



**Homeland
Security**



LOCAL ARRANGEMENT FOR REPATRIATION OF MEXICAN NATIONALS

The Consulate General of Mexico in **New York**, and the **New York and New Jersey** Immigration and Customs Enforcement (ICE), Field Offices (Office of Investigations and Office of Detention and Removal) and the **New York** Field Office for Customs and Border Protection (CBP) of the Department of Homeland Security (DHS) of the United States of America (the United States), all together hereinafter referred to as "the Participants":

RECOGNIZING the obligations of Mexico and the United States of America set forth in the Vienna Convention on Consular Relations of April 24, 1963, of which both are Contracting Parties, and in the Consular Convention between the United Mexican States and the United States of America of August 12, 1942;

BEARING IN MIND the provisions of the Memorandum of Understanding on Consular Protection of Mexican and United States Nationals, of May 7, 1996; and the Memorandum of Understanding on Consultation Mechanisms of the Immigration and Naturalization Service Functions and Consular Protection, of June 11, 1998;

RECOGNIZING the need to regulate the flow of persons, particularly on the common border, as was reflected in the Memorandum of Understanding between the Department of Homeland Security of the United States of America and the Secretariat of Governance and the Secretariat of Foreign Affairs of the United Mexican States, on the Safe, Orderly, Dignified and Humane Repatriation

of Mexican Nationals, signed on February 20, 2004 (hereinafter the MOU);

CONSIDERING that the Governments of the United States of America and the United States of Mexico have approached the topic of migration at the highest level, and that the Joint Declaration "Towards a Partnership for Prosperity: The Guanajuato Proposal" addresses this issue as a matter of cooperation and shared responsibility.

CONSIDERING that in 1997 the Working Group on Migration and Consular Affairs of the Mexico-U.S. Bi-national Commission was established as a means of developing improved procedures for repatriating Mexican nationals in a safe, dignified and orderly way with respect to their human rights, and that this Working Group has strengthened the mutual collaboration in the subsequent sessions on those matters;

DESIRING to establish a local arrangement on the safe and orderly repatriation of Mexican nationals, as mentioned in the Plan of Action for Cooperation on Border Safety, of June 21, 2001; the U.S.-Mexico Border Partnership Action Plan, of March 22, 2002, and the U.S.-Mexico Action Plan for Cooperation on Border Safety, of February 20, 2004.

Have established the following Local Arrangement:

CRITERIA AND PROCEDURES

SECTION 1

The purpose of this Arrangement is to establish local procedures for the orderly and safe repatriation of Mexican nationals from the United States to Mexico, consistent with the criteria and principles referred to in Article 3 of the February 20, 2004 Memorandum of Understanding on the Safe, Orderly, Dignified and Humane Repatriation of Mexican Nationals (the MOU).

SECTION 2

Consistent with the MOU, repatriations from the interior, ports of entry and at the border of the United States and Mexico should be conducted in a manner that will be consistent with the respect of the human rights and dignity of Mexican nationals found in the United States in violation of U.S. immigration law.

SECTION 3

Under this Arrangement:

The Consulate General of Mexico in **New York, New York**, should take appropriate actions with respect to Mexican nationals found in, detained in or repatriated from the counties of New York and New Jersey, and Connecticut **(SEE ATTACHMENT A)**.

The following DHS authorities should take appropriate actions with respect to Mexicans found in, detained in, or repatriated from the counties listed above:

- a) Customs and Border Protection (CBP): **New York, New York; Buffalo, New York; and Newark, New Jersey** Office of Field Operations;
- b) Immigration and Customs Enforcement (ICE): **New York, New York; Buffalo, New York; and Newark, New Jersey;**
- c) Detention and Removal Operations (DRO); **New York, New York; Buffalo, New York; and Newark, New Jersey;**
- d) Immigration and Customs Enforcement (OI) : **New York and New Jersey Office of Investigation**

When the repatriation of a Mexican national involves areas covered by this Arrangement and one or more additional local arrangements (e.g., the individual is detained by DHS in a county covered by this arrangement and is to be repatriated at a point of repatriation covered by another local arrangement) this Arrangement will apply to the actions that take place within the area covered by this Arrangement, and the other local arrangement(s) will apply to the actions that take place within the area(s) covered by the other local arrangement(s).

CONSULAR NOTIFICATION AND ACCESS

SECTION 4

The DHS Participants should advise every detained Mexican national (who is not also a U.S. national) that he/she may communicate with a consular official. When a detained Mexican national requests consular access, the DHS Participants should notify the Mexican Consulate, facilitate access and provide Mexican consular officials, to the extent practicable, the opportunity to conduct interviews in private. The DHS Participants should make available to the Mexican Participants copies of applicable regulations and the DHS Detention Standards applicable to all persons detained for a period longer than 72 hours. Consular notification should be made by phone at **(212) 217-6435** and by fax at **(212) 217-6439**.

