <<https://web.archive.org/web/20210820184914/https://www.cbp.gov/about/oca-directorates-and-committees-jurisdiction>>.

			Budget Office and Congressional Research Service. ¹³⁵² This may involve securing appropriations for apprehending and processing people seeking asylum, among other things.
Referred Operation Streamline	air_marine_operations_cbp_dhs	Direct	Interdiction is a core component of AMO and the agency 'intercepts, disrupts, and apprehends threats to the United States in the air, sea, and land domains.' ¹³⁵³ AMO works with Border Patrol to 'apprehend illegal aliens from the air, at the land border, and within our nation's interior.' ¹³⁵⁴ AMO also deploys 'beyond the border to the Source and Transit Zones, on international joint operations targeting the high-traffic waterways between South and North America. These international joint operations efficiently disrupt smugglers before they can reach the United States'. ¹³⁵⁵ 'AMO partners with U.S. Border Patrol at the border and works with HSI and other federal, state, and local law enforcement agencies within the interior to apply our advanced surveillance techniques and covert airborne surveillance.' ¹³⁵⁶ AMO may encounter asylum seekers attempting to enter the US without a visa, or who are being smuggled into the US, and would also gather intelligence to disrupt human smuggling operations, which might be used by asylum seekers to transit into the US (or through countries on the way to the US).
Referred Operation Streamline	office_professional_responsibility_cbp_dhs	Direct	'The AC [Assistant Commissioner] OPR has executive oversight of CBP's Integrity and Personal Accountability Strategy and the agency's efforts to prevent, detect, and investigate employee misconduct and corruption. The AC also serves as CBP's Chief Security Officer, responsible for ensuring the safety and security of CBP's assets and personnel.' ¹³⁵⁷ This office is responsible for investigating and addressing the abuse and mistreatment of 'detainees in CBP's custody or care' including minor children and other individuals seeking asylum. ¹³⁵⁸
Referred Operation Streamline	national_targeting_center_ofo_cbp_dhs	Indirect	The National Targeting Center (NTC) 'is a key component of CBP's comprehensive border security and management strategy to safeguard travelers and cargo. NTC is the point within the agency where advance data, access to law enforcement and intelligence resources, and enterprise systems converge to conduct the vetting necessary to identify travelers and shipments that pose the highest risk potential to U.S. security, economy, and public safety. Targeting traveler and cargo information plays a pivotal role of CBP's layered security strategy by extending our borders outward in order to identify and

¹³⁵² Ibid.

¹³⁵³ Air and Marine Operations, *2018 Annual Review* (CBP Report, No 0921-0719, July 2019) 8.

¹³⁵⁴ Ibid at 9.

¹³⁵⁵ Ibid.

¹³⁵⁶ Ibid at 19.

¹³⁵⁷ Office of Professional Responsibility, *Annual Report: Office of Professional Responsibility (OPR)* (CBP Report, No 1172-0720, August 2020) 4 ('*OPR Annual Report*').

¹³⁵⁸ Ibid at 3.

			mitigate threats before they board (or are laden on) conveyances destined for the U.S. ¹³⁵⁹ NTC biographic and information vetting includes travellers who may seek asylum.
Referred Operation Streamline	ntc_counter_network_ofo_cbp_dhs	Indirect	‘CND is structured across multiple lines of effort to illuminate opportunities for CBP and its partners to identify and disrupt transnational threats including countering terrorism, narcotics, illicit trade, special interest aliens, state-sponsored, and providing analysis in support of the current immigration crisis.’ CND also provides intelligence to CBP officers and agents who target people who may seek the assistance of human smugglers or otherwise seek to move into the United States without a visa in order to seek asylum. ¹³⁶⁰
Referred Operation Streamline	national_vetting_center	Indirect	The National Vetting Center (NVC) makes security and other data available to adjudicators making decisions about immigration-related benefits, which include decisions relating to asylum. The NVC has also developed and maintained ‘new cloud analytics to compare US person data against relevant disseminated Intelligence Community information for affirmative asylum vetting’. ¹³⁶¹
Referred Operation Streamline	border_patrol_cbp_dhs	Direct	Border Patrol is the primary law enforcement/paramilitary organization responsible for enforcing ‘immigration laws and to detect, interdict and apprehend those who attempt to illegally enter or smuggle people or contraband across U.S. borders between official ports of entry.’ ¹³⁶² Border Patrol frequently comes into contact with individuals seeking international protection between ports of entry, including asylum seekers and those seeking relief under CAT or withholding of removal.
Referred Operation Streamline	bp_special_operations_group_bp_cbp_dhs	Direct	SOG has been deployed, for example, to confront migrant ‘caravans’ travelling to the US border, many of whom are asylum seekers and others in search of international protection. ¹³⁶³ ‘SOG also administratively supports eight Sector-based Special Operations Detachments with equipment, training, and standardization. Sector-based Special Operations Detachments are BORSTAR and BORTAC teams that are located in designated sectors such as El Paso and Yuma. Sector Chiefs maintain tactical control of the detachments and MRTs for day-to-day operations.’ ¹³⁶⁴ ‘SOG personnel also conduct international training and capacity building operations for the Department of

¹³⁵⁹ US Customs and Border Protection, *Budget Overview: Fiscal Year 2020 Congressional Justification* (DHS Report, 2020) 163 (‘CBP Budget Overview 2020’).

¹³⁶⁰ *CBP Budget Overview 2020* (n 149) 137.

¹³⁶¹ *Ibid* at 49.

¹³⁶² ‘Executive Assistant Commissioners’ Offices’, US Customs and Border Protection (Web Page, 17 August 2021) <<https://www.cbp.gov/about/leadership-organization/executive-assistant-commissioners-offices>>.

¹³⁶³ Alex Horton, ‘Border Protection is preparing for the caravan – with weapons and gear designed for combat’, *Washington Post* (online, 6 November 2018) <<https://www.washingtonpost.com/national-security/2018/11/05/border-protection-is-preparing-caravan-with-weapons-gear-designed-combat/>>.

¹³⁶⁴ DHS Office of Inspector General, *CBP’s Special Operations Group Program Cost and Effectiveness are Unknown* (Report, OIG-16-34, 29 January 2016) 2 (‘Special Operations Group’).

			State and the Department of Defense.’ ¹³⁶⁵ In providing training to foreign border security law enforcement agencies, SOG exports its border control methods and culture.
Referred Operation Streamline	sog_intelligence_unit_bp_cbp_dhs	Indirect	‘Provides direct intelligence support to field operators.’ ¹³⁶⁶ ‘Identifies threats operating across corridors and threats approaching the U.S. border, prioritizes these risks, and supports the missions to mitigate the operational gaps specific to each corridor.’ ¹³⁶⁷ These potential ‘threats’ include people moving towards the border without a visa, which includes asylum seekers.
Referred Operation Streamline	bp_tactical_unit_bp_cbp_dhs	Direct	‘Members support Border Patrol’s mission to secure the border by conducting high-risk warrant service; surveillance; and foreign law enforcement capacity building, among other things. ... BORTAC also conducts training and operations with foreign and domestic law enforcement and military entities.’ ¹³⁶⁸ BORTAC may encounter asylum seekers and others seeking international protection during the course of their varied deployments. Furthermore, in providing training to foreign law enforcement agencies, BORTAC exports its border control and law enforcement methods and culture.
Referred Operation Streamline	bp_search_trauma_rescue_unit_bp_cbp_dhs	Direct	‘BORSTAR will provide mutual assistance to local, county, state, tribal, and Federal entities by responding to enforcement and search and rescue requirements, acts of terrorism, potential terrorism, and natural disasters throughout the United States’. ¹³⁶⁹ BORSTAR is frequently called to provide search and rescue assistance for people in danger along the southern border, who include asylum seekers.
Referred Operation Streamline	mobile_response_team_bp_cbp_dhs	Direct	‘Provides a national group of organized, trained, and equipped Border Patrol Agents capable of rapid response to regional and national incidents in support of priority CBP operations’. ¹³⁷⁰ Mobile Response Teams are often used to augment CBP operations during increases in attempted crossings, which includes asylum seekers. MRTs were used to augment ‘operations in South Texas’, for example, during the 2016 increase in the numbers of unaccompanied children and family units seeking protection at the southern border.’ ¹³⁷¹

¹³⁶⁵ Ibid.

¹³⁶⁶ Ibid at 14.

¹³⁶⁷ Ibid.

¹³⁶⁸ GAO 20-710, Federal Tactical Teams, 30.

¹³⁶⁹ *Special Operations Group* (n 1364) 14.

¹³⁷⁰ Ibid at 14.

¹³⁷¹ Evidence to the House Committee on Foreign Affairs, United States House of Representatives, Washington, DC, 22 March 2016 (Alan Bersin, Assistant Secretary and Chief Diplomatic Officer, DHS Office of International Affairs).

Referred Operation Streamline	office_training_development_bp_cbp_dhs	Indirect	‘OTD is responsible for providing all levels of training so that BPAs can carry out their assigned missions.’ ¹³⁷² This includes training relating to the humanitarian, international law, and asylum aspects of Border Patrol agent jobs.
Referred Operation Streamline	alien_smuggler_ident_deterrence_bp_cbp_dhs	Direct	‘The USBP also collects information from detainees for intelligence purposes, and since 2011 the Alien Smuggler Identification and Deterrence (ASID) unit has attempted to interview a sample of aliens from each group apprehended from each station in each southwest border sector to gain situational awareness and to support tactical operations and criminal investigations.’ ¹³⁷³ Asylum seekers sometimes express fear to ASID agents, but ASID is not interested in protection claims and they may remove the person without them having a chance to lodge a claim. ¹³⁷⁴
Referred Operation Streamline	joint_task_force_west_cbp_dhs	Indirect	‘To support the Unity of Effort and SBAC, DHS established three joint task forces (JTF) — JTF-East, JTF-West, and JTF-Investigations — to enforce immigration laws, prevent illegal entries, interrupt transnational criminal organizations, and minimize the terrorism threat to our Nation.’ ¹³⁷⁵ JTF-W partners with DHS Components, other U.S. Federal, State, and local agencies, and international partners to plan and implement enhanced counter network operations directed at disrupting and dismantling TCOs and targeting individuals and organizations whose criminal conduct undermines border security. By identifying evolving threats, critical intelligence gaps, and vulnerabilities, these operations develop comprehensive common operational and intelligence pictures that ultimately enhance DHS’s ability to disrupt, degrade, and dismantle TCOs exploiting the homeland.’ ¹³⁷⁶ JTF targets include asylum seekers arriving at the border without documentation and who may have used smugglers to reach or cross the US border.
Referred Operation Streamline	joint_intelligence_operations_center_jtfw_cbp_dhs	Indirect	The ‘Joint Intelligence and Operations Center (JIOC), which serves as a command, control, and 24x7 communications center, providing situational awareness to all Arizona-based CBP operational components and their respective commands.’ ¹³⁷⁷ This would include providing information about people arriving at the border without documentation and who may have used smugglers to reach or cross the US border, including asylum seekers.

¹³⁷² *CBP Budget Overview 2020* (n 149) 87.

¹³⁷³ US Department of Homeland Security, Office of Immigration Statistics, ‘Efforts by DHS to Estimate Southwest Border Security between Ports of Entry’ (Report, September 2017) 3, note 4.

¹³⁷⁴ Interview with Participant 004 (Regina Jefferies, United States) on file with author.

¹³⁷⁵ DHS Office of Inspector General, *DHS Cannot Determine the Total Cost, Effectiveness, and Value of Its Joint Task Forces* (Report, OIG-20-80, 30 September 2020) 1 (‘*DHS Cannot Determine*’).

¹³⁷⁶ *CBP Budget Overview 2020* (n 149) 194.

¹³⁷⁷ *Ibid.*

Referred Operation Streamline	joint_task_force_investigations_cbp_dhs	Indirect	JTF-Investigations is a functionally based task force that provides investigatory support to JTF-East and JTF-West. ¹³⁷⁸ JTF-Investigations provides investigatory support for ICE and related to human smuggling and other types of smuggling investigations, which may involve asylum seekers.
Referred Operation Streamline	intergovernmental_public_liaison_cbp_dhs	Indirect	The Intergovernmental Public Liaison advises the commissioner, deputy commissioner and program offices on the impact of CBP policies and initiatives with regard to state, local and tribal stakeholders. CBP policies often impact tribes and other localities along the southern border. This includes when CBP began ‘metering’ asylum seekers at ports of entry, which drove many people to seek asylum by crossing in remote areas of the desert, which may include tribal lands. ¹³⁷⁹ CBP often engages with these stakeholders and may adjust policy based on feedback, which can in turn impact asylum seekers.
Referred Operation Streamline	privacy_diversity_cbp_dhs	Direct	The processing of FOIA requests for A files and other documents related to an individual's case can have a significant impact on the ability of the person to present a strong case. Furthermore, asylum seekers are frequently concerned about the release of information related to their case to their own government, or others who might harm them. This can impact whether or not the person lodges a claim.
Referred Operation Streamline	chief_counsel_cbp_dhs	Indirect	‘The Office of the Chief Counsel provides legal advice to, and legal representation of, CBP officers in matters relating to the activities and functions of CBP. The office is also responsible for reviewing proposed actions to ensure compliance with legal requirements, preparing formal legal opinions, preparing or reviewing responses in all court actions, civil or criminal, involving CBP, and developing, implementing, and evaluating nationwide programs, policies, and procedures within its functional areas. ¹³⁸⁰ CBP Chief Counsel provides legal advice to components regarding international legal obligations, domestic legal requirements related to asylum, representing CBP in administrative hearings, providing litigation support to DOJ in federal litigation involving asylum or international legal obligations, providing advice as to the legality of regulatory, legislative and policy proposals, as well as training CBP staff in terms of international and domestic asylum requirements.
Referred Operation Streamline	chief_counsel_enforcement_cbp_dhs	Direct	‘Functional area of the CBP Office of Chief counsel responsible for reviewing proposed actions to ensure compliance with legal requirements, preparing formal legal opinions, preparing or reviewing responses in all court actions, civil or criminal, involving CBP, and developing, implementing, and evaluating nationwide programs, policies, and procedures within the functional area of

¹³⁷⁸ *DHS Cannot Determine* (n 152).

¹³⁷⁹ ‘Commissioner’s Office’, US Customs and Border Protection (Web Page, 16 July 2021) <<https://www.cbp.gov/about/leadership-organization/commissioners-office>>.

¹³⁸⁰ ‘Chief Counsel’, US Customs and Border Protection (Web Page, 3 October 2017) <www.cbp.gov/about/leadership-organization/chief-counsel>.

			enforcement. ¹³⁸¹ This would include policies that impact asylum seekers and others seeking protection at or between ports of entry.
Referred Operation Streamline	chief_counsel_field_office_cbp_dhs	Direct	‘Associate and Assistant Chief Counsels located in major cities across the U.S. who advise CBP field managers in their geographic areas as to compliance with legal requirements, preparing formal legal opinions, and preparing or reviewing responses in court actions involving CBP.’ ¹³⁸² This includes court actions related to asylum litigation and individual asylum cases.
Referred Operation Streamline	operations_support_cbp_dhs	Indirect	‘The Operations Support Division is the lead for issues such as less-lethal training and use-of-force review, CBP policy, asset management, and the National Firearms and Tactics Branch.’ ¹³⁸³ Use-of-force and non-lethal law enforcement methods are often at issue in cases involving people – including asylum seekers – apprehended by Border Patrol. These methods of apprehension (and particularly the use of force) can influence whether someone is able to raise an asylum claim, when they are able to raise that claim, or whether they are able to pursue the claim.
Referred Operation Streamline	intelligence_os_cbp_dhs	Indirect	The Office of Intelligence collects and disseminates intelligence ‘to facilitate intelligence-driven decision making by all levels of DHS leadership, other U.S. Government policymakers and SLTT [state, local, tribal and territorial] partners’ and provide information to the National Vetting Center. ¹³⁸⁴ This would include intelligence relating to people seeking asylum and intelligence relating to events, including so-called migrant ‘surges’ or ‘caravans’, that require policy and legal decisions from DHS officials.
Referred Operation Streamline	strategic_intelligence_analysis_intel_os_cbp_dhs	Indirect	‘The Strategic Intelligence and Analysis Division (SIAD) leverages CBP’s unique authorities, capabilities, data, access, and partnerships to deliver comprehensive and analytically sound intelligence products to U.S and international government officials positioned to make strategic policy, operational, and resource decisions on border issues.’ ¹³⁸⁵ These strategic policy, operational, and resource decisions would include decisions relating to people seeking asylum.
Referred Operation Streamline	field_intelligence_intel_os_cbp_dhs	Indirect	‘The HQ Field Intelligence Division (FID) serves as the key conduit to provide intelligence capabilities to CBP’s components in the field and the organizations that partner with them enabling them to conduct effective law enforcement operations.’ ¹³⁸⁶ This includes providing intelligence relating to border operations and people who may be seeking asylum.

¹³⁸¹ Ibid.

¹³⁸² ‘San Diego’, US Customs and Border Protection (Web Page) <<https://www.cbp.gov/contact/ports/field-office/san-diego>>.

¹³⁸³ ‘Operational Support/Enterprise Services’, US Customs and Border Protection (Web Page, 24 August 2021) <<https://www.cbp.gov/about/congressional-resources/operational-supportenterprise-services>>.

¹³⁸⁴ ‘Office of Intelligence and Analysis’, *US Department of Homeland Security* (Web Page, 13 July 2021) <<https://www.dhs.gov/office-intelligence-and-analysis>>.

¹³⁸⁵ *CBP Budget Overview 2020* (n 149) 185.

¹³⁸⁶ Ibid.

Referred Operation Streamline	current_emerging_threat_intel_os_cbp_dhs	Indirect	‘The National Intelligence Watch maintains awareness of national and international emerging issues that have potential impact on CBP operations and interests, and facilitates intelligence collaboration and dissemination of intelligence to field components and intelligence community members.’ ¹³⁸⁷ This includes events such as the ‘migrant caravan’ and other events relating to asylum seekers on the move, which may impact how and whether they are able to access the asylum process.
Referred Operation Streamline	planning_analysis_requirements_evaluation_os_cbp_dhs	Indirect	The PARE Directorate ‘serves as @CBP’s functional authority for planning, data science, statistics, analytics, and operational requirements to provide innovative, analytically-based decision support to border security leaders.’ ¹³⁸⁸ ‘PARE manages CBP’s risk management framework that enables CBP leadership to make fully informed analytics-based and risk-based decisions. PARE integrates CBP operations through comprehensive understanding of the operating environment, risk management, analytics-based decision support, and operational needs.’ ¹³⁸⁹ This includes gathering and providing information relating to asylum seekers and policies that may impact upon asylum seekers.
Referred Operation Streamline	law_enforcement_safety_compliance_os_cbp_dhs	Indirect	‘LESC supports CBP’s law enforcement mission through use of force policy development and incident review, advanced firearms and defensive tactics training and the testing, evaluation, contracting, and maintenance for CBP weapons, ammunition and body armor.’ ¹³⁹⁰ The use of force policy development and incident review would impact asylum seekers arriving at or between ports of entry, including their ability to access the asylum process.
Referred Operation Streamline	international_affairs_os_cbp_dhs	Indirect	‘INA strives to extend U.S. borders by implementing programs and initiatives that promote anti-terrorism, global border security, non-proliferation, export controls, immigration and capacity building. ... INA provides in-country advisory support for broad-based customs reform and modernization and ensures CBP is represented at overseas posts and influencing policy throughout the world.’ ¹³⁹¹ The Overseas Program ‘helps CBP mitigate international threats including ... transnational organized crime, illegal migration, and economic crime.’ ¹³⁹² This includes policies and reforms that stop, or attempt to stop, asylum seekers from arriving in the US.
Referred Operation Streamline	information_incident_coordination_center_os_cbp_dhs	Indirect	‘It is responsible for managing information flow regarding all significant incidents involving CBP personnel and operations, and is the primary entity responsible for coordination information sharing across all CBP operational offices, DHS, and CBP’s interagency partners.’ ¹³⁹³ This includes

¹³⁸⁷ Ibid.

¹³⁸⁸ @CBPPAREXD Twitter

¹³⁸⁹ *CBP Budget Overview 2020* (n 149) 195.

¹³⁹⁰ Ibid.

¹³⁹¹ ‘Operations Support Assistant Commissioners’ Offices’, US Customs and Border Protection (Web Page, 30 December 2020) <<https://www.cbp.gov/about/leadership-organization/executive-assistant-commissioners-offices/operations-support-assistant-commissioners-offices>>.

¹³⁹² *CBP Budget Overview 2020* (n 149) 180.

¹³⁹³ Ibid at 195.

			information and coordination regarding migrant ‘caravans’ and other migration events that involve asylum seekers.
Referred Operation Streamline	laboratories_scientific_services_os_cbp_dhs	Indirect	‘LSS operates eight nationally accredited laboratories and four forward-deployed satellite laboratories that conduct advanced forensic and technical analyses in support of frontline CBP officers for law enforcement activities’ ¹³⁹⁴ This includes law enforcement activities targeting human smuggling and other cross-border activities that may involve people seeking to cross the border to claim asylum, or people encountered in a law enforcement setting (including with external law enforcement agencies) who may also seek asylum.
Referred Operation Streamline	policy_cbp_dhs	Indirect	‘The Policy Directorate ensures a unified approach to policy management across CBP and facilitates consistent and comprehensive policy development and implementation.’ ¹³⁹⁵ This includes reviewing all policy activities – many of which may directly or indirectly impact asylum seekers – such as regulations, privacy documentation, communication materials and programmatic decision-making, as well as briefing executive leadership on goals, accomplishments and the status of deliverables. ¹³⁹⁶
Referred Operation Streamline	enterprise_services_cbp_dhs	Indirect	‘Enterprise Services serves an integral role as the mission support core for CBP by providing the necessary goods and services required by operational personnel and business partners to fulfill mission goals.’ ¹³⁹⁷ This support includes providing the appropriate technology and infrastructure for a variety of functions served by CBP, including the detention and processing of asylum seekers at the border.
Referred Operation Streamline	accountability_es_cbp_dhs	Indirect	‘OACT tracks CBP’s progress toward its goals and evaluates effectiveness and efficiency of programs.’ ¹³⁹⁸ This includes programs relating to the treatment, detention, and processing of asylum seekers.
Referred Operation Streamline	programming_es_cbp_dhs	Indirect	‘OP translates CBP’s five-year strategic plan into individual efforts (programs) to ensure that CBP can reach its long-term goals.’ ¹³⁹⁹ This includes translating plans relating to the ability of asylum seekers to access the asylum process, or even the physical border, into operational programs.
Referred Operation Streamline	chief_of_staff_es_cbp_dhs	Indirect	The COS ‘bridges the gap between people and information in Enterprise Services.’ ¹⁴⁰⁰ The COS ties together information about program development, accountability, and physical goods and services

¹³⁹⁴ Ibid.

¹³⁹⁵ 2016 Performance and Accountability Report (n 133) 12.

¹³⁹⁶ ‘Michael Hardin, Director, Policy/Planning at U.S. Customs and Border Protection’, *LinkedIn* (online, 22 March 2021) <<https://www.linkedin.com/in/michael-hardin-14187a167/>>.

¹³⁹⁷ CBP Budget Overview 2020 (n 149) 74.

¹³⁹⁸ 2016 Performance and Accountability Report (n 133) 13.

¹³⁹⁹ Ibid.

¹⁴⁰⁰ Ibid.

			required by components, which includes programs, goods and services which relate to asylum seekers.
Referred Operation Streamline	enterprise_effectiveness_es_cbp_dhs	Indirect	‘EE oversees, manages, and improves strategic resource management, leadership development, business practices, customer relations, and use of business information for organizational performance management, customer service, and strategic decision-making.’ ¹⁴⁰¹ This would include determining the business information necessary for evaluating organisational performance management, as well as strategic decision-making relating to policies, practices, programs and even aspects of agency culture that impact asylum seekers.
Referred Operation Streamline	human_resources_management_es_cbp_dhs	Indirect	‘HRM supervises all matters involving human capital, including organizational structure, staffing, compensation administration, benefits, workplace safety, personnel actions, and labor and employee relations.’ ¹⁴⁰² Labour and employee complaints were at least part of the reason for the development of a written policy of ‘metering’. Furthermore, this office would be responsible for, or implicated in, decisions to deploy USBP agents (for example) in remote areas without a partner and other decisions regarding how personnel are used in implementing law and policy.
Referred Operation Streamline	training_development_es_cbp_dhs	Indirect	‘OTD leads all CBP training programs for the entire CBP workforce. OTD ensures that all training supports the CBP mission and strategic goals and prepares the Agency’s workforce to meet the challenges of mission-critical operations. OTD establishes CBP training standards and policies; and develops, delivers, and evaluates resident based training.’ ¹⁴⁰³ OTD would be responsible for developing, delivering and evaluating training programs (in coordination with FLETC) for Basic Training program, as well as any continuing trainings that impact how and whether asylum seekers are referred to the asylum process, as well as how and whether they are able to pursue asylum claims.
Referred Operation Streamline	facilities_asset_management_es_cbp_dhs	Indirect	‘OFAM is CBP’s property, asset, logistics, and sustainability-focused organization.’ ¹⁴⁰⁴ OFAM is responsible for managing and maintaining short-term Border Patrol holding facilities referred to as hieleras and perreras, as well as tent courts and other structures meant to hold and process asylum seekers and other migrants.
Referred Operation Streamline	info_tech_es_cbp_dhs	Indirect	The Office of Information and Technology ‘and the Chief Information Officer (CIO) provide information, infrastructure, communications, services, and technology solutions to secure the U.S. border, prevent the entry of terrorists and terrorist weapons, and facilitate legitimate trade and travel.’ ¹⁴⁰⁵ This office is responsible for IT infrastructure such as the systems that were not equipped

¹⁴⁰¹ Ibid.

¹⁴⁰² Ibid at 14.

¹⁴⁰³ Ibid at 15.

¹⁴⁰⁴ Ibid.

¹⁴⁰⁵ Ibid.

			to record and track children separated from parents during the ‘Zero Tolerance’ policy, which included asylum seekers. The office is also responsible for ensuring data collection and data quality, including data on asylum seekers and others seeking protection that will be used in strategy and policy development, as well as in accountability fora such as Congressional hearings and federal court proceedings.
Referred Operation Streamline	immigration_and_customs_enforcement_dhs	Direct	ICE is responsible for immigration detention centres, including coordinating to transfer detainees from CBP custody to immigration detention. Asylum-seekers are among those transferred from short-term CBP custody to ICE custody. ICE officials are also responsible for parole decisions, bond and detention condition decisions. Also, ICE trial attorneys (TAs) represent the government in immigration court and before the BIA in individual asylum cases.
Referred Operation Streamline	director_ice_dhs	Direct	The Director of ICE oversees ICE’s day-to-day operations, which includes oversight of enforcement and removal operations, as well as policy decisions that impact asylum seekers and others in search of protection.
Referred Operation Streamline	chief_of_staff_ice_dhs	Indirect	The ICE Chief of Staff manages a ‘broad domestic and international portfolio’ that includes advising on the creation of policy and operational guidance as well as working with foreign diplomats and law enforcement. ¹⁴⁰⁶ This would include the creation of policy and operational guidance relating to border operations such as metering and other policies that impact how and whether asylum seekers are able to access protection. This would also include the creation of policy and operational guidance relating to interacting and working with foreign governments and law enforcement agencies, such as Mexico’s INM and other agencies, to prevent people from reaching the US border.
Referred Operation Streamline	congressional_relations_ice_dhs	Indirect	The Office of Congressional Relations (OCR) ‘is the primary point of contact for the U.S. Congress. OCR focuses on promoting a greater understanding of ICE operations, policies, programs and initiatives among members of Congress, congressional committees and their staff.’ ¹⁴⁰⁷ This office provides information to Congress in order to justify decisions and actions, while also advocating for policy changes, including those relating to asylum, detention conditions for asylum seekers, and many others.
Referred Operation Streamline	partnership_engagement_ice_dhs	Indirect	The Office of Partnership and Engagement (OPE) ‘coordinates outreach efforts with the public, key stakeholders, and ICE leadership to increase local and national awareness of U.S. Immigration and Customs Enforcement’s (ICE) mission, while building relationships and fostering trust in our communities.’ ¹⁴⁰⁸ This includes engaging with the public, stakeholders and ICE leadership to

¹⁴⁰⁶ ‘John Amaya’, *Harris, Wiltshire & Grannis LLP* (Web Page, 2021) <<https://www.hwglaw.com/team/john-amaya/>>.

¹⁴⁰⁷ ‘Office of Congressional Relations’, *US Immigration and Customs Enforcement* (Web Page, 2 September 2021) <<https://www.ice.gov/leadership/ocr>>.

¹⁴⁰⁸ ‘Office of Partnership and Engagement’, *US Immigration and Customs Enforcement* (Web Page, 2 September 2021) <<https://www.ice.gov/leadership/oep>>.

			advocate for ICE policies, while also attempting to shape public perception of events such as detainee deaths, poor detention conditions, and family separation.
Referred Operation Streamline	public_affairs_ice_dhs	Indirect	The Office of Public Affairs (OPA) ‘is the agency’s public face, a team of communications professionals dedicated to telling the story of ICE and fostering an understanding of the agency’s mission through outreach to employees, the media and the general public.’ ¹⁴⁰⁹ This includes attempting to shape public perception of agency actions, while also contributing to the morale of employees. OPA made numerous efforts to mitigate public outrage over controversial policies such as family separation and ICE offices routinely engage in the production of media content to shape public opinion.
Referred Operation Streamline	principal_legal_advisor_ice_dhs	Direct	‘The responsibilities of the Principal Legal Advisor include providing legal advice to the Assistant Secretary and other senior ICE leaders on legal issues associated with the ICE mission, as well as representing the Department in all exclusion, deportation, and removal proceedings; prosecuting removal court cases; handling Board of Immigration Appeal cases; providing litigation support to U.S. Attorney Offices; assisting with removal order reinstatements, administrative removal orders, and expedited removals; reviewing legislative and regulatory proposals; providing legal training and ethics guidance to all ICE personnel; and representing ICE in court and administrative proceedings.’ ¹⁴¹⁰ ‘OPLA also provides a full range of legal services to ICE programs and offices. OPLA provides legal advice and prudential counsel to ICE personnel on their customs, criminal, and immigration law enforcement authorities, the Freedom of Information Act and Privacy Act, ethics, liability under the Federal Tort Claims Act, and a range of administrative law issues, such as contract, fiscal, and employment law.’ ¹⁴¹¹ This office both participates in all types of legal decision-making relating to individual asylum cases, as well as decisions which impact the ability of a person to raise a claim, as well as in legal decisions relating to how ICE personnel use their authority.
Referred Operation Streamline	enforcement_litigation_opla_ice_dhs	Direct	The Enforcement and Litigation (E&L) section ‘advances U.S. Immigration and Customs Enforcement’s (ICE) homeland security and public safety mission by enforcing our nation’s immigration, customs, and criminal laws and policies, defending the operational authorities and decisions of ICE officers and agents in the federal courts, and guiding and supporting the advocacy of ICE attorneys before the immigration courts and the Board of Immigration Appeals (Board), with special emphasis on cases involving criminal aliens, human rights violators, and aliens who threaten our national security.’ ¹⁴¹² Defending the operational authorities and decisions of ICE officers and

¹⁴⁰⁹ ‘Office of Public Affairs’, *US Immigration and Customs Enforcement* (Web Page, 2 September 2021) <<https://www.ice.gov/leadership/opa>>.

¹⁴¹⁰ ‘Office of the General Counsel’, *US Department of Homeland Security* (Web Page, 24 August 2021) <<https://www.dhs.gov/office-general-counsel>>.

¹⁴¹¹ ‘Office of the Principal Legal Advisor’, *US Immigration and Customs Enforcement* (Web Page, 27 July 2021) <<https://www.ice.gov/about-ice/opla>>.

¹⁴¹² *Ibid.*

			agents, as well as supporting ICE attorneys before the immigration courts and the BIA, includes cases involving people seeking asylum.
Referred Operation Streamline	district_court_litigation_el_opla_ice_dhs	Direct	The ‘DCLD defends ICE’s operational prerogatives and activities, its budget, and its people by zealously representing agency interests in civil litigation and through the adjudication of administrative tort actions.’ ¹⁴¹³ ‘DCLD assists ICE personnel and DOJ in all aspects of federal litigation ... in cases ranging from common-law tort suits, lawsuits against ICE employees in their individual capacity under <i>Bivens v. Six Unknown Named Agents</i> , 403 U.S. 388 (1971), and claims seeking injunctive or declaratory relief, including class action habeas corpus relief. DCLD also provides oral and written advice to ICE leadership and employees regarding potential litigation risks, represents ICE’s interests in litigation-related discussions with other agencies and Department of Homeland Security (DHS) components, and adjudicates administrative claims for personal injuries and property damage pursuant to the Federal Tort Claims Act.’ ¹⁴¹⁴ Cases brought under <i>Bivens</i> and against ICE officials for torts, often include harm done to people seeking asylum. Habeas and injunctive or declaratory claims often include claims for relief by asylum seekers who are detained, or are seeking some other type of relief in order to better present their claims.
Referred Operation Streamline	ero_law_el_opla_ice_dhs	Indirect	‘EROLD attorneys prepare legal opinions, review and draft policy directives, legislation, regulations, and other materials for DHS, ICE, and OPLA leadership on the legal and policy aspects of Enforcement and Removal Operations’ (ERO) immigration enforcement functions, including: alternatives to detention, civil immigration arrest and detention authorities, civil rights and disabilities, conditions of confinement, detainers, expedited removal processes, family detention, fugitive operations, juvenile issues, repatriation initiatives, the 287(g) Program, and the Visa Waiver Program. EROLD also houses OPLA’s regulatory program and provides significant litigation support to DOJ for federal court matters impacting ICE equities with regard to arrest, detention, and removal authorities.’ ¹⁴¹⁵ These matters, including detention and expedited removal, often involve asylum seekers and impact their ability to raise or pursue an asylum claim.
Referred Operation Streamline	hsi_law_el_opla_ice_dhs	Indirect	‘HSILD provides customs law, criminal law, and criminal immigration law advice to the ICE Director, HSI, and Office of Professional Responsibility on a wide range matters related to the movement of people and goods into, within, and out of the United States. ... Working in close partnership with HSI Headquarters, HSILD interprets and defends HSI’s many unique authorities; reviews national policies, novel issues, and matters of national importance; drafts proposed legislation; liaises with other law enforcement agencies; and provides advanced training to HSI

¹⁴¹³ Ibid.

¹⁴¹⁴ Ibid.

¹⁴¹⁵ Ibid.

			special agents. ¹⁴¹⁶ At the time of this research, HSILD was working closely with one Border Patrol sector in Arizona on what Border Patrol considered to be a smuggling ring that also involved people seeking asylum. HSILD takes a law enforcement focussed position on the movement of people who may also have protection claims, and advocates for policies and action from that perspective.
Referred Operation Streamline	human_rights_violator_el_opla_ice_dhs	Indirect	‘With interagency partners at the Human Rights Violators and War Crimes Center, the Homeland Security Investigations (HSI) Human Rights Violators and War Crimes Unit and OPLA attorneys pursue the criminal prosecution, denaturalization, and ultimately the removal of individuals seeking U.S. immigration benefits who have been involved in human rights violations or war crimes. HRVLD also works to prevent human rights abusers and war criminals from gaining a safe haven in the United States. HRVLD supports HSI as it conducts thousands of criminal investigations against human smugglers who engage in particularly egregious activities which endanger human life, and human traffickers who compel their victims into work or prostitution.’ ¹⁴¹⁷ People seeking asylum may sometimes have complex histories of persecution (eg child soldiers), or have taken dangerous routes using human smugglers to travel to the US in search of protection. These individuals may be impacted by this office.
Referred Operation Streamline	imm_law_practice_el_opla_ice_dhs	Direct	The Immigration Law and Practice Division (ILPD) advocates ‘on ICE’s behalf in appellate proceedings before the Board and the Attorney General, ensuring consistency in OPLA’s litigating positions before the nation’s immigration courts, guiding the development of federal court decisional law, and providing expert counsel on issues of substantive immigration law and protection law matters. ... ILPD also provides guidance to OPLA field locations, agency leadership, DHS OGC HQ, and various DOJ components on a wide range of substantive immigration law issues, including, but not limited to, criminal grounds of removability, bond proceedings, and extradition. ILPD attorneys also provide specialized legal advice on matters involving refugees, asylum, withholding of removal, protection under the Convention Against Torture regulations, and Temporary Protected Status, and advance OPLA’s efforts to combat protection law-related fraud perpetrated by applicants and preparers.’ ¹⁴¹⁸
Referred Operation Streamline	national_security_el_opla_ice_dhs	Indirect	‘NSLD provides national oversight and litigation support for OPLA’s litigation of national security cases before the immigration courts, including the development of legal and policy positions and litigation strategy, and the approval of substantive national security charges. ... NSLD’s cases often involve individuals convicted of terrorism-related offenses or who have engaged in terrorist

¹⁴¹⁶ Ibid.

¹⁴¹⁷ ‘Office of the Principal Legal Advisor’, *US Immigration and Customs Enforcement* (Web Page, 27 July 2021) <<https://www.ice.gov/about-ice/opla>>.

¹⁴¹⁸ Ibid.

			activity. ¹⁴¹⁹ Asylum seekers may have diverse experiences of persecution, which may also include providing assistance under extreme duress, or in complex circumstances.
Referred Operation Streamline	field_legal_ops_opla_ice_dhs	Direct	‘The OPLA field locations are responsible for representing DHS in detained and non-detained removal cases before the Department of Justice’s Executive Office for Immigration Review (EOIR).’ ¹⁴²⁰ This includes representing DHS in opposition to individuals in detained and non-detained removal cases with asylum claims.
Referred Operation Streamline	general_admin_law_opla_ice_dhs	Indirect	The General and Administrative Law ‘attorneys and staff support a diverse portfolio of ICE-wide legal programs and OPLA-wide mission and program support.’ ¹⁴²¹ This includes acting as the ethics officials for ICE attorneys who represent DHS in detained and non-detained asylum cases, while also advising ICE offices on the disclosure of information to foreign governments (which may concern asylum seekers) and under FOIA, while also adjudicating FOIA appeals for information that may also involve asylum seeker A files.
Referred Operation Streamline	govt_info_law_ga_opla_ice_dhs	Indirect	‘Their work includes the legal review of international agreements, such as Mutual Legal Assistance Treaties, Customs Mutual Assistance Agreements and Letters of Intent with foreign governments. They also adjudicate administrative appeals under the Freedom of Information Act and help U.S. Attorneys’ Offices to defend information-related litigation filed against ICE.’ ¹⁴²² Release of information to foreign governments and other agencies may implicate asylum seekers, as they are often concerned about the country of persecution receiving information related to their claims. Adjudicating FOIA appeals may also impact asylum seekers attempting to gain access to information in their A files, which may also be used against them in removal proceedings, or affirmative asylum adjudications.
Referred Operation Streamline	ice_ethics_ga_opla_ice_dhs	Direct	‘Its attorneys establish, maintain and carry out the ICE ethics program, which includes collecting, reviewing and certifying financial disclosure reports, providing ethics advice on the standards of conduct and executing a robust employee ethics education program. The ICE Ethics Office also serves as ICE’s point of contact for attorney professional responsibility complaints, and it oversees the Administrative Inquiry and Management Referral program for attorney misconduct cases.’ This office is responsible for pursuing, or failing to pursue, professional responsibility and other misconduct investigations against ICE attorneys representing DHS in detained and non-detained asylum cases.

¹⁴¹⁹ Ibid.

¹⁴²⁰ Ibid.

¹⁴²¹ Ibid.

¹⁴²² Ibid.

Referred Operation Streamline	mission_support_ga_o pla_ice_dhs	Indirect	The Mission Support Division (MSD) 'team of support professionals delivers comprehensive, nationwide administrative services to advance OPLA's operational mission. ... It manages OPLA's hiring and oversees employee performance management. It is also responsible for tracking OPLA's facility needs and its government property.' ¹⁴²³ This includes ensuring that OPLA and the agency's attorneys, have the resources to effectively carry out law and policy relating to asylum seekers.
Referred Operation Streamline	enforcement_removal _ops_ice_dhs	Direct	Enforcement and Removal Operations 'enforces the Nation's immigration laws by identifying and apprehending illegal immigrants, detaining those individuals pending final determination of removability, and removing them from the United States. ... ERO manages all logistical aspects of the removal process, including domestic transportation, detention, alternatives to detention programs, bond management, and supervised release. In addition, ERO repatriates those ordered removed from the United States to more than 170 countries around the world.' ¹⁴²⁴ Asylum seekers may come into contact with ERO officials at almost any stage of the asylum and removal process.
Referred Operation Streamline	custody_mgmt_ero_ice e_dhs	Direct	'Custody Management manages ICE detention operations efficiently and effectively to provide for the safety, security, and care of aliens in ERO custody.' ¹⁴²⁵ Custody Management is essentially responsible for all aspects of immigration detention, including parole, other alternatives to detention, and detention conditions which can have a significant impact on detained asylum seekers' ability to raise and pursue a claim.
Referred Operation Streamline	enforcement_ero_ice_ dhs	Direct	'The Enforcement Division manages the enforcement initiatives and components through which ERO identifies and arrests removable aliens.' ¹⁴²⁶ Though the agency website focuses on 'criminal aliens', the ERO Enforcement Division targets anyone without status who may or may not have been convicted (or even accused) of criminal activity. Many people – including asylum seekers – are targeted for civil immigration violations, or even civil traffic violations. ¹⁴²⁷ ERO also includes 'Deportation Officers' who oversee the removal process and detention of detainees, including asylum seekers.
Referred Operation Streamline	field_ops_ero_ice_dhs	Direct	The ERO Field Operations Division comprises 24 national field offices where 'enforcement and removal efforts are conducted'. ¹⁴²⁸ Headquarters and the national field offices coordinate to transfer

¹⁴²³ Ibid.

¹⁴²⁴ US Department of Homeland Security, *FY 2019-2021 Annual Performance Report* (Report, 2019) 38.

¹⁴²⁵ 'Enforcement and Removal Operations', *US Immigration and Customs Enforcement* (Web Page, 20 May 2021) <<https://www.ice.gov/about-ice/ero#custody>>.

¹⁴²⁶ 'Enforcement and Removal Operations', *US Immigration and Customs Enforcement* (Web Page, 20 May 2021) <<https://www.ice.gov/about-ice/ero#enforcement>>.

¹⁴²⁷ See eg, *Aguilar v US Immigration and Customs Enforcement Division*, 07-civ-08224; Roque Planas, 'Latest ICE Data Details Increasingly Indiscriminate Arrests', *HuffPost* (online, 8 July 2018) <https://www.huffpost.com/entry/ice-arrest-data-details-increasingly-indiscriminate-arrests_n_5b40e791e4b05127ccf2af63?t08=>>.

¹⁴²⁸ 'Enforcement and Removal Operations', *US Immigration and Customs Enforcement* (Web Page, 20 May 2021) <<https://www.ice.gov/about-ice/ero#fieldOps>>.

			and manage immigration detainees, which includes asylum seekers, while also managing the administrative removal process and the physical requirements of removal.
Referred Operation Streamline	ice_health_service_ero_ice_dhs	Direct	The ICE 'Health Service Corps (IHSC) provides direct care daily to approximately 100,000 detainees housed at 20 designated facilities throughout the nation. The health care provided includes medical, dental and mental health care, and public health services. IHSC also provides medical case management and oversight for an additional 169,000 detainees housed at approximately 148 non-IHSC-staffed detention facilities daily across the country.' ¹⁴²⁹ Detainees include asylum seekers, who may often have mental and other health issues resulting from their persecution, which may impact on their ability to raise and pursue an asylum claim.
Referred Operation Streamline	operations_support_ero_ice_dhs	Indirect	'OS responsibilities include budget formulation and execution management, financial management, purchase card support, facilities construction and leasing management, fleet and personal property management, training management, human capital management, and compliance and oversight support. The Assistant Director (AD) for OS is responsible for a dynamic human capital program that includes aggressive recruitment, hiring, and retention of a diverse professional, managerial and officer workforce and provides sound and cost-effective budget and financial management policies, procedures and guidance. The AD for OS also provides a safe and effective fleet, and provides planning and oversight of ERO facilities and construction. The AD for OS ensures collaboration with internal stakeholders to define requirements and guarantee timely responses to Freedom of Information Act (FOIA) cases, and institutes a partnership throughout the agency to develop an overarching ERO training strategy that includes mission-specific training needs.' ¹⁴³⁰ This office influences the types of people hired by ERO, which overwhelmingly includes people with a law enforcement – not humanitarian – focus. This office is also responsible for providing appropriate and humane facilities for people being detained and removed, including asylum seekers, while also being responsible for providing timely responses to FOIA requests which asylum seekers often depend upon in presenting their cases.
Referred Operation Streamline	removal_ero_ice_dhs	Direct	'ERO's Removal Division coordinates, manages, and facilitates efforts to successfully remove aliens from the United States. In collaboration with other ICE offices and the Department of State, ERO also works with international partners to successfully execute removal operations.' ¹⁴³¹ 'ERO facilitates the processing of illegal aliens through the immigration court system and coordinates their departure from the United States. ... ERO removal operations require complex coordination, management, and facilitation efforts to successfully remove/return aliens from the United States.

¹⁴²⁹ 'ICE Health Service Corps', *US Immigration and Customs Enforcement* (Web Page, 24 March 2021) <<https://www.ice.gov/detain/ice-health-service-corps>>.

¹⁴³⁰ 'Enforcement and Removal Operations', *US Immigration and Customs Enforcement* (Web Page, 20 May 2021) <<https://www.ice.gov/about-ice/ero#operations>>.

¹⁴³¹ 'Enforcement and Removal Operations', *US Immigration and Customs Enforcement* (Web Page, 20 May 2021) <<https://www.ice.gov/about-ice/ero#removal>>.

			ERO accomplishes this mission through contract/chartered flights and commercial airlines for escorted and unescorted removals. In collaboration with the ICE HSI Office of International Operations and the Department of State, ERO also works with international partners to successfully execute removal operations. ¹⁴³² This includes the removal and attempted removal of people seeking asylum and refugees.
Referred Operation Streamline	ice_air_removal_ero_ice_dhs	Direct	ICE Air Operations Division ‘Provides commercial and chartered aviation support, both domestically and internationally, to all 24 ERO Field Offices strategically located throughout the United States, providing air transportation to transfer aliens to designated detention locations and/or to staging sites in order to accomplish removal flights to aliens’ countries of origin.’ ¹⁴³³ This includes the transport of asylum seekers in detention to other detention locations, and/or to staging sites for removal.
Referred Operation Streamline	removal_mgmt_removal_ero_ice_dhs	Direct	The Removal Management Divisions (RMD) East and West support ‘the 24 ERO Field Offices nationwide in the coordination of removals, and develops and implements strategies to support ERO’s mission to remove priority aliens from the United States through collaboration within the agency as well as interagency stakeholders, foreign embassies and consulates, and international networks.’ ¹⁴³⁴ ‘In addition to the removal of aliens, ICE transfers UCs to the care of HHS ORR upon the assignment of bed space and transports family units internally to ERO’s FRCs.’ ¹⁴³⁵ ‘Ground transportation includes alien pick-ups, transfers, and removals. Transportation network performance affects other ICE activities, including custody management, enforcement, removals, and local field operations. TRP uses ground to move detainees from jails into ICE custody, between detention facilities, and to legal, medical, and consular appointments. TRP relies on ground transportation for out-processing, for movement to a commercial flight, or to a staging site. TRP uses ground to remove Mexican nationals, leaving them at designated points of entry on the southwest border.’ ¹⁴³⁶ All of these operations include the transport of asylum seekers.
Referred Operation Streamline	intl_ops_removal_ero_ice_dhs	Direct	The International Operations Division (IOD) consists of ‘ERO’s overseas-based personnel and supports the 24 ERO Field Offices nationwide through regular and ongoing liaison with host-nation government officials in the coordination of removal operations.’ ¹⁴³⁷ The IOD provides assistance in the removal of people who have raised unsuccessful asylum claims, as well as people who may have claims but who have not been able to raise them.

¹⁴³² ‘Removal’, *US Immigration and Customs Enforcement* (Web Page, 7 January 2021) <<https://www.ice.gov/remove/removal>>.

¹⁴³³ ‘Enforcement and Removal Operations’, *US Immigration and Customs Enforcement* (Web Page, 20 May 2021) <<https://www.ice.gov/about-ice/ero#removal>>.

¹⁴³⁴ Ibid.

¹⁴³⁵ US Immigration and Customs Enforcement, *Budget Overview: Fiscal Year 2020 Congressional Justification* (DHS Report) 163 (‘ICE Budget Overview 2020’).

¹⁴³⁶ Ibid at 162-163.

¹⁴³⁷ ‘Enforcement and Removal Operations’, *US Immigration and Customs Enforcement* (Web Page, 20 May 2021) <<https://www.ice.gov/about-ice/ero#removal>>.

Referred Operation Streamline	ero_special_response_teams_ice_dhs	Direct	‘ERO’s SRTs execute high-risk immigration enforcement operations that ICE officials stated require additional capabilities beyond those of regular ERO officers. ... SRTs provide security during the transportation of detained individuals between facilities or to the border or airport, as well as during the movement of large numbers of detainees by air or ground transport.’ ¹⁴³⁸ SRT may encounter asylum seekers and others seeking international protection during the course of these deployments.
Referred Operation Streamline	ice_law_enforcement_support_center_ice_dhs	Indirect	The ICE Law Enforcement Support Center (LESC) provides Law Enforcement Agencies (LEAs) ‘with data and intelligence, including information regarding immigration status and criminal history of persons under investigation, in custody, or otherwise encountered. ... LESC supports Federal, State, local, tribal, and international law enforcement partners, including INTERPOL and ICE Attaché offices. LESC also manages the administration of ICE records within the National Crime Information Center (NCIC)’. ¹⁴³⁹ This information may include information about asylum seekers who ICE has encountered, as well as managing the administration of NCIC criminal records, which may impact a person’s asylum adjudication.
Referred Operation Streamline	homeland_security_investigations_ice_dhs	Direct	‘HSI uses its legal authorities to investigate immigration and customs violations, including those related to export control, human rights abuses, narcotics, firearms and contraband smuggling, financial crimes, cybercrime, human trafficking and smuggling, child exploitation, intellectual property infringements, transnational gangs, and immigration benefit fraud. Additionally, specially trained investigative support staff assist in a broad range of functions requiring specialized knowledge and capabilities that are force multipliers in mission-critical areas.’ ¹⁴⁴⁰ ‘HSI’s international force is DHS’s largest investigative presence abroad, anchored by special agents assigned to U.S. embassies, consulates and Department of Defense (DOD) combatant commands around the globe. HSI has one of the largest international footprints in U.S. law enforcement.’ ¹⁴⁴¹ Border Patrol routinely works with HSI in various initiatives that impact asylum seekers, including at least two mentioned during interviews focussed on a North Carolina 'smuggling ring' as well as 'recycled children'.
Referred Operation Streamline	domestic_ops_hsi_ice_dhs	Direct	HSI Domestic Operations ‘oversees all major HSI enforcement initiatives and de-conflicts operations among HSI field offices. Domestic Operations personnel serve as subject matter experts for senior leadership regarding ongoing HSI field investigations and serve as the single point of contact for HQ

¹⁴³⁸ *Federal Tactical Teams* (n 148) 32.

