

ICE Staff Routing Sheet

TO: Victor X. Cerda	THROUGH:	SUSPENSE DATE:			
SUBJECT Border Liaison Mechanisms and Interior Consultation Mechanisms with Mexico					
EXECUTIVE SUMMARY:					
<p>1. <u>Purpose</u>. Inform the field of the current status of these mechanisms and to give notice of future actions.</p> <p>2. <u>Discussion</u>. Preparations are ongoing to revive the Border Liaison Mechanisms and establish local agreements for repatriations.</p> <p>3. <u>Recommendation</u>. Sign memo and disseminate to field</p>					
CONCURRENCES					
NAME	OFFICE	ACTION ¹	INITIAL	DATE	COMMENTS
DAD	HQDRO		<i>ll</i>	12/3	
Correspondence Shop	HQDRO	C	<i>ll</i>	12/3	
Chief of Staff	HQDRO				
Front Office Log In	HQDRO				
Deputy Director	HQDRO				
Front Office Log In	HQDRO				
Special Assistant to the Director	HQDRO				
Director	HQDRO				
Front Office Log In	HQDRO				
ORIGINATING OFFICE: HQDRO					
ACTION OFFICER/EXTENSION: L. Kovensky					DATE 12/03/04

¹ Action Codes: C = Concurrence



U.S. Immigration
and Customs
Enforcement

MEMORANDUM FOR: Field Office Directors

FROM: Victor X. Cerda
Acting Director

SUBJECT: Border Liaison Mechanisms and Interior Consultation
Mechanisms with Mexico

Purpose

The purpose of this memorandum is to inform the field of the current status of the subject mechanisms and to give notice of future actions.

Discussion

On February 20, 2004, Secretary Ridge of the U.S. Department of Homeland Security (DHS) and Secretary Creel of Mexico signed a Memorandum of Understanding between the United States and Mexico on the repatriation of Mexican nationals (attached). The MOU provides for, among other things:

- Reaffirming and enhancing the consultation mechanisms between Mexican consuls and DHS officials in the interior of the United States and at ports-of-entry;
- Reinvigorating the current Border Liaison Mechanisms;
- Updating and revising the Local Agreements of Repatriation; and
- Evaluating the need for additional Local Agreements of Repatriation.

Border and Transportation Security Under-Secretary Hutchinson is committed to reinvigorated communication and coordination with Mexican consular officials through these mechanisms.

Border Liaison Mechanisms (BLMs)

BLMs are coordination and consultation mechanisms operating in the border areas to serve as the forum to address a variety of border community issues. The BLM framework includes subgroups on immigration matters to address individual complaints involving Mexican and U.S. nationals, the conduct of U.S. and Mexican officers or other non-immigration authorities, the safe and orderly

removal of repatriated nationals under local border arrangements and as a means of raising and resolving other problems of mutual concern. There were approximately 13 BLMs under the former Immigration and Naturalization Service (INS) structure, chaired by U.S. and Mexican consuls, with participation by the Border Patrol Chiefs and District Directors for all other branches of legacy INS. Field Office Directors (FODs) and Special Agents in Charge (SACs) will represent U.S. Immigration and Customs Enforcement (ICE) in the new structure.

U.S. consuls along the border have been instructed to contact appropriate DHS officials to arrange BLM meetings at all locations along the border. Some of these meetings have already been taking place both at the border and in the interior. If it has not already occurred, all FODs should initiate contact with the U.S. and Mexican consulates in their jurisdiction to begin this process.

Interior Consultation Mechanisms (ICMs)

ICMs are located throughout the interior of the United States and were formerly co-chaired by INS District Directors, Chief Patrol Agents and Mexican consular officials. Under the DHS structure, the ICMs will now involve local ICE FODs and SACs, Custom and Border Protection (CBP) Directors for Field Operations (DFOs), Sector Chiefs, and Citizenship and Immigration Services (CIS) representatives. Mexico has identified Atlanta, Chicago, and Los Angeles as the three focus interior locations for ICMs, although ICMs also exist in other locations.

