

# EXHIBIT H

## (part 1)

Office of Primary Responsibility Removal

Document number: ERO 115000

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Date signed: September 1, 2015



U.S. Immigration  
and Customs  
Enforcement

# Enforcement and Removal Operations

## ICE Air Operations Handbook

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## Foreword

This handbook establishes and outlines the standard operating procedures of the Immigration and Customs Enforcement (ICE), Enforcement and Removal Operations (ERO), Assistant Director for Removal, ICE Air Operations (IAO) Division for the pre-boarding, embarking and disembarking of detainees/deportees on all charter and commercial aircraft, and the protocol for all required documentation. These procedures include the proper formatting and submission of the Record of Person and Property Transferred (I-216) and associated required documentation, such as, but not limited to: medical summary, Warrant of Removal (I-205), Warning to Alien Ordered Removed or Deported (I-294), Notice to Alien Ordered Removed/Departure Verification (I-296), Record of Deportable Alien (I-213), travel document, and photo for transfers and/or removal.

This handbook will assist in ensuring uniformity of all 24 ERO Field Offices' personnel in the preparation of property and detainees/deportees when being transported via IAO charter aircraft. This handbook establishes guidance for both internal transfer (IT) domestic missions and/or repatriation flights.

IAO's Air Charter Operations operates charter aircraft to countries throughout the world, and domestically throughout the United States. IAO *must* ensure compliance with all Federal Aviation Administration (FAA) laws, rules, regulations, policies and guidelines for the safe operation of all charter aircraft. Additionally, IAO *must* ensure fiscal responsibility and compliance with the Federal Acquisition Regulation (FAR) laws, rules, regulations, policies and guidelines in the expenditure(s) of appropriations allocated for ICE Air Operations services.

Also within IAO, Commercial Air Operations coordinates and supports escorted and unescorted commercial removals via commercial air.

I am confident that this Handbook will assist ERO personnel in the preparation for ICE Air missions, and will ensure uniformity of the operating procedures/protocols aboard all IAO aircraft, and when traveling on official business via commercial air.



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## **INTRODUCTION**

### **Background**

ERO's mission is to identify, arrest, and remove aliens who present a danger to national security or are a risk to public safety, as well as those who enter the United States illegally or otherwise undermine the integrity of our immigration laws and our border control efforts. ERO upholds America's immigration laws at, within and beyond our borders through efficient enforcement and removal operations.

The primary goal of IAO, which falls within ERO's Removal Division, is to provide aviation support, both domestically and internationally, to the 24 ERO field offices strategically located throughout the United States. IAO is comprised of two units: the Air Charter Operations Unit (ACO) and the Commercial Air Operations Unit (CAO). ACO's objective is to transport detainees who have been ordered removed from the United States to their countries of origin and/or to transfer detainees domestically throughout the United States to various ICE-managed detention facilities via charter aircraft. CAO coordinates and supports escorted and unescorted removals via commercial air.

## **AIR CHARTER OPERATIONS**

ICE-leased aircraft are managed by the Department of Homeland Security (DHS) ICE ERO IAO in Mesa, Arizona. The Arizona Removal Operations Coordination Center (AROCC) is located at the Phoenix-Mesa Gateway Airport and accommodates the staging of up to 157 detainees. IAO ACO manages various aircraft-related activities that include, but are not limited to, providing for the safe and secure transport of persons and property. ICE detainees transferred or removed on IAO charter aircraft remain in ERO custody and adhere to ICE transfer and transportation policies. IAO is responsible for transporting ERO detainees, while the sending ERO field offices retain responsibility for case management, processing for removal and/or transfer, transportation to the embarkation point, and detainee property. Movements via IAO are routinely coordinated with the HQ Field Operations Division to ensure the efficient management of ERO's detention resources. IAO also has the flexibility to address field office requests for large-scale, domestic transfer air movements; and, when deemed necessary, coordinates such transfers with HQ Field Operations. IAO also provides support for a multitude of other initiatives that arise. There are five IAO ACO operational locations strategically located throughout the United States: San Antonio, Texas; Brownsville, Texas; Alexandria, Louisiana; Miami, Florida and Mesa, AZ.

All operational locations conduct missions to Central American countries such as Guatemala, El Salvador, and Honduras, and also support Interior Repatriation Initiative missions (IRI) to Mexico City. Southern cities, such as San Diego, California and Harlingen, Texas, are used for Mexican removal operations. In addition, all operational locations conduct flights domestically to internally transfer newly apprehended detainees or to transfer detainees to ICE-managed detention centers throughout the United States.