¹⁴³⁹ *ICE Budget Overview 2020* (n 214) 145.

¹⁴⁴⁰ *ICE Budget Overview 2020* (n 214) 4.

¹⁴⁴¹ *Ibid.*

			and support to the field.’ ¹⁴⁴² HSI targets ‘transnational criminal activities’, which they define to include human trafficking, human smuggling and document fraud. Asylum seekers may be trafficked, use smugglers or even false documents to reach the US, which may put them in contact with HSI.
Referred Operation Streamline	intl_ops_hsi_ice_dhs	Indirect	HSI International Operations ‘interacts with the international law enforcement communities on behalf of ICE to investigate immigration and customs violations.’ ¹⁴⁴³ Asylum seekers may be impacted by HSI’s focus on border security and law enforcement through the training delivered to foreign law enforcement agencies, which is aimed at stopping the movement of people without lawful status on their way to the US, or through the BITMAP program in which HSI trains and helps foreign law enforcement agencies to tactically collect the biometric and biographic data on people who lack status and are seeking to reach the US.
Referred Operation Streamline	transnational_crim_invest_units_intl_ops_hsi_ice_dhs	Indirect	HSI’s Transnational Criminal Investigative Units (TCIUs) ‘comprise trained foreign law enforcement officials who work closely alongside HSI to investigate and prosecute individuals involved in transnational criminal activity.’ ¹⁴⁴⁴ This includes human smuggling and trafficking, which may involve people seeking asylum as they attempt to reach the US.
Referred Operation Streamline	investigative_programs_hsi_ice_dhs	Indirect	HSI’s Investigative Programs Division ‘further HSI’s mission by supporting investigations and operations related to transnational crime, financial and narcotics violations, human trafficking and smuggling, public safety, and worksite enforcement.’ ¹⁴⁴⁵ This Division manages Human Smuggling, Human Trafficking and Transnational Gang programs, which may overlap with individuals seeking asylum at or between ports of entry.
Referred Operation Streamline	national_security_investigations_hsi_ice_dhs	Indirect	‘NSID also leads efforts on investigating and prosecuting human rights violators and war criminals and preventing them from seeking refuge in the United States. NSID utilizes the breadth of ICE’s statutory legal authorities and robust interagency partnerships to counter national security threats identified through HSI investigations of fraud or abuse of the immigration, trade and financial sectors.’ ¹⁴⁴⁶ HSI takes a broad view of ‘national security’ and investigates immigration fraud, including the use or manufacture of false immigration documents, as well as accused war criminals

¹⁴⁴² ‘Homeland Security Investigations’, *US Immigration and Customs Enforcement* (Web Page, 1 September 2021) <<https://www.ice.gov/about-ice/homeland-security-investigations/domestic-operations>>.

¹⁴⁴³ ‘International Operations’, *US Immigration and Customs Enforcement* (Web Page, 31 March 2021) <<https://www.ice.gov/about-ice/homeland-security-investigations/international-operations>>.

¹⁴⁴⁴ ‘Transnational Criminal Investigative Units’, *US Immigration and Customs Enforcement* (Web Page, 12 January 2021) <<https://www.ice.gov/partnerships-centers/transnational-criminal-investigative-units>>.

¹⁴⁴⁵ ‘Investigative Programs’, *US Immigration and Customs Enforcement* (Web Page, 31 August 2021) <<https://www.ice.gov/about-ice/homeland-security-investigations/investigative-programs>>.

¹⁴⁴⁶ ‘National Security Investigations Division’, *US Immigration and Customs Enforcement* (Web Page, 12 February 2021) <<https://www.ice.gov/about-ice/homeland-security-investigations/national-security-investigations-division>>.

			and human rights abusers who may have complicated histories of persecution and seek asylum in the US. The Pre-Adjudicated Threat Recognition and Intelligence Operations Team (PATRIOT) administered by this office would also encompass visa applicants who may be seeking to enter the US to claim asylum.
Referred Operation Streamline	op_tech_cyber_hsi_ice_dhs	Indirect	‘OTC supports ICE and DHS by improving methods for managing different types of information and operational technology and directing how these tools are shared with other agencies and organizations.’ ¹⁴⁴⁷ OTC’s Innovation Lab houses the RAVEN system, which ‘incorporates elements of Predictive, Prescriptive and Descriptive Analytics throughout the system. There are several efforts ongoing which are aimed to deliver powerful analytics which focus on providing the User with historical context, likely future trends and suggestions for next steps.’ ¹⁴⁴⁸ The information collected, analysed and distributed by OTC includes information relating to asylum seekers, human smuggling, and other related issues. This information, as well as the tools used to collect, analyse and deliver it, are being used to inform law enforcement and other types of agency decision-making.
Referred Operation Streamline	intelligence_hsi_ice_dhs	Indirect	The HSI Office of Intelligence ‘produces timely, comprehensive, and accurate criminal analysis that enables criminal investigators to identify, prioritize, disrupt, and dismantle transnational terrorist and criminal networks, and any other individual or organization that threatens national security or seeks to exploit the customs and immigration laws of the United States.’ ¹⁴⁴⁹ This office collects, analyses and distributes intelligence regarding people, including asylum seekers, attempting to reach or cross the US border without a visa or other documentation. The Collections Division also ‘manages ICE’s Technical Intelligence Center where LETC operations cue the tactical interdiction and investigation of illicit trafficking bound for the United States.’ ¹⁴⁵⁰ The interdiction and investigation of ‘illicit trafficking’ includes the movement of asylum seekers, while the division also investigates and distributes information to prevent human smuggling – without distinguishing the movement of asylum seekers from other types of movement.
Referred Operation Streamline	mission_support_hsi_ice_dhs	Indirect	‘Mission Support manages logistics and internal control activities; oversees HSI’s fleet, travel, property, and facilities; reports on HSI’s performance; coordinates the development and issuance of handbooks, policies, delegation orders, and forms that HSI needs to address its national security and public safety missions; ensures that HSI’s resources are aligned to the broader goals of ICE and DHS; oversees the disclosure of information; and supports all HSI headquarters, field offices, and mission

¹⁴⁴⁷ ‘Operational Technology and Cyber’, *US Immigration and Customs Enforcement* (Web Page, 8 January 2021) <<https://www.ice.gov/about-ice/homeland-security-investigations/otcd>>.

¹⁴⁴⁸ US Department of Homeland Security, ‘Questions and Answers for Request For Information (RFI) ICE-HSI-2021-RAVEN’ (FAQ, 7 January 2021) 2.

¹⁴⁴⁹ US Immigration and Customs Enforcement, *Homeland Security Investigations: HSI* (DHS Report, 2021) 18.

¹⁴⁵⁰ *ICE Budget Overview 2020* (n 214) 97.

			areas with strategic planning, analytics, modeling, and efficiency studies to facilitate fact-based decision-making. ¹⁴⁵¹ This office is responsible for developing policies, handbooks, missions, in furtherance of the multi-faceted legal responsibilities of HSI, which includes the referral of individuals who might raise an asylum claim to the appropriate adjudicative process.
Referred Operation Streamline	hsi_special_response_teams_ice_dhs	Direct	‘As ICE’s investigative arm, HSI investigates and responds to a wide range of criminal activities, such as cybercrimes, financial crimes, human and drug trafficking, and immigration fraud.’ ¹⁴⁵² SRT may encounter asylum seekers seeking international protection during the course of deployments.
Referred Operation Streamline	management_administration_ice_dhs	Indirect	‘M&A oversees ICE’s financial and human resources, IT, sensitive property, and other assets, and it collaborates with internal and external stakeholders to increase ICE’s ability to attract and retain a diverse workforce.’ ¹⁴⁵³ This office contributes to the type of individuals who are recruited and hired within ICE, while also being responsible for identifying, developing and communicating ICE’s strategic and other policies, regulations, regulatory processes, and operational requirements. All of these inputs may impact asylum seekers, from the types of individuals hired to work for ICE and whether they have the capacity or disposition to undertake humanitarian work, as well as in the organisational and other policies which prioritise certain types of law enforcement action and goals over the protection of individual asylum seekers.
Referred Operation Streamline	chief_financial_officer_mgmt_ice_dhs	Indirect	OCFO is essentially responsible for providing the staffing, funding, and physical asset requirements for ICE to undertake its operations. OFCO ‘allocate[s] resources to ICE’s operational components by implementing best practices and linking strategic planning, budgeting and program performance to financial decision making.’ ¹⁴⁵⁴ These operations include transporting asylum seekers and others in need of protection from Border Patrol temporary holding facilities to long-term holding facilities, or paroling people, or releasing them using alternative forms of detention.
Referred Operation Streamline	human_capital_mgmt_ice_dhs	Indirect	OHC is responsible for recruiting and retaining the staff necessary for ICE to function, including determining what types of people to recruit. For example, military veterans currently comprise one-third of ICE’s total workforce. ¹⁴⁵⁵ Who the agency hires has a direct bearing on how legal obligations are implemented, as well as the agency culture. These, in turn, can directly impact how people in need of protection are perceived and treated.

¹⁴⁵¹ *Homeland Security Investigations: HSI* (n 228) 19.

¹⁴⁵² *Federal Tactical Teams* (n 148) 33.

¹⁴⁵³ *ICE Budget Overview 2020* (n 214) 3.

¹⁴⁵⁴ ‘Office of the Chief Financial Officer’, *US Immigration and Customs Enforcement* (Web Page, 23 August 2021) <<https://www.ice.gov/about-ice/management-administration/cfo>>.

¹⁴⁵⁵ ‘Office of Human Capital’, *US Immigration and Customs Enforcement* (Web Page, 23 August 2021) <<https://www.ice.gov/about-ice/management-administration/hc>>.

Referred Operation Streamline	acquisition_mgmt_mg mt_ice_dhs	Indirect	‘OAQ procures various products and services such as: Law enforcement services and products, including handcuffs, hand restraints, guns and ammunition; Detention and removal services such as temporary housing, food, clothing and transportation, including air charter flights; Operational support like data analysis, interpreter services and clerical support; and Information technology supplies and services, including computers, security equipment, software and telecommunications equipment.’ ¹⁴⁵⁶ These acquisitions directly influence how and whether ICE can meet its legal and operational requirements. For example, OAQ would procure the transport for ICE to be able to move asylum seekers and others from temporary CBP detention to long-term detention, or another type of ICE processing facility.
Referred Operation Streamline	chief_information_off icer_mgmt_ice_dhs	Indirect	This office provides the information technology tools for ICE officials to enter and transfer information about people who come into contact with the agency, which includes asylum seekers. Inadequate information technology systems were at issue in the ‘Zero Tolerance’ policy, because DHS officials – including ICE – did not properly track separated parents and children, creating massive logistical and humanitarian problems.
Referred Operation Streamline	information_governan ce_privacy_mgmt_ice _dhs	Indirect	The Office of Information Governance and Privacy (OIGP) ‘oversees the management, sharing, protection and access to ICE data, and ensures the information ICE maintains meets legal and policy requirements.’ ¹⁴⁵⁷ OIGP is critical to a number of functions that directly impact people seeking asylum or other forms of protection, including collecting appropriate data to ensure that ICE is actually adhering to legal obligations, including <i>non-refoulement</i> , providing information about where detainees are held, collecting and providing data to be used for the development of policy and law.
Referred Operation Streamline	policy_planning_mgm t_ice_dhs	Indirect	The Office of Policy and Planning (OPP) ‘collaborates with internal and external stakeholders to identify, develop and effectively communicate ICE’s: strategic and organizational policies; regulations and regulatory processes; and operational requirements. Further, OPP supports ICE’s strategic priorities through coordination with departmental and interagency partners, establishing policies and regulations impacting ICE.’ ¹⁴⁵⁸ These policies include those which impact asylum seekers including, but not limited to, detention, transport and their ability to access the RSD process.
Referred Operation Streamline	leadership_career_dev mgmt_ice_dhs	Indirect	The ICE Office of Leadership and Career Development (OLCD) ‘establishes and maintains standards for ICE training programs and curricula, facilitates the accreditation of ICE training programs and

¹⁴⁵⁶ ‘Office of Acquisition Management’, *US Immigration and Customs Enforcement* (Web Page, 23 August 2021) <<https://www.ice.gov/about-ice/management-administration/oaq>>.

¹⁴⁵⁷ ‘Office of Information Governance and Privacy’, *US Immigration and Customs Enforcement* (Web Page, 23 August 2021) <<https://www.ice.gov/about-ice/management-administration/privacy>>.

¹⁴⁵⁸ ‘Office of Policy’, *US Immigration and Customs Enforcement* (Web Page, 2 September 2021) <<https://web.archive.org/web/20210808050139/www.ice.gov/about-ice/management-administration/policy>>.

			oversees training delivered to ICE personnel.’ ¹⁴⁵⁹ Oversight of standards for ICE training programs and curricula necessarily includes decisions around what types of material to include, whether that be on international legal obligations, humanitarian obligations, or other types of training that could impact how ICE officials encounter, interact with, and view their responsibilities towards asylum seekers and others in search of international protection.
Referred Operation Streamline	professional_responsibility_ice_dhs	Direct	OPR conducts reviews of ICE programs and operations, and investigates ‘allegations of serious employee and contractor misconduct, as well as internal and external threats against ICE personnel and facilities. OPR assesses pre-employment suitability and continuously evaluates background investigations of the ICE workforce.’ ¹⁴⁶⁰ The extent to which OPR is successful in fully conducting investigations into misconduct, as well as perceived or actual problems with the integrity and professionalism of ICE officials, can have a direct impact on asylum seekers ability to lodge an application for relief, access counsel, or undertake any number of tasks that might be relevant to preparing and presenting a case, particularly if they are detained.
Referred Operation Streamline	investigation_opr_ice_dhs	Direct	The OPR Investigation Division ‘investigates allegations of criminal and administrative misconduct of ICE employees and contractors, evaluates criminal misconduct of CBP employees when related to an ICE investigation, and administers the Insider Threat Program.’ ¹⁴⁶¹ As outlined above, ICE misconduct can directly impact asylum seekers' ability to present or pursue a protection claim.
Referred Operation Streamline	inspections_detention_oversight_opr_ice_dhs	Indirect	The OPR Inspections and Detention Oversight Division ‘assesses ICE’s organizational health by providing independent reviews of Component programs, offices, and detention facilities to measure compliance with applicable policies, procedures, and standards, conducting detainee death reviews, and auditing ICE’s implementation of the DHS Prison Rape Elimination Act (PREA).’ ¹⁴⁶² Asylum seekers and others seeking international protection who are detained at ICE or ICE-contracted facilities, routinely face problems with access to counsel, accessing translators, accessing appropriate medical care, and various other issues that directly impact their ability to present and pursue a protection claim. Whether the OPR Inspections and Detention Oversight Division properly investigates, finds, and requires redress of these issues can have a direct influence on asylum seekers.
Referred Operation Streamline	uscis_dhs	Direct	USCIS deals with biometrics appointments at field offices for asylum applicants, requests for information about applications, hosts asylum officers at field offices during circuit rides, and issues proof of status documents for people granted asylum (including by EOIR).

¹⁴⁵⁹ ‘Office of Leadership and Career Development’, *US Immigration and Customs Enforcement* (Web Page, 23 August 2021) <<https://www.ice.gov/about-ice/management-administration/olcd>>.

¹⁴⁶⁰ ‘Office of Professional Responsibility’, *US Immigration and Customs Enforcement* (Web Page, 2 April 2021) <<https://www.ice.gov/about-ice/opr>>.

¹⁴⁶¹ *ICE Budget Overview 2020* (n 214) 47.

¹⁴⁶² *Ibid.*

Referred Operation Streamline	external_affairs_uscis_dhs	Indirect	The External Affairs Directorate (EXA) develops and circulates ‘official USCIS materials aimed at external audiences, including Congress, the press, immigration stakeholders, and the general public.’ ¹⁴⁶³ The office provides responses to Congressional policy questions and constituent casework inquiries, and by provides ongoing education for members of Congress and their staff. This includes policy relating to asylum seekers, as well as casework inquiries for people seeking asylum.
Referred Operation Streamline	office_of_legislative_affairs_ea_uscis_dhs	Indirect	The Office of Legislative and Intergovernmental Affairs (OLA) communicates with congressional stakeholders regarding USCIS policy changes and lobbies for the understanding and development of immigration legislation, policy, and practices. This includes policy, legislation and practices relating to asylum seekers and access to RSD.
Referred Operation Streamline	legislative_affairs_ola_ea_uscis_dhs	Indirect	This office informs and advises USCIS leadership on congressional activity, informs Congress of USCIS policies and priorities, provides Congress with technical assistance on proposed legislation, briefs members and their staff on agency operations and policies, and supports agency leadership for congressional hearings. This includes USCIS policies and priorities, agency operations, and proposed legislation relating to asylum and access to the asylum framework.
Referred Operation Streamline	operations_field_coordination_ola_ea_uscis_dhs	Indirect	This office supports the Congressional Liaison Corps throughout the agency to ensure consistency in outreach and operations. This includes outreach and operations relating to asylum, asylum-seekers and access to the asylum framework.
Referred Operation Streamline	congressional_constituent_services_ola_ea_uscis_dhs	Indirect	This office responds to congressional inquiries concerning constituent casework and policy questions, which includes people seeking asylum.
Referred Operation Streamline	liaison_and_coordination_branch_ola_ea_uscis_dhs	Indirect	This office facilitates unified USCIS responses to intradepartmental inquiries, requests for information and formal recommendations on all immigration issues as well as allegations of civil rights violations. This includes intradepartmental inquiries relating to asylum cases, requests for information and formal recommendations on issues relating to asylum, and allegations of civil rights violations relating to the asylum process.
Referred Operation Streamline	office_of_public_affairs_ea_uscis_dhs	Direct	‘The Office of Public Affairs (OPA) functions as a conveyor of information, context, and insights to external and internal audiences with the aim of enhancing the public’s understanding of our agency and the laws and policies affecting benefit seekers, stakeholders, and the American people.’ ¹⁴⁶⁴ This includes conveying information about laws relating to asylum, as well as messaging in support of agency policies and rules relating to asylum-seekers.

¹⁴⁶³ ‘External Affairs Directorate’, *US Citizenship and Immigration Services* (Web Page, 17 February 2021) <<https://www.uscis.gov/about-us/organization/directorates-and-program-offices/external-affairs-directorate>>.

¹⁴⁶⁴ Ibid.

Referred Operation Streamline	plain_language_opa_ea_uscis_dhs	Indirect	The Plain Language Division drafts content, reviews and edits communications materials and web content, as well as reports, internal memos, forms, and instructions. ‘The division also translates web content into Spanish and provides plain language training to USCIS employees and other components of DHS.’ ¹⁴⁶⁵ This information both communicates how individuals can apply for immigration benefits like asylum, as well as the process for seeking asylum, in multiple languages. Reviewing and editing the language of reports, internal memos, forms, and instructions can directly impact how people understand the asylum process, as well as policies and information relating to the process.
Referred Operation Streamline	internal_communications_opa_ea_uscis_dhs	Indirect	‘The Internal Communications Division coordinates all internal communications with the USCIS workforce. It also produces a digital employee newsletter and maintains the agency’s intranet.’ ¹⁴⁶⁶ Internal communications within UCSIS can be critical for communicating agency policy and practices which relate to asylum, or have an impact on a person’s ability to raise or pursue a claim.
Referred Operation Streamline	strategic_communications_opa_ea_uscis_dhs	Indirect	‘The Strategic Communications Division plans, develops, and communicates USCIS messaging to announce short- or long-term programmatic and policy updates, changes, or new initiatives.’ ¹⁴⁶⁷ This includes messaging on legislation, agency policy and practices which relate to asylum, or have an impact on a person’s ability to raise or pursue a claim.
Referred Operation Streamline	public_engagement_opa_ea_uscis_dhs	Direct	‘The division supports a variety of outreach programs and initiatives to ensure that the public has a clear understanding of our agency’s priorities and policies.’ ¹⁴⁶⁸ This includes outreach and initiatives on agency priorities and policies which relate to asylum, or have an impact on a person’s ability to raise or pursue a claim.
Referred Operation Streamline	citizenship_and_applicant_info_services_ea_uscis_dhs	Direct	‘The Office of Citizenship and Applicant Information Services (CAIS) helps the public learn about U.S. citizenship and assists applicants with a variety of resources and tools.’ ¹⁴⁶⁹ These resources and tools include those relating to asylum requirements, the asylum process, and case information regarding certain types of pending benefits applications.
Referred Operation Streamline	public_services_division_cais_ea_uscis_dhs	Direct	‘The Public Services Division responds to questions by phone, email, live chat, and written correspondence through the USCIS Contact Center. This division helps people locate information on the USCIS website using our virtual assistant, Emma, and provides language services to USCIS, ICE, and CBP.’ ¹⁴⁷⁰ This includes questions relating to certain types of benefits applications, while also

¹⁴⁶⁵ Ibid.

¹⁴⁶⁶ Ibid.

¹⁴⁶⁷ Ibid.

¹⁴⁶⁸ Ibid.

¹⁴⁶⁹ ‘External Affairs Directorate’, *US Citizenship and Immigration Services* (Web Page, 17 February 2021) <<https://www.uscis.gov/about-us/organization/directorates-and-program-offices/external-affairs-directorate>>.

¹⁴⁷⁰ Ibid.

			helping people to locate information on asylum on the USCIS website, and providing language services to USCIS, ICE and CBP on issues that may involve asylum seekers.
Referred Operation Streamline	digital_services_division_cais_ea_uscis_dhs	Direct	‘The Digital Services Division manages the USCIS website and online self-help tools, builds digital forms and online account services in support of the USCIS eProcessing initiative, and ensures that people with limited English proficiency and people with disabilities can use our online resources.’ ¹⁴⁷¹ Digital forms, online account and self-help services and tools may impact a person’s ability to access an asylum application, as well as benefits such as work authorisation that make it easier for a person to pursue a protection claim over a period of time.
Referred Operation Streamline	field_operations_directorate_uscis_dhs	Direct	The Field Operations Directorate provides in-person information and documentary services for applicants, including issuing proof of asylum status and work authorisation for asylees, asylum applicants, and those granted withholding of removal or Convention Against Torture relief. Field offices also ‘fee in’ certain types of immigration forms that may be needed in certain CAT and withholding of removal cases.
Referred Operation Streamline	field_offices_fod_uscis_dhs	Direct	The Field Operations Directorate has 88 field offices that deliver immigration benefit services directly to applicants and petitioners in communities across the United States and its territories. These field offices are frequently used for asylum officer ‘circuit rides’ where, for example, the Los Angeles Asylum Office will send an officer to the Phoenix Field Office to conduct interviews of asylum applicants in a location closer to where the applicants are actually located. Field offices also ‘fee in’ some types of immigration forms, such as stays of removal which may be needed in certain CAT and withholding cases.
Referred Operation Streamline	fraud_detection_national_security_uscis_dhs	Indirect	Fraud Detection and National Security (FDNS) ‘officers are located in USCIS service centers (including the NBC), asylum offices, domestic and international field offices, and are embedded in other government agencies. ... Administrative investigations may include compliance reviews, interviews, site visits, requests for evidence, and may also result in a referral to ICE for consideration of a criminal investigation.’ ¹⁴⁷² This includes investigations into asylum applications and other applications for protection, or people granted protection.
Referred Operation Streamline	immigration_records_identity_services_uscis_dhs	Indirect	‘The Immigration Records and Identity Services Directorate (IRIS) provides immigration, employment, and identity information accurately and completely to enable confident and timely

¹⁴⁷¹ Ibid.

¹⁴⁷² ‘Fraud Detection and National Security Directorate’, *US Citizenship and Immigration Services* (Web Page, 13 March 2020) <<https://www.uscis.gov/about-us/directorates-and-program-offices/fraud-detection-and-national-security-directorate>>.

			decisions.’ ¹⁴⁷³ This includes support for asylum and related decisions, such as employment authorisation or derivative applications.
Referred Operation Streamline	identity_information_management_iris_uscis_dhs	Indirect	‘The Identity and Information Management Division (IIMD) provides reliable person centric identity and immigration information management and services for an ecosystem of more than 100 million immigration records.’ This office stores, processes and provides information to USCIS officials who are adjudicating asylum and related benefits applications. The office also implements official identity and immigration records policy and guidance across USCIS, Customs and Border Protection and Immigration and Customs Enforcement, while engaging with ‘international and interagency actors to establish information sharing agreements and improve interoperability of identity and immigration information systems and processes’ ¹⁴⁷⁴ all of which includes the implementation of policy and sharing of information related to asylum seekers. This includes biometrics and background check information for asylum seekers, asylees, and others seeking protection.
Referred Operation Streamline	national_records_center_iris_uscis_dhs	Indirect	‘The National Records Center (NRC) provides records storage, management, and information retrieval services, and maintains the integrity of over 55.6 million immigration records and 23 million receipt files while supporting the largest Freedom of Information Act (FOIA) program in the federal government.’ ¹⁴⁷⁵ The NRC is responsible for immigrant 'A files' or 'alien files' which contain immigration documents, applications, enforcement actions, and other information that is relevant to asylum seekers and others seeking protection, particularly before immigration courts.
Referred Operation Streamline	management_directorate_uscis_dhs	Indirect	‘[T]he directorate plans, directs, manages, and coordinates all management support functions within USCIS. This includes everything from hiring and training employees, providing information technology and other capabilities in support of adjudication and other functions, designing and maintaining application and other USCIS forms, receiving forms and accepting filing fees, and providing data and operational analysis to senior decisionmakers and key stakeholders like Congress, DHS and others.’ ¹⁴⁷⁶ Each of these functions impact on the agency's ability to deliver accurate, efficient and robust asylum and other benefits adjudications, as well as asylum applicants' ability to understand application and form requirements and actually file complete applications.

¹⁴⁷³ ‘Immigration Records and Identity Service Directorate’, *US Citizenship and Immigration Services* (Web Page, 2 August 2019) <<https://www.uscis.gov/about-us/directorates-and-program-offices/immigration-records-and-identity-services-directorate>>.

¹⁴⁷⁴ Ibid.

¹⁴⁷⁵ Ibid.

¹⁴⁷⁶ ‘Management Directorate’, *US Citizenship and Immigration Services* (Web Page, 9 August 2021) <<https://www.uscis.gov/about-us/organization/directorates-and-program-offices/management-directorate>>.

Referred Operation Streamline	human_capital_trainin g_md_uscis_dhs	Indirect	This office ‘attracts, hires, trains, and retains a quality and diverse workforce, offers USCIS employees’ career development opportunities, and supports work-life balance.’ ¹⁴⁷⁷ This includes employees working in asylum adjudication, as well as on employment authorisation, biometrics processing, background checks, and the variety of other functions that go into adjudicating protection applications, employment authorisation documents, and proof of status.
Referred Operation Streamline	information_technolo gy_md_uscis_dhs	Indirect	This office ‘provides the information technology services, strategic vision, leadership, technical expertise, and capabilities necessary to enable USCIS to deliver effective, efficient, economical, and secure immigration services.’ ¹⁴⁷⁸ This includes services related to asylum adjudication and other protection benefits and requirements outlined above.
Referred Operation Streamline	intake_document_pro duction_md_uscis_dh s	Indirect	This office ‘designs and maintains all USCIS forms for internal and public use, produces secure identification documents, and oversees the receipt of USCIS applications and any associated filing fees.’ ¹⁴⁷⁹ The office designs, prints and distributes USCIS forms, including the I-589, Application for Asylum, and manages the USCIS Lockbox facilities paper intake system. The Office also troubleshoots intake issues, adjudicates fee waiver requests, and resolves filing issues with applications. The office further produces and mails secure identity documents, such as Employment Authorisation Documents, which are relevant to asylum applicants, grantees, and those granted relief under CAT or withholding of removal. They also print and distribute notices, such as receipt and appointment notices, to applicants and petitioners. This includes asylum appointments and receipts.
Referred Operation Streamline	investigations_uscis_d hs	Direct	Investigates allegations of misconduct, including those with a counterintelligence concern, to protect and strengthen the integrity of USCIS programs and systems, including the asylum program. In particular, the office conducts investigations of misconduct, corruption, and fraud involving USCIS employees and contractors, and prepares the semi-annual Report on Internal Affairs Investigations to Congress, which summarizes the USCIS investigative process and investigative activity by the Office of Investigations during the reporting period.
Referred Operation Streamline	privacy_uscis_dhs	Indirect	The Office ‘evaluates USCIS legislative and regulatory proposals involving collection, use, and disclosure of personally identifiable information (PII), and provides privacy policy and programmatic oversight and supports implementation across USCIS.’ ¹⁴⁸⁰ Privacy and non-disclosure of personally identifiable information is a particularly important concern for asylum applicants seeking or granted protection. Applicants are routinely concerned about whether information in an application, or the

¹⁴⁷⁷ Ibid.

¹⁴⁷⁸ Ibid.

¹⁴⁷⁹ Ibid.

¹⁴⁸⁰ ‘Office of Privacy’, *US Citizenship and Immigration Services* (Web Page, 15 January 2021) <<https://www.uscis.gov/about-us/organization/directorates-and-program-offices/office-of-privacy>>.

			existence of the application itself, will be disclosed to a foreign government and often take this into consideration when applying.
Referred Operation Streamline	office_of_chief_counsel_uscis_dhs	Indirect	OCC 'fields a wide range of inquiries concerning immigrant and nonimmigrant employment and family-based petitions, adjustment of status, adoptions, inadmissibility and waivers, naturalization, asylum and refugee status, contract and administrative matters, labor issues, and records and verification issues. OCC provides comprehensive litigation support to the Department of Justice's Office of Immigration Litigation and the Offices of the United States Attorney. OCC's areas of responsibility include providing legal education and training to USCIS staff, and advising USCIS and DHS staff on legislative, regulatory and national security issues.' ¹⁴⁸¹ This includes legal education and training related to asylum and related processes, as well as litigation support in asylum-related cases.
Referred Operation Streamline	refugee_asylum_occ_uscis_dhs	Indirect	Fields inquiries and provides 'specialized legal advice, opinions, determinations, regulations and any other assistance' required on asylum and refugee status issues. ¹⁴⁸² 'Provide legal advice on domestic asylum law and practice, overseas refugee resettlement programs, temporary protected status, and CAT.' ¹⁴⁸³
Referred Operation Streamline	training_knowledge_management_occ_uscis_dhs	Indirect	Provides education and training to USCIS staff, including training on legal and other issues that might impact asylum applicants, asylees, and those granted relief under CAT or withholding of removal. 'Through TKMD, OCC works closely with the USCIS Refugee, Asylum and International Operations branch, the Fraud Detection and National Security branch, the Human Capital and Training divisions, as well as other divisions to vet training products and provide instruction on certain topics. OCC also creates certain training materials for use with its USCIS client, and those materials are coordinated and vetted through TKMD.' ¹⁴⁸⁴ This also includes conducting research on the legal sufficiency of education and training materials related to asylum.
Referred Operation Streamline	litigation_national_security_coordination_occ_uscis_dhs	Indirect	This office 'provides comprehensive litigation support to the Department of Justice's Office of Immigration Litigation and the Offices of the United States Attorney', while coordinating with other DHS components. ¹⁴⁸⁵ This includes litigation on asylum, access to the asylum process, and agency-wide litigation holds for classes of applicants that may include asylum seekers.

¹⁴⁸¹ 'Office of the Chief Counsel', *US Citizenship and Immigration Services* (Web Page, 9 August 2021) <<https://www.uscis.gov/about-us/organization/directorates-and-program-offices/office-of-the-chief-counsel>>.

¹⁴⁸² Ibid.

¹⁴⁸³ 'Help Wanted: Immigration Attorney', *Immigration Daily* (Job Announcement No COU-CIS-2008-0010, 3 October 2008).

¹⁴⁸⁴ '[blindlaw] GS-0905-13/15-Experienced Attorney, Department of Homeland Security, Citizenship and Immigration Services', *nfbnet.org* (Job Announcement No CIS-708340-COU, 10 August 2012) 2.

¹⁴⁸⁵ 'Office of the Chief Counsel', *US Citizenship and Immigration Services* (Web Page, 9 August 2021) <<https://www.uscis.gov/about-us/organization/directorates-and-program-offices/office-of-the-chief-counsel>>.

Referred Operation Streamline	executive_secretariat_uscis_dhs	Indirect	EXSO plays a ‘lead role in coordinating and clearing information and materials prepared within USCIS that are intended for review/approval ... to support the development of policy priorities.’ ¹⁴⁸⁶ These directives and information involve policy and other materials relevant to asylum, or other benefits that impact people seeking or granted asylum, withholding of removal and CAT. EXSO's work also encompasses correspondence with Congress, including managing Congressional Reports, Congressional Questions for the Record, and other communications that may relate to asylum policy or issues directly/indirectly related to asylum applicants and those granted protection, withholding of removal, and CAT relief (such as EAD issuance, proof of status, immigration history or other background checks, etc).
Referred Operation Streamline	external_liaison_es_uscis_dhs	Indirect	‘The External Team provides essential executive support and collaborates with USCIS program offices and directorates, DHS components, and other government departments.’ ¹⁴⁸⁷ This work encompasses managing external communications such as Congressional Reports and correspondence with Congress, that may relate to asylum policy or issues directly/indirectly related to asylum applicants and those granted protection, withholding of removal, and CAT relief (such as EAD issuance, proof of status, immigration history or other background checks, etc).
Referred Operation Streamline	internal_es_uscis_dhs	Indirect	‘The Internal Team plays a lead role in coordinating and clearing information and materials prepared within USCIS that are intended for review/approval by the Office of the Director to support the development of policy priorities. They serve as the focal point for coordinating and clearing official documents from DHS headquarters and components, including DHS Administrative Policy and Guidance documents that are binding on all DHS components.’ ¹⁴⁸⁸ This includes documents that relate to asylum law and policy, or issues indirectly related to asylum applicants and those granted protection, withholding of removal, and CAT relief (such as EAD issuance, proof of status, immigration history or other background checks, etc).
Referred Operation Streamline	refugee_asylum_intl_ops_directorate_uscis_dhs	Direct	This office conducts protection screenings, adjudicates asylum and refugee applications, and adjudicates other immigration benefits both domestically and internationally. ¹⁴⁸⁹ The office also consults ‘with other countries to build the capacity of their protection systems, implement bilateral information-sharing agreements for identity management and confidentiality, and help advance the

¹⁴⁸⁶ ‘Office of the Executive Secretariat’, *US Citizenship and Immigration Services* (Web Page, 19 September 2019) <<https://www.uscis.gov/about-us/directorates-and-program-offices/office-of-the-executive-secretariat>>.

¹⁴⁸⁷ Ibid.

¹⁴⁸⁸ Ibid.

¹⁴⁸⁹ ‘Refugee, Asylum and International Operations Directorate’, *US Citizenship and Immigration Services* (Web Page, 10 March 2020) <<https://www.uscis.gov/about-us/directorates-and-program-offices/refugee-asylum-and-international-operations-directorate>>.

			U.S. government's strategic priorities in the international and refugee protection arenas. ¹⁴⁹⁰ Asylum officers travel within the US to process asylum-related claims, including to USCIS field offices.
Referred Operation Streamline	asylum_raio_uscis_dhs	Direct	'The Asylum Division adjudicates affirmative asylum applications for people who are already in the US and, generally, are not already in removal proceedings. The Asylum Division also adjudicates applications to suspend deportation or cancel removal under the Nicaraguan Adjustment and Central American Relief Act (NACARA). Additionally, the Asylum Division conducts credible fear screenings for people placed in expedited removal; reasonable fear screenings for people subject to final administrative removal orders or reinstatement of prior removal orders; screenings for people processed under the Migrant Protection Protocols; and screening functions under bilateral asylum cooperative agreements.' ¹⁴⁹¹
Referred Operation Streamline	service_center_ops_uscis_dhs	Direct	SCOPS is made up of 5 service centres 'that provide immigration benefits for petitioners and applicants who do not require interviews', but also receive applications for asylum and other protection claims by mail. ¹⁴⁹² The work of each service center is generally split into multiple product lines, one of which is 'Humanitarian'. This includes 'Benefit requests filed by refugees and asylees and their accompanying family members, individuals seeking consideration of Deferred Action for Childhood Arrivals (DACA), and individuals seeking temporary protected status (TPS); relief for victims of abuse, crimes, and severe forms of trafficking'. ¹⁴⁹³
Referred Operation Streamline	policy_and_strategy_uscis_dhs	Indirect	The Office of Policy and Strategy (OPS) 'is the USCIS lead for policy development and regulations coordination. OPS develops national immigration policy recommendations, coordinates regulations development, performs research, evaluation, and analysis on immigration issues, and is a principal liaison on immigration policy and strategic planning issues with DHS headquarters and sister agencies. OPS maintains effective relationships with Congress, stakeholders, and other government entities. OPS analysts regularly educate the public on new areas of policy or adjudicative practice and maintain awareness on research and policy issues of interest. OPS reviews and interprets policy and program issues, formulates the development of new USCIS policies and programs that reflect the emphasis desired by the Administration and the Department' and ensures that 'policy implementation problems are resolved or raised to the appropriate level of authority.' ¹⁴⁹⁴ This

¹⁴⁹⁰ Ibid.

¹⁴⁹¹ Ibid.

¹⁴⁹² 'Service Center Operations Directorate', *US Citizenship and Immigration Services* (Web Page, 22 January 2021) <<https://www.uscis.gov/about-us/organization/directorates-and-program-offices/service-center-operations-directorate>>.

¹⁴⁹³ Ibid.

¹⁴⁹⁴ 'Deputy Chief, Office of Policy and Strategy', *USAJobs* (Job No 42014455, 4 March 2021).

			includes policy, regulations, and practices relating to the asylum process, or the processing of ancillary benefits for asylum seekers.
Referred Operation Streamline	president	Indirect	The President is responsible for the execution and enforcement of the immigration and asylum laws created by Congress and also appoints the heads of Cabinet and agencies to carry out the daily administration of the federal government. This includes administration of all of the agencies that conduct activities impacting asylum seekers. The President has the power to sign legislation relating to asylum into law, conducts diplomacy with other nations, negotiates and signs treaties, and can issue executive orders on immigration.
Referred Operation Streamline	executive_office_president	Indirect	The EOP provides support to the President to govern effectively, including on issues related to asylum seekers and immigration.
Referred Operation Streamline	omb_eop	Indirect	OMB ‘oversees the implementation of the President’s vision across the Executive Branch’ which includes the vision with respect to immigration and asylum seekers. ¹⁴⁹⁵ OMB develops and executes budgets from DHS and other executive departments and agencies, manages agency performance, coordinates and reviews all significant Federal regulations relating to immigration and asylum, as well as coordinating legislative materials and other presidential actions.
Referred Operation Streamline	general_gov_programs_rmo_omb_eop	Indirect	OMB includes Resource Management Offices (RMOs), which include General Government Programs under which homeland security falls. ¹⁴⁹⁶ RMOs examine USCIS, ICE, CBP and other agency budget requests and develop funding recommendations for those agencies after integrating management, budget, and policy perspectives into their work. This includes policy perspectives on asylum and budget and funding recommendations that relate to the asylum process and policies that impact access to the asylum process.
Referred Operation Streamline	omb_support_offices_omb_eop	Indirect	OMB-wide support offices coordinate the process for preparing the President’s annual budget which addresses the implementation of laws relating to asylum, while also coordinating review of draft bills, congressional testimony and correspondence from agencies charged with implementing asylum laws and policies in accordance with the President’s agenda.
Referred Operation Streamline	electronic_govt_omb_eop	Indirect	The Office of Electronic Government (E-Gov) is a statutory office of OMB. ¹⁴⁹⁷ E-Gov policy directly impacts agencies like DHS and DOJ, which use technology for everything from providing access to application forms, to entering data about people seeking asylum at the border which will be used throughout their immigration process.

¹⁴⁹⁵ ‘Office of Management and Budget’, *The White House* (Web Page, 2021) <<https://www.whitehouse.gov/omb/>>.

¹⁴⁹⁶ Ibid at 4.

¹⁴⁹⁷ Congressional Research Service, *Office of Management and Budget (OMB): An Overview* (Report, RS21665, 12 November 2020) 23.

Referred Operation Streamline	info_regulatory_affair s_omb_eop	Indirect	‘OIRA has substantial responsibilities and influence over federal agencies’ regulations under a centralized review process established through executive order.’ ¹⁴⁹⁸ ‘Through this review, OIRA exerts considerable influence over the content of regulations, ensuring that federal agencies’ actions are consistent with the President’s policy preferences.’ ¹⁴⁹⁹ This review includes regulations related to asylum and other forms of protection, regulations relating to immigration benefits such as work authorisation, as well as regulations relating to immigration enforcement and the operation of immigration courts and the Board of Immigration Appeals.
Referred Operation Streamline	domestic_policy_coun cil_eop	Indirect	The Domestic Policy Council (DPC) ‘drives the development and implementation of the President’s domestic policy agenda in the White House and across the Federal government, ensuring that domestic policy decisions and programs are consistent with the President’s stated goals, and are carried out for the American people.’ ¹⁵⁰⁰ The DPC develops and implements policies on asylum and related issues that impact access to the asylum process.
Referred Operation Streamline	national_security_cou ncil_eop	Indirect	The National Security Council (NSC) ‘is the President’s principal forum for national security and foreign policy decision making with his or her senior national security advisors and cabinet officials, and the President’s principal arm for coordinating these policies across federal agencies.’ ¹⁵⁰¹ The NSC addresses issues related to border security along the southern border, as well as other migration issues that impact asylum-seekers and the asylum process.
Referred Operation Streamline	intergovernmental_aff airs_eop	Indirect	During the Trump Administration, the IGA coordinated extensively with state and local law enforcement to push the White House’s agenda on immigration and asylum, which included deterring people from applying for asylum. ¹⁵⁰²
Referred Operation Streamline	office_vice_president	Indirect	As an integral part of the executive administration, the Vice President may be given a portfolio that includes immigration issues like Biden has done with current Vice President Kamala Harris. These issues may take many forms, including immigration enforcement actions that impact asylum seekers’ ability to move and access protection, or responding to crises that may produce asylees and refugees.
Referred Operation Streamline	states	Direct	States often work with DHS and CBP on migration-related law enforcement issues. In Texas, for example, this includes detecting ‘smuggling events in real time through’ a camera surveillance

¹⁴⁹⁸ Ibid at 18.

¹⁴⁹⁹ Ibid.

¹⁵⁰⁰ ‘Domestic Policy Council’, *The White House* (Web Page, 2021) <<https://www.whitehouse.gov/dpc/>>.

¹⁵⁰¹ ‘National Security Council’, *The White House* (Web Page, 2021) <<https://www.whitehouse.gov/nsc/>>.

¹⁵⁰² ACLU of Massachusetts, ‘Miscellaneous communications between Sheriff or staff and White House or Secret Service_Redacted_part1’, *Data* (PDF Document, 12 May 2019) <https://data.aclum.org/wp-content/uploads/2019/12/Miscellaneous-communications-between-Sheriff-or-staff-and-White-House-or-Secret-Service_Redacted_part1.pdf>.

			program. ¹⁵⁰³ Also in Texas, ‘DPS Special Operations Group and U.S. Border Patrol Special Operations conduct joint tactical operations in remote and high-threat areas. The Texas Rangers oversee DPS tactical operations, which include Ranger Recon teams, the DPS Special Weapons and Tactics (SWAT) team, and six Regional Special Response Teams (SRT).’ ¹⁵⁰⁴ People encountered and apprehended following detection may include asylum seekers.
Referred Operation Streamline	state_law_enforcement_agencies	Direct	Asylum seekers and others seeking protection may be among those apprehended by state law enforcement agencies following detection and interdiction. State law enforcement agencies frequently work with CBP officials by reporting and transferring people with undetermined immigration status to federal officials. In the case of Texas, the Texas Rangers work with Border Patrol through a surveillance program that detects ‘smuggling events in real time’. ¹⁵⁰⁵ Asylum seekers may be among those apprehended following detection by cameras that the Texas Rangers help to monitor.
Referred Operation Streamline	department_of_justice	Direct	The DOJ consists of a number of components that directly interact with or influence asylum seekers. This includes United States Attorneys who litigate immigration and asylum-related cases in federal court, the FBI which conducts background and other investigations used in deciding asylum claims, the United States Marshals Service which transports and sometimes jails people prosecuted for immigration violations (which include asylum seekers), the Federal Bureau of Prisons which confines immigration detainees including asylum seekers. The Executive Office for Immigration Review oversees and manages the immigration courts and the Board of Immigration Appeals where asylum seekers litigate their claims. DOJ and its components also administer and fund programs such as Legal Orientation Programs (LOPs) (which the Trump Administration suspended in April 2018) ¹⁵⁰⁶ and have funded legal services for children and detainees deemed mentally incompetent in immigration proceedings, which all include people seeking asylum. ¹⁵⁰⁷
Referred Operation Streamline	attorney_general_doj	Indirect	As head of the Department of Justice, the Attorney General directs and controls US Attorneys and all other counsel employed on behalf of the United States who litigate immigration cases and provide legal advice and direction for agencies implementing immigration-related legislation and regulations. The Attorney General supervises the administration and operation of the Department of Justice,

¹⁵⁰³ ‘A “Caravan” of Illegal Immigrants: A Test of U.S. Borders’, Hearing before the House Subcommittee on National Security of the Committee on Oversight and Government Reform, US House of Representatives (Washington, DC, 12 April 2018) 18-19.

¹⁵⁰⁴ Ibid at 19.

¹⁵⁰⁵ Ibid at 18.

¹⁵⁰⁶ Lorelai Laird, ‘ABA condemns suspension of Justice Department’s Legal Orientation Program for immigrants’, *ABA Journal* (Online, 11 April 2018) <https://www.abajournal.com/news/article/aba_condemns_suspension_of_justice_departments_legal_orientation_program>.

¹⁵⁰⁷ ‘Protecting Against Threats to the Most Vulnerable Populations’, US Department of Justice Archives (Web Page, 18 January 2017) <<https://www.justice.gov/archives/doj/accomplishments-under-leadership-attorney-general-eric-holder#s4>>.

			which includes the Executive Office for Immigration Review, the Board of Immigration Appeals, the Federal Bureau of Investigation, Bureau of Prisons, and the US Attorneys and US Marshals Service, which all engage in activities relating to asylum and asylum seekers. The Attorney General also enforces, interprets and makes recommendations on immigration law. The AG also has the power to refer cases before the Board of Immigration Appeals to themselves for a binding decision in the first instance.
Referred Operation Streamline	deputy_attorney_general_ag_doj	Indirect	The Deputy Attorney General advises and assists the Attorney General ‘in formulating and implementing Department policies and programs and in providing overall supervision and direction to all organizational units of the Department’, which includes immigration and asylum-related policies and programs, as well as organisational units implementing those policies and programs. ¹⁵⁰⁸ The Deputy Attorney General also represents DOJ at meetings of the National Security Council and Homeland Security Council, which may relate to asylum-seekers or circumstances from which people might flee. The Deputy Attorney General also sets enforcement priorities in consultation with the Attorney General, which during the Trump Administration included prosecuting people for unlawful entry and other immigration-related offences.
Referred Operation Streamline	associate_attorney_general_ag_doj	Indirect	The Associate Attorney General (ASG) advises and assists the AG and Deputy AG ‘on the formulation and implementation of Department of Justice policies and programs’ which include matters relating to asylum seekers. ¹⁵⁰⁹ This includes the Office of Information Policy, which oversees agency compliance with FOIA and developing government-wide policy on FOIA. ¹⁵¹⁰ The ASG also oversees a number of programs that fund or administer programs relating to crime victims, human trafficking, policing, and access to justice, which may encompass asylum seekers within the people targeted by the programs. Programs include the Office of Justice Programs, the Office of Community Oriented Policing Services, the Access to Justice Initiative, the Community Relations Service, and the Office on Violence Against Women. ¹⁵¹¹
Referred Operation Streamline	solicitor_general_ag_doj	Direct	‘The mission of OSG is to represent the interests of the United States before the Supreme Court and to oversee appellate and certain other litigation on behalf of the United States in the lower federal and state courts.’ ¹⁵¹² The OSG does this in relation to cases involving asylum seekers, as well as cases

¹⁵⁰⁸ ‘Organization, Mission & Functions Manual: Attorney General, Deputy and Associate’, *The United States Department of Justice* (Web Page, 26 May 2021) <<https://www.justice.gov/jmd/organization-mission-and-functions-manual-attorney-general#ag>> (‘Organization, Mission & Functions Manual’).

¹⁵⁰⁹ Ibid.

¹⁵¹⁰ ‘About the Office’, US Department of Justice (Online, 15 February 2017) <<https://www.justice.gov/oip/about-office>>.

¹⁵¹¹ ‘Organization, Mission & Functions Manual’ (n 284).

¹⁵¹² ‘Organization, Mission and Functions Manual: Office of the Solicitor General’, *The United States Department of Justice* (Web Page, 26 May 2021) <<https://www.justice.gov/jmd/organization-mission-and-functions-manual-office-solicitor-general>>.

			that have a direct or indirect impact on the asylum system, or people's ability to access the asylum process.
Referred Operation Streamline	civil_division_ag_doj	Direct	The Civil Division of the DOJ 'represents the United States in any civil or criminal matter within its scope of responsibility' ¹⁵¹³ and defending laws and policies relating to asylum and asylum seekers. The Civil Division also encompasses the Office of Immigration Litigation (OIL) and represents the federal government in asylum and other immigration cases, as well as in cases brought by individuals subject to abuses in the context of immigration detention and other matters seeking damages against officers of the United States. The Civil Division is also responsible for representing the interests of the United States in similar litigation in foreign courts. OIL 'oversees all civil immigration litigation ... and it is responsible for coordinating national immigration matters before the federal district courts and circuit courts of appeals. It provides support and counsel to all federal agencies involved in alien admission, regulation, and removal under U.S. immigration and nationality statutes.' ¹⁵¹⁴
Referred Operation Streamline	civil_rights_ag_doj	Direct	This portfolio includes work on immigration, in relation to survivors of trafficking including those who may have claims for international protection, as well as violations of civil rights in the context of the enforcement or implementation of immigration laws, including in the context of detention.
Referred Operation Streamline	criminal_division_ag_doj	Direct	'The mission of the Criminal Division is to serve the public interest through the enforcement of criminal statutes in a vigorous, fair, and effective manner; and to exercise general supervision over the enforcement of all federal criminal laws'. ¹⁵¹⁵ By far, the largest number of criminal prosecutions in federal courts are for immigration violations. ¹⁵¹⁶ Asylum seekers are often charged and prosecuted in federal criminal proceedings, including for illegal re-entry and human smuggling.
Referred Operation Streamline	drug_enforcement_agency_ag_doj	Indirect	The DEA may come into contact with people seeking asylum, or other forms of international protection in the course of executing its responsibilities.
Referred Operation Streamline	executive_office_immigration_review_ag_doj	Direct	'EOIR is responsible for adjudicating immigration cases. Specifically, under delegated authority from the Attorney General, EOIR interprets and administers federal immigration laws by conducting immigration court proceedings, appellate reviews, and administrative hearings. EOIR consists of three components: the Office of the Chief Immigration Judge, which is responsible for managing the numerous Immigration Courts located throughout the United States, where Immigration Judges adjudicate individual cases; the Board of Immigration Appeals, which primarily conducts appellate

¹⁵¹³ 'Organization, Mission and Functions Manual: Civil Division', *The United States Department of Justice* (Web Page, 5 October 2020) <<https://www.justice.gov/jmd/organization-mission-and-functions-manual-civil-division>>.

