

**Children Waited for
Extended Periods in
Vehicles to Be Reunified
with Their Parents
at ICE's Port Isabel
Detention Center in July
2018**





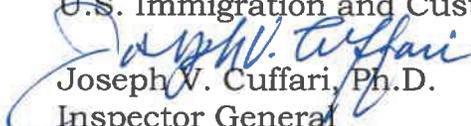
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Department of Homeland Security

Washington, DC 20528 / www.oig.dhs.gov

August 19, 2020

MEMORANDUM FOR: Matthew T. Albence
Deputy Director and Senior Official Performing the
Duties of the Director
U.S. Immigration and Customs Enforcement

FROM:


Joseph W. Cuffari, Ph.D.
Inspector General

SUBJECT: Special Report – *Children Waited for Extended Periods
in Vehicles to Be Reunified with Their Parents at ICE’s
Port Isabel Detention Center in July 2018*

Attached for your information is our final report, *Children Waited for Extended Periods in Vehicles to Be Reunified with Their Parents at ICE’s Port Isabel Detention Center in July 2018*. We incorporated the formal comments provided by your office.

Consistent with our responsibility under the *Inspector General Act*, 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 Sondra McCauley, Acting Assistant Inspector General for Special Reviews and Evaluations, at 202-981-6000.

Attachment



DHS OIG HIGHLIGHTS

Children Waited for Extended Periods in Vehicles to Be Reunified with Their Parents at ICE's Port Isabel Detention Center in July 2018

August 19, 2020

Why We Did This Special Review

We conducted this review to determine whether children were held in vehicles at the Port Isabel Detention Center (Port Isabel) for extended periods before being reunited with their parents in July 2018. We undertook this review after receiving two congressional requests in response to a news report that children who arrived at Port Isabel on the afternoon of July 15 waited as long as 39 hours to be reunified with their parents, with most children spending at least 1 night in vans outside the facility.

What We Recommend

This report contains no recommendations.

For Further Information:

Contact our Office of Public Affairs at (202) 981-6000, or email us at DHS-OIG.OfficePublicAffairs@oig.dhs.gov

What We Found

We confirmed that children brought to Port Isabel on July 15, 2018 waited extended periods, and in many cases overnight, to be reunited with their parents.

On this first day of attempted mass reunifications, U.S. Immigration and Customs Enforcement (ICE) was not prepared to promptly reunify all children who arrived at Port Isabel. ICE and the U.S. Department of Health and Human Services had fundamentally different understandings about the timing and pace of reunifications, and ICE personnel at Port Isabel underestimated the resources necessary to promptly out-process the parents of arriving children. As a result, some children waited in vehicles at Port Isabel, while others waited in unused detention cells, though all children were in climate-controlled environments and had continuous access to food, water, and restrooms.

As the mass reunifications continued in the following days, ICE personnel responded to processing and space issues, which generally resulted in shorter wait times for children.

ICE Response

ICE acknowledged our findings and said it “remains committed to ensuring the appropriate care of all individuals in its custody.”



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Abbreviations

CBP	U.S. Customs and Border Protection
FOD	Field Office Director
HHS	U.S. Department of Health and Human Services
ICE	U.S. Immigration and Customs Enforcement
OIG	Office of Inspector General
ORR	Office of Refugee Resettlement
SDDO	Supervisory Detention and Deportation Officer
UAC	Unaccompanied Alien Child(ren)



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Background

On May 5, 2018, the U.S. Department of Homeland Security adopted the Administration's *Zero Tolerance Policy*¹ department-wide and began referring parents caught entering the United States illegally with their children for criminal prosecution. Because children could not be held in criminal custody with their parents, U.S. Customs and Border Protection (CBP) separated the parents and children, and transferred the children to the care and custody of the U.S. Department of Health and Human Services' (HHS) Office of Refugee Resettlement (ORR).²

On June 20, 2018, the Administration reversed course, ordering that alien families should be detained together unless child welfare concerns weighed against maintaining family unity.³ Six days later, on June 26, 2018, a Federal court ordered the Government to reunify separated parents and children. The court ordered the Government to reunify children under 5 years old with their parents within 14 days, and the remaining older children within 30 days.⁴ HHS' Incident Management Team coordinated and led the Government's cross-agency effort to comply with this order. Several agencies such as the U.S. Department of Justice, the U.S. Department of State, and CBP contributed to these efforts, but HHS worked most closely with U.S. Immigration and Customs Enforcement (ICE), which is responsible for detaining certain adult aliens with pending immigration proceedings and removing aliens who receive final removal orders.

¹ On April 6, 2018, the U.S. Attorney General issued a memorandum directing all Federal prosecutors' offices along the Southwest Border to work with DHS to adopt a *Zero Tolerance Policy*, which required criminal prosecution of DHS referrals of 8 U.S.C. § 1325(a) violations, to the extent practicable. See Dept. of Justice, *Memorandum for Federal Prosecutors Along the Southwest Border*, April 6, 2018.

² Upon separation from their parents, the children were deemed unaccompanied alien children (UAC), who are children under 18 years of age with no lawful immigration status in the United States who do not have a parent or legal guardian in the United States "available" to provide care and physical custody for them. 6 U.S.C. § 279(g)(2). DHS must transfer UACs to HHS within 72 hours unless there are "exceptional circumstances." 8 U.S.C. § 1232(b)(3). There are special requirements for UACs from Mexico and Canada that may permit a different process, 8 U.S.C. § 1232(a)(2)(A), but if those requirements are not met, DHS must follow the same process established for UACs from other countries. 8 U.S.C. § 1232(a)(3).