Local Agreements of Repatriation

Local Agreements of Repatriation were formerly signed by the southern border INS District Directors and Sector Chiefs and will now involve the local ICE officials CBP DFOs, and Sector Chiefs. These agreements establish the specifics of repatriation for a particular location, including points and hours of repatriation; notice requirements; points of contact; conditions for return of minors, family units, pregnant women, criminals and other special cases; and other mutually agreed-upon issues.

Representatives from DHS and the Mexican Government are preparing a standard template to be used for Local Agreements of Repatriation. El Paso and Chicago will be the pilot sites for these agreements. Further information will be forthcoming with respect to reevaluating Local Agreements of Repatriation as it becomes available. Until that time, all current Local Agreements shall remain in affect.

If you have any questions, please contact (b)(6), (b)(7)c at (202) 663-(b)(6), (b)(7)c

Attachment

**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**

The Department of Homeland Security (DHS) of the United States of America (United States) and the Secretariat of Governance (SEGOB) and the Secretariat of Foreign Affairs (SRE) of the United Mexican States (Mexico) hereinafter referred to as "The Participating Agencies":

CONSIDERING that the governments of both countries 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; and

RECOGNIZING the need to regulate the flow of persons, particularly on our common border, as was sanctioned in the *Declaration on Embracing Technology and Cooperation to Promote the Secure and Efficient Flow of People and Commerce across our Shared Border*, in the Plan of Action for Cooperation on

Border Safety of June 22, 2001, and in the *U.S.-Mexico Action Plan of Border Partnership*; and

RECOGNIZING the firm commitments of both governments to protect the human rights of migrants regardless of their migratory status; as well as

CONSIDERING that on May 6, 1997, the Presidents of both countries signed a Joint Statement in which they expressed the commitment of their governments to ensure the implementation of safe and orderly procedures for repatriating Mexican migrants; and

CONSIDERING that the Working Group on Migration and Consular Affairs of the Mexico-USA Binational Commission agreed, in 1997, to a means of developing improved procedures for repatriating Mexican nationals in a safe, dignified and orderly way that recognizes their human rights. This Working Group has strengthened the mutual collaboration in the subsequent sessions on those matters; and

CONSIDERING that between 1997 and 1999 migration and consular authorities of both countries established procedures for the orderly and safe repatriation of Mexican nationals, including specific points regarding schedules, places and procedures along the border and in the interior of the United States; and

BEARING IN MIND the provisions of the Vienna Convention on Consular Relations of April 24, 1963; the Consular Convention between the United Mexican States and the United States of America of August 12, 1942; the Memorandum of Understanding concerning Consular Protection of U.S. and Mexican 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; and

DESIRING to establish a general frame of reference setting forth specific comprehensive and coordinated bilateral actions and transparent procedures for the safe and orderly repatriation of Mexican nationals,

Have reached the following understandings regarding criteria and principles to be used as a general framework for repatriation of Mexican nationals:

Article 1

- a. This Memorandum of Understanding establishes basic criteria and principles that reaffirm and enhance local procedures of the Participating Agencies for the repatriation of Mexican nationals from the interior, ports of entry and at the border of the United States and Mexico.
- b. In order to ensure efficiency in the implementation of arrangements for repatriation and to agree on whatever individual and joint measures are necessary to improve their effectiveness, the principles set forth in this Memorandum of Understanding should be evaluated by the appropriate officials of the Participating Agencies at least annually or at any mutually acceptable time.
- c. The Participating Agencies, through this Memorandum of Understanding, establish the U.S. - Mexico Repatriation Technical Working Group, comprised of

appropriate officials of both governments. This group will recommend, evaluate and oversee the implementation of this Memorandum of Understanding.

Article 2

a. With the aim of enhancing the utility of this Memorandum of Understanding at the border between both countries, ports of entry and in the interior of the United States, the Participating Agencies should support, through their appropriate immigration and consular authorities within their respective areas of responsibility, local repatriation procedures. Authorities of both Participating Agencies, in collaboration with other government entities as appropriate, will work to reaffirm and enhance the consultation mechanisms between Mexican Consulates and DHS officials in the interior of the United States and at ports of entry, as well as the current Border Liaison Mechanisms (BLMs).

b. Established local repatriation arrangements should be reaffirmed and enhanced by appropriate authorities of the Participating Agencies in accordance with the criteria set forth in Article 3, at the border, ports of entry and in the interior of the United States through the appropriate mechanisms.

