



# Family Unit Actions Report

October 1, 2021–September 30, 2022

April 4, 2023

Fiscal Year 2022 Report to Congress



Homeland  
Security

Office of Strategy, Policy, and Plans



# Message from the Office of Strategy, Policy, and Plans

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I am pleased to submit the following “Family Unit Actions Report,” which has been prepared by the U.S. Department of Homeland Security’s (DHS) Office of Immigration Statistics in the Office of Strategy, Policy, and Plans with support from U.S. Customs and Border Protection and U.S. Immigration and Customs Enforcement.

This document has been compiled pursuant to requirements in the Fiscal Year 2022 DHS Appropriations Act (P.L. 117 103) and its accompanying Joint Explanatory Statement. The report covers family unit encounters occurring October 1, 2021–September 30, 2022.

Pursuant to congressional requirements, this report is being provided to the following Members of Congress:

**The Honorable Lucille Roybal-Allard**

*Chairwoman, House Appropriations Subcommittee on Homeland Security*

**The Honorable Chuck Fleischmann**

*Ranking Member, House Appropriations Subcommittee on Homeland Security*

**The Honorable Chris Murphy**

*Chairman, Senate Appropriations Subcommittee on Homeland Security*

**The Honorable Shelley Moore Capito**

*Ranking Member, Senate Appropriations Subcommittee on Homeland Security*

I would be pleased to respond to any questions that you may have. Please do not hesitate to contact my office at (202) 282-9708.

Sincerely,



Blas Nuñez-Neto  
*Acting Assistant Secretary  
for Border and Immigration Policy  
Office of Strategy, Policy, and Plans*



# Family Unit Actions Report October 1, 2021–September 30, 2022

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# I. LEGISLATIVE REQUIREMENT

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This document has been compiled in response to requirements in the Fiscal Year (FY) 2022 Department of Homeland Security (DHS) Appropriations Act (P.L. 117-103) and its accompanying Joint Explanatory Statement.

The Joint Explanatory Statement provides:

The Department is directed to continue to provide a monthly report to the Committees, to also be made public on the department's website, which shall document when and where all family separations occur;

- (1) the number of children separated from their parents at the border, delineated by age and nationality of the children and the parents or legal guardians;
- (2) the nature of administrative or criminal charges filed against adult family members;
- (3) the basis for the separation;
- (4) how often family units apprehended together are detained in ICE custody, referred to ORR, and/or deported separately;
- (5) whether child welfare experts were consulted prior to the family's physical separation;
- (6) whether a group presenting as a family unit arrived at the border and was separated after being determined not to meet the legal definition of a family unit; and
- (7) in cases where CBP separates individuals claiming to be a family unit on the basis of suspected human trafficking, information about whether any adult in the group was subsequently charged civilly or criminally with a trafficking offense.

The report shall also detail processes for ensuring the reunification of separated family units.

## II. SUMMARY OF CHANGES

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This report addresses a cohort of individuals associated with family unit (FM) encounters occurring between October 1, 2021–September 30, 2022. Tables 1–4 are updated to include new additions of monthly cohorts. Tables 5–8 include information about events that transpired *after* September 30, 2022 related to this population. The data supporting those tables are drawn from U.S. Immigration and Customs Enforcement (ICE) records that are current as of November 1, 2022, and U.S. Customs and Border Protection (CBP) records that are current as of November 4, 2022. Changes in subsequent monthly versions of this report include updates to the previous months’ populations and data because analysis of FMs and family separations is ongoing, and the data are subject to change as new information becomes available. The report’s introduction and narrative have been updated.

# III. BACKGROUND

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CBP policy is to “maintain family unity to the greatest extent operationally feasible, absent a legal requirement or an articulable safety or security concern that requires separation.” This was formalized in 2015 as part of CBP’s *National Standards on Transport, Escort, Detention, and Search* (TEDS) policy. Historically, DHS has only separated a minor from his or her parent or legal guardian in certain limited circumstances, such as when DHS determines that the minor may be at risk with the adult, urgent medical issues require separation, or the adult is transferred to criminal custody. CBP does not have documentation for FY 2022 (to date) of the separation of a minor from their parents or legal guardians based on evidence of trafficking, or of separations of individuals claiming to be a family unit based on evidence of trafficking. DHS has historically separated a minor from an adult claiming to be that minor’s parent or legal guardian in situations where DHS cannot verify the relationship between the adult and child. Child welfare experts are not consulted prior to a family’s separation (as prompted in the Joint Explanatory Statement).