³ Exec. Order No. 13841, *Affording Congress an Opportunity to Address Family Separations*, was announced and became effective on June 20, 2018, and was published in the Federal Register at 83 FR 29,435 on June 25, 2018.

⁴ *Ms. L. v. U.S. Immigration & Customs Enforcement (Ms. L. v. ICE)*, 18-cv-428 (S.D. Cal. June 26, 2018). The court's order covered "[a]ll adult parents who enter the United States at or between designated ports of entry who (1) have been, are, or will be detained in immigration custody by the DHS, and (2) have a minor child who is or will be separated from them by DHS and detained in ORR custody, ORR foster care, or DHS custody absent a determination that the parent is unfit or presents a danger to the child."



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To reunify the separated families, HHS, ICE, and CBP first needed to identify which parents and children had been separated and were eligible for reunification under the court order. As detailed in prior DHS Office of Inspector General (OIG) reports, CBP did not always accurately or consistently record or track families that it separated as a result of the *Zero Tolerance Policy*.⁵ Consequently, following the court order, the agencies undertook a time-consuming and largely manual process of cross-checking DHS and HHS data to determine which UACs had been separated and the identity and location of their parents.

As this process unfolded, the agencies also started reunifying children younger than age 5 pursuant to the court's bifurcated timeline. For this stage, often referred to as "Phase 1," ICE transported parents to ORR shelters across the country for reunification with their children. On July 12, 2018, 2 days after the Phase 1 deadline, the Government claimed it had completed its Phase 1 obligation by reuniting 57 children younger than age 5 with their parents.⁶

It was only after the Phase 1 reunifications were complete that the Government started reuniting most children aged 5 to 17 in "Phase 2." Unlike Phase 1, the agencies planned that Phase 2 reunifications would occur at certain ICE facilities designated for reunifications. Some parents were already detained in these facilities, but for those parents held at other ICE facilities, ICE planned to transport the parents to the designated centers for reunification. ORR would then transport children to the designated centers and maintain custody of the children until ICE processed their parents for release. At that point, ORR would transfer custody of the children to ICE, which in short order would sign custody over to their parents, reunite the families, and arrange transportation for them out of the facility.

Although the Government expected there could be as many as 2,551 Phase 2 reunifications — nearly 50 times as many as Phase 1 — children aged 5 to 17 did not start arriving en masse at the reunification centers until July 15, 2018, only 11 days before the close of the court's 30-day deadline. On August 2, 2018, the day the Government first updated the court after the Phase 2

⁵ *Special Review - Initial Observations Regarding Family Separation Issues Under the Zero Tolerance Policy*, OIG-18-84, September 2018; *DHS Lacked Technology Needed to Successfully Account for Separated Migrant Families*, OIG-20-06, November 2019

⁶ See DHS Press Release, *Trump Administration Completes Reunification for Eligible Children Under Age 5* (July 12, 2018), <https://www.dhs.gov/news/2018/07/12/trump-administration-completes-reunification-eligible-children-under-age-5>. Later that same day, the Government reported to the court that it had reunified one additional child under 5 years old. It also reported that parents of an additional 44 Phase 1 children either could not be reunited at that time (e.g., because they were in criminal custody or had been removed from the country) or were no longer eligible for reunification because of concerns about parentage, health, or safety of the children. See *Ms. L. v. ICE*, 18-cv-428 (S.D. Cal. July 12, 2018).



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deadline, the Government reported that it had reunited or otherwise appropriately discharged 1,979 children ages 5 to 17.⁷

Almost 1 year later, on June 3, 2019, NBC News reported that children who arrived at one of ICE's designated reunification centers — the Port Isabel Detention Center (Port Isabel) — on the afternoon of July 15, 2018, waited as long as 39 hours to be reunited with their parents, with most children spending at least 1 night in vans outside the facility.⁸ In light of this report and two congressional requests,⁹ DHS OIG reviewed the circumstances of the July 2018 reunifications at Port Isabel, particularly for children who arrived at the facility on July 15, 2018. This report does not address the efforts to reunify separated families at other ICE facilities, or the agencies' overall effort to comply with the court order.

Results of Review

DHS OIG confirmed that, as reported in the NBC News story, children brought to Port Isabel on July 15, 2018, waited extended periods — and in many cases overnight — to be reunited with their parents. On this first day of attempted mass reunifications, ICE was not prepared to promptly reunify all children who arrived at Port Isabel. ICE and HHS had fundamentally different understandings about the timing and pace of reunifications, and ICE personnel at Port Isabel¹⁰ underestimated the resources necessary to promptly out-process the parents of arriving children. As a result, some children waited in vehicles at Port Isabel, while others waited in unused detention cells, though all children were in climate-controlled environments and had continuous access to food, water, and restrooms. As the mass reunifications continued in the following days, ICE personnel responded to processing and space issues, which generally resulted in shorter wait times for children who arrived at Port Isabel closer to the court's deadline.

⁷ This category also includes children released to another family member or sponsor, and children who turned 18. The Government also reported that an additional 572 children remained in ORR care because the associated adult was either not originally eligible for reunification or was not available for discharge. Supp. to Joint Status Report, at 1-2, *Ms. L. v. ICE*, 18-cv-428 (S.D. Cal. Aug. 2, 2018).