Article 3

Local repatriation arrangements should conform to mutually established criteria and principles for the repatriation of Mexican nationals being repatriated from the United States to Mexico. Local repatriation arrangements will be reviewed and updated in consultation with the Repatriation Technical Working Group on an annual basis. The local repatriation arrangements should include the following criteria and principles:

- a) Repatriations should be conducted in a manner consistent with the respect of human rights and dignity of Mexican nationals found in the United States in violation of immigration law;
- b) Notification of the titles of authorities that are empowered to deliver or receive Mexican nationals into Mexico;
- c) Points of repatriation are to be established in a manner consistent with scheduled hours of operation and staffing availability. Every effort should be taken by Mexico to ensure that mutually designated points of reception are fully staffed with appropriate local, state and/or federal entities responsible for the health, welfare and safety of Mexican nationals;
- d) Identification of points of contact to receive and/or convey information about incidents involving reported mistreatment or potential human rights concerns;
- e) The unity of families should be preserved during repatriation, taking into consideration administrative parameters;
- f) Incapacitated persons, unaccompanied minors and other vulnerable individuals should be repatriated during daylight hours to ensure their safety. The Mexican Participating Agencies should make every effort

to have the appropriate family welfare representatives receive such persons upon repatriation from the United States;

- g) Appropriate representatives of the Participating Agencies should address issues of mutual concern such as consular notification and access to consular assistance;
- h) Notification of repatriation should be done taking into consideration logistical and operational needs. Local arrangements should address routine notification at the border;
- i) Timely special notification and information should be provided by DHS authorities for cases where additional preparation will be required to receive an unaccompanied minor or an individual with medical, mental or other special needs.

Article 4

If a Mexican national who is in the process of being repatriated or who has been repatriated to Mexico reports to DHS, SRE or SEGOB an incident that may involve mistreatment or potential human rights concerns, the report should immediately be referred to the appropriate authorities for investigation and follow-up.

Article 5

Participating Agencies should explore, on a bilateral basis, mechanisms to carry out the repatriation of Mexican nationals to their place of origin, especially from high-risk zones in the United States and during the summer season to avoid injury and loss of life among migrants.

Article 6

Participating Agencies should explore, on a bilateral basis, the dynamics of the movement of third country nationals through Mexico and the United States, considering their migratory status, and eventual repatriation mechanisms.

Article 7

This Memorandum of Understanding and local repatriation arrangements do not affect the rights, obligations and responsibilities of the United States and Mexico and of their nationals, and are without prejudice to any rights afforded to Mexican nationals in the United States.

Article 8

Any matters concerning the application or interpretation of this Memorandum of Understanding should be settled through consultation between the Participating Agencies, as described in Article 1 (b).

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Article 9

This Memorandum of Understanding becomes applicable as of the day of its signature. Any Participating Agency may discontinue its involvement in activities under this Memorandum of Understanding at any time and should provide sixty (60) days notice of its intent to discontinue. This Memorandum of Understanding may be modified by the Participating Agencies in writing.

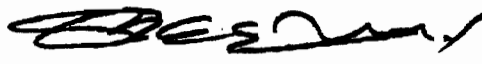
Signed in Mexico City on February 20, 2004, in three originals in the English and Spanish languages.

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

**FOR THE SECRETARIAT OF
GOVERNANCE OF THE
UNITED MEXICAN STATES:**

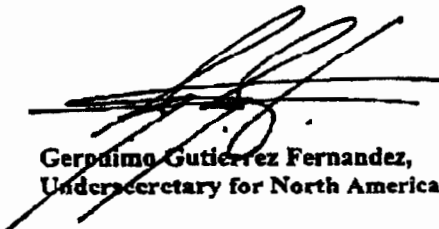


Thomas J. Ridge,
Secretary



Santiago Creel Miranda,
Secretary

**FOR THE SECRETARIAT OF
FOREIGN AFFAIRS OF THE
UNITED MEXICAN STATES:**



Gerardo Gutiérrez Fernández,
Undersecretary for North America