Based on the statutory definition of an “unaccompanied child” (UC), DHS defines FMs to include noncitizen minors traveling with their noncitizen parents or legal guardians.<sup>1</sup> Minor children traveling with adult family members who are not their parents or legal guardians are UCs and thus legally required to be transferred to the care and custody of the U.S. Department of Health and Human Services (HHS) Office of Refugee Resettlement (ORR). Children are also referred to ORR when they are traveling with adults who fraudulently claim a family relationship.<sup>2</sup> Such non-FM separations are not included in this report.<sup>3</sup>

On April 6, 2018, the U.S. Department of Justice (DOJ) instituted “Zero Tolerance,” a policy to prosecute, to the extent practicable, all referred violations of 8 U.S.C. § 1325(a), which criminalizes improper entry and/or attempted improper entry by a noncitizen.<sup>4</sup> On May 4, 2018, former Secretary of Homeland Security Kirstjen Nielsen directed CBP to refer all noncitizens amenable to criminal prosecution pursuant to 8 U.S.C. § 1325(a) to DOJ, to the extent practicable, including parents or legal guardians traveling with their minor children. The FM children in these cases were generally transferred to ORR as UCs.

On June 20, 2018, former President Trump issued Executive Order (E.O.) 13841, *Affording Congress an Opportunity to Address Family Separation*. The order directed DHS to maintain family unity, including by detaining families together where appropriate and consistent with law and available resources. This executive order effectively resulted in the discontinuation of the Zero Tolerance policy being applied to FMs.

A total of 2,663 children were separated from their parents or legal guardians during the 6 weeks that Zero Tolerance was applied to FMs, an average of 58 separations per day. By comparison, an average of six family separations per day occurred between July 1, 2017 and May 4, 2018; and an average of two family separations per day occurred between June 21, 2018 and the start of the pandemic in March 2020 (see Figure 1).

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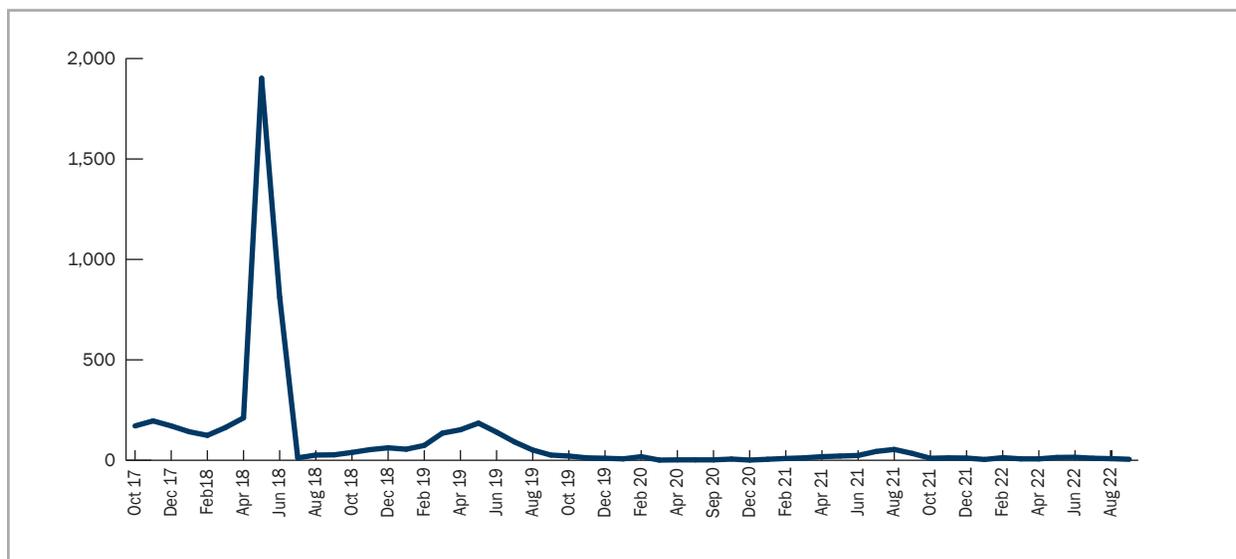
<sup>1</sup> An “unaccompanied child” is defined as a child who has no lawful immigration status; is under the age of 18; and for whom no parent or legal guardian is present in the United States, or no parent or legal guardian in the United States is available to provide care and physical custody. 6 U.S.C. § 279(g)(2).