SECTION 5

The Participants have listed in Attachment 1 the names and titles of, and contact information for, their officials who are responsible for the delivery to, or reception of Mexican nationals, in Mexico, or for the coordination of repatriation activities.

SECTION 6

The DHS Participants should provide to the appropriate points of contact designated by the Mexican participants in Attachment 1 the names and appropriate information of Mexican nationals being directly repatriated at the ports of entry or from the borders of the United States for whom notifications have not previously been made but who are suspected of committing, or known

to have committed criminal violations, in the United States or Mexico, as well as those identified as being of special interest to the Government of Mexico. Such notification should be provided in a timely manner prior to any repatriation.

Local procedures should be developed as necessary to ensure that repatriation is accomplished in a coordinated manner through a mechanism developed by the appropriate officials of both countries when an individual who is suspected of committing, or known to have committed, criminal violations has been identified as being of special interest to the Government of Mexico in response to a previous notification.

SECTION 7

The Participants should set forth the conditions for routine notification of repatriations of Mexican nationals from the interior, ports of entry, and at the border of the United States and Mexico. Notification of routine repatriations should be done in a manner consistent with logistical and operational needs.

The DHS Participants should whenever possible, consistent with logistical and operational needs, deliver to the appropriate Mexican Participants at established points of repatriation and at the time of repatriation, a list of Mexican nationals to be repatriated, which includes at least name, sex, date and place of birth.

The Mexican Participants should provide appropriate officials at the established points of repatriation to receive the requested information.

SECTION 8

The Participants have established the points of repatriation, and their hours of scheduled operation and staffing, in Attachment 2. The Participants should update the Attachment whenever the points of repatriation or their hours of scheduled operation and staffing change. The Mexican Participants should make every effort to ensure that agreed-upon points of repatriation are fully staffed with appropriate local, state and/or federal entities responsible for the health, welfare and safety of Mexican nationals.

SECTION 9

The Participants have listed in Attachment 3 the points of contact to receive and/or convey information about incidents involving reported misconduct, mistreatment or violations of human rights.

In regard to the solution of differences in the application or interpretation of this Arrangement, the procedures established in articles 8 and 1 b) of the MOU remain applicable.

INTERIOR AND BORDER COORDINATION

SECTION 10

The unity of families should be preserved during repatriation, within administrative parameters. For purposes of this Arrangement, the Participants define "family" as including spouses (including common law spouses), children, siblings (brothers and sisters), parents, grandparents, aunts and uncles. When doubts about kinship between juveniles and adults exist, DHS participants should

coordinate with the Consulate of Mexico in order to safe-guard the well-being of the juveniles.

SECTION 11

The Participants should repatriate persons with special needs during daylight hours to ensure their safety. For purposes of this Arrangement, "persons with special needs" may include, but are not limited to, unaccompanied minors, the elderly, pregnant women, and individuals who are mentally or medically incapacitated. The Mexican participants should make every effort to have the appropriate representatives receive such persons upon repatriation from the United States. Repatriation of such persons should generally be arranged in a timely manner.

SECTION 12

If additional preparation is required to receive an unaccompanied minor or an individual with medical, mental or other special needs, the DHS Participants should provide the information specified in Attachment 4 to the Mexican Participants.

ARRANGEMENT'S EVALUATION

SECTION 13

Based on the framework of Article 5 of the MOU, when specific circumstances so require and if deemed feasible, the Repatriation Technical Working Group will explore bilateral mechanisms for repatriation of Mexican nationals to their places of origin, conforming to the agreed principles.

The Participants may also propose special programs for consideration by the Repatriation Technical Working Group.

The Participants should develop local procedures to implement approved special programs.

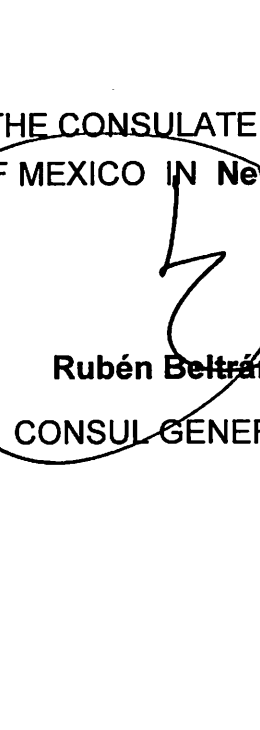
SECTION 14

The Participants should meet no less than two times per year to review the arrangement and discuss repatriation issues. The Participants should refer to the Repatriation Technical Working Group: (a) unresolved issues; (b) best practices; (c) new or emerging repatriation issues, and (d) proposed changes in, or proposed termination of, the local repatriation arrangement.

