



**Homeland
Security**



LOCAL ARRANGEMENT FOR REPATRIATION OF MEXICAN NATIONALS

The Consulate of Mexico in St. Paul, Minnesota, the Consulate of Mexico in Omaha, Nebraska (“the Consulate”) and the St. Paul, Minnesota Immigration and Customs Enforcement, Field Offices (Office of Investigations and Office of Detention and Removal), the Chicago, Illinois, Field Office for Customs and Border Protection, of the Department of Homeland Security (DHS) of the United States of America (the United States), and the Grand Forks, North Dakota Border Patrol Sector for Customs and Border Protection, of the Department of Homeland Security of the United States of America, 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

The Consulate of Mexico in St. Paul, Minnesota should take appropriate actions with respect to Mexican nationals found in, detained in or repatriated from the States and their counties in Attachment 1.1.

The Consulate of Mexico in Omaha, Nebraska, should take appropriate actions with respect to Mexican nationals found in, detained in or repatriated from the States and their Counties in Attachment 1.2.

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

- a) Customs and Border Protection (CBP): Chicago, Illinois Office of Field Operations, Area Port Director; Grand Forks Border Patrol Sector, Grand Forks, North Dakota.
- b) Immigration and Customs Enforcement (ICE): St. Paul Field Office, Detention and Removal Operations (DRO); Special Agent in Charge (SAC) St. Paul, Office of Investigations

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 in St. Paul should be made by phone at (651) 771-5494 and by fax at (651) 772-4419 and in Omaha by phone at (402) 595 1862/63 and by fax (402) 595 1845

SECTION 5

The Participants have listed in Attachment 2 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 2 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 3. 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 4 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 5 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 Bloomington, Minnesota and Omaha, Nebraska on December, 18th, 2008 in two originals in the Spanish and English languages, being both texts equally valid.

FOR THE CONSULATE OF MEXICO
IN ST. PAUL, MINNESOTA

ANA LUISA FAJER FLORES
CONSUL

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

Scott Baniecke
Field Office Director
ICE DRO, Bloomington, Minnesota

FOR THE CONSULATE OF MEXICO
IN OMAHA, NEBRASKA

JORGE ERNESTO ESPEJEL
MONTÉS
CONSUL

Claude Arnold
Special Agent in Charge
ICE OI, Bloomington, Minnesota

David J. Murphy, Jr.
Director of Field Operations
CBP, Chicago, Illinois

Scott Baker
Chief Patrol Agent
U.S. Border Patrol Sector, Grand
Forks, North Dakota

Attachment 1.1

CONSULAR JURISDICTION OF THE CONSULATE OF MEXICO IN ST. PAUL, MINNESOTA

Minnesota.

- | | | |
|----------------|-----------------------|----------------------|
| 1. Aitkin | 30. Isanti | 59. Pipestone |
| 2. Anoka | 31. Itasca | 60. Polk |
| 3. Becker | 32. Jackson | 61. Pope |
| 4. Beltrami | 33. Kanabec | 62. Ramsey |
| 5. Benton | 34. Kandiyohi | 63. Red Lake |
| 6. Big Stone | 35. Kittson | 64. Redwood |
| 7. Blue Earth | 36. Koochiching | 65. Renville |
| 8. Brown | 37. Lac qui Parle | 66. Rice |
| 9. Carlton | 38. Lake | 67. Rock |
| 10. Carver | 39. Lake of the Woods | 68. Roseau |
| 11. Cass | 40. Le Sueur | 69. Scott |
| 12. Chippewa | 41. Lincoln | 70. Sherburne |
| 13. Chisago | 42. Lyon | 71. Sibley |
| 14. Clay | 43. Mahnommen | 72. St. Louis |
| 15. Clearwater | 44. Marshall | 73. Stearns |
| 16. Cook | 45. Martin | 74. Steele |
| 17. Cottonwood | 46. McLeod | 75. Stevens |
| 18. Crow Wing | 47. Meeker | 76. Swift |
| 19. Dakota | 48. Mille Lacs | 77. Todd |
| 20. Dodge | 49. Morrison | 78. Traverse |
| 21. Douglas | 50. Mower | 79. Wabasha |
| 22. Faribault | 51. Murray | 80. Wadena |
| 23. Fillmore | 52. Nicollet | 81. Waseca |
| 24. Freeborn | 53. Nobles | 82. Washington |
| 25. Goodhue | 54. Norman | 83. Wantonwan |
| 26. Grant | 55. Olmsted | 84. Wilkin |
| 27. Hennepin | 56. Otter Tail | 85. Winona |
| 28. Houston | 57. Pennington | 86. Wright |
| 29. Hubbard | 58. Pine | 87. Yellow Medicine. |