<sup>2</sup> When assessing the validity of a family relationship, CBP officers and agents rely on articulable observations, such as interactions between the adult and child, to assess whether the claimed family relationship exists. Indicators of a fraudulent relationship may include observed behaviors that are inconsistent with the behavior of an actual family. Additionally, officers and agents check all forms of identification against available data systems and may contact the noncitizen’s consulate to verify documentation. Personnel also conduct interviews to identify adults who fraudulently are claiming to be the parent of a minor child. CBP may also look for evidence that the same child has been encountered on multiple occasions with different adults or claimed family members. On January 13, 2020, the Court in *Ms. L v. U.S. Immigration and Customs Enforcement*, 310 FSupp.3d 1283 (S.D. Cal. June 26, 2018) (*Ms. L*), ordered that Defendants “must conduct DNA testing before separating an adult from a child based on parentage concerns.” Prior to September 2021, CBP generally referred suspected fraudulent families to ICE Homeland Security Investigations (HSI) for Rapid DNA testing prior to any separation. As of September 2021, CBP conducts this Rapid DNA testing.

<sup>3</sup> Fraudulent family claims identified after noncitizens are transferred from CBP to ICE are included in this report even though they technically do not constitute a family separation; see Table 4.

<sup>4</sup> A policy similar to the Zero Tolerance policy was previously implemented as a pilot program in the U.S. Border Patrol (USBP) El Paso Sector between April and December 2017.

**Figure 1.**  
**Family Unit Separations, FYs 2018–2022**



Note: Data depict confirmed separations of FMs encountered at the border occurring between October 1, 2017 and September 30, 2022 (the axis shows every other month during this period). Figure was updated with new data since previous month. Data depicted are current as of November 9, 2022.  
 Source: DHS analysis of ICE and CBP data.

Following the issuance of E.O. 13841, CBP leadership issued guidance to field offices and sectors directing that parents or legal guardians who entered with children generally no longer were to be referred for prosecution for 8 U.S.C. § 1325(a). The following week, on June 26, 2018, the court in *Ms. L* issued a preliminary injunction generally prohibiting DHS from separating a class of noncitizen parents from their children, absent a determination that the parent is unfit or presents a danger to the child and requiring the reunification of certain previously separated parents and children. The class excluded those parents with criminal histories, those with communicable diseases, and those encountered in the interior. Since the issuance of the preliminary injunction in *Ms. L*, separation of FMs by DHS has been consistent with the injunction.

On February 2, 2021, President Biden issued E.O. 14011, *Establishment of Interagency Task Force on the Reunification of Families*, which revoked E.O. 13841. This Task Force is charged with “identifying all children who were separated from their families between January 20, 2017 and January 20, 2021 in connection with the operation of the Zero Tolerance policy” and, “to the greatest extent possible, facilitating and enabling the reunification of each of the identified children with their families.” The Task Force is also charged with making recommendations to ensure that the Federal Government will not repeat the policies and practices that led to the previous widespread separation of families at the border.

Progress has been made in establishing the Task Force and working groups, and in collaboration with the Departments of State, HHS, and DOJ, to explore options associated with the identification and reunification of children who were separated from their parents or legal guardians.

# IV. DATA AND ANALYSIS

This section provides information relating to FMs encountered by CBP’s United States Border Patrol (USBP) or Office of Field Operations (OFO) between October 1, 2021 and September 30, 2022 that resulted in family separations. The detailed tables that follow focus exclusively on FMs encountered between October 1, 2021 and September 30, 2022. Tables 1-4 include data showing new additions to monthly cohorts, and Tables 5–8 include data about events that transpired *after* September 30, 2022 related to these monthly populations.

