



**U.S. Customs and
Border Protection**

Commissioner

FEB 28 2020

The Honorable Veronica Escobar
U.S. House of Representatives
Washington, DC 20515

Dear Representative Escobar:

Thank you for your November 22, 2019 letter regarding implementation by U.S. Customs and Border Protection (CBP) of the Prompt Asylum Claim Review (PACR) and Humanitarian Asylum Review Process (HARP) programs. The co-signers of your letter will receive a separate, identical response.

The mission of CBP is to safeguard America's borders and thereby protect the public from dangerous people and materials while enhancing the Nation's global economic completeness by enabling legitimate trade and travel. CBP remains committed to using all available tools to address the unprecedented security and humanitarian crisis at the southern border of the United States.

Due to ongoing litigation, CBP is unable to answer the specific questions you raised in your letter; however, I am happy to provide a general overview of these two programs. Both PACR and HARP are intended to complete the credible fear process in a streamlined manner, thereby reducing an alien's overall time in custody. PACR applies to non-Mexican aliens from Northern Triangle countries, single adults and family units, who enter or attempt to enter the United States across the southern land border after failing to apply for protection in at least one of the third countries through which they transited en route to the United States. The HARP program applies to Mexican national family units with one or two heads of household. Please note that Unaccompanied Alien Children are not amenable to either PACR or HARP.

CBP provides all aliens placed in the PACR and HARP programs with Form M-444, the Information about Credible Fear Interview Form, and advises them of the credible fear process and their rights in the process. In addition, aliens are also provided a list of free or low-cost legal services to which they can contact for legal assistance. The aliens are then afforded 24 hours with access to a private setting to consult via telephone with a person(s) of their choosing, including legal counsel, prior to the credible fear interview with U.S. Citizenship and Immigration Services (USCIS).

During the credible fear interview with USCIS, which may occur by telephone, on a private phone line in a private setting, the asylum officer asks each alien if he or she received and understood his or her rights. If an alien states he or she did not understand, an interpreter will re-read the information provided on the M-444 notice to the alien in their primary language over the phone; and the interpreter will answer any questions until the alien affirmatively understands his or her rights. If the applicant is represented by an attorney and wishes to have that attorney on

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the line during their interview, the asylum officer will coordinate efforts to have the attorney on the phone and review and/or sign any documents, as needed.

If the alien receives a positive credible fear determination, he or she will be transferred to U.S. Immigration and Customs Enforcement (ICE) for further immigration proceedings. If the alien receives a negative credible fear determination, he or she may request review by an Immigration Judge. If the Immigration Judge affirms the negative determination, the alien is transferred to ICE custody for the effectuation of the removal order. If the Immigration Judge vacates the negative determination, the alien is transferred to ICE for further immigration proceedings.

Should you need additional assistance, please do not hesitate to contact me or have a member of your staff contact Stephanie A. Talton, Acting Assistant Commissioner for the Office of Congressional Affairs, at 202-344-1760.

Sincerely,

A handwritten signature in cursive script, appearing to read "Mark A. Morgan".

Mark A. Morgan
Acting Commissioner