The local repatriation procedures should be reviewed and updated in consultation with the Repatriation Technical Working Group at least on an annual basis.

Signed in **New York, New York** on **February 19th, 2009** in two originals in the Spanish and English languages, **being both texts equally valid.**

FOR THE CONSULATE GENERAL
OF MEXICO IN **New York**



Rubén Beltrán
CONSUL GENERAL

FOR THE DEPARTMENT OF
HOMELAND SECURITY OF THE
UNITED STATES OF AMERICA



Christopher Shanahan

Field Office Director
ICE DRO, New York



Scott Weber

Field Office Director
ICE DRO, New Jersey



Michael Phillips

Field Office Director
ICE DRO, Buffalo



Peter Smith

Special Agent in Charge
ICE OI, New York



Robert E. Perez

Director of Field Operations

CBP, New York



Daniel B. Doty

Chief Patrol Agent

U.S. Border Patrol,

Swanton Sector

ATTACHMENT A

<p>CONSULAR JURISDICTION OF THE CONSULATE GENERAL OF MEXICO IN NEW YORK</p>
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CONNECTICUT COUNTIES

1. FAIRFIELD
2. HARTFORD
3. LITCHFIELD
4. MIDDLESEX
5. NEW HAVEN
6. NEW LONDON
7. TOLLAND
8. WINDHAM

NEW JERSEY COUNTIES

1. BERGEN
2. ESSEX
3. HUDSON
4. HUNTERDON
5. MERCER
6. MIDDLESEX
7. MONMOUTH
8. MORRIS
9. PASSAIC
10. SOMERSET
11. SUSSEX
12. UNION
13. WARREN

NEW YORK COUNTIES

1. ALBANY
2. ALLEGANY
3. BRONX
4. BROOME
5. CATTARAUGUS
6. CAYUGA
7. CHAUTAUQUA
8. CHEMUNG
9. CHENANGO
10. CLINTON
11. COLUMBIA
12. CORTLAND
13. DELAWARE
14. DUTCHESS
15. ERIE
16. ESSEX
17. FRANKLIN
18. FULTON
19. GENESEE
20. GREENE
21. HAMILTON
22. HERKIMER
23. JEFFERSON
24. KINGS (BROOKLYN)
25. LEWIS
26. LIVINGSTON
27. MADISON
28. MONROE
29. MONTGOMERY
30. NASSAU
31. NEW YORK (MANHATTAN)
32. NIAGARA
33. ONEIDA

34. ONONDAGA
35. ONTARIO
36. ORANGE
37. ORLEANS
38. OSWEGO
39. OTSEGO
40. PUTNAM
41. QUEENS
42. RENSSELAER
43. RICHMOND (STATEN ISLAND)
44. ROCKLAND
45. SARATOGA
46. SCHENECTADY
47. SCHOHARIE
48. SCHUYLER
49. SENECA
50. ST LAWRENCE
51. STEUBEN
52. SUFFOLK
53. SULLIVAN
54. TIOGA
55. TOMPKINS
56. ULSTER
57. WARREN
58. WASHINGTON
59. WAYNE
60. WESTCHESTER
61. WYOMING
62. YATES