This report includes data provided to the court in *Ms. L*, as well as other data, including separations of FMs in which the parent is not a member of the certified class in *Ms. L* because of exclusions set forth by the court. Therefore, these separations would not be reflected in the regular reporting to the court in that case. Data provided in these tables are accurate as of the date reported but fluctuate daily as a result of the normal course of operations.

Throughout this report, “family separations” refers to separations of noncitizen parents or legal guardians from their minor noncitizen children following their encounter at the border as a FM. “Encounter date” refers to the date on which a FM was encountered at the border.

Data in this report are limited to cases involving parents or legal guardians and children encountered and separated by DHS between October 1, 2021 and September 30, 2022, with information on detention, removals, and transfers to HHS updated on the basis of ICE records that are current as of November 1, 2022 and CBP records that are current as of November 4, 2022.<sup>5</sup> Totals for each of the tables are not representative of unique counts of individual people. These figures represent the cumulative count of cases involving parents or legal guardians and children separated by DHS. This report provides updates to the previous months’ populations and data, because analysis of FMs and family separations is ongoing, and those data are subject to change as new information becomes available.

## FAMILY SEPARATIONS BY LOCATION AND DATE

Tables 1a-c summarize the number of FMs encountered by USBP and OFO for October 1, 2021 through September 30, 2022 that resulted in family separations, broken down by month and by USBP sector or OFO field office. As Table 1c indicates, a total of 116 FMs were separated. By comparison, a total of 232 FMs were separated during the period of October 1, 2020 through September 30, 2021, marking a 50 percent decrease.<sup>6</sup>

**Table 1a.**

**Family Separations by Location and Date of Encounters – USBP Sectors**

Location	Oct. 2021	Nov. 2021	Dec. 2021	Jan. 2022	Feb. 2022	Mar. 2022	Apr. 2022	May 2022	Jun. 2022	Jul. 2022	Aug. 2022	Sep. 2022	Total
Rio Grande Valley, TX	8	10	11	3	5	4	4	6	5	8	3	1	68
Yuma, AZ	1	0	0	0	5	0	0	1	2	0	0	2	11
Tucson, AZ	0	1	0	0	0	0	1	2	2	1	1	0	8
San Diego, CA	1	0	0	0	1	1	0	1	2	0	0	1	7
Del Rio, TX	0	0	0	0	0	1	0	2	1	1	1	1	7
El Paso, TX	0	1	0	0	0	1	0	0	0	0	1	0	3
El Centro, CA	0	0	0	0	1	0	0	0	1	0	0	0	2
Big Bend, TX	0	0	0	1	0	0	0	0	0	0	0	0	1
Laredo, TX	0	0	0	0	0	0	0	0	0	0	0	0	0
<b>USBP Subtotal</b>	<b>10</b>	<b>12</b>	<b>11</b>	<b>4</b>	<b>12</b>	<b>7</b>	<b>5</b>	<b>12</b>	<b>13</b>	<b>10</b>	<b>6</b>	<b>5</b>	<b>107</b>

Source: CBP.

<sup>5</sup> The Department began tracking family separations in April 2018. The detailed analysis in this report begins with FM encountered between October 1, 2021 and September 30, 2022.

<sup>6</sup> DHS Family Unit Action Report, September 2021.

**Table 1b.****Family Separations by Location and Date of Encounters – OFO Field Offices**

Location	Oct. 2021	Nov. 2021	Dec. 2021	Jan. 2022	Feb. 2022	Mar. 2022	Apr. 2022	May 2022	Jun. 2022	Jul. 2022	Aug. 2022	Sep. 2022	Total
Laredo, TX	0	0	0	0	1	0	2	2	0	0	1	0	6
San Diego, CA	0	0	0	0	0	0	0	0	2	0	1	0	3
Tucson, AZ	0	0	0	0	0	0	0	0	0	0	0	0	0
El Paso, TX	0	0	0	0	0	0	0	0	0	0	0	0	0
<b>OFO Subtotal</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>2</b>	<b>2</b>	<b>2</b>	<b>0</b>	<b>2</b>	<b>0</b>	<b>9</b>

Source: CBP.