North Dakota:

- | | |
|-------------------|-----------------|
| 1. Adams | 27. McKenzie |
| 2. Barnes | 28. McLean |
| 3. Benson | 29. Mercer |
| 4. Billings | 30. Morton |
| 5. Bottineau | 31. Mountrail |
| 6. Bowman | 32. Nelson |
| 7. Burke | 33. Oliver |
| 8. Burleigh | 34. Pembina |
| 9. Cass | 35. Pierce |
| 10. Cavalier | 36. Ramsey |
| 11. Dickey | 37. Ransom |
| 12. Divide | 38. Renville |
| 13. Dunn | 39. Richland |
| 14. Eddy | 40. Rolette |
| 15. Emmons | 41. Sheridan |
| 16. Foster | 42. Sioux |
| 17. Golden Valley | 43. Slope |
| 18. Grand Forks | 44. Stark |
| 19. Grant | 45. Steele |
| 20. Griggs | 46. Stutsman |
| 21. Hettinger | 47. Towner |
| 22. Kidder | 48. Traill, |
| 23. LaMoure | 49. Walsh |
| 24. Logan | 50. Ward |
| 25. McHenry | 51. , Wells |
| 26. McIntosh | 52. , Williams. |

South Dakota:

- | | |
|-----------------|----------------|
| 1. Aurora | 34. Jackson |
| 2. Beadle | 35. Jerauld |
| 3. Bennett | 36. Jones |
| 4. Bon Homme | 37. Kingsbury |
| 5. Brookings | 38. Lake |
| 6. Brown | 39. Lawrence |
| 7. Brule | 40. Lincoln |
| 8. Buffalo | 41. Lyman |
| 9. Butte | 42. Marshall |
| 10. Campbell | 43. McCook |
| 11. Charles Mix | 44. McPherson |
| 12. Clark, Clay | 45. Meade |
| 13. Codington | 46. Mellette |
| 14. Corson | 47. Miner |
| 15. Custer | 48. Minnehaha |
| 16. Davidson | 49. Moody |
| 17. Day | 50. Pennington |
| 18. Deuel | 51. Perkins |
| 19. Dewey | 52. Potter |
| 20. Douglas | 53. Roberts |
| 21. Edmunds | 54. Sanborn |
| 22. Fall River | 55. Spink |
| 23. Faulk | 56. Stanley |
| 24. Grant | 57. Sully |
| 25. Gregory | 58. Todd |
| 26. Haakon | 59. Tripp |
| 27. Hamlin | 60. Turner |
| 28. Hand | 61. Union |
| 29. Hanson | 62. Walworth |
| 30. Harding | 63. Yankton |
| 31. Hughes | 64. Ziebach |
| 32. Hutchinson | 65. Yankton |
| 33. Hyde | 66. Ziebach. |

Attachment 1.2

CONSULAR JURISDICTION OF THE CONSULATE OF MEXICO IN OMAHA, NEBRASKA.