⁸ Jacob Soboroff and Julia Ainsley, "Botched family reunifications left migrant children waiting in vans overnight," *NBC News*, June 3, 2019, <https://www.nbcnews.com/politics/immigration/botched-family-reunifications-left-migrant-children-waiting-vans-overnight-n1013336>.

⁹ Correspondence from Bennie G. Thompson, Chairman, U.S. House of Representatives Committee on Homeland Security to Acting Inspector General, John V. Kelly, June 4, 2019; Correspondence from Kim Schrier, Member of Congress, U.S. House of Representatives to John V. Kelly, June 5, 2019

¹⁰ Hereinafter, when this report attributes actions to "Port Isabel," it refers to ICE personnel at Port Isabel, as opposed to ICE staff at the field office or headquarters level.



Children Who Arrived at Port Isabel on July 15, 2018 Had Prolonged Waits to be Reunited with Their Parents

DHS OIG confirmed that dozens of children who arrived at ICE’s Port Isabel facility on July 15, 2018 waited for extended periods with HHS contractors¹¹ — many overnight — to be reunited with their parents. Although neither ICE nor HHS had complete, reliable records of children’s arrival or reunification times, we found that 75 children arrived at Port Isabel between 2:15 p.m. and 4:00 p.m. on July 15. The available evidence shows the first child was reunited at approximately 1:40 a.m. on July 16, and children continued to be reunited throughout that day. All children waited a minimum of 10 hours at Port Isabel to be reunified. At least 28 children were reunited within 15 hours, while 4 children waited more than 27 hours.

The final 2 children were reunited with their parents on the morning of July 17, after waiting approximately 37 hours in one case, and approximately 40 hours in the other. We did not find conclusive evidence showing the reasons for these two children’s extended wait times, but email correspondence suggests confusion about whether these two children arrived at Port Isabel on July 15 or July 16. Late on the night of July 16, Port Isabel staff asked HHS to confirm whether all July 15 arrivals had been reunified, and HHS confirmed that they had. A few hours later, however, in the early morning of July 17, Port Isabel told HHS that these two children had in fact arrived on July 15, and were still waiting for reunification.

Table 1 shows the wait times for 73 of the 75 children¹² who arrived at Port Isabel on July 15, and figure 1 shows when they were reunified. The HHS and ICE records necessary to calculate the children’s wait times are incomplete and, at times, contradictory. Because we cannot determine which data are more reliable, table 1 and figure 1 show wait times using both the earliest and latest reunification times in available records, rounded to the nearest hour.¹³

¹¹ We use the term “HHS contractors” throughout this report to refer to both contractors and grantees of HHS and/or ORR.

¹² These estimated wait times exclude two children who returned to HHS shelters because their parents declined to be reunified after the children arrived at Port Isabel on July 15.

¹³ In the initial days of Phase 2 reunifications, neither ICE nor HHS comprehensively recorded when children arrived at Port Isabel or when they were reunified. Inconsistencies in the records may be the result of human error associated with manual entry, but could also be the result of a lack of a methodical recording protocol. For example, while we refer to reunification times throughout this report, some times recorded by ICE officials may represent when families were transported out of Port Isabel, while some may reflect when families were physically reunified. See appendix A for more information on DHS OIG’s analysis of ICE and HHS data.



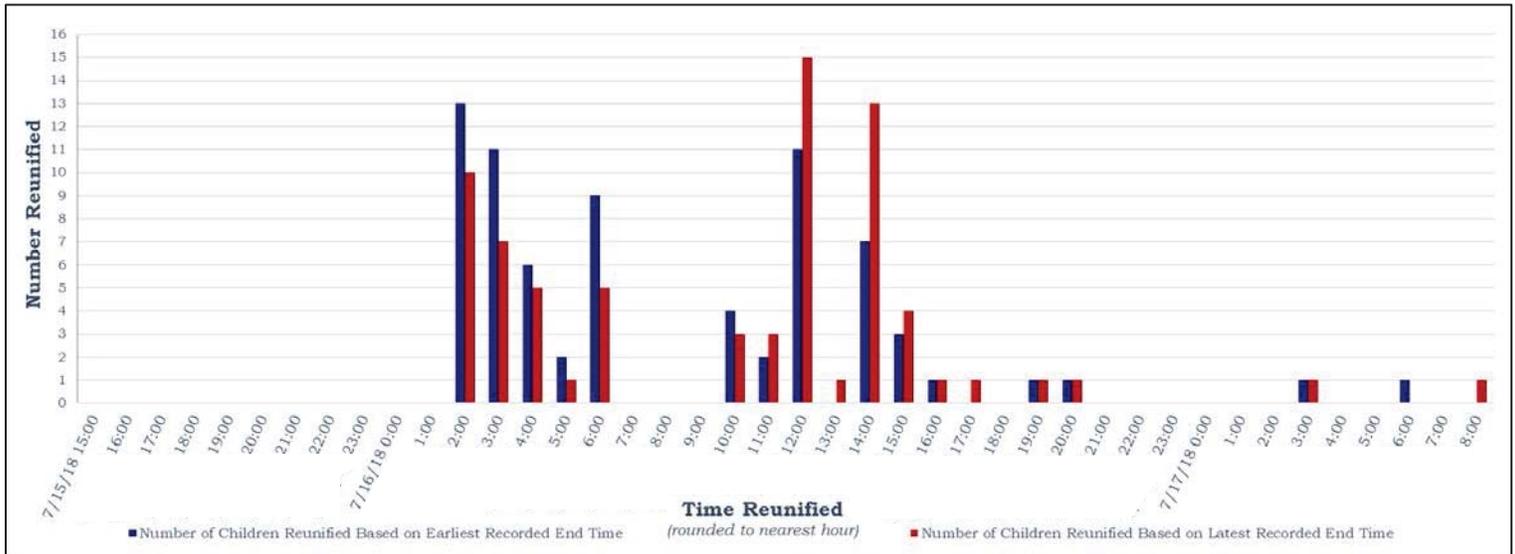
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Table 1: Minimum and Maximum Reunification Wait Times for Children Arriving at Port Isabel on July 15, 2018

