



Homeland  
Security



Embassy of Mexico  
Consular Section

## LOCAL ARRANGEMENT FOR REPATRIATION OF MEXICAN NATIONALS

The Consulate General of Mexico in Washington DC, and the Immigration and Customs Enforcement, Field Offices (Office of Investigations and Office of Detention and Removal) and the Washington Field Office for Customs and Border Protection, of the Department of Homeland Security (DHS) of the United States of America (the United States), are 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;

**DESIRING** to establish a local arrangement on the safe and orderly repatriation of Mexican nationals, as mentioned in the Plan of Action for Cooperation on Border Safety, of June 21, 2001; the U.S.-Mexico Border Partnership Action Plan, of March 22, 2002, and the U.S.-Mexico Action Plan for Cooperation on Border Safety, of February 20, 2004.

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.

### **SECTION 3**

Under this Arrangement:

**The Consular Section of the Embassy of Mexico in Washington, D. C.,** should take appropriate actions with respect to Mexican nationals found in, detained in or repatriated from the consular jurisdiction listed in 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): Washington Office of Field Operations
- b) Immigration and Customs Enforcement (ICE): Washington Office of Detention and Removal Operations; 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 state 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 **fax at (202)234-4498.**

## **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.

## **INTERIOR AND BORDER COORDINATION**

### **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, and grandparents.

### **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 Washington DC on this Thirtieth day of January of Two Thousand and nine,  
in two originals in the Spanish and English languages.



**FOR THE CONSULAR SECTION OF  
THE EMBASSY OF MEXICO IN  
WASHINGTON, D. C.**

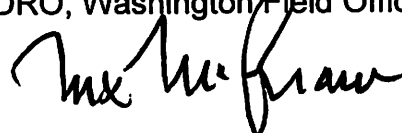


**ENRIQUE ERNESTO ESCORZA  
ZAMUDIO, HEAD OF THE CONSULAR  
SECTION**

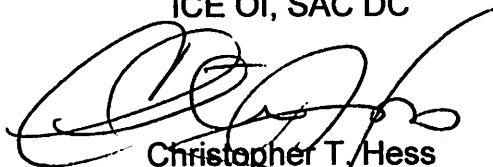
**FOR THE DEPARTMENT OF  
HOMELAND SECURITY OF THE  
UNITED STATES OF AMERICA**



**Calvin McCormick  
(a) Field Office Director  
ICE DRO, Washington Field Office**



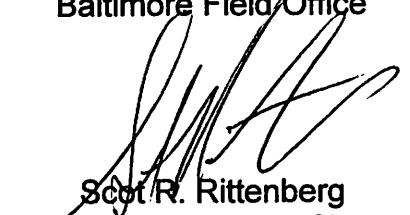
**Mark X. McGraw  
(a) Special Agent in Charge  
ICE OI, SAC DC**



**Christopher T. Hess  
Port Director  
CBP, Washington DC**



**Marion L. Dillis  
(a) Field Office Director, ICE DRO  
Baltimore Field Office**



**Scott R. Rittenberg  
(a) Special Agent in Charge  
ICE OI, SAC Baltimore**



**Michael J. Lovejoy  
Director of Field Operations  
CBP, Baltimore**

**Attachment A**

**CONSULAR JURISDICTION OF THE CONSULAR SECTION OF THE EMBASSY  
OF MEXICO IN WASHINGTON, D.C.**

District of Columbia

Virginia

Maryland

**Attachment 1**

**DHS Participants**

**ICE Detention and Removal:**

Calvin McCormick, (a) Field Office Director Washington Field Office at  
[REDACTED] or 703 285 [REDACTED]

Marion L. Dills, (a) Field Office Director Baltimore Field Office at  
[REDACTED] or 410 637 [REDACTED]

**ICE Office of Investigations:**

Mark X McGraw, (a) Special Agent In Charge District of Columbia at  
[REDACTED] or 703 285 [REDACTED]

