LOCAL ARRANGEMENT FOR REPATRIATION OF MEXICAN NATIONALS

The Consulate General of Mexico in Houston, Texas and the Houston Immigration and Customs Enforcement, Field Offices (Office of Investigations and Office of Detention and Removal) and the Houston, Field Office for Customs and Border Protection, of the Department of Homeland Security (DHS) of the United States of America (the United States), all together hereinafter referred to as "the Participants":

RECOGNIZING the obligations of Mexico and the United States of America set forth in the Vienna Convention on Consular Relations of April 24, 1963, of which both are Contracting Parties, and in the Consular Convention between the United Mexican States and the United States of America of August 12, 1942;

BEARING IN MIND the provisions of the Memorandum of Understanding on Consular Protection of Mexican and United States Nationals, of May 7, 1996; and the Memorandum of Understanding on Consultation Mechanisms of the Immigration and Naturalization Service Functions and Consular Protection, of June 11, 1998;

RECOGNIZING the need to regulate the flow of persons, particularly on the common border, as was reflected in the Memorandum of Understanding between the Department of Homeland Security of the United States of America and the Secretariat of Governance and the Secretariat of Foreign Affairs of the United Mexican States, on the Safe, Orderly, Dignified and Humane Repatriation of Mexican Nationals, signed on February 20, 2004 (hereinafter the MOU);

CONSIDERING that the Governments of the United States of America and the United States of Mexico have approached the topic of migration at the highest level, and that the Joint Declaration "Towards a Partnership for Prosperity: The Guanajuato Proposal" addresses this issue as a matter of cooperation and shared responsibility.
CONSIDERING that in 1997 the Working Group on Migration and Consular Affairs of the Mexico-U.S. Binational Commission was established as a means of developing improved procedures for repatriating Mexican nationals in a safe, dignified and orderly way with respect to their human rights, and that this Working Group has strengthened the mutual collaboration in the subsequent sessions on those matters;


Have established the following Local Arrangement:

CRITERIA AND PROCEDURES

SECTION 1

The purpose of this Arrangement is to establish local procedures for the orderly and safe repatriation of Mexican nationals from the United States to Mexico, consistent with the criteria and principles referred to in Article 3 of the February 20, 2004 Memorandum of Understanding on the Safe, Orderly, Dignified and Humane Repatriation of Mexican Nationals (the MOU).

SECTION 2

Consistent with the MOU, repatriations from the interior, ports of entry and at the border of the United States and Mexico should be conducted in a manner that will be consistent with the respect of the human rights and dignity of Mexican nationals found in the United States in violation of U.S. immigration law.
CONSIDERANDO que en 1997, el Grupo de Trabajo sobre Migración y Asuntos Consulares de la Comisión Binacional México-EUA, fue establecido como un medio para mejorar el desarrollo de procedimientos para la repatriación de nacionales mexicanos de manera segura, digna y ordenada respetando sus derechos humanos, y que este Grupo de Trabajo ha fortalecido la colaboración mutua en las sesiones subsecuentes que se han realizado en esta materia;

DESEANDO establecer acuerdos locales para la repatriación segura y ordenada de nacionales mexicanos, tal y como se menciona en el Plan de Acción para la Cooperación sobre Seguridad Fronteriza, del 21 de junio de 2001; el Plan de Acción de la Alianza para la Frontera México-EUA, del 22 de marzo de 2002 y el Plan de Acción para la Cooperación sobre Seguridad Fronteriza, del 20 de febrero de 2004.

Han establecido el siguiente Arreglo Local:

CRITERIOS Y PROCEDIMIENTOS

SECCION 1

El propósito de este Arreglo es establecer los procedimientos locales para la repatriación ordenada y segura de nacionales mexicanos desde los Estados Unidos a México, de conformidad con los criterios y principios establecidos en el Artículo 3 del Memorándum de Entendimiento para la Repatriación Segura, Ordenada, Digna y Humana de Nacionales Mexicanos, del 20 de febrero de 2004 (Memorándum de Entendimiento).

SECCION 2

De conformidad con el Memorándum de Entendimiento, las repatriaciones desde el interior, puertos de entrada y en la frontera de Estados Unidos y México, deberían conducirse en forma consistente con respeto de los derechos humanos y la dignidad de los nacionales mexicanos que se encuentren en los Estados Unidos, en violación a las leyes migratorias estadounidenses.
SECTION 3

Under this Arrangement:

The Consulate General of Mexico in Houston, Texas, should take appropriate actions with respect to Mexican nationals found in, detained in or repatriated from the counties of. See Attachment A.

