



**Homeland  
Security**



## **LOCAL ARRANGEMENT FOR REPATRIATION OF MEXICAN NATIONALS**

The Consulate General of Mexico in Los Angeles, California, and the Consulates of Mexico in Oxnard, San Bernardino and Santa Ana, California, and the Los Angeles Immigration and Customs Enforcement, Field Offices (Office of Investigations and Office of Detention and Removal) and the Los Angeles Field Office for Customs and Border Protection, 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. Binational 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 Los Angeles, California, should take appropriate actions with respect to Mexican nationals found in, detained in or repatriated from the counties of Los Angeles, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Bárbara, Ventura.

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): Los Angeles Field Office, Field Operations;
- b) Immigration and Customs Enforcement (ICE): Los Angeles Field Office Detention and Removal Operations (DRO); Los Angeles Office of Investigations Special Agent in Charge (SAC).

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 213-351-6832 or 213-351-6825 and by fax at 213-351-6844 or 213-351-2114.

### **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.

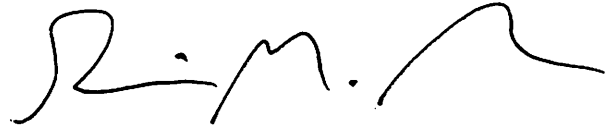
Signed in Los Angeles, California, on this January 16, 2009 in two originals in the Spanish and English languages, being both texts equally valid.

**FOR THE CONSULATE GENERAL OF  
MEXICO IN LOS ANGELES,  
CALIFORNIA**




Juan Marcos Gutierrez-Gonzalez  
Consul General of Mexico in Los Angeles

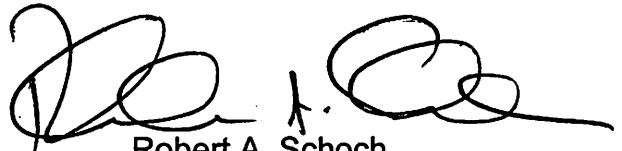
**FOR THE DEPARTMENT OF  
HOMELAND SECURITY OF THE  
UNITED STATES OF AMERICA**



Brian M. DeMore  
Field Office Director  
ICE DRO, Los Angeles, California



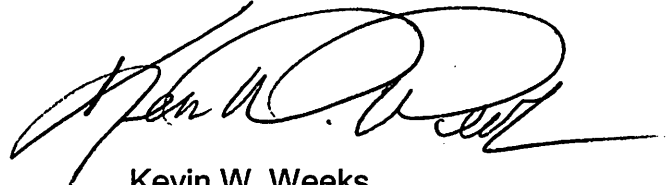
Rogelio Alejandro Flores-Mejía  
Consul of México in Oxnard



Robert A. Schoch  
Special Agent in Charge  
ICE OI, Los Angeles, California



Carolina Zaragoza Flores  
Consul of Mexico in San Bernardino



Kevin W. Weeks  
Field Office Director, Field Operations  
CBP, Los Angeles, California



Carlos Rodriguez y Quezada  
Consul of México in Santa Ana



**Attachment A**

**CONSULAR JURISDICTION OF THE  
CONSULATE GENERAL OF MEXICO IN LOS ANGELES, CALIFORNIA**

**CALIFORNIA COUNTIES**

1. Los Angeles
2. Orange
3. Riverside
4. San Bernardino
5. San Luis Obispo
6. Santa Barbara
7. Ventura

# Attachment 1

## DHS Participants / Los Angeles, California

### ICE - Office of Investigations

|                  |                                |         |         |
|------------------|--------------------------------|---------|---------|
| Robert A. Schoch | Special Agent in Charge        | 562-624 | B6 & 7C |
| B6 & 7C          | Deputy Special Agent in Charge | 213-830 | B6 & 7C |

### ICE - Office of Detention and Removal

|                 |                              |         |         |
|-----------------|------------------------------|---------|---------|
| Brian M. DeMore | Field Office Director        | 213-830 | B6 & 7C |
| B6 & 7C         | Deputy Field Office Director | 213-830 | B6 & 7C |

### Customs and Border Protection

|                |                                     |         |         |
|----------------|-------------------------------------|---------|---------|
| Kevin W. Weeks | Director of Field Operations        | 562-980 | B6 & 7C |
| B6 & 7C        | Assistant Director, Border Security | 562-980 | B6 & 7C |