¹⁵¹⁴ 'Office of Immigration Litigation', *The United States Department of Justice* (Web Page, 9 September 2020) <<https://www.justice.gov/civil/office-immigration-litigation>>.

¹⁵¹⁵ 'Organization, Mission and Functions Manual: Criminal Division', *The United States Department of Justice* (Web Page, 5 October 2020) <<https://www.justice.gov/jmd/organization-mission-and-functions-manual-criminal-division>>.

¹⁵¹⁶ Department of Justice, *United States Attorneys' Annual Statistical Report – Fiscal Year 2020* (Report, 2020) 11.

			reviews of Immigration Judge decisions; and the Office of the Chief Administrative Hearing Officer, which adjudicates immigration-related employment cases. ¹⁵¹⁷
Referred Operation Streamline	director_eoir_ag_doj	Indirect	The Director of EOIR supervises the Deputy Director, the Chairman of the Board of Immigration Appeals, the Chief Immigration Judge, the Chief Administrative Hearing Officer, and all agency personnel in the administration and implementation of the immigration court and BIA systems. The Director also represents the position and policies of EOIR to the Attorney General, Deputy Attorney General, Members of Congress, and other governmental bodies, the news media, the bar, and private groups interested in immigration matters. ¹⁵¹⁸ Asylum seekers litigate their protection claims before the immigration courts and BIA and the policies and procedures which govern these systems may have a significant impact on whether asylum seekers are able to fully present and receive a fair decision on their claims.
Referred Operation Streamline	board_immigration_appeals_eoir_ag_doj	Direct	‘The Board is the highest administrative body for interpreting and applying immigration laws. ... In addition, the Board is responsible for recognition of organizations and accreditation of representatives requesting permission to practice before DHS, the Immigration Courts, and the Board. Decisions of the Board are binding on all DHS immigration officials and Immigration Judges unless modified or overruled by the Attorney General or a federal court. ... In addition, the Board provides guidance to practitioners in the immigration field, including Immigration Judges, DHS, and private attorneys and alien representatives, through the publication of decisions of precedential value.’ ¹⁵¹⁹ The BIA decides asylum cases and cases related to access to asylum, while also being responsible for recognising and accrediting organisations and representatives who work with asylum seekers, among others.
Referred Operation Streamline	chief_immigration_judge_eoir_ag_doj	Indirect	‘OCIJ provides overall program direction, articulates policies and procedures, and establishes priorities for more than 200 United States Immigration Judges located in 53 Immigration Courts throughout the Nation.’ ¹⁵²⁰ Immigration Judges conduct immigration court proceedings and make decisions in cases, including asylum, Convention Against Torture, and withholding of removal cases. The OCIJ is responsible for policies and procedures with an impact on how Immigration Judges handle and decide cases, including the quota system and other major changes with significant consequences for people seeking asylum in immigration court. ¹⁵²¹

¹⁵¹⁷ ‘Organization, Mission and Functions Manual: Executive Office for Immigration Review’, *The United States Department of Justice* (Web Page, 5 October 2020) <<https://www.justice.gov/jmd/organization-mission-and-functions-manual-executive-office-immigration-review>>.

¹⁵¹⁸ ‘Office of the Director’, *The United States Department of Justice* (Web Page, 2 August 2021) <<https://www.justice.gov/eoir/office-of-the-director>>.

¹⁵¹⁹ ‘Organization, Mission and Functions Manual: Executive Office for Immigration Review’, *The United States Department of Justice* (Web Page, 5 October 2020) <<https://www.justice.gov/jmd/organization-mission-and-functions-manual-executive-office-immigration-review>>.

¹⁵²⁰ Ibid.

¹⁵²¹ Ibid.

Referred Operation Streamline	general_counsel_eoir_ag_doj	Indirect	The OGC has a significant hand in the development of regulations and policy for EOIR, which can often directly influence the cases of asylum seekers and other applicants for protection. For example, immigration judge case quotas severely restricted the ability of judges to schedule asylum hearings for the time necessary to thoroughly present evidence and take testimony. Prior to the change, it was routine for asylum hearings to be scheduled for a full day to take testimony and evidence, but not after. Also, the change in timing for submission of an application, among other things.
Referred Operation Streamline	administration_eoir_ag_doj	Indirect	‘Specifically, the Office of Administration supports the following areas: appropriations, budget and financial management, contracts and procurement, human resources, security, space and facilities management, and logistics.’ ¹⁵²² This office also works on issues that impact immigration judge employment reviews, case quotas, the status and relationship with the National Association of Immigration Judges (the Immigration Judge's union), which can influence the cases of asylum seekers, as outlined above.
Referred Operation Streamline	information_tech_eoir_ag_doj	Indirect	OIT is responsible for EOIRs online filing systems, which include extremely limited functionality in comparison with the online filing and case management systems of the federal court system. ¹⁵²³ Problems with EOIR filing are routine, particularly in asylum cases, which require asylum applications to be fee’d in with the court administration prior to filing the application in open court. BIA appeals must be filed on paper, which also causes routine and significant issues with the timeliness of filings and the issuance of filing receipts.
Referred Operation Streamline	policy_eoir_ag_doj	Indirect	The EOIR Office of Policy ‘is responsible for all agency policy and regulatory review and development; internal and external communications; oversight of pro bono and legal orientation program activities; and legal education, research, and certifications.’ ¹⁵²⁴ The work of this Office encompasses work on asylum and other forms of protection, as well as policies and processes related to the administration of EOIR and its courts, as well as the ability of litigants to access counsel and other related issues.
Referred Operation Streamline	communication_leg_affairs_policy_eoir_ag_doj	Direct	The Communications and Legislative Affairs Division (CLAD) liaises with Congress on agency issues that impact asylum seekers, including case quotas, the court backlog, and a myriad of other policy and legal questions. This office also manages EOIR’s Law Library and Immigration Research Center, which are critical tools for EOIR, as well as a Virtual Law Library upon which many legal representatives and individuals presenting asylum cases before EOIR rely.

¹⁵²² ‘Office of Administration’, *The United States Department of Justice* (Web Page, 29 March 2021) <<https://www.justice.gov/eoir/office-administration>>.

¹⁵²³ Holly Furman, ‘Immigration Courts are Rolling Out an Electronic Filing Pilot Program in July’, *Immigration Impact* (Blog Post, 6 July 2018) <www.immigrationimpact.com/2018/07/06/immigration-courts-electronic-filing-pilot-program/>.

¹⁵²⁴ ‘Office of Policy’, *The United States Department of Justice* (Web Page, 13 January 2021) <<https://www.justice.gov/eoir/office-of-policy>>.

Referred Operation Streamline	immigration_law_policy_eoir_ag_doj	Indirect	The Immigration Law Division 'is responsible for drafting regulations, coordinating legal policy development and drafting policy memoranda as necessary, and coordinating the review of proposed legislation.' ¹⁵²⁵ This includes regulations, policy, and legislation relating to asylum and issues that impact upon asylum seekers, including access to the asylum process.
Referred Operation Streamline	legal_education_research_services_policy_eoir_ag_doj	Indirect	The Legal Education and Research Services Division (LERS) develops and coordinates legal training for judges, attorneys, and others within EOIR who directly work in adjudicative functions. This includes training (or lack of training) relating to asylum and specific issues that impact upon asylum seekers.
Referred Operation Streamline	legal_access_programs_policy_eoir_ag_doj	Direct	OLAP programs include the Recognition and Accreditation Program of non-attorney 'Accredited Representatives', the List of Pro Bono Legal Service Providers, the Legal Orientation Program through which 'nonprofit organizations provide comprehensive explanations about immigration court procedures along with other basic legal information to large groups of detained individuals' and various other initiatives that directly impact asylum seekers' ability to find counsel, and/or raise and litigate protection claims. ¹⁵²⁶
Referred Operation Streamline	executive_office_us_attorneys_ag_doj	Direct	The work of the Executive Office for United States Attorneys encompasses litigation relating to civil and criminal immigration issues which impact asylum seekers and their ability to pursue or seek protection.
Referred Operation Streamline	legislative_affairs_ag_doj	Indirect	The Office of Legislative Affairs (OLA) is 'the coordinating center for all Department of Justice activities relating to legislation and the Congress.' ¹⁵²⁷ OLA advises DOJ components on the development of official policies through legislation relating to asylum and the ability of asylum seekers to raise and pursue asylum claims, among other things. The Office also deals with DOJ nominees who may have a significant impact on asylum law, while also dealing with congressional oversight which can also have a significant impact on DOJ policy and operation.
Referred Operation Streamline	legal_policy_ag_doj	Indirect	The Office of Legal Policy (OLP) develops and implements significant DOJ policy initiatives and handles special projects that involve the asylum framework and asylum seekers ability to access that framework. OLP also reviews and coordinates all DOJ regulations and conducts policy reviews of legislation and other proposals, including those relating to asylum or asylum seekers.
Referred Operation Streamline	legal_counsel_ag_doj	Indirect	'The major functions of OLC are to: Draft the Attorney General's formal opinions and render its own opinions to the White House and to the heads of executive departments and agencies on a variety of legal questions involving the operations of the executive branch. Review as to form and legality all

¹⁵²⁵ 'Immigration Law Division', *The United States Department of Justice* (Web Page, 3 January 2020) <<https://www.justice.gov/eoir/immigration-law-division>>.

¹⁵²⁶ 'Legal Orientation Program', *The United States Department of Justice* (Web Page, 24 July 2020) <www.justice.gov/eoir/legal-orientation-program>.

¹⁵²⁷ 'Organization, Mission and Functions Manual: Office of Legislative Affairs', *The United States Department of Justice* (Web Page, 5 October 2020) <<https://www.justice.gov/jmd/organization-mission-and-functions-manual-office-legislative-affairs>>.

			proposed Executive Orders, certain Presidential proclamations, and regulations requiring approval by the President or the Attorney General. Render opinions to the Attorney General and to the heads of the various organizational units of the Department on questions of law arising in the administration of the Department. Advise the Attorney General in connection with the review of decisions by the Board of Immigration Appeals and other organizational units of the Department. Prepare reports on proposed legislation submitted to the Department for comment, and reports to the Office of Management and Budget on enrolled bills. ¹⁵²⁸ This work includes legal questions, Executive Orders, Presidential proclamations, regulations, and the review of BIA decisions relating to asylum and the ability of asylum seekers to raise protection claims.
Referred Operation Streamline	public_affairs_ag_doj	Indirect	The Office of Public Affairs (PAO) ensures that DOJ messaging and talking points regarding its activities, priorities and policies reach the public in order to win, or sustain, public support of DOJ policies. This includes disseminating DOJ talking points regarding policies such as Zero Tolerance and other activities that may have a significant impact on asylum seekers and their ability to access protection.
Referred Operation Streamline	information_policy_ag_doj	Direct	‘The mission of OIP is to provide legal and policy advice to all agencies on administration of the FOIA. OIP is responsible for encouraging agency compliance with the law and for overseeing agency implementation of it.’ ¹⁵²⁹ FOIA is routinely used in immigration cases to obtain information on individual files in immigration cases, including asylum and other applications for protection. This office would have direct contact with an individual who appeals their DOJ FOIA result.
Referred Operation Streamline	us_marshals_service_ag_doj	Direct	The USMS ‘is the enforcement arm of the federal courts, involved in virtually every federal law enforcement initiative.’ ¹⁵³⁰ The USMS both houses and transports immigration detainees, including asylum seekers. ¹⁵³¹ ‘Increased immigration enforcement along the southwest border over the past several years has substantially impacted USMS operations, particularly in the Southern District of California, where detention resources are very limited. As a result of the increased workload, the USMS was increasingly required to house prisoners prosecuted in Southern California outside of the judicial district. To accommodate the increased detention population, the USMS collaborated with the DHS to repurpose a decommissioned Service Processing Center into a detention facility. After it

¹⁵²⁸ ‘Organization, Mission and Functions Manual: Office of Legal Counsel’, *The United States Department of Justice* (Web Page, 5 October 2020) <<https://www.justice.gov/jmd/organization-mission-and-functions-manual-office-legal-counsel>>.

¹⁵²⁹ ‘Organization, Mission and Functions Manual: Office of Information Policy’, *The United States Department of Justice* (Web Page, 5 October 2020) <<https://www.justice.gov/jmd/organization-mission-and-functions-manual-office-information-policy>>.

¹⁵³⁰ ‘Organization, Mission and Functions Manual: United States Marshals Service’, *The United States Department of Justice* (Web Page, 5 October 2020) <<https://www.justice.gov/jmd/organization-mission-and-functions-manual-united-states-marshals-service>>.

¹⁵³¹ United States Marshals Service, *United States Marshals Service: FY 2020 Annual Report* (USMS Pub 2, March 2021) 48.

			was renovated and put into use in March 2020, the facility was able to provide the USMS with 512 detention beds, increasing the district's detention capacity by nearly 25 percent. ¹⁵³²
Referred Operation Streamline	bureau_of_prisons_ag_doj	Direct	Foreign nationals with or without immigration status, including asylum seekers or those granted relief under the Convention Against Torture, withholding of removal, or asylum, are often held in BOP facilities. ¹⁵³³ BOP also held parents separated from their children during the Trump Administration's Zero Tolerance policy. ¹⁵³⁴
Referred Operation Streamline	national_institute_corrections_bop_ag_doj	Indirect	The National Institute of Corrections (NIC) provides 'assistance to federal, state, and local correctional agencies, and work to advance the practice of corrections throughout the country. Provide training, technical assistance, and clearinghouse services, and undertake research, evaluation, and policy formulation to advance correctional practices in many different areas.' ¹⁵³⁵ This includes correctional practices and policies that impact on the ability of people in civil immigration detention, including asylum seekers, to raise and pursue protection claims. This also includes policies that impact upon the ability of asylum seekers to access legal counsel and the ability of counsel to communicate with their clients throughout the course of a case.
Referred Operation Streamline	fbi_doj	Indirect	'While the FBI has no direct involvement in U.S. border security, in addition to our active participation with U.S. Intelligence Community and law enforcement partners abroad, the FBI as an agency, and the Legat program in particular works closely with State's Consular Affairs Office and Homeland Security by being an active participant in border security initiatives such as the visa waiver program, the visa viper program and related initiatives.' ¹⁵³⁶ Furthermore, the Department of Homeland Security and USCIS are the FBI's largest name check and fingerprint identification customers, relying upon information provided by FBI security checks, along with other intelligence information, to adjudicate immigration applications like asylum applications. ¹⁵³⁷ The FBI also provides information to ICE 'to identify noncitizens ICE sought to deport through matching fingerprint records submitted to the FBI by law enforcement and other sources with DHS records on noncitizens.' ¹⁵³⁸

¹⁵³² Ibid.

¹⁵³³ United States Department of Justice, 'Departments of Justice and Homeland Security Release Data on Incarcerated Aliens' (Media Release, 16 October 2020).

¹⁵³⁴ Interview with Participant 013 (Regina Jefferies, United States) on file with author.

¹⁵³⁵ 'Organization, Mission and Functions Manual: Federal Bureau of Prisons', *The United States Department of Justice* (Web Page, 5 October 2020) <<https://www.justice.gov/jmd/organization-mission-and-functions-manual-federal-bureau-prisons>>.

¹⁵³⁶ Evidence to the Committee on the Judiciary, United States House of Representatives, Washington, DC, 13 May 2003 (Roderick L Beverly, Special Agent in Charge, Office of International Operations).

¹⁵³⁷ US Department of Justice Office of the Inspector General, *The Federal Bureau of Investigation's Security Check Procedures for Immigration Applications and Petitions* (Audit Report, No 08-24, June 2008) ii.

¹⁵³⁸ 'About the Data – ICE Removals under Secure Communities', *TRAC Immigration* (Web Page, 2019) <https://trac.syr.edu/phptools/immigration/secure/about_data.html>.

Referred Operation Streamline	info_mgmt_fbi_doj	Indirect	The FBI's Information Management Division 'regularly responds to name check requests from approximately 50 authorized federal agencies to determine whether a specific individual has been the subject of or mentioned in any FBI investigation, and if so, what—if any—relevant information may be disseminated to the requesting agency. The NNCP also conducts name searches in direct support of the counterterrorism, counterintelligence, and homeland security efforts of the FBI. In addition, the Information Management Division responds to a large number of Freedom of Information Act and Privacy Act requests every year from the news media, citizens, and others around the world.' ¹⁵³⁹ Asylum seekers are among the subjects of name check requests and name searches, which are used in removal proceedings and to adjudicate immigration benefit applications. FOIA and Privacy Act requests may also involve asylum seekers.
Referred Operation Streamline	crim_justice_info_services_fbi_doj	Indirect	'The CJIS Division was established in February 1992 out of the former Identification Division to serve as the focal point and central repository for criminal justice information services in the FBI. ... In addition, responsibility for several ongoing technological initiatives was transferred to the CJIS Division, including the Integrated Automated Fingerprint Identification System (IAFIS), NCIC 2000, and the National Incident-Based Reporting System (NIBRS).' ¹⁵⁴⁰ These systems are used to vet and run background and other security checks on people applying for affirmative asylum, or asylum seekers in removal proceedings, among others.
Referred Operation Streamline	national_crime_info_center_cjis_fbi_doj	Indirect	The National Crime Information Center (NCIC) is part of the Criminal Justice Information Services Division (CJIS) and 'is a computerized index of criminal justice information (i.e.- criminal record history information, fugitives, stolen properties, missing persons).' ¹⁵⁴¹ This information is used to vet and run background and other security checks on people applying for affirmative asylum, or asylum seekers in removal proceedings, among others.
Referred Operation Streamline	national_security_fbi_doj	Indirect	The NSB blends 'resources across all national security components to work together; normalize integration, training, and sharing; and seize upon every opportunity to disrupt and defeat our enemies as a joint team.' ¹⁵⁴² This information is used to vet and run background and other security checks on people applying for affirmative asylum, or asylum seekers in removal proceedings, among others.
Referred Operation Streamline	terrorist_screening_center_nsb_fbi_doj	Indirect	'By supporting the ability of front-line screening agencies to positively identify known or suspected terrorists trying to obtain visas, enter the country, board aircraft, or engage in other activity, the consolidated Terrorist Watchlist is one of the most effective counterterrorism tools for the U.S.

¹⁵³⁹ 'Information Management', *FBI* (Web Page) <<https://www.fbi.gov/services/information-management>>.

¹⁵⁴⁰ 'Criminal Justice Information Services (CJIS)', *FBI* (Web Page) <<https://www.fbi.gov/services/cjis>>.

¹⁵⁴¹ 'National Crime Information Center (NCIC)', *Federal Bureau of Investigation* (Web Page, 2 June 2008) <<https://irp.fas.org/agency/doj/fbi/is/ncic.htm>>.

¹⁵⁴² 'National Security Branch', *FBI* (Web Page) <<https://www.fbi.gov/about/leadership-and-structure/national-security-branch>>.

			government.’ ¹⁵⁴³ This information is used to vet and run background and other security checks on people applying for affirmative asylum, or asylum seekers in removal proceedings, among others.
Referred Operation Streamline	intl_operations_crim_cyber_response_services_fbi_doj	Indirect	The legats ‘establish and maintain liaison with principal law enforcement and security services in designated foreign countries. ... Liaison is carried out in accordance with executive orders, statutes, treaties, Attorney General Guidelines, FBI policies, and interagency agreements.’ ¹⁵⁴⁴ This includes liaising on immigration, human smuggling, and other issues that impact the ability of asylum seekers to move and access protection in the US.
Referred Operation Streamline	interpol_washington_ag_doj	Indirect	The exchange of information through INTERPOL may include information related to people fleeing persecution in their home countries, including INTERPOL notices issued for political or other purposes. ¹⁵⁴⁵ INTERPOL Washington also has a Border Security Division through which projects such as Project TERMINUS, ‘an automated system for uploading ... stolen and lost travel documents into INTERPOL’s Stolen and Lost Travel Documents (SLTD) database, a searchable repository containing more than 100 million records that can be queried by law enforcement and border security authorities in all 194 INTERPOL member countries.’ ¹⁵⁴⁶ This can also impact asylum seekers attempting to use false or stolen documents to access protection.
Referred Operation Streamline	professional_responsibility_ag_doj	Direct	‘OPR’s primary responsibility is to investigate allegations that Department attorneys, prosecutors, and immigration judges have committed misconduct while performing their duties to investigate, litigate, or give legal advice. OPR also investigates certain misconduct allegations involving federal law enforcement agents when they relate to a Department attorney’s alleged professional misconduct, as well as claims of reprisal against FBI whistleblowers.’ ¹⁵⁴⁷ Misconduct may include that committed in the context of asylum cases, as well as misconduct relating to claims of reprisal against whistleblowers raising claims which may relate to asylum seekers or the asylum system.
Referred Operation Streamline	inspector_general_ag_doj	Direct	‘The OIG investigates alleged violations of criminal and civil laws by DOJ employees and also audits and inspects DOJ programs.’ ¹⁵⁴⁸ The OIG has jurisdiction to review the programs and personnel of the FBI, BOP, US Marshals, US Attorneys, and all other organisations in the DOJ. Many of these

¹⁵⁴³ Ibid.

¹⁵⁴⁴ ‘International Operations’, *FBI* (Web Page) <<https://www.fbi.gov/about/leadership-and-structure/international-operations>>.

¹⁵⁴⁵ See Fair Trial, *Dismantling the Tools of Oppression: Ending the Misuse of INTERPOL* (Report, 2018).

¹⁵⁴⁶ US Department of Justice, ‘INTERPOL Washington Assists the Republic of Maldives in Enhancing its Border Security Capabilities.’ (Media Release, 1 March 2021) <<https://www.justice.gov/interpol-washington/pr/interpol-washington-assists-republic-maldives-enhancing-its-border-security>>.

¹⁵⁴⁷ ‘Office of Professional Responsibility’, *The United States Department of Justice* (Web Page) <<https://www.justice.gov/opr#:~:text=OPR's%20primary%20responsibility%20is%20to,litigate%2C%20or%20give%20legal%20advice.&text=Additional%20information%20about%20the%20relationship,OIG%20can%20be%20found%20here.>>.

¹⁵⁴⁸ ‘About the Office’, *US Department of Justice, Office of Inspector General* (Web Page) <<https://oig.justice.gov/about>>.

			programs and personnel work directly on asylum law, or on policies, programs and issues relating to the asylum framework or asylum seekers.
Referred Operation Streamline	violence_against_women_ag_doj	Indirect	‘OVW administers both formula-based and discretionary grant programs, established under VAWA and subsequent legislation. The four formula programs are STOP (Services, Training, Officers, Prosecutors), SASP (Sexual Assault Services Program), State Coalitions, and Tribal Coalitions. The discretionary programs work to support victims and hold perpetrators accountable through promoting a coordinated community response.’ ¹⁵⁴⁹ VAWA-funded grantees serve victims who identify as immigrants, refugees, or asylum seekers. ¹⁵⁵⁰
Referred Operation Streamline	national_association_immigration_judges	Indirect	The NAIJ’s ‘current priorities include pursuing enhancement of resources for our severely under-resourced courts and increasing judicial independence through structural reform. We represent our members in collective bargaining, defend them in individual grievances, pursue remedies through arbitration and participate in on-going liaison activities with Agency management. We advocate to improve the quality of our members’ work environment and work life, to improve judicial security and to reduce work related burnout and stress.’ ¹⁵⁵¹ This includes pursuing resources and reform that impact the impartiality of the immigration courts, the quality of immigration court decision-making, and access to the immigration courts, all of which impact the cases of asylum seekers and the ability of people to raise asylum claims.
Referred Operation Streamline	special_operations_group_usms_doj	Direct	SOG may come into contact with asylum seekers or others in need of international protection in the course of deployments, including when executing warrants and transporting detainees, or in fugitive and manhunt operations.
Referred Operation Streamline	judicial_conference_united_states	Indirect	The Judicial Conference of the United States makes policies for the federal courts that may impact upon the ability of asylum seekers to raise claims, secure release from detention to pursue claims, and related issues. The Judicial Conference also comments on how immigration law and policy changes might impact the federal court system and advocates for changes and resourcing needed to adjudicate cases. ¹⁵⁵²
Referred Operation Streamline	circuit_judicial_councils_judicial_conference	Indirect	The Circuit Judicial Councils operate in each geographic circuit to oversee ‘the administration of courts located in that circuit.’ ¹⁵⁵³ The Judicial Council of the Ninth Circuit declared a judicial emergency in 2011, as a result of the massive increase in criminal cases filed in the district due to increased border enforcement. The Council noted that ‘Operation Streamline’, a program that

¹⁵⁴⁹ ‘About the Office’, *The United States Department of Justice* (Web Page, 25 January 2021) <<https://www.justice.gov/ovw/about-office>>.

¹⁵⁵⁰ US Department of Justice Office on Violence Against Women, *2018 Biennial Report* (Report to Congress, 2018) 13-14.

¹⁵⁵¹ ‘About the NAIJ’, *National Association of Immigration Judges* (Web Page, 2021) <<https://www.naij-usa.org/about>>.

¹⁵⁵² Letter from Thomas F Hogan, Secretary of the Judicial Conference of the United States, to Senator Charles E Grassley, 7 May 2013.

¹⁵⁵³ ‘Governance & the Judicial Conference’, *United States Courts* (Web Page) <<https://www.uscourts.gov/about-federal-courts/governance-judicial-conference>>.

			requires criminal prosecution and imprisonment of all individuals unlawfully crossing the border, eliminated the discretion traditionally reserved by United States Attorney's offices to limit prosecution to immigrants with criminal records or previous illegal border-crossings. ¹⁵⁵⁴ This program has led to a growing number of federal criminal prosecutions in all districts bordering Mexico and includes the prosecution of asylum seekers, which impacts their ability to raise or pursue a claim.
Referred Operation Streamline	federal_judicial_center	Indirect	The Federal Judicial Center 'is the research and education agency of the judicial branch of the United States Government.' ¹⁵⁵⁵ The FJC produces reports and educational materials for federal judicial personnel in topic areas like immigration and international human rights law, which impact asylum seekers. ¹⁵⁵⁶
Referred Operation Streamline	federal_district_courts	Direct	District Courts frequently hear challenges to the detention of asylum seekers, as well as criminal cases relating to unlawful entry or re-entry that may be brought against asylum seekers under federal policy. They may also receive mandamus and other special cases involving asylum seekers, including civil class action litigation on 'metering', the detention of minors, and other types of systemic issues.
Referred Operation Streamline	federal_courts_of_appeals	Direct	The Courts of Appeals hear a variety of appeals in immigration cases, relating to anything from asylum and other international protection claims, as well as whether a person seeking international protection should be detained.
Referred Operation Streamline	us_supreme_court	Direct	The Supreme Court has the final word on asylum and related cases litigated before the federal courts, which serve as precedent for the lower courts and agencies.
Referred Operation Streamline	federal_defender	Direct	Federal defender organizations and CJA panel attorneys represent asylum seekers and others charged in federal criminal proceedings.
Referred Operation Streamline	administrative_conference_us	Indirect	ACUS' research and recommendations frequently overlap, or directly address, administrative law issues in the immigration space, which include issues relating to asylum seekers and their ability to access protection.
Referred Operation Streamline	privacy_and_civil liberties_oversight_board	Indirect	The Board provides oversight and advice on actions related to the use of things like facial recognition technologies, or even policies mandating disclosure of personal information of immigrants that might have an adverse or other impact on people in vulnerable situations seeking asylum.
Referred Operation Streamline	department_of_state	Indirect	'At home and abroad, the Department helps protect U.S. national borders through sharing of information within and between foreign governments by improving passport security and implementing effective visa adjudication processes that deny access to individuals who pose risks to U.S. national security. The Department's diplomatic engagement on counterterrorism and homeland

¹⁵⁵⁴ Judicial Council of the Ninth Circuit, *In Re: Approval of the Judicial Emergency Declared in the District of Arizona* (Decision, 2 March 2011) 1-7.

¹⁵⁵⁵ 'About the FJC', *Federal Judicial Center* (Web Page) <<https://www.fjc.gov/node/12506>>.

¹⁵⁵⁶ See, eg Federal Judicial Center, *International Human Rights Litigation: A Guide for Judges* (International Litigation Guide, 2016).

			security increases two way information sharing on known and suspected terrorists, risk-based border management, and threat-based security and border screening at all land, air, and sea borders ¹⁵⁵⁷ Among other things, State engages in actions that inhibit or prevent the movement of people seeking asylum and also provides country reports and human rights reports that are used in asylum litigation.
Referred Operation Streamline	population_refugees_migration_state	Indirect	The Bureau of Population, Refugees, and Migration (PRM) ‘is the U.S. government’s lead for international migration policy’. ¹⁵⁵⁸ PRM undertakes to ‘defend the sovereign right of the United States to regulate the entry and stay of foreign nationals; resist attempts to introduce “global governance” of international migration; press countries to facilitate the repatriation of their nationals when we seek to return them; promote well-managed, legal forms of immigration that protect vulnerable people; and seek to address the root causes in origin countries of illegal immigration.’ ¹⁵⁵⁹ All of these issues may impact asylum seekers ability to seek and enjoy protection from persecution, particularly where PRM takes the view that ‘[t]he illegal movement of people across international borders threatens national security and public safety’. ¹⁵⁶⁰ Interestingly, until 2017, the PRM's mission was to ‘protect and assist asylum-seekers and other vulnerable migrants, and to advance effective and humane international migration policies, in order to enhance stability and security and promote human rights.’ ¹⁵⁶¹ PRM also administers programs ‘to deter illegal immigration and promote well-managed, legal forms of immigration’, which may prevent asylum seekers from reaching the US to access protection. ¹⁵⁶² PRM has also been UNHCR's largest donor and PRM and UNHCR regularly renew a bilateral framework for cooperation. ¹⁵⁶³
Referred Operation Streamline	international_migration_prm_state	Indirect	The Office of International Migration (OIM) ‘works to promote well-managed, legal forms of immigration through bilateral and multilateral diplomacy and targeted capacity-building programs.’ ¹⁵⁶⁴ PRM and OIM are key in the current US strategy to stop the movement of asylum seekers from Central America to the United States. ‘President Biden and Vice President Harris have

¹⁵⁵⁷ US Department of State and US Agency for International Development, *Joint Strategic Plan: FY 2018-2022* (Report, February 2018) 32.

¹⁵⁵⁸ ‘International Migration: Bureau of Population, Refugees, and Migration’, *US Department of State* (Web Page) <<https://www.state.gov/other-policy-issues/international-migration/>>.

¹⁵⁵⁹ Ibid.

¹⁵⁶⁰ Ibid.

¹⁵⁶¹ ‘Archived Content: International Migration’, *US Department of State* (Web Page, 2017) <<https://2009-2017.state.gov/j/prm/migration/index.htm>>.

¹⁵⁶² ‘International Migration: Bureau of Population, Refugees, and Migration’, *US Department of State* (Web Page) <<https://www.state.gov/other-policy-issues/international-migration/>>.

¹⁵⁶³ See *Framework for Cooperation between the Office of the UN High Commissioner for Refugees and the Bureau of Population, Refugees and Migration, U.S. Department of State for the Year 2010-2011* (signed 21 April 2010).

¹⁵⁶⁴ ‘International Migration: Bureau of Population, Refugees, and Migration’, *US Department of State* (Web Page) <<https://www.state.gov/other-policy-issues/international-migration/>>.

			set out an ambitious, multi-pronged approach to address the root causes of irregular migration and strengthen collaborative migration management across Central America. ... The Vice President's announcement of \$310 million in increased assistance in the region includes \$104 million through the State Department's Bureau of Population, Refugees, and Migration ¹⁵⁶⁵
Referred Operation Streamline	civilian_security_democracy_human_rights_state	Indirect	The Under Secretary for Civilian Security, Democracy, and Human Rights oversees the Bureau of Democracy, Human Rights, and Labor, which produces country reports on human rights that are used in asylum adjudications.
Referred Operation Streamline	democracy_human_rights_labor_cdh_state	Indirect	The Bureau of Democracy, Human Rights and Labor produces annual country human rights reports that are used in asylum, withholding and CAT adjudications.
Referred Operation Streamline	intl_narcotics_law_enforcement_affairs_state	Indirect	'INL designs, plans, and funds foreign assistance programs to address aspects of border security including: cross-border crimes, maritime security, aviation security, migrant smuggling, and trafficking in persons. This includes sponsoring training, workshops, and technical support provided by other U.S. agencies and international organizations. ... INL programs help deter and prevent the flow of illegal migrants into the United States as part of the U.S. National Strategy to Combat Transnational Organized Crime, as well as other national security-related strategies.' ¹⁵⁶⁶ INL efforts aim to prevent people without visas or travel authorisation, including asylum seekers, from travelling through third countries and reaching the United States. INL also trains foreign police and military in border security in order to stop people, including asylum seekers, from moving without visas or travel authorisation.
Referred Operation Streamline	usaid	Direct	'Through diplomacy and development, the Department and USAID work to reduce poor governance and weak institutions, lack of economic opportunity, corruption, and persistent human rights abuses, which otherwise contribute to transnational crime, illegal immigration, and the spread of pandemic diseases.' ¹⁵⁶⁷ USAID also works to prevent people without visas or travel authorisation, including asylum seekers, from travelling through third countries and reaching the United States. USAID also contributes to training foreign police and military in border security in order to stop people, including asylum seekers, from moving without visas or travel authorisation.
Referred Operation Streamline	iom	Direct	'The Western Hemisphere Program is implemented by the International Organization for Migration and financed by the U.S. Department of State Bureau of Population, Refugees and Migration.' ¹⁵⁶⁸ IOM runs programs to strengthen border security and migration management, to prevent the irregular

¹⁵⁶⁵ Anthony J Blinken, Secretary of State, 'Providing Humanitarian Assistance to Support the Vice President's Leadership in Addressing Migration Challenges in Central America' (Press Statement, US Department of State, 27 April 2021).

¹⁵⁶⁶ 'Border Security/Migrant Smuggling', *US Department of State* (Web Page) <<https://www.state.gov/border-security-migrant-smuggling-2/>>.

¹⁵⁶⁷ US Department of State and US Agency for International Development, *Joint Strategic Plan: FY 2018-2022* (Report, February 2018) 32.

¹⁵⁶⁸ 'About Us', *IOM* (Web Page, 2020) <<https://programamesoamerica.iom.int/en/about-us>>.

			movement of people -- including asylum seekers -- in Latin America and the Caribbean. For example, '[o]ver 100 thousand Haitians living in border areas cross into the Dominican Republic each week, and an estimated 2 out of every 3 of the 230 thousand recorded Haitian migrants do not have any form of documentation. Many of these people are exposed to human trafficking and migrant smuggling. In this context, IOM Haiti is acting to strengthen border security and migration management.' ¹⁵⁶⁹
Referred Operation Streamline	contract_guards	Direct	US Customs and Border Protection uses an extensive range of contractors to perform tasks such as transporting people apprehended 'within and across Border Patrol sectors and ports while in CBP's custody.' ¹⁵⁷⁰ 'In 2006, in order to meet the need for transporting individuals apprehended along the southwest border and to minimize the use of agents and officers performing guard and transportation duties, CBP began contracting for these services.' ¹⁵⁷¹ At the San Ysidro Port of Entry, CBP used Paragon contract guards. ¹⁵⁷²
Referred Operation Streamline	migration_crisis_action_team_cbp	Indirect	'U.S. Customs and Border Protection (CBP) continues to overcome the various demands of unlawful migration along the Southwest border of the United States. To facilitate its efforts, CBP convened a Migration Crisis Action Team (MCAT) to oversee its efforts and milestones through a whole-of-agency approach. The MCAT provides senior leadership with situational awareness, analysis, and strategic plans to manage current and future migration surge events.' ¹⁵⁷³ These migration 'surges' have included large numbers of asylum seekers, including children and other vulnerable populations. The actions and policies undertaken by MCAT have a direct impact on the ability of asylum seekers to raise and pursue a protection claim.
Referred Operation Streamline	national_guard	Direct	About 3,500 National Guard troops from 22 states are currently assisting Customs and Border Protection (CBP) in a mission along the southern border funded through September. ¹⁵⁷⁴ 'Any spotted attempts to cross the border are reported to CBP, with the Guardsmen uninvolved with apprehension

¹⁵⁶⁹ 'IOM Haiti implements MIDAS to improve security and border management', *IOM* (Web Page, 5 November 2019) <<https://programamesoamerica.iom.int/en/news/iom-haiti-implements-midas-improve-security-and-border-management>>.

¹⁵⁷⁰ Government Accountability Office, *U.S. Customs and Border Protection Contracting for Transportation and Guard Services for Detainees* (Report, GAO-17-89R, 2016) 1-2.

¹⁵⁷¹ *Ibid* at 2.

¹⁵⁷² Exhibit 8 in Support of Plaintiffs' Memorandum of Points and Authorities in Support of their Motion for Summary Judgment (Redacted Version), *Al Otro Lado*, 327 F Supp 3d 1284 (No 535-10) 18.

¹⁵⁷³ US Customs and Border Protection, FOIA Division, *Freedom of Information Act Response* (DHS-CBP-18-0692, 26 February 2020) 000001.

¹⁵⁷⁴ Ellen Mitchell, 'Pentagon could extend National Guard mission at southern border', *The Hill* (online, 16 March 2021) <<https://thehill.com/policy/defense/543505-pentagon-could-extend-national-guard-mission-at-southern-border>>.

			or detention efforts, he added. ¹⁵⁷⁵ Spotted attempts to cross the border include attempts made by people seeking asylum.
Referred Operation Streamline	fish_wildlife_service	Direct	‘In addition to cooperating with CBP, these land management federal law enforcement officers also often cooperate with local police forces, in what the Department of Interior identifies as a “whole government approach”. Such was the case when the US Fish and Wildlife Service used a mobile app from the Automated Regional Justice Information System to run more than 200 facial recognition requests off the San Diego mugshot database between 2016 and 2018.’ ¹⁵⁷⁶ Fish and Wildlife officials regularly encounter and report people, including asylum seekers, crossing between ports of entry to CBP. Officials also arrest members of NGOs that provide humanitarian relief to border crossers.
Referred Operation Streamline	house_of_representatives	Indirect	The House drafts and passes legislation related to asylum and immigration, while also conducting Executive Branch oversight activities for agencies like DHS.
Referred Operation Streamline	senate	Indirect	The Senate drafts and passes legislation related to asylum and immigration, while also conducting investigations into the executive branch, and reviewing and approving (or rejecting) presidential appointees to agencies such as the Departments of Justice, State, and others that have an impact on asylum law and policy. The Senate also may approve, amend, or adopt changes to treaties, including the <i>1967 Protocol</i> and other treaties relating to <i>non-refoulement</i> .
Referred Operation Streamline	committee_homeland_security_house	Indirect	‘The Committee was first formed as a Select, non-permanent Committee to provide Congressional oversight over the development of the Department of Homeland Security. The Committee was made permanent when it was designated as a Standing Committee of the House on January 4, 2005, the first day of the 109th Congress.’ ¹⁵⁷⁷ The CBP Border, Air & Marine Operations Directorate ‘collaborates regularly with Congressional staff’ from this committee, in working with the DHS Office of Congressional Affairs on CBP policy and actions relating to border enforcement operations and other policies and practices that directly or indirectly impact people’s ability to raise and pursue asylum claims. ¹⁵⁷⁸
Referred Operation Streamline	committee_homeland_security_gov_affairs_senate	Indirect	‘The Committee on Homeland Security and Governmental Affairs (HSGAC) is the Senate’s primary oversight committee with broad jurisdiction over government operations generally and the Department of Homeland Security in particular.’ ¹⁵⁷⁹ DHS Office of Congressional Affairs

¹⁵⁷⁵ Ibid.

¹⁵⁷⁶ Molly McCluskey, ‘US border national parks increasingly fortified by surveillance’, *Aljazeera* (online, 6 March 2020) <<https://www.aljazeera.com/features/2020/3/6/us-border-national-parks-increasingly-fortified-by-surveillance>>.

¹⁵⁷⁷ ‘Committee History’, *Committee on Homeland Security* (Web Page) <<https://homeland.house.gov/about/committee-history>>.

¹⁵⁷⁸ ‘OCA Directorates’, *US Customs and Border Protection* (Archived Web Page, 11 June 2021) <<https://web.archive.org/web/20210611194608/https://www.cbp.gov/accordion-page/oca-directorates>>.

¹⁵⁷⁹ ‘Jurisdiction and Rules’, *US Senate Committee on Homeland Security & Governmental Affairs* (Web Page) <<https://www.hsgac.senate.gov/about/jurisdiction>>.

			‘collaborates regularly with Congressional staff’ from this committee on CBP policy and actions relating to border enforcement operations and other policies and practices that directly or indirectly impact people’s ability to raise and pursue asylum claims. ¹⁵⁸⁰
Referred Operation Streamline	committee_judiciary_house	Indirect	The House Judiciary Committee is involved in ‘protecting Constitutional freedoms and civil liberties, oversight of the U.S. Departments of Justice and Homeland Security, legal and regulatory reform, innovation, competition and anti-trust laws, terrorism and crime, and immigration reform.’ ¹⁵⁸¹ This oversight includes holding hearings on DHS policies relating to asylum seekers and access to the asylum system, as well as introducing and passing legislation relating to the same issues. The DHS Office of Congressional Affairs ‘collaborates regularly with Congressional staff’ from this committee on CBP policy and actions relating to border enforcement operations and other policies and practices that directly or indirectly impact people’s ability to raise and pursue asylum claims. ¹⁵⁸²
Referred Operation Streamline	committee_judiciary_senate	Indirect	The Judiciary Committee oversees the Department of Justice and agencies under the Department’s jurisdiction, including those that have a direct and indirect impact on asylum as outlined above. The Judiciary Committee also plays a key role in consideration of nominations for high-ranking agency officials, and all Article III judicial nominations. These people can have a significant impact on policy and regulations relating to asylum and the ability of people to access asylum. The Senate Judiciary Committee also considers legislation, resolutions, messages, petitions, memorials and other matters relating to civil liberties and immigration, which includes asylum and legislation impacting access to asylum. DHS OCA ‘collaborates regularly with Congressional staff’ from this committee on CBP policy and actions relating to border enforcement operations and other policies and practices that directly or indirectly impact people’s ability to raise and pursue asylum claims. ¹⁵⁸³
Referred Operation Streamline	committee_appropriations_sub_homeland_security_house	Indirect	The Homeland Security Subcommittee holds hearings and drafts legislation on appropriations relating to the Department of Homeland Security. ¹⁵⁸⁴ In terms of immigration, for example, the Appropriations Committee passed a 2021 DHS appropriations bill that, among other things, ‘Reduces funding for Immigration and Customs Enforcement and sharply decreases detention beds, Phases out family detention by the end of 2020 ... Rejects the proposed hiring of additional Border Patrol agents ...’ ¹⁵⁸⁵ DHS Office of Congressional Affairs ‘collaborates regularly with Congressional staff’ from

¹⁵⁸⁰ ‘OCA Directorates’, *US Customs and Border Protection* (Archived Web Page, 11 June 2021) <<https://web.archive.org/web/20210611194608/https://www.cbp.gov/accordion-page/oca-directorates>>.

¹⁵⁸¹ ‘About’, *House Committee on the Judiciary* (Web Page) <<https://judiciary.house.gov/about/>>.

¹⁵⁸² ‘OCA Directorates’, *US Customs and Border Protection* (Archived Web Page, 11 June 2021) <<https://web.archive.org/web/20210611194608/https://www.cbp.gov/accordion-page/oca-directorates>>.

¹⁵⁸³ Ibid.

¹⁵⁸⁴ House Appropriations, *House Democrats’ \$4.5 Billion Supplemental Appropriations Bill to Address the Humanitarian Crisis at the Border* (Fact Sheet, 21 June 2019).

¹⁵⁸⁵ House Appropriations, *Fiscal Year 2021 Appropriations Bill At-a-Glance* (Fact Sheet, 2021).

			this committee in order ‘to ensure favorable consideration of CBP's budgetary requests and initiatives.’ ¹⁵⁸⁶
Referred Operation Streamline	committee_appropriations_sub_homeland_security_senate	Indirect	The Senate Appropriations Committee ‘writes the legislation that allocates federal funds to the numerous government agencies, departments, and organizations on an annual basis. Twelve subcommittees are tasked with drafting legislation to allocate funds to government agencies within their jurisdictions. These subcommittees are responsible for reviewing the President's budget request, hearing testimony from government officials and other witnesses, and drafting the spending plans for the coming fiscal year. Their work is passed on to the full Senate Appropriations Committee, which may review and modify the bills and approve them for consideration by the full Senate.’ ¹⁵⁸⁷ This includes legislation funding operations of the 'Department of Homeland Security, Analysis and Operations, Biometric Identity Management Office of [US-VISIT] ... Federal Emergency Management Agency, Federal Law Enforcement Training Center ... Inspector General ... U.S. Citizenship and Immigration Services, U.S. Coast Guard, U.S. Customs and Border Protection ... U.S. Immigration and Customs Enforcement ...’, which has direct and indirect impact on asylum seekers and their ability to raise and pursue a claim. ¹⁵⁸⁸ DHS Office of Congressional Affairs 'collaborates regularly with Congressional staff' from this committee in order ‘to ensure favorable consideration of CBP's budgetary requests and initiatives.’ ¹⁵⁸⁹
Referred Operation Streamline	committee_oversight_reform_house	Indirect	The House Committee on Oversight and Reform ‘is the main investigative committee in the U.S. House of Representatives.’ ¹⁵⁹⁰ Oversight responsibilities include the review on a continuing basis ‘the application, administration, execution, and effectiveness of laws and programs addressing subjects within its jurisdiction ... the organization and operation of Federal agencies and entities having responsibilities for the administration and execution of laws and programs addressing subjects within its jurisdiction ... any conditions or circumstances that may indicate the necessity or desirability of enacting new or additional legislation addressing subjects within its jurisdiction’. ¹⁵⁹¹ This includes the application, administration, execution and effectiveness of laws on asylum and which impact people’s ability to access asylum, as well as the organisation and operation of agencies that are directly and indirectly involved in the asylum framework. DHS Office of Congressional

¹⁵⁸⁶ ‘OCA Directorates’, *US Customs and Border Protection* (Archived Web Page, 11 June 2021) <<https://web.archive.org/web/20210611194608/https://www.cbp.gov/accordion-page/oca-directorates>>.

¹⁵⁸⁷ ‘Committee Jurisdiction’, *United States Senate Committee on Appropriations* (Web Page) <<https://www.appropriations.senate.gov/about/jurisdiction>>.

¹⁵⁸⁸ ‘Homeland Security’, *United States Senate Committee on Appropriations* (Web Page) <<https://www.appropriations.senate.gov/subcommittees/homeland-security>>.

¹⁵⁸⁹ ‘OCA Directorates’, *US Customs and Border Protection* (Archived Web Page, 11 June 2021) <<https://web.archive.org/web/20210611194608/https://www.cbp.gov/accordion-page/oca-directorates>>.

¹⁵⁹⁰ ‘About’, *House Committee on Oversight and Reform* (Web Page) <<https://oversight.house.gov/about>>.

¹⁵⁹¹ ‘Committee Jurisdiction’, *House Committee on Oversight and Reform* (Web Page) <<https://oversight.house.gov/about/committee-jurisdiction>>.

			Affairs ‘collaborates regularly with Congressional staff’ from this committee on issues relating to land ports of entry, CBP officer staffing, passenger targeting efforts, biometric entry-exit and other issues that may impact asylum seekers. ¹⁵⁹²
Referred Operation Streamline	committee_commerce_science_transport_senate	Indirect	The Senate Committee on Commerce, Science and Transportation reviews ‘all proposed legislation, messages, petitions, memorials, and other matters relating to the ... Coast Guard ... Interstate commerce ... Science, engineering, and technology research and development and policy ... Transportation. ... Such committee shall also study and review, on a comprehensive basis, all matters relating to science and technology, oceans policy, transportation, communications, and consumer affairs, and report thereon from time to time.’ ¹⁵⁹³ Matters relating to science and technology research and development and policy, as well as the Coast Guard, may have a direct or indirect impact on asylum seekers. DHS increasingly uses different types of technology to deter people from reaching the United States and thus accessing the asylum framework, as well as to vet and collect information about applicants for immigration benefits including asylum. The DHS Office of Congressional Affairs ‘collaborates regularly with Congressional staff’ from this committee on issues relating to land ports of entry, CBP officer staffing, passenger targeting efforts, biometric entry-exit and other issues that may impact asylum seekers. ¹⁵⁹⁴
Referred Operation Streamline	house_committee_energy_commerce	Indirect	The House Committee on Energy and Commerce ‘legislates on a wide variety of issues, including: ... privacy, cybersecurity and data security ... interstate and foreign commerce. The Committee also oversees several federal departments and agencies, including: ... Centers for Disease Control and Prevention ... Department of Homeland Security’. ¹⁵⁹⁵ The DHS Office of Congressional Affairs ‘collaborates regularly with Congressional staff’ from this committee on issues relating to land ports of entry, CBP officer staffing, passenger targeting efforts, biometric entry-exit and other issues that may impact asylum seekers. ¹⁵⁹⁶
Referred Operation Streamline	house_perm_select_committee_intelligence	Indirect	‘The House Permanent Select Committee on Intelligence oversees the nation’s intelligence agencies including components of the Departments of Defense, Homeland Security, Justice, State, Treasury and Energy.’ ¹⁵⁹⁷ The DHS Office of Congressional Affairs ‘collaborates regularly with

¹⁵⁹² ‘OCA Directorates’, *US Customs and Border Protection* (Archived Web Page, 11 June 2021) <<https://web.archive.org/web/20210611194608/https://www.cbp.gov/accordion-page/oca-directorates>>.

¹⁵⁹³ ‘Jurisdiction’, *US Senate Committee on Commerce, Science, & Transportation* (Web Page) <<https://www.commerce.senate.gov/jurisdiction>>.

¹⁵⁹⁴ ‘OCA Directorates’, *US Customs and Border Protection* (Archived Web Page, 11 June 2021) <<https://web.archive.org/web/20210611194608/https://www.cbp.gov/accordion-page/oca-directorates>>.

¹⁵⁹⁵ ‘About E&C’, *House Committee on Energy & Commerce* (Web Page) <<https://energycommerce.house.gov/about-ec>>.

¹⁵⁹⁶ ‘OCA Directorates’, *US Customs and Border Protection* (Archived Web Page, 11 June 2021) <<https://web.archive.org/web/20210611194608/https://www.cbp.gov/accordion-page/oca-directorates>>.

¹⁵⁹⁷ ‘About’, *US House of Representatives Permanent Select Committee on Intelligence* (Web Page) <<https://intelligence.house.gov/about/>>.