The following DHS authorities should take appropriate actions with respect to Mexicans found in, detained in or repatriated from the counties listed above:

a) Customs and Border Protection (CBP): Houston Office of Field Operations;

b) Immigration and Customs Enforcement (ICE): Houston Detention and Removal Operations (DRO); Houston Office of Investigations

When the repatriation of a Mexican national involves areas covered by this Arrangement and one or more additional local arrangements (e.g., the individual is detained by DHS in a county covered by this arrangement and is to be repatriated at a point of repatriation covered by another local arrangement) this Arrangement will apply to the actions that take place within the area covered by this Arrangement, and the other local arrangement(s) will apply to the actions that take place within the area(s) covered by the other local arrangement(s).

CONSULAR NOTIFICATION AND ACCESS

SECTION 4

The DHS Participants should advise every detained Mexican national (who is not also a U.S. national) that he/she may communicate with a consular official. When a detained Mexican national requests consular access, the DHS Participants should notify the Mexican Consulate, facilitate access and provide Mexican consular officials, to the extent practicable, the opportunity to conduct interviews in private. The DHS Participants should make available to the Mexican Participants copies of
applicable regulations and the DHS Detention Standards applicable to all persons
detained for a period longer than 72 hours. Consular notification should be made by
phone at 713-271-6800 and by fax at 713-271-3201.

SECTION 5

The Participants have listed in Attachment 1 the names and titles of, and contact
information for, their officials who are responsible for the delivery to, or reception of
Mexican nationals, in Mexico, or for the coordination of repatriation activities.

SECTION 6

The DHS Participants should provide to the appropriate points of contact designated
by the Mexican participants in Attachment 1 the names and appropriate information
of Mexican nationals being directly repatriated at the ports of entry or from the
borders of the United States for whom notifications have not previously been made
but who are suspected of committing, or known to have committed criminal violations,
in the United States or Mexico, as well as those identified as being of special interest
to the Government of Mexico. Such notification should be provided in a timely
manner prior to any repatriation.

Local procedures should be developed as necessary to ensure that repatriation is
accomplished in a coordinated manner through a mechanism developed by the
appropriate officials of both countries when an individual who is suspected of
committing, or known to have committed, criminal violations has been identified as
being of special interest to the Government of Mexico in response to a previous
notification.

SECTION 7

The Participants should set forth the conditions for routine notification of
repatriations of Mexican nationals from the interior, ports of entry, and at the border
of the United States and Mexico. Notification of routine repatriations should be done
in a manner consistent with logistical and operational needs.
The DHS Participants should whenever possible, consistent with logistical and operational needs, deliver to the appropriate Mexican Participants at established points of repatriation and at the time of repatriation, a list of Mexican nationals to be repatriated, which includes at least name, sex, date and place of birth.

The Mexican Participants should provide appropriate officials at the established points of repatriation to receive the requested information.

SECTION 8

The Participants have established the points of repatriation, and their hours of scheduled operation and staffing, in Attachment 2. The Participants should update the Attachment whenever the points of repatriation or their hours of scheduled operation and staffing change. The Mexican Participants should make every effort to ensure that agreed-upon points of repatriation are fully staffed with appropriate local, state and/or federal entities responsible for the health, welfare and safety of Mexican nationals.

SECTION 9

The Participants have listed in Attachment 3 the points of contact to receive and/or convey information about incidents involving reported misconduct, mistreatment or violations of human rights.

In regard to the solution of differences in the application or interpretation of this Arrangement, the procedures established in articles 8 and 1 b) of the MOU remain applicable.
SECTION 10

The unity of families should be preserved during repatriation, within administrative parameters. For purposes of this Arrangement, the Participants define "family" as including spouses (including common law spouses), children, siblings (brothers and sisters), parents, grandparents, aunts and uncles. When doubts about kinship between juveniles and adults exist, DHS participants should coordinate with the Consulate of Mexico in order to safe-guard the well-being of the juveniles.

SECTION 11

The Participants should repatriate persons with special needs during daylight hours to ensure their safety. For purposes of this Arrangement, "persons with special needs" may include, but are not limited to, unaccompanied minors, the elderly, pregnant women, and individuals who are mentally or medically incapacitated. The Mexican participants should make every effort to have the appropriate representatives receive such persons upon repatriation from the United States. Repatriation of such persons should generally be arranged in a timely manner.