Minimum Wait Time			Maximum Wait Time		
Wait Time (hours)	No. of Children	Percent of Children	Wait Time (hours)	No. of Children	Percent of Children
10-15	41	56%	10-15	28	38%
18-27	28	38%	18-27	41	56%
29	2	3%	29	2	3%
37	1	1%	37	1	1%
39	1	1%	41 ¹³	1	1%

Source: OIG analysis based on ICE, HHS, and HHS contractor data

Figure 1: Time of Reunification for Children Arriving at Port Isabel on July 15, 2018



Source: OIG analysis based on ICE, HHS, and HHS contractor data

ICE Was Not Prepared to Promptly Reunify All Children Who Arrived at Port Isabel on July 15, 2018

Despite ICE’s and HHS’ efforts to coordinate reunifications in the days and weeks after the court’s order, delays occurred because of a disconnect between the agencies about the timing and pace of reunifications and because Port Isabel misjudged the resources it would need to promptly reunify families.

¹⁴ We identified email correspondence related to this child, which suggests that the minimum wait time might refer to when the child was physically reunited with his parent and the maximum wait time might refer to when they left Port Isabel. However, because this evidence was not conclusive, and to be consistent with our methodology for all other children who arrived on July 15, table 1 and figure 1 present both possibilities.



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ICE and HHS Had Fundamentally Different Expectations for the Timing and Pace of Reunifications

Following the June 26, 2018 court order to reunify separated families, HHS and ICE promptly began coordinating and taking steps to meet the court's deadlines. Senior officials from both agencies worked together at a joint operations center in Washington, D.C. to accomplish this mission, making collective decisions and providing guidance to their respective field personnel. Although the lead operational officials from HHS and ICE recalled working closely in this period, they relayed different understandings about the timing and pace of reunifications. This disconnect contributed to increased wait times when children were first brought to Port Isabel for reunification.

Reuniting more than 2,000 children within 30 days required significant interagency cooperation and agreement. For example, the agencies needed to reach a consensus as to the scope of the court order, identify parents and children who qualified for reunification, determine where eligible parents and children were located, develop an appropriate logistical process to effect the reunifications, and transport adults and children to reunification centers across the country. HHS and ICE witnesses generally reported that their collaboration during this period, given that this was an entirely novel process, was challenging but successful.

However, despite their close collaboration, ICE and HHS had very different understandings about when children would be transported to ICE facilities for reunification. The lead HHS operational official told us he directed HHS staff to transport children to the appropriate ICE reunification centers as soon as the children were "cleared" for reunification and ICE confirmed parents were on-site at the centers.¹⁵ While he understood ICE wanted to receive children's estimated arrival times more than 24 hours in advance, he did not believe this was possible given the challenges associated with transporting children. He also stated that he felt reunification would never happen if they waited until everyone was ready, and was willing to accept the "discomfort" of children waiting at an ICE facility to prevent the "serious harm" of them potentially missing their chance to be reunified with their parents. For these reasons, the HHS lead told his staff that as long as there were no health or safety concerns, they should bring the children to the ICE facilities as soon as possible, and that any delays should "be at ICE's door."

¹⁵ Both ICE and HHS played roles in clearing families for reunification, which required verifying parentage, confirming the parent desired reunification, completing background checks, and identifying any reason a parent might present a danger to his or her child. See HHS News Release, *The Trump Administration Plan for Reunifying Children* (Jul. 18, 2018), <https://www.hhs.gov/about/news/2018/07/18/the-trump-administration-plan-for-reunifying-children.html>.



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In contrast, ICE’s operational lead, who worked “shoulder-to-shoulder” with HHS’ lead, stated he was unaware HHS planned to transport children without first checking whether the individual ICE facilities were ready to receive them, and did not believe the HHS lead would take this approach. Instead, he believed ground-level HHS and ICE officials communicated with each other to make common sense decisions about when children would arrive. Similarly, before Phase 2 reunifications began, the ground-level ICE personnel at Port Isabel expected they would have some control over the flow of children to their facility and would receive advance notice of children’s estimated arrival times.

It was only on July 15, 2018 that ICE officials at Port Isabel learned they would have little if any input on children’s arrival times, and would not always have as much advance notice as they expected. Just hours before the first children arrived, Port Isabel finally started receiving a series of emails with travel manifests containing the names and estimated arrival times for the children individual HHS contractors would be bringing to the facility.¹⁶ Over the course of a few hours, Port Isabel received more than a dozen manifests, covering transports for that afternoon and the coming days, as well as various one-off emails noting changes to arrival times and passengers in individual transports. Port Isabel staff had to consolidate and repeatedly update these lists as new information came in. By that evening, with 75 children and their caregivers waiting at the facility, Port Isabel realized it would not be able to complete all reunifications by 4:00 p.m., as originally intended.

