U.S. Border Patrol Screened Migrants at the Southwest Border but Could Strengthen Processes

Homeland Security

September 19, 2022

MEMORANDUM FOR: The Honorable Chris Magnus
   Commissioner
   U.S. Customs and Border Protection

FROM: Joseph V. Cuffari, Ph.D.
   Inspector General

JOSEPH V CUFFARI
Digitally signed by JOSEPH V CUFFARI
Date: 2022.09.15 17:28:30 -04'00'

SUBJECT: *U.S. Border Patrol Screened Migrants at the Southwest Border but Could Strengthen Processes*

For your action is our final report, *U.S. Border Patrol Screened Migrants at the Southwest Border but Could Strengthen Processes.* We incorporated the formal comments provided by your office.

The report contains two recommendations aimed at strengthening Border Patrol's processes for documenting the screening of migrants and maintaining files. Your office concurred with both recommendations. Based on information provided in your response to the draft, we consider Recommendation 1 open and unresolved. As prescribed by the Department of Homeland Security Directive 077-01, *Follow-Up and Resolutions for the Office of Inspector General Report Recommendations*, within 90 days of the date of this memorandum, please provide our office with a written response that includes your (1) agreement or disagreement, (2) corrective action plan, and (3) target completion date the recommendation. Until your response is received and evaluated, the recommendation will be considered open and unresolved. Please send your response or closure request to OIGAuditsFollowup@oig.dhs.gov. Based on information provided in your response to the draft report, we consider Recommendation 2 resolved and closed.

Consistent with our responsibility under the *Inspector General Act of 1978, as amended*, we will provide copies of our report to congressional committees with oversight and appropriation responsibility over the Department of Homeland Security. We will post the report on our website for public dissemination.

Please call me with any questions, or your staff may contact Bruce Miller, Deputy Inspector General for Audits at (202) 981-6000.

Attachment

DHS OIG HIGHLIGHTS
U.S. Border Patrol Screened Migrants at the Southwest Border but Could Strengthen Processes

Why We Did This Audit

In fiscal year 2021, Border Patrol encountered more than 1.6 million migrants entering the country illegally along the Southwest Border. We conducted this audit to determine to what extent CBP screened migrants to prevent criminals, drug traffickers, and terrorist watch list individuals from entering the United States along the Southwest Border.

What We Recommend

We made two recommendations to improve the screening and overall tracking of migrants processed along the Southwest Border.

What We Found

The U.S. Border Patrol within U.S. Customs and Border Protection (CBP) followed its screening procedures to prevent migrants with serious criminal backgrounds or individuals on the terrorist watch list from entering the United States. We determined that Border Patrol agents conducted required record checks on the migrants from our sample that they released into the country.

However, Border Patrol did not always assign alien registration numbers (A-numbers), which is necessary to create alien files. These files provide a complete history of a migrant's immigration encounters. We found that Border Patrol did not issue A-numbers for 107 of 384 migrants, most of whom were paroled into the country or issued Notices to Report. Agents did not always assign A-numbers because they were trying to expedite processing and move migrants out of Border Patrol facilities that were over capacity.

Additionally, Border Patrol did not always maintain migrants' alien files. Border Patrol and U.S. Citizenship and Immigration Services could not provide 80 of the requested 384 migrant files because they were either lost, disposed of, or in transit. Border Patrol disposed of the files because they did not have A-numbers and were unaware of record retention requirements.

These issues occurred because CBP has not issued a formal policy detailing how to expedite the processing of migrants as apprehension numbers continue to rise. As the Department of Homeland Security continues to experience surges, it is important that Border Patrol establish formal policies detailing expedited processing procedures to ensure proper documentation of screening procedures and adequate tracking of migrants released into the United States.

CBP Response

CBP concurred with both recommendations.

Background

Each year, hundreds of thousands of people attempt to enter the United States illegally through the Southwest Border with Mexico. In fact, CBP encountered more than 1.6 million individuals in fiscal year (FY) 2021. Within the Department of Homeland Security, U.S. Customs and Border Protection (CBP) is responsible for securing the country's borders and enforcing immigration laws. Specifically, the U.S. Border Patrol is responsible for detecting and preventing the illegal entry of individuals into the United States.[1] As part of this role, Border Patrol agents apprehend and process migrants who illegally enter the United States between ports of entry (POEs).

To carry out its responsibilities, Border Patrol agents apprehend, screen, and process migrants to determine admissibility. The e3 Portal is the primary system Border Patrol uses to record apprehension details. The system collects and transmits vital biographic and biometric (facial photos and fingerprints) information in real-time to identify individuals and verify their identities. Generally, Border Patrol screens and processes migrants by:

- Physically searching migrants and their property for drugs and contraband and conducting medical screenings.
- Collecting and recording biographic and biometric information, as shown in Figure 1, in e3 to identify individuals and verify their identity
- Conducting real-time record checks using e3 for criminal records, wants and warrants, immigration history, and terrorist watchlist matches. Appendix B describes the Federal law enforcement databases Border Patrol agents use for record checks.
- Determining the processing pathway and whether to detain or release each migrant on a case-by-case basis. Appendix C describes and compares the processing pathways Border Patrol uses when potentially releasing migrants.
- Issuing alien registration numbers (A-numbers)[2] and building alien files (A-Files), that include an individual's complete immigration history and move with an
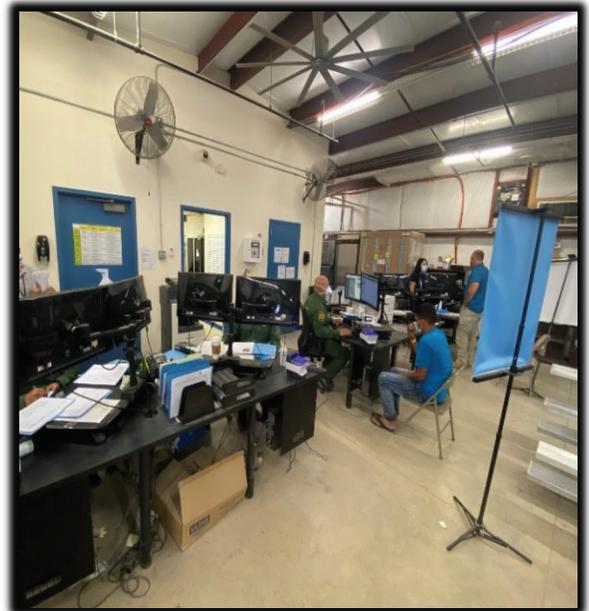
Figure 1. Border Patrol Screening and Processing
Source: Photo taken by DHS Office of Inspector General at a site visit at a Southwest Border patrol station

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[1] 6 U.S.C. § 211(e)(3).
[2] Border Patrol does not assign A-numbers to migrants who already have an A-number or who are processed as voluntary returns.

individual throughout the immigration process.

In 2021, CBP experienced increases in migrants seeking entry into the United States illegally through the Southwest Border. In FY 2021, Border Patrol encountered more than 1.6 million migrants compared to 400,000 in FY 2020 — a 314 percent increase. As of July 2022, FY 2022 encounters have exceeded the prior year, as shown in Figure 2.

Figure 2. U.S. Border Patrol Encounters along the Southwest Border

FY 2020-FY 2022

As of July 2022: 1,816,353

FY 2021 Total: 1,659,206

FY 2020 Total: 400,651
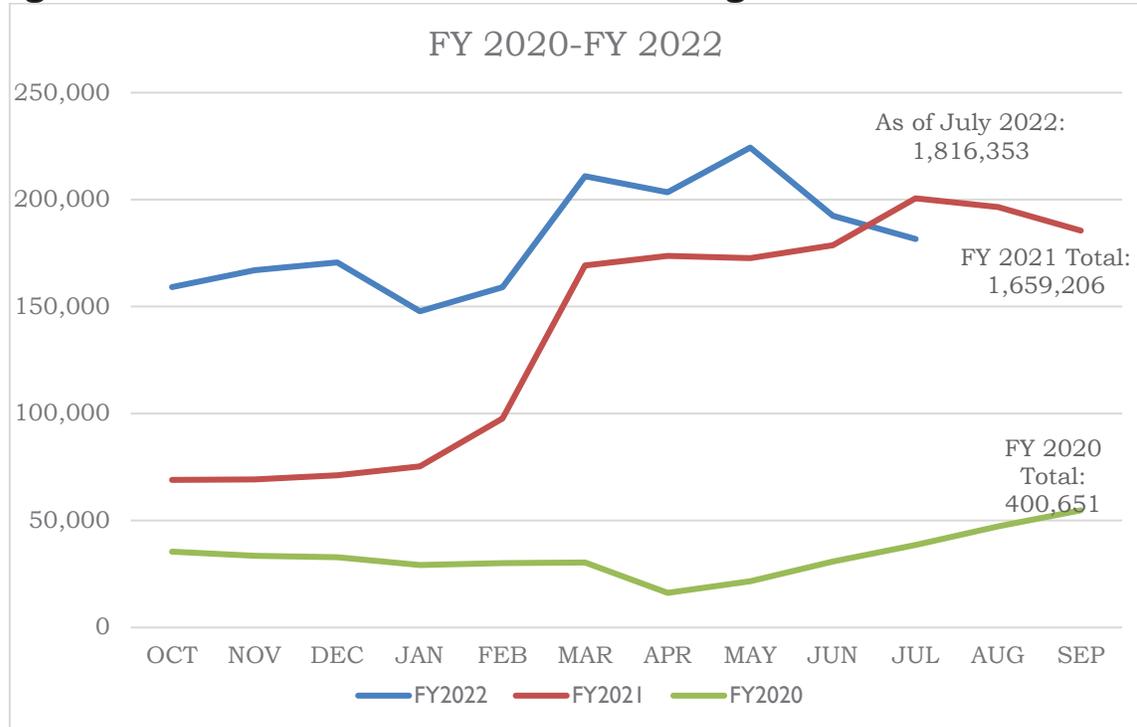
Source: DHS OIG analysis of CBP Southwest Land Border encounter data.

During FY 2021, Border Patrol headquarters officials authorized the use of a Notice to Report (NTR), previously referred to as prosecutorial discretion,[3] to reduce the humanitarian concerns at the Southwest Border.[4] An NTR allowed Border Patrol to release the migrant, who is part of a family unit, into the United States after initial screening but required the migrant to report to U.S. Immigration and Customs Enforcement (ICE) within 60 days.

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[3] Prosecutorial discretion applies to the decision to issue, serve, file, or cancel a Notice to Appear, as well as a broad range of other discretionary enforcement decisions, including deciding whom to stop, question, and arrest; whom to detain or release; and whether to grant parole, or a stay of removal. *See DHS Instruction 044-01-001, Implementing Department of Homeland Security Immigration Enforcement Priorities.*

[4] With increased numbers of migrants at the border, Border Patrol agents are faced with caring for the humanitarian needs of those apprehended such as medical care, showers, food, and housing.

According to the Unified Immigration Portal,[5] Border Patrol expelled more than 1 million of the 1.6 million migrants encountered under Title 42[6] in FY 2021. Border Patrol detained or released the remaining migrants processed through different pathways, such as:

- providing more than 353,500 migrants with A-numbers and issuing them Notices to Appear (NTA)[7] to begin removal proceedings;
- releasing 103,900 migrants with NTRs;
- paroling and releasing 35,200 migrants with a tracking mechanism as an Alternative to Detention (ATD); and
- issuing other processing pathways to more than 125,000 migrants.

Results of Audit

Border Patrol Performed but Did Not Always Document Required Screening Procedures

According to *DHS Instruction 044-01-001, Implementing Department of Homeland Security Immigration Enforcement Priorities,* Border Patrol agents are required to check records for apprehended migrants to help agents decide whether to detain or release them. To complete these checks, agents collect biographic and biometric information from migrants 14 years of age or older.[8] CBP does not require individuals younger than age 14 to provide biometric information. The e3 Portal captures biographical information, photos, and fingerprints and automatically compares them to a series of Federal law enforcement databases that provide real-time potential criminal history information, including wants, warrant data, and terrorist watchlist matches. We determined that Border Patrol agents conducted required record checks and verified the checks did not contain derogatory information before releasing the migrants from our sample.[9]

Border Patrol Did Not Always Assign Alien Numbers to Migrants Released into the United States

An A-number is a unique number assigned to a migrant by DHS. The practice of using A-numbers was introduced by the legacy Immigration Naturalization Service and is necessary to create an A-file for each individual. Border Patrol

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[5] CBP's Unified Immigration Portal provides agencies involved in the immigration process a means to view and access certain information from a single portal in near real-time.
[6] 42 U.S.C. § 265.
[7] 8 U.S.C. §§ 1103(a), 1229(a); 8 C.F.R. § 239.1.
[8] See *DHS Instruction 044-01-001, Implementing Department of Homeland Security Immigration Enforcement Priorities and ENFORCE/IDENT/IAFIS Standard Operating Procedures.*
[9] We selected a statistical sample size of 384. However, 93 migrants were detained and not released into the country and 112 migrants were younger than 14, not requiring background record checks.

agents assign an associated A-number to each migrant during processing, which allows immigration and law enforcement officials to track and locate a migrant's A-File for a complete history of their immigration encounters. However, Border Patrol did not issue A-numbers to 107 of 384 migrants in our statistical sample. Of the 107 migrants without A-numbers, 104 were issued NTRs or paroled[10] and released into the country. For example, for paroled migrants, Border Patrol assigned the head of household with an A-number but did not assign other members of the household A-numbers, regardless of whether they were adults or younger than 14.

According to Border Patrol officials, agents did not always assign A-numbers because they were trying to expedite processing and move migrants out of Border Patrol facilities that were exceeding capacity limits.[11] During periods when facilities were near capacity, Border Patrol headquarters directed agents not to assign A-numbers to reduce processing times. Border Patrol headquarters communicated these decisions through informal emails or orally during daily musters. According to Border Patrol agents, the guidance constantly changed depending on the day. Further, CBP has not issued a formal policy detailing how to expedite the processing of migrants as apprehension numbers continue to rise.

Border Patrol Did Not Always Maintain Migrant A-Files as Required

DHS Instruction 044-01-001, Implementing Department of Homeland Security Immigration Enforcement Priorities[12] requires Border Patrol agents to complete an A-File during initial processing for migrants released into the United States or placed into removal proceedings. An A-File documents a migrant's history of encounters with CBP, ICE, or U.S. Citizenship and Immigration Services (USCIS) and contains critical documents such as immigration forms, agent narratives of apprehension, and record checks. There is no age limit for issuing A-Files. In 2009, USCIS and the National Archives and Records Administration established the A-File as a permanent record.[13] However, Border Patrol and USCIS could not provide 80 migrant files we requested because the files were either lost, disposed of, or in transit. Of the 80 files, we identified 58 instances in which Border Patrol agents disposed of temporary files where migrants were not assigned A-numbers. According to Border Patrol officials, they disposed of the files because they did not have record retention requirements for files without assigned A-numbers. DHS records, regardless of

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[10] 8 U.S.C. § 1182(d)(5).
[11] Expedited processing reduced the time in custody for vulnerable populations within family units.
[12] *DHS Instruction 044-01-001, Implementing Department of Homeland Security Immigration Enforcement Priorities*, issued June 10, 2015, provides policy for the apprehension, detention, and removal of aliens in the United States.
[13] A permanent record is a Federal record that has been determined by the National Archives and Records Administration to have sufficient value that warrants its preservation in the National Archives even while the record remains in agency custody. *See* 36 C.F.R. § 1220.18.

format, should not be disposed of without an approved schedule, and the *USCIS Records Policy Manual* requires Federal agencies to develop record schedules for all immigration records.

Although we did not receive files for the 80 migrants, we validated through e3 that 46 of the 80 migrants did not have derogatory information returned on their record checks. The remaining 34 files consisted of migrants younger than 14 that were exempt from biometric record checks.

Conclusion

As Border Patrol continues to process large numbers of migrants at the Southwest Border, conducting and evaluating the results of record checks is imperative to ensure migrants with aggravated criminal histories, gang or drug cartel affiliations, or terrorist watch list records are not permitted to be released into the United States. Further, Border Patrol's informal and expedited practices for processing migrants could jeopardize the Government's ability to track migrants released into the United States and ensure migrants appear for immigration proceedings. Because DHS continues to experience surges, it is critical that Border Patrol establish formal policies detailing expedited processing procedures to ensure proper documentation of screening procedures and adequate tracking of migrants released into the United States.

Recommendations

Recommendation 1: We recommend that the Chief of Border Patrol develop and implement a comprehensive policy for use of different pathways for expedited processing during times of increased apprehension activity. The policy should require:

- Issuing A-numbers for all migrants released into the United States to ensure DHS and other Federal agencies can track migrants throughout the immigration process; and
- Ensuring processing pathways comply with existing law and policy.

Recommendation 2: We recommend the Chief of Border Patrol ensure that all records related to processing pathways are subject to a formal retention policy in accordance with the *USCIS Records Policy Manual.*

Management Comments and OIG Analysis

CBP concurred with both report recommendations. Appendix A contains a copy of CBP's comments in their entirety. CBP also provided technical comments to our draft, and we revised the report as appropriate. A summary of CBP's responses to the recommendations and our analysis follows.

CBP Response to Recommendation 1: Concur. Border Patrol issued email guidance and a policy memorandum for processing Parole Plus ATD pathway guidance. Additionally, Border Patrol is coordinating with ICE to improve the use of electronic A-Files, allowing for a more seamless transition of the files among Border Patrol, ICE, and USCIS. CBP requested OIG close this recommendation.

OIG Analysis of CBP Comments: CBP's response is partially responsive to the recommendation. Although CBP issued guidance for the Parole Plus ATD pathway, CBP did not address issuance of A-numbers or compliance with laws and regulations for its use of NTRs, when necessary. The recommendation is considered unresolved and open until CBP provides a corrective action plan that covers all parts of the recommendation.

CBP Response to Recommendation 2: Concur. Border Patrol's Records and Information Management Program provided record retention guidance to sectors during monthly working group meetings, at trainings, and in writing. Border Patrol also acknowledged that A-files are deemed permanent records until there is a schedule approved by the National Archives and Records Administration. Border Patrol also plans to continue training on handling and storage of records that do not have a National Archives and Records Administration approved schedule. CBP requested OIG close this recommendation.

OIG Analysis of CBP Comments: CBP's actions are responsive to this recommendation. Based on CBP's corrective actions and the supporting documentation provided, we consider this recommendation resolved and closed.

Objective, Scope, and Methodology

The Department of Homeland Security Office of Inspector General was established by the *Homeland Security Act of 2002* (Public Law 107–296) by amendment to the *Inspector General Act of 1978*.

The objective of this audit was to determine to what extent CBP screened migrants to prevent criminals, drug traffickers, and terrorist watch list individuals from entering the United States along the Southwest Border. To answer our objective, we interviewed officials from CBP headquarters offices, including Management Inspections Division, Office of Intelligence, Office of Chief Counsel, and the National Targeting Center. We also interviewed officials from Border Patrol headquarters divisions: Law Enforcement Operations Directorate and Immigration Prosecution and Custody Operations.

We interviewed officials from CBP's Office of Field Operations (OFO) headquarters divisions: Tactical Operations, Policy Programs Analysis and Evaluation, and Admissibility and Passenger Programs. After analyzing OFO encounter data, interviewing OFO officials, and conducting observations at POEs, we decided to exclude OFO from our samples as OFO was primarily processing essential travelers[14] and Notices to Appear for Title 42 exemptions.

We reviewed Federal laws, regulations, and executive orders associated with screening and processing at the Southwest Border. We also obtained and analyzed the following DHS and CBP documents:

- policies and procedures for apprehension, detention, and removal of migrants in the United States;
- A-Files and system records from the e3 Portal showing required record checks; and
- procedures and guidance on collecting biometrics during processing.

We conducted site visits to stations in two Border Patrol Sectors with the greatest number of migrant encounters from time periods in July and September 2021. Within the geographical area of those sectors, we visited three Border Patrol stations, four OFO POEs, and two Border Patrol processing stations. During our site visits, we observed Border Patrol agents screen and process apprehended migrants. We also interviewed officials, agents, and officers. We visited the following Texas locations:

- Border Patrol
    - Temporary Outdoor Processing Station (McAllen, Texas)
    - Central Processing Station (Donna, Texas)
    - Del Rio Sector Headquarters
    - Del Rio Station
    - Eagle Pass South Station
    - Comstock Station

- OFO
    - Brownsville POE
    - Hidalgo POE
    - Eagle Pass POE
    - Del Rio POE

To gain an understanding of the e3 Portal that Border Patrol agents use to process migrants upon apprehension, we met with officials from the Border Patrol's Statistics and Data Integrity Unit, System Division, and Strategic Planning & Analysis Directorate. The e3 Portal collects and transmits real-time

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[14] According to CBP, essential travel includes individuals travelling for work and study, medical care, lawful trade, diplomatic and military purposes, and citizens and lawful permanent residents returning to the United States.

data related to law enforcement activities to the ICE Enforcement Integrated Database (EID). EID is the common database repository that maintains information related to the investigation, arrest, booking, detention, and removal of migrants encountered by CBP, and all DHS components.

We requested Border Patrol data for migrant apprehensions along the Southwest Border[15] from October 2019 through September 2021 from EID. To validate that Border Patrol agents collected and reviewed biographic and biometric records during screening, we selected a statistical sample from April 2021 through September 2021 of 384 records from the total population of 384,938 migrants potentially released into the United States.

For those 384 migrants, we requested A-Files from Border Patrol and USCIS. Neither component could locate 80 migrant files, and these were not provided to the OIG. Of the 304 migrant files received, 93 migrants were detained by Border Patrol, and 78 migrants were younger than age 14. For the migrants detained, the audit team reviewed their A-files for record checks, but we did not report on these as those migrants were not released. The remaining 133 migrants were 14 years of age or older and released into the country. Migrant record checks were validated in the A-files provided or Border Patrol provided a walkthrough in the e3 Portal. For 46 of the 80 migrant files not received, the audit team performed a walkthrough in the e3 Portal to validate record checks were performed for adults 14 years and older.[16] The remaining 34 migrant files not received were for migrants younger than 14.

Although we selected a statistical sample, we were unable to project our results to the total population. Specifically, for migrants listed as "paroled as a family unit," we requested the individual listed as head of household to complete the data collection instrument and evaluate record checks as CBP did not maintain individual records for each family member.

We leveraged the OIG Data Analytics team to select the statistical sample and evaluate the accuracy and reliability of the data stored in EID. The audit and data analytics teams obtained migrant data from FY 2020 through FY 2021 of Southwest Border apprehensions from Border Patrol's Enterprise Reporting Tool operational data stores, which maintain copies of tables from EID. CBP provided the audit team direct access to the Unified Immigration Portal (UIP). This enabled us to crosscheck migrant data provided by Border Patrol from EID to data we retrieved from EID and UIP. We assessed the reliability of the EID data by (1) performing electronic testing of data used for our analysis, (2) comparing data to UIP, as well as in EID, and (3) performing walkthroughs and

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[15] Southwest Border data includes the San Diego, El Centro, Yuma, Tucson, El Paso, Big Bend, Del Rio, Laredo, and Rio Grande Valley Sectors.
[16] The team conducted a walkthrough of the e3 Portal to verify Border Patrol completed record checks. However, the audit team could not confirm the date the records check was completed because e3 is a live database that uses real-time data.

obtaining screenshots of the data in e3 with Border Patrol. We found the data sufficient and reliable to support our conclusions.

We obtained and analyzed records related to our data testing, including, but not limited to, *Record of Deportable/Inadmissible Alien* Form I-213, record check documents printed from e3, and *Alien Booking Record* Form I-385. We used documents from the A-Files to verify Border Patrol agents performed record checks for migrants apprehended, processed, and released. For the 80 migrant files not received and the 33 files with incomplete documents, Border Patrol provided a walkthrough in e3 based on migrant biographic information, to provide the record checks for released migrants to answer our data testing purpose. CBP does not require migrants younger than age 14 to provide biometric information.

We assessed internal controls related to CBP's screening process. Our assessment disclosed that CBP does not have control activities over its policies and procedures as they relate to documenting the screening pathways. However, since our internal control assessment was limited to the audit objective, it may not disclose other internal control deficiencies that potentially existed. We discuss identified internal controls weaknesses in the body of this report.

We conducted this performance audit between April 2021 and August 2022 pursuant to the *Inspector General Act of 1978*, as amended, and according to generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based upon our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based upon our audit objectives.

Appendix A
CBP Comments to the Draft Report

1300 Pennsylvania Avenue, NW
Washington, DC 20229

**U.S. Customs and
Border Protection**

August 29, 2022

MEMORANDUM FOR: Joseph V. Cuffari, Ph.D.
                              Inspector General

FROM: Henry A. Moak, Jr.
                              Senior Component Accountable Official
                              U.S. Customs and Border Protection

8/30/2022

x _(signature)_
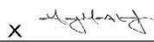
Signed by: HENRY A MOAK JR

SUBJECT: Management Response to Draft Report: "U.S. Border Patrol
                              Screened Migrants at the Southwest Border but Could
                              Strengthen Processes" (Project No. 21-032-AUD-CBP)

Thank you for the opportunity to comment on this draft report. U.S. Customs and Border
Protection (CBP) appreciates the work of the Office of Inspector General (OIG) in
planning and conducting its review and issuing this report.

CBP leadership is pleased to note the OIG's recognition that the U.S. Border Patrol
(USBP) followed its screening procedures to prevent migrants with serious criminal
backgrounds or individuals on the terrorist watch list from entering the United States.
During fiscal year 2021 alone, USBP encountered more than 1.6 million migrants
entering the country illegally along the southwest border. CBP remains committed to
protecting the American people, safeguarding our borders, and enhancing the nation's
economic prosperity.

The draft report contained two recommendations with which CBP concurs. Enclosed
find our detailed response to each recommendation. CBP previously submitted technical
comments addressing several accuracies, contextual and other issues under a separate
cover for OIG's consideration.

Again, thank you for the opportunity to review and comment on this draft report. Please
feel free to contact me if you have any questions. We look forward to working with you
again in the future.

Enclosure

1

**Enclosure: Management Response to Recommendations
Contained in 21-032-AUD-CBP**

OIG recommended that the Chief of USBP:

Recommendation 1: Develop and implement a comprehensive policy for use of different pathways for expedited processing during times of increased apprehension activity. The policy should require:

- Issuing A-numbers for all migrants released into the United States to ensure DHS and other Federal agencies can track migrants throughout the immigration process; and
- Ensuring processing pathways comply with existing law and policy.

Response: Concur. On April 26, 2022, USBP's Law Enforcement Operations Directorate sent an email entitled "A# Issuance for Parole Plus ATD" as guidance to the field sectors that an Alien Registration Number be issued and Form I-213, "Record of Deportable/Inadmissible Alien," be generated to capture relevant information for all noncitizens processed under Parole Plus Alternatives to Detention pathway. Accordingly, USBP is issuing Alien Registration Numbers for all migrants released into the United States to ensure DHS and other federal agencies can track migrants throughout the immigration process. Additionally, USBP has made significant progress in developing and employing a fully electronic alien file (A-File).

Specifically, USBP Systems Division is coordinating with the U.S. Immigration and Customs Enforcement (ICE) Office of Enforcement and Removal Operations for the transfer of the electronic A-File via the ICE Case Acceptance System (CAS) and U.S. Citizenship and Immigration Services (USCIS) to transfer the electronic A-Files to, and integrate with, USCIS' STACKS, a user interface which enables integration with USCIS systems for the storage and repository of all immigration-related information in A-Files. This integration will allow for a seamless transmission of A-Files to USCIS without having to submit through, or log into, a separate system. Further, the integration will enable the electronic verification and issuance of Alien Registration Numbers, which will reduce errors and improve record maintenance.

On July 20, 2022, USBP also issued a policy memorandum on the "Use of the Parole Plus Alternatives to Detention to Decompress Border Locations" pursuant to Section 212(d)(5)(A) of the Immigration Nationality Act (INA), 8 United States Code (U.S.C). § 1182 (d)(5)(A)), which authorizes the Secretary of Homeland Security to exercise his/her discretion to parole certain noncitizens into the United

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States temporarily under such conditions as may be prescribed on a case-by-case basis for urgent humanitarian reasons or significant public benefit. According to this policy, when—pursuant to an inspection of a noncitizen under 8 U.S.C. § 1225(a)—CBP exercises its discretion to parole noncitizens on a case-by-case basis into the United States, including during the initiation of or to facilitate the initiation of removal proceedings under Section 240 of the INA, those noncitizens may be eligible to be enrolled in the ICE Alternatives to Detention program. This guidance affirms that USBP has, and will continue to, comply with existing law and policies for all processing pathways.

CBP requests that the OIG consider this recommendation resolved and closed, as implemented.

Recommendation 2: Ensure that all records related to processing pathways are subject to a formal retention policy in accordance with the USCIS Records Policy Manual.

Response: Concur. USBP Records and Information Management Program (RIM) Office regularly informs all sectors: (1) during the monthly working group meetings; (2) several times a year during annual training; and (3) in writing, that any record that does not have an approved records schedule cannot be destroyed and is deemed permanent until a schedule can be developed and approved. Records Schedule Number DAA-0568-2016-0002, "Request for Records Disposition Authority, Border Security Records," dated June 10, 1983, which pertains to A-File records was withdrawn on September 14, 2018. As a result of the withdrawal, A-File records are deemed permanent until a Records Schedule has been developed and approved by National Archives and Records Administration (NARA).

On an ongoing basis, USBP RIM will also continue to provide this training and guidance to USBP personnel, as appropriate, on the proper handling and storage of records that do not have a NARA approved records schedule Administration.

CBP requests that the OIG consider this recommendation resolved and closed, as implemented.

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Appendix B
Law Enforcement Databases Queried by the Border Patrol e3 Portal

1. **Enforcement Integrated Database (EID)** –EID is a DHS shared common database repository for several DHS law enforcement and homeland security applications. EID captures and maintains information related to the investigation, arrest, booking, detention, and removal of persons encountered during immigration and criminal law enforcement investigations and operations conducted by U.S. Immigration and Customs Enforcement, U.S. Customs and Border Protection, and U.S. Citizenship and Immigration Services.

2. **Automated Biometric Identification System** – The Automated Biometric Identification System is the central DHS-wide system for storage and processing of biometric and associated biographic information for national security, law enforcement, immigration and border management, and intelligence.

3. **Federal Bureau of Investigation's (FBI) Next Generation Identification** – FBI's biometric identity and criminal history record system that maintains the fingerprints and associated identity information of individuals submitted to the FBI for authorized criminal justice, national security, and civil purposes.

4. **TECS –** The TECS system is an information-sharing platform, which allows users to access different databases that may be maintained on the platform that includes temporary and permanent enforcement, inspection, and operational records relevant to the antiterrorism and law enforcement mission of CBP and other Federal agencies.

Appendix C
U.S. Border Patrol Dispositions (Pathways) that Could Result in Migrants Released into the United States
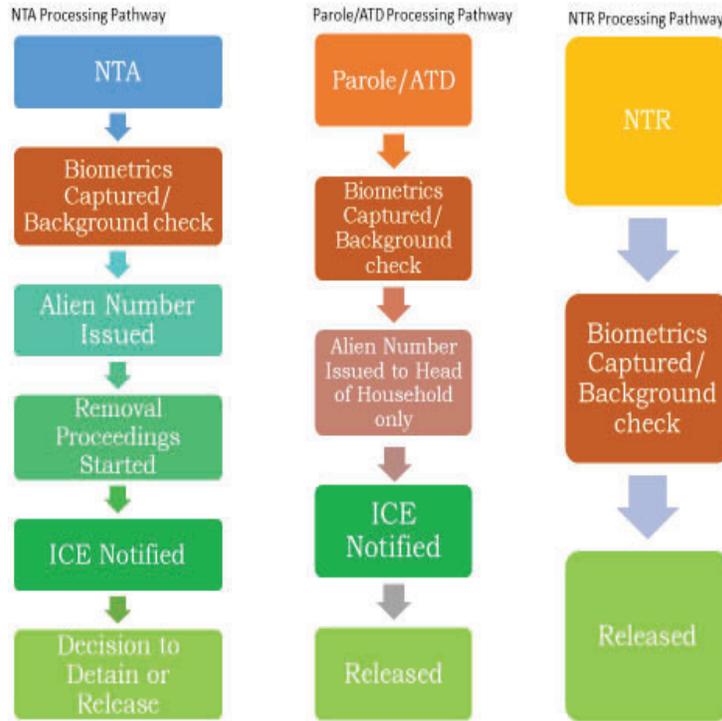
Source: DHS OIG generated based on observations and documents obtained at Rio Grande Valley and Del Rio Sectors.

Appendix D
Report Distribution

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