SECTION 12

If additional preparation is required to receive an unaccompanied minor or an individual with medical, mental or other special needs, the DHS Participants should provide the information specified in Attachment 4 to the Mexican Participants.
ARRANGEMENT'S EVALUATION

SECTION 13

Based on the framework of Article 5 of the MOU, when specific circumstances so require and if deemed feasible, the Repatriation Technical Working Group will explore bilateral mechanisms for repatriation of Mexican nationals to their places of origin, conforming to the agreed principles.

The Participants may also propose special programs for consideration by the Repatriation Technical Working Group.

The Participants should develop local procedures to implement approved special programs.

SECTION 14

The Participants should meet no less than two times per year to review the arrangement and discuss repatriation issues. The Participants should refer to the Repatriation Technical Working Group: (a) unresolved issues; (b) best practices; (c) new or emerging repatriation issues, and (d) proposed changes in, or proposed termination of, the local repatriation arrangement.

The local repatriation procedures should be reviewed and updated in consultation with the Repatriation Technical Working Group at least on an annual basis.
Signed in Houston, Texas on this the sixteenth day of January Two Thousand and Nine, in two originals in the Spanish and English languages, being both texts equally valid.

FOR THE CONSULATE GENERAL OF MEXICO IN HOUSTON

Carlos González Magallon
CONSUL GENERAL

FOR THE DEPARTMENT OF HOMELAND SECURITY OF THE UNITED STATES OF AMERICA

Kenneth L. Landgrebe
Field Office Director
ICE DRO, Houston

Robert P. Rutt
Special Agent in Charge
ICE OI, Houston

Jeffrey O. Baldwin, Sr.
Director of Field Operations
CBP, Houston

Ronald D. Vitiello
Chief Patrol Agent
CBP, Rio Grande
## Texas

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Attachment 1

DHS Participants, Houston, Texas

Office of Investigations
Robert P. Rutt
Special Agent in Charge
Deputy Special Agent in Charge
Kenneth L. Landgrebe
Field Office Director
Deputy Field Office Director

Office of Detention and Removal

Customs and Border Protection

Office of Customs and Border Protection
Jeffrey O. Baldwin, Sr.
Director of Field Operations
Assistant Director

Border Patrol, Rio Grande Valley Sector
Ronald D. Vitiello
Chief Patrol Agent
Deputy Chief Patrol Agent

Houston Air and Marine Branch
David H. Lent
Director

Consulate General of México, Houston, Texas
Carlos González Magallon
Cónsul General
Cónsul Carlos García
Cónsul in Charge of the
Department of Protection
Miguel Miralrio
Assistant in Charge of
Immigration Affairs
Fax

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Attachment 2

The participants have agreed to coordinate repatriations in a safe, humane, and orderly manner. It is agreed that repatriation will continue to utilize buses, the Flight Operations Unit (FOU), and the Justice Prisoner Alien Transport System (JPATS) as well as commercial airlines.

Under most circumstances, JPATS flight processing will continue to be initiated at Livingston, Texas Detention Facility or Houston, Texas Processing Center with flights departing from Houston Intercontinental Airport. If ICE expands to additional facilities, processing may be initiated from additional, new locations.
Attachment 3

The Participants agree to report any incidents or allegations involving employees, in writing, as soon as possible, after the incident or allegation occurs. The relevant points of contact for matters of concern are listed below. In case of an emergency, reports may be made telephonically and followed by a written report.

DHS Participants, Houston, Texas

Office of Investigations
Robert P. Rutt
Special Agent in Charge
4141 N. Sam Houston Pkwy.
Houston, TX 77032

Office of Detention and Removal
Office of Detention and Removal
Field Office Director, Kenneth L. Landgrebe
126 Northpoint Dr
Houston, Texas 77060

Customs and Border Protection
Office of Customs and Border Protection
Director Field Operations, Jeffrey O. Baldwin, Sr.
2323 S. Shepherd Dr., Suite
Houston, Texas 77019

Border Patrol, Rio Grande Valley Sector
Chief Patrol Agent, Ronald D Vitiello
4400 S. Expressway 281
Edinburg, Texas 78539

Houston Air and Marine Branch
David H. Lent, Director

Consulate General of México, Houston, Texas
Consulate General of México
Cónsul General Carlos González Magallon
4506 Caroline St.
Houston, Texas 77004

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Attachment 4

For all cases requiring additional preparation to receive an unaccompanied minor or an individual with medical, mental or other special needs, the DHS participants should coordinate directly with the Mexican Consulate to make the necessary arrangements prior to the removal.

It is also agreed that unaccompanied minors 17 years of age with a criminal record may be repatriated via the Justice Prisoner Alien Transport System (JPATS).