**Table 1c.****Family Separations by Location and Date of Encounters – Total for CBP**

Location	Oct. 2021	Nov. 2021	Dec. 2021	Jan. 2022	Feb. 2022	Mar. 2022	Apr. 2022	May 2022	Jun. 2022	Jul. 2022	Aug. 2022	Sep. 2022	Total
<b>CBP Subtotal</b>	<b>10</b>	<b>12</b>	<b>11</b>	<b>4</b>	<b>13</b>	<b>7</b>	<b>7</b>	<b>14</b>	<b>15</b>	<b>10</b>	<b>8</b>	<b>5</b>	<b>116</b>

Notes: Tables 1a-c report on the number of families separated through September 30, 2022. There were 116 family separations affecting 117 parents or legal guardians and 142 children between October 1, 2021 and September 30, 2022. Data are valid as of November 4, 2022.

Source: CBP.

**FAMILY SEPARATIONS BY AGE OF MINOR CHILD AND DATE**

Some of the families who were separated during the period October 1, 2021 to September 30, 2022 included more than one child, as noted above. Table 2 depicts a total of 142 children separated from their parents or legal guardians during this reporting period. Forty-six percent of the children separated in FY 2022 are under age 6. This is less than FY 2021, in which 67 percent of the children separated in FY 2021 were under age 6.

**Table 2.****Family Separations by Age of Minor Child and Date of Encounter**

Age	Oct. 2021	Nov. 2021	Dec. 2021	Jan. 2022	Feb. 2022	Mar. 2022	Apr. 2022	May 2022	Jun. 2022	Jul. 2022	Aug. 2022	Sep. 2022	Total
0–5 years	6	9	8	5	7	4	5	5	3	8	4	1	65
6–12 years	3	3	4	0	7	2	0	6	8	3	3	2	41
13–17 years	4	2	1	0	5	1	3	5	7	4	2	2	36
<b>Total</b>	<b>13</b>	<b>14</b>	<b>13</b>	<b>5</b>	<b>19</b>	<b>7</b>	<b>8</b>	<b>16</b>	<b>18</b>	<b>15</b>	<b>9</b>	<b>5</b>	<b>142</b>

Note: Table 2 reports on the ages of individual children separated from their parents or legal guardians between October 1, 2021 and September 30, 2022. Ages reported are based on children's ages on the date of a CBP encounter. There were 116 family separations which affected 117 parents or legal guardians and 142 children. Data are valid as of November 4, 2022.

Source: CBP.

## NATIONALITY BY MINOR CHILD AND DATE

Table 3 summarizes the nationality by minor child and date for those encountered between October 1, 2021 and September 30, 2022. Each child's nationality is the same as the parent's nationality.

**Table 3.**  
**Nationality of Minor Child and Date**

Nationality	Oct. 2021	Nov. 2021	Dec. 2021	Jan. 2022	Feb. 2022	Mar. 2022	Apr. 2022	May 2022	Jun. 2022	Jul. 2022	Aug. 2022	Sep. 2022	Total
Chile	0	0	0	0	0	0	1	0	0	0	0	0	1
Colombia	1	0	0	0	4	0	0	2	4	0	0	3	14
El Salvador	3	2	3	0	1	2	0	4	1	1	2	1	20
Ghana	0	0	0	0	0	1	0	0	0	0	0	0	1
Guatemala	1	4	2	0	1	0	1	0	2	2	1	0	14
Honduras	3	5	4	3	3	1	2	3	2	3	1	0	30
Mexico	3	3	0	0	2	1	2	5	7	3	4	0	30
Nicaragua	1	0	2	0	0	1	1	0	1	1	0	0	7
Peru	1	0	0	0	1	0	0	0	0	4	0	0	6
Romania	0	0	2	2	5	1	1	2	1	0	0	1	15
Russia	0	0	0	0	0	0	0	0	0	1	0	0	1
Venezuela	0	0	0	0	2	0	0	0	0	0	1	0	3
<b>Total</b>	<b>13</b>	<b>14</b>	<b>13</b>	<b>5</b>	<b>19</b>	<b>7</b>	<b>8</b>	<b>16</b>	<b>18</b>	<b>15</b>	<b>9</b>	<b>5</b>	<b>142</b>

Note: There were 116 family separations which affected 117 parents or legal guardians and 142 children between October 1, 2021 and September 30, 2022. Data are valid as of November 4, 2022.