			Congressional staff” from this committee on issues relating to land ports of entry, CBP officer staffing, passenger targeting efforts, biometric entry-exit and other issues that may impact asylum seekers. ¹⁵⁹⁸
Referred Operation Streamline	senate_select_committee_intelligence	Indirect	‘The Committee’s staff reviews intelligence reports, budgets, and activities; investigates matters on behalf of the Committee; prepares legislation; and receives briefings.’ ¹⁵⁹⁹ ‘The topics for hearings include agency activities, intelligence collection programs, and intelligence analysis on a geographic region or issue ... The Committee writes an annual intelligence authorization bill that authorizes funding levels for intelligence activities (these set caps for agency funding) and provides legislative provisions that limit or allow intelligence conduct. ... On occasion, the Committee reviews intelligence aspects of treaties as part of the Senate’s ratification process. ... The Committee conducts reviews of intelligence programs or events, ranging from routine and continuing study (the conduct of covert action programs and intelligence operations) to formal inquiries. ... The Committee receives and reviews intelligence analysis on a broad range of topics to inform policy decisions.’ ¹⁶⁰⁰ The DHS Office of Congressional Affairs ‘collaborates regularly with Congressional staff’ from this committee on issues relating to land ports of entry, CBP officer staffing, passenger targeting efforts, biometric entry-exit and other issues that may impact asylum seekers. ¹⁶⁰¹
Referred Operation Streamline	congressional_budget_office	Indirect	‘CBO analyzes proposals to change federal policies regarding aviation and border security, emergency response, anticounterfeiting measures, the protection of federal infrastructure, cybersecurity, and other topics related to securing the nation from threats.’ ¹⁶⁰² CBO reports can influence the form and content of immigration legislation, including rules that impact asylum seekers.
Referred Operation Streamline	government_accountability_office	Indirect	‘GAO’s High-Risk List provides a road map for priority actions needed in agencies and program areas that we deem high risk due to their vulnerabilities to fraud, waste, abuse, and mismanagement, or are most in need of transformation. Areas on the HighRisk List cover some of the largest agencies and programs, including ... the Department of Homeland Security.’ ¹⁶⁰³ The GAO has issued numerous reports and recommendations of actions and policies of the Department of Homeland Security, including those related to Southwest Border Security and other measures that impact

¹⁵⁹⁸ ‘OCA Directorates’, *US Customs and Border Protection* (Archived Web Page, 11 June 2021) <<https://web.archive.org/web/20210611194608/https://www.cbp.gov/accordion-page/oca-directorates>>.

¹⁵⁹⁹ ‘About the Committee’, *US Senate Select Committee on Intelligence* (Web Page) <<https://www.intelligence.senate.gov/about>>.

¹⁶⁰⁰ Ibid.

¹⁶⁰¹ ‘OCA Directorates’, *US Customs and Border Protection* (Archived Web Page, 11 June 2021) <<https://web.archive.org/web/20210611194608/https://www.cbp.gov/accordion-page/oca-directorates>>.

¹⁶⁰² ‘Homeland Security’, *Congressional Budget Office* (Web Page) <<https://www.cbo.gov/topics/homeland-security>>.

¹⁶⁰³ Government Accountability Office, *Strategic Plan 2018-2023* (Report, GAO-18-1SP) 6.

			asylum seekers. ¹⁶⁰⁴ For example, GAO-21-144, <i>Southwest Border: DHS and DOJ Have Implemented Expedited Credible Fear Screening Pilot Programs, but Should Ensure Timely Data Entry</i> reviewed the screening pilot programs and found that DHS and DOJ did not have appropriate systems in place to accurately track data relating to expedited credible fear screening programs for asylum seekers.
Referred Operation Streamline	library_of_congress	Indirect	‘The Library is the main research arm of the U.S. Congress and the home of the U.S. Copyright Office.’ ¹⁶⁰⁵ ‘The Library serves Congress by providing access to its collection, as well as policy consultations, on-demand analysis, briefings, events, programs, and constituent engagement.’ ¹⁶⁰⁶ ‘Congress, the judiciary, and other federal agencies have reliable, round-the-clock access to reliable knowledge in print, online, and via consultation with scholars and experts from the Congressional Research Service, the U.S. Copyright Office, the Law Library, and the Kluge Center.’ ¹⁶⁰⁷ Library services include providing consultations, analysis, briefings, events, programs and other services related to asylum law and policy, as well as in relation to policies and laws which impact the ability of people to access and pursue a claim within the asylum system.
Referred Operation Streamline	congressional_research_service_loc	Indirect	‘The Congressional Research Service (CRS) works exclusively for the United States Congress, providing policy and legal analysis to committees and Members of both the House and Senate, regardless of party affiliation. As a legislative branch agency within the Library of Congress, CRS has been a valued and respected resource on Capitol Hill for more than a century. CRS is well-known for analysis that is authoritative, confidential, objective and nonpartisan. Its highest priority is to ensure that Congress has 24/7 access to the nation’s best thinking.’ ¹⁶⁰⁸ CRS provides policy and legal analysis in relation to asylum, as well as in relation to policies and laws which impact the ability of people to access and pursue a claim within the asylum system.
Referred Operation Streamline	instituto_nacional_de_migracion	Direct	INM is responsible for assisting in the maintenance of ‘lists’ of asylum seekers in Mexico waiting to be accepted for processing by CBP during the operation of metering at the southern border. INM would unofficially oversee the registration of asylum seekers on the informal lists, including standing by as volunteers called the names of people who would be processed that day, and then taking asylum seekers in a van for CBP processing at CBP's direction. People also might have contact with INM when being issued transit permits or humanitarian permits when crossing through Mexico.

¹⁶⁰⁴ ‘Homeland Security’, *US Government Accountability Office* (Web Page, 2021) <<https://www.gao.gov/topics/homeland-security/>>.

¹⁶⁰⁵ ‘About the Library’, *Library of Congress* (Web Page) <<https://loc.gov/about/>>.

¹⁶⁰⁶ ‘Enriching the Library Experience: The FY2019-2023 Strategic Plan of the Library of Congress’, *Library of Congress* (Web Page) <<https://loc.gov/strategic-plan/>>.

¹⁶⁰⁷ Ibid.

¹⁶⁰⁸ ‘Congressional Research Service Careers’, *Library of Congress* (Web Page) <<https://www.loc.gov/crsinfo/>>.

Referred Operation Streamline	grupos_beta_inm	Direct	‘[V]arious Mexican entities, including the military and Grupos Beta’ have been engaged in ‘preventing some asylum seekers from accessing U.S. ports of entry’. ¹⁶⁰⁹ ‘The Tijuana appointment system was initially developed by U.S. and Mexican officials as an ad hoc response to the arrival of large numbers of Haitians at three ports of entry in the San Diego border sector during the summer of 2016. The plan tasked Grupos Beta, the humanitarian branch of the Mexican immigration enforcement agency (INM), with providing these “appointments” for migrants and asylum seekers who did not have entry documents, to present themselves to CBP at a later day and time. This flawed appointment system was plagued with misinformation and abuse, leaving many asylum seekers stranded in Mexico. It has continued at the San Ysidro port of entry long after the number of Haitians attempting to enter the United States fell—and despite the much-touted decrease in arrivals along the border.’ ¹⁶¹⁰ ‘Since Central Americans are typically not issued a transit visa at Mexico’s southern border, they are effectively blocked from receiving an “appointment.” Grupos Beta has also refused appointments for individuals with legal status in Mexico, such as a tourist visa, blocking other nationalities that enter Mexico on visas from approaching U.S. officials to seek asylum.’ ¹⁶¹¹
Referred Operation Streamline	domestic_nongovernmental_organisations	Direct	Non-governmental organisations and other community volunteers in the United States that support asylum seekers, contribute to policy development and change, engage in community education, advocacy, and administration. These organisations also provide non-legal services to asylum seekers, such as detention visits, or assistance with shelter, transportation, food, or clothing.
Referred Operation Streamline	international_nongovernmental_organisations	Direct	Non-governmental organisations and other community volunteers outside the United States that support asylum seekers, contribute to policy development and change, engage in community education, advocacy, and administration. These organisations also provide non-legal services to asylum seekers, such as detention visits, or assistance with shelter, transportation, food, or clothing.
Referred Operation Streamline	unhcr	Indirect	UNHCR is responsible for providing international protection to refugees and other persons within its mandate, which includes asylum seekers. UNHCR fulfils its international protection mandate by, inter alia, ‘[p]romoting the conclusion and ratification of international conventions for the protection of refugees, supervising their application and proposing amendments thereto.’ ¹⁶¹² UNHCR has also increased its assistance to refugees and asylum seekers in Mexico, including through the construction of shelters, access to asylum and relocation assistance, and other forms of aid. ¹⁶¹³

¹⁶⁰⁹ Human Rights First, *Crossing the Line: U.S. Border Agents Illegally Reject Asylum Seekers* (Report, May 2017) 2.

¹⁶¹⁰ Ibid at 8.

¹⁶¹¹ Ibid.

¹⁶¹² *Statute of the Office of the United Nations High Commissioner for Refugees*, GA Res 428(V), UN Doc A/RES/428(V) (14 December 1950) annex [1].

¹⁶¹³ ‘UNHCR ramps up support for Mexico amid mounting asylum applications’, *UNHCR* (Briefing Note, 13 April 2021) <<https://www.unhcr.org/en-us/news/briefing/2021/4/607549864/unhcr-ramps-support-mexico-amid-mounting-asylum-applications.html#:~:text=UNHCR%2C%20the%20UN%20Refugee%20Agency,registered%2022%2C606%20new%20asylum%20applications>>.

Referred Operation Streamline	foreign_consulates	Direct	Foreign consulates may become involved in assisting their nationals who encounter US immigration enforcement officials, who may also raise asylum claims. For example, the Consulate of Guatemala, ¹⁶¹⁴ or the Mexican consulate in Arizona. ¹⁶¹⁵
Referred Operation Streamline	legal_service_providers	Direct	Foreign nationals in removal proceedings, including asylum seekers, do not have access to a public defender. ¹⁶¹⁶ Legal service providers including attorneys and BIA accredited representatives, provide a range of services including legal advice, legal orientation programs, assistance with pro bono placement, and direct representation in removal and bond proceedings, or parole requests. ¹⁶¹⁷ This is particularly important in asylum cases.
Referred Operation Streamline	translators_interpreters	Direct	‘All documents filed with the Immigration Court must be in the English language or accompanied by a certified English translation.’ ¹⁶¹⁸ All immigration court and federal court proceedings are also conducted in English and any documents filed with USCIS must also be in English. ‘Interpreters are provided at government expense to individuals whose command of the English language is inadequate to fully understand and participate in removal proceedings.’ ¹⁶¹⁹ Translators and interpreters are critical in asylum cases which often require translation of evidence and testimony which can make or break a case.
Referred Operation Streamline	doctors_physicians	Direct	Doctors and physicians are involved in conducting health evaluations in support of applications for asylum, and in providing health services to asylum seekers and other people in removal proceedings who are not detained.
Referred Operation Streamline	psychiatrists_psychologists	Direct	Psychiatrists and psychologists are involved in conducting forensic and other psychological evaluations in support of applications for asylum, as well as providing mental health services to asylum seekers and other people in removal proceedings who are not detained.
Referred Operation Streamline	interpol	Indirect	The exchange of information through INTERPOL may include information related to people fleeing persecution in their home countries, including INTERPOL notices issued for political or other purposes. ¹⁶²⁰
Referred Operation Streamline	united_nations_office_drugs_crime	Indirect	UNODC work includes work on criminalising ‘migrant smuggling’ pursuant to the United Nations Convention Against Transnational Organized Crime Protocol against the Smuggling of Migrants.

¹⁶¹⁴ Interview with Participant 002 (Regina Jefferies, United States) on file with author.

¹⁶¹⁵ Interview with Participant 006 (Regina Jefferies, United States) on file with author.

¹⁶¹⁶ ‘Adult Team’, *Florence Immigrant & Refugee Rights Project* (Web Page, 2021) <<https://firrp.org/what/adult-team/>>.

¹⁶¹⁷ ‘Immigrant Legal Defense Program’, *Justice & Diversity Center of the Bar Association of San Francisco* (Web Page, 2021) <<https://www.sfbar.org/jdc/immigrant-legal-defense/>>.

¹⁶¹⁸ Executive Office for Immigration Review, *Immigration Court Practice Manual* (EOIR, 16 November 2020) 43-44, rule 3.3.

¹⁶¹⁹ Ibid at 64, rule 4.11.

¹⁶²⁰ See Fair Trial, *Dismantling the Tools of Oppression: Ending the Misuse of INTERPOL* (Report, 2018).

			According to UNHCR, ‘[i]n order to combat human smuggling and trafficking, States have adopted, inter alia, the practice of “intercepting” persons travelling without the required documentation - whether in the country of departure, in the transit country, within territorial waters or on the high seas, or just prior to the arrival in the country of destination. In some instances, interception has affected the ability of asylum-seekers and refugees to benefit from international protection.’ ¹⁶²¹
Referred Operation Streamline	united_nations_human_rights_council	Direct	The UN Human Rights Council works to promote and protect human rights, which includes the right to life and various other rights that impact asylum seekers. For example, the 2021 <i>Report on means to address the human rights impact of pushbacks of migrants on land and sea</i> , submitted in accordance with Human Rights Council resolution 43/6, concluded that ‘in the absence of an individualized assessment for each migrant concerned and other procedural safeguards, pushbacks result in human rights violations incompatible with States’ obligations under international human rights law, in particular, the prohibition of collective expulsion and refoulement.’ ¹⁶²² Individuals, including asylum seekers, can also bring complaints before the UN HRC for violations of their human rights.
Referred Operation Streamline	five_eyes	Indirect	The Five Eyes share data through the ‘Migration 5’ or M5, which includes ‘biometric and biographic information’ and ‘[d]ata on refugees and immigrants, people with criminal histories or assumed identities and deportees’. ¹⁶²³ ‘The M5 queries fingerprint information to detect immigration and identity fraud or other concealed immigration history. In some instances this may include some limited criminal history information where it relates to an immigration interaction (for example deportation). M5 Members do not automatically share facial or biographical data like names or personal details unless they match a fingerprint.’ ¹⁶²⁴
Referred Operation Streamline	private_prisons	Direct	ICE contracts with numerous private prison companies to house immigration detainees, including asylum seekers and children. ¹⁶²⁵ ‘The last few decades have witnessed the rising involvement and influence of the private prison industry in U.S. immigration enforcement, alongside the expansion of the immigration detention system. ... As of August 2016, nearly three-quarters of the average daily immigration detainee population was held in facilities operated by private prison companies—a sharp

¹⁶²¹ Executive Committee of the High Commissioner’s Programme, *Interception of Asylum-Seekers and Refugees: The International Framework and Recommendations for a Comprehensive Approach*, UN doc EC/50/SC/CPR.17 (9 June 2000).

¹⁶²² Felipe González Morales, *Report on means to address the human rights impact of pushback of migrants on land and sea*, Report of the Special Rapporteur on the human rights of migrants, 47th sess, UN doc A/HRC/47/30 (12 May 2021) [104].

¹⁶²³ Gill Bonnett, ‘How the Five Eyes countries share immigration data’, RNZ (online, 30 December 2020) <<https://www.rnz.co.nz/news/national/433786/how-the-five-eyes-countries-share-immigration-data>>.

¹⁶²⁴ Ibid.

¹⁶²⁵ ‘Detention Facilities’, *US Immigration and Customs Enforcement* (Web Site, 11 March 2021) <<https://www.ice.gov/detention-facilities>>

			contrast from a decade ago, when the majority were held in ICE-contracted bedspace in local jails and state prisons. ¹⁶²⁶
Referred Operation Streamline	public_detention_facilities	Direct	ICE contracts with numerous state and local jails to house immigration detainees, which also includes asylum seekers. ¹⁶²⁷
Referred Operation Streamline	native_american_tribes	Direct	‘Individuals seeking to enter the United States illegally or to smuggle contraband may attempt to avoid the Department of Homeland Security’s (DHS) U.S. Customs and Border Protection (CBP) screening procedures at ports of entry (POE) by crossing the borders in areas between POEs, including Indian reservations on the borders. Eighty-six miles of the northern border and 68 miles of the southwest border are on 13 Indian reservations, many of which are vulnerable to illicit cross-border threat activity, such as drugs, weapons, and human smuggling, according to DHS officials.’ ¹⁶²⁸ Asylum seekers are among the individuals who seek to cross the borders between ports of entry and may be apprehended by cross-deputised tribal law enforcement officers alone, or in joint patrols with CBP.
Referred Operation Streamline	shadow_wolves_ice	Direct	‘The Tohono O’odham Nation, patrolled by the Shadow Wolves and USBP’s Tucson Sector, covers 2.8 million acres and includes mostly small, scattered villages. CBP transferred the Shadow Wolves Unit to ICE in October 2006. The unit is being used to enhance ICE investigations and operations on the Tohono O’odham Nation.’ ¹⁶²⁹ The Shadow Wolves report illegal border crossings to CBP, which may include asylum seekers. ¹⁶³⁰
Migrant Protection Protocols	department_of_homeland_security	Direct	The Department of Homeland Security (‘DHS’) is the overarching cabinet-level agency responsible for identifying and processing asylum seekers and other individuals in need of protection at borders, as well as in the interior of the US. ¹⁶³¹
Migrant Protection Protocols	secretary_exec_mgmt	Indirect	The Office of the Secretary and Executive Management plays a leadership role in ‘directing the Department’s efforts to prevent terrorism and enhance security, secure and manage borders, enforce

¹⁶²⁶ Livia Luan, *Profiting From Enforcement: The Role of Private Prisons in U.S. Immigration Detention* (Migration Policy Institute, Migration Information Source, 2 May 2018).

¹⁶²⁷ ‘Detention Facilities’, *US Immigration and Customs Enforcement* (Web Site, 11 March 2021) <<https://www.ice.gov/detention-facilities>>; TRAC Immigration, *New Data on 637 Detention Facilities Used by ICE in FY 2015* (TRAC Reports, 12 April 2016).

¹⁶²⁸ US Government Accountability Office, *Border Security: Partnership Agreements and Enhanced Oversight Could Strengthen Coordination of Efforts on Indian Reservations* (Report No GAO-13-352, April 2013) 1.

¹⁶²⁹ Chip Fulghum, *Feasibility Report: Establishing an Initiative Specific to Hiring American Indian Veterans into U.S. Customs and Border Protection* (Report to Congress, 27 November 2018) 2-3.

¹⁶³⁰ Faye Bowers, ‘“Shadow Wolves” track drug smugglers the native American way’, *The Christian Science Monitor* (online, 5 July 2007) <<https://www.csmonitor.com/2007/0705/p20s01-ussc.html>>.

¹⁶³¹ See Department of Homeland Security, *FY 2021 Budget in Brief* (Report, 9 February 2020) <<https://www.dhs.gov/publication/fy-2021-budget-brief>>.

			and administer the Nation’s immigration laws ...’ ¹⁶³² This includes efforts to process asylum seekers at the southern border, as well as administering immigration laws relating to asylum and other forms of international protection.
Migrant Protection Protocols	secretary_osem_dhs	Indirect	The Secretary of Homeland Security ‘oversees Department of Homeland Security (DHS) efforts to ... secure and manage our borders while facilitating trade and travel, enforce and administer our immigration laws.’ ¹⁶³³ This includes overseeing, enforcing and administering laws relating to asylum and the processing of people at borders attempting to raise a protection claim.
Migrant Protection Protocols	chief_of_staff_osem_dhs	Indirect	The Chief of Staff ‘is responsible for coordinating policy initiatives and other actions of the Department’s components, directorates, and offices. The COS oversees DHS activities, assists the Deputy in managing DHS operations, and supports the Secretary.’ ¹⁶³⁴ This includes coordinating policy initiatives and other actions relating to processing asylum seekers at the southern border.
Migrant Protection Protocols	military_advisor_osem_dhs	Indirect	The Military Advisor’s ‘essential functions include: Deploying at the discretion of the Secretary and Deputy Secretary for major incidents or other contingencies. Serving as the focal point for DHS-DoD collaboration through established working groups and a cooperative approach to homeland security, homeland defense, and incident management. Being a key advisor to DHS senior staff and Components on matters involving policy and procedure development, information and resources exchanges, and operations between DHS and DoD.’ ¹⁶³⁵ This includes the deployment of DoD personnel at the southern border to assist CBP. “The duties to be performed by military personnel include the same categories of support as those currently being carried out along the border, including detection and monitoring, logistics, and transportation support to U.S. Customs and Border Protection,” according to the DoD statement.’ ¹⁶³⁶
Migrant Protection Protocols	executive_secretary_osem_dhs	Indirect	The Executive Secretary ‘is the principal liaison between the Department and its Components, and coordinates all external correspondence for the Immediate Office of the Secretary and all directorates.’ ¹⁶³⁷ The Executive Secretary works with components like CBP, ICE, and USCIS to coordinate all external correspondence, including correspondence related to asylum for various audiences including Congress and the public.

¹⁶³² Ibid at 11.

¹⁶³³ ‘Office of the Secretary’, *Department of Homeland Security* (Web Page) <<https://www.dhs.gov/office-secretary>>.

¹⁶³⁴ Office of the Secretary and Executive Management, *Budget Overview: Fiscal Year 2021 Congressional Justification* (DHS Report, 10 February 2020) 72 <https://www.dhs.gov/sites/default/files/publications/office_of_the_secretary_and_executive_management.pdf>.

¹⁶³⁵ ‘Office of the Military Advisor’, *Department of Homeland Security* (Web Page) <<https://www.dhs.gov/about-office-military-advisor>>.

¹⁶³⁶ Oriana Pawlyk, ‘US Military’s Deployment to the Southern Border Has Been Extended Another Year’, *Military.com* (online, 25 June 2020) <<https://www.military.com/daily-news/2020/06/25/us-militarys-deployment-southern-border-has-been-extended-another-year.html>>.

¹⁶³⁷ *Budget Overview: Fiscal Year 2021 Congressional Justification* (n 4) 72.

Migrant Protection Protocols	deputy_secretary_osem_dhs	Indirect	‘The Deputy Secretary’s role is to provide internal oversight of all Departmental operations’. ¹⁶³⁸ The Deputy Secretary is responsible for providing accountability and oversight of all of DHS, including components responsible for referring or adjudicating asylum claims, such as USCIS, CBP, and ICE. ¹⁶³⁹
Migrant Protection Protocols	strategy_policy_plans_osem_dhs	Indirect	The Office of Strategy, Policy, and Plans (‘PLCY’) ‘serves as a central resource to the Secretary and other Department leaders for policy development and review, strategic planning and analysis, and facilitation of decision-making on the full breadth of issues that may arise across the dynamic homeland security enterprise. PLCY is responsible for strengthening our Nation’s homeland security by developing DHS-wide policies, programs, and planning to promote and ensure the highest level of performance, quality, consistency, and integration in the execution of all homeland security missions. PLCY represents and coordinates the consolidated DHS position at White House interagency committee meetings.’ ¹⁶⁴⁰ This includes issues related to asylum and the southern land border.
Migrant Protection Protocols	strategy_policy_plans_exec_osem_dhs	Indirect	The Executive Office ‘manages the following: The Executive Secretariat functions; training and education programs, which include intern and Presidential Management Fellow programs; operations and resource management; Freedom of Information Act requests and inquiries; Privacy and Audit Liaison functions; and the Department’s coordination process for Policy Coordination Committees (PCCs). Moreover, The Executive Office provides a centralized coordination point for developing and communicating policies across multiple sub offices within PLCY, throughout the Department, and across the homeland security enterprise.’ ¹⁶⁴¹ This includes policies relating to asylum and the southern land border.
Migrant Protection Protocols	threat_prevention_security_plcy_osem_dhs	Indirect	The Office of Threat Prevention & Security Policy ‘supports the Department’s mission to secure the Homeland by countering terrorism, transnational criminal organizations, ... human trafficking, and emerging threats, and addressing ... screening and vetting, watchlisting, information sharing, identity management and credentialing, and biometrics through the development and coordination of department-wide strategy, policy and plans’ ¹⁶⁴² ‘In these interrelated roles, [the former Assistant Secretary of Homeland Security for Threat Prevention and Security Policy] served on the DHS

¹⁶³⁸ Ibid.

¹⁶³⁹ Carrie Cordero, ‘Reforming the Department of Homeland Security Through Enhanced Oversight & Accountability’ (Research Report, Center for a New American Security, 12 May 2020).

¹⁶⁴⁰ *Budget Overview: Fiscal Year 2021 Congressional Justification* (n 4) 36.

¹⁶⁴¹ Ibid.

¹⁶⁴² Ibid.

			leadership team and led policy development and DHS diplomatic engagements on various issues, including border security and immigration, asylum and refugee policy ¹⁶⁴³
Migrant Protection Protocols	strategy_plans_analysis_risk_plcy_osem_dhs	Indirect	“[T]he Office of the Assistant Secretary, Strategy, Plans, Analysis & Risk (SPAR) controls the development of DHS strategy documents. SPAR creates the two main documents that detail DHS’ long-term strategic planning, the QHSR [Quadrennial Homeland Security Review] and the DHS Strategic Plan. These two documents serve as the basis in determining DHS’ strategic priorities, plans, and areas of focus.... ¹⁶⁴⁴ ‘The purpose of the QHSR is to “be a comprehensive examination of the homeland security strategy of the Nation, including recommendations regarding the long term strategy and priorities of the Nation for homeland security and guidance on the programs, assets, capabilities, budget, policies, and authorities of the Department.”’ ¹⁶⁴⁵ These strategic priorities include work regarding asylum seekers, the US southern border, and other policy and legal initiatives which impact asylum seekers. For example, as of 2014, DHS considered the following among its strategic priorities: ‘Secure and Manage U.S. Borders’ and ‘Enforce and Administer our Immigration Laws’. ¹⁶⁴⁶
Migrant Protection Protocols	border_immigration_trade_plcy_osem_dhs	Indirect	‘Border, Immigration & Trade Policy (BIT) supports DHS’s border security and immigration missions by developing and coordinating policies on the transit of people and goods across U.S. borders.... On immigration matters, BIT consolidates Component statistics and conducts quantitative studies to assess immigration trends and effects, advises Department leadership on immigration policies and regulations, and engages interagency counterparts on immigration policies.’ ¹⁶⁴⁷ These data and quantitative studies would include individuals seeking asylum, as well as advising on policies and regulations and in interagency settings on immigration policy impacting asylum seekers.
Migrant Protection Protocols	international_affairs_plcy_osem_dhs	Indirect	‘On January 4, 2016, Secretary Johnson announced a number of ongoing and new actions that will address recent trends and improve southwest border security, including increasing border security, cracking down on criminal smugglers, and expanding cooperation with international partners. All of these measures, in concert with actions undertaken by our interagency and regional partners, will make it that much more difficult for extra-hemispheric migrants to move unimpeded into and through Central America and Mexico and approach the U.S. border.’ ¹⁶⁴⁸

¹⁶⁴³ ‘Seth Stodder’, *Criminal Investigations and Network Analysis: A DHS Center of Excellence* (Web Page, 2021) <<https://cina.gmu.edu/people/seth-stodder/>>.

¹⁶⁴⁴ Michael A Davis Jr, ‘Looking Beyond the Horizon: Modelling DHS Net Assessment’ (Master’s Thesis, Naval Postgraduate School, March 2020) 21.

¹⁶⁴⁵ Ibid at 22.

¹⁶⁴⁶ Ibid at 23.

¹⁶⁴⁷ *Budget Overview: Fiscal Year 2021 Congressional Justification* (n 4) 37.

¹⁶⁴⁸ Written Evidence to the Committee on Foreign Affairs, Subcommittee on the Western Hemisphere, United States House of Representatives, Washington, DC, 22 March 2016 (Alan Bersin, Assistant Secretary and Chief Diplomatic Officer, PLCY Office of International Affairs) <www.dhs.gov/news/2016/03/22/written-testimony-plcy-house-foreign-affairs-subcommittee-western-hemisphere-hearing>.

Migrant Protection Protocols	public_affairs_osem_dhs	Indirect	‘DHS and State carried out several public information campaigns between 2013 and 2015 intended to dissuade citizens of El Salvador, Guatemala, and Honduras from migrating to the United States.... The campaigns ran in El Salvador, Guatemala, Honduras, and Mexico, with ads placed on radio and TV stations, and on billboards, bus stops, and in and on buses (see fig. 3). According to an official from DHS CBP’s Office of Public Affairs, in developing the 2013 dangers of the journey campaign, DHS incorporated feedback from various U.S. agencies and a working group composed of several DHS components; the embassies of El Salvador, Guatemala, and Honduras; and other international and nongovernmental organizations.’ ¹⁶⁴⁹ ‘DHS continues to work with DOS and other partners to create opportunities for media in the region using DHS spokespeople to discuss migration to the United States, as well as to update its messaging campaigns and create new media products for use with Central American audiences.’ ¹⁶⁵⁰
Migrant Protection Protocols	strategic_communications_pa_osem_dhs	Indirect	Strategic Communications ‘provides overall management for implementation of communication plans relating to DHS programs and policies, rules/regulations, and complex domestic and international issues requiring extensive outreach and public education.’ ¹⁶⁵¹ ‘Under President Trump, the Department of Homeland Security (DHS) rolled out the controversial parent-child separation policy, also known as zero tolerance, and the Migrant Protection Protocols program (MPP) in 2018–19. How DHS conducts strategic communications about such controversial policies is directly related to public and stakeholder perception of these policies.’ ¹⁶⁵²
Migrant Protection Protocols	press_secretary_pa_osem_dhs	Indirect	The Press Secretary ‘coordinates media relations and serve as the spokespersons for the Secretary, senior leadership, and the Department.’ ¹⁶⁵³ ‘DHS continues to work with DOS and other partners to create opportunities for media in the region using DHS spokespeople to discuss migration to the United States, as well as to update its messaging campaigns and create new media products for use with Central American audiences.’ ¹⁶⁵⁴ ‘Under President Trump, the Department of Homeland Security (DHS) rolled out the controversial parent-child separation policy, also known as zero tolerance, and the Migrant Protection Protocols program (MPP) in 2018–19. How DHS conducts

¹⁶⁴⁹ Government Accountability Office, ‘Central America: Improved Evaluation Efforts Could Enhance Agency Programs to Reduce Unaccompanied Child Migration’ (GAO Report No GAO-15-707, 29 July 2015) 14.

¹⁶⁵⁰ Evidence to the Committee on the Judiciary, Subcommittee on Border Security and Immigration, United States Senate, Washington, DC, 23 May 2018 (Richard M Hudson, Deputy Chief, Operational Programs, Law Enforcement Operations Directorate, US Border Patrol) 5.

¹⁶⁵¹ *Budget Overview: Fiscal Year 2021 Congressional Justification* (n 4) 85.

¹⁶⁵² Jonathan M Graham, ‘Strategic Communications and the Department of Homeland Security: Immigration Policies, Mixed Messaging, and Information Fratricide’ (Master’s Thesis, Naval Postgraduate School, March 2021) v.

¹⁶⁵³ *Budget Overview: Fiscal Year 2021 Congressional Justification* (n 4) 85.

¹⁶⁵⁴ Evidence to the Committee on the Judiciary, Subcommittee on Border Security and Immigration, United States Senate, Washington, DC, 23 May 2018 (Richard M Hudson, Deputy Chief, Operational Programs, Law Enforcement Operations Directorate, US Border Patrol) 5.

			strategic communications about such controversial policies is directly related to public and stakeholder perception of these policies.’ ¹⁶⁵⁵
Migrant Protection Protocols	communications_operations_pa_osem_dhs	Indirect	The Communications Operations Division provides ‘information directly to the public through our Department and components websites. Coordinating, integrating and synchronizing employee communications efforts of the Components and DHS headquarters.’ ¹⁶⁵⁶ This Division facilitates both internal communication amongst DHS and its components, which includes communications around asylum and border enforcement law and policy, as well as external communication to the public through its websites. DHS and component websites include (or omit) critical information that individuals need to locate detained family members, apply for asylum, or engage in various other acts in pursuance of a protection claim.
Migrant Protection Protocols	legislative_affairs_osem_dhs	Indirect	The Office of Legislative Affairs (‘OLA’) serves as a ‘primary liaison to Members of Congress and their staff, to respond to inquiries from Congress and notify Congress of Department initiatives, policies, and programs’, ¹⁶⁵⁷ which include programs related to border enforcement and asylum. OLA works to ‘enhance the ability of the Department to execute its missions by providing timely information to Members of Congress about our efforts to prevent terrorism and enhance security; manage our borders; administer immigration laws; secure cyberspace; and ensure disaster resilience’ essentially lobbying Congress in ‘an integrated approach that recognizes the interconnectedness of DHS’s legislative mission with a sound, robust and fully engaged staff to formulate the legislation recommendations that drive the priorities of the Administration and Secretary.’ ¹⁶⁵⁸
Migrant Protection Protocols	assistant_secretary_la_osem_dhs	Indirect	The Office of the Assistant Secretary ‘advises the Secretary on key legislative strategies, facilitates the DHS Senate-confirmation process, clearly articulates DHS’ views in support of needed authorities and appropriations, and directs the Department’s complex congressional relations programs ensuring a cross-Departmental approach for DHS to speak with one, informed voice to Members of Congress and their staffs.’ ¹⁶⁵⁹ These legislative strategies and relations with Congress – including in relation to Congressional oversight of agency activities – often relate to asylum seekers and the southern border.
Migrant Protection Protocols	legislative_affairs_teams_la_osem_dhs	Indirect	‘The Legislative Affairs Teams serves as the primary liaison to Congress and advocates for the policy interest of the Administration and the Secretary, ensures that all DHS Components are actively

¹⁶⁵⁵ Jonathan M Graham, ‘Strategic Communications and the Department of Homeland Security: Immigration Policies, Mixed Messaging, and Information Fratricide’ (Master’s Thesis, Naval Postgraduate School, March 2021) v.

¹⁶⁵⁶ *Budget Overview: Fiscal Year 2021 Congressional Justification* (n 4) 85.

¹⁶⁵⁷ *Ibid* at 87.

¹⁶⁵⁸ *Ibid*.

¹⁶⁵⁹ *Ibid*.

			engaged with Congress by responding to requests and inquiries from congressional committees, Members of Congress and their staffs, and fully participates in the DHS Senate confirmation process. ¹⁶⁶⁰ This liaison and advocacy work with Congress – including in relation to Congressional oversight of agency activities – often relates to asylum seekers and the southern border.
Migrant Protection Protocols	general_counsel_osem_dhs	Indirect	The General Counsel’s work includes work relating to asylum and the ability of asylum seekers to access a fair and efficient process for refugee status determination, and in relation to engagements with foreign governments on policies seeking to prevent or make it difficult for people to access the asylum system.
Migrant Protection Protocols	general_law_gc_osem_dhs	Indirect	The ‘General Law Division (GLD) advises the Secretary and other Department leaders on legal issues associated with the management and operation of the Department. GLD regularly coordinates with Component Chief Counsel Offices on critical legal issues that are relevant to multiple DHS components. GLD oversees portfolios involved with administrative law; fiscal law; appropriations; the Vacancy Reform Act ... torts ... delegations and authorities; and environmental and property law matters.’ ¹⁶⁶¹ Many of these purviews bear upon asylum law and policy, including administrative law matters, matters relating to the appointment of senior and other Department officials, torts committed by agency officials, as well as legal matters relating to the acquisition of land for the Trump Administration’s border wall effort.
Migrant Protection Protocols	ethics_law_gc_osem_dhs	Indirect	The ELD provides ‘guidance guidance related to related areas of law, such as procurement integrity and partisan political activity regulations and policies’ and advises on ‘complex and sensitive legal and policy matters both for individual questions and as related to DHS programs and operations.’ ¹⁶⁶² These legal and policy matters, as well as partisan political activity issues, may involve asylum law and policy, or policies impacting the ability of individuals to access a fair and efficient refugee status determination process.
Migrant Protection Protocols	regulatory_affairs_gc_osem_dhs	Indirect	‘The Regulatory Affairs Law Division (RLD) advises the Secretary and Department leaders on legal and economic issues associated with DHS regulatory actions and ensures that those actions comply with constitutional, statutory, and other legal requirements. RLD manages the DHS regulatory docket, develops the DHS regulatory and deregulatory agenda, oversees the regulatory process for the Department, and provides leadership for regulatory and administrative law practice matters. This Division provides substantive legal review on numerous DHS regulations and manages the clearance of hundreds of interagency regulations each year. They also oversee execution of Executive Order 13771 - Reducing Regulation and Controlling Regulatory Costs and Executive Order 13777 -

¹⁶⁶⁰ Ibid.

¹⁶⁶¹ *Budget Overview: Fiscal Year 2021 Congressional Justification* (n 4) 75.

¹⁶⁶² ‘Attorney-Advisor (Open Continuous)’, *USAJobs* (Web Page, 22 February 2021) <<https://www.usajobs.gov/GetJob/ViewDetails/592974400>>.

			Enforcing the Regulatory Reform Agenda. ¹⁶⁶³ This regulatory work includes work on asylum and other regulations that impact the ability of individuals to access the asylum process.
Migrant Protection Protocols	operations_enforcement_law_gc_osem_dhs	Indirect	‘The Operations and Enforcement Law Division (OELD) advises the Secretary and Department leaders on legal issues associated with enforcement and operational activities designed to protect the United States from, respond to, and recover from both natural and man-made threats. OELD is involved in the operations and enforcement of legal issues that concern Secretarial authorities, two or more DHS components, or the role of the Department in interagency operations. The Division provides legal advice regarding: air, land, and maritime domain security; border, cargo, and port security; counterterrorism; crisis-cell leadership; domestic-incident management; exercises; international law; law enforcement; national security; transportation security....’ ¹⁶⁶⁴ Many of these areas relate to operational and legal issues that may impact asylum seekers and their ability to access the asylum process including, for example, operations at or between ports of entry along the southern land border.
Migrant Protection Protocols	immigration_law_gc_osem_dhs	Direct	The Immigration Law Division (‘IMM’) ‘provides expertise in U.S. immigration and nationality law, including removal, arrest and detention authorities, national security matters, asylum, refugee and other protection-related issues, matters related to unaccompanied minors and victims of human trafficking, inspection and admissibility issues, naturalization and citizenship, constitutional and international human rights of migrants, immigrant and nonimmigrant visas/status. IMM also assists with administrative and federal court litigation of immigration-related matters and immigration-related legislative, regulatory and policy initiatives.’ ¹⁶⁶⁵
Migrant Protection Protocols	legal_counsel_gc_osem_dhs	Indirect	‘The Legal Counsel Division (LCD) advises the Secretary and Department leaders on significant legal issues associated with litigation; legislation; the Freedom of Information Act (FOIA); civil rights and civil liberties; privacy; and oversight matters involving Congress, the U.S. Government Accountability Office, and the DHS Inspector General. LCD regularly coordinates agency positions across the Department in high-profile legislative and litigation matters, to include numerous cases before the Supreme Court, that have large-scale implications for DHS and its components.’ ¹⁶⁶⁶ This would include litigation related to asylum, metering, Operation Streamline, the ‘Migrant Protection Protocols’, as well as FOIA litigation.
Migrant Protection Protocols	management_division_gc_osem_dhs	Indirect	‘The Management Division (MGMT) provides management, operational, and mission support to OGC Headquarter attorneys. Specific responsibilities include: financial oversight and budget

¹⁶⁶³ *Budget Overview: Fiscal Year 2021 Congressional Justification* (n 4) 75.

¹⁶⁶⁴ *Ibid* at 75-76.

¹⁶⁶⁵ ‘Office of the General Counsel’, *US Department of Homeland Security* (Web Page, 22 March 2021) <<https://www.dhs.gov/office-general-counsel>>.

¹⁶⁶⁶ *Budget Overview: Fiscal Year 2021 Congressional Justification* (n 4) 76.

			planning; personnel management; employee training; management of controlled and executive correspondence; knowledge systems management; and strategic planning. MGMT engages with counterparts in component counsel and DHS HQ offices on cross-cutting management issues. ¹⁶⁶⁷ This Division is involved in the training and management of employees that may work directly on legal and policy issues related to asylum, including the asylum process and policies and laws that impact whether a person is able to access the asylum process.
Migrant Protection Protocols	privacy_office_osem_dhs	Indirect	The Privacy Office ('PRIV') is 'required to protect individuals by embedding and enforcing privacy protections and transparency in all DHS activities, and has oversight of all privacy and disclosure policy matters including compliance with the Privacy Act of 1974, the Freedom of Information Act (FOIA), and the completion of privacy impact statements on all new programs and systems, as required by the E-Government Act of 2002. All DHS systems, technology, and programs that either collect personally identifiable information (PII) or have a privacy impact are subject to the oversight of the Chief Privacy Officer (CPO) and the requirements of U.S. data privacy and security laws.' ¹⁶⁶⁸ This includes ultimate responsibility for policies regarding FOIA in removal proceedings and expedited removal proceedings, related to asylum and other types of protection from harm. This would also necessarily include policies related to the disclosure of personally identifiable information provided by asylum seekers in their applications to foreign governments and other transnational or international entities.
Migrant Protection Protocols	foia_team_privacy_osem_dhs	Indirect	This Office's work would include FOIA requests relating to asylum seekers in removal proceedings, as well as FOIA requests for entities or individuals seeking disclosure of DHS policies, procedures, and other information relating to asylum-related programs (including MPP and metering), enforcement, or training. The FOIA Appeals and Litigation Team 'provides guidance and training on recent developments in the field of disclosure, including court decisions and current legislation. The team researches, analyzes, and evaluates complex FOIA requests to determine if the FOIA and Privacy Act were properly applied during the original processing of a FOIA request.' ¹⁶⁶⁹ This work would also involve litigation around asylum-related FOIA requests.
Migrant Protection Protocols	policy_oversight_team_privacy_osem_dhs	Indirect	This team is dedicated to implementing accountability and continually improving DHS privacy processes and programs, such as in the development of the National Vetting Center (NVC)... ¹⁶⁷⁰ The National Vetting Center was created to 'coordinate the efforts of Federal officials to vet people seeking to enter or remain within our country. It will help fulfill President Donald J. Trump's

¹⁶⁶⁷ Ibid at 77.

¹⁶⁶⁸ Ibid at 80.

¹⁶⁶⁹ Ibid at 81.

¹⁶⁷⁰ *Budget Overview: Fiscal Year 2021 Congressional Justification* (n 4) 81.

			requirement that departments and agencies improve their coordination and use of intelligence and other information to identify potential threats to national security, border security, homeland security, and public safety.’ ¹⁶⁷¹ People seeking asylum are vetted by the NVC.
Migrant Protection Protocols	civil_rights_civil_liberities_osem_dhs	Direct	The Office for Civil Rights and Civil Liberties (CRCL) ‘Communicates with individuals and communities whose civil rights and civil liberties may be affected by DHS activities, informs them about policies and avenues of redress, and promotes appropriate attention within the Department to their experiences and concerns. Investigates and issues recommendations regarding civil rights and civil liberties complaints filed by the public regarding DHS policies or activities, or actions taken by DHS personnel.’ ¹⁶⁷² For example, the Office has coordinated ‘community engagement meetings with more than 400 governmental organizations in the review of DHS immigration and asylum-related policies or proposals; and opened/closed 801 complaint investigations relating to Family Separations, Indefinite Detention, and Religious Questioning at Ports of Entry.’ ¹⁶⁷³
Migrant Protection Protocols	front_office_crcl_osem_dhs	Indirect	The Front Office ‘provides advice to DHS leadership on civil rights and civil liberties issues impacting the DHS programs and/or activities. This includes providing civil rights expertise regarding immediate issues affecting the DHS mission which implicate civil rights or liberties concerns.’ ¹⁶⁷⁴ This might include providing civil rights expertise on Family Separation policies or other policies implicating the rights of those seeking asylum and their families.
Migrant Protection Protocols	programs_branch_crcl_osem_dhs	Indirect	‘The Programs Branch also ... coordinates outreach and engagement activities in communities where civil rights and civil liberties are particularly affected by DHS programs (Community Engagement Section). Additionally, the Programs Branch works to ensure that the Department’s programs and activities do not discriminate against individuals or prohibit access to the Department’s programs on the basis of race, color, national origin, limited English proficiency, age, sex, or disability, and that recipients of Federal financial assistance comply with their civil rights obligations (Antidiscrimination Group).’ ¹⁶⁷⁵ This work might include community engagement ‘in the review of DHS immigration and asylum-related policies or proposals’ and ‘complaint investigations relating to Family Separations, Indefinite Detention, and Religious Questioning at Ports of Entry.’ ¹⁶⁷⁶
Migrant Protection Protocols	immigration_programs_crcl_osem_dhs	Indirect	The ‘immigration-related programs affect both U.S. citizens and non-U.S. citizens, including lawful permanent residents, asylum seekers, refugees, non-immigrant and immigrant visa holders, migrant

¹⁶⁷¹ ‘The National Vetting Center’, *US Department of Homeland Security* (Fact Sheet, 6 February 2018) <<https://www.dhs.gov/news/2018/02/06/national-vetting-center>>.

¹⁶⁷² *Budget Overview: Fiscal Year 2021 Congressional Justification* (n 4) 49.

¹⁶⁷³ *FY 2021 Budget in Brief* (n 1) 12.

¹⁶⁷⁴ *Budget Overview: Fiscal Year 2021 Congressional Justification* (n 4) 49.

¹⁶⁷⁵ *Ibid* at 51.

¹⁶⁷⁶ *FY 2021 Budget in Brief* (n 1) 12.

			workers, undocumented persons, and persons in detention. ¹⁶⁷⁷ The Immigration Section works with ICE to design and implement policies, procedures, and guidance to protect the civil and human rights of immigrant detainees while fulfilling the DHS mission. Reforms have included: an online detainee locator system; immigration detention policy; policy safeguarding parental interests; improved risk assessment tools; the development of guidance on the care of transgender detainees in ICE custody; monitoring use of segregation in detention; and revising ICE's detention standards, including the Performance-Based National Detention Standards, the Family Residential Standards, and the National Detention Standards. ¹⁶⁷⁸ The CRCL Officer is the designated Department single point of contact for international human rights treaty reporting and coordination under Executive Order 13107. The Immigration Section works with DHS components to develop and advance protective policies, procedures, and training for victims of torture and persecution, battered immigrants, trafficked persons, and other needing special attention. ¹⁶⁷⁹ This includes asylum seekers.
Migrant Protection Protocols	compliance_branch_crcl_osem_dhs	Direct	The Compliance Branch 'investigates complaints from the public, media reports, and other sources, alleging civil rights or civil liberties violations by Department personnel or programs, including disability discrimination prohibited by the Rehabilitation Act of 1973, inappropriate use of force by DHS officers or agents, inadequate conditions of detention, violation of right to due process, and racial or ethnic profiling. CRCL makes formal recommendations to DHS Component leadership stemming from its investigations to address issues related to civil rights, such as changes to DHS policies, practices, and training....' ¹⁶⁸⁰ These complaints include complaints against US Customs and Border Protection officials for mistreatment, abuse and other misconduct against asylum seekers. ¹⁶⁸¹
Migrant Protection Protocols	partnership_engagement_osem_dhs	Indirect	The Office of Partnership and Engagement (OPE) coordinates the Department of Homeland Security's outreach efforts with critical stakeholders nationwide, including state, local, tribal, territorial (SLTT) governments, SLTT elected officials, SLTT law enforcement, the private sector, and colleges and universities, ensuring a unified approach to external engagement. OPE advocates and represents interests of these stakeholders through the Department's policy making process and as a conduit for the Secretary to engage with stakeholders or share information. ¹⁶⁸² This includes engaging with tribal governments on policies such as the construction of the Trump Administration's

¹⁶⁷⁷ 'CRCL Immigration Section', *US Department of Homeland Security* (Web Page, 31 March 2021) <<https://www.dhs.gov/crcl-immigration-section>>.

¹⁶⁷⁸ Ibid.

¹⁶⁷⁹ Ibid.

¹⁶⁸⁰ *Budget Overview: Fiscal Year 2021 Congressional Justification* (n 4) 51.

¹⁶⁸¹ Letter from the American Civil Liberties Union to US Department of Homeland Security Secretary Alejandro Mayorkas, 3 March 2021 <https://www.aclu.org/sites/default/files/field_document/2021_03_03_aclu_complaint_letter.pdf>.

¹⁶⁸² 'Office of Partnership and Engagement', *US Department of Homeland Security* (Web Page, 6 July 2021) <<https://www.dhs.gov/partnership-engagement>>.

			wall along the southern border and other policies that might impact asylum seekers, as well as policy engagements with the variety of other external actors. ¹⁶⁸³
Migrant Protection Protocols	intergovernmental_affairs_pe_osem_dhs	Indirect	IGA also ‘serves as an advocate for SLTT interests within the Department. IGA works with State and local officials and their representative associations to ensure that these viewpoints are heard and incorporated into the policy process.’ ¹⁶⁸⁴ These viewpoints may include views on border operations, as with border states such as Arizona and Texas, as well as on asylum seekers.
Migrant Protection Protocols	state_local_law_enforcement_pe_osem_dhs	Indirect	Through the Intergovernmental Public Liaison (‘IPL’), OSLE ‘liaises with state, local, tribal, and territorial governments and non-governmental organizations.’ ¹⁶⁸⁵ In addition, IPL ‘serves the dual role of representing the intergovernmental and external perspective in the federal policymaking process, as well as clarifying the federal perspective to intergovernmental officials and external stakeholders.’ ¹⁶⁸⁶ This includes liaison work and input on policies relating to asylum seekers, including the detention of unaccompanied migrant children and Family Separation. Operation Stonegarden ‘provides funding to support joint efforts to secure the United States’ borders along routes of ingress/egress to and from international borders, to include travel corridors in states bordering Mexico’ ¹⁶⁸⁷ which often results in these agencies encountering asylum seekers.
Migrant Protection Protocols	blue_campaign_pe_osem_dhs	Indirect	Law enforcement agencies (‘LEAs’) frequently have initial contact with asylum seekers who may also be victims of human trafficking, however research has shown that LEAs, including CBP and ICE, often ‘failed either to recognise ... clients as human trafficking survivors or to comply with DHS’s stated practice of referring them to adequate services and providing information about immigration relief.’ ¹⁶⁸⁸
Migrant Protection Protocols	homeland_security_academic_advisory_ae_pe_osem_dhs	Indirect	The Homeland Security Academic Advisory Council (HSAAC) ‘is a Federal advisory committee comprised of university presidents and academic leaders that provides advice and recommendations to the Secretary and senior leadership at the Department of Homeland Security (DHS) on matters related to homeland security and the academic community.’ ¹⁶⁸⁹ Advice and recommendation may cover topics such as border enforcement, management, and operational and policy issues that impact

¹⁶⁸³ US Customs and Border Protection, *Released Record* (0001 - BW6 FOIA CBP 000899 – 001536, 31 October 2018) 000930.

¹⁶⁸⁴ ‘DHS Office of Intergovernmental Affairs Overview’, *US Department of Homeland Security* (Fact Sheet) <<https://www.doi.gov/sites/doi.gov/files/uploads/23-Homeland-Security-DHS-Intergovernmental-Affairs-IGA-Overview.pdf>>.