The operational locations also conduct missions to Cuba, Haiti, Jamaica, Colombia, Ecuador, Nicaragua and the Dominican Republic on a periodic basis (monthly or bi-monthly) through negotiations with each respective country's government.

In addition to the daily charter flights, IAO ACO conducts Special High Risk Charter flights (SHRC) to remove Failure to Comply (FTC) and significant High Profile Removals (HPRs) from the United States. These missions are coordinated via Removal and International Operations (RIO) to return alien nationals to countries throughout the world. In the past, IAO has conducted SHRCs to Nigeria, Cambodia, Pakistan, the Philippines, Ghana, Liberia, Jordan, Palestine, Egypt, Albania, Palestine and Indonesia, Central Asia, the Pacific Rim, Africa and other European/Middle Eastern countries.

## **POSITION ROLES AND RESPONSIBILITIES RELATED TO IAO MISSIONS**

### **A. Detention and Deportation Officer**

The IAO Detention and Deportation Officer (DDO) is responsible for managing and coordinating all ICE ERO IAO charter aircraft and long-range charter missions both outside and within the borders of the United States. IAO missions are guided by various internal and external policies and procedures, such as medical regulations, financial obligations and contractual guidelines. In addition, IAO is accountable for the coordination and resolution of any operational or logistical issues related to movements using ICE leases. At times, this requires close coordination with ICE HQ, field management personnel, and/or contract representatives.

### **B. Supervisory Detention and Deportation Officer**

The Supervisory Detention and Deportation Officer (SDDO) is responsible for the coordination and resolution of issues related to ICE ERO daily operations and movements using ICE charter aircraft. The SDDO monitors and evaluates the delivery of IAO services to field offices, as well as the methods and techniques used to provide those services. The SDDO serves as part of a Flight Following Team (FFT), monitoring flight activities and addressing issues and/or concerns to IAO management staff. In addition, the SDDO serves as a liaison officer between ICE ERO charter companies and IAO. The SDDO at the originating operational location should be contacted immediately for any operational issues concerning any of the flights. The Mesa 24-hour-duty number can be found on [page 24](#) of this handbook under Contact Information.

### **C. Enforcement and Removal Assistant / Travel Coordinator**

The Enforcement and Removal Assistants (ERA) / Travel Coordinators (TC) are ICE ERO scheduling coordinators and Country Clearance Request Administrators for IAO-managed charter aircraft as well as for removals via commercial air. IAO staff coordinates all domestic movement, as well as Mexican removals, international flights, and the staging and transfers of detainees. The ERA/TC supports all 24 field offices, providing them with scheduling dates for routine Central/South American, Caribbean, and Mexican missions. In addition, they are



responsible for preparing the manifests from the I-216s submitted by the field offices, scheduling flight(s) and/or hotels, and requesting and obtaining country clearance(s).

#### **D. Flight Officer in Charge / Deportation Officer**

The Flight Officer in Charge (FOIC) is responsible for overseeing the rear cabin crew and detainees; communicating with the IAO FFT about the progress of the mission at each leg of the flight; communicating with IAO regarding any changes to the manifest and itinerary; ensuring that all required documents are correct before dissemination to appropriate parties; coordinating aircraft security matters; and advising the flight crew when exchange operations are complete for continuation of the flight mission. The FOIC is responsible for reviewing all required documentation to ensure compliance with established ICE ERO removal guidelines. The FOIC identifies and verifies required travel documentation and property for detainees on all continental United States (CONUS) and Outside the Continental United States (OCONUS) flights. The FOIC assigned to each mission is also responsible for contacting IAO prior to departure and upon landing at each location, reporting any discrepancies on the manifest/I-216, advising of delayed departures, and any other operational/logistical concerns or issues pertaining to the flight.

FOICs conducting ICE Air flight operations will wear the official ICE Officer polo shirt and neat, presentable pants. Exceptions to the uniform for personnel meeting with foreign officials to conduct negotiations or liaison activities, or when conducting SHRCs, will be made by the IAO Deputy Assistant Director and/or their designee.