Source: CBP.

## REASONS FOR FAMILY SEPARATIONS

Table 4 summarizes the number of families encountered by CBP between October 1, 2021 and September 30, 2022 that resulted in family separations, broken down by the reason for separation.<sup>7</sup> As Table 4 indicates, Parent Fitness/Child Safety was the main reason for Family Separation for the period of October 1, 2021 through September 30, 2022.

**Table 4.**  
**Reasons for Family Separations**

Reason for Separation	Oct. 2021	Nov. 2021	Dec. 2021	Jan. 2022	Feb. 2022	Mar. 2022	Apr. 2022	May 2022	Jun. 2022	Jul. 2022	Aug. 2022	Sep. 2022	Total
Adult Spouse Separated to Maintain Family Unity of Minor Spouse and Child	0	0	0	0	0	0	1	0	0	0	1	0	2
Health Issue	3	2	0	0	0	1	1	1	3	4	1	0	16
Warrant of Arrest/ Referred for Prosecution	0	1	1	1	2	1	2	6	2	2	2	2	22
Cartel/Gang Affiliation	1	0	2	0	2	0	0	1	1	2	1	1	11
Criminal History	1	1	4	0	3	2	1	4	6	2	1	1	26
Parent Fitness/Child Safety	5	8	4	3	5	3	2	2	2	0	1	1	36
Unverified Familial Relationship	0	0	0	0	0	0	0	0	0	0	0	0	0
Other	0	0	0	0	1	0	0	0	1	1	1	0	4
<b>Total</b>	<b>10</b>	<b>12</b>	<b>11</b>	<b>4</b>	<b>13</b>	<b>7</b>	<b>7</b>	<b>14</b>	<b>15</b>	<b>11</b>	<b>8</b>	<b>5</b>	<b>117</b>

Notes: Table 4 reports on the number of family separations. There were 116 family separations which affected 117 parents or legal guardians and 142 children between October 1, 2021 and September 30, 2022. Data are valid as of November 4, 2022. See DHS Family Unit Action Report, July 2021 for full explanation of code "Adult Spouse Separated to Maintain Family Unity of Minor Spouse and Child."

Source: CBP.

<sup>7</sup> Table 4 includes data directed by the Joint Explanatory Statement, along with other reasons for family separations during the reporting period.

## BOOK-INS TO ICE DETENTION OF SEPARATED ADULTS BY DETENTION DATE

Table 5 summarizes the numbers of adults involved in family separations occurring between October 1, 2021 and September 30, 2022 and booked into ICE detention facilities. Adults not booked into ICE custody may have been transferred to U.S. Marshals Service custody, turned over to another agency on an extraditable warrant, and/or directly repatriated to Mexico (Southwest Border) or Canada (Northern Border) by CBP.

**Table 5.**  
**Book-Ins to ICE Detention of Separated Adults by Detention Date**

Detention Date	Number of Parents Booked Into Detention
Oct. 2021	5
Nov. 2021	9
Dec. 2021	5
Jan. 2022	7
Feb. 2022	7
Mar. 2022	5
Apr. 2022	3
May 2022	6
Jun. 2022	4
Jul. 2022	5
Aug. 2022	3
Sep. 2022	8
Oct. 2022	1
<b>Total</b>	<b>68</b>

Notes: Table 5 reports on book-ins to ICE detention by book-in date for unique adults in separated families who were encountered between October 1, 2021 and September 30, 2022. Data are valid as of November 1, 2022.

Source: ICE.

## CBP REFERRALS OF SEPARATED CHILDREN TO HHS BY DATE OF REFERRAL

Table 6 summarizes the numbers of children involved in family separations occurring between October 1, 2021 and September 30, 2022 whom CBP referred to HHS. (Referrals to HHS occurred sometime after the family's initial encounter, so referral dates could extend beyond September 30, 2022.)