ICE Staff at Port Isabel Engaged in Some Planning and Preparation, but Underestimated the Resources Necessary for Family Reunifications

Following the court’s order to reunify families, staff at Port Isabel began to plan for the facility’s role as a family reunification center. Despite these efforts, as van after van full of children arrived on July 15, 2018, it became apparent that Port Isabel had not assembled enough personnel.

Port Isabel took a number of actions to prepare for the facility’s role as a family reunification center. First, to help focus the facility’s staff and resources on the reunification efforts, Port Isabel began transferring out adult detainees not affected by the court’s order and stopped accepting new detainees unrelated to reunifications. Additionally, two Supervisory Detention and Deportation Officers (SDDO) were designated as headquarters’ points of contact for reunifications, and they in turn identified several “top performing” detention

¹⁶ Before this, Port Isabel had received lists of children, but no arrival times. For example, on July 13, Port Isabel staff received what was purported to be the first group of 24 children that ORR would transport, but the arrival time was “forthcoming.” On the morning of July 15, before the manifests started coming, they received an updated roster of the “first batch,” which included the original 24 plus an additional 111 children, but still no arrival dates or times.



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officers to lead Port Isabel’s logistical efforts. Anticipating they might need even more manpower, Port Isabel leadership pre-approved some officers’ overtime and subsequently asked every detention officer to volunteer to work overtime to support the reunification effort.

These efforts notwithstanding, management at Port Isabel misjudged the staffing levels and expertise necessary to effect the reunifications. Both lead SDDOs acknowledged that Port Isabel underestimated the workload when planning for staffing needs, and that it ultimately took many more staff members, working many more hours, to complete the reunifications.

Nor did Port Isabel staff fully appreciate the challenges and difficulties of processing adults for reunification. To reunify families, Port Isabel needed to process the parents for release from the facility. However, many parents at Port Isabel were subject to expedited removal. To release those parents, Port Isabel staff first reprocessed them out of expedited removal, and the paperwork associated with that process led to delays. This type of reprocessing was not common at Port Isabel, and many officers were unfamiliar with the procedure.¹⁷ Several ICE witnesses attributed processing delays, particularly early in Phase 2, to the staff’s inexperience with this process.¹⁸

Although the NBC News report asserted that Port Isabel staff were “clocking out for the day while the parking lot filled with children eager to see their parents again,” we did not find that staff departures on the evening of July 15, 2018 significantly delayed the reunifications of children. To the contrary, as ICE realized how many children would be arriving that day, Port Isabel abandoned its set hours of operation and instructed staff to prepare to work well into the evening. Port Isabel’s time and attendance records reflect that a significant number of officers worked overtime on July 15, and one HHS contractor recalled that Port Isabel staff members were still present and processing parents when he arrived onsite at approximately 2:30 a.m. on July 16. ICE and HHS records also reflect that families were reunified overnight. Finally, ICE and HHS witnesses who were on the ground at Port Isabel did not recall mass departures of Port Isabel staff on July 15.

¹⁷ One lead SDDO could not recall ICE Headquarters providing reprocessing guidance to Port Isabel before reunifications started.

¹⁸ ICE and HHS witnesses cited various other reasons for long waits, though they could not recall if these issues occurred on July 15 or on later days. For example, witnesses mentioned that some children arrived while their parents were still en route to Port Isabel; and that Port Isabel received inaccurate or modified travel schedules for children, which at times caused Port Isabel to incorrectly prioritize the out-processing of parents under the mistaken impression that their children’s arrival was imminent. ICE and HHS witnesses also attributed more extended delays to factors outside of Port Isabel’s control, including medical issues, parents declining reunification, and children being transported to the wrong reunification center.



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Children Waited in Vehicles, but Had Access to ICE Facilities

During the planning process, Port Isabel decided to reunify families in “Building 9,” a detention building that was no longer in use and was located outside of the facility’s secure areas. The building was not designed or intended to hold children comfortably for extended periods, and when Port Isabel staff selected Building 9 to effect reunifications, they did not appreciate how many children would be waiting there at a given time or how long they would be waiting. The portion of Building 9 used for reunifications included an officer work space, a small lobby, and several detention cells. Multiple ICE and HHS witnesses opined that the limited space, jail-like atmosphere, and lack of comfortable places for children to sleep made it unsuitable to effect reunifications. Given the space constraints and discomfort of waiting in former detention cells, some children and caregivers instead waited in the vehicles that brought them to Port Isabel. Once it became clear the children would not be reunified promptly, one HHS contractor sent a coach bus to Port Isabel, which provided a more comfortable environment to wait and sleep.

While the children who arrived at Port Isabel on July 15, 2018 had lengthy waits, witnesses did not identify conditions that raised substantial concerns regarding the children’s health or safety. For example, both ICE and HHS witnesses consistently stated that regardless of whether they waited in vehicles or in Building 9, the children were in climate-controlled environments, had access to bathroom facilities, and were adequately supervised. Witnesses also recalled, and ICE records corroborated, that HHS contractors and/or Port Isabel staff provided children with food and water. Finally, neither DHS OIG, HHS OIG, nor ICE’s Office of Professional Responsibility received any complaints of mistreatment of children at Port Isabel on July 15 and 16, 2018.