#### **E. Ground Officer in Charge**

The ERO Field Office at each detainee exchange location will assign a Ground Officer in Charge (GOIC) to coordinate with the FOIC. The GOIC is responsible for identifying and assigning ground personnel, as well as for establishing communication with airport security and the FOIC. The GOIC is also responsible for briefing the FOIC on the detainees being presented (i.e., total number, medical/psychological cases, special interest cases, and combative individuals), and ensuring that all requisite and proper travel documentation has been submitted, to include but not limited to: Record of Person or Property Transferred (I-216), a medical summary, Warrant of Removal(I-205), Warning to Alien Ordered Removed or Deported (I-294), Notice to Alien Ordered Removed/Departure Verification (I-296), Record of Deportable Alien (I-213), Property Tag (I-77), travel document, and photo for transfers and/or removals, etc. The GOIC will remain available in the event that any issues arise during the course of the embarking/disembarking of the airlift.

#### **F. Assistant Attaché for Removal**

The Assistant Attachés for Removal (AAR) work diligently with foreign partners to abide by international laws and negotiate acceptance of their nationals upon their return. The AARs coordinate to ensure overseas safety in ground management and provide operational support, as well as assist in the return of alien nationals on routine and special SHRC missions. These officers are located in Europe, Central and South America, the Caribbean, Asia and Africa.

## **G. Contracting Officer Representative**

Contracting Officer Representatives (COR) are qualified individuals appointed by the Contracting Officer (CO) to assist in the technical monitoring or administration of a contract. IAO CORs are assigned specific air charter contracts and specific locations for compliance oversight of contractual requirements.

Although CORs can be employed on all types of contracts, they are extremely useful in the more complex services, supply, and/or construction contracts. CORs perform, or cause to be performed, all necessary inspections; including documenting the inspection and submitting to the CO, as required, a report concerning performances of services rendered under the contract.

## **H. Pilot in Command**

The Pilot in Command (PIC) is responsible for all matters related to flight safety and service of the aircraft. The PIC is also responsible for notifying the FOIC of any unscheduled stops due to inclement weather conditions; mechanical difficulties or unforeseen matters; and also for commanding orders during any evacuation. In the event that the PIC or co-pilot are not available or are unable to issue any commands during an emergency, the FOIC will be in charge of issuing orders, evacuating detainees, and ensuring the safety and security of the crew members.

## **I. Rear Cabin Security Crew**

Rear Cabin Crew are members of an aircrew employed by the contractor primarily to ensure the safety and security of the aliens aboard an IAO aircraft. They provide security throughout the mission and often assist in duties such as providing meal and beverage service as a secondary responsibility.

## **J. Flight Nurse**

The Flight Nurse serves as the primary individual to determine suitability of a detainee's health status to board an ICE Air aircraft, monitor health status during the flight and report any medical issue and/or discrepancies to the assigned FOIC.

## **SEAT RESERVATIONS, DOCUMENTATION REQUIREMENTS AND MANIFEST PROCEDURES**

### **A. Scheduling**

1. OCONUS ICE Air scheduling must receive the finalized and approved I-216 from the sending office (Generated and formatted from ENFORCE Alien Detention Module (EADM)) five business days in advance, via email.
2. For Mexican removals, ICE Air scheduling must receive the finalized and approved I-216 24 hours prior, via email.

3. CONUS ICE Air scheduling must receive the finalized and approved I-216 24 hours prior to domestic missions (internal transfers), via email.

Please note that *revisions* for OCONUS missions may be accepted no less than 72 hours prior to the mission date. Revisions for domestic missions, with the concurrence of the sending and receiving office, may be accepted prior to initial departure date/time. However, last minute additions from the sending office are subject to approval from the receiving office, the FFT and the FOIC, and should be avoided to the greatest extent possible in order to prevent ground delays and possible rejection of the alien(s) on the flight line at the receiving location(s).

The ICE Air Mailboxes' addresses are:

IAO-COLOMBIA

IAO-CUBA

IAO-DOMESTIC MISSIONS

IAO-DOMINICANREPUBLIC

IAO-ECUADOR

IAO-ELSALVADOR

IAO-GUATEMALA

IAO-HAITI

IAO-HONDURAS

IAO-IRIMEXICO

IAO-JAMAICA

IAO-NICARAGUA

#### **B. Documentation Requirements for all ICE Movements**

After the sending office coordinates with the receiving office for domestic internal transfers (ITs), or if the sending office is requesting seats on a removal mission, contact the IAO office in Mesa by email to schedule air transportation and seat reservation(s). Note on the I-216 the point of contact who provided authorization to accept the transfers by the receiving office and/or who is requesting seat reservation(s) for removals.