**Table 6**

**CBP Referrals of Separated Children to HHS by Date of Referral**

Referral Date	Number of Children Referred to HHS
Oct. 2021	13
Nov. 2021	14
Dec. 2021	13
Jan. 2022	5
Feb. 2022	18
Mar. 2022	6
Apr. 2022	10
May 2022	15
Jun. 2022	16
Jul. 2022	16
Aug. 2022	11
Sep. 2002	4
Oct. 2022	1
<b>Total</b>	<b>142</b>

Notes: Table 6 reports referrals to HHS by referral date for children who were encountered and separated from their parents or legal guardians between October 1, 2021 and September 30, 2022. UCs (including those who enter as FMs and are separated from their parents) are referred to the care and custody of HHS ORR. Although ORR has responsibility for the care of the UCs placed in its facilities, ICE Enforcement and Removal Operations manages their immigration cases. Data may not match referrals reported by HHS because this table is limited to information on children encountered during the reporting period and because the DHS and HHS reports were produced on different schedules. Data are valid as of November 4, 2022.

Source: CBP.

## REPATRIATIONS OF SEPARATED ADULTS BY FINAL BOOK-OUT DATE

Table 7 reports on the number of adults in families who were separated between October 1, 2021 and September 30, 2022 and who had been repatriated as of November 1, 2022.<sup>8</sup> Repatriations occurred sometime after the family's initial encounter, so it is possible several dates in Table 7 could extend beyond September 30, 2022. Noncitizen-parents not repatriated by ICE may remain in ICE or U.S. Marshals Service custody or, in some cases, may have been released by CBP or ICE for humanitarian or other reasons.

**Table 7:**  
**Repatriations of Separated Adults by Final Book-Out Date**

Final Book-Out Date	Number of Parents Repatriated
Oct. 2021	1
Nov. 2021	3
Dec. 2021	3
Jan. 2022	2
Feb. 2022	2
Mar. 2022	3
Apr. 2022	5
May 2022	4
Jun. 2022	3
Jul. 2022	2
Aug. 2022	1
Sep. 2022	7
Oct. 2022	4
<b>Total</b>	<b>40</b>

Notes: Table 7 reports repatriations by final book-out date for adults who were separated from their children. Data are valid as of November 1, 2022.

Source: ICE.

<sup>8</sup> Data in Table 7 are based on book-out dates for noncitizens booked out of detention to complete a repatriation; actual repatriations typically occur within 3 days of final book-out.

## REPATRIATION AND REUNIFICATION BY CHILD RELEASE DATE

Table 8 reports on the number of children who were repatriated and the number of repatriated children reunited with their parents. Based on data available as of November 1, 2022, for the period October 1, 2021 through September 30, 2022, seven children were repatriated and five children were reunited with their parents or legal guardians at the time of removal.

**Table 8:**  
**Repatriation and Reunification by Child Release Date**

ICE Integrated Decision Support System Release Date	Number of Children Repatriated	Number of Repatriated Children Reunited
Oct. 2021	0	0
Nov. 2021	0	0
Dec. 2021	0	0
Jan. 2022	0	0
Feb. 2022	1	1
Mar. 2022	1	1
Apr. 2022	2	2
May 2022	0	0
Jun. 2022	0	0
Jul. 2022	0	0
Aug. 2022	0	0
Sep. 2022	1	1
Oct. 2022	2	0
<b>Total</b>	<b>7</b>	<b>5</b>

Note: Data are valid as of November 1, 2022.  
Source: ICE.

# V. Family Reunification Plan<sup>9</sup>

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E.O. 14011 established the Family Reunification Task Force to identify separated children, facilitate reunification with their families, and provide recommendations with respect to associated services and legal requirements necessary to achieve these goals. The Task Force leverages the authorities and functions of the Secretaries of Homeland Security, State, Health and Human Services, the Attorney General and other key government officials to complete the President's priorities as stated in E.O. 14011.

Identifying separated children and their parents who may fall within the Task Force's mandate has required the Task Force to collect and reconcile overlapping data sets from multiple federal departments and the non-governmental organizations working with these families. The initial identifications of separated parents and children occurred through litigation prior to the establishment of the Task Force. Under the preliminary injunction in *Ms. L*, the U.S. Government was ordered to identify separated class member parents and their children. The Task Force also needed to reconcile conflicting terminology between HHS child data and DHS encounter data. This has created challenges, but the reconciliation of these data sets to effectively identify and assess the parent-child relationships and separation information is critical. While most of the separated children and parents have already been identified, certain populations remain unknown, and their identification has been a major focus of the Task Force during its start-up period.