¹⁶⁸⁵ ‘DHS State and Local Law Enforcement Resource Catalogue’, *US Department of Homeland Security* (Resource Catalogue Vol VI, May 2018) 17.

¹⁶⁸⁶ Ibid.

¹⁶⁸⁷ Ibid.

¹⁶⁸⁸ Katherine Soltis and Rebecca Walters, “‘What’s in a Name?’: Mislabelling, Misidentification, and the US Government’s Failure to Protect Human Trafficking Survivors in the Central American Refugee Crisis’ (2018) 11 *Anti Trafficking Review* 85, 96.

¹⁶⁸⁹ ‘Office of Academic Engagement: Homeland Security Academic Advisory Council (HSAAC), *US Department of Homeland Security* (Overview) 1 <<https://www.dhs.gov/sites/default/files/publications/HSAAC%20Overview.pdf>>.

			whether people are able to access asylum procedures, as well as the operation of the asylum process itself.
Migrant Protection Protocols	cmte_mgmt_office_pe_osem_dhs	Indirect	The HSAC 'Provides advice on the creation and implementation of actionable policy relating to security of the homeland' while S&T 'Provides advice on innovative technologies and products to strengthen the security and resilience of the U.S. technological system'. ¹⁶⁹⁰ Both of these committees make decisions and contribute to policy that impacts asylum seekers, including the development of risk assessment tools, research programs that evaluate DHS programs and initiatives, as well as border security technology.
Migrant Protection Protocols	homeland_security_advisory_council_pe_osem_dhs	Indirect	The HSAC evaluates and provides advice on policies that impact asylum seekers and others in need of protection, including tasks as varied as recommending best practices for families and children in CBP custody or identifying and recommending best practices for a multi-year biometrics vision, strategy and implementation plan. ¹⁶⁹¹
Migrant Protection Protocols	families_children_care_panel_hsic_pe_osem_dhs	Indirect	The CBP Families and Children Care Panel is part of the Homeland Security Advisory Council. ¹⁶⁹² The so-called 'bipartisan' panel 'was formed in October 2018 because of the burgeoning humanitarian crisis resulting from a surge in migration of FMUs, primarily from Guatemala and Honduras, overwhelming the DHS resources at the border to address the crisis.' ¹⁶⁹³ The Panel evaluated and provided advice – largely in line with CBP talking points – that impacted children and others seeking asylum.
Migrant Protection Protocols	cis_ombudsman_osem_dhs	Indirect	The Ombudsman's office routinely assists people seeking asylum, while also engaging with non-profits and other organisations that work with asylum seekers to identify and resolve common or systemic problems that impact asylum seekers.
Migrant Protection Protocols	joint_requirements_council_osem_dhs	Indirect	For example, in the Rio Grande Valley Systems Analysis Project, S&T 'collaborated with agents at the RGV McAllen Station (MCS) detention center, in McAllen, Texas, to gain a firsthand understanding of agent operations in surveillance, detection, apprehension and processing of illegal immigrants', which resulted in changes 'to the ways MCS agents process apprehended illegal immigrants'. ¹⁶⁹⁴ People detected, apprehended and processed by MCS include those individuals seeking asylum.

¹⁶⁹⁰ 'Mission and Objectives of the Committee Management Office, *US Department of Homeland Security Headquarters* (Pamphlet) 2 <https://www.dhs.gov/sites/default/files/publications/committee_management_office_pamphlet_11_2020.pdf>.

¹⁶⁹¹ 'CBP Families and Children Care Panel Final Report', *Homeland Security Advisory Council* (Report, 14 November 2019); Exhibit 9 in Support of Plaintiffs' Memorandum of Points and Authorities in Support of their Motion for Summary Judgment, *Al Otro Lado, Inc.*, 327 F Supp 3d 1284 (No 535-11) 89-96; Chad F Wolf, *Four New Homeland Security Advisory Council (HSAC) Taskings* (DHS Memorandum, 21 February 2020).

¹⁶⁹² *Homeland Security Advisory Council* (n 67).

¹⁶⁹³ *Ibid* at 4.

¹⁶⁹⁴ 'Research & Development Analysis and Assessment: Rio Grande Valley Systems Analysis', *DHS Science and Technology Directorate* (Report, 24 September 2013).

Migrant Protection Protocols	mgmt_dhs	Indirect	MGMT ‘provides the overarching management structure for the Department to enable missions’ ¹⁶⁹⁵ and engages in activities relevant to border security, operations, and programs that impact upon asylum seekers. For example, the Office of the Chief Human Capital Officer (within MGMT) analyses ‘the effectiveness of DHS’s training programs’, ¹⁶⁹⁶ while the Office of Biometric Identity Management (within MGMT) ‘provides biometric match, store, share, and analyze services to DHS and mission partners’ ¹⁶⁹⁷ including USCIS and other components in the processing and adjudication of asylum claims, expedited removal proceedings, and other processes that involve the collection of biometrics from asylum seekers.
Migrant Protection Protocols	chief_financial_office_r_mgmt_dhs	Indirect	According to CBP, for example, Performance Accountability Reports describe ‘how we manage our resources and administer our programs’ and ‘provides an opportunity to communicate to the public our programs, challenges, and accomplishments in achieving our mission.’ ¹⁶⁹⁸ These reports are required under US law and provide the basis for ‘preparing and supporting the budget requests of the agency’, ‘controlling the carrying out of the agency budget’, and ‘providing financial information the President requires’ ¹⁶⁹⁹ in preparing a budget. This information relates directly to the funding and accountability of programs and operations that impact people seeking asylum, including detention and processing capabilities, amongst other things.
Migrant Protection Protocols	program_analysis_evaluation_cfo_mgmt_dhs	Indirect	OPAE analyses ‘inform resource prioritization and Secretary and Deputy Secretary decisions and support DHS Management Directorate (MGMT) leadership in developing Resource Allocation Decisions (RADs).’ ¹⁷⁰⁰ The analysis and evaluation of DHS and component plans, programs, and budgets would include an analysis of plans, programs, and budgets relating to the reception and processing of asylum seekers, as well as the adjudication of asylum applications.
Migrant Protection Protocols	human_capital_mgmt_dhs	Indirect	The Chief Human Capital Officer’s tasks include addressing ‘DHS’ inability to hire personnel in a timely manner [which] has led to staffing shortfalls, which can affect productivity and morale, and disrupt mission critical operations. OCHCO recognizes this challenge, and on April 5, 2017, the Office of Personnel Management approved the Department’s request for direct hiring authority for a number of positions having critical hiring needs at DHS, including CBP Border Patrol Agents and Human Resource Specialists, as well as ICE Deportation Officers, Criminal Investigators, and

¹⁶⁹⁵ *FY 2021 Budget in Brief* (n 1) 11.

¹⁶⁹⁶ *Ibid* at 12.

¹⁶⁹⁷ ‘Office of Biometric Identity Management’, *US Department of Homeland Security* (Web Page, 18 March 2021) <<https://www.dhs.gov/obim>>.

¹⁶⁹⁸ ‘2016 Performance and Accountability Report’, *US Customs and Border Protection* (Report, 2016) 4.

¹⁶⁹⁹ 31 USC § 3512(b)(4)(a)-(d).

¹⁷⁰⁰ *Ibid* at 23.

			Human Resource Specialists. ¹⁷⁰¹ Staffing levels, as well as the quality of individuals recruited, directly impacts how and whether asylum seekers are able to access the asylum process.
Migrant Protection Protocols	human_capital_leadership_council_hc_mgmt_dhs	Indirect	The HCLC also establishes and administers the DHS Workforce Strategy (“Strategic Human Capital Plan”) and other HC initiatives that link to and support the DHS mission, vision, core values, goals, and objectives. ¹⁷⁰² Inadequate workforce planning can ‘undermine the ability of CBP and ICE to achieve hiring mandates and perform mission essential duties and functions’, which includes receiving and processing asylum seekers at the border. ¹⁷⁰³
Migrant Protection Protocols	chief_information_officer_mgmt_dhs	Indirect	The work of the OCIO can have a direct impact on the ability of asylum seekers to access the asylum process, as well as on whether CBP officials are collecting and sharing accurate information relating to individuals. For example, during the Trump Administration’s ‘Zero Tolerance’ policy which separated thousands of families – including asylum seekers – ‘DHS did not have the information technology (IT) system functionality needed to track separated migrant families during the execution of the Zero Tolerance Policy. U.S. Customs and Border Protection (CBP) adopted various ad hoc methods to record and track family separations, but these methods led to widespread errors.... Because of these IT deficiencies, we could not confirm the total number of families DHS separated during the Zero Tolerance period.’ ¹⁷⁰⁴
Migrant Protection Protocols	biometric_identity_mgmt_mgmt_dhs	Indirect	‘A single query of OBIM’s biometric system can retrieve data for an individual tied to a Department of State visa application, a U.S. Customs and Border Protection log of an entry into the United States, and an immigration status change logged by U.S. Citizenship and Immigration Services.’ ¹⁷⁰⁵ ‘The Secure Real-Time Platform (SRTP) ... provides decision makers with data to assist in the adjudication of immigration benefits, enforcement actions, credentialing, and country access permissions. SRTP currently supports business use cases for refugee claimants, entry clearance (visas), foreign criminals, redocumentation, and fugitives.’ ¹⁷⁰⁶ OBIM provides data to USCIS and other DHS components in the processing and adjudication of asylum claims, expedited removal proceedings, and other processes that involve the collection of biometrics from asylum seekers.
Migrant Protection Protocols	program_accountability_risk_mgmt_dhs	Indirect	Particularly relevant to asylum seekers and others seeking protection is the role that PARM plays in analysing ‘human resources deficiencies and gaps to support component staffing prioritization and

¹⁷⁰¹ US DHS Office of Inspector General, *Special Report: Challenges Facing DHS in Its Attempt to Hire 15,000 Border Patrol Agents and Immigration Officers* (OIG Report No OIG-17-98-SR, 27 July 2017) 12.

¹⁷⁰² *Human Capital Line of Business Integration and Management* (n 80) 4.

¹⁷⁰³ *Special Report: Challenges Facing DHS in Its Attempt to Hire 15,000 Border Patrol Agents and Immigration Officers* (n 79) 1.

¹⁷⁰⁴ US DHS Office of Inspector General, *DHS Lacked Technology Needed to Successfully Account for Separated Migrant Families* (OIG Report No OIG-20-06, 25 November 2019).

¹⁷⁰⁵ ‘Office of Biometric Identity Management’, *US Department of Homeland Security* (Web Page, 18 March 2021) <<https://www.dhs.gov/obim>>.

¹⁷⁰⁶ *Ibid.*

			planning' and 'any aspects of program execution or staffing levels' that could impact the successful delivery of acquisition 'strategies, contracts, scheduling ... investments in systems engineering, logistics, external factors affecting program execution.' ¹⁷⁰⁷ For example, monitoring and evaluating CBP's acquisition of sufficient staff or facilities to house people seeking asylum as they are processed, or contracts for unmanned aircraft systems and other field support resources that assist in the apprehension of people crossing the border. ¹⁷⁰⁸
Migrant Protection Protocols	chief_security_officer_mgmt_dhs	Indirect	The OSCO implemented the Integrated Security Management System ('ISMS') in 2008 to support 'DHS's personnel security, administrative security, and classified visit management records ("passing a clearance") by managing data related to suitability determinations, background investigations, security clearance processing, security container and document tracking, personnel administration for security and classified contract support....' ¹⁷⁰⁹ This data and information is used to screen CBP and other DHS employment 'applicants for potential issues of suitability' ¹⁷¹⁰ and contributes to hiring time and other human resources concerns that impact the types of people who CBP (or DHS) hire and who ultimately may encounter asylum seekers in the course of their employment.
Migrant Protection Protocols	analysis_sub_risk_analysis_exec_steering_committee_dhs	Indirect	'DHS-HQ has long recognized that successful strategic planning requires "having the right people, policies, processes, technologies, and analytic capabilities" to effectively and efficiently execute the Department's mission. Part of the strategic planning process requires effectively using available data and analytics to provide decision support to senior leadership and DHS-HQ management. Consequently, the Analytic Agenda aims to advance data-driven management to facilitate performance oversight, capability development, and the implementation of strategically important goals.' ¹⁷¹¹ There are 'six overarching homeland security missions' that make up the DHS strategic plan, including to 'Secure U.S. Borders and Approaches' which includes 'implementing a comprehensive border security approach to secure and maintain our borders, prevent and intercept foreign threats so they do not reach U.S. soil, enforce immigration laws throughout the United States, and properly administer immigration benefits.' ¹⁷¹² This would include using data and analytics to

¹⁷⁰⁷ *An Analytic Inventory of DHS Headquarters Business Processes* (n 85) 43.

¹⁷⁰⁸ 'Forecast Record: Acquisition Planning Forecast System', *US Department of Homeland Security* (Forecast Record No F2020049279, 17 August 2020): 'CBP AMO has a requirement to provide Headquarters and field support for the Unmanned Aircraft Systems (UAS) program'

¹⁷⁰⁹ US Department of Homeland Security, *Privacy Impact Assessment Update for the Integrated Security Management System* (Report No DHS/ALL/PIA-038(c), 26 June 2017) 1.

¹⁷¹⁰ Evidence to Committee on Homeland Security and Governmental Affairs, Subcommittee on Regulatory Affairs and Federal Management, United States House of Representatives, Washington, DC, 1 March 2018 (Angela Bailey, Chief Human Capital Officer).

¹⁷¹¹ *An Analytic Inventory of DHS Headquarters Business Processes* (n 85) 1.

¹⁷¹² US Department of Homeland Security, *The DHS Strategic Plan: Fiscal Years 2020-2024* (Report, 2020) 17.

			provide decision support in relation to people seeking asylum at the southern border, including access to asylum procedures and the operation of the asylum adjudication system.
Migrant Protection Protocols	inspector_general_dhs	Indirect	‘The OIG serves as an independent and objective audit, inspection, and investigative body to promote economy, effectiveness, and efficiency in DHS programs and operations, and to prevent and detect fraud, waste, and abuse in these programs and operations.’ ¹⁷¹³ The OIG has conducted numerous audits of DHS and its components, including CBP, in relation to the operation and management of policies and programs relating to asylum seekers. This has included audits of the ‘Zero Tolerance’ (Family Separation) policy, as well as other asylum-related issues. ¹⁷¹⁴
Migrant Protection Protocols	integrity_quality_over_sight_oig_dhs	Indirect	‘IQO manages the Hotline, Whistleblower Protection, and Ombudsman programs, and compliance and quality assurance of audits, inspections, investigations, and reports.’ ¹⁷¹⁵ For example, there have been numerous whistleblower reports of misconduct at DHS, some of which related to ‘possible violations of immigration law at the Tecate, California Port of Entry’. ¹⁷¹⁶ That report was ultimately published in 2019 and related to violations of asylum law. ¹⁷¹⁷
Migrant Protection Protocols	audits_oig_dhs	Indirect	The Office of Audits ‘Conducts and coordinates audits and program evaluations of the management and financial operations of DHS.’ ¹⁷¹⁸ This has included audits of numerous CBP policies and practices relating to asylum seekers at the southern border, including conditions and treatment that impact directly on an individual’s ability to raise and pursue an asylum claim. ¹⁷¹⁹
Migrant Protection Protocols	investigations_oig_dhs	Indirect	The Office of Investigations ‘Investigates allegations of criminal, civil, and administrative misconduct involving DHS employees, contractors, grantees, and programs. These investigations can

¹⁷¹³ FY 2021 Budget in Brief (n 1) 20.

¹⁷¹⁴ See DHS Lacked Technology Needed to Successfully Account for Separated Migrant Families (n 82); Special Report: Challenges Facing DHS in Its Attempt to Hire 15,000 Border Patrol Agents and Immigration Officers (n 79); DHS Office of Inspector General, CBP Has Taken Steps to Limit Processing of Undocumented Aliens at Ports of Entry (Report, OIG-21-02, 27 October 2020); DHS Office of Inspector General, CBP Separated More Asylum-Seeking Families at Ports of Entry Than Reported and for Reasons Other Than Those Outlined in Public Statements (Report, OIG-20-35, 29 May 2020).

¹⁷¹⁵ US Government Accountability Office, DHS OIG’s Structure, Policies, and Procedures Are Consistent with Standards, but Areas for Improvement Exist (Report, GAO-14-726, September 2014) 5.

¹⁷¹⁶ Wilmer Hale, Report of Independent Investigation: Allegations of Misconduct by [Redacted], [Redacted] and [Redacted] (Report, 14 December 2020) <https://www.oig.dhs.gov/sites/default/files/assets/FOIA/final-redacted-wilmerhale-roi_01-13-21_0516pm.pdf>.

¹⁷¹⁷ Ibid.; DHS Office of Inspector General, Investigation of Alleged Violations of Immigration Laws at the Tecate, California, Port of Entry by U.S. Customs and Border Protection Personnel (Report, OIG-19-65, 26 September 2019).

¹⁷¹⁸ DHS OIG’s Structure, Policies, and Procedures Are Consistent with Standards, but Areas for Improvement Exist (n 93) 5.

¹⁷¹⁹ See, eg DHS Office of Inspector General, CBP Needs to Strengthen Its Oversight and Policy to Better Care for Migrants Needing Medical Attention (Report, OIG-21-48, 20 July 2021); DHS Office of Inspector General, CBP Generally Provided Accurate Notices to Appear to Migrant Protection Protocols Enrollees, but Could Improve Procedures to Reduce Future Errors (Report, OIG-21-45, 14 July 2021); DHS Office of Inspector General, DHS’ Fragmented Approach to Immigration Enforcement and Poor Planning Resulted in Extended Migrant Detention during the 2019 Surge (Report, OIG-21-29, 18 March 2021).

			result in criminal prosecutions, fines, civil monetary penalties, administrative sanctions, and personnel actions. ¹⁷²⁰ This office investigates complaints of misconduct by CBP officials, including excessive use of force against asylum seekers and other criminal matters, as well as deaths of asylum seekers in CBP custody, including the deaths of children. ¹⁷²¹
Migrant Protection Protocols	special_reviews_evaluations_oig_dhs	Indirect	The Office of Special Reviews and Evaluations (SRE) 'conducts inspections and evaluations of DHS facilities, programs and activities, often of a highly sensitive nature. SRE work includes liaison activities with other DHS Components, other federal agencies, the news media, legislative aides, attorneys, the Congress, and members of the public.' ¹⁷²² The SRE has been involved in a number of inspections and investigations of CBP, including those that impact on the conditions under which asylum seekers are detained and which may influence an individual's ability to raise or pursue an asylum claim. ¹⁷²³
Migrant Protection Protocols	operations_coordination_dhs	Indirect	The Office of Operations Coordination ('OPS') 'serves as the focal point for information sharing, decision support products, situational awareness, and coordination among DHS Components; Federal, state, local, tribal, and territorial (SLTT) agencies; nongovernmental agencies; the private sector; international partners; and Federal operations and fusion centers.' ¹⁷²⁴ The OPS is involved in monitoring interagency coordination efforts of the Alliance to Combat Transnational Threats (ACTT)-Arizona and the South Texas Campaign (STC)-South Texas, which '[l]everage the capabilities and resources of partners against individuals and criminal organizations involved in illegal cross-border activity' and 'integrate intelligence, leverage communities of interest, pursue enhanced coordination with the government of Mexico, and conduct targeted operations to disrupt and degrade transnational criminal organizations.' ¹⁷²⁵ Asylum seekers are amongst individuals targeted as being involved in 'illegal cross-border activity'.
Migrant Protection Protocols	operations_deputies_board_oc_dhs	Indirect	The DHS Operations Deputies Board provides 'a formalized and consistent mechanism for enabling senior-level, cross-Component operational coordination, information sharing, and issue identification. This board provided critical coordination of complex homeland security issues to

¹⁷²⁰ DHS OIG's Structure, Policies, and Procedures Are Consistent with Standards, but Areas for Improvement Exist (n 93) 5.

¹⁷²¹ DHS Office of Inspector General, *U.S. Customs and Border Protection Compliance with Use of Force Policy for Incidents on November 25, 2018 and January 1, 2019 (Redacted)* (Report, OIG-20-64, 24 August 2020); Letter from Joseph V Cuffari to Bennie G Thompson, 14 April 2020 <<https://homeland.house.gov/download/chairman-thompson-letter-oig-response-041420>>.

¹⁷²² 'Deputy Assistant Inspector General', *USAJobs* (Job Posting, No 42028214, 7 March 2021).

¹⁷²³ See, eg DHS Office of Inspector General, *Capping Report: CBP Struggled to Provide Adequate Detention Conditions During the 2019 Migrant Surge* (Report, OIG-20-38, 12 June 2020).

¹⁷²⁴ *FY 2021 Budget in Brief* (n 1) 16.

¹⁷²⁵ US Government Accountability Office, *Border Security: Opportunities Exist to Strengthen Collaborative Mechanisms along the Southwest Border* (Report, GAO-14-494, June 2014) 8.

			include multiple dimensions of the Southwest Border crisis, which facilitated the creation of a DHS surge Volunteer Force. The DHS Volunteer Force provided over 1,000 volunteers who support crisis response. ¹⁷²⁶ The ‘Southwest Border crisis’ involved the arrival of large numbers of asylum seekers.
Migrant Protection Protocols	national_operations_center_oc_dhs	Indirect	The National Operations Center (‘NOC’) ‘[p]rovides timely reporting and products derived from traditional and social media monitoring; DHS Component reporting; federal, state, local, tribal, territorial governments, and sector reports to support senior-leader decision making; Provides and maintain information dissemination tools such as a common operating picture and the Homeland Security Information Network (HSIN) to facilitate information sharing with the federal, state, local, tribal, territorial governments, and private sector professionals....’ ¹⁷²⁷ ‘The NOC also coordinates with the US CBP via the Air and Marine Operations Center to task CBP unmanned aerial vehicles to fly particular missions. Real-time video feeds from these tactical resources are streamed to the NOC for SWO Situational Awareness.’ ¹⁷²⁸ CBP unmanned aerial vehicles often spot people crossing the border without inspection, which also includes asylum seekers.
Migrant Protection Protocols	science_technology_dhs	Indirect	‘S&T provides technical and operational support to ensure the transition, acquisition, and deployment of technologies, information, and procedures that improve the efficiency and effectiveness of the operational capabilities across HSE missions.’ ¹⁷²⁹ ‘S&T invests in border security research and development for technologies and solutions to prevent the illicit movement and illegal entry or exit of people, weapons, dangerous goods, and contraband, and manage the risk posed by people and goods in transit.’ ¹⁷³⁰ The ‘Immigration Services Program’ also ‘develops technologies for USCIS to meet their goals to (1) provide efficient adjudication of all applications and petitions for immigration benefits, (2) enhance the integrity of the legal immigration system, and (3) provide trusted and timely immigration, employment, and identity information through a culture of efficiency and creativity.’ ¹⁷³¹ These tools may impact an individual’s ability to both access the asylum process, as well as the asylum adjudication.
Migrant Protection Protocols	enterprise_services_std_dhs	Indirect	The Office of Enterprise Services (‘OES’) ‘supports the Department of Homeland Security (DHS) Science and Technology Directorate (S&T) internal operations including the management of

¹⁷²⁶ *FY 2021 Budget in Brief* (n 1) 18.

¹⁷²⁷ ‘Office of Operations Coordination’, *US Department of Homeland Security* (Web Page, 24 May 2021) <<https://www.dhs.gov/office-operations-coordination>>.

¹⁷²⁸ ‘DHS National Operations Center’, *GeoPlatform.gov* (Web Page, 29 October 2018) <<https://communities.geoplatform.gov/geoconops/2018/09/01/dhs-national-operations-center/>>.

¹⁷²⁹ *FY 2021 Budget in Brief* (n 1) 71.

¹⁷³⁰ Science and Technology Directorate, *Budget Overview: Fiscal Year 2021 Congressional Justification* (DHS Report, 2020) 15 <https://www.dhs.gov/sites/default/files/publications/science_and_technology_directorate.pdf>.

¹⁷³¹ *Ibid* at 21.

			personnel, finance and budget, facilities, information technology, and security. ¹⁷³² OES Works collaboratively with S&T's other offices in 'a deliberate, team-based approach that leverages S&T's full range of capabilities, beginning with seeking out ready-made or easily adaptable solutions that can be delivered quickly and cost-effectively.' ¹⁷³³ This includes working with CBP and other DHS components on border security and other technological capabilities that may directly or indirectly impact asylum seekers.
Migrant Protection Protocols	innovation_collaborati on_std_dhs	Indirect	The Office of Innovation and Collaboration 'provides the homeland security community outreach and access to partnerships with world-class subject matter experts, resources and innovative tools. It leverages external relationships with other government agencies, industry, foreign partners, and academia to provide S&T programs, DHS Components, and the vast homeland security network with better, faster, and/or cheaper access to innovative security solutions. Those relationships range from informal conversations and coordination with other agency stakeholders to develop innovative, contracted solutions to more formal commercialization support.' ¹⁷³⁴ For example, S&T partners with the University of Houston on the DHS Center of Excellence, Borders, Trade, and Immigration (BTI) Institute, which '[t]o help Customs and Border Protection prepare for a potential migration crisis, BTI Institute researchers are exploring the dimensions of the Venezuelan and Nicaraguan migration outflow. The results will help inform policies to prevent a broader hemispheric crisis.' ¹⁷³⁵ In other words, monitoring people who are often seeking protection from violence, persecution, or other serious harm in order to develop policies to secure US borders, facilitate 'legitimate trade and travel, and ensure the integrity of the immigration system.' ¹⁷³⁶
Migrant Protection Protocols	operational_analysis_ center_std_dhs	Indirect	'The RAND Corporation operates the Homeland Security Operational Analysis Center (HSOAC) as an FFRDC (Federally Funded Research and Development Center) for the U.S. Department of Homeland Security (DHS)' and 'provides the government with independent and objective analyses and advice in core areas important to the department in support of policy development, decisionmaking, alternative approaches, and new ideas on issues of significance.' ¹⁷³⁷ 'HSOAC researchers have expertise in the complexities of meshing military and civilian organizational structures and cultures, and experience assessing workforce and performance management efforts for

¹⁷³² 'Office of Enterprise Services', *US Department of Homeland Security* (Web Page) <<https://www.dhs.gov/science-and-technology/office-enterprise-services>>.

¹⁷³³ Science and Technology Directorate, 'DHS S&T Reveals New Business Model and Organizational Structure' (News Release, 1 October 2018) <<https://www.dhs.gov/science-and-technology/news/2018/10/01/news-release-dhs-st-reveals-new-business-model-and>>.

¹⁷³⁴ 'Office of Innovation & Collaboration', *US Department of Homeland Security* (Web Page) <<https://www.dhs.gov/science-and-technology/office-innovation-and-collaboration>>.

¹⁷³⁵ 'Borders Trade and Immigration (BTI) Institute', *US Department of Homeland Security* (Fact Sheet, 23 July 2019) 2.

¹⁷³⁶ Ibid.

¹⁷³⁷ *An Analytic Inventory of DHS Headquarters Business Processes* (n 85) iii-iv.

			several DHS components and for other large federal agencies. As homeland security threats, risks and opportunities are not static, HSOAC possesses expert forecasting capability and the capacity to improve its accuracy and effectiveness over time. This is achieved through examining mission risk analysis for capability gaps; assessing threat, vulnerability, and risks from national and international trends with U.S. security implications; and by examining policies and other issues affecting border security. ¹⁷³⁸ These issues affecting border security may include large numbers of individuals seeking asylum at the southern border.
Migrant Protection Protocols	mission_capability_support_std_dhs	Indirect	The Office of Mission and Capability Support 'works with DHS operational Components, first responders at all levels of government, emergency management personnel and public safety and other homeland security organizations to define priorities, gaps and requirements to find or develop technology solutions.' ¹⁷³⁹ This Office's research areas include 'Borders & Maritime Security' through which it 'works closely with border and immigration officials to understand how technology can help support their missions and overcome challenges. We strive to develop and transition technical capabilities to strengthen U.S. land border security and safeguard lawful trade and travel by preventing illegal goods and people from crossing our borders or entering our country illegally. These projects consists of technologies, sensors, radars and more that monitor air, ground, and underground – from drones to tunnels. We want to know who and what is crossing our borders.' ¹⁷⁴⁰ The individuals targeted by these efforts include those seeking asylum.
Migrant Protection Protocols	science_engineering_std_dhs	Indirect	The Office of Science and Engineering 'provides technical functions and services to S&T programs and projects' and 'directly to DHS Components and other homeland security customers. Technical subject matter experts in this group conduct technology scouting, test and evaluation, gap and requirement analysis, and transition planning.' ¹⁷⁴¹ Within this Office, the Operations and Requirements Analysis (ORA) Division 'collaborated with agents at the RGV McAllen Station (MCS) detention center, in McAllen, Texas, to gain a firsthand understanding of agent operations in surveillance, detection, apprehension and processing of illegal immigrants' in the 'Rio Grande Valley Systems Analysis' project. ¹⁷⁴² As part of that project, the Office recommended changes 'to the ways

¹⁷³⁸ 'Homeland Security Operational Analysis Center', *US Department of Homeland Security* (Web Page) <<https://www.dhs.gov/science-and-technology/hsoac>>.

¹⁷³⁹ 'Office of Mission & Capability Support', *US Department of Homeland Security* (Web Page) <<https://www.dhs.gov/science-and-technology/office-mission-and-capability-support>>.

¹⁷⁴⁰ 'Borders and Maritime Security', *US Department of Homeland Security* (Web Page, 12 June 2021) <<https://web.archive.org/web/20210612022356/https://www.dhs.gov/science-and-technology/borders-and-maritime-security-0>>.

¹⁷⁴¹ 'Office of Science & Engineering', *US Department of Homeland Security* (Web Page) <<https://www.dhs.gov/science-and-technology/office-science-engineering>>.

¹⁷⁴² DHS Science and Technology Directorate, *Research & Development Analysis and Assessment: Rio Grande Valley Systems Analysis* (Fact Sheet, 24 September 2013).

			MCS agents process apprehended illegal immigrants ¹⁷⁴³ at the border, which includes people seeking asylum.
Migrant Protection Protocols	intelligence_analysis_dhs	Indirect	The Office of Intelligence & Analysis (I&A) produces 'strategic intelligence products that leverage law enforcement, unique DHS data and Intelligence Community (IC) holdings to facilitate intelligence-driven decision making by all levels of DHS leadership, other U.S. Government policymakers and SLTT partners. Deliver access to data and systems, infrastructure and analytic expertise, mission readiness services and Intelligence Community (IC) capabilities to DHS Operational Components. Ensure unique DHS datasets are available to Mission Centers, the IC and law enforcement partners to bolster collaborative government efforts to counter threats. Provide unique data on immigration, travel and intelligence, analytic tools and technical infrastructure to assist the U.S. Government stand-up of the National Vetting Center.' ¹⁷⁴⁴ The National Vetting Center, and data provided to it, are used in the adjudication of immigration cases including asylum and withholding of removal.
Migrant Protection Protocols	federal_law_enforcement_training_centers_dhs	Indirect	The Federal Law Enforcement Training Center's (FLETC) members, principally federal law enforcement organizations, rely on FLETC to maintain all of the instruments of training and to prepare their law enforcement cadre to perform their law enforcement tasks. ¹⁷⁴⁵ The Charleston, South Carolina FLETC training facility runs the US Coast Guard Maritime Law Enforcement Academy, the US Customs and Border Protection Field Operations Academy, the US Immigration and Customs Enforcement Training Academy, and the US Citizenship and Immigration Services Academy Training Center. ¹⁷⁴⁶ The Artesia, New Mexico facility is the basic training hub for Border Patrol and the Federal Air Marshal's Service. ¹⁷⁴⁷ It is at FLETC that CBP officials learn about asylum law, though very little focus is placed upon either international law or the law of asylum.
Migrant Protection Protocols	training_mgmt_ops_fl etc_dhs	Indirect	The Training Management Operations Directorate participates in the 'planning, development, modification, and coordination of training programs throughout the FLETC' and conducts 'studies to analyze the training needs of the Partner Organizations, the requirements of the training programs, and the processes, methodologies and technologies required for training.' ¹⁷⁴⁸ The Directorate also assesses 'training needs and deficiencies to plan, develop and evaluate training programs based on the requirements of requested training programs and modifications' and applies 'forecast analysis

¹⁷⁴³ Ibid.

¹⁷⁴⁴ 'Office of Intelligence and Analysis', *US Department of Homeland Security* (Web Page, 13 July 2021) <<https://www.dhs.gov/office-intelligence-and-analysis>>.

¹⁷⁴⁵ US Department of Homeland Security, *FLETC Strategic Plan 2018-2022* (Report, 2018) 7.

¹⁷⁴⁶ US Department of Homeland Security, *Student Handbook: Artesia Facility* (Handbook, 2018-AN-0008, 2018) 8.

¹⁷⁴⁷ Ibid.

¹⁷⁴⁸ 'Program Analyst: Federal Law Enforcement Training Centers', *USAJobs* (Job Announcement, FLETC-TMO-2021-0015, 16 March 2021).

			methods to determine if training needs will meet future demand. ¹⁷⁴⁹ The Directorate is therefore responsible for ensuring that CBP officials have appropriate training and background in international and asylum law in order to perform their duties.
Migrant Protection Protocols	ncr_training_ops_fletc_dhs	Indirect	The National Capitol Region (NCR) Training Operations Directorate 'advises and assists the Director, Deputy Director, and other senior officials in fulfilling the management responsibilities of the FLETC. Specific responsibilities include, but are not limited to ... Representing the FLETC with Federal (Executive, Judicial, and Legislative) organizations, professional organizations, and the private sector, to include negotiating policy positions, projecting needs and operational interests, and other matters. Developing and implementing policies which relate to training program requirements, facility planning and development, human resource activities, and budgetary issues; and analyzing situations to identify strategies designed to gain support from the Department, Office of Management and Budget, and the Congress. ... Serving as the principal interface with the Congress, its members, staffs, and committees regarding FLETC activities, policies, programs, appropriation matters, and other related legislation.' ¹⁷⁵⁰ Developing and implementing policies that relate to training program requirements, for example, would include training in international law and the law of asylum.
Migrant Protection Protocols	chief_counsel_fletc_dhs	Indirect	'The responsibilities of the FLETC Chief Counsel include providing legal advice to the Director and other senior FLETC leaders on legal issues associated with the FLETC mission, as well as ... providing legal advice on information/intellectual law matters to include copyright, the Freedom of Information Act (FOIA) and the Privacy Act; and providing legal training for federal, state, local and international law enforcement officers attending basic and advanced training at FLETC's four domestic and two international training sites.' ¹⁷⁵¹ This would include legal advice on the requirements of US asylum law and international refugee law, as well as advice as to civil rights and liberties of individuals with whom CBP officials will come into contact, including asylum seekers.
Migrant Protection Protocols	customs_and_border_protection_dhs	Direct	CBP seeks to 'leverage technological tools and analytic approaches to improve operational efficiency and effectiveness; integrate data and interagency information to establish a common operating picture that provides actionable information to enable decision makers and operators; and expand the zone of security away from physical borders.' ¹⁷⁵² The agency further utilizes 'foreign liaisons to disrupt special-interest alien travel before reaching U.S. borders' and works with 'state and local law

¹⁷⁴⁹ Ibid.

¹⁷⁵⁰ 'National Capital Region Training Operations', *Federal Law Enforcement Training Centers* (Web Page) <<https://www.fletc.gov/site-page/national-capital-region-training-operations>>.

¹⁷⁵¹ 'Office of the General Counsel', *US Department of Homeland Security* (Web Page, 22 March 2021) <<https://www.dhs.gov/office-general-counsel>>.

¹⁷⁵² US Customs and Border Protection, *Strategy 2021-2026* (Report, Publication No 1280-1220, December 2020) 12.

			enforcement agencies' to 'secure the border'. ¹⁷⁵³ CBP is the agency that regulates the ability of asylum seekers to access US territory, refers asylum seekers to the relevant procedure, and also interacts with asylum seekers within the US who may or may not have lawful status.
Migrant Protection Protocols	commissioner_cbp_dhs	Indirect	The Office of the Commissioner ('OC') is 'responsible for the overall management of CBP and develops long range management plans for the efficient and effective operation of the organization. OC develops and reviews CBP policy guidance, prescribes rules and regulations, and issues internal instructions to provide guidance to CBP employees that are consistent with regulations, and the authority delegated by DHS. The Executive staff supports and develops new policy and plans in alignment with the Commissioner's priorities, simultaneously ensuring that CBP's financial and personnel resources are available, and aligned for the development, articulation, and implementation of CBP's current and future mission priorities and direction.' ¹⁷⁵⁴ This includes policy, guidance and regulations that relate to an individual's ability to access asylum procedures, as well as to how that individual accesses procedures.
Migrant Protection Protocols	chief_of_staff_commissioner_cbp_dhs	Indirect	The Chief of Staff 'serves as the direct liaison to DHS for all Agency issues. The COS assists the Office of the Commissioner in formulating and implementing policies through coordination with other CBP offices, DHS, and other government agencies. The COS provides advice and counsel to the Commissioner in defining priorities to accomplish CBP's mission and goals.' ¹⁷⁵⁵ This includes policies and priorities relating to asylum, as well as border security and other efforts that may impact an individual's ability to access the asylum process.
Migrant Protection Protocols	deputy_commissioner_cbp_dhs	Indirect	The Deputy Commissioner 'provides leadership and executive-level direction on CBP's day-to-day operations, including oversight of Agency initiatives that facilitate the international movement of legitimate, low-risk goods and travelers, while promoting effective border security.' ¹⁷⁵⁶ This includes operations that impact asylum seekers, who often must travel without documents and are characterised by CBP as illegitimate travellers.
Migrant Protection Protocols	chief_of_staff_deputy_cbp_dhs	Indirect	The Chief of Staff assists the Deputy Commissioner in 'formulating and implementing policies through coordination with other CBP offices, DHS, and other government agencies.' ¹⁷⁵⁷ The Chief of Staff to the Deputy Commissioner, coordinates 'interagency efforts related to immigration reform, global supply chain security, and intelligence matters' and serves 'as the point of contact for all

¹⁷⁵³ Ibid.

¹⁷⁵⁴ US Customs and Border Protection, *Budget Overview: Fiscal Year 2020 Congressional Justification* (DHS Report, 18 March 2019) 88 <https://www.dhs.gov/sites/default/files/publications/19_0318_MGMT_CBJ-Customs-Border-Protection_0.pdf>.

¹⁷⁵⁵ US Customs and Border Protection, *2016 Performance and Accountability Report* (DHS Report, 2017) 9.

¹⁷⁵⁶ Ibid.

¹⁷⁵⁷ Ibid.

			emergency situations to include potential terrorist attack threats and natural disaster responses. ¹⁷⁵⁸ This includes policies and coordination relating to asylum and policies which impact an individual's ability to access the protection framework.
Migrant Protection Protocols	office_public_affairs_cbp_dhs	Direct	The Office of Public Affairs 'communicates to external and internal audiences to build support for CBP's mission. Audiences include the American public, international trade and travel stakeholders, travelers who cross U.S. borders, and U.S. and international government agencies.' ¹⁷⁵⁹ In the case of the Trump Travel Ban, CBP recognised that the 'absence of CBP-initiated messages to the media and public created a vacuum in which stories casting CBP in a negative light proliferated. In the absence of an effective public affairs strategy, public officials and the media often speculated and assumed the worst about CBP's conduct. Had CBP clearly communicated the status of its operations to external stakeholders, it may have prevented significant mistrust and misinformation from developing over the weekend.' ¹⁷⁶⁰ Similar lessons on the importance of Public Affairs in selling policy have been applied in the context of the Family Separation (Zero Tolerance) policy, which impacted asylum seekers and others at the southern border. 'The mixed messaging regarding many facets of the policy caused public and stakeholder confusion and outrage, courtroom losses, and may have resulted in DHS Secretary Kirstjen Nielsen's ouster.' ¹⁷⁶¹
Migrant Protection Protocols	office_congressional_affairs_cbp_dhs	Indirect	OCA has four directorates that 'reflect the mission of CBP's operational offices and directorates'. ¹⁷⁶² They are Border, Air, & Marine Operations, Field Operations & Intelligence, Operations Support/Enterprise Services, and Trade & Agriculture. OCA has two functional directorates, which are Budget & Appropriations and Management, Operations, & Communications. ¹⁷⁶³
Migrant Protection Protocols	border_air_marine_ops_oca_cbp_dhs	Indirect	Key issues under this directorate include 'Border enforcement operations and challenges between the ports of entry', 'Border technology deployment', 'CBP's use of force policy and training requirements', 'HRM [human resources management] policy and legislative initiatives', 'Unaccompanied minors', 'Human trafficking and the Trafficking Victims Protection Reauthorization Act (TVPRA)', and 'Border Patrol and OFAM facilities and infrastructure'. ¹⁷⁶⁴ 'Developing and overseeing the most

¹⁷⁵⁸ 'Bio of Andrew Farrelly, L3 Security and Detection Systems' (Web Page) <<https://na.eventcloud.com/ereg/popups/speakerdetails.php?eventid=281311&language=eng&speakerid=995508>>.

¹⁷⁵⁹ 2016 Performance and Accountability Report (n 133) 10.

¹⁷⁶⁰ DHS Office of Inspector General, *DHS Implementation of Executive Order #13769 "Protecting the Nation From Foreign Terrorist Entry Into the United States"* (January 27, 2017) (Report, OIG-18-37, 18 January 2018) 43-44.

¹⁷⁶¹ Graham (n 22) xvii.

¹⁷⁶² 'OCA Directorates', *US Customs and Border Protection* (Web Page, 18 March 2021) <<https://web.archive.org/web/20210318124111/https://www.cbp.gov/accordion-page/oca-directorates>>.

¹⁷⁶³ Ibid.

¹⁷⁶⁴ Ibid.

			critical legislation strategies involving agency budgetary and legislative proposals. Proactively presenting CBP's initiatives to the appropriate and relevant congressional interests in seeking passage of identified and approve budgetary and legislative priorities. Overseeing the preparation of statistical and narrative information and specific responses to congressional inquiries concerning CBP funding requests, legislation, or policy. Keeps informed of significant scheduled events including congressional hearings and legislative activities. Ensuring that senior agency managers are provided with clear and concise analysis and interpretation of legislation, reports, testimony, statements, and hearings relevant to CBP. Producing highly competent written works and preparing and conducting briefings, hearings, and conferences for high-level audiences. ¹⁷⁶⁵ Border enforcement operations and challenges, border technology development, the use of force policy, unaccompanied minors, human trafficking and various issues may all involve asylum seekers.
Migrant Protection Protocols	budget_appropriations_oca_cbp_dhs	Indirect	Securing adequate funding through the annual appropriations process is a vital part of CBP's legislative work. ¹⁷⁶⁶ 'The directorate also interacts frequently with the appropriations associate staff of the committee members, as well as various other Congressional staff depending on the nature of their inquiry. Additionally, the branch interacts and responds to requests from the Congressional Budget Office and Congressional Research Service. ¹⁷⁶⁷ This may involve securing appropriations for apprehending and processing people seeking asylum, among other things.
Migrant Protection Protocols	field_operations_intelligence_oca_cbp_dhs	Indirect	The directorate deals with issues like 'Passenger and cargo targeting efforts', 'CBP officer staffing levels and the Workload Staffing Model', 'CBP land port of entry infrastructure', 'Biometric entry-exit', 'Non-Intrusive Inspection technology', 'Mass migration events at ports of entry', and 'Global pandemic mitigation'. ¹⁷⁶⁸ Asylum seekers may seek entry into the US at or between ports of entry, in in 'mass migration events' or during the global pandemic, and even issues such as workload staffing may impact the ability of asylum seekers to access protection.
Migrant Protection Protocols	air_marine_operations_cbp_dhs	Direct	Interdiction is a core component of AMO and the agency 'intercepts, disrupts, and apprehends threats to the United States in the air, sea, and land domains.' ¹⁷⁶⁹ AMO works with Border Patrol to 'apprehend illegal aliens from the air, at the land border, and within our nation's interior.' ¹⁷⁷⁰ AMO also deploys 'beyond the border to the Source and Transit Zones, on international joint operations

¹⁷⁶⁵ 'Supervisory Congressional Liaison Officer job', *Lensa* (Job Posting, 11 December 2020).

¹⁷⁶⁶ 'OCA Directorates and Committees of Jurisdiction', *US Customs and Border Protection* (Web Page, 20 August 2021) <<https://web.archive.org/web/20210820184914/https://www.cbp.gov/about/oca-directorates-and-committees-jurisdiction>>.

¹⁷⁶⁷ Ibid.

¹⁷⁶⁸ 'OCA Directorates', *US Customs and Border Protection* (Web Page, 18 March 2021) <<https://web.archive.org/web/20210318124111/https://www.cbp.gov/accordion-page/oca-directorates>>.

¹⁷⁶⁹ Air and Marine Operations, *2018 Annual Review* (CBP Report, No 0921-0719, July 2019) 8.

¹⁷⁷⁰ Ibid at 9.

			targeting the high-traffic waterways between South and North America. These international joint operations efficiently disrupt smugglers before they can reach the United States'. ¹⁷⁷¹ 'AMO partners with U.S. Border Patrol at the border and works with HSI and other federal, state, and local law enforcement agencies within the interior to apply our advanced surveillance techniques and covert airborne surveillance.' ¹⁷⁷² AMO may encounter asylum seekers attempting to enter the US without a visa, or who are being smuggled into the US, and would also gather intelligence to disrupt human smuggling operations, which might be used by asylum seekers to transit into the US (or through countries on the way to the US).
Migrant Protection Protocols	office_professional_responsibility_cbp_dhs	Direct	'The AC [Assistant Commissioner] OPR has executive oversight of CBP's Integrity and Personal Accountability Strategy and the agency's efforts to prevent, detect, and investigate employee misconduct and corruption. The AC also serves as CBP's Chief Security Officer, responsible for ensuring the safety and security of CBP's assets and personnel.' ¹⁷⁷³ This office is responsible for investigating and addressing the abuse and mistreatment of 'detainees in CBP's custody or care' including minor children and other individuals seeking asylum. ¹⁷⁷⁴
Migrant Protection Protocols	office_field_operations_cbp_dhs	Direct	'CBP's primary immigration enforcement mission at ports of entry is to confirm that travelers are eligible to enter the United States and to exclude inadmissible aliens. Yet strict enforcement is in tension with a second core mission: to facilitate the flow of lawful travelers, who are the vast majority of persons seeking admission.' ¹⁷⁷⁵ OFO staffs the ports of entry and is responsible for screening travellers and referring asylum seekers, or others, who raise protection claims to the appropriate legal process.
Migrant Protection Protocols	national_targeting_center_ofo_cbp_dhs	Indirect	The National Targeting Center (NTC) 'is a key component of CBP's comprehensive border security and management strategy to safeguard travelers and cargo. NTC is the point within the agency where advance data, access to law enforcement and intelligence resources, and enterprise systems converge to conduct the vetting necessary to identify travelers and shipments that pose the highest risk potential to U.S. security, economy, and public safety. Targeting traveler and cargo information plays a pivotal role of CBP's layered security strategy by extending our borders outward in order to identify and mitigate threats before they board (or are laden on) conveyances destined for the U.S.' ¹⁷⁷⁶ NTC biographic and information vetting includes travellers who may seek asylum.

¹⁷⁷¹ Ibid.

¹⁷⁷² Ibid at 19.

¹⁷⁷³ Office of Professional Responsibility, *Annual Report: Office of Professional Responsibility (OPR)* (CBP Report, No 1172-0720, August 2020) 4 ('OPR Annual Report').

¹⁷⁷⁴ Ibid at 3.

¹⁷⁷⁵ Lisa Seghetti, *Border Security: Immigration Inspections at Ports of Entry* (Congressional Research Service Report, No R43356, 9 January 2014) i.

¹⁷⁷⁶ US Customs and Border Protection, *Budget Overview: Fiscal Year 2020 Congressional Justification* (DHS Report, 2020) 163 ('CBP Budget Overview 2020').

Migrant Protection Protocols	ntc_counter_network_ofo_cbp_dhs	Indirect	‘CND is structured across multiple lines of effort to illuminate opportunities for CBP and its partners to identify and disrupt transnational threats including countering terrorism, narcotics, illicit trade, special interest aliens, state-sponsored, and providing analysis in support of the current immigration crisis.’ CND also provides intelligence to CBP officers and agents who target people who may seek the assistance of human smugglers or otherwise seek to move into the United States without a visa in order to seek asylum. ¹⁷⁷⁷
Migrant Protection Protocols	national_vetting_center	Indirect	The National Vetting Center (NVC) makes security and other data available to adjudicators making decisions about immigration-related benefits, which include decisions relating to asylum. The NVC has also developed and maintained ‘new cloud analytics to compare US person data against relevant disseminated Intelligence Community information for affirmative asylum vetting’. ¹⁷⁷⁸
Migrant Protection Protocols	border_patrol_cbp_dhs	Direct	Border Patrol is the primary law enforcement/paramilitary organization responsible for enforcing ‘immigration laws and to detect, interdict and apprehend those who attempt to illegally enter or smuggle people or contraband across U.S. borders between official ports of entry.’ ¹⁷⁷⁹ Border Patrol frequently comes into contact with individuals seeking international protection between ports of entry, including asylum seekers and those seeking relief under CAT or withholding of removal.
Migrant Protection Protocols	bp_special_operations_group_bp_cbp_dhs	Direct	SOG has been deployed, for example, to confront migrant ‘caravans’ travelling to the US border, many of whom are asylum seekers and others in search of international protection. ¹⁷⁸⁰ ‘SOG also administratively supports eight Sector-based Special Operations Detachments with equipment, training, and standardization. Sector-based Special Operations Detachments are BORSTAR and BORTAC teams that are located in designated sectors such as El Paso and Yuma. Sector Chiefs maintain tactical control of the detachments and MRTs for day-to-day operations.’ ¹⁷⁸¹ ‘SOG personnel also conduct international training and capacity building operations for the Department of State and the Department of Defense.’ ¹⁷⁸² In providing training to foreign border security law enforcement agencies, SOG exports its border control methods and culture.
Migrant Protection Protocols	sog_intelligence_unit_bp_cbp_dhs	Indirect	‘Provides direct intelligence support to field operators.’ ¹⁷⁸³ ‘Identifies threats operating across corridors and threats approaching the U.S. border, prioritizes these risks, and supports the missions

¹⁷⁷⁷ CBP Budget Overview 2020 (n 149) 137.

¹⁷⁷⁸ Ibid at 49.

¹⁷⁷⁹ ‘Executive Assistant Commissioners’ Offices’, US Customs and Border Protection (Web Page, 17 August 2021) <<https://www.cbp.gov/about/leadership-organization/executive-assistant-commissioners-offices>>.

¹⁷⁸⁰ Alex Horton, ‘Border Protection is preparing for the caravan – with weapons and gear designed for combat’, *Washington Post* (online, 6 November 2018) <<https://www.washingtonpost.com/national-security/2018/11/05/border-protection-is-preparing-caravan-with-weapons-gear-designed-combat/>>.

¹⁷⁸¹ *Special Operations Group* (n 1364) 2.