All field offices are to enter all detainee transportation data using the I-216 manifest builder within the Enforce Alien Detention Module (EADM), regardless of the mode of transportation, for any alien who is to be transported to any location for any reason. Field personnel will no longer use desktop versions of the I-216 forms and/or Excel (.xlsx format) versions of the I-216 saved to a local desktop. The use of these versions of the I-216 is strictly prohibited, as these forms create serious data quality and integrity issues within EADM. Therefore, as of February 1, 2014, any I-216 form not generated using the manifest builder within EADM is rejected by IAO and returned to the originating field office. Ten copies of Form I-216 must be presented prior to commencing the boarding process on all ICE Air flights.

Regarding the movement of Unaccompanied Children (UC), prior approval must be obtained from the receiving location(s) by the sending location(s), as per guidance outlined in the February 24, 2004, memorandum, *Placement of Unaccompanied Alien Children*, with approval annotated on the I-216. A completed Form I-770, Notice of Rights and Request for Disposition, shall accompany all juveniles; this notification is required to be given to all persons who are

taken into custody and who either appear, are known, or claim to be less than eighteen years of age.

For UC removal flights departing a staging location for an international destination, a copy of the I-216 signed by the receiving government official must be placed into the UC's A-file for verification of safe return, per memorandum Repatriation and Custody Transfer of Unaccompanied Alien Children to Foreign Government Officials issued on April 17, 2008.

As per Section 7.4 of the Performance Based National Detention Standards (PBNDS), "Detainee Transfers," a medical summary, I-205, I-294, I-296, I-213, I-77, travel document, and photo must accompany all aliens for transfer and/or removal. To expedite the transfer process, all medical, travel and removal documents must be attached to an I-216 in the same order as the names of the alien(s) appear on the I-216(s). In all movements, all detainees must be entered into (b)(7)(E) prior to boarding an ICE Air flight.

For removal flights departing a staging location to international destinations, the I-205 or I-296 will be completed by the sending ICE ERO officers verifying departure of the aircraft from a staging location for removal missions. Upon completion of the executed/verified departure documents and in order to secure their return, field offices are to provide an envelope with the Docket Control Office's current address.

For detainees classified as "new apprehensions," for which medical information is unavailable, a blank medical summary form with the detainee's name, date of birth, and alien number will be required. In the event of a flight diversion to an alternate location or in an onboard medical emergency, the flight nurse may then use this form during symptom screening.

The ICE Air Flight Medical Provider will conduct a visual screening consistent with current ICE policy and procedures on those detainees lacking medical summary information (new apprehensions) who are delivered to the aircraft. Any ICE detainee who fails to pass screening by a flight medical provider and/or is suspected of having a health-risk condition potentially contagious to other detainees, staff and/or third parties, will be denied boarding and referred to an ICE approved facility for screening. For those detainees who have completed a tuberculosis (TB) test, a Medical Summary of Alien in Transfer or its equivalent, will be required from the facility. This medical document must be signed by a doctor or certified medical provider. For those who have been implanted with a TB Tuberculin Skin Test (PPD) that indicates positive, only a negative chest x-ray (CXR) will clear the alien for travel. A symptom screening will not suffice in this situation.

Prior to acceptance for flight, the facility medical staff must clear the transfer of detainees with special medical needs or psychiatric conditions, and prior approval must be obtained from the receiving location(s) by the sending location(s). The sending facility's medical staff shall prepare a Medical/Mental Health Transfer Summary and provide medical instructions/medication in accordance with PBNDS, Detainee Transfers, section Five B. *Responsibilities of the Health Care Provider at the Sending Facility*.

In all movements, detainees possessing property are limited to one durable, tear-resistant container (Box, Backpack, Suitcase or ERO-approved bag only), weighing **no more than 40 pounds**, per PBNDS, *Funds and Personal Property*. There must be a completed I-77 for the item, and the I-77 number must be indicated on the I-216.

### C. Waiver of Documentation Requirements

Waiver of documentary or informational requirements may only be obtained from the IAO Deputy Assistant Director and/or designee. The requesting office must articulate the reason(s) for which such a waiver may be warranted. Examples warranting a waiver may include urgent operational requirements to transport large numbers of newly apprehended detainees, natural disasters requiring emergent movements, or the inoperability of computer processing systems such as (b)(7)(E). Prior to submitting a request to IAO, the requesting field office must first obtain concurrence from the receiving field office, and then annotate the name/contact information of the person who granted approval/authorization for the specific movement.

The concurrences from all parties involved must be documented on all I-216s related to the specific movement. Information must include the name of the officer(s) at the receiving office who approved the request, and this information forwarded on to ICE Air Operations.

### D. Additional Documentation Requirements According to Type of Movement Detainees Scheduled to Depart the United States to Foreign Countries (This includes Voluntary Returns (VRs) to Mexico, Expedited Removals (ERs), and other detainees subject to an Administrative Final Order of Removal/Deportation.)