The Task Force continues to review government records to identify any additional parents of children who may have been separated and fall within the Task Force's scope. To respect the privacy and safety of separated parents, the Task Force is not directly contacting parents or children who were separated. The *Ms. L* Steering Committee, charged with this responsibility by the court in *Ms. L*, continues to play this role. The Task Force is working with the *Ms. L* Steering Committee to provide information and support when requested or needed. As of September 14, 2022, of the known separated parents, 719 children's parents have been contacted but not reunified.<sup>10</sup> An additional 167 children's parents remain uncontacted and their reunification status is unknown. The Task Force, through plaintiffs' counsel, currently is focusing its reunification efforts on these two populations. The Task Force is also looking into ways to locate parents who have yet to be contacted to facilitate reunification or confirm that reunification has already taken place and to offer support services.

The Task Force is leveraging DHS's parole authority under Immigration and Nationality Act § 212(d)(5)(A) to temporarily allow certain separated parents and legal guardians to enter the United States to facilitate reunification with their children and to receive behavioral health and trauma recovery services. Parole allows noncitizens who may be inadmissible to temporarily enter the United States for a specific purpose. Separated parents or legal guardians may request parole into the United States with U.S. Citizenship and Immigration Services (USCIS). As statutorily required, USCIS will make discretionary, case-by-case determinations on whether parole is appropriate. DHS will also exercise its discretion to consider members of the separated parent's, legal guardian's, or child's household for parole for purposes of reunification in the United States, if there is a compelling humanitarian reason for such parole.

As of September 14, 2022, a total of 3,133 parole requests have been filed by separated children, parents, and additional family members with USCIS and 487 separated children have been reunified with parents in the United States as part of the Task Force-led reunification effort. There were 2,279 reunifications prior to Task Force Establishment, for a total of 2,766 total reunifications.

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<sup>9</sup> See Family Reunification Task Force: Interim Progress Report, September 30, 2022, [https://www.dhs.gov/sites/default/files/2022-10/22\\_1026\\_sec\\_frtf-interim-progress-report-september-2022-cleared.pdf](https://www.dhs.gov/sites/default/files/2022-10/22_1026_sec_frtf-interim-progress-report-september-2022-cleared.pdf) for a more complete discussion of the Biden Administration's family reunification efforts.

<sup>10</sup> The initial, related information was first provided to the Task Force by the American Civil Liberties Union (ACLU) and the *Ms. L* Steering Committee on March 5, 2021.

The Task Force is also exploring a variety of options to provide additional services and support to reunited families. Presently, pursuant to the *Ms. J.P. v. Sessions*, 2019 WL 6723686 (C.D. Cal. Nov. 5, 2019) (*Ms. J.P.*) litigation, HHS provides class member parents currently living in the United States and other class member parents who were previously separated access to behavioral health screenings and appropriate treatment for behavioral health conditions caused by the Zero-Tolerance Policy and related policies or initiatives. The Task Force coordinated with HHS to continue and extend the provision of additional services and support to the children of these class members and their families, including behavioral health and case management services. HHS is leveraging a contract for behavioral health services that was obtained as part of the *Ms. J.P.* litigation.

# APPENDIX: ABBREVIATIONS

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Abbreviation	Definition
CBP	U.S. Customs and Border Protection
DHS	U.S. Department of Homeland Security
DOJ	U.S. Department of Justice
E.O.	Executive Order
FM	Family Unit
FY	Fiscal Year
HHS	U.S. Department of Health and Human Services
ICE	U.S. Immigration and Customs Enforcement
JFRMU	Juvenile and Family Residential Management Unit
<i>Ms. J.P.</i>	<i>Ms. J.P. v. Sessions</i>
<i>Ms. L</i>	<i>Ms. L v. ICE</i>
OFO	Office of Field Operations
ORR	Office of Refugee Resettlement
TEDS	Transport, Escort, Detention, and Search
UC	Unaccompanied Child
USBP	U.S. Border Patrol
USCIS	U.S. Citizenship and Immigration Services