Nebraska

- | | | |
|--------------|---------------|------------------|
| 1. Adams | 32. Frontier | 63. Nance |
| 2. Antelope | 33. Furnas | 64. Nemaha |
| 3. Arthur | 34. Gage | 65. Nuckolls |
| 4. Banner | 35. Garden | 66. Otoe |
| 5. Blaine | 36. Garfield | 67. Pawnee |
| 6. Boone | 37. Gosper | 68. Perkins |
| 7. Box Butte | 38. Grant | 69. Phelps |
| 8. Boyd | 39. Greeley | 70. Pierce |
| 9. Brown | 40. Hall | 71. Platte |
| 10. Buffalo | 41. Hamilton | 72. Polk |
| 11. Burt | 42. Harlan | 73. Red Willow |
| 12. Butler | 43. Hayes | 74. Richadson |
| 13. Cass | 44. Hitchcock | 75. Rock |
| 14. Cedar | 45. Holt | 76. Saline |
| 15. Chase | 46. Hooker | 77. Sarpy |
| 16. Cherry | 47. Howard | 78. Saunders |
| 17. Cheyenne | 48. Jefferson | 79. Scotts Bluff |
| 18. Clay | 49. Johnson | 80. Seward |
| 19. Colfax | 50. Kearney | 81. Sheridan |
| 20. Cuming | 51. Keith | 82. Sherman |
| 21. Custer | 52. Keya Paha | 83. Sioux |
| 22. Dakota | 53. Kimball | 84. Stanton |
| 23. Dawes | 54. Knox | 85. Thayer |
| 24. Dawson | 55. Lancaster | 86. Thomas |
| 25. Deuel | 56. Lincoln | 87. Thurston |
| 26. Dixon | 57. Logan | 88. Valley |
| 27. Dodge | 58. Loup | 89. Washington |
| 28. Douglas | 59. Madison | 90. Wayne |
| 29. Dundy | 60. McPherson | 91. Webster |
| 30. Fillmore | 61. Merrick | 92. Wheeler |
| 31. Franklin | 62. Morrill | 93. York |

Iowa

- | | | |
|-----------------|---------------|-------------------|
| 1. Adair | 34. Floyd | 67. Monona |
| 2. Adams | 35. Franklin | 68. Monroe |
| 3. Allamakee | 36. Fremont | 69. Montgomery |
| 4. Appanoose | 37. Greene | 70. Muscatine |
| 5. Audubon | 38. Grundy | 71. O'Brien |
| 6. Benton | 39. Guthrie | 72. Osceola |
| 7. Black Hawk | 40. Hamilton | 73. Page |
| 8. Boone | 41. Hancock | 74. Palo Alto |
| 9. Bremer | 42. Hardin | 75. Plymouth |
| 10. Buchanan | 43. Harrison | 76. Pocahontas |
| 11. Buena Vista | 44. Henry | 77. Polk |
| 12. Butler | 45. Howard | 78. Pottawattamie |
| 13. Calhoun | 46. Humboldt | 79. Poweshiek |
| 14. Carroll | 47. Ida | 80. Ringgold |
| 15. Cass | 48. Iowa | 81. Sac |
| 16. Cedar | 49. Jackson | 82. Scott |
| 17. Cerro Gordo | 50. Jasper | 83. Shelby |
| 18. Cherokee | 51. Jefferson | 84. Sioux |
| 19. Chickasaw | 52. Johnson | 85. Story |
| 20. Clarke | 53. Jones | 86. Tama |
| 21. Clay | 54. Keokuk | 87. Taylor |
| 22. Clayton | 55. Kossuth | 88. Union |
| 23. Clinton | 56. Lee | 89. Van Buren |
| 24. Crawford | 57. Linn | 90. Wapello |
| 25. Dallas | 58. Louisa | 91. Warren |
| 26. Davis | 59. Lucas | 92. Washington |
| 27. Decatur | 60. Lyon | 93. Wayne |
| 28. Delaware | 61. Madison | 94. Webster |
| 29. Des Moines | 62. Mahaska | 95. Winnebago |
| 30. Dickinson | 63. Marion | 96. Winneshiek |
| 31. Dubuque | 64. Marshall | 97. Woodbury |
| 32. Emmet | 65. Mills | 98. Worth |
| 33. Fayette | 66. Mitchell | 99. Wright |