Although it likely would have been more comfortable to wait for reunifications at nearby shelters or hotels, the HHS operational lead told us he directed HHS’s transportation contractors to stay at ICE facilities until the reunifications were effected — even if children had to sleep there. The HHS operational lead said his primary goal was to safely reunify families as quickly as possible, and he heard from HHS contractors that reunifications could be delayed if children left.¹⁹ The HHS lead told us he stood by this decision, because he believed children waiting in an ICE facility or a vehicle was preferable to missing a chance to be reunified with their parents.

¹⁹ Some HHS witnesses told us that ICE staff told them to wait or suggested reunifications could be delayed if children left Port Isabel. ICE officials did not recall any staff saying this; one noted ICE had no control over whether the children stayed or left.



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ICE Responded to Processing and Space Issues

After the first afternoon and night of Phase 2 reunifications, ICE took steps to engage additional resources to respond to the unexpected influx of children to their facility. DHS OIG found that Port Isabel's processing improved over time, resulting in shorter wait times for children.

Despite being on leave during the prior week and returning from international travel earlier that day, ICE's San Antonio Field Office Director (FOD) traveled to Port Isabel on the night of July 15, after he learned about the situation there. He worked long hours onsite over the following days, and multiple witnesses, including the HHS operational lead, credited the FOD's presence as critical to increasing the sense of urgency at Port Isabel and meeting the court's Phase 2 deadline. Because he oversaw the entire region, the FOD also was able to marshal additional resources to assist Port Isabel. He directed members of his field office staff to travel to Port Isabel to add onsite support, and enlisted personnel in the region familiar with the necessary type of processing to assist remotely.

Some witnesses stated that, given the unique nature of the reunification mission, the FOD's presence onsite at Port Isabel was also critical to implementing non-standard procedures necessary to meet the court's deadline. Significantly, after early frustrations with children's unpredictable travel itineraries, the FOD authorized Port Isabel staff to begin out-processing all parents, even if HHS had not yet notified them that their children were en route. Out-processed mothers and fathers whose children had not yet arrived were housed in separate dorms, dressed in personal clothing. Multiple ICE witnesses credited this non-standard procedure with significantly shortening the time children had to wait for reunification because, once a child arrived, ICE simply needed to locate the child's parent and reunite them.

HHS and ICE witnesses consistently reported that Port Isabel's processing improved over the course of Phase 2 reunifications, resulting in shorter waits. While the available data is not entirely reliable,²⁰ our analysis of the records generally supports the witnesses' impressions that children waited less time in the final days of reunifications. For example, reunification data contemporaneously recorded by ICE personnel shows children waited slightly more than 4 hours on average during the final week of reunifications, while children who arrived at Port Isabel on July 15 waited more than four times as long on average.

Finally, Port Isabel responded to concerns about children waiting in Building 9. On July 18, Port Isabel began converting training rooms into waiting areas for

²⁰ See footnote 13 and appendix A.



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children and reunited families. These rooms were more modern, larger, and equipped with more chairs and mats. Port Isabel staff also set up a television, and began serving popcorn to waiting children. ICE staff believed these changes made for more comfortable waiting areas for the children and caregivers. Although we saw photographs depicting these improvements, employees from one HHS contractor told us they were unaware of the changes, and they continued to wait with children in their own coach bus.

Conclusion

Complying with the court order to reunite more than 2,000 children within 30 days required significant cooperation and agreement between DHS and HHS. Despite coordination and planning efforts, ICE was not prepared to promptly reunify all children who arrived at Port Isabel on July 15, 2018. ICE and HHS had fundamentally different understandings about the timing and pace of reunifications, and Port Isabel underestimated the resources necessary to promptly out-process the parents of arriving children. As a result, the dozens of children who arrived at Port Isabel on that date waited for extended periods to be reunified with their parents. As the reunifications continued, however, Port Isabel responded to processing and space issues, which generally resulted in shorter wait times.

DHS and HHS Comments

DHS and HHS each provided technical comments in response to our draft report and ICE provided formal management comments. We addressed the technical comments throughout our report as appropriate and included a copy of ICE's management comments in their entirety in appendix B.



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Appendix A

Objective, Scope, and Methodology

The U.S. 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*.

We conducted this review to determine whether children were held in vehicles at Port Isabel for extended periods before being reunited with their parents in July 2018; and if so, why that occurred and whether ICE took corrective action to prevent it from happening again. We focused on Port Isabel because of a June 2019 news report addressing these issues at that location.

We conducted fieldwork for this review between August and December 2019, in Washington, D.C. and onsite in south Texas. We interviewed 15 current and former ICE employees and contractors, including staff at Port Isabel, the San Antonio field office, and headquarters. We also spoke with 10 HHS employees and contractors, including representatives from ORR and officers with the U.S. Public Health Service Commissioned Corps. These interviews included senior management officials who coordinated HHS' and ICE's response to the June 2018 court order, along with detention officers, direct care workers who transported UACs, and others who supported the reunification effort.

We reviewed communications and guidance related to the July 2018 family reunifications, as well as documents and communications related to the *Zero Tolerance Policy* and *Ms. L. v. ICE* Federal court pleadings and orders, including the June 2018 order to reunite separated parents.

