From: Gurule, Jon M
Sent: 11 Sep 2013 12:55:18 -0400
To: Homan, Thomas
Subject: RE: Indians

Affirmative. Both our OCC and CBP counsel.

From: Homan, Thomas
Sent: Wednesday, September 11, 2013 9:54 AM
To: Gurule, Jon M
Subject: RE: Indians

Jon,

Did OCC concur with this plan on (b)(5)

From: Gurule, Jon M
Sent: Wednesday, September 11, 2013 12:35 PM
To: Homan, Thomas
Cc: (b)(6);(b)(7)(C)
Subject: RE: Indians

I'll get you some solid numbers, but I'm estimating that we've had around 1500 Indian nationals who've entered at the POEs and claimed fear since January. OFO would process them as ERs and then send them to us for a CF interview. The vast majority of the Indians (99%) were being found CF by the APSO and we were releasing the majority of those (80%) under our current parole policy (as arriving ER cases they aren't eligible for a bond). We do have a few Indians who have been unable to confirm their identity and we have been holding them while they go through their removal proceedings. We also have approximately 8 Indian Nationals who have final orders but are refusing to sign their travel document application and we are looking at prosecuting them for failure to comply.

Our challenge is that once they are processed as an ER by OFO and found CF by the APSO, we must release them per our current parole policy, which is a huge draw factor. There have been a handful of Indians who have entered through the desert and have been arrested by BP and sent to us for removal proceedings. We have placed high bonds on them and we've had some mixed results with the IJ's upholding the bonds.

In order to address this issue, we (OFO, BP, OCC, HSI, INTEL, ERO) all agreed and coordinated an operation where OFO would NTA them at the POE and we would hold them as mandatory custody cases (as arriving aliens) while they went through their removal proceedings. This way, they'd go directly to the IJ for an asylum hearing and would not be eligible for release. We agreed to run a test case of 50 cases (25 in FLO and 25 in EAZ) to determine how effective it is and how long we are holding on to them.

I'll get you an updated ES by COB today regarding the numbers and be sure to include OCCs perspective.

From: Homan, Thomas
Sent: Wednesday, September 11, 2013 9:11 AM
To: Gurule, Jon M; (b)(6);(b)(7)(C)
Subject: Indians

I have a meeting with EOIR tomorrow. We are talking about many things but I wanted to touch on the Credible/Reasonable fear Indians that have surged in AZ. Jon, what has been our response thus far? Are (b)(5);(b)(6);(b)(7)(C) (b)(5) Is there any additional information you can provide me so I can "ask" EOIR to engage with us on either a pilot operation and a coordinated response?

Thomas. D. Homan
Executive Associate Director
U.S. Immigration and Customs Enforcement, ERO
202-732-(b)(6) office
(b)(6);(b)(7)(C)

From: Gurule, Jon M
Sent: 11 Sep 2013 13:07:01 -0400
To: Homan, Thomas
Subject: RE: Indians

It's declined some, but I'm not sure how much of it is related to our operation. It may be more related to the fact that one of the Central American countries that they were flying into (Honduras) is now requiring them to obtain a visa in India before they can travel to Honduras and make their way up north. It is clear that they are not happy being held and were expected to be released right away (hence some of the acting out gestures).

From: Homan, Thomas
Sent: Wednesday, September 11, 2013 10:01 AM
To: Gurule, Jon M
Subject: Re: Indians

Has it slowed the incoming cases at all? Have you seen any decline as a result or are they still coming at the same rate?

From: Gurule, Jon M
Sent: Wednesday, September 11, 2013 12:55 PM Eastern Standard Time
To: Homan, Thomas
Cc: (b)(6);(b)(7)(C)
Subject: RE: Indians

Yes, as of this past Friday 9/6), all 50 cases are still in removal proceedings (spreadsheets attached). All of them arrived at one of our AZ POEs between 7/26/13 – 08/09/13 and are still in removal proceedings. Not one of them has been released yet or has obtained a final order. I'll double check, but almost all of them have all had one or two resets.

From: Homan, Thomas
Sent: Wednesday, September 11, 2013 9:49 AM
To: Gurule, Jon M
Cc: (b)(6);(b)(7)(C)
Subject: RE: Indians

Do you have any results (preliminary or otherwise) on the below highlighted?

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To: Homan, Thomas
Cc: (b)(6);(b)(7)(C)
Subject: RE: Indians

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(b)(5)

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To: Gurule, Jon M; (b)(6);(b)(7)(C)
Subject: Indians

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(b)(5)

(b)(5) Is there any additional information you can provide me so I can "ask" EOIR to engage with us on either a pilot operation and a coordinated response?

Thomas. D. Homan
Executive Associate Director
U.S. Immigration and Customs Enforcement, ERO
202-732-(b)(6) office
(b)(6);(b)(7)(C)