<table>
<thead>
<tr>
<th>Entry Number</th>
<th>Document Identification</th>
<th>Withholding: Full/Partial</th>
<th>Description of Documents and Redacted Information</th>
<th>Exemption(s) Applied to Redactions</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>2022-ICLI-00010</td>
<td>Partial</td>
<td>Memorandums of Cooperation (MOU) between DHS and El Salvador/ Honduras/ Guatemala</td>
<td>(b)(5), (b)(7)(E)</td>
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<td>Redacted Information per (b)(5):</td>
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<td>The withheld portion is sub-sections of the MOU that discusses the scope of cooperation and access and use of information between the DHS and El Salvador/ Honduras/ Guatemala.</td>
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<td>Reasons for Redaction(s):</td>
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<td>These documents were withheld in full pursuant to FOIA exemption (b)(5) because these internal DHS documents were prepared by DHS legal staff to facilitate discussions between counsel for DHS and its components and counsel for El Salvador, Honduras, and Guatemala to develop litigation strategy for ongoing and anticipated litigation regarding DHS’s border search authority. The information contained in these documents are deliberative material and is withheld per (b)(5), which protects the integrity of the deliberative or decision-making processes within the agency by exempting from mandatory disclosure opinions, conclusions, and recommendations included within inter-agency or</td>
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</tbody>
</table>
intra-agency documents. The release of this information would discourage the expression of candid opinions and inhibit the free and frank exchange of information and ideas between agency personnel resulting in a chilling effect on intra- and inter-agency communications. The deliberative process privilege protects the internal deliberations of the government by exempting recommendations, analyses, and discussions undertaken to aid agency decision making, specifically here, discussions in furtherance of making legal and policy decisions and developing litigation strategy relating to border searches of electronic devices. The privilege also prevents the premature disclosure of proposed policies, serves to avoid public confusion generated by rationales or decisions not ultimately adopted by an agency, and maintains the integrity of agency decision-making processes by encouraging open and candid discussions.

In addition, the attorney-client privilege is also applicable to the content of these documents. Communications from clients to their attorneys made for the purpose of securing legal advice or services, here responses to questions posed by DOJ to DHS and its components (including ICE, CBP, and USCG) in regard to DHS’s border search authorities. These documents were created as a result of, and with information obtained through, discussions between attorneys and their clients, including agency policymakers and law enforcement and/or operational personnel responsible for development and implementing policy regarding border searches of electronic devices. Furthermore, these documents were created to assist in the provision of information from DHS and its components to DOJ attorneys, who are responsible for representing DHS and its components in litigation. The privilege also protects communications from attorneys to their clients if the communications “rest on” confidential information obtained from the client. In the governmental context, the client may be the
agency and the attorney may be an agency lawyer. This privilege applies to facts that are divulged to the attorney and encompasses the opinion given by the attorney based upon, and thus reflecting, those facts. Attorney-client communications are shielded from disclosure in order to encourage a full and frank discussion between the client and his legal advisor. The attorney-client privilege recognizes that sound legal advice or advocacy depends upon a lawyer being fully informed by his client. If these communications, as covered by the attorney-client privilege, were disclosed, this could result in a chilling effect on interactions and communications between agency employees and their legal counsel, including both internal agency counsel and DOJ attorneys.

Furthermore, the attorney work-product privilege also applies to the content of these documents. This privilege protects from disclosure attorney-work product material, including notes, questions, litigation strategy and thoughts, by an agency attorney or the agency’s litigation counsel. The withheld information was created by agency counsel in anticipation of and in preparation for ongoing and future litigation, specifically, challenges raised to DHS’s border search authority, and is exempt from disclosure in order to protect the adversarial trial process by insulating the attorneys’ preparation from scrutiny. These documents contain specific guidelines for what information is shared, how the information is shared, and monitoring efforts to ensure border security. This information will further the development of the agencies’ litigation strategy with regards to safeguarding borders and preventing criminal activities.

The deliberative process privilege protects the internal deliberations of the government by exempting recommendations, analyses, and discussions undertaken to aid agency decision
making, specifically here, discussions in furtherance of making legal and policy decisions relating to safeguarding borders and preventing criminal activities.

**Redacted Information per (b)(7)(E):**

The information withheld in this document consists of investigative techniques and guidelines that is intended for ICE/Homeland Security Investigation (HSI) personnel and is not well known to the public.

**Reasons for Redaction(s):**

Exemption 7(E) affords protection to all law enforcement information that would disclose techniques and procedures for law enforcement investigations or prosecutions or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law.

Exemption 7(E) was applied to these pages describing: monitoring efforts to ensure border security, types of information shared between law enforcement agencies, how information is shared, and how the information will be used for law enforcement purposes. These law enforcement techniques and guidelines are not known to the public. These sections provide law enforcement techniques and/or procedures for law enforcement investigations or prosecutions or disclose guidelines for law enforcement investigations or prosecutions, which could reasonably be expected to risk circumvention of the law. Disclosure of these techniques and practices could assist those people seeking to
| | | violate or circumvent the law by taking proactive steps to counter operational and investigative actions taken by ICE during enforcement operations. |
MEMORANDUM OF COOPERATION
BETWEEN
THE DEPARTMENT OF HOMELAND SECURITY
OF THE UNITED STATES OF AMERICA
AND THE CIVILIAN NATIONAL POLICE OF
THE REPUBLIC OF EL SALVADOR
CONCERNING THE PROCESS AND EXCHANGE OF INFORMATION ON
SALVADORAN NATIONALS REPATRIATED TO EL SALVADOR

The Department of Homeland Security (DHS) of the United States of America (United States), and the Civilian National Police of El Salvador (El Salvador), hereinafter referred to collectively as the “Participants,”

Recognizing the longstanding relationship and cooperation between their administrations;

Having regard for their common concern for, and approach to, the security and safety of North and Central America, their common interest in protecting their peoples and law enforcement capabilities, and the relevant role their administrations and other agencies and divisions within their Departments have in such concerns, approaches and interests;

Recognizing the role their administrations play in criminal justice and safeguarding their nations and nationals, particularly by detecting, investigating, and preventing criminal activities in their respective territories;

Noting the desire of the PNC to conduct and support law enforcement actions, including for the purposes of detection, apprehension, detention, pretrial and post-trial release, prosecution, correctional supervision, and rehabilitation of accused or criminal offenders, and DHS’s desire to provide assistance to the MFA and the MJPS with respect to these endeavors;

Noting the desire of the PNC to conduct and support immigration actions, including