Additionally, to calculate how many children arrived at Port Isabel on July 15, 2018 and how long they waited, we analyzed relevant data relating to children's travel plans, their arrival times at Port Isabel, and the times of their reunification or departure from the facility. ICE and HHS officials both told us that the haste of the reunification effort did not always allow them to consistently or promptly record arrival or reunification information. Both agencies manually recorded this data in multiple ways, all of which were susceptible to varying degrees of human error. As a result, calculating wait times required synthesizing and reconciling several sources of information of varying reliability. The most reliable and relevant data we used were:

- “Port Isabel Tracking Sheet”: Multiple individuals from Port Isabel and the San Antonio Field Office manually entered data into a spreadsheet to track when children arrived and were reunified at Port Isabel. Although this was the most complete data set that ICE could provide, several ICE officials cautioned that this data might not be entirely accurate or complete. Our independent analysis supports this assessment. For



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example, while ICE personnel appear to have input data more regularly as Phase 2 progressed, there were almost no arrival times recorded in the “Time In” column for children who arrived on July 15. The spreadsheet also contains errors likely associated with manual input (e.g., for some children, the arrival time is after the reunification time). More substantively, our review of this data suggests that not all personnel used consistent criteria when recording information. For example, some officers may have recorded the time that children were reunited with their parents in the “Time Out” column; but based on the number of children whose “Time Out” was identical, other officers may have recorded the time that families were physically transported out of Port Isabel.

- “Port Isabel Gate Logs”: In the summer of 2018, Port Isabel logged vehicles entering and leaving the facility on a handwritten gate log. For July 15, 2018 this log includes, among other information, vehicles’ license plate numbers, arrival times, the names of adult passengers, their employer and/or the purpose of their visit, and the number and gender (but not names) of children in each vehicle. The legibility and completeness of these entries vary. For example, the employer for one of the vehicles is illegible, and not all entries for adult passengers include the time they left the facility or whether they departed with children. Some entries also include information that appears to be implausible. For example, one vehicle carrying three employees of an HHS contractor is listed as arriving at 2:32 p.m., and 15 minutes later, a vehicle with the same license plate number is listed as arriving with three different adult passengers. Additionally, because the gate logs lack the names of children and the specific facility from which they were transported, we could not always match specific children or travel manifests to gate log entries.
- “Port Isabel Emails”: We obtained contemporaneous email correspondence reflecting Port Isabel staff’s efforts to compile information on the children who arrived at Port Isabel on July 15, 2018. We primarily relied on three of these email strings. These emails include spreadsheets that purport to combine data from several individual manifests of children traveling to Port Isabel, as well as correspondence about discrepancies between the agencies’ records.
- “ORR Correspondence”: We obtained email correspondence from the early morning hours of July 16, 2018, in which ORR staff discussed children who were still awaiting reunification at Port Isabel. This email string included a chart containing the names and alien numbers of 75 children transported to Port Isabel on July 15, 2018 along with their arrival time at Port Isabel and the facility from which they were



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transported. ORR collected the information in this chart from HHS contractors who accompanied children to Port Isabel or otherwise supported reunification there. The contractors transmitted the information via email, phone, and/or text, sometimes through multiple parties, before it was manually compiled by ORR staff. For example, one contractor employee provided hourly reunification updates to his supervisor. An ORR staff member told us that while they attempted to keep complete and accurate records, some of the arrival times listed in this email string may have been projected, rather than actual.

- “HHS Contractor Records”: An HHS contractor provided us with arrival and reunification data for the 37 children it transported to Port Isabel on July 15, 2018. The contractor represented that this data was collected from the children’s “discharge paperwork.”

To determine the number of children who arrived at Port Isabel on July 15, 2018, we relied on the Port Isabel Gate Logs, the Port Isabel Emails, ORR Correspondence, and HHS Contractor Records. The ORR Correspondence names 75 children who purportedly arrived at Port Isabel that day from 8 separate contractor locations, including 37 children also named in the HHS Contractor Records. One of the Port Isabel Emails identifies 73 of these same children as July 15 arrivals from the same 8 contractor locations, and in a subsequent Port Isabel email, an official says Port Isabel learned that the remaining 2 children also arrived on July 15. Notations on the Port Isabel Gate Logs indicate only 70 unnamed children arrived at Port Isabel on the afternoon of July 15. Given the limitations of the Port Isabel Gate Logs described above, and the fact that documents from both ICE and ORR explicitly name the same 75 children as July 15 arrivals, we concluded that those 75 children arrived at Port Isabel on July 15. ICE did not record most July 15 arrivals on the Port Isabel Tracking Sheet, so we could not use this document.

To determine the arrival time for children who arrived at Port Isabel on July 15, 2018, we used the earliest time recorded in the Port Isabel Gate Logs, the ORR Correspondence, and the HHS Contractor Records. There was minimal variation in the children’s arrival times across these records: the arrival times for the 37 children included in the HHS Contractor Records were identical to those in the ORR Correspondence, and the largest discrepancy among any of these sources for any child was 19 minutes. We could not use the Port Isabel Tracking Sheet because it only contained arrival times for two children who arrived on July 15, 2018, and Port Isabel Emails generally included projected, not actual, arrival times.