## Consulate General of México Participants / Los Angeles, California

|   |                                    |         |         |
|---|------------------------------------|---------|---------|
| Juan Marcos Gutierrez-González <sup>1</sup> | Cónsul General                     | 213-351 | B6 & 7C |
| Juan Carlos Mendoza -Sanchez <sup>2</sup>   | Deputy Consul General              | 213-368 | B6 & 7C |
| Marco Antonio Fraire-Bustillos <sup>3</sup> | Consul for Legal Affairs           | 213-351 | B6 & 7C |
| Carlos Rodriguez y Quezada <sup>4</sup>     | Consul of Mexico in Santa Ana      | 714-604 | B6 & 7C |
| Rogelio A. Mejia-Flores <sup>5</sup>        | Cónsul of Mexico in Oxnard         | 805-889 | B6 & 7C |
| Carolina Zaragoza Flores <sup>6</sup>       | Cónsul of México in San Bernardino | 909-889 | B6 & 7C |

<sup>1</sup> For incidents, allegations and major detention operations in Los Angeles County

<sup>2</sup> For incidents, allegations and major detention operations in Los Angeles County

<sup>3</sup> For incidents, allegations and major detention operations in Los Angeles County

<sup>4</sup> For incidents, allegations and major detention operations in Orange County

<sup>5</sup> For incidents, allegations and major detention operations in San Luis Obispo, Santa Barbara and Ventura Counties

<sup>6</sup> For incidents, allegations and major detention operations in Riverside and San Bernardino Counties

## Attachment 2

### **Ports of Repatriation, Schedules of Repatriation and Conditions for Routine Notification 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 be through the ports of entry along the land border between the United States and Mexico.

Under most circumstances, repatriations will take place at the San Ysidro, CA/Tijuana, B.C. Port. Schedules and conditions established in the local arrangement between the Mexican Consulate, ICE, and CBP in San Diego will apply. If another port is utilized, schedules and conditions established in the arrangement covering that port will apply per section 3 of this document.

In the case of arriving Mexican nationals processed by CBP at Los Angeles Ports of Entry and whose admission is denied by CBP, their departure should be completed on the next available flight or vessel operated by the carrier of arrival. In these cases, if requested by the Mexican national, CBP will proceed with Consular notification. This Consular notification process should not interfere with the departure of the Mexican national on the next available flight unless he/she is transferred to ICE custody and requests consular assistance. In these cases, DHS participants should proceed as foreseen in Section 4 of this Arrangement.

## Attachment 3

The Participants agree to report any significant incidents involving Mexican Nationals as soon as possible after the incident occurs.

Significant incidents that should be reported are:

1. Allegations of mistreatment by DHS employees
2. Major enforcement actions involving the arrest and detention of 10 or more Mexican nationals
3. Major incidents at ICE detention centers
4. Mexican detainees requiring emergency medical attention

The relevant points of contact are listed below.

### DHS Participants / Los Angeles, California

#### Office of Investigations

B6 & 7C

Deputy Special Agent in Charge 213-830- B6 & 7C

#### Office of Detention and Removal

B6 & 7C

Deputy Field Office Director 213-830- B6 & 7C

#### Customs and Border Protection

B6 & 7C

Assistant Director, Border Security 562-980- B6 & 7C

### Consulate General of México Participantes / Los Angeles, California

#### Los Angeles

Juan Marcos Gutiérrez-González<sup>1</sup> Consul General 213-351- B6 & 7C

Marco Antonio Fraire-Bustillos<sup>2</sup> Consul for Legal Affairs 213-351- B6 & 7C

#### Santa Ana

Loreta Ruiz-Najera<sup>3</sup> Vice-Consul for Legal Affairs 714-604- B6 & 7C

#### San Bernardino

Salomé Ruiz-Najera<sup>4</sup> Vice-Consul for Legal Affairs 909-889- B6 & 7C

#### Oxnard

Ramon Carrillo de Albornoz<sup>5</sup> Consul for Legal Affairs 805-889- B6 & 7C

<sup>1</sup> For incidents, allegations and major detention operations in Los Angeles County

<sup>2</sup> For incidents, allegations and major detention operations in Los Angeles County

<sup>3</sup> For incidents, allegations and major detention operations in Orange County

<sup>4</sup> For incidents, allegations and major detention operations in Riverside and San Bernardino Counties

<sup>5</sup> For incidents, allegations and major detention operations in San Luis Obispo, Santa Barbara and Ventura Counties

## Attachment 4

For all cases requiring additional preparation to receive an unaccompanied minor or an individual with medical, mental or other special needs, the DHS participants should coordinate directly with the Mexican Consulate to make the necessary arrangements prior to the removal.

DRO should provide notification of the removal of Mexican nationals with special needs as far in advance as possible.

All removals of Mexican national minors and individuals with special needs should be coordinated with the Consulate General of Mexico and be performed during working hours from 08:00 to 15:00 hours.

In the case of all inadmissible arriving Mexican nationals processed by CBP at the Los Angeles Ports of Entry, their departure is required by law to be completed on the next available flight or vessel operated by the carrier of arrival.