Scot R. Rittenberg, (a) Special Agent In Charge Baltimore at  
[REDACTED] or 410 962 [REDACTED]

**Customs and Border Protection:**

Christopher T. Hess, Port Director Washington DC at  
[REDACTED] or 703 318 [REDACTED]

Michael J. Lovejoy, Director of Field Operations Baltimore at  
[REDACTED] or 410 962 [REDACTED]

**Consular Section of the Embassy of Mexico, Washington, D.C.**

**Coordination of Repatriation Activities:**

**Marinés Cervantes Mayagoitia, Head of the Protection Department at [mcervantes@sre.gob.mx](mailto:mcervantes@sre.gob.mx) or 202 997 [REDACTED], and 202 736 [REDACTED]**

**Javier Gomez Montejo, Protection Department at [jgomez@sre.gob.mx](mailto:jgomez@sre.gob.mx) or 202 736 [REDACTED]**

**Attachment 2**

The participants have agreed to closely coordinate repatriations in a safe, humane, and orderly manner. In the interest of all participants, it is agreed that the primary vehicle for effecting repatriation will continue to be the utilization of the Justice Prisoner Alien Transport System (JPATS).

Under most circumstances, JPATS flights will continue to be staged at the Fairfax Office (FFX)) and depart for Harrisonburg International Airport every Friday morning. Any changes to the JPATS schedule will be communicated to the **Consular Section of the Embassy of Mexico via email to Marinés Cervantes, [mcervantes@sre.gob.mx](mailto:mcervantes@sre.gob.mx) and copy to Javier Gomez, [jgomez@sre.gob.mx](mailto:jgomez@sre.gob.mx)**

In an effort to reduce the amount of time that Mexican Nationals spend in ICE custody, those Nationals who do not require escorts will be scheduled for removal flights on commercial air on a weekly basis. The Washington Field Office will schedule removal flights for Mexican Nationals on commercial air each Friday.

The Form I-216 (manifest) and the standard travel document request packet will be provided to the Mexican Consulate no later than Monday, the week of the flight by close of business in an email to Marinés Cervantes, [mcervantes@sre.gob.mx](mailto:mcervantes@sre.gob.mx), copy to Javier Gomez, [jgomez@sre.gob.mx](mailto:jgomez@sre.gob.mx).

**The Consular Section agrees to conduct interviews of the Mexican Nationals annotated on the Form I-216 that was provided on Monday via**

video teleconferencing equipment on Wednesday at a regularly scheduled time. The **Consular Section** agrees to provide travel documentation for the approved Nationals no later than Thursday afternoon at 2:00pm.

ICE agrees to pick up the documents at the **Consular Section** located at 2827 16<sup>th</sup> Street NW, Washington DC 20009 on Thursday afternoon, **no later than 4:00 p.m.**

There will be a maximum of ten (10) Mexican citizens scheduled on any commercial flight. ICE and the Mexican Consulate Office agree that the frequency of the flights may increase in instances where there is a need to do so.

### **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 **(SEE NOTE)**. In case of an emergency, reports may be made telephonically and followed by a written report.

### **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 aged 17 years with criminal record will be repatriated via the Justice Prisoner Alien Transport System (JPATS).

The Consular Section will be informed immediately regarding the detention and placement of minors within the geographic jurisdiction of this agreement. Additional notification will be made immediately upon travel arrangements being scheduled.

**NOTE:**

**Relevant points of contact:**

**Enrique Escorza Zamudio, Head of the Consular Section,  
eescorza@sre.gob.mx or 202 736 [REDACTED]**

**Marinés Cervantes Mayagoitia, Head of the Protection Department  
at mcervantes@sre.gob.mx or 202 997 [REDACTED] and 202 736 [REDACTED]**

**Javier Gomez Montejo, Protection Department at  
jgomez@sre.gob.mx or 202 736 [REDACTED]**