All detainees being removed must have completed I-205s/I-296s, as applicable, with a clear and current photo and a clear right index fingerprint. Additionally, all detainees must have the original travel document with photo, as required. Travel documents may not be required for special removal cases pre-arranged by HQ ERO (i.e., Haiti, Cambodia, etc.).

To expedite the return of the executed document, it is required that the sending office(s)' address be stamped/written on the I-205/I-296. Upon completion of the executed/verified departure documents and in order to secure their return, field offices are to provide an envelope with the Docket Control Office's current address.

All detainees must be transported with cash in United States currency (unless there is foreign currency in the alien's property). It is the responsibility of the sending offices to ensure that checks and/or debit cards issued by an institution are cashed prior to the transfer/removal. Detainees must retain possession of money, valuables and jewelry as long as none of those items pose a safety or security risk.

Mexican VRs must also have an I-94, "Arrival/Departure Record."

**E. Transferring Detainees from one ICE Office to Another (not yet ready for removal)**

This section ensures that the transfer of detainees from one facility to another will be accomplished professionally and responsibly with respect to notifications, detainee records and the protection of detainee funds and property. This includes new Notice to Appear (NTA) cases, ER cases pending court, Final Order cases pending travel documents, Change of Venue cases, and Room and Board (R&B) cases.

The sending field office will comply with the ICE Use of Restraints Policy, ERO 11155.1, effective November 19, 2012, and PBNDS regarding Detainee Transfer.

The detainee's A-file must accompany the alien. For R&B cases, only a work folder with the applicable case's specific documentation is required. Money and jewelry are to be placed into a separate and sealed transparent plastic bag) with a completed G-589, Property Receipt, for each detainee. Per the PBNDS, Funds and Personal Property, all detainees possessing property are limited to one durable, tear-resistant container (Box, Backpack, Suitcase or ERO-approved bag only), weighing no more than 40 pounds. There must be a completed I-77, and the I-77 number must be indicated on the I-216.

**LOADING-OFFLOADING OPERATIONS****A. Arrival at Aircraft**

Missions originating from IAO operational locations (Mesa, San Antonio, Brownsville, Alexandria and Miami) require sending field offices to arrive at the airport one hour prior to departure time, to ensure sufficient time for boarding. Sending and/or receiving field offices utilizing IAO scheduled mission stops throughout the day (domestic transfer flights) must report to the airport 30 minutes prior to the arrival of the IAO charter aircraft, to ensure preparedness for immediate embarking/disembarking upon landing, so as not to disrupt or delay scheduled departure times.

*Note: Ground Security will only be required upon request from IAO or the sending and receiving Area of Responsibility for Special Interest/High Profile Removal cases. All ICE Officers must maintain security awareness during alien exchange operations, both within and outside the perimeter.*

**B. Alien Exchange Vehicles**

When the aircraft comes to a complete stop and the engines have shut down, the GOIC and the FOIC will coordinate the positioning of all alien exchange vehicles. Consideration is to be given to visibility and perimeter control. At a minimum, a 50-foot distance must be maintained from the loading stairs of the aircraft and the exchange vehicles.

For safety reasons, vehicles must be parked bumper to bumper or side by side with wheels facing away from the aircraft. The preferred method of parking is bumper to bumper to ensure a secure

perimeter around the aircraft. To avoid potentially dangerous situations, vehicles should be turned off whenever possible.

### C. Security Procedures

(b)(7)(E)



### D. Boarding

All vehicles and detainees will be thoroughly searched prior to being brought to the alien exchange location. Aircraft security personnel will pat down the detainees prior to their boarding the aircraft. A search of detainees at the facility is essential to eliminating contraband, as well as foreign object debris that could damage an aircraft.

### E. Emergency Exit Row Seating

The FOIC has the authority to direct the seating of the contracted security officers on IAO contract aircraft and should distribute the officers evenly throughout the cabin to maintain safety and security, as well as to aid in the event of an emergency evacuation. In the event that there is a full passenger load, and the FOIC determines – based on the cabin configuration – that the emergency exit row seating must be occupied by detainees, the following will be required prior to seating detainees at the emergency exit row.

1. It must be determined that the detainee is either a non-criminal or a low-level criminal.
2. The detainee must be able to speak and understand English.
3. The detainee must agree to assist in the event of an emergency evacuation.
4. The detainee must be **unrestrained**.
5. The detainee must be 18 years of age or older.