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

MAY 19 2022

MEMORANDUM FOR: All Chief Patrol Agents
All Directorate Chiefs

FROM: Raul L. Ortiz
Chief
U.S. Border Patrol

A handwritten signature in black ink, appearing to read "R. Ortiz", written over the printed name and title.

SUBJECT: Noncitizen Releases from U.S. Border Patrol Custody

For most of Fiscal Year 2022, U.S. Border Patrol (USBP) has been encountering historic numbers of noncitizens, resulting in USBP facilities being at, near, or over capacity. USBP is issuing guidance to address the current migrant surge and is preparing for the anticipated increase in encounters of undocumented noncitizens following the anticipated lifting of the Centers for Disease Control and Prevention's Title 42 public health order. This guidance is for situations where U.S. Immigration and Customs Enforcement (ICE)/Enforcement and Removal Operations (ERO) are unable to accept custody of noncitizens due to lack of bed space, such that noncitizens must be released directly from USBP custody to avoid overcrowding and excessive time in custody.

To the extent possible, releases of processed noncitizens should be conducted in the vicinity of Non-Governmental Organizations (NGOs) which are able to provide further services. USBP sectors will utilize Liaison Officers (LNOs) to identify in advance the specific locations which are most appropriate for the releases, paying particular attention to the availability of services and transportation options. LNOs will work with local stakeholders (i.e., local governments, cities, local law enforcement) to identify capacity and capabilities for accepting releases, safe locations, and times at which releases may be most appropriate. If safe locations are not available, or the location is unavailable due to operational, environmental, or other reasons, LNOs will engage with nearby cities and local governments to identify alternate safe locations for release.

Prior to commencing releases of noncitizens, sectors must first coordinate with local ICE/ERO partners and, whenever feasible, also should coordinate in advance with NGO shelters and local stakeholders. LNOs should have constant communication with NGOs and local stakeholders during this process to ensure appropriate situational awareness is communicated. Sectors should ensure that releases from custody are done in a safe, humane, and orderly manner. For instance, sectors should not release individuals late at night, in an unpopulated area, or in circumstances in which the individual would face a known safety risk.