¹⁷⁸² Ibid.

¹⁷⁸³ Ibid at 14.

			to mitigate the operational gaps specific to each corridor.’ ¹⁷⁸⁴ These potential ‘threats’ include people moving towards the border without a visa, which includes asylum seekers.
Migrant Protection Protocols	bp_tactical_unit_bp_cbp_dhs	Direct	‘Members support Border Patrol’s mission to secure the border by conducting high-risk warrant service; surveillance; and foreign law enforcement capacity building, among other things. ... BORTAC also conducts training and operations with foreign and domestic law enforcement and military entities.’ ¹⁷⁸⁵ BORTAC may encounter asylum seekers and others seeking international protection during the course of their varied deployments. Furthermore, in providing training to foreign law enforcement agencies, BORTAC exports its border control and law enforcement methods and culture.
Migrant Protection Protocols	bp_search_trauma_rescue_unit_bp_cbp_dhs	Direct	‘BORSTAR will provide mutual assistance to local, county, state, tribal, and Federal entities by responding to enforcement and search and rescue requirements, acts of terrorism, potential terrorism, and natural disasters throughout the United States’. ¹⁷⁸⁶ BORSTAR is frequently called to provide search and rescue assistance for people in danger along the southern border, who include asylum seekers.
Migrant Protection Protocols	mobile_response_team_bp_cbp_dhs	Direct	‘Provides a national group of organized, trained, and equipped Border Patrol Agents capable of rapid response to regional and national incidents in support of priority CBP operations’. ¹⁷⁸⁷ Mobile Response Teams are often used to augment CBP operations during increases in attempted crossings, which includes asylum seekers. MRTs were used to augment ‘operations in South Texas’, for example, during the 2016 increase in the numbers of unaccompanied children and family units seeking protection at the southern border.’ ¹⁷⁸⁸
Migrant Protection Protocols	office_training_development_bp_cbp_dhs	Indirect	‘OTD is responsible for providing all levels of training so that BPAs can carry out their assigned missions.’ ¹⁷⁸⁹ This includes training relating to the humanitarian, international law, and asylum aspects of Border Patrol agent jobs.
Migrant Protection Protocols	alien_smuggler_identification_deterrence_bp_cbp_dhs	Direct	‘The USBP also collects information from detainees for intelligence purposes, and since 2011 the Alien Smuggler Identification and Deterrence (ASID) unit has attempted to interview a sample of aliens from each group apprehended from each station in each southwest border sector to gain

¹⁷⁸⁴ Ibid.

¹⁷⁸⁵ *Federal Tactical Teams* (n 148) 30.

¹⁷⁸⁶ *Special Operations Group* (n 1364) 14.

¹⁷⁸⁷ Ibid at 14.

¹⁷⁸⁸ Evidence to the House Committee on Foreign Affairs, United States House of Representatives, Washington, DC, 22 March 2016 (Alan Bersin, Assistant Secretary and Chief Diplomatic Officer, DHS Office of International Affairs).

¹⁷⁸⁹ *CBP Budget Overview 2020* (n 149) 87.

			situational awareness and to support tactical operations and criminal investigations. ¹⁷⁹⁰ Asylum seekers sometimes express fear to ASID agents, but ASID is not interested in protection claims and they may remove the person without them having a chance to lodge a claim. ¹⁷⁹¹
Migrant Protection Protocols	joint_task_force_west_cbp_dhs	Indirect	‘To support the Unity of Effort and SBAC, DHS established three joint task forces (JTF) — JTF-East, JTF-West, and JTF-Investigations — to enforce immigration laws, prevent illegal entries, interrupt transnational criminal organizations, and minimize the terrorism threat to our Nation.’ ¹⁷⁹² JTF-W partners with DHS Components, other U.S. Federal, State, and local agencies, and international partners to plan and implement enhanced counter network operations directed at disrupting and dismantling TCOs and targeting individuals and organizations whose criminal conduct undermines border security. By identifying evolving threats, critical intelligence gaps, and vulnerabilities, these operations develop comprehensive common operational and intelligence pictures that ultimately enhance DHS’s ability to disrupt, degrade, and dismantle TCOs exploiting the homeland.’ ¹⁷⁹³ JTF targets include asylum seekers arriving at the border without documentation and who may have used smugglers to reach or cross the US border.
Migrant Protection Protocols	joint_intelligence_operations_center_jtfw_cbp_dhs	Indirect	The ‘Joint Intelligence and Operations Center (JIOC), which serves as a command, control, and 24x7 communications center, providing situational awareness to all Arizona-based CBP operational components and their respective commands.’ ¹⁷⁹⁴ This would include providing information about people arriving at the border without documentation and who may have used smugglers to reach or cross the US border, including asylum seekers.
Migrant Protection Protocols	joint_task_force_investigations_cbp_dhs	Indirect	JTF-Investigations is a functionally based task force that provides investigatory support to JTF-East and JTF-West. ¹⁷⁹⁵ JTF-Investigations provides investigatory support for ICE and related to human smuggling and other types of smuggling investigations, which may involve asylum seekers.
Migrant Protection Protocols	intergovernmental_public_liaison_cbp_dhs	Indirect	The Intergovernmental Public Liaison advises the commissioner, deputy commissioner and program offices on the impact of CBP policies and initiatives with regard to state, local and tribal stakeholders. CBP policies often impact tribes and other localities along the southern border. This includes when CBP began ‘metering’ asylum seekers at ports of entry, which drove many people to seek asylum by

¹⁷⁹⁰ US Department of Homeland Security, Office of Immigration Statistics, ‘Efforts by DHS to Estimate Southwest Border Security between Ports of Entry’ (Report, September 2017) 3, note 4.

¹⁷⁹¹ Interview with Participant 004 (Regina Jefferies, United States) on file with author.

¹⁷⁹² DHS Office of Inspector General, *DHS Cannot Determine the Total Cost, Effectiveness, and Value of Its Joint Task Forces* (Report, OIG-20-80, 30 September 2020) 1 (‘*DHS Cannot Determine*’).

¹⁷⁹³ *CBP Budget Overview 2020* (n 149) 194.

¹⁷⁹⁴ *Ibid.*

¹⁷⁹⁵ *DHS Cannot Determine* (n 152).

			crossing in remote areas of the desert, which may include tribal lands. ¹⁷⁹⁶ CBP often engages with these stakeholders and may adjust policy based on feedback, which can in turn impact asylum seekers.
Migrant Protection Protocols	privacy_diversity_cbp_dhs	Direct	The processing of FOIA requests for A files and other documents related to an individual's case can have a significant impact on the ability of the person to present a strong case. Furthermore, asylum seekers are frequently concerned about the release of information related to their case to their own government, or others who might harm them. This can impact whether or not the person lodges a claim.
Migrant Protection Protocols	chief_counsel_cbp_dhs	Indirect	‘The Office of the Chief Counsel provides legal advice to, and legal representation of, CBP officers in matters relating to the activities and functions of CBP. The office is also responsible for reviewing proposed actions to ensure compliance with legal requirements, preparing formal legal opinions, preparing or reviewing responses in all court actions, civil or criminal, involving CBP, and developing, implementing, and evaluating nationwide programs, policies, and procedures within its functional areas.’ ¹⁷⁹⁷ CBP Chief Counsel provides legal advice to components regarding international legal obligations, domestic legal requirements related to asylum, representing CBP in administrative hearings, providing litigation support to DOJ in federal litigation involving asylum or international legal obligations, providing advice as to the legality of regulatory, legislative and policy proposals, as well as training CBP staff in terms of international and domestic asylum requirements.
Migrant Protection Protocols	chief_counsel_enforcement_cbp_dhs	Indirect	‘Functional area of the CBP Office of Chief counsel responsible for reviewing proposed actions to ensure compliance with legal requirements, preparing formal legal opinions, preparing or reviewing responses in all court actions, civil or criminal, involving CBP, and developing, implementing, and evaluating nationwide programs, policies, and procedures within the functional area of enforcement.’ ¹⁷⁹⁸ This would include policies that impact asylum seekers and others seeking protection at or between ports of entry.
Migrant Protection Protocols	chief_counsel_field_office_cbp_dhs	Indirect	‘Associate and Assistant Chief Counsels located in major cities across the U.S. who advise CBP field managers in their geographic areas as to compliance with legal requirements, preparing formal legal opinions, and preparing or reviewing responses in court actions involving CBP.’ ¹⁷⁹⁹ This includes court actions related to asylum litigation and individual asylum cases.

¹⁷⁹⁶ ‘Commissioner’s Office’, US Customs and Border Protection (Web Page, 16 July 2021) <<https://www.cbp.gov/about/leadership-organization/commissioners-office>>.

¹⁷⁹⁷ ‘Chief Counsel’, US Customs and Border Protection (Web Page, 3 October 2017) <www.cbp.gov/about/leadership-organization/chief-counsel>.

¹⁷⁹⁸ Ibid.

¹⁷⁹⁹ ‘San Diego’, US Customs and Border Protection (Web Page) <<https://www.cbp.gov/contact/ports/field-office/san-diego>>.

Migrant Protection Protocols	operations_support_cbp_dhs	Indirect	‘The Operations Support Division is the lead for issues such as less-lethal training and use-of-force review, CBP policy, asset management, and the National Firearms and Tactics Branch.’ ¹⁸⁰⁰ Use-of-force and non-lethal law enforcement methods are often at issue in cases involving people – including asylum seekers – apprehended by Border Patrol. These methods of apprehension (and particularly the use of force) can influence whether someone is able to raise an asylum claim, when they are able to raise that claim, or whether they are able to pursue the claim.
Migrant Protection Protocols	intelligence_os_cbp_dhs	Indirect	The Office of Intelligence collects and disseminates intelligence ‘to facilitate intelligence-driven decision making by all levels of DHS leadership, other U.S. Government policymakers and SLTT [state, local, tribal and territorial] partners’ and provide information to the National Vetting Center. ¹⁸⁰¹ This would include intelligence relating to people seeking asylum and intelligence relating to events, including so-called migrant ‘surges’ or ‘caravans’, that require policy and legal decisions from DHS officials.
Migrant Protection Protocols	strategic_intelligence_analysis_intel_os_cbp_dhs	Indirect	‘The Strategic Intelligence and Analysis Division (SIAD) leverages CBP's unique authorities, capabilities, data, access, and partnerships to deliver comprehensive and analytically sound intelligence products to U.S and international government officials positioned to make strategic policy, operational, and resource decisions on border issues.’ ¹⁸⁰² These strategic policy, operational, and resource decisions would include decisions relating to people seeking asylum.
Migrant Protection Protocols	field_intelligence_intel_os_cbp_dhs	Indirect	‘The HQ Field Intelligence Division (FID) serves as the key conduit to provide intelligence capabilities to CBP’s components in the field and the organizations that partner with them enabling them to conduct effective law enforcement operations.’ ¹⁸⁰³ This includes providing intelligence relating to border operations and people who may be seeking asylum.
Migrant Protection Protocols	current_emerging_threat_intel_os_cbp_dhs	Indirect	‘The National Intelligence Watch maintains awareness of national and international emerging issues that have potential impact on CBP operations and interests, and facilitates intelligence collaboration and dissemination of intelligence to field components and intelligence community members.’ ¹⁸⁰⁴ This includes events such as the ‘migrant caravan’ and other events relating to asylum seekers on the move, which may impact how and whether they are able to access the asylum process.

¹⁸⁰⁰ ‘Operational Support/Enterprise Services’, US Customs and Border Protection (Web Page, 24 August 2021) <<https://www.cbp.gov/about/congressional-resources/operational-supportenterprise-services>>.

¹⁸⁰¹ ‘Office of Intelligence and Analysis’, *US Department of Homeland Security* (Web Page, 13 July 2021) <<https://www.dhs.gov/office-intelligence-and-analysis>>.

¹⁸⁰² *CBP Budget Overview 2020* (n 149) 185.

¹⁸⁰³ *Ibid.*

¹⁸⁰⁴ *Ibid.*

Migrant Protection Protocols	planning_analysis_requirements_evaluation_os_cbp_dhs	Indirect	The PARE Directorate ‘serves as @CBP's functional authority for planning, data science, statistics, analytics, and operational requirements to provide innovative, analytically-based decision support to border security leaders.’ ¹⁸⁰⁵ ‘PARE manages CBP’s risk management framework that enables CBP leadership to make fully informed analytics-based and risk-based decisions. PARE integrates CBP operations through comprehensive understanding of the operating environment, risk management, analytics-based decision support, and operational needs.’ ¹⁸⁰⁶ This includes gathering and providing information relating to asylum seekers and policies that may impact upon asylum seekers.
Migrant Protection Protocols	law_enforcement_safety_compliance_os_cbp_dhs	Indirect	‘LESC supports CBP’s law enforcement mission through use of force policy development and incident review, advanced firearms and defensive tactics training and the testing, evaluation, contracting, and maintenance for CBP weapons, ammunition and body armor.’ ¹⁸⁰⁷ The use of force policy development and incident review would impact asylum seekers arriving at or between ports of entry, including their ability to access the asylum process.
Migrant Protection Protocols	international_affairs_os_cbp_dhs	Indirect	‘INA strives to extend U.S. borders by implementing programs and initiatives that promote anti-terrorism, global border security, non-proliferation, export controls, immigration and capacity building. ... INA provides in-country advisory support for broad-based customs reform and modernization and ensures CBP is represented at overseas posts and influencing policy throughout the world.’ ¹⁸⁰⁸ The Overseas Program ‘helps CBP mitigate international threats including ... transnational organized crime, illegal migration, and economic crime.’ ¹⁸⁰⁹ This includes policies and reforms that stop, or attempt to stop, asylum seekers from arriving in the US.
Migrant Protection Protocols	information_incident_coordination_center_os_cbp_dhs	Indirect	‘It is responsible for managing information flow regarding all significant incidents involving CBP personnel and operations, and is the primary entity responsible for coordination information sharing across all CBP operational offices, DHS, and CBP’s interagency partners.’ ¹⁸¹⁰ This includes information and coordination regarding migrant ‘caravans’ and other migration events that involve asylum seekers.
Migrant Protection Protocols	laboratories_scientific_services_os_cbp_dhs	Indirect	‘LSS operates eight nationally accredited laboratories and four forward-deployed satellite laboratories that conduct advanced forensic and technical analyses in support of frontline CBP officers for law enforcement activities’ ¹⁸¹¹ This includes law enforcement activities targeting

¹⁸⁰⁵ @CBPPAREXD Twitter

¹⁸⁰⁶ *CBP Budget Overview 2020* (n 149) 195.

¹⁸⁰⁷ Ibid.

¹⁸⁰⁸ ‘Operations Support Assistant Commissioners’ Offices’, US Customs and Border Protection (Web Page, 30 December 2020) <<https://www.cbp.gov/about/leadership-organization/executive-assistant-commissioners-offices/operations-support-assistant-commissioners-offices>>.

¹⁸⁰⁹ *CBP Budget Overview 2020* (n 149) 180.

¹⁸¹⁰ Ibid at 195.

¹⁸¹¹ Ibid.

			human smuggling and other cross-border activities that may involve people seeking to cross the border to claim asylum, or people encountered in a law enforcement setting (including with external law enforcement agencies) who may also seek asylum.
Migrant Protection Protocols	policy_cbp_dhs	Indirect	‘The Policy Directorate ensures a unified approach to policy management across CBP and facilitates consistent and comprehensive policy development and implementation.’ ¹⁸¹² This includes reviewing all policy activities – many of which may directly or indirectly impact asylum seekers – such as regulations, privacy documentation, communication materials and programmatic decision-making, as well as briefing executive leadership on goals, accomplishments and the status of deliverables. ¹⁸¹³
Migrant Protection Protocols	enterprise_services_cbp_dhs	Indirect	‘Enterprise Services serves an integral role as the mission support core for CBP by providing the necessary goods and services required by operational personnel and business partners to fulfill mission goals.’ ¹⁸¹⁴ This support includes providing the appropriate technology and infrastructure for a variety of functions served by CBP, including the detention and processing of asylum seekers at the border.
Migrant Protection Protocols	accountability_es_cbp_dhs	Indirect	‘OACT tracks CBP’s progress toward its goals and evaluates effectiveness and efficiency of programs.’ ¹⁸¹⁵ This includes programs relating to the treatment, detention, and processing of asylum seekers.
Migrant Protection Protocols	programming_es_cbp_dhs	Indirect	‘OP translates CBP’s five-year strategic plan into individual efforts (programs) to ensure that CBP can reach its long-term goals.’ ¹⁸¹⁶ This includes translating plans relating to the ability of asylum seekers to access the asylum process, or even the physical border, into operational programs.
Migrant Protection Protocols	chief_of_staff_es_cbp_dhs	Indirect	The COS ‘bridges the gap between people and information in Enterprise Services.’ ¹⁸¹⁷ The COS ties together information about program development, accountability, and physical goods and services required by components, which includes programs, goods and services which relate to asylum seekers.
Migrant Protection Protocols	enterprise_effectiveness_es_cbp_dhs	Indirect	‘EE oversees, manages, and improves strategic resource management, leadership development, business practices, customer relations, and use of business information for organizational performance management, customer service, and strategic decision-making.’ ¹⁸¹⁸ This would include

¹⁸¹² 2016 Performance and Accountability Report (n 133) 12.

¹⁸¹³ ‘Michael Hardin, Director, Policy/Planning at U.S. Customs and Border Protection’, *LinkedIn* (online, 22 March 2021) <<https://www.linkedin.com/in/michael-hardin-14187a167/>>.

¹⁸¹⁴ CBP Budget Overview 2020 (n 149) 74.

¹⁸¹⁵ 2016 Performance and Accountability Report (n 133) 13.

¹⁸¹⁶ Ibid.

¹⁸¹⁷ Ibid.

¹⁸¹⁸ Ibid.

			determining the business information necessary for evaluating organisational performance management, as well as strategic decision-making relating to policies, practices, programs and even aspects of agency culture that impact asylum seekers.
Migrant Protection Protocols	human_resources_mgmt_es_cbp_dhs	Indirect	‘HRM supervises all matters involving human capital, including organizational structure, staffing, compensation administration, benefits, workplace safety, personnel actions, and labor and employee relations.’ ¹⁸¹⁹ Labour and employee complaints were at least part of the reason for the development of a written policy of ‘metering’. Furthermore, this office would be responsible for, or implicated in, decisions to deploy USBP agents (for example) in remote areas without a partner and other decisions regarding how personnel are used in implementing law and policy.
Migrant Protection Protocols	training_development_es_cbp_dhs	Indirect	‘OTD leads all CBP training programs for the entire CBP workforce. OTD ensures that all training supports the CBP mission and strategic goals and prepares the Agency’s workforce to meet the challenges of mission-critical operations. OTD establishes CBP training standards and policies; and develops, delivers, and evaluates resident based training.’ ¹⁸²⁰ OTD would be responsible for developing, delivering and evaluating training programs (in coordination with FLETC) for Basic Training program, as well as any continuing trainings that impact how and whether asylum seekers are referred to the asylum process, as well as how and whether they are able to pursue asylum claims.
Migrant Protection Protocols	facilities_asset_mgmt_es_cbp_dhs	Indirect	‘OFAM is CBP’s property, asset, logistics, and sustainability-focused organization.’ ¹⁸²¹ OFAM is responsible for managing and maintaining short-term Border Patrol holding facilities referred to as hieleras and perreras, as well as tent courts and other structures meant to hold and process asylum seekers and other migrants.
Migrant Protection Protocols	info_tech_es_cbp_dhs	Indirect	The Office of Information and Technology ‘and the Chief Information Officer (CIO) provide information, infrastructure, communications, services, and technology solutions to secure the U.S. border, prevent the entry of terrorists and terrorist weapons, and facilitate legitimate trade and travel.’ ¹⁸²² This office is responsible for IT infrastructure such as the systems that were not equipped to record and track children separated from parents during the ‘Zero Tolerance’ policy, which included asylum seekers. The office is also responsible for ensuring data collection and data quality, including data on asylum seekers and others seeking protection that will be used in strategy and policy development, as well as in accountability fora such as Congressional hearings and federal court proceedings.

¹⁸¹⁹ Ibid at 14.

¹⁸²⁰ Ibid at 15.

¹⁸²¹ Ibid.

¹⁸²² Ibid.

Migrant Protection Protocols	immigration_and_customs_enforcement_dhs	Direct	ICE is responsible for immigration detention centres, including coordinating to transfer detainees from CBP custody to immigration detention. Asylum-seekers are among those transferred from short-term CBP custody to ICE custody. ICE officials are also responsible for parole decisions, bond and detention condition decisions. Also, ICE trial attorneys (TAs) represent the government in immigration court and before the BIA in individual asylum cases.
Migrant Protection Protocols	director_ice_dhs	Indirect	The Director of ICE oversees ICE's day-to-day operations, which includes oversight of enforcement and removal operations, as well as policy decisions that impact asylum seekers and others in search of protection.
Migrant Protection Protocols	chief_of_staff_ice_dhs	Indirect	The ICE Chief of Staff manages a 'broad domestic and international portfolio' that includes advising on the creation of policy and operational guidance as well as working with foreign diplomats and law enforcement. ¹⁸²³ This would include the creation of policy and operational guidance relating to border operations such as metering and other policies that impact how and whether asylum seekers are able to access protection. This would also include the creation of policy and operational guidance relating to interacting and working with foreign governments and law enforcement agencies, such as Mexico's INM and other agencies, to prevent people from reaching the US border.
Migrant Protection Protocols	congressional_relations_ice_dhs	Indirect	The Office of Congressional Relations (OCR) 'is the primary point of contact for the U.S. Congress. OCR focuses on promoting a greater understanding of ICE operations, policies, programs and initiatives among members of Congress, congressional committees and their staff.' ¹⁸²⁴ This office provides information to Congress in order to justify decisions and actions, while also advocating for policy changes, including those relating to asylum, detention conditions for asylum seekers, and many others.
Migrant Protection Protocols	public_affairs_ice_dhs	Indirect	The Office of Public Affairs (OPA) 'is the agency's public face, a team of communications professionals dedicated to telling the story of ICE and fostering an understanding of the agency's mission through outreach to employees, the media and the general public.' ¹⁸²⁵ This includes attempting to shape public perception of agency actions, while also contributing to the morale of employees. OPA made numerous efforts to mitigate public outrage over controversial policies such as family separation and ICE offices routinely engage in the production of media content to shape public opinion.
Migrant Protection Protocols	principal_legal_advisor_ice_dhs	Direct	'The responsibilities of the Principal Legal Advisor include providing legal advice to the Assistant Secretary and other senior ICE leaders on legal issues associated with the ICE mission, as well as representing the Department in all exclusion, deportation, and removal proceedings; prosecuting

¹⁸²³ 'John Amaya', *Harris, Wiltshire & Grannis LLP* (Web Page, 2021) <<https://www.hwglaw.com/team/john-amaya/>>.

¹⁸²⁴ 'Office of Congressional Relations', *US Immigration and Customs Enforcement* (Web Page, 2 September 2021) <<https://www.ice.gov/leadership/ocr>>.

¹⁸²⁵ 'Office of Public Affairs', *US Immigration and Customs Enforcement* (Web Page, 2 September 2021) <<https://www.ice.gov/leadership/opa>>.

			removal court cases; handling Board of Immigration Appeal cases; providing litigation support to U.S. Attorney Offices; assisting with removal order reinstatements, administrative removal orders, and expedited removals; reviewing legislative and regulatory proposals; providing legal training and ethics guidance to all ICE personnel; and representing ICE in court and administrative proceedings. ¹⁸²⁶ ‘OPLA also provides a full range of legal services to ICE programs and offices. OPLA provides legal advice and prudential counsel to ICE personnel on their customs, criminal, and immigration law enforcement authorities, the Freedom of Information Act and Privacy Act, ethics, liability under the Federal Tort Claims Act, and a range of administrative law issues, such as contract, fiscal, and employment law.’ ¹⁸²⁷ This office both participates in all types of legal decision-making relating to individual asylum cases, as well as decisions which impact the ability of a person to raise a claim, as well as in legal decisions relating to how ICE personnel use their authority.
Migrant Protection Protocols	enforcement_litigation_opla_ice_dhs	Direct	The Enforcement and Litigation (E&L) section ‘advances U.S. Immigration and Customs Enforcement’s (ICE) homeland security and public safety mission by enforcing our nation’s immigration, customs, and criminal laws and policies, defending the operational authorities and decisions of ICE officers and agents in the federal courts, and guiding and supporting the advocacy of ICE attorneys before the immigration courts and the Board of Immigration Appeals (Board), with special emphasis on cases involving criminal aliens, human rights violators, and aliens who threaten our national security.’ ¹⁸²⁸ Defending the operational authorities and decisions of ICE officers and agents, as well as supporting ICE attorneys before the immigration courts and the BIA, includes cases involving people seeking asylum.
Migrant Protection Protocols	district_court_litigation_el_opla_ice_dhs	Direct	The ‘DCLD defends ICE’s operational prerogatives and activities, its budget, and its people by zealously representing agency interests in civil litigation and through the adjudication of administrative tort actions.’ ¹⁸²⁹ ‘DCLD assists ICE personnel and DOJ in all aspects of federal litigation ... in cases ranging from common-law tort suits, lawsuits against ICE employees in their individual capacity under <i>Bivens v. Six Unknown Named Agents</i> , 403 U.S. 388 (1971), and claims seeking injunctive or declaratory relief, including class action habeas corpus relief. DCLD also provides oral and written advice to ICE leadership and employees regarding potential litigation risks, represents ICE’s interests in litigation-related discussions with other agencies and Department of Homeland Security (DHS) components, and adjudicates administrative claims for personal injuries

¹⁸²⁶ ‘Office of the General Counsel’, *US Department of Homeland Security* (Web Page, 24 August 2021) <<https://www.dhs.gov/office-general-counsel>>.

¹⁸²⁷ ‘Office of the Principal Legal Advisor’, *US Immigration and Customs Enforcement* (Web Page, 27 July 2021) <<https://www.ice.gov/about-ice/opla>>.

¹⁸²⁸ Ibid.

¹⁸²⁹ Ibid.

			and property damage pursuant to the Federal Tort Claims Act. ¹⁸³⁰ Cases brought under Bivens and against ICE officials for torts, often include harm done to people seeking asylum. Habeas and injunctive or declaratory claims often include claims for relief by asylum seekers who are detained, or are seeking some other type of relief in order to better present their claims.
Migrant Protection Protocols	ero_law_el_opla_ice_dhs	Indirect	‘EROLD attorneys prepare legal opinions, review and draft policy directives, legislation, regulations, and other materials for DHS, ICE, and OPLA leadership on the legal and policy aspects of Enforcement and Removal Operations’ (ERO) immigration enforcement functions, including: alternatives to detention, civil immigration arrest and detention authorities, civil rights and disabilities, conditions of confinement, detainers, expedited removal processes, family detention, fugitive operations, juvenile issues, repatriation initiatives, the 287(g) Program, and the Visa Waiver Program. EROLD also houses OPLA’s regulatory program and provides significant litigation support to DOJ for federal court matters impacting ICE equities with regard to arrest, detention, and removal authorities.’ ¹⁸³¹ These matters, including detention and expedited removal, often involve asylum seekers and impact their ability to raise or pursue an asylum claim.
Migrant Protection Protocols	hsi_law_el_opla_ice_dhs	Indirect	‘HSILD provides customs law, criminal law, and criminal immigration law advice to the ICE Director, HSI, and Office of Professional Responsibility on a wide range matters related to the movement of people and goods into, within, and out of the United States. ... Working in close partnership with HSI Headquarters, HSILD interprets and defends HSI’s many unique authorities; reviews national policies, novel issues, and matters of national importance; drafts proposed legislation; liaises with other law enforcement agencies; and provides advanced training to HSI special agents.’ ¹⁸³² At the time of this research, HSILD was working closely with one Border Patrol sector in Arizona on what Border Patrol considered to be a smuggling ring that also involved people seeking asylum. HSILD takes a law enforcement focussed position on the movement of people who may also have protection claims, and advocates for policies and action from that perspective.
Migrant Protection Protocols	human_rights_violator_el_opla_ice_dhs	Indirect	‘With interagency partners at the Human Rights Violators and War Crimes Center, the Homeland Security Investigations (HSI) Human Rights Violators and War Crimes Unit and OPLA attorneys pursue the criminal prosecution, denaturalization, and ultimately the removal of individuals seeking U.S. immigration benefits who have been involved in human rights violations or war crimes. HRVLD also works to prevent human rights abusers and war criminals from gaining a safe haven in the United States. HRVLD supports HSI as it conducts thousands of criminal investigations against human smugglers who engage in particularly egregious activities which endanger human life, and human

¹⁸³⁰ Ibid.

¹⁸³¹ Ibid.

¹⁸³² Ibid.

			traffickers who compel their victims into work or prostitution. ¹⁸³³ People seeking asylum may sometimes have complex histories of persecution (eg child soldiers), or have taken dangerous routes using human smugglers to travel to the US in search of protection. These individuals may be impacted by this office.
Migrant Protection Protocols	imm_law_practice_el_opla_ice_dhs	Direct	The Immigration Law and Practice Division (ILPD) advocates ‘on ICE’s behalf in appellate proceedings before the Board and the Attorney General, ensuring consistency in OPLA’s litigating positions before the nation’s immigration courts, guiding the development of federal court decisional law, and providing expert counsel on issues of substantive immigration law and protection law matters. ... ILPD also provides guidance to OPLA field locations, agency leadership, DHS OGC HQ, and various DOJ components on a wide range of substantive immigration law issues, including, but not limited to, criminal grounds of removability, bond proceedings, and extradition. ILPD attorneys also provide specialized legal advice on matters involving refugees, asylum, withholding of removal, protection under the Convention Against Torture regulations, and Temporary Protected Status, and advance OPLA’s efforts to combat protection law-related fraud perpetrated by applicants and preparers.’ ¹⁸³⁴
Migrant Protection Protocols	national_securty_el_opla_ice_dhs	Indirect	‘NSLD provides national oversight and litigation support for OPLA’s litigation of national security cases before the immigration courts, including the development of legal and policy positions and litigation strategy, and the approval of substantive national security charges. ... NSLD’s cases often involve individuals convicted of terrorism-related offenses or who have engaged in terrorist activity.’ ¹⁸³⁵ Asylum seekers may have diverse experiences of persecution, which may also include providing assistance under extreme duress, or in complex circumstances.
Migrant Protection Protocols	field_legal_ops_opla_ice_dhs	Direct	‘The OPLA field locations are responsible for representing DHS in detained and non-detained removal cases before the Department of Justice’s Executive Office for Immigration Review (EOIR).’ ¹⁸³⁶ This includes representing DHS in opposition to individuals in detained and non-detained removal cases with asylum claims.
Migrant Protection Protocols	general_admin_law_opla_ice_dhs	Indirect	The General and Administrative Law attorneys and staff support a diverse portfolio of ICE-wide legal programs and OPLA-wide mission and program support. ¹⁸³⁷ This includes acting as the ethics officials for ICE attorneys who represent DHS in detained and non-detained asylum cases, while also advising ICE offices on the disclosure of information to foreign governments (which may concern

¹⁸³³ ‘Office of the Principal Legal Advisor’, *US Immigration and Customs Enforcement* (Web Page, 27 July 2021) <<https://www.ice.gov/about-ice/opla>>.

¹⁸³⁴ Ibid.

¹⁸³⁵ Ibid.

¹⁸³⁶ Ibid.

¹⁸³⁷ Ibid.

			asylum seekers) and under FOIA, while also adjudicating FOIA appeals for information that may also involve asylum seeker A files.
Migrant Protection Protocols	govt_info_law_ga_opla_ice_dhs	Indirect	‘Their work includes the legal review of international agreements, such as Mutual Legal Assistance Treaties, Customs Mutual Assistance Agreements and Letters of Intent with foreign governments. They also adjudicate administrative appeals under the Freedom of Information Act and help U.S. Attorneys’ Offices to defend information-related litigation filed against ICE.’ ¹⁸³⁸ Release of information to foreign governments and other agencies may implicate asylum seekers, as they are often concerned about the country of persecution receiving information related to their claims. Adjudicating FOIA appeals may also impact asylum seekers attempting to gain access to information in their A files, which may also be used against them in removal proceedings, or affirmative asylum adjudications.
Migrant Protection Protocols	ice_ethics_ga_opla_ice_dhs	Direct	‘Its attorneys establish, maintain and carry out the ICE ethics program, which includes collecting, reviewing and certifying financial disclosure reports, providing ethics advice on the standards of conduct and executing a robust employee ethics education program. The ICE Ethics Office also serves as ICE’s point of contact for attorney professional responsibility complaints, and it oversees the Administrative Inquiry and Management Referral program for attorney misconduct cases.’ This office is responsible for pursuing, or failing to pursue, professional responsibility and other misconduct investigations against ICE attorneys representing DHS in detained and non-detained asylum cases.
Migrant Protection Protocols	mission_support_ga_opla_ice_dhs	Indirect	The Mission Support Division (MSD) ‘team of support professionals delivers comprehensive, nationwide administrative services to advance OPLA’s operational mission. ... It manages OPLA’s hiring and oversees employee performance management. It is also responsible for tracking OPLA’s facility needs and its government property.’ ¹⁸³⁹ This includes ensuring that OPLA and the agency’s attorneys, have the resources to effectively carry out law and policy relating to asylum seekers.
Migrant Protection Protocols	enforcement_removal_ops_ice_dhs	Direct	Enforcement and Removal Operations ‘enforces the Nation’s immigration laws by identifying and apprehending illegal immigrants, detaining those individuals pending final determination of removability, and removing them from the United States. ... ERO manages all logistical aspects of the removal process, including domestic transportation, detention, alternatives to detention programs, bond management, and supervised release. In addition, ERO repatriates those ordered removed from the United States to more than 170 countries around the world.’ ¹⁸⁴⁰ Asylum seekers may come into contact with ERO officials at almost any stage of the asylum and removal process.

¹⁸³⁸ Ibid.

¹⁸³⁹ Ibid.

¹⁸⁴⁰ US Department of Homeland Security, *FY 2019-2021 Annual Performance Report* (Report, 2019) 38.

Migrant Protection Protocols	custody_mgmt_ero_ice_dhs	Direct	‘Custody Management manages ICE detention operations efficiently and effectively to provide for the safety, security, and care of aliens in ERO custody.’ ¹⁸⁴¹ Custody Management is essentially responsible for all aspects of immigration detention, including parole, other alternatives to detention, and detention conditions which can have a significant impact on detained asylum seekers’ ability to raise and pursue a claim.
Migrant Protection Protocols	enforcement_ero_ice_dhs	Direct	‘The Enforcement Division manages the enforcement initiatives and components through which ERO identifies and arrests removable aliens.’ ¹⁸⁴² Though the agency website focuses on ‘criminal aliens’, the ERO Enforcement Division targets anyone without status who may or may not have been convicted (or even accused) of criminal activity. Many people – including asylum seekers – are targeted for civil immigration violations, or even civil traffic violations. ¹⁸⁴³ ERO also includes ‘Deportation Officers’ who oversee the removal process and detention of detainees, including asylum seekers.
Migrant Protection Protocols	field_ops_ero_ice_dhs	Direct	The ERO Field Operations Division comprises 24 national field offices where ‘enforcement and removal efforts are conducted’. ¹⁸⁴⁴ Headquarters and the national field offices coordinate to transfer and manage immigration detainees, which includes asylum seekers, while also managing the administrative removal process and the physical requirements of removal.
Migrant Protection Protocols	ice_health_service_ero_ice_dhs	Direct	The ICE ‘Health Service Corps (IHSC) provides direct care daily to approximately 100,000 detainees housed at 20 designated facilities throughout the nation. The health care provided includes medical, dental and mental health care, and public health services. IHSC also provides medical case management and oversight for an additional 169,000 detainees housed at approximately 148 non-IHSC-staffed detention facilities daily across the country.’ ¹⁸⁴⁵ Detainees include asylum seekers, who may often have mental and other health issues resulting from their persecution, which may impact on their ability to raise and pursue an asylum claim.
Migrant Protection Protocols	operations_support_ero_ice_dhs	Indirect	‘OS responsibilities include budget formulation and execution management, financial management, purchase card support, facilities construction and leasing management, fleet and personal property management, training management, human capital management, and compliance and oversight support. The Assistant Director (AD) for OS is responsible for a dynamic human capital program that includes aggressive recruitment, hiring, and retention of a diverse professional, managerial and

¹⁸⁴¹ ‘Enforcement and Removal Operations’, *US Immigration and Customs Enforcement* (Web Page, 20 May 2021) <<https://www.ice.gov/about-ice/ero#custody>>.

¹⁸⁴² ‘Enforcement and Removal Operations’, *US Immigration and Customs Enforcement* (Web Page, 20 May 2021) <<https://www.ice.gov/about-ice/ero#enforcement>>.

¹⁸⁴³ See eg, *Aguilar v US Immigration and Customs Enforcement Division*, 07-civ-08224; Roque Planas, ‘Latest ICE Data Details Increasingly Indiscriminate Arrests’, *HuffPost* (online, 8 July 2018) <https://www.huffpost.com/entry/ice-arrest-data-details-increasingly-indiscriminate-arrests_n_5b40e791e4b05127ccf2af63?t08=>>.

¹⁸⁴⁴ ‘Enforcement and Removal Operations’, *US Immigration and Customs Enforcement* (Web Page, 20 May 2021) <<https://www.ice.gov/about-ice/ero#fieldOps>>.

¹⁸⁴⁵ ‘ICE Health Service Corps’, *US Immigration and Customs Enforcement* (Web Page, 24 March 2021) <<https://www.ice.gov/detain/ice-health-service-corps>>.

			officer workforce and provides sound and cost-effective budget and financial management policies, procedures and guidance. The AD for OS also provides a safe and effective fleet, and provides planning and oversight of ERO facilities and construction. The AD for OS ensures collaboration with internal stakeholders to define requirements and guarantee timely responses to Freedom of Information Act (FOIA) cases, and institutes a partnership throughout the agency to develop an overarching ERO training strategy that includes mission-specific training needs. ¹⁸⁴⁶ This office influences the types of people hired by ERO, which overwhelmingly includes people with a law enforcement – not humanitarian – focus. This office is also responsible for providing appropriate and humane facilities for people being detained and removed, including asylum seekers, while also being responsible for providing timely responses to FOIA requests which asylum seekers often depend upon in presenting their cases.
Migrant Protection Protocols	removal_ero_ice_dhs	Direct	‘ERO’s Removal Division coordinates, manages, and facilitates efforts to successfully remove aliens from the United States. In collaboration with other ICE offices and the Department of State, ERO also works with international partners to successfully execute removal operations.’ ¹⁸⁴⁷ ‘ERO facilitates the processing of illegal aliens through the immigration court system and coordinates their departure from the United States. ... ERO removal operations require complex coordination, management, and facilitation efforts to successfully remove/return aliens from the United States. ERO accomplishes this mission through contract/chartered flights and commercial airlines for escorted and unescorted removals. In collaboration with the ICE HSI Office of International Operations and the Department of State, ERO also works with international partners to successfully execute removal operations.’ ¹⁸⁴⁸ This includes the removal and attempted removal of people seeking asylum and refugees.
Migrant Protection Protocols	ice_air_removal_ero_ice_dhs	Direct	ICE Air Operations Division ‘Provides commercial and chartered aviation support, both domestically and internationally, to all 24 ERO Field Offices strategically located throughout the United States, providing air transportation to transfer aliens to designated detention locations and/or to staging sites in order to accomplish removal flights to aliens’ countries of origin.’ ¹⁸⁴⁹ This includes the transport of asylum seekers in detention to other detention locations, and/or to staging sites for removal.
Migrant Protection Protocols	removal_mgmt_removal_ero_ice_dhs	Direct	The Removal Management Divisions (RMD) East and West support ‘the 24 ERO Field Offices nationwide in the coordination of removals, and develops and implements strategies to support ERO's mission to remove priority aliens from the United States through collaboration within the agency as

¹⁸⁴⁶ ‘Enforcement and Removal Operations’, *US Immigration and Customs Enforcement* (Web Page, 20 May 2021) <<https://www.ice.gov/about-ice/ero#operations>>.

¹⁸⁴⁷ ‘Enforcement and Removal Operations’, *US Immigration and Customs Enforcement* (Web Page, 20 May 2021) <<https://www.ice.gov/about-ice/ero#removal>>.

¹⁸⁴⁸ ‘Removal’, *US Immigration and Customs Enforcement* (Web Page, 7 January 2021) <<https://www.ice.gov/remove/removal>>.

¹⁸⁴⁹ ‘Enforcement and Removal Operations’, *US Immigration and Customs Enforcement* (Web Page, 20 May 2021) <<https://www.ice.gov/about-ice/ero#removal>>.

			well as interagency stakeholders, foreign embassies and consulates, and international networks. ¹⁸⁵⁰ ‘In addition to the removal of aliens, ICE transfers UCs to the care of HHS ORR upon the assignment of bed space and transports family units internally to ERO’s FRCs.’ ¹⁸⁵¹ ‘Ground transportation includes alien pick-ups, transfers, and removals. Transportation network performance affects other ICE activities, including custody management, enforcement, removals, and local field operations. TRP uses ground to move detainees from jails into ICE custody, between detention facilities, and to legal, medical, and consular appointments. TRP relies on ground transportation for out-processing, for movement to a commercial flight, or to a staging site. TRP uses ground to remove Mexican nationals, leaving them at designated points of entry on the southwest border.’ ¹⁸⁵² All of these operations include the transport of asylum seekers.
Migrant Protection Protocols	intl_ops_removal_ero_ice_dhs	Direct	The International Operations Division (IOD) consists of ‘ERO’s overseas-based personnel and supports the 24 ERO Field Offices nationwide through regular and ongoing liaison with host-nation government officials in the coordination of removal operations.’ ¹⁸⁵³ The IOD provides assistance in the removal of people who have raised unsuccessful asylum claims, as well as people who may have claims but who have not been able to raise them.
Migrant Protection Protocols	ice_law_enforcement_support_center_ice_dhs	Indirect	The ICE Law Enforcement Support Center (LESC) provides Law Enforcement Agencies (LEAs) ‘with data and intelligence, including information regarding immigration status and criminal history of persons under investigation, in custody, or otherwise encountered. ... LESC supports Federal, State, local, tribal, and international law enforcement partners, including INTERPOL and ICE Attaché offices. LESC also manages the administration of ICE records within the National Crime Information Center (NCIC)’. ¹⁸⁵⁴ This information may include information about asylum seekers who ICE has encountered, as well as managing the administration of NCIC criminal records, which may impact a person’s asylum adjudication.
Migrant Protection Protocols	homeland_security_investigations_ice_dhs	Indirect	‘HSI uses its legal authorities to investigate immigration and customs violations, including those related to export control, human rights abuses, narcotics, firearms and contraband smuggling, financial crimes, cybercrime, human trafficking and smuggling, child exploitation, intellectual property infringements, transnational gangs, and immigration benefit fraud. Additionally, specially trained investigative support staff assist in a broad range of functions requiring specialized

¹⁸⁵⁰ Ibid.

¹⁸⁵¹ US Immigration and Customs Enforcement, *Budget Overview: Fiscal Year 2020 Congressional Justification* (DHS Report) 163 (‘ICE Budget Overview 2020’).

¹⁸⁵² Ibid at 162-163.

¹⁸⁵³ ‘Enforcement and Removal Operations’, *US Immigration and Customs Enforcement* (Web Page, 20 May 2021) <<https://www.ice.gov/about-ice/ero#removal>>.

¹⁸⁵⁴ ICE Budget Overview 2020 (n 214) 145.

			knowledge and capabilities that are force multipliers in mission-critical areas.’ ¹⁸⁵⁵ ‘HSI’s international force is DHS’s largest investigative presence abroad, anchored by special agents assigned to U.S. embassies, consulates and Department of Defense (DOD) combatant commands around the globe. HSI has one of the largest international footprints in U.S. law enforcement.’ ¹⁸⁵⁶ Border Patrol routinely works with HSI in various initiatives that impact asylum seekers, including at least two mentioned during interviews focussed on a North Carolina 'smuggling ring' as well as 'recycled children'.
Migrant Protection Protocols	intelligence_hsi_ice_dhs	Indirect	The HSI Office of Intelligence ‘produces timely, comprehensive, and accurate criminal analysis that enables criminal investigators to identify, prioritize, disrupt, and dismantle transnational terrorist and criminal networks, and any other individual or organization that threatens national security or seeks to exploit the customs and immigration laws of the United States.’ ¹⁸⁵⁷ This office collects, analyses and distributes intelligence regarding people, including asylum seekers, attempting to reach or cross the US border without a visa or other documentation. The Collections Division also ‘manages ICE’s Technical Intelligence Center where LETC operations cue the tactical interdiction and investigation of illicit trafficking bound for the United States.’ ¹⁸⁵⁸ The interdiction and investigation of ‘illicit trafficking’ includes the movement of asylum seekers, while the division also investigates and distributes information to prevent human smuggling – without distinguishing the movement of asylum seekers from other types of movement.
Migrant Protection Protocols	mission_support_hsi_ice_dhs	Indirect	‘Mission Support manages logistics and internal control activities; oversees HSI’s fleet, travel, property, and facilities; reports on HSI’s performance; coordinates the development and issuance of handbooks, policies, delegation orders, and forms that HSI needs to address its national security and public safety missions; ensures that HSI’s resources are aligned to the broader goals of ICE and DHS; oversees the disclosure of information; and supports all HSI headquarters, field offices, and mission areas with strategic planning, analytics, modeling, and efficiency studies to facilitate fact-based decision-making.’ ¹⁸⁵⁹ This office is responsible for developing policies, handbooks, missions, in furtherance of the multi-faceted legal responsibilities of HSI, which includes the referral of individuals who might raise an asylum claim to the appropriate adjudicative process.
Migrant Protection Protocols	management_administration_ice_dhs	Indirect	‘M&A oversees ICE’s financial and human resources, IT, sensitive property, and other assets, and it collaborates with internal and external stakeholders to increase ICE’s ability to attract and retain a

¹⁸⁵⁵ ICE Budget Overview 2020 (n 214) 4.

¹⁸⁵⁶ Ibid.

¹⁸⁵⁷ US Immigration and Customs Enforcement, *Homeland Security Investigations: HSI* (DHS Report, 2021) 18.

¹⁸⁵⁸ ICE Budget Overview 2020 (n 214) 97.

¹⁸⁵⁹ *Homeland Security Investigations: HSI* (n 228) 19.

			diverse workforce. ¹⁸⁶⁰ This office contributes to the type of individuals who are recruited and hired within ICE, while also being responsible for identifying, developing and communicating ICE's strategic and other policies, regulations, regulatory processes, and operational requirements. All of these inputs may impact asylum seekers, from the types of individuals hired to work for ICE and whether they have the capacity or disposition to undertake humanitarian work, as well as in the organisational and other policies which prioritise certain types of law enforcement action and goals over the protection of individual asylum seekers.
Migrant Protection Protocols	chief_financial_office r_mgmt_ice_dhs	Indirect	OCFO is essentially responsible for providing the staffing, funding, and physical asset requirements for ICE to undertake its operations. OFCO 'allocate[s] resources to ICE's operational components by implementing best practices and linking strategic planning, budgeting and program performance to financial decision making.' ¹⁸⁶¹ These operations include transporting asylum seekers and others in need of protection from Border Patrol temporary holding facilities to long-term holding facilities, or paroling people, or releasing them using alternative forms of detention.
Migrant Protection Protocols	human_capital_mgmt _ice_dhs	Indirect	OHC is responsible for recruiting and retaining the staff necessary for ICE to function, including determining what types of people to recruit. For example, military veterans currently comprise one-third of ICE's total workforce. ¹⁸⁶² Who the agency hires has a direct bearing on how legal obligations are implemented, as well as the agency culture. These, in turn, can directly impact how people in need of protection are perceived and treated.
Migrant Protection Protocols	acquisition_mgmt_mg mt_ice_dhs	Indirect	'OAQ procures various products and services such as: Law enforcement services and products, including handcuffs, hand restraints, guns and ammunition; Detention and removal services such as temporary housing, food, clothing and transportation, including air charter flights; Operational support like data analysis, interpreter services and clerical support; and Information technology supplies and services, including computers, security equipment, software and telecommunications equipment.' ¹⁸⁶³ These acquisitions directly influence how and whether ICE can meet its legal and operational requirements. For example, OAQ would procure the transport for ICE to be able to move asylum seekers and others from temporary CBP detention to long-term detention, or another type of ICE processing facility.

¹⁸⁶⁰ ICE Budget Overview 2020 (n 214) 3.

¹⁸⁶¹ 'Office of the Chief Financial Officer', *US Immigration and Customs Enforcement* (Web Page, 23 August 2021) <<https://www.ice.gov/about-ice/management-administration/cfo>>.

¹⁸⁶² 'Office of Human Capital', *US Immigration and Customs Enforcement* (Web Page, 23 August 2021) <<https://www.ice.gov/about-ice/management-administration/hc>>.

¹⁸⁶³ 'Office of Acquisition Management', *US Immigration and Customs Enforcement* (Web Page, 23 August 2021) <<https://www.ice.gov/about-ice/management-administration/oaq>>.

Migrant Protection Protocols	chief_information_officer_mgmt_ice_dhs	Indirect	This office provides the information technology tools for ICE officials to enter and transfer information about people who come into contact with the agency, which includes asylum seekers. Inadequate information technology systems were at issue in the ‘Zero Tolerance’ policy, because DHS officials – including ICE – did not properly track separated parents and children, creating massive logistical and humanitarian problems.
Migrant Protection Protocols	information_governance_privacy_mgmt_ice_dhs	Indirect	The Office of Information Governance and Privacy (OIGP) ‘oversees the management, sharing, protection and access to ICE data, and ensures the information ICE maintains meets legal and policy requirements.’ ¹⁸⁶⁴ OIGP is critical to a number of functions that directly impact people seeking asylum or other forms of protection, including collecting appropriate data to ensure that ICE is actually adhering to legal obligations, including <i>non-refoulement</i> , providing information about where detainees are held, collecting and providing data to be used for the development of policy and law.
Migrant Protection Protocols	policy_planning_mgmt_ice_dhs	Indirect	The Office of Policy and Planning (OPP) ‘collaborates with internal and external stakeholders to identify, develop and effectively communicate ICE’s: strategic and organizational policies; regulations and regulatory processes; and operational requirements. Further, OPP supports ICE’s strategic priorities through coordination with departmental and interagency partners, establishing policies and regulations impacting ICE.’ ¹⁸⁶⁵ These policies include those which impact asylum seekers including, but not limited to, detention, transport and their ability to access the RSD process.
Migrant Protection Protocols	leadership_career_dev_mgmt_ice_dhs	Indirect	The ICE Office of Leadership and Career Development (OLCD) ‘establishes and maintains standards for ICE training programs and curricula, facilitates the accreditation of ICE training programs and oversees training delivered to ICE personnel.’ ¹⁸⁶⁶ Oversight of standards for ICE training programs and curricula necessarily includes decisions around what types of material to include, whether that be on international legal obligations, humanitarian obligations, or other types of training that could impact how ICE officials encounter, interact with, and view their responsibilities towards asylum seekers and others in search of international protection.
Migrant Protection Protocols	professional_responsibility_ice_dhs	Direct	OPR conducts reviews of ICE programs and operations, and investigates ‘allegations of serious employee and contractor misconduct, as well as internal and external threats against ICE personnel and facilities. OPR assesses pre-employment suitability and continuously evaluates background

¹⁸⁶⁴ ‘Office of Information Governance and Privacy’, *US Immigration and Customs Enforcement* (Web Page, 23 August 2021) <<https://www.ice.gov/about-ice/management-administration/privacy>>.

