



Homeland
Security

June 29, 2021

MEMORANDUM FOR: Sharon Black
Acting Administrator
Office of Information and Regulatory Affairs
Office of Management and Budget

THROUGH: Eric Hysen
Chief Information Officer
Department of Homeland Security

FROM: Michelle Brané
Executive Director
Family Reunification Task Force
Office of the Secretary
Department of Homeland Security

A handwritten signature in black ink that reads "Michelle Brané".

SUBJECT: Family Reunification Task Force Travel Questionnaire

This memorandum requests an emergency approval for the collection of information under the Paperwork Reduction Act (PRA) for the Department of Homeland Security (DHS), Family Reunification Task Force travel information to successfully reunify separated children with their parents and legal guardians (families).

On February 2, 2021, President Biden signed Executive Order 14011 (E.O. 14011), Establishment of Interagency Task Force on the Reunification of Families, in response to the prior Administration's use of immigration laws to intentionally separate children from their families, including through the use of the Zero-Tolerance Policy. E.O. 14011 directs the Interagency Task Force on the Reunification of Families (Task Force) to identify children who were separated and facilitate and enable the reunification of the families. Additionally, E.O. 14011 directs the Task Force to provide recommendations on providing additional services and support for the reunified families, including behavioral health services with a focus on trauma-informed care. The Secretary of Homeland Security is the chair of the Task Force and is joined by the Department of State, Department of Health and Human Services, and the Department of Justice. In March 2021, the Task Force entered into settlement negotiations with the plaintiffs in *Ms. L v. Immigration and Customs Enforcement*,

No. 3:18-cv-00428 (S.D. Cal). The need to return the separated parent and additional family members is pursuant to a court order in *Ms. L*. On June 11, 2021, DHS received an initial court order requiring return of certain class members to the United States. This order permitted the government to begin reunifying families in the U.S. while settlement negotiation are ongoing.

The purpose of this new questionnaire is to achieve efficiencies to process these individuals for a successful family reunification. To streamline the reunification travel coordination process, the Task Force plans to collect certain details in advance of travel, information the Task Force needs to make travel arrangements for the beneficiary and coordination with stakeholders. This proposed new data collection will collect the necessary travel information in order to efficiently coordinate the travel of the separated parent and family members for a successful family reunification.

The information to be collected would include: Name, Date of Birth, Gender, A#, Passport Number and Expiration, Phone Number, Email address, Language(s) spoken, Representative/Attorney name and contact information, Date of Embassy Appointment to obtain boarding foil, Identification of Special Assistance Requests, Departure Airport, Final Airport, Traveling requested time frame, and Names of others in the traveling party. The data will be stored in a spreadsheet on an access-controlled Microsoft Teams channel and maintained as long as required to satisfy the court settlement requirements.

This information will be voluntarily requested via email to the designated person provided by the beneficiary and returned via email in a password protected file. This process would in turn allow for streamlined travel coordination with ICE to facilitate travel arrangements, as well as coordination for the beneficiary from point of departure to point of arrival at the final destination in the United States. This coordination includes DHS entities such as CBP, ICE, TSA, USCIS, and interagency such as DOS, DOJ, and HHS. As settlement negotiations continue, the entity that receives the form to facilitate the travel booking may change. The resulting travel information will be shared with the traveler and anyone else they designate to receive this information. This could include coordinating with parties the traveler identifies to ensure matching itineraries for those in the traveling party that the USG is funding and/or those in the travelling party that the USG is not funding. (E.g., The USG would provide the travel for the separated parent. A minor child who was not the separated child may be traveling with the separated parent, but the USG will not provide his/her travel. Flights would be required to be coordinated with the entity booking the minor child's travel so the parent and child are on the same flight.)

Because family reunification is currently ongoing, it is vital that DHS implement the information collection as soon as possible in order to collect the necessary travel information for a smooth coordination process for all families traveling to be reunified with their separated children. In accordance with the Paperwork Reduction Act (PRA) and the Office of Management and Budget's (OMB) implementing regulations at 5 C.F.R. § 1320.13: (1) this information is necessary to the mission of the agency, (2) this information is necessary prior to the time periods established under PRA, (3) public harm is reasonably likely to result if normal clearance procedures are followed, and (4) an unanticipated event has occurred.