Attachment 2

DHS Participants

Office of Investigations

Claude Arnold, Special Agent in Charge (952) 853- [B6 & 7C]

Office of Detention and Removal

Scott Baniecke, Field Office Director (952) 853- [B6 & 7C]

Customs and Border Protection

David J. Murphy Jr., Director of Field Operations (312) 983- [B6 & 7C]

[B6 & 7C] Assistant Director of Field Operations (312) 983- [B6 & 7C]

Customs and Border Protection, Grand Forks Border Patrol Sector

[B6 & 7C] Chief Patrol Agent (701) 775- [B6 & 7C]

Consulate of México, St. Paul, Minnesota

Ana Luisa Fajer Flores, Consul (651) 771-5494 [B6 & 7C]

Ricardo F. Hernandez Lecanda, Deputy Head Consul (651) 771-5494 [B6 & 7C]
Consul for Protection and (651)334- [B6 & 7C] (Mobile) Legal Affairs

Consulate of México, Omaha, Nebraska

Jorge Ernesto Espejel Montes, Consul (402) 595- [B6 & 7C]

Edgar Rebollar Saenz, Consul in Charge of the (402) 595- [B6 & 7C]
Department of Protection (402) 312- [B6 & 7C] (Mobile)

Christian Espinosa Torres, Officer in Charge of (402) 595- [B6 & 7C]
Immigration Affairs (402) 415- [B6 & 7C] (Mobile)

Attachment 3

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 Bloomington, Minnesota and Omaha Nebraska and depart the Minneapolis / St. Paul International Airport and Eppley Field in Omaha every Wednesday morning. Any changes to the Flight Operations schedule will be communicated to the Consulate of Mexico of Mexico in St. Paul and Omaha.

Attachment 4

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

Claude Arnold

Special Agent in Charge

2901 Metro Drive, Suite B6 & 7C

Bloomington, Minnesota 55425

(952) 853-

B6 & 7C

Office of Detention and Removal

Office of Detention and Removal

Field Office Director, **Scott Baniecke**

2901 Metro Drive, Suite B6 & 7C

Bloomington, Minnesota 55425

(952) 853-

B6 & 7C

Customs and Border Protection

Office of Customs and Border Protection

Office of Port Director, **Chi Tsang**

330 Second Avenue South, Suite B6 & 7C

Minneapolis, Minnesota 55401

(612) 348-1690-

B6 & 7C

Customs and Border Protection

Grand Forks Border Patrol Sector

Scott Baker, Chief Patrol Agent

2320 South Washington Street,

Grand Forks, North Dakota 58201

(701) 775-

B6 & 7C

Consulate of México, St. Paul, Minnesota

Consulate of México

Cónsul **Ana Luisa Fajer Flores**

797 East 7th Street

St. Paul, Minnesota 55106

(651) 771-5494

B6 & 7C

Consulate of México, Omaha, Nebraska

Consulate of México

Cónsul **Jorge Ernesto Espejel Montes**

3552 Dodge Street

Omaha, NE 68131

(402) 595-

B6 & 7C

Attachment 5

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. In the event that an unaccompanied minor under the circumscription of the Consulate of Mexico in Saint Paul must be repatriated via Chicago, the DHS participants will advise the Consulate of Mexico in St. Paul when said minor is going to be transported in order that proper notice be given to the Consulate General of Mexico in Chicago, Ill. In the event that an unaccompanied minor under the circumscription of the Consulate of Mexico in Omaha must be repatriated via Chicago, the DHS participants will advise the Consulate of Mexico in Omaha when said minor is going to be transported in order that proper notice be given to the Consulate General of Mexico in Chicago, Ill

Unless other arrangements are made, in most circumstances it is agreed that unaccompanied minors, 17 years old with a criminal record will be repatriated via the Justice Prisoner Alien Transport System (JPATS).