ATTACHMENT 1

DHS Participants

Office of Investigations

Peter Smith, Special Agent in Charge, NY

(646) 230-

B6 & 7C

DSAC, NY

(646) 230-

B6 & 7C

Mathew Etre, Special Agent in Charge, NJ

(973) 645-

Office of Detention and Removal

Christopher Shanahan, Field Office Director, NY

(212) 264

B6 & 7C

Deputy Field Office Director, NY

(212) 264

Scott Weber, Field Office Director, NJ

(973) 776

B6 & 7C

Deputy Field Office Director, NJ

(973) 776

B6 & 7C

Asst Field Office Director, NJ

(973) 645

Michael Phillips, Field Office Director, Buffalo

(716) 551

B6 & 7C

Acting Field Office Director, Buffalo

(716) 551

B6 & 7C

Asst Field Office Director, Buffalo

(585) 344

Customs and Border Protection

Robert E. Perez, Director of Field Operations, NY

(646) 733

B6 & 7C

Asst Director of Field Operations

(973) 368

B6 & 7C

Asst Chief Patrol Agent, Swanton

(802) 868

B6 & 7C

Acting Branch Chief, NJ

(973) 277

B6 & 7C

Camille Polimeni, Area Director, JFK / NY

(718) 487

B6 & 7C

Asst Area Director JFK / NY

(718) 553

B6 & 7C

Deputy Chief JFK / NY

(718) 553

Consulate General Of Mexico, New York, New York

Rubén Beltrán, Consul General

(212) 217

Mario Cuevas, Consul of Protection

(212) 217

B6 & 7C

Azahel Quiñonez, Consular Officer

(212) 217

ATTACHMENT 2

Conditions for routine notifications of repatriations of Mexican nationals

The Participants have agreed to closely coordinate repatriations in a safe, humane, and orderly manner. In the interest of all Participants, it is agreed that the primary vehicle for effecting repatriation will continue to be the utilization of the Justice Prisoner Alien Transport System (JPATS).

Under most circumstances, JPATS flights will continue to be staged at **Harrisburg, Pa.** and depart via **Harrisburg Airport (every Monday)**. Any changes to the JPATS schedule will be communicated to the Consulate General of Mexico in **New York** in advance.

In compliance with Sections 6, 7 and 8 of this Arrangement, the DHS Participants should take in consideration the following conditions for routine notifications of repatriations of Mexican nationals:

1. All notifications should be done at least 48 hours prior to repatriation through telephone, fax or e-mail to the numbers and electronic addresses to the applicable authorities listed in attachments 1 and 2.
2. The repatriation of fugitives wanted by the Government of Mexico should be done separately from the repatriation of other Mexican nationals.
3. In case of doubt about a person's nationality, the DHS Participants should request that he/she is interviewed by a Mexican Officer from the Consulate.

ATTACHMENT 3

Officers in charge of receiving and/or conveying information about incidents involving reported misconduct, mistreatment or violations of human rights

The Participants agree to report any incidents or allegations involving employees, in writing, as soon as possible, after the incident or allegation occurs. The relevant points of contact for matters of concern are listed below. In case of an emergency, reports may be made telephonically and followed by a written report.

DHS Participants

Office of Investigations

Peter Smith, Special Agent in Charge, NY (646) 230-

B6 & 7C

DSAC, NY

(646) 230-

B6 & 7C

Mathew Etre, Special Agent in Charge, NJ (973) 645-

Office of Detention and Removal

Christopher Shanahan, Field Office Director, NY (212) 264-

John Tsoukaris, Deputy Field Office Director, NY (212) 264-

Scott Weber, Field Office Director, NJ (973) 776-

B6 & 7C

, Deputy Field Office Director, NJ (973) 776-

B6 & 7C

Michael Phillips, Field Office Director, Buffalo (716) 551-

B6 & 7C

Deputy Field Office Director, Buffalo (716) 551-

Customs and Border Protection

Robert E. Perez, Director of Field Operations, NY (646) 733-

B6 & 7C

B6 & 7C

Asst Director of Field Operations, NJ (973) 368

B6 & 7C

B6 & 7C

Asst Chief Patrol Agent, Swanton (802) 868

Consulate General of Mexico, New York, New York

Mario Cuevas

Consul of Protection

27 East 39th Street

New York, New York 10016

Tel. (212) 217- B6 & 7C

1-800-724-7264

(917) 459- B6 & 7C

Azahel Quiñonez

Consular Officer

27 East 39th Street

New York, New York 10016

Tel. (212) 217- B6 & 7C

1-800-724-7264

(917) 459- B6 & 7C

ATTACHMENT 4

Repatriation of persons with special needs

In compliance with Section 12 of this Arrangement the DHS Participants should consider the following:

4.1 Repatriation of unaccompanied minors

- The Consulate General of Mexico in New York should be notified by the DHS authorities of the repatriation of unaccompanied minors in order to, if requested or needed, to have access to them.
- DHS Participants should advise Consulate General of Mexico in New York if the unaccompanied minor has known immigration or criminal history.

4.2 Repatriation of Mexican nationals requiring follow-up medical treatment in Mexico

- If a special device (crutches, wheelchair, walker) is needed to allow the mobilization of the individual in order to speed up the deportation it should be supplied by the medical center in which the victims were cared for. Otherwise, the DHS Participants should allow the Consulate General of Mexico in New York a reasonable time to provide the device.

4.3 Repatriation of mentally incapacitated persons

- The Consulate General of Mexico in New York should be notified as soon as possible of the intended removal of a mentally incapacitated person. The removal should be coordinated with the Consulate General of Mexico to ensure that the removal is handled in a safe and appropriate manner.
- The DHS Participants along with the Consulate General of Mexico in New York will make every effort to obtain the medical file and all information about the mentally incapacitated person, including the medical attention that is being provided, as well as any information about any known family member in the United States or Mexico.