1. Information is Essential to the Mission of the Agency

Because of the establishment of E.O. 14011 signed by President Biden and the court order, DHS requests emergency approval to create a new information collection to streamline travel arrangement

for the reunification of families. The Task Force agency members are involved in multiple active litigation cases involving separated families. Most of the families are represented in the *Ms. L.* class action lawsuit. The American Civil Liberties Union (ACLU) represents the parents in this case. The Task Force entered settlement negotiations in *Ms. L.* on March 11, 2021. On June 11, 2021, DHS received an initial court order requiring return of certain class members to the United States. This order permitted the government to begin reunifying families in the U.S. while settlement negotiations are ongoing.

The Task Force is reunifying families in coordination with the ACLU, by accepting humanitarian parole requests for settlement class members and their households. The individuals who may apply for parole are the separated parents who were repatriated to their home country post separation and their households. Those individuals are being offered an opportunity to request entry into the U.S. for reunification and receipt of the services afforded by the settlement agreement. ACLU currently identifies families in small tranches for reunification from the list of litigation class members and provides them to the Task Force. The Task Force verifies that the ACLU provided names meet the requirement of class membership. The attorneys representing the families are then permitted to utilize the FRTF parole request process to request entry to the U.S. As the settlement negotiations become more final, the ability to apply will be opened to additional individuals who may not be represented by attorneys. Those individuals will be verified by the Task Force as being part of the settlement class.

The U.S. Government (USG) has agreed in settlement to facilitate the return of the separated parent, separated child, or subsequently born child whose parole request has been granted to the U.S. This requires facilitating travel for the family from their home country to the U.S. As part of the parole request process, the I-131 form (Application for Travel Document) submitted to U.S. Citizenship and Immigration Services (USCIS) by the applicant, has the family identify how they want to be contacted. In coordination with the ACLU, the families who have been granted entry will be requested to identify their travel plan requests for USG facilitation of travel. However, the use of the I-131 will only work while the applicants are all represented by attorneys. As the individuals permitted to apply begin to not be represented by attorneys involved in settlement negotiations, the I-131 will prove to be confusing to use for this information. Rather, the straight forward questionnaire will be easier for families.

2. Paperwork Reduction Act Timeframes

The Family Reunification Task Force is tasked with reuniting families that were separated under the Zero-Tolerance Policy in an expedited manner to meet the needs of E.O. 14011 signed by President Biden February 2, 2021 and the court order in coordination with ACLU. In order to meet the needs of the E.O. and the court order signed on June 11, 2021, the travel information being requested in this new information collection process is required. It would be impracticable to delay implementing this information collection until after DHS has completed the PRA process.

3. Public Harm is Reasonably Likely to Result if Normal Clearance Procedures are Followed

Public harm is reasonably likely to result if this information is not collected. Failure to collect this information would cause significant delays in reunifying families that were separated under the prior Administration's Zero-Tolerance Policy and as part of the court order granted on June 11, 2021.

4. An Unanticipated Event Has Occurred

President Biden signed E.O. 14011 on February 2, 2021 and placed the Secretary of Homeland Security as the chair of the new Family Reunification Task Force with the purpose to identify and implement comprehensive strategies that will bring families back together. DHS is requesting emergency approval of this information to ensure the Task Force reunify families in an expedited and safe manner to meet the E.O. and in coordination with the court order. Delay in the approval of these information collections will delay the ability for the Task Force to streamline travel coordination of the families to be reunited in an expedited manner and meet the requirements of the court order granted on June 11, 2021.

4. Conclusion

This requests for an emergency approval for the collection of new information to successfully reunify separated children with their families would allow the federal government to meet the E.O. and the court order in *Ms. L*. Following the normal clearance procedures for OMB approval would delay the Task Force's ability to reunite these families in an expedited manner and meet the recently granted court order.

As discussed, the Task Force certifies that this request meets the requirements of 5 C.F.R. § 1320.13(a) and it is vital that this new collection of information be implemented immediately because: (1) this information is essential to the mission of the Agency, (2) this information is necessary prior to the timeframes established under the PRA, (3) public harm will result if normal clearance procedures are followed, and (4) unanticipated events have occurred.

Thank you for your consideration.

Upon approval and after implementation of the information collection process, DHS will address public comments as necessary under the normal PRA approval process.

Please contact Family Reunification Task Force, Senior Advisor, Heather Santiago at 202-738-2411 with any additional questions or concerns.