¹⁸⁶⁵ ‘Office of Policy’, *US Immigration and Customs Enforcement* (Web Page, 2 September 2021) <<https://web.archive.org/web/20210808050139/www.ice.gov/about-ice/management-administration/policy>>.

¹⁸⁶⁶ ‘Office of Leadership and Career Development’, *US Immigration and Customs Enforcement* (Web Page, 23 August 2021) <<https://www.ice.gov/about-ice/management-administration/olcd>>.

			investigations of the ICE workforce. ¹⁸⁶⁷ The extent to which OPR is successful in fully conducting investigations into misconduct, as well as perceived or actual problems with the integrity and professionalism of ICE officials, can have a direct impact on asylum seekers ability to lodge an application for relief, access counsel, or undertake any number of tasks that might be relevant to preparing and presenting a case, particularly if they are detained.
Migrant Protection Protocols	investigation_opr_ice_dhs	Direct	The OPR Investigation Division ‘investigates allegations of criminal and administrative misconduct of ICE employees and contractors, evaluates criminal misconduct of CBP employees when related to an ICE investigation, and administers the Insider Threat Program.’ ¹⁸⁶⁸ As outlined above, ICE misconduct can directly impact asylum seekers' ability to present or pursue a protection claim.
Migrant Protection Protocols	inspections_detention_oversight_opr_ice_dhs	Indirect	The OPR Inspections and Detention Oversight Division ‘assesses ICE’s organizational health by providing independent reviews of Component programs, offices, and detention facilities to measure compliance with applicable policies, procedures, and standards, conducting detainee death reviews, and auditing ICE’s implementation of the DHS Prison Rape Elimination Act (PREA).’ ¹⁸⁶⁹ Asylum seekers and others seeking international protection who are detained at ICE or ICE-contracted facilities, routinely face problems with access to counsel, accessing translators, accessing appropriate medical care, and various other issues that directly impact their ability to present and pursue a protection claim. Whether the OPR Inspections and Detention Oversight Division properly investigates, finds, and requires redress of these issues can have a direct influence on asylum seekers.
Migrant Protection Protocols	uscis_dhs	Direct	USCIS deals with biometrics appointments at field offices for asylum applicants, requests for information about applications, hosts asylum officers at field offices during circuit rides, and issues proof of status documents for people granted asylum (including by EOIR).
Migrant Protection Protocols	external_affairs_uscis_dhs	Indirect	The External Affairs Directorate (EXA) develops and circulates ‘official USCIS materials aimed at external audiences, including Congress, the press, immigration stakeholders, and the general public.’ ¹⁸⁷⁰ The office provides responses to Congressional policy questions and constituent casework inquiries, and by provides ongoing education for members of Congress and their staff. This includes policy relating to asylum seekers, as well as casework inquiries for people seeking asylum.
Migrant Protection Protocols	office_of_legislative_affairs_ea_uscis_dhs	Indirect	The Office of Legislative and Intergovernmental Affairs (OLA) communicates with congressional stakeholders regarding USCIS policy changes and lobbies for the understanding and development of

¹⁸⁶⁷ ‘Office of Professional Responsibility’, *US Immigration and Customs Enforcement* (Web Page, 2 April 2021) <<https://www.ice.gov/about-ice/opr>>.

¹⁸⁶⁸ *ICE Budget Overview 2020* (n 214) 47.

¹⁸⁶⁹ Ibid.

¹⁸⁷⁰ ‘External Affairs Directorate’, *US Citizenship and Immigration Services* (Web Page, 17 February 2021) <<https://www.uscis.gov/about-us/organization/directorates-and-program-offices/external-affairs-directorate>>.

			immigration legislation, policy, and practices. This includes policy, legislation and practices relating to asylum seekers and access to RSD.
Migrant Protection Protocols	legislative_affairs_ola_ea_uscis_dhs	Indirect	This office informs and advises USCIS leadership on congressional activity, informs Congress of USCIS policies and priorities, provides Congress with technical assistance on proposed legislation, briefs members and their staff on agency operations and policies, and supports agency leadership for congressional hearings. This includes USCIS policies and priorities, agency operations, and proposed legislation relating to asylum and access to the asylum framework.
Migrant Protection Protocols	operations_field_coordination_ola_ea_uscis_dhs	Indirect	This office supports the Congressional Liaison Corps throughout the agency to ensure consistency in outreach and operations. This includes outreach and operations relating to asylum, asylum-seekers and access to the asylum framework.
Migrant Protection Protocols	congressional_constituent_services_ola_ea_uscis_dhs	Indirect	This office responds to congressional inquiries concerning constituent casework and policy questions, which includes people seeking asylum.
Migrant Protection Protocols	liaison_and_coordination_branch_ola_ea_uscis_dhs	Indirect	This office facilitates unified USCIS responses to intradepartmental inquiries, requests for information and formal recommendations on all immigration issues as well as allegations of civil rights violations. This includes intradepartmental inquiries relating to asylum cases, requests for information and formal recommendations on issues relating to asylum, and allegations of civil rights violations relating to the asylum process.
Migrant Protection Protocols	office_of_public_affairs_ola_ea_uscis_dhs	Direct	‘The Office of Public Affairs (OPA) functions as a conveyor of information, context, and insights to external and internal audiences with the aim of enhancing the public’s understanding of our agency and the laws and policies affecting benefit seekers, stakeholders, and the American people.’ ¹⁸⁷¹ This includes conveying information about laws relating to asylum, as well as messaging in support of agency policies and rules relating to asylum-seekers.
Migrant Protection Protocols	plain_language_opa_ea_uscis_dhs	Indirect	The Plain Language Division drafts content, reviews and edits communications materials and web content, as well as reports, internal memos, forms, and instructions. ‘The division also translates web content into Spanish and provides plain language training to USCIS employees and other components of DHS.’ ¹⁸⁷² This information both communicates how individuals can apply for immigration benefits like asylum, as well as the process for seeking asylum, in multiple languages. Reviewing and editing the language of reports, internal memos, forms, and instructions can directly impact how people understand the asylum process, as well as policies and information relating to the process.

¹⁸⁷¹ ‘External Affairs Directorate’, *US Citizenship and Immigration Services* (Web Page, 17 February 2021) <<https://www.uscis.gov/about-us/organization/directorates-and-program-offices/external-affairs-directorate>>.

¹⁸⁷² Ibid.

Migrant Protection Protocols	internal_communications_opa_ea_uscis_dhs	Indirect	‘The Internal Communications Division coordinates all internal communications with the USCIS workforce. It also produces a digital employee newsletter and maintains the agency’s intranet.’ ¹⁸⁷³ Internal communications within UCSIS can be critical for communicating agency policy and practices which relate to asylum, or have an impact on a person’s ability to raise or pursue a claim.
Migrant Protection Protocols	strategic_communications_opa_ea_uscis_dhs	Indirect	‘The Strategic Communications Division plans, develops, and communicates USCIS messaging to announce short- or long-term programmatic and policy updates, changes, or new initiatives.’ ¹⁸⁷⁴ This includes messaging on legislation, agency policy and practices which relate to asylum, or have an impact on a person’s ability to raise or pursue a claim.
Migrant Protection Protocols	public_engagement_opa_ea_uscis_dhs	Direct	‘The division supports a variety of outreach programs and initiatives to ensure that the public has a clear understanding of our agency’s priorities and policies.’ ¹⁸⁷⁵ This includes outreach and initiatives on agency priorities and policies which relate to asylum, or have an impact on a person’s ability to raise or pursue a claim.
Migrant Protection Protocols	citizenship_and_applicant_info_services_ea_uscis_dhs	Direct	‘The Office of Citizenship and Applicant Information Services (CAIS) helps the public learn about U.S. citizenship and assists applicants with a variety of resources and tools.’ ¹⁸⁷⁶ These resources and tools include those relating to asylum requirements, the asylum process, and case information regarding certain types of pending benefits applications.
Migrant Protection Protocols	public_services_division_on_cais_ea_uscis_dhs	Direct	‘The Public Services Division responds to questions by phone, email, live chat, and written correspondence through the USCIS Contact Center. This division helps people locate information on the USCIS website using our virtual assistant, Emma, and provides language services to USCIS, ICE, and CBP.’ ¹⁸⁷⁷ This includes questions relating to certain types of benefits applications, while also helping people to locate information on asylum on the USCIS website, and providing language services to USCIS, ICE and CBP on issues that may involve asylum seekers.
Migrant Protection Protocols	digital_services_division_on_cais_ea_uscis_dhs	Direct	‘The Digital Services Division manages the USCIS website and online self-help tools, builds digital forms and online account services in support of the USCIS eProcessing initiative, and ensures that people with limited English proficiency and people with disabilities can use our online resources.’ ¹⁸⁷⁸ Digital forms, online account and self-help services and tools may impact a person’s ability to access

¹⁸⁷³ Ibid.

¹⁸⁷⁴ Ibid.

¹⁸⁷⁵ Ibid.

¹⁸⁷⁶ ‘External Affairs Directorate’, *US Citizenship and Immigration Services* (Web Page, 17 February 2021) <<https://www.uscis.gov/about-us/organization/directorates-and-program-offices/external-affairs-directorate>>.

¹⁸⁷⁷ Ibid.

¹⁸⁷⁸ Ibid.

			an asylum application, as well as benefits such as work authorisation that make it easier for a person to pursue a protection claim over a period of time.
Migrant Protection Protocols	fraud_detection_national_security_uscis_dhs	Indirect	Fraud Detection and National Security (FDNS) ‘officers are located in USCIS service centers (including the NBC), asylum offices, domestic and international field offices, and are embedded in other government agencies. ... Administrative investigations may include compliance reviews, interviews, site visits, requests for evidence, and may also result in a referral to ICE for consideration of a criminal investigation.’ ¹⁸⁷⁹ This includes investigations into asylum applications and other applications for protection, or people granted protection.
Migrant Protection Protocols	immigration_records_identity_services_uscis_dhs	Indirect	‘The Immigration Records and Identity Services Directorate (IRIS) provides immigration, employment, and identity information accurately and completely to enable confident and timely decisions.’ ¹⁸⁸⁰ This includes support for asylum and related decisions, such as employment authorisation or derivative applications.
Migrant Protection Protocols	identity_information_management_iris_uscis_dhs	Indirect	‘The Identity and Information Management Division (IIMD) provides reliable person centric identity and immigration information management and services for an ecosystem of more than 100 million immigration records.’ This office stores, processes and provides information to USCIS officials who are adjudicating asylum and related benefits applications. The office also implements official identity and immigration records policy and guidance across USCIS, Customs and Border Protection and Immigration and Customs Enforcement, while engaging with ‘international and interagency actors to establish information sharing agreements and improve interoperability of identity and immigration information systems and processes’ ¹⁸⁸¹ all of which includes the implementation of policy and sharing of information related to asylum seekers. This includes biometrics and background check information for asylum seekers, asylees, and others seeking protection.
Migrant Protection Protocols	national_records_center_iris_uscis_dhs	Indirect	‘The National Records Center (NRC) provides records storage, management, and information retrieval services, and maintains the integrity of over 55.6 million immigration records and 23 million receipt files while supporting the largest Freedom of Information Act (FOIA) program in the federal government.’ ¹⁸⁸² The NRC is responsible for immigrant ‘A files’ or ‘alien files’ which contain immigration documents, applications, enforcement actions, and other information that is relevant to asylum seekers and others seeking protection, particularly before immigration courts.

¹⁸⁷⁹ ‘Fraud Detection and National Security Directorate’, *US Citizenship and Immigration Services* (Web Page, 13 March 2020) <<https://www.uscis.gov/about-us/directorates-and-program-offices/fraud-detection-and-national-security-directorate>>.

¹⁸⁸⁰ ‘Immigration Records and Identity Service Directorate’, *US Citizenship and Immigration Services* (Web Page, 2 August 2019) <<https://www.uscis.gov/about-us/directorates-and-program-offices/immigration-records-and-identity-services-directorate>>.

¹⁸⁸¹ Ibid.

¹⁸⁸² Ibid.

Migrant Protection Protocols	verification_iris_uscis_dhs	Indirect	‘The Verification Division provides timely and accurate immigration status and information to public benefit granting agencies and employment authorization to employers.’ ¹⁸⁸³ This includes asylum applicants granted employment authorisation, as well as asylees, Convention Against Torture and withholding of removal grantees also granted employment authorisation.
Migrant Protection Protocols	management_directorate_uscis_dhs	Indirect	‘[T]he directorate plans, directs, manages, and coordinates all management support functions within USCIS. This includes everything from hiring and training employees, providing information technology and other capabilities in support of adjudication and other functions, designing and maintaining application and other USCIS forms, receiving forms and accepting filing fees, and providing data and operational analysis to senior decisionmakers and key stakeholders like Congress, DHS and others.’ ¹⁸⁸⁴ Each of these functions impact on the agency's ability to deliver accurate, efficient and robust asylum and other benefits adjudications, as well as asylum applicants' ability to understand application and form requirements and actually file complete applications.
Migrant Protection Protocols	human_capital_training_md_uscis_dhs	Indirect	This office ‘attracts, hires, trains, and retains a quality and diverse workforce, offers USCIS employees’ career development opportunities, and supports work-life balance.’ ¹⁸⁸⁵ This includes employees working in asylum adjudication, as well as on employment authorisation, biometrics processing, background checks, and the variety of other functions that go into adjudicating protection applications, employment authorisation documents, and proof of status.
Migrant Protection Protocols	information_technology_md_uscis_dhs	Indirect	This office ‘provides the information technology services, strategic vision, leadership, technical expertise, and capabilities necessary to enable USCIS to deliver effective, efficient, economical, and secure immigration services.’ ¹⁸⁸⁶ This includes services related to asylum adjudication and other protection benefits and requirements outlined above.
Migrant Protection Protocols	intake_document_production_md_uscis_dhs	Indirect	This office ‘designs and maintains all USCIS forms for internal and public use, produces secure identification documents, and oversees the receipt of USCIS applications and any associated filing fees.’ ¹⁸⁸⁷ The office designs, prints and distributes USCIS forms, including the I-589, Application for Asylum, and manages the USCIS Lockbox facilities paper intake system. The Office also troubleshoots intake issues, adjudicates fee waiver requests, and resolves filing issues with applications. The office further produces and mails secure identity documents, such as Employment Authorisation Documents, which are relevant to asylum applicants, grantees, and those granted relief

¹⁸⁸³ Ibid.

¹⁸⁸⁴ ‘Management Directorate’, *US Citizenship and Immigration Services* (Web Page, 9 August 2021) <<https://www.uscis.gov/about-us/organization/directorates-and-program-offices/management-directorate>>.

¹⁸⁸⁵ Ibid.

¹⁸⁸⁶ Ibid.

¹⁸⁸⁷ Ibid.

			under CAT or withholding of removal. They also print and distribute notices, such as receipt and appointment notices, to applicants and petitioners. This includes asylum appointments and receipts.
Migrant Protection Protocols	investigations_uscis_dhs	Direct	Investigates allegations of misconduct, including those with a counterintelligence concern, to protect and strengthen the integrity of USCIS programs and systems, including the asylum program. In particular, the office conducts investigations of misconduct, corruption, and fraud involving USCIS employees and contractors, and prepares the semi-annual Report on Internal Affairs Investigations to Congress, which summarizes the USCIS investigative process and investigative activity by the Office of Investigations during the reporting period.
Migrant Protection Protocols	privacy_uscis_dhs	Indirect	The Office ‘evaluates USCIS legislative and regulatory proposals involving collection, use, and disclosure of personally identifiable information (PII), and provides privacy policy and programmatic oversight and supports implementation across USCIS.’ ¹⁸⁸⁸ Privacy and non-disclosure of personally identifiable information is a particularly important concern for asylum applicants seeking or granted protection. Applicants are routinely concerned about whether information in an application, or the existence of the application itself, will be disclosed to a foreign government and often take this into consideration when applying.
Migrant Protection Protocols	office_of_chief_counsel_uscis_dhs	Indirect	OCC ‘fields a wide range of inquiries concerning immigrant and nonimmigrant employment and family-based petitions, adjustment of status, adoptions, inadmissibility and waivers, naturalization, asylum and refugee status, contract and administrative matters, labor issues, and records and verification issues. OCC provides comprehensive litigation support to the Department of Justice’s Office of Immigration Litigation and the Offices of the United States Attorney. OCC’s areas of responsibility include providing legal education and training to USCIS staff, and advising USCIS and DHS staff on legislative, regulatory and national security issues.’ ¹⁸⁸⁹ This includes legal education and training related to asylum and related processes, as well as litigation support in asylum-related cases.
Migrant Protection Protocols	refugee_asylum_occ_uscis_dhs	Indirect	Fields inquiries and provides ‘specialized legal advice, opinions, determinations, regulations and any other assistance’ required on asylum and refugee status issues. ¹⁸⁹⁰ ‘Provide legal advice on domestic asylum law and practice, overseas refugee resettlement programs, temporary protected status, and CAT.’ ¹⁸⁹¹

¹⁸⁸⁸ ‘Office of Privacy’, *US Citizenship and Immigration Services* (Web Page, 15 January 2021) <<https://www.uscis.gov/about-us/organization/directorates-and-program-offices/office-of-privacy>>.

¹⁸⁸⁹ ‘Office of the Chief Counsel’, *US Citizenship and Immigration Services* (Web Page, 9 August 2021) <<https://www.uscis.gov/about-us/organization/directorates-and-program-offices/office-of-the-chief-counsel>>.

¹⁸⁹⁰ Ibid.

¹⁸⁹¹ ‘Help Wanted: Immigration Attorney’, *Immigration Daily* (Job Announcement No COU-CIS-2008-0010, 3 October 2008).

Migrant Protection Protocols	training_knowledge_management_occ_uscis_dhs	Indirect	Provides education and training to USCIS staff, including training on legal and other issues that might impact asylum applicants, asylees, and those granted relief under CAT or withholding of removal. 'Through TKMD, OCC works closely with the USCIS Refugee, Asylum and International Operations branch, the Fraud Detection and National Security branch, the Human Capital and Training divisions, as well as other divisions to vet training products and provide instruction on certain topics. OCC also creates certain training materials for use with its USCIS client, and those materials are coordinated and vetted through TKMD.' ¹⁸⁹² This also includes conducting research on the legal sufficiency of education and training materials related to asylum.
Migrant Protection Protocols	litigation_national_security_coordination_occ_uscis_dhs	Indirect	This office 'provides comprehensive litigation support to the Department of Justice's Office of Immigration Litigation and the Offices of the United States Attorney', while coordinating with other DHS components. ¹⁸⁹³ This includes litigation on asylum, access to the asylum process, and agency-wide litigation holds for classes of applicants that may include asylum seekers.
Migrant Protection Protocols	executive_secretariat_uscis_dhs	Indirect	EXSO plays a 'lead role in coordinating and clearing information and materials prepared within USCIS that are intended for review/approval ... to support the development of policy priorities.' ¹⁸⁹⁴ These directives and information involve policy and other materials relevant to asylum, or other benefits that impact people seeking or granted asylum, withholding of removal and CAT. EXSO's work also encompasses correspondence with Congress, including managing Congressional Reports, Congressional Questions for the Record, and other communications that may relate to asylum policy or issues directly/indirectly related to asylum applicants and those granted protection, withholding of removal, and CAT relief (such as EAD issuance, proof of status, immigration history or other background checks, etc).
Migrant Protection Protocols	external_liaison_es_uscis_dhs	Indirect	'The External Team provides essential executive support and collaborates with USCIS program offices and directorates, DHS components, and other government departments.' ¹⁸⁹⁵ This work encompasses managing external communications such as Congressional Reports and correspondence with Congress, that may relate to asylum policy or issues directly/indirectly related to asylum applicants and those granted protection, withholding of removal, and CAT relief (such as EAD issuance, proof of status, immigration history or other background checks, etc).

¹⁸⁹² '[blindlaw] GS-0905-13/15-Experienced Attorney, Department of Homeland Security, Citizenship and Immigration Services', *nfbnet.org* (Job Announcement No CIS-708340-COU, 10 August 2012) 2.

¹⁸⁹³ 'Office of the Chief Counsel', *US Citizenship and Immigration Services* (Web Page, 9 August 2021) <<https://www.uscis.gov/about-us/organization/directorates-and-program-offices/office-of-the-chief-counsel>>.

¹⁸⁹⁴ 'Office of the Executive Secretariat', *US Citizenship and Immigration Services* (Web Page, 19 September 2019) <<https://www.uscis.gov/about-us/directorates-and-program-offices/office-of-the-executive-secretariat>>.

¹⁸⁹⁵ Ibid.

Migrant Protection Protocols	internal_es_uscis_dhs	Indirect	‘The Internal Team plays a lead role in coordinating and clearing information and materials prepared within USCIS that are intended for review/approval by the Office of the Director to support the development of policy priorities. They serve as the focal point for coordinating and clearing official documents from DHS headquarters and components, including DHS Administrative Policy and Guidance documents that are binding on all DHS components.’ ¹⁸⁹⁶ This includes documents that relate to asylum law and policy, or issues indirectly related to asylum applicants and those granted protection, withholding of removal, and CAT relief (such as EAD issuance, proof of status, immigration history or other background checks, etc).
Migrant Protection Protocols	refugee_asylum_intl_ops_directorate_uscis_dhs	Direct	This office conducts protection screenings, adjudicates asylum and refugee applications, and adjudicates other immigration benefits both domestically and internationally. ¹⁸⁹⁷ The office also consults ‘with other countries to build the capacity of their protection systems, implement bilateral information-sharing agreements for identity management and confidentiality, and help advance the U.S. government’s strategic priorities in the international and refugee protection arenas.’ ¹⁸⁹⁸ Asylum officers travel within the US to process asylum-related claims, including to USCIS field offices.
Migrant Protection Protocols	asylum_raio_uscis_dhs	Direct	‘The Asylum Division adjudicates affirmative asylum applications for people who are already in the US and, generally, are not already in removal proceedings. The Asylum Division also adjudicates applications to suspend deportation or cancel removal under the Nicaraguan Adjustment and Central American Relief Act (NACARA). Additionally, the Asylum Division conducts credible fear screenings for people placed in expedited removal; reasonable fear screenings for people subject to final administrative removal orders or reinstatement of prior removal orders; screenings for people processed under the Migrant Protection Protocols; and screening functions under bilateral asylum cooperative agreements.’ ¹⁸⁹⁹
Migrant Protection Protocols	service_center_ops_uscis_dhs	Direct	SCOPS is made up of 5 service centres ‘that provide immigration benefits for petitioners and applicants who do not require interviews’, but also receive applications for asylum and other protection claims by mail. ¹⁹⁰⁰ The work of each service center is generally split into multiple product lines, one of which is ‘Humanitarian’. This includes ‘Benefit requests filed by refugees and asylees and their accompanying family members, individuals seeking consideration of Deferred Action for

¹⁸⁹⁶ Ibid.

¹⁸⁹⁷ ‘Refugee, Asylum and International Operations Directorate’, *US Citizenship and Immigration Services* (Web Page, 10 March 2020) <<https://www.uscis.gov/about-us/directorates-and-program-offices/refugee-asylum-and-international-operations-directorate>>.

¹⁸⁹⁸ Ibid.

¹⁸⁹⁹ Ibid.

¹⁹⁰⁰ ‘Service Center Operations Directorate’, *US Citizenship and Immigration Services* (Web Page, 22 January 2021) <<https://www.uscis.gov/about-us/organization/directorates-and-program-offices/service-center-operations-directorate>>.

			Childhood Arrivals (DACA), and individuals seeking temporary protected status (TPS); relief for victims of abuse, crimes, and severe forms of trafficking'. ¹⁹⁰¹
Migrant Protection Protocols	policy_and_strategy_uscis_dhs	Indirect	The Office of Policy and Strategy (OPS) 'is the USCIS lead for policy development and regulations coordination. OPS develops national immigration policy recommendations, coordinates regulations development, performs research, evaluation, and analysis on immigration issues, and is a principal liaison on immigration policy and strategic planning issues with DHS headquarters and sister agencies. OPS maintains effective relationships with Congress, stakeholders, and other government entities. OPS analysts regularly educate the public on new areas of policy or adjudicative practice and maintain awareness on research and policy issues of interest. OPS reviews and interprets policy and program issues, formulates the development of new USCIS policies and programs that reflect the emphasis desired by the Administration and the Department' and ensures that 'policy implementation problems are resolved or raised to the appropriate level of authority.' ¹⁹⁰² This includes policy, regulations, and practices relating to the asylum process, or the processing of ancillary benefits for asylum seekers.
Migrant Protection Protocols	president	Indirect	The President is responsible for the execution and enforcement of the immigration and asylum laws created by Congress and also appoints the heads of Cabinet and agencies to carry out the daily administration of the federal government. This includes administration of all of the agencies that conduct activities impacting asylum seekers. The President has the power to sign legislation relating to asylum into law, conducts diplomacy with other nations, negotiates and signs treaties, and can issue executive orders on immigration.
Migrant Protection Protocols	executive_office_president	Indirect	The EOP provides support to the President to govern effectively, including on issues related to asylum seekers and immigration.
Migrant Protection Protocols	omb_eop	Indirect	OMB 'oversees the implementation of the President's vision across the Executive Branch' which includes the vision with respect to immigration and asylum seekers. ¹⁹⁰³ OMB develops and executes budgets from DHS and other executive departments and agencies, manages agency performance, coordinates and reviews all significant Federal regulations relating to immigration and asylum, as well as coordinating legislative materials and other presidential actions.
Migrant Protection Protocols	general_gov_programs_rmo_omb_eop	Indirect	OMB includes Resource Management Offices (RMOs), which include General Government Programs under which homeland security falls. ¹⁹⁰⁴ RMOs examine USCIS, ICE, CBP and other agency budget requests and develop funding recommendations for those agencies after integrating

¹⁹⁰¹ Ibid.

¹⁹⁰² 'Deputy Chief, Office of Policy and Strategy', *USAJobs* (Job No 42014455, 4 March 2021).

¹⁹⁰³ 'Office of Management and Budget', *The White House* (Web Page, 2021) <<https://www.whitehouse.gov/omb/>>.

¹⁹⁰⁴ Ibid at 4.

			management, budget, and policy perspectives into their work. This includes policy perspectives on asylum and budget and funding recommendations that relate to the asylum process and policies that impact access to the asylum process.
Migrant Protection Protocols	omb_support_offices_omb_eop	Indirect	OMB-wide support offices coordinate the process for preparing the President's annual budget which addresses the implementation of laws relating to asylum, while also coordinating review of draft bills, congressional testimony and correspondence from agencies charged with implementing asylum laws and policies in accordance with the President's agenda.
Migrant Protection Protocols	electronic_govt_omb_eop	Indirect	The Office of Electronic Government (E-Gov) is a statutory office of OMB. ¹⁹⁰⁵ E-Gov policy directly impacts agencies like DHS and DOJ, which use technology for everything from providing access to application forms, to entering data about people seeking asylum at the border which will be used throughout their immigration process.
Migrant Protection Protocols	info_regulatory_affairs_omb_eop	Indirect	'OIRA has substantial responsibilities and influence over federal agencies' regulations under a centralized review process established through executive order.' ¹⁹⁰⁶ 'Through this review, OIRA exerts considerable influence over the content of regulations, ensuring that federal agencies' actions are consistent with the President's policy preferences.' ¹⁹⁰⁷ This review includes regulations related to asylum and other forms of protection, regulations relating to immigration benefits such as work authorisation, as well as regulations relating to immigration enforcement and the operation of immigration courts and the Board of Immigration Appeals.
Migrant Protection Protocols	domestic_policy_council_eop	Indirect	The Domestic Policy Council (DPC) 'drives the development and implementation of the President's domestic policy agenda in the White House and across the Federal government, ensuring that domestic policy decisions and programs are consistent with the President's stated goals, and are carried out for the American people.' ¹⁹⁰⁸ The DPC develops and implements policies on asylum and related issues that impact access to the asylum process.
Migrant Protection Protocols	national_security_council_eop	Indirect	The National Security Council (NSC) 'is the President's principal forum for national security and foreign policy decision making with his or her senior national security advisors and cabinet officials, and the President's principal arm for coordinating these policies across federal agencies.' ¹⁹⁰⁹ The NSC addresses issues related to border security along the southern border, as well as other migration issues that impact asylum-seekers and the asylum process.

¹⁹⁰⁵ Congressional Research Service, *Office of Management and Budget (OMB): An Overview* (Report, RS21665, 12 November 2020) 23.

¹⁹⁰⁶ Ibid at 18.

¹⁹⁰⁷ Ibid.

¹⁹⁰⁸ 'Domestic Policy Council', *The White House* (Web Page, 2021) <<https://www.whitehouse.gov/dpc/>>.

¹⁹⁰⁹ 'National Security Council', *The White House* (Web Page, 2021) <<https://www.whitehouse.gov/nsc/>>.

Migrant Protection Protocols	intergovernmental_affairs_eop	Indirect	During the Trump Administration, the IGA coordinated extensively with state and local law enforcement to push the White House's agenda on immigration and asylum, which included deterring people from applying for asylum. ¹⁹¹⁰
Migrant Protection Protocols	office_vice_president	Indirect	As an integral part of the executive administration, the Vice President may be given a portfolio that includes immigration issues like Biden has done with current Vice President Kamala Harris. These issues may take many forms, including immigration enforcement actions that impact asylum seekers' ability to move and access protection, or responding to crises that may produce asylees and refugees.
Migrant Protection Protocols	states	Direct	States often work with DHS and CBP on migration-related law enforcement issues. In Texas, for example, this includes detecting 'smuggling events in real time through' a camera surveillance program. ¹⁹¹¹ Also in Texas, 'DPS Special Operations Group and U.S. Border Patrol Special Operations conduct joint tactical operations in remote and high-threat areas. The Texas Rangers oversee DPS tactical operations, which include Ranger Recon teams, the DPS Special Weapons and Tactics (SWAT) team, and six Regional Special Response Teams (SRT).' ¹⁹¹² People encountered and apprehended following detection may include asylum seekers.
Migrant Protection Protocols	state_law_enforcement_agencies	Direct	Asylum seekers and others seeking protection may be among those apprehended by state law enforcement agencies following detection and interdiction. State law enforcement agencies frequently work with CBP officials by reporting and transferring people with undetermined immigration status to federal officials. In the case of Texas, the Texas Rangers work with Border Patrol through a surveillance program that detects 'smuggling events in real time'. ¹⁹¹³ Asylum seekers may be among those apprehended following detection by cameras that the Texas Rangers help to monitor.
Migrant Protection Protocols	department_of_justice	Direct	The DOJ consists of a number of components that directly interact with or influence asylum seekers. This includes United States Attorneys who litigate immigration and asylum-related cases in federal court, the FBI which conducts background and other investigations used in deciding asylum claims, the United States Marshals Service which transports and sometimes jails people prosecuted for immigration violations (which include asylum seekers), the Federal Bureau of Prisons which confines immigration detainees including asylum seekers. The Executive Office for Immigration Review

¹⁹¹⁰ ACLU of Massachusetts, 'Miscellaneous communications between Sheriff or staff and White House or Secret Service_Redacted_part1', *Data* (PDF Document, 12 May 2019) <https://data.aclum.org/wp-content/uploads/2019/12/Miscellaneous-communications-between-Sheriff-or-staff-and-White-House-or-Secret-Service_Redacted_part1.pdf>.

¹⁹¹¹ 'A "Caravan" of Illegal Immigrants: A Test of U.S. Borders', Hearing before the House Subcommittee on National Security of the Committee on Oversight and Government Reform, US House of Representatives (Washington, DC, 12 April 2018) 18-19.

¹⁹¹² Ibid at 19.

¹⁹¹³ Ibid at 18.

			oversees and manages the immigration courts and the Board of Immigration Appeals where asylum seekers litigate their claims. DOJ and its components also administer and fund programs such as Legal Orientation Programs (LOPs) (which the Trump Administration suspended in April 2018) ¹⁹¹⁴ and have funded legal services for children and detainees deemed mentally incompetent in immigration proceedings, which all include people seeking asylum. ¹⁹¹⁵
Migrant Protection Protocols	attorney_general_doj	Indirect	As head of the Department of Justice, the Attorney General directs and controls US Attorneys and all other counsel employed on behalf of the United States who litigate immigration cases and provide legal advice and direction for agencies implementing immigration-related legislation and regulations. The Attorney General supervises the administration and operation of the Department of Justice, which includes the Executive Office for Immigration Review, the Board of Immigration Appeals, the Federal Bureau of Investigation, Bureau of Prisons, and the US Attorneys and US Marshals Service, which all engage in activities relating to asylum and asylum seekers. The Attorney General also enforces, interprets and makes recommendations on immigration law. The AG also has the power to refer cases before the Board of Immigration Appeals to themselves for a binding decision in the first instance.
Migrant Protection Protocols	deputy_attorney_general_ag_doj	Indirect	The Deputy Attorney General advises and assists the Attorney General ‘in formulating and implementing Department policies and programs and in providing overall supervision and direction to all organizational units of the Department’, which includes immigration and asylum-related policies and programs, as well as organisational units implementing those policies and programs. ¹⁹¹⁶ The Deputy Attorney General also represents DOJ at meetings of the National Security Council and Homeland Security Council, which may relate to asylum-seekers or circumstances from which people might flee. The Deputy Attorney General also sets enforcement priorities in consultation with the Attorney General, which during the Trump Administration included prosecuting people for unlawful entry and other immigration-related offences.
Migrant Protection Protocols	associate_attorney_general_ag_doj	Indirect	The Associate Attorney General (ASG) advises and assists the AG and Deputy AG ‘on the formulation and implementation of Department of Justice policies and programs’ which include matters relating to asylum seekers. ¹⁹¹⁷ This includes the Office of Information Policy, which oversees

¹⁹¹⁴ Lorelai Laird, ‘ABA condemns suspension of Justice Department’s Legal Orientation Program for immigrants’, *ABA Journal* (Online, 11 April 2018) <https://www.abajournal.com/news/article/aba_condemns_suspension_of_justice_departments_legal_orientation_program>.

¹⁹¹⁵ ‘Protecting Against Threats to the Most Vulnerable Populations’, US Department of Justice Archives (Web Page, 18 January 2017) <<https://www.justice.gov/archives/doj/accomplishments-under-leadership-attorney-general-eric-holder#s4>>.

¹⁹¹⁶ ‘Organization, Mission & Functions Manual: Attorney General, Deputy and Associate’, *The United States Department of Justice* (Web Page, 26 May 2021) <<https://www.justice.gov/jmd/organization-mission-and-functions-manual-attorney-general#ag>> (‘Organization, Mission & Functions Manual’).

¹⁹¹⁷ Ibid.

			agency compliance with FOIA and developing government-wide policy on FOIA. ¹⁹¹⁸ The ASG also oversees a number of programs that fund or administer programs relating to crime victims, human trafficking, policing, and access to justice, which may encompass asylum seekers within the people targeted by the programs. Programs include the Office of Justice Programs, the Office of Community Oriented Policing Services, the Access to Justice Initiative, the Community Relations Service, and the Office on Violence Against Women. ¹⁹¹⁹
Migrant Protection Protocols	solicitor_general_ag_doj	Direct	‘The mission of OSG is to represent the interests of the United States before the Supreme Court and to oversee appellate and certain other litigation on behalf of the United States in the lower federal and state courts.’ ¹⁹²⁰ The OSG does this in relation to cases involving asylum seekers, as well as cases that have a direct or indirect impact on the asylum system, or people’s ability to access the asylum process.
Migrant Protection Protocols	civil_division_ag_doj	Indirect	The Civil Division of the DOJ ‘represents the United States in any civil or criminal matter within its scope of responsibility’ ¹⁹²¹ and defending laws and policies relating to asylum and asylum seekers. The Civil Division also encompasses the Office of Immigration Litigation (OIL) and represents the federal government in asylum and other immigration cases, as well as in cases brought by individuals subject to abuses in the context of immigration detention and other matters seeking damages against officers of the United States. The Civil Division is also responsible for representing the interests of the United States in similar litigation in foreign courts. OIL ‘oversees all civil immigration litigation ... and it is responsible for coordinating national immigration matters before the federal district courts and circuit courts of appeals. It provides support and counsel to all federal agencies involved in alien admission, regulation, and removal under U.S. immigration and nationality statutes.’ ¹⁹²²
Migrant Protection Protocols	civil_rights_ag_doj	Indirect	This portfolio includes work on immigration, in relation to survivors of trafficking including those who may have claims for international protection, as well as violations of civil rights in the context of the enforcement or implementation of immigration laws, including in the context of detention.
Migrant Protection Protocols	executive_office_immigration_review_ag_doj	Direct	‘EOIR is responsible for adjudicating immigration cases. Specifically, under delegated authority from the Attorney General, EOIR interprets and administers federal immigration laws by conducting immigration court proceedings, appellate reviews, and administrative hearings. EOIR consists of

¹⁹¹⁸ ‘About the Office’, US Department of Justice (Online, 15 February 2017) <<https://www.justice.gov/oip/about-office>>.

¹⁹¹⁹ ‘Organization, Mission & Functions Manual’ (n 284).

¹⁹²⁰ ‘Organization, Mission and Functions Manual: Office of the Solicitor General’, *The United States Department of Justice* (Web Page, 26 May 2021) <<https://www.justice.gov/jmd/organization-mission-and-functions-manual-office-solicitor-general>>.

¹⁹²¹ ‘Organization, Mission and Functions Manual: Civil Division’, *The United States Department of Justice* (Web Page, 5 October 2020) <<https://www.justice.gov/jmd/organization-mission-and-functions-manual-civil-division>>.

¹⁹²² ‘Office of Immigration Litigation’, *The United States Department of Justice* (Web Page, 9 September 2020) <<https://www.justice.gov/civil/office-immigration-litigation>>.

			three components: the Office of the Chief Immigration Judge, which is responsible for managing the numerous Immigration Courts located throughout the United States, where Immigration Judges adjudicate individual cases; the Board of Immigration Appeals, which primarily conducts appellate reviews of Immigration Judge decisions; and the Office of the Chief Administrative Hearing Officer, which adjudicates immigration-related employment cases. ¹⁹²³
Migrant Protection Protocols	director_eoir_ag_doj	Indirect	The Director of EOIR supervises the Deputy Director, the Chairman of the Board of Immigration Appeals, the Chief Immigration Judge, the Chief Administrative Hearing Officer, and all agency personnel in the administration and implementation of the immigration court and BIA systems. The Director also represents the position and policies of EOIR to the Attorney General, Deputy Attorney General, Members of Congress, and other governmental bodies, the news media, the bar, and private groups interested in immigration matters. ¹⁹²⁴ Asylum seekers litigate their protection claims before the immigration courts and BIA and the policies and procedures which govern these systems may have a significant impact on whether asylum seekers are able to fully present and receive a fair decision on their claims.
Migrant Protection Protocols	board_immigration_appeals_eoir_ag_doj	Direct	‘The Board is the highest administrative body for interpreting and applying immigration laws. ... In addition, the Board is responsible for recognition of organizations and accreditation of representatives requesting permission to practice before DHS, the Immigration Courts, and the Board. Decisions of the Board are binding on all DHS immigration officials and Immigration Judges unless modified or overruled by the Attorney General or a federal court. ... In addition, the Board provides guidance to practitioners in the immigration field, including Immigration Judges, DHS, and private attorneys and alien representatives, through the publication of decisions of precedential value.’ ¹⁹²⁵ The BIA decides asylum cases and cases related to access to asylum, while also being responsible for recognising and accrediting organisations and representatives who work with asylum seekers, among others.
Migrant Protection Protocols	chief_immigration_judge_eoir_ag_doj	Indirect	‘OCIJ provides overall program direction, articulates policies and procedures, and establishes priorities for more than 200 United States Immigration Judges located in 53 Immigration Courts throughout the Nation.’ ¹⁹²⁶ Immigration Judges conduct immigration court proceedings and make decisions in cases, including asylum, Convention Against Torture, and withholding of removal cases.

¹⁹²³ ‘Organization, Mission and Functions Manual: Executive Office for Immigration Review’, *The United States Department of Justice* (Web Page, 5 October 2020) <<https://www.justice.gov/jmd/organization-mission-and-functions-manual-executive-office-immigration-review>>.

¹⁹²⁴ ‘Office of the Director’, *The United States Department of Justice* (Web Page, 2 August 2021) <<https://www.justice.gov/eoir/office-of-the-director>>.

¹⁹²⁵ ‘Organization, Mission and Functions Manual: Executive Office for Immigration Review’, *The United States Department of Justice* (Web Page, 5 October 2020) <<https://www.justice.gov/jmd/organization-mission-and-functions-manual-executive-office-immigration-review>>.

¹⁹²⁶ Ibid.

			The OCIJ is responsible for policies and procedures with an impact on how Immigration Judges handle and decide cases, including the quota system and other major changes with significant consequences for people seeking asylum in immigration court. ¹⁹²⁷
Migrant Protection Protocols	general_counsel_eoir_ag_doj	Indirect	The OGC has a significant hand in the development of regulations and policy for EOIR, which can often directly influence the cases of asylum seekers and other applicants for protection. For example, immigration judge case quotas severely restricted the ability of judges to schedule asylum hearings for the time necessary to thoroughly present evidence and take testimony. Prior to the change, it was routine for asylum hearings to be scheduled for a full day to take testimony and evidence, but not after. Also, the change in timing for submission of an application, among other things.
Migrant Protection Protocols	administration_eoir_ag_doj	Indirect	‘Specifically, the Office of Administration supports the following areas: appropriations, budget and financial management, contracts and procurement, human resources, security, space and facilities management, and logistics.’ ¹⁹²⁸ This office also works on issues that impact immigration judge employment reviews, case quotas, the status and relationship with the National Association of Immigration Judges (the Immigration Judge's union), which can influence the cases of asylum seekers, as outlined above.
Migrant Protection Protocols	information_tech_eoir_ag_doj	Indirect	OIT is responsible for EOIRs online filing systems, which include extremely limited functionality in comparison with the online filing and case management systems of the federal court system. ¹⁹²⁹ Problems with EOIR filing are routine, particularly in asylum cases, which require asylum applications to be fee’d in with the court administration prior to filing the application in open court. BIA appeals must be filed on paper, which also causes routine and significant issues with the timeliness of filings and the issuance of filing receipts.
Migrant Protection Protocols	policy_eoir_ag_doj	Indirect	The EOIR Office of Policy ‘is responsible for all agency policy and regulatory review and development; internal and external communications; oversight of pro bono and legal orientation program activities; and legal education, research, and certifications.’ ¹⁹³⁰ The work of this Office encompasses work on asylum and other forms of protection, as well as policies and processes related to the administration of EOIR and its courts, as well as the ability of litigants to access counsel and other related issues.

¹⁹²⁷ Ibid.

¹⁹²⁸ ‘Office of Administration’, *The United States Department of Justice* (Web Page, 29 March 2021) <<https://www.justice.gov/eoir/office-administration>>.

¹⁹²⁹ Holly Furman, ‘Immigration Courts are Rolling Out an Electronic Filing Pilot Program in July’, *Immigration Impact* (Blog Post, 6 July 2018) <www.immigrationimpact.com/2018/07/06/immigration-courts-electronic-filing-pilot-program/>.

¹⁹³⁰ ‘Office of Policy’, *The United States Department of Justice* (Web Page, 13 January 2021) <<https://www.justice.gov/eoir/office-of-policy>>.

Migrant Protection Protocols	communication_leg_affairs_policy_eoir_ag_doj	Direct	The Communications and Legislative Affairs Division (CLAD) liaises with Congress on agency issues that impact asylum seekers, including case quotas, the court backlog, and a myriad of other policy and legal questions. This office also manages EOIR's Law Library and Immigration Research Center, which are critical tools for EOIR, as well as a Virtual Law Library upon which many legal representatives and individuals presenting asylum cases before EOIR rely.
Migrant Protection Protocols	immigration_law_policy_eoir_ag_doj	Indirect	The Immigration Law Division 'is responsible for drafting regulations, coordinating legal policy development and drafting policy memoranda as necessary, and coordinating the review of proposed legislation.' ¹⁹³¹ This includes regulations, policy, and legislation relating to asylum and issues that impact upon asylum seekers, including access to the asylum process.
Migrant Protection Protocols	legal_education_research_services_policy_eoir_ag_doj	Indirect	The Legal Education and Research Services Division (LERS) develops and coordinates legal training for judges, attorneys, and others within EOIR who directly work in adjudicative functions. This includes training (or lack of training) relating to asylum and specific issues that impact upon asylum seekers.
Migrant Protection Protocols	legal_access_programs_policy_eoir_ag_doj	Direct	OLAP programs include the Recognition and Accreditation Program of non-attorney 'Accredited Representatives', the List of Pro Bono Legal Service Providers, the Legal Orientation Program through which 'nonprofit organizations provide comprehensive explanations about immigration court procedures along with other basic legal information to large groups of detained individuals' and various other initiatives that directly impact asylum seekers' ability to find counsel, and/or raise and litigate protection claims. ¹⁹³²
Migrant Protection Protocols	executive_office_us_attorneys_ag_doj	Indirect	The work of the Executive Office for United States Attorneys encompasses litigation relating to civil and criminal immigration issues which impact asylum seekers and their ability to pursue or seek protection.
Migrant Protection Protocols	legislative_affairs_ag_doj	Indirect	The Office of Legislative Affairs (OLA) is 'the coordinating center for all Department of Justice activities relating to legislation and the Congress.' ¹⁹³³ OLA advises DOJ components on the development of official policies through legislation relating to asylum and the ability of asylum seekers to raise and pursue asylum claims, among other things. The Office also deals with DOJ nominees who may have a significant impact on asylum law, while also dealing with congressional oversight which can also have a significant impact on DOJ policy and operation.
Migrant Protection Protocols	legal_policy_ag_doj	Indirect	The Office of Legal Policy (OLP) develops and implements significant DOJ policy initiatives and handles special projects that involve the asylum framework and asylum seekers ability to access that

¹⁹³¹ 'Immigration Law Division', *The United States Department of Justice* (Web Page, 3 January 2020) <<https://www.justice.gov/eoir/immigration-law-division>>.

¹⁹³² 'Legal Orientation Program', *The United States Department of Justice* (Web Page, 24 July 2020) <www.justice.gov/eoir/legal-orientation-program>.

¹⁹³³ 'Organization, Mission and Functions Manual: Office of Legislative Affairs', *The United States Department of Justice* (Web Page, 5 October 2020) <<https://www.justice.gov/jmd/organization-mission-and-functions-manual-office-legislative-affairs>>.

			framework. OLP also reviews and coordinates all DOJ regulations and conducts policy reviews of legislation and other proposals, including those relating to asylum or asylum seekers.
Migrant Protection Protocols	legal_counsel_ag_doj	Indirect	‘The major functions of OLC are to: Draft the Attorney General's formal opinions and render its own opinions to the White House and to the heads of executive departments and agencies on a variety of legal questions involving the operations of the executive branch. Review as to form and legality all proposed Executive Orders, certain Presidential proclamations, and regulations requiring approval by the President or the Attorney General. Render opinions to the Attorney General and to the heads of the various organizational units of the Department on questions of law arising in the administration of the Department. Advise the Attorney General in connection with the review of decisions by the Board of Immigration Appeals and other organizational units of the Department. Prepare reports on proposed legislation submitted to the Department for comment, and reports to the Office of Management and Budget on enrolled bills.’ ¹⁹³⁴ This work includes legal questions, Executive Orders, Presidential proclamations, regulations, and the review of BIA decisions relating to asylum and the ability of asylum seekers to raise protection claims.
Migrant Protection Protocols	public_affairs_ag_doj	Indirect	The Office of Public Affairs (PAO) ensures that DOJ messaging and talking points regarding its activities, priorities and policies reach the public in order to win, or sustain, public support of DOJ policies. This includes disseminating DOJ talking points regarding policies such as Zero Tolerance and other activities that may have a significant impact on asylum seekers and their ability to access protection.
Migrant Protection Protocols	information_policy_ag_doj	Direct	‘The mission of OIP is to provide legal and policy advice to all agencies on administration of the FOIA. OIP is responsible for encouraging agency compliance with the law and for overseeing agency implementation of it.’ ¹⁹³⁵ FOIA is routinely used in immigration cases to obtain information on individual files in immigration cases, including asylum and other applications for protection. This office would have direct contact with an individual who appeals their DOJ FOIA result.
Migrant Protection Protocols	fbi_doj	Indirect	‘While the FBI has no direct involvement in U.S. border security, in addition to our active participation with U.S. Intelligence Community and law enforcement partners abroad, the FBI as an agency, and the Legat program in particular works closely with State's Consular Affairs Office and Homeland Security by being an active participant in border security initiatives such as the visa waiver

¹⁹³⁴ ‘Organization, Mission and Functions Manual: Office of Legal Counsel’, *The United States Department of Justice* (Web Page, 5 October 2020) <<https://www.justice.gov/jmd/organization-mission-and-functions-manual-office-legal-counsel>>.

¹⁹³⁵ ‘Organization, Mission and Functions Manual: Office of Information Policy’, *The United States Department of Justice* (Web Page, 5 October 2020) <<https://www.justice.gov/jmd/organization-mission-and-functions-manual-office-information-policy>>.

			program, the visa viper program and related initiatives. ¹⁹³⁶ Furthermore, the Department of Homeland Security and USCIS are the FBI's largest name check and fingerprint identification customers, relying upon information provided by FBI security checks, along with other intelligence information, to adjudicate immigration applications like asylum applications. ¹⁹³⁷ The FBI also provides information to ICE 'to identify noncitizens ICE sought to deport through matching fingerprint records submitted to the FBI by law enforcement and other sources with DHS records on noncitizens.' ¹⁹³⁸
Migrant Protection Protocols	info_mgmt_fbi_doj	Indirect	The FBI's Information Management Division 'regularly responds to name check requests from approximately 50 authorized federal agencies to determine whether a specific individual has been the subject of or mentioned in any FBI investigation, and if so, what—if any—relevant information may be disseminated to the requesting agency. The NNCP also conducts name searches in direct support of the counterterrorism, counterintelligence, and homeland security efforts of the FBI. In addition, the Information Management Division responds to a large number of Freedom of Information Act and Privacy Act requests every year from the news media, citizens, and others around the world.' ¹⁹³⁹ Asylum seekers are among the subjects of name check requests and name searches, which are used in removal proceedings and to adjudicate immigration benefit applications. FOIA and Privacy Act requests may also involve asylum seekers.
Migrant Protection Protocols	crim_justice_info_services_fbi_doj	Indirect	'The CJIS Division was established in February 1992 out of the former Identification Division to serve as the focal point and central repository for criminal justice information services in the FBI. ... In addition, responsibility for several ongoing technological initiatives was transferred to the CJIS Division, including the Integrated Automated Fingerprint Identification System (IAFIS), NCIC 2000, and the National Incident-Based Reporting System (NIBRS).' ¹⁹⁴⁰ These systems are used to vet and run background and other security checks on people applying for affirmative asylum, or asylum seekers in removal proceedings, among others.
Migrant Protection Protocols	national_crime_info_center_cjis_fbi_doj	Indirect	The National Crime Information Center (NCIC) is part of the Criminal Justice Information Services Division (CJIS) and 'is a computerized index of criminal justice information (i.e.- criminal record history information, fugitives, stolen properties, missing persons).' ¹⁹⁴¹ This information is used to vet

¹⁹³⁶ Evidence to the Committee on the Judiciary, United States House of Representatives, Washington, DC, 13 May 2003 (Roderick L Beverly, Special Agent in Charge, Office of International Operations).

¹⁹³⁷ US Department of Justice Office of the Inspector General, *The Federal Bureau of Investigation's Security Check Procedures for Immigration Applications and Petitions* (Audit Report, No 08-24, June 2008) ii.

¹⁹³⁸ 'About the Data – ICE Removals under Secure Communities', *TRAC Immigration* (Web Page, 2019) <https://trac.syr.edu/phptools/immigration/secure/about_data.html>.

¹⁹³⁹ 'Information Management', *FBI* (Web Page) <<https://www.fbi.gov/services/information-management>>.

¹⁹⁴⁰ 'Criminal Justice Information Services (CJIS)', *FBI* (Web Page) <<https://www.fbi.gov/services/cjis>>.

¹⁹⁴¹ 'National Crime Information Center (NCIC)', *Federal Bureau of Investigation* (Web Page, 2 June 2008) <<https://irp.fas.org/agency/doj/fbi/is/ncic.htm>>.

			and run background and other security checks on people applying for affirmative asylum, or asylum seekers in removal proceedings, among others.
Migrant Protection Protocols	national_security_fbi_doj	Indirect	The NSB blends ‘resources across all national security components to work together; normalize integration, training, and sharing; and seize upon every opportunity to disrupt and defeat our enemies as a joint team.’ ¹⁹⁴² This information is used to vet and run background and other security checks on people applying for affirmative asylum, or asylum seekers in removal proceedings, among others.
Migrant Protection Protocols	terrorist_screening_center_nsb_fbi_doj	Indirect	‘By supporting the ability of front-line screening agencies to positively identify known or suspected terrorists trying to obtain visas, enter the country, board aircraft, or engage in other activity, the consolidated Terrorist Watchlist is one of the most effective counterterrorism tools for the U.S. government.’ ¹⁹⁴³ This information is used to vet and run background and other security checks on people applying for affirmative asylum, or asylum seekers in removal proceedings, among others.
Migrant Protection Protocols	intl_operations_crim_cyber_response_services_fbi_doj	Indirect	The legats ‘establish and maintain liaison with principal law enforcement and security services in designated foreign countries. ... Liaison is carried out in accordance with executive orders, statutes, treaties, Attorney General Guidelines, FBI policies, and interagency agreements.’ ¹⁹⁴⁴ This includes liaising on immigration, human smuggling, and other issues that impact the ability of asylum seekers to move and access protection in the US.
Migrant Protection Protocols	interpol_washington_ag_doj	Indirect	The exchange of information through INTERPOL may include information related to people fleeing persecution in their home countries, including INTERPOL notices issued for political or other purposes. ¹⁹⁴⁵ INTERPOL Washington also has a Border Security Division through which projects such as Project TERMINUS, ‘an automated system for uploading ... stolen and lost travel documents into INTERPOL’s Stolen and Lost Travel Documents (SLTD) database, a searchable repository containing more than 100 million records that can be queried by law enforcement and border security authorities in all 194 INTERPOL member countries.’ ¹⁹⁴⁶ This can also impact asylum seekers attempting to use false or stolen documents to access protection.
Migrant Protection Protocols	professional_responsibility_ag_doj	Direct	‘OPR’s primary responsibility is to investigate allegations that Department attorneys, prosecutors, and immigration judges have committed misconduct while performing their duties to investigate, litigate, or give legal advice. OPR also investigates certain misconduct allegations involving federal law enforcement agents when they relate to a Department attorney’s alleged professional misconduct,

¹⁹⁴² ‘National Security Branch’, *FBI* (Web Page) <<https://www.fbi.gov/about/leadership-and-structure/national-security-branch>>.

¹⁹⁴³ Ibid.

¹⁹⁴⁴ ‘International Operations’, *FBI* (Web Page) <<https://www.fbi.gov/about/leadership-and-structure/international-operations>>.

¹⁹⁴⁵ See Fair Trial, *Dismantling the Tools of Oppression: Ending the Misuse of INTERPOL* (Report, 2018).

¹⁹⁴⁶ US Department of Justice, ‘INTERPOL Washington Assists the Republic of Maldives in Enhancing its Border Security Capabilities.’ (Media Release, 1 March 2021) <<https://www.justice.gov/interpol-washington/pr/interpol-washington-assists-republic-maldives-enhancing-its-border-security>>.

			as well as claims of reprisal against FBI whistleblowers. ¹⁹⁴⁷ Misconduct may include that committed in the context of asylum cases, as well as misconduct relating to claims of reprisal against whistleblowers raising claims which may relate to asylum seekers or the asylum system.
Migrant Protection Protocols	inspector_general_ag_doj	Direct	‘The OIG investigates alleged violations of criminal and civil laws by DOJ employees and also audits and inspects DOJ programs.’ ¹⁹⁴⁸ The OIG has jurisdiction to review the programs and personnel of the FBI, BOP, US Marshals, US Attorneys, and all other organisations in the DOJ. Many of these programs and personnel work directly on asylum law, or on policies, programs and issues relating to the asylum framework or asylum seekers.
Migrant Protection Protocols	violence_against_women_ag_doj	Indirect	‘OVW administers both formula-based and discretionary grant programs, established under VAWA and subsequent legislation. The four formula programs are STOP (Services, Training, Officers, Prosecutors), SASP (Sexual Assault Services Program), State Coalitions, and Tribal Coalitions. The discretionary programs work to support victims and hold perpetrators accountable through promoting a coordinated community response.’ ¹⁹⁴⁹ VAWA-funded grantees serve victims who identify as immigrants, refugees, or asylum seekers. ¹⁹⁵⁰
Migrant Protection Protocols	national_association_of_immigration_judges	Indirect	The NAIJ’s ‘current priorities include pursuing enhancement of resources for our severely under-resourced courts and increasing judicial independence through structural reform. We represent our members in collective bargaining, defend them in individual grievances, pursue remedies through arbitration and participate in on-going liaison activities with Agency management. We advocate to improve the quality of our members’ work environment and work life, to improve judicial security and to reduce work related burnout and stress.’ ¹⁹⁵¹ This includes pursuing resources and reform that impact the impartiality of the immigration courts, the quality of immigration court decision-making, and access to the immigration courts, all of which impact the cases of asylum seekers and the ability of people to raise asylum claims.
Migrant Protection Protocols	judicial_conference_of_the_united_states	Indirect	The Judicial Conference of the United States makes policies for the federal courts that may impact upon the ability of asylum seekers to raise claims, secure release from detention to pursue claims, and related issues. The Judicial Conference also comments on how immigration law and policy

¹⁹⁴⁷ ‘Office of Professional Responsibility’, *The United States Department of Justice* (Web Page) <<https://www.justice.gov/opr/#:~:text=OPR's%20primary%20responsibility%20is%20to,litigate%2C%20or%20give%20legal%20advice.&text=Additional%20information%20about%20the%20relationship,OIG%20can%20be%20found%20here.>>>.

¹⁹⁴⁸ ‘About the Office’, *US Department of Justice, Office of Inspector General* (Web Page) <<https://oig.justice.gov/about>>.

¹⁹⁴⁹ ‘About the Office’, *The United States Department of Justice* (Web Page, 25 January 2021) <<https://www.justice.gov/ovw/about-office>>.

¹⁹⁵⁰ US Department of Justice Office on Violence Against Women, *2018 Biennial Report* (Report to Congress, 2018) 13-14.

¹⁹⁵¹ ‘About the NAIJ’, *National Association of Immigration Judges* (Web Page, 2021) <<https://www.naij-usa.org/about>>.

			changes might impact the federal court system and advocates for changes and resourcing needed to adjudicate cases. ¹⁹⁵²
Migrant Protection Protocols	circuit_judicial_councils_judicial_conference	Indirect	The Circuit Judicial Councils operate in each geographic circuit to oversee ‘the administration of courts located in that circuit.’ ¹⁹⁵³ The Judicial Council of the Ninth Circuit declared a judicial emergency in 2011, as a result of the massive increase in criminal cases filed in the district due to increased border enforcement. The Council noted that ‘Operation Streamline’, a program that requires criminal prosecution and imprisonment of all individuals unlawfully crossing the border, eliminated the discretion traditionally reserved by United States Attorney's offices to limit prosecution to immigrants with criminal records or previous illegal border-crossings. ¹⁹⁵⁴ This program has led to a growing number of federal criminal prosecutions in all districts bordering Mexico and includes the prosecution of asylum seekers, which impacts their ability to raise or pursue a claim.
Migrant Protection Protocols	federal_judicial_center	Indirect	The Federal Judicial Center ‘is the research and education agency of the judicial branch of the United States Government.’ ¹⁹⁵⁵ The FJC produces reports and educational materials for federal judicial personnel in topic areas like immigration and international human rights law, which impact asylum seekers. ¹⁹⁵⁶
Migrant Protection Protocols	federal_courts_of_appeals	Direct	The Courts of Appeals hear a variety of appeals in immigration cases, relating to anything from asylum and other international protection claims, as well as whether a person seeking international protection should be detained.
Migrant Protection Protocols	us_supreme_court	Direct	The Supreme Court has the final word on asylum and related cases litigated before the federal courts, which serve as precedent for the lower courts and agencies.
Migrant Protection Protocols	administrative_conference_us	Indirect	ACUS’ research and recommendations frequently overlap, or directly address, administrative law issues in the immigration space, which include issues relating to asylum seekers and their ability to access protection.
Migrant Protection Protocols	privacy_and_civil liberties_oversight_board	Indirect	The Board provides oversight and advice on actions related to the use of things like facial recognition technologies, or even policies mandating disclosure of personal information of immigrants that might have an adverse or other impact on people in vulnerable situations seeking asylum.
Migrant Protection Protocols	department_of_state	Indirect	‘At home and abroad, the Department helps protect U.S. national borders through sharing of information within and between foreign governments by improving passport security and

¹⁹⁵² Letter from Thomas F Hogan, Secretary of the Judicial Conference of the United States, to Senator Charles E Grassley, 7 May 2013.

¹⁹⁵³ ‘Governance & the Judicial Conference’, *United States Courts* (Web Page) <<https://www.uscourts.gov/about-federal-courts/governance-judicial-conference>>.

¹⁹⁵⁴ Judicial Council of the Ninth Circuit, *In Re: Approval of the Judicial Emergency Declared in the District of Arizona* (Decision, 2 March 2011) 1-7.

¹⁹⁵⁵ ‘About the FJC’, *Federal Judicial Center* (Web Page) <<https://www.fjc.gov/node/12506>>.

¹⁹⁵⁶ See, eg Federal Judicial Center, *International Human Rights Litigation: A Guide for Judges* (International Litigation Guide, 2016).

			implementing effective visa adjudication processes that deny access to individuals who pose risks to U.S. national security. The Department's diplomatic engagement on counterterrorism and homeland security increases two way information sharing on known and suspected terrorists, risk-based border management, and threat-based security and border screening at all land, air, and sea borders ¹⁹⁵⁷ Among other things, State engages in actions that inhibit or prevent the movement of people seeking asylum and also provides country reports and human rights reports that are used in asylum litigation.
Migrant Protection Protocols	population_refugees_migration_state	Indirect	The Bureau of Population, Refugees, and Migration (PRM) 'is the U.S. government's lead for international migration policy'. ¹⁹⁵⁸ PRM undertakes to 'defend the sovereign right of the United States to regulate the entry and stay of foreign nationals; resist attempts to introduce "global governance" of international migration; press countries to facilitate the repatriation of their nationals when we seek to return them; promote well-managed, legal forms of immigration that protect vulnerable people; and seek to address the root causes in origin countries of illegal immigration.' ¹⁹⁵⁹ All of these issues may impact asylum seekers ability to seek and enjoy protection from persecution, particularly where PRM takes the view that '[t]he illegal movement of people across international borders threatens national security and public safety'. ¹⁹⁶⁰ Interestingly, until 2017, the PRM's mission was to 'protect and assist asylum-seekers and other vulnerable migrants, and to advance effective and humane international migration policies, in order to enhance stability and security and promote human rights.' ¹⁹⁶¹ PRM also administers programs 'to deter illegal immigration and promote well-managed, legal forms of immigration', which may prevent asylum seekers from reaching the US to access protection. ¹⁹⁶² PRM has also been UNHCR's largest donor and PRM and UNHCR regularly renew a bilateral framework for cooperation. ¹⁹⁶³
Migrant Protection Protocols	international_migration_prm_state	Indirect	The Office of International Migration (OIM) 'works to promote well-managed, legal forms of immigration through bilateral and multilateral diplomacy and targeted capacity-building

¹⁹⁵⁷ US Department of State and US Agency for International Development, *Joint Strategic Plan: FY 2018-2022* (Report, February 2018) 32.

¹⁹⁵⁸ 'International Migration: Bureau of Population, Refugees, and Migration', *US Department of State* (Web Page) <<https://www.state.gov/other-policy-issues/international-migration/>>.

¹⁹⁵⁹ Ibid.

¹⁹⁶⁰ Ibid.

¹⁹⁶¹ 'Archived Content: International Migration', *US Department of State* (Web Page, 2017) <<https://2009-2017.state.gov/j/prm/migration/index.htm>>.

¹⁹⁶² 'International Migration: Bureau of Population, Refugees, and Migration', *US Department of State* (Web Page) <<https://www.state.gov/other-policy-issues/international-migration/>>.

¹⁹⁶³ See *Framework for Cooperation between the Office of the UN High Commissioner for Refugees and the Bureau of Population, Refugees and Migration, U.S. Department of State for the Year 2010-2011* (signed 21 April 2010).

			programs.’ ¹⁹⁶⁴ PRM and OIM are key in the current US strategy to stop the movement of asylum seekers from Central America to the United States. ‘President Biden and Vice President Harris have set out an ambitious, multi-pronged approach to address the root causes of irregular migration and strengthen collaborative migration management across Central America. ... The Vice President’s announcement of \$310 million in increased assistance in the region includes \$104 million through the State Department’s Bureau of Population, Refugees, and Migration’ ¹⁹⁶⁵
Migrant Protection Protocols	civilian_security_democracy_human_rights_state	Indirect	The Under Secretary for Civilian Security, Democracy, and Human Rights oversees the Bureau of Democracy, Human Rights, and Labor, which produces country reports on human rights that are used in asylum adjudications.
Migrant Protection Protocols	democracy_human_rights_labor_cdh_state	Indirect	The Bureau of Democracy, Human Rights and Labor produces annual country human rights reports that are used in asylum, withholding and CAT adjudications.
Migrant Protection Protocols	intl_narcotics_law_enforcement_affairs_state	Indirect	‘INL designs, plans, and funds foreign assistance programs to address aspects of border security including: cross-border crimes, maritime security, aviation security, migrant smuggling, and trafficking in persons. This includes sponsoring training, workshops, and technical support provided by other U.S. agencies and international organizations. ... INL programs help deter and prevent the flow of illegal migrants into the United States as part of the U.S. National Strategy to Combat Transnational Organized Crime, as well as other national security-related strategies.’ ¹⁹⁶⁶ INL efforts aim to prevent people without visas or travel authorisation, including asylum seekers, from travelling through third countries and reaching the United States. INL also trains foreign police and military in border security in order to stop people, including asylum seekers, from moving without visas or travel authorisation.
Migrant Protection Protocols	usaid	Direct	‘Through diplomacy and development, the Department and USAID work to reduce poor governance and weak institutions, lack of economic opportunity, corruption, and persistent human rights abuses, which otherwise contribute to transnational crime, illegal immigration, and the spread of pandemic diseases.’ ¹⁹⁶⁷ USAID also works to prevent people without visas or travel authorisation, including asylum seekers, from travelling through third countries and reaching the United States. USAID also contributes to training foreign police and military in border security in order to stop people, including asylum seekers, from moving without visas or travel authorisation.

¹⁹⁶⁴ ‘International Migration: Bureau of Population, Refugees, and Migration’, *US Department of State* (Web Page) <<https://www.state.gov/other-policy-issues/international-migration/>>.

¹⁹⁶⁵ Anthony J Blinken, Secretary of State, ‘Providing Humanitarian Assistance to Support the Vice President’s Leadership in Addressing Migration Challenges in Central America’ (Press Statement, US Department of State, 27 April 2021).

¹⁹⁶⁶ ‘Border Security/Migrant Smuggling’, *US Department of State* (Web Page) <<https://www.state.gov/border-security-migrant-smuggling-2/>>.

¹⁹⁶⁷ US Department of State and US Agency for International Development, *Joint Strategic Plan: FY 2018-2022* (Report, February 2018) 32.

Migrant Protection Protocols	iom	Direct	‘The Western Hemisphere Program is implemented by the International Organization for Migration and financed by the U.S. Department of State Bureau of Population, Refugees and Migration.’ ¹⁹⁶⁸ IOM runs programs to strengthen border security and migration management, to prevent the irregular movement of people -- including asylum seekers -- in Latin America and the Caribbean. For example, ‘[o]ver 100 thousand Haitians living in border areas cross into the Dominican Republic each week, and an estimated 2 out of every 3 of the 230 thousand recorded Haitian migrants do not have any form of documentation. Many of these people are exposed to human trafficking and migrant smuggling. In this context, IOM Haiti is acting to strengthen border security and migration management.’ ¹⁹⁶⁹
Migrant Protection Protocols	contract_guards	Direct	US Customs and Border Protection uses an extensive range of contractors to perform tasks such as transporting people apprehended ‘within and across Border Patrol sectors and ports while in CBP's custody.’ ¹⁹⁷⁰ ‘In 2006, in order to meet the need for transporting individuals apprehended along the southwest border and to minimize the use of agents and officers performing guard and transportation duties, CBP began contracting for these services.’ ¹⁹⁷¹ At the San Ysidro Port of Entry, CBP used Paragon contract guards. ¹⁹⁷²
Migrant Protection Protocols	migration_crisis_action_team_cbp	Indirect	‘U.S. Customs and Border Protection (CBP) continues to overcome the various demands of unlawful migration along the Southwest border of the United States. To facilitate its efforts, CBP convened a Migration Crisis Action Team (MCAT) to oversee its efforts and milestones through a whole-of-agency approach. The MCAT provides senior leadership with situational awareness, analysis, and strategic plans to manage current and future migration surge events.’ ¹⁹⁷³ These migration ‘surges’ have included large numbers of asylum seekers, including children and other vulnerable populations. The actions and policies undertaken by MCAT have a direct impact on the ability of asylum seekers to raise and pursue a protection claim.

¹⁹⁶⁸ ‘About Us’, *IOM* (Web Page, 2020) <<https://programamesoamerica.iom.int/en/about-us>>.

¹⁹⁶⁹ ‘IOM Haiti implements MIDAS to improve security and border management’, *IOM* (Web Page, 5 November 2019) <<https://programamesoamerica.iom.int/en/news/iom-haiti-implements-midas-improve-security-and-border-management>>.

¹⁹⁷⁰ Government Accountability Office, *U.S. Customs and Border Protection Contracting for Transportation and Guard Services for Detainees* (Report, GAO-17-89R, 2016) 1-2.

¹⁹⁷¹ *Ibid* at 2.

¹⁹⁷² Exhibit 8 in Support of Plaintiffs’ Memorandum of Points and Authorities in Support of their Motion for Summary Judgment (Redacted Version), *Al Otro Lado*, 327 F Supp 3d 1284 (No 535-10) 18.

¹⁹⁷³ US Customs and Border Protection, FOIA Division, *Freedom of Information Act Response* (DHS-CBP-18-0692, 26 February 2020) 000001.

Migrant Protection Protocols	national_guard	Indirect	About 3,500 National Guard troops from 22 states are currently assisting Customs and Border Protection (CBP) in a mission along the southern border funded through September. ¹⁹⁷⁴ ‘Any spotted attempts to cross the border are reported to CBP, with the Guardsmen uninvolved with apprehension or detention efforts, he added.’ ¹⁹⁷⁵ Spotted attempts to cross the border include attempts made by people seeking asylum.
Migrant Protection Protocols	fish_wildlife_service	Direct	‘In addition to cooperating with CBP, these land management federal law enforcement officers also often cooperate with local police forces, in what the Department of Interior identifies as a “whole government approach”. Such was the case when the US Fish and Wildlife Service used a mobile app from the Automated Regional Justice Information System to run more than 200 facial recognition requests off the San Diego mugshot database between 2016 and 2018.’ ¹⁹⁷⁶ Fish and Wildlife officials regularly encounter and report people, including asylum seekers, crossing between ports of entry to CBP. Officials also arrest members of NGOs that provide humanitarian relief to border crossers.
Migrant Protection Protocols	house_of_representatives	Indirect	The House drafts and passes legislation related to asylum and immigration, while also conducting Executive Branch oversight activities for agencies like DHS.
Migrant Protection Protocols	senate	Indirect	The Senate drafts and passes legislation related to asylum and immigration, while also conducting investigations into the executive branch, and reviewing and approving (or rejecting) presidential appointees to agencies such as the Departments of Justice, State, and others that have an impact on asylum law and policy. The Senate also may approve, amend, or adopt changes to treaties, including the <i>1967 Protocol</i> and other treaties relating to <i>non-refoulement</i> .
Migrant Protection Protocols	committee_homeland_security_house	Indirect	‘The Committee was first formed as a Select, non-permanent Committee to provide Congressional oversight over the development of the Department of Homeland Security. The Committee was made permanent when it was designated as a Standing Committee of the House on January 4, 2005, the first day of the 109th Congress.’ ¹⁹⁷⁷ The CBP Border, Air & Marine Operations Directorate ‘collaborates regularly with Congressional staff’ from this committee, in working with the DHS Office of Congressional Affairs on CBP policy and actions relating to border enforcement operations and other policies and practices that directly or indirectly impact people’s ability to raise and pursue asylum claims. ¹⁹⁷⁸

¹⁹⁷⁴ Ellen Mitchell, ‘Pentagon could extend National Guard mission at southern border’, *The Hill* (online, 16 March 2021) <<https://thehill.com/policy/defense/543505-pentagon-could-extend-national-guard-mission-at-southern-border>>.

¹⁹⁷⁵ Ibid.

¹⁹⁷⁶ Molly McCluskey, ‘US border national parks increasingly fortified by surveillance’, *Aljazeera* (online, 6 March 2020) <<https://www.aljazeera.com/features/2020/3/6/us-border-national-parks-increasingly-fortified-by-surveillance>>.

¹⁹⁷⁷ ‘Committee History’, *Committee on Homeland Security* (Web Page) <<https://homeland.house.gov/about/committee-history>>.

¹⁹⁷⁸ ‘OCA Directorates’, *US Customs and Border Protection* (Archived Web Page, 11 June 2021) <<https://web.archive.org/web/20210611194608/https://www.cbp.gov/accordion-page/oca-directorates>>.

Migrant Protection Protocols	committee_homeland_security_gov_affairs_senate	Indirect	‘The Committee on Homeland Security and Governmental Affairs (HSGAC) is the Senate’s primary oversight committee with broad jurisdiction over government operations generally and the Department of Homeland Security in particular.’ ¹⁹⁷⁹ DHS Office of Congressional Affairs ‘collaborates regularly with Congressional staff’ from this committee on CBP policy and actions relating to border enforcement operations and other policies and practices that directly or indirectly impact people’s ability to raise and pursue asylum claims. ¹⁹⁸⁰
Migrant Protection Protocols	committee_judiciary_house	Indirect	The House Judiciary Committee is involved in ‘protecting Constitutional freedoms and civil liberties, oversight of the U.S. Departments of Justice and Homeland Security, legal and regulatory reform, innovation, competition and anti-trust laws, terrorism and crime, and immigration reform.’ ¹⁹⁸¹ This oversight includes holding hearings on DHS policies relating to asylum seekers and access to the asylum system, as well as introducing and passing legislation relating to the same issues. The DHS Office of Congressional Affairs ‘collaborates regularly with Congressional staff’ from this committee on CBP policy and actions relating to border enforcement operations and other policies and practices that directly or indirectly impact people’s ability to raise and pursue asylum claims. ¹⁹⁸²
Migrant Protection Protocols	committee_judiciary_senate	Indirect	The Judiciary Committee oversees the Department of Justice and agencies under the Department’s jurisdiction, including those that have a direct and indirect impact on asylum as outlined above. The Judiciary Committee also plays a key role in consideration of nominations for high-ranking agency officials, and all Article III judicial nominations. These people can have a significant impact on policy and regulations relating to asylum and the ability of people to access asylum. The Senate Judiciary Committee also considers legislation, resolutions, messages, petitions, memorials and other matters relating to civil liberties and immigration, which includes asylum and legislation impacting access to asylum. DHS OCA ‘collaborates regularly with Congressional staff’ from this committee on CBP policy and actions relating to border enforcement operations and other policies and practices that directly or indirectly impact people’s ability to raise and pursue asylum claims. ¹⁹⁸³
Migrant Protection Protocols	committee_appropriations_sub_homeland_security_house	Indirect	The Homeland Security Subcommittee holds hearings and drafts legislation on appropriations relating to the Department of Homeland Security. ¹⁹⁸⁴ In terms of immigration, for example, the Appropriations Committee passed a 2021 DHS appropriations bill that, among other things, ‘Reduces

¹⁹⁷⁹ ‘Jurisdiction and Rules’, *US Senate Committee on Homeland Security & Governmental Affairs* (Web Page) <<https://www.hsgac.senate.gov/about/jurisdiction>>.

¹⁹⁸⁰ ‘OCA Directorates’, *US Customs and Border Protection* (Archived Web Page, 11 June 2021) <<https://web.archive.org/web/20210611194608/https://www.cbp.gov/accordion-page/oca-directorates>>.

¹⁹⁸¹ ‘About’, *House Committee on the Judiciary* (Web Page) <<https://judiciary.house.gov/about/>>.

¹⁹⁸² ‘OCA Directorates’, *US Customs and Border Protection* (Archived Web Page, 11 June 2021) <<https://web.archive.org/web/20210611194608/https://www.cbp.gov/accordion-page/oca-directorates>>.

¹⁹⁸³ Ibid.

¹⁹⁸⁴ House Appropriations, *House Democrats’ \$4.5 Billion Supplemental Appropriations Bill to Address the Humanitarian Crisis at the Border* (Fact Sheet, 21 June 2019).

			funding for Immigration and Customs Enforcement and sharply decreases detention beds, Phases out family detention by the end of 2020 ... Rejects the proposed hiring of additional Border Patrol agents ... ¹⁹⁸⁵ DHS Office of Congressional Affairs 'collaborates regularly with Congressional staff' from this committee in order 'to ensure favorable consideration of CBP's budgetary requests and initiatives.' ¹⁹⁸⁶
Migrant Protection Protocols	committee_appropriations_sub_homeland_security_senate	Indirect	The Senate Appropriations Committee 'writes the legislation that allocates federal funds to the numerous government agencies, departments, and organizations on an annual basis. Twelve subcommittees are tasked with drafting legislation to allocate funds to government agencies within their jurisdictions. These subcommittees are responsible for reviewing the President's budget request, hearing testimony from government officials and other witnesses, and drafting the spending plans for the coming fiscal year. Their work is passed on to the full Senate Appropriations Committee, which may review and modify the bills and approve them for consideration by the full Senate.' ¹⁹⁸⁷ This includes legislation funding operations of the 'Department of Homeland Security, Analysis and Operations, Biometric Identity Management Office of [US-VISIT] ... Federal Emergency Management Agency, Federal Law Enforcement Training Center ... Inspector General ... U.S. Citizenship and Immigration Services, U.S. Coast Guard, U.S. Customs and Border Protection ... U.S. Immigration and Customs Enforcement ...', which has direct and indirect impact on asylum seekers and their ability to raise and pursue a claim. ¹⁹⁸⁸ DHS Office of Congressional Affairs 'collaborates regularly with Congressional staff' from this committee in order 'to ensure favorable consideration of CBP's budgetary requests and initiatives.' ¹⁹⁸⁹
Migrant Protection Protocols	committee_oversight_reform_house	Indirect	The House Committee on Oversight and Reform 'is the main investigative committee in the U.S. House of Representatives.' ¹⁹⁹⁰ Oversight responsibilities include the review on a continuing basis 'the application, administration, execution, and effectiveness of laws and programs addressing subjects within its jurisdiction ... the organization and operation of Federal agencies and entities having responsibilities for the administration and execution of laws and programs addressing subjects within its jurisdiction ... any conditions or circumstances that may indicate the necessity or

¹⁹⁸⁵ House Appropriations, *Fiscal Year 2021 Appropriations Bill At-a-Glance* (Fact Sheet, 2021).

¹⁹⁸⁶ 'OCA Directorates', *US Customs and Border Protection* (Archived Web Page, 11 June 2021) <<https://web.archive.org/web/20210611194608/https://www.cbp.gov/accordion-page/oca-directorates>>.

¹⁹⁸⁷ 'Committee Jurisdiction', *United States Senate Committee on Appropriations* (Web Page) <<https://www.appropriations.senate.gov/about/jurisdiction>>.

¹⁹⁸⁸ 'Homeland Security', *United States Senate Committee on Appropriations* (Web Page) <<https://www.appropriations.senate.gov/subcommittees/homeland-security>>.

¹⁹⁸⁹ 'OCA Directorates', *US Customs and Border Protection* (Archived Web Page, 11 June 2021) <<https://web.archive.org/web/20210611194608/https://www.cbp.gov/accordion-page/oca-directorates>>.

¹⁹⁹⁰ 'About', *House Committee on Oversight and Reform* (Web Page) <<https://oversight.house.gov/about>>.

			desirability of enacting new or additional legislation addressing subjects within its jurisdiction'. ¹⁹⁹¹ This includes the application, administration, execution and effectiveness of laws on asylum and which impact people's ability to access asylum, as well as the organisation and operation of agencies that are directly and indirectly involved in the asylum framework. DHS Office of Congressional Affairs 'collaborates regularly with Congressional staff' from this committee on issues relating to land ports of entry, CBP officer staffing, passenger targeting efforts, biometric entry-exit and other issues that may impact asylum seekers. ¹⁹⁹²
Migrant Protection Protocols	committee_commerce_science_transport_senate	Indirect	The Senate Committee on Commerce, Science and Transportation reviews 'all proposed legislation, messages, petitions, memorials, and other matters relating to the ... Coast Guard ... Interstate commerce ... Science, engineering, and technology research and development and policy ... Transportation. ... Such committee shall also study and review, on a comprehensive basis, all matters relating to science and technology, oceans policy, transportation, communications, and consumer affairs, and report thereon from time to time.' ¹⁹⁹³ Matters relating to science and technology research and development and policy, as well as the Coast Guard, may have a direct or indirect impact on asylum seekers. DHS increasingly uses different types of technology to deter people from reaching the United States and thus accessing the asylum framework, as well as to vet and collect information about applicants for immigration benefits including asylum. The DHS Office of Congressional Affairs 'collaborates regularly with Congressional staff' from this committee on issues relating to land ports of entry, CBP officer staffing, passenger targeting efforts, biometric entry-exit and other issues that may impact asylum seekers. ¹⁹⁹⁴
Migrant Protection Protocols	house_committee_energy_commerce	Indirect	The House Committee on Energy and Commerce 'legislates on a wide variety of issues, including: ... privacy, cybersecurity and data security ... interstate and foreign commerce. The Committee also oversees several federal departments and agencies, including: ... Centers for Disease Control and Prevention ... Department of Homeland Security'. ¹⁹⁹⁵ The DHS Office of Congressional Affairs 'collaborates regularly with Congressional staff' from this committee on issues relating to land ports

¹⁹⁹¹ 'Committee Jurisdiction', *House Committee on Oversight and Reform* (Web Page) <<https://oversight.house.gov/about/committee-jurisdiction>>.

¹⁹⁹² 'OCA Directorates', *US Customs and Border Protection* (Archived Web Page, 11 June 2021) <<https://web.archive.org/web/20210611194608/https://www.cbp.gov/accordion-page/oca-directorates>>.

¹⁹⁹³ 'Jurisdiction', *US Senate Committee on Commerce, Science, & Transportation* (Web Page) <<https://www.commerce.senate.gov/jurisdiction>>.

¹⁹⁹⁴ 'OCA Directorates', *US Customs and Border Protection* (Archived Web Page, 11 June 2021) <<https://web.archive.org/web/20210611194608/https://www.cbp.gov/accordion-page/oca-directorates>>.

¹⁹⁹⁵ 'About E&C', *House Committee on Energy & Commerce* (Web Page) <<https://energycommerce.house.gov/about-ec>>.

			of entry, CBP officer staffing, passenger targeting efforts, biometric entry-exit and other issues that may impact asylum seekers. ¹⁹⁹⁶
Migrant Protection Protocols	house_perm_select_committee_intelligence	Indirect	‘The House Permanent Select Committee on Intelligence oversees the nation’s intelligence agencies including components of the Departments of Defense, Homeland Security, Justice, State, Treasury and Energy.’ ¹⁹⁹⁷ The DHS Office of Congressional Affairs ‘collaborates regularly with Congressional staff’ from this committee on issues relating to land ports of entry, CBP officer staffing, passenger targeting efforts, biometric entry-exit and other issues that may impact asylum seekers. ¹⁹⁹⁸
Migrant Protection Protocols	senate_select_committee_intelligence	Indirect	‘The Committee’s staff reviews intelligence reports, budgets, and activities; investigates matters on behalf of the Committee; prepares legislation; and receives briefings.’ ¹⁹⁹⁹ ‘The topics for hearings include agency activities, intelligence collection programs, and intelligence analysis on a geographic region or issue ... The Committee writes an annual intelligence authorization bill that authorizes funding levels for intelligence activities (these set caps for agency funding) and provides legislative provisions that limit or allow intelligence conduct. ... On occasion, the Committee reviews intelligence aspects of treaties as part of the Senate’s ratification process. ... The Committee conducts reviews of intelligence programs or events, ranging from routine and continuing study (the conduct of covert action programs and intelligence operations) to formal inquiries. ... The Committee receives and reviews intelligence analysis on a broad range of topics to inform policy decisions.’ ²⁰⁰⁰ The DHS Office of Congressional Affairs ‘collaborates regularly with Congressional staff’ from this committee on issues relating to land ports of entry, CBP officer staffing, passenger targeting efforts, biometric entry-exit and other issues that may impact asylum seekers. ²⁰⁰¹
Migrant Protection Protocols	congressional_budget_office	Indirect	‘CBO analyzes proposals to change federal policies regarding aviation and border security, emergency response, anticounterfeiting measures, the protection of federal infrastructure, cybersecurity, and other topics related to securing the nation from threats.’ ²⁰⁰² CBO reports can influence the form and content of immigration legislation, including rules that impact asylum seekers.

¹⁹⁹⁶ ‘OCA Directorates’, *US Customs and Border Protection* (Archived Web Page, 11 June 2021) <<https://web.archive.org/web/20210611194608/https://www.cbp.gov/accordion-page/oca-directorates>>.

¹⁹⁹⁷ ‘About’, *US House of Representatives Permanent Select Committee on Intelligence* (Web Page) <<https://intelligence.house.gov/about/>>.

¹⁹⁹⁸ ‘OCA Directorates’, *US Customs and Border Protection* (Archived Web Page, 11 June 2021) <<https://web.archive.org/web/20210611194608/https://www.cbp.gov/accordion-page/oca-directorates>>.

¹⁹⁹⁹ ‘About the Committee’, *US Senate Select Committee on Intelligence* (Web Page) <<https://www.intelligence.senate.gov/about>>.

²⁰⁰⁰ Ibid.

²⁰⁰¹ ‘OCA Directorates’, *US Customs and Border Protection* (Archived Web Page, 11 June 2021) <<https://web.archive.org/web/20210611194608/https://www.cbp.gov/accordion-page/oca-directorates>>.

²⁰⁰² ‘Homeland Security’, *Congressional Budget Office* (Web Page) <<https://www.cbo.gov/topics/homeland-security>>.

Migrant Protection Protocols	government_accountability_office	Indirect	‘GAO’s High-Risk List provides a road map for priority actions needed in agencies and program areas that we deem high risk due to their vulnerabilities to fraud, waste, abuse, and mismanagement, or are most in need of transformation. Areas on the HighRisk List cover some of the largest agencies and programs, including ... the Department of Homeland Security.’ ²⁰⁰³ The GAO has issued numerous reports and recommendations of actions and policies of the Department of Homeland Security, including those related to Southwest Border Security and other measures that impact asylum seekers.’ ²⁰⁰⁴ For example, GAO-21-144, <i>Southwest Border: DHS and DOJ Have Implemented Expedited Credible Fear Screening Pilot Programs, but Should Ensure Timely Data Entry</i> reviewed the screening pilot programs and found that DHS and DOJ did not have appropriate systems in place to accurately track data relating to expedited credible fear screening programs for asylum seekers.
Migrant Protection Protocols	library_of_congress	Indirect	‘The Library is the main research arm of the U.S. Congress and the home of the U.S. Copyright Office.’ ²⁰⁰⁵ ‘The Library serves Congress by providing access to its collection, as well as policy consultations, on-demand analysis, briefings, events, programs, and constituent engagement.’ ²⁰⁰⁶ ‘Congress, the judiciary, and other federal agencies have reliable, round-the-clock access to reliable knowledge in print, online, and via consultation with scholars and experts from the Congressional Research Service, the U.S. Copyright Office, the Law Library, and the Kluge Center.’ ²⁰⁰⁷ Library services include providing consultations, analysis, briefings, events, programs and other services related to asylum law and policy, as well as in relation to policies and laws which impact the ability of people to access and pursue a claim within the asylum system.
Migrant Protection Protocols	congressional_research_service_loc	Indirect	‘The Congressional Research Service (CRS) works exclusively for the United States Congress, providing policy and legal analysis to committees and Members of both the House and Senate, regardless of party affiliation. As a legislative branch agency within the Library of Congress, CRS has been a valued and respected resource on Capitol Hill for more than a century. CRS is well-known for analysis that is authoritative, confidential, objective and nonpartisan. Its highest priority is to ensure that Congress has 24/7 access to the nation’s best thinking.’ ²⁰⁰⁸ CRS provides policy and legal analysis in relation to asylum, as well as in relation to policies and laws which impact the ability of people to access and pursue a claim within the asylum system.

²⁰⁰³ Government Accountability Office, *Strategic Plan 2018-2023* (Report, GAO-18-1SP) 6.

²⁰⁰⁴ ‘Homeland Security’, *US Government Accountability Office* (Web Page, 2021) <<https://www.gao.gov/topics/homeland-security/>>.

²⁰⁰⁵ ‘About the Library’, *Library of Congress* (Web Page) <<https://loc.gov/about/>>.

²⁰⁰⁶ ‘Enriching the Library Experience: The FY2019-2023 Strategic Plan of the Library of Congress’, *Library of Congress* (Web Page) <<https://loc.gov/strategic-plan/>>.

²⁰⁰⁷ Ibid.

²⁰⁰⁸ ‘Congressional Research Service Careers’, *Library of Congress* (Web Page) <<https://www.loc.gov/crsinfo/>>.

Migrant Protection Protocols	instituto_nacional_de_migracion	Direct	INM is responsible for assisting in the maintenance of ‘lists’ of asylum seekers in Mexico waiting to be accepted for processing by CBP during the operation of metering at the southern border. INM would unofficially oversee the registration of asylum seekers on the informal lists, including standing by as volunteers called the names of people who would be processed that day, and then taking asylum seekers in a van for CBP processing at CBP's direction. People also might have contact with INM when being issued transit permits or humanitarian permits when crossing through Mexico.
Migrant Protection Protocols	grupos_beta_inm	Direct	‘[V]arious Mexican entities, including the military and Grupos Beta’ have been engaged in ‘preventing some asylum seekers from accessing U.S. ports of entry’. ²⁰⁰⁹ ‘The Tijuana appointment system was initially developed by U.S. and Mexican officials as an ad hoc response to the arrival of large numbers of Haitians at three ports of entry in the San Diego border sector during the summer of 2016. The plan tasked Grupos Beta, the humanitarian branch of the Mexican immigration enforcement agency (INM), with providing these “appointments” for migrants and asylum seekers who did not have entry documents, to present themselves to CBP at a later day and time. This flawed appointment system was plagued with misinformation and abuse, leaving many asylum seekers stranded in Mexico. It has continued at the San Ysidro port of entry long after the number of Haitians attempting to enter the United States fell—and despite the much-touted decrease in arrivals along the border.’ ²⁰¹⁰ ‘Since Central Americans are typically not issued a transit visa at Mexico’s southern border, they are effectively blocked from receiving an “appointment.” Grupos Beta has also refused appointments for individuals with legal status in Mexico, such as a tourist visa, blocking other nationalities that enter Mexico on visas from approaching U.S. officials to seek asylum.’ ²⁰¹¹
Migrant Protection Protocols	domestic_nongovernmental_organisations	Direct	Non-governmental organisations and other community volunteers in the United States that support asylum seekers, contribute to policy development and change, engage in community education, advocacy, and administration. These organisations also provide non-legal services to asylum seekers, such as detention visits, or assistance with shelter, transportation, food, or clothing.
Migrant Protection Protocols	international_nongovernmental_organisations	Direct	Non-governmental organisations and other community volunteers outside the United States that support asylum seekers, contribute to policy development and change, engage in community education, advocacy, and administration. These organisations also provide non-legal services to asylum seekers, such as detention visits, or assistance with shelter, transportation, food, or clothing.
Migrant Protection Protocols	unhcr	Direct	UNHCR is responsible for providing international protection to refugees and other persons within its mandate, which includes asylum seekers. UNHCR fulfils its international protection mandate by, inter alia, ‘[p]romoting the conclusion and ratification of international conventions for the protection

²⁰⁰⁹ Human Rights First, *Crossing the Line: U.S. Border Agents Illegally Reject Asylum Seekers* (Report, May 2017) 2.

²⁰¹⁰ Ibid at 8.

²⁰¹¹ Ibid.

			of refugees, supervising their application and proposing amendments thereto. ²⁰¹² UNHCR has also increased its assistance to refugees and asylum seekers in Mexico, including through the construction of shelters, access to asylum and relocation assistance, and other forms of aid. ²⁰¹³
Migrant Protection Protocols	foreign_consulates	Direct	Foreign consulates may become involved in assisting their nationals who encounter US immigration enforcement officials, who may also raise asylum claims. For example, the Consulate of Guatemala, ²⁰¹⁴ or the Mexican consulate in Arizona. ²⁰¹⁵
Migrant Protection Protocols	legal_service_providers	Direct	Foreign nationals in removal proceedings, including asylum seekers, do not have access to a public defender. ²⁰¹⁶ Legal service providers including attorneys and BIA accredited representatives, provide a range of services including legal advice, legal orientation programs, assistance with pro bono placement, and direct representation in removal and bond proceedings, or parole requests. ²⁰¹⁷ This is particularly important in asylum cases.
Migrant Protection Protocols	translators_interpreters	Direct	‘All documents filed with the Immigration Court must be in the English language or accompanied by a certified English translation.’ ²⁰¹⁸ All immigration court and federal court proceedings are also conducted in English and any documents filed with USCIS must also be in English. ‘Interpreters are provided at government expense to individuals whose command of the English language is inadequate to fully understand and participate in removal proceedings.’ ²⁰¹⁹ Translators and interpreters are critical in asylum cases which often require translation of evidence and testimony which can make or break a case.
Migrant Protection Protocols	doctors_physicians	Direct	Doctors and physicians are involved in conducting health evaluations in support of applications for asylum, and in providing health services to asylum seekers and other people in removal proceedings who are not detained.
Migrant Protection Protocols	psychiatrists_psychologists	Direct	Psychiatrists and psychologists are involved in conducting forensic and other psychological evaluations in support of applications for asylum, as well as providing mental health services to asylum seekers and other people in removal proceedings who are not detained.

²⁰¹² *Statute of the Office of the United Nations High Commissioner for Refugees*, GA Res 428(V), UN Doc A/RES/428(V) (14 December 1950) annex [1].

²⁰¹³ ‘UNHCR ramps up support for Mexico amid mounting asylum applications’, *UNHCR* (Briefing Note, 13 April 2021) <[²⁰¹⁴ Interview with Participant 002 \(Regina Jefferies, United States\) on file with author.](https://www.unhcr.org/en-us/news/briefing/2021/4/607549864/unhcr-ramps-support-mexico-amid-mounting-asylum-applications.html#:~:text=UNHCR%2C%20the%20UN%20Refugee%20Agency,registered%2022%2C606%20new%20asylum%20applications>”.</p>
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²⁰¹⁵ Interview with Participant 006 (Regina Jefferies, United States) on file with author.

²⁰¹⁶ ‘Adult Team’, *Florence Immigrant & Refugee Rights Project* (Web Page, 2021) <<https://firrp.org/what/adult-team/>>.

²⁰¹⁷ ‘Immigrant Legal Defense Program’, *Justice & Diversity Center of the Bar Association of San Francisco* (Web Page, 2021) <<https://www.sfbar.org/jdc/immigrant-legal-defense/>>.

²⁰¹⁸ Executive Office for Immigration Review, *Immigration Court Practice Manual* (EOIR, 16 November 2020) 43-44, rule 3.3.

²⁰¹⁹ *Ibid* at 64, rule 4.11.

Migrant Protection Protocols	interpol	Indirect	The exchange of information through INTERPOL may include information related to people fleeing persecution in their home countries, including INTERPOL notices issued for political or other purposes. ²⁰²⁰
Migrant Protection Protocols	united_nations_office_drugs_crime	Indirect	UNODC work includes work on criminalising ‘migrant smuggling’ pursuant to the United Nations Convention Against Transnational Organized Crime Protocol against the Smuggling of Migrants. According to UNHCR, ‘[i]n order to combat human smuggling and trafficking, States have adopted, inter alia, the practice of “intercepting” persons travelling without the required documentation - whether in the country of departure, in the transit country, within territorial waters or on the high seas, or just prior to the arrival in the country of destination. In some instances, interception has affected the ability of asylum-seekers and refugees to benefit from international protection.’ ²⁰²¹
Migrant Protection Protocols	united_nations_human_rights_council	Direct	The UN Human Rights Council works to promote and protect human rights, which includes the right to life and various other rights that impact asylum seekers. For example, the 2021 <i>Report on means to address the human rights impact of pushbacks of migrants on land and sea</i> , submitted in accordance with Human Rights Council resolution 43/6, concluded that ‘in the absence of an individualized assessment for each migrant concerned and other procedural safeguards, pushbacks result in human rights violations incompatible with States’ obligations under international human rights law, in particular, the prohibition of collective expulsion and refoulement.’ ²⁰²² Individuals, including asylum seekers, can also bring complaints before the UN HRC for violations of their human rights.
Migrant Protection Protocols	five_eyes	Indirect	The Five Eyes share data through the ‘Migration 5’ or M5, which includes ‘biometric and biographic information’ and ‘[d]ata on refugees and immigrants, people with criminal histories or assumed identities and deportees’. ²⁰²³ ‘The M5 queries fingerprint information to detect immigration and identity fraud or other concealed immigration history. In some instances this may include some limited criminal history information where it relates to an immigration interaction (for example deportation). M5 Members do not automatically share facial or biographical data like names or personal details unless they match a fingerprint.’ ²⁰²⁴

²⁰²⁰ See Fair Trial, *Dismantling the Tools of Oppression: Ending the Misuse of INTERPOL* (Report, 2018).

²⁰²¹ Executive Committee of the High Commissioner’s Programme, *Interception of Asylum-Seekers and Refugees: The International Framework and Recommendations for a Comprehensive Approach*, UN doc EC/50/SC/CPR.17 (9 June 2000).

²⁰²² Felipe González Morales, *Report on means to address the human rights impact of pushback of migrants on land and sea*, Report of the Special Rapporteur on the human rights of migrants, 47th sess, UN doc A/HRC/47/30 (12 May 2021) [104].

²⁰²³ Gill Bonnett, ‘How the Five Eyes countries share immigration data’, RNZ (online, 30 December 2020) <<https://www.rnz.co.nz/news/national/433786/how-the-five-eyes-countries-share-immigration-data>>.

²⁰²⁴ Ibid.

Migrant Protection Protocols	private_prisons	Direct	ICE contracts with numerous private prison companies to house immigration detainees, including asylum seekers and children. ²⁰²⁵ 'The last few decades have witnessed the rising involvement and influence of the private prison industry in U.S. immigration enforcement, alongside the expansion of the immigration detention system. ... As of August 2016, nearly three-quarters of the average daily immigration detainee population was held in facilities operated by private prison companies—a sharp contrast from a decade ago, when the majority were held in ICE-contracted bedspace in local jails and state prisons.' ²⁰²⁶
Migrant Protection Protocols	public_detention_facilities	Direct	ICE contracts with numerous state and local jails to house immigration detainees, which also includes asylum seekers. ²⁰²⁷
Migrant Protection Protocols	native_american_tribes	Direct	'Individuals seeking to enter the United States illegally or to smuggle contraband may attempt to avoid the Department of Homeland Security's (DHS) U.S. Customs and Border Protection (CBP) screening procedures at ports of entry (POE) by crossing the borders in areas between POEs, including Indian reservations on the borders. Eighty-six miles of the northern border and 68 miles of the southwest border are on 13 Indian reservations, many of which are vulnerable to illicit cross-border threat activity, such as drugs, weapons, and human smuggling, according to DHS officials.' ²⁰²⁸ Asylum seekers are among the individuals who seek to cross the borders between ports of entry and may be apprehended by cross-deputised tribal law enforcement officers alone, or in joint patrols with CBP.
Migrant Protection Protocols	shadow_wolves_ice	Direct	'The Tohono O'odham Nation, patrolled by the Shadow Wolves and USBP's Tucson Sector, covers 2.8 million acres and includes mostly small, scattered villages. CBP transferred the Shadow Wolves Unit to ICE in October 2006. The unit is being used to enhance ICE investigations and operations on the Tohono O'odham Nation.' ²⁰²⁹ The Shadow Wolves report illegal border crossings to CBP, which may include asylum seekers. ²⁰³⁰

²⁰²⁵ 'Detention Facilities', *US Immigration and Customs Enforcement* (Web Site, 11 March 2021) <<https://www.ice.gov/detention-facilities>>

²⁰²⁶ Livia Luan, *Profiting From Enforcement: The Role of Private Prisons in U.S. Immigration Detention* (Migration Policy Institute, Migration Information Source, 2 May 2018).

²⁰²⁷ 'Detention Facilities', *US Immigration and Customs Enforcement* (Web Site, 11 March 2021) <<https://www.ice.gov/detention-facilities>>; TRAC Immigration, *New Data on 637 Detention Facilities Used by ICE in FY 2015* (TRAC Reports, 12 April 2016).

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