The records varied more significantly with respect to the reunification time for children who arrived at Port Isabel on July 15, 2018. The ORR Correspondence and Port Isabel Emails included few if any reunification times



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for individual children, so we did not use email evidence in our calculations. We did not use the Port Isabel Gate Logs, which tracked only some exiting adults, and no names of exiting children. Neither of the remaining two data sources had complete data. The HHS Contractor Records only included the reunification times of the 37 children in its care; and the Port Isabel Tracking Sheet only has “Time Out” data for 71 of the 73 children who arrived on July 15.²¹ As a result, for 40 of the 73 children, we had only 1 recorded reunification time. For the remaining 33 children, in some cases, the HHS data showed an earlier reunification than the ICE data; in some cases, the ICE data showed an earlier reunification; and in some cases, the 2 recorded times were the same. We cannot determine which data is more reliable. Therefore, for these 33 children, we calculated each child’s shortest and longest possible wait times based on both of the available records, and summarized those calculations in table 1 and figure 1.

Finally, to calculate the average wait time for the children who arrived at Port Isabel during the final week of reunifications, we relied solely on the Port Isabel Tracking Sheet. We did not use the Port Isabel Emails, ORR Correspondence, and HHS Contractor Records because they generally pertained to the initial days of Phase 2 reunifications, and the Port Isabel Gate Logs were not helpful because they did not identify arriving children by name or include children’s reunification or departure times. Although the Port Isabel Tracking Sheet lacks arrival times for the initial days of reunifications, that information is included for most children in the last week of reunifications. That said, the later entries in the Port Isabel Tracking Sheet suffer from many of the same manual entry and reliability issues discussed above. As a result, our calculations of the average wait time for children who arrived in the final week of reunifications (between July 20 and July 26, 2018) is based on the arrival and departure times of 469 of the 496 children recorded in the Port Isabel Tracking Sheet. We disregarded the entries for 4 children who did not have recorded arrival and/or reunification times; 1 child whose reunification and arrival times were identical; 7 children whose arrival times were after their reunification times; and 15 children whose entries included notations indicating they were not reunited with their parents for one reason or another.

We conducted this special review in accordance with the DHS OIG Special Reviews Group’s quality control standards and the *Quality Standards for Federal Offices of Inspector General* issued by the Council of the Inspectors General on Integrity and Efficiency. These standards require that we carry out work with integrity, objectivity, and independence, and provide information that is factually accurate and reliable. This report reflects work performed by the DHS OIG Special Reviews Group pursuant to Section 2 of the *Inspector*

²¹ As previously noted, 75 children actually arrived at Port Isabel on July 15, 2018, but we did not calculate estimated wait times for the 2 children whose parents declined reunification after the children arrived at Port Isabel that day.



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General Act of 1978, as amended. Specifically, this report provides information related to ICE's efforts to reunify families that had been separated as a result of the *Zero Tolerance Policy*, for the purpose of keeping the Secretary of DHS and Congress fully and currently informed about problems and deficiencies relating to the administration of DHS programs and operations and the necessity for and progress of corrective action. This report is designed to promote the efficient and effective administration of, and to prevent and detect fraud, waste, and abuse in, the programs and operations of DHS.



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Appendix B
ICE Comments to the Draft Report

Office of the Chief Financial Officer

U.S. Department of Homeland Security
500 12th Street, SW
Washington, DC 20536



**U.S. Immigration
and Customs
Enforcement**

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

FROM: Stephen A. Roncone
FOR: **STEPHEN A LAURANCE**
Chief Financial Officer and
Senior Component Accountable Official

Digitally signed by
STEPHEN A LAURANCE
Date: 2020.07.06
15:44:23 -04'00'

SUBJECT: Management Response to Draft Report: "Children Waited
for Extended Periods in Vehicles to Be Reunited with Their
Parents at ICE's Port Isabel Detention Center in July 2018"
(Project No. 19-067-SRG-ICE)

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

ICE is pleased with OIG's recognition of ICE's efforts to care for the children who arrived at Port Isabel Detention Center and reunify families beginning on July 15, 2018. Most importantly, the OIG found that the children were in climate-controlled environments, had access to bathroom facilities, were adequately supervised, and were provided with food and water. The OIG also acknowledges that Port Isabel devoted a significant number of officers who worked overtime to reunify families overnight; contradicting news reports from that time.

Further, the OIG recognized (1) ICE engaged additional resources to respond to the unexpected influx of children, and that Port Isabel's processing improved, resulting in shorter wait times for children, and (2) the significant cooperation and agreement between the Departments of Homeland Security (DHS) and Health and Human Services (HHS) to reunify the families that were separated as a result of the enforcement initiative that occurred at the border. ICE remains committed to ensuring the appropriate care of all individuals in its custody and the continued success of this interagency effort.

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Management Response to Draft Report: "Children Waited for Extended Periods in Vehicles to Be Reunited with Their Parents at ICE's Port Isabel Detention Center in July 2018" (Project No. 19-067-SRG-ICE)

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The DHS and HHS efforts to reunify separated families were significant and unprecedented. Despite logistical challenges, ICE and its interagency partners did everything possible to comply with the *Ms. L. v ICE* court order, 18-cv-428 (S.D. Cal. June 26, 2018). Accordingly, ICE personnel and contractors undertook efforts to ensure compliance with the court order (as was acknowledged positively by the court), and DHS and HHS dedicated staff continue to work collaboratively to review and ensure any separations comply with the court's criteria.

Again, thank you for the opportunity to review and comment on this draft report. ICE previously submitted technical comments under a separate cover for OIG's consideration. Please feel free to contact me if you have any questions. We look forward to working with you again in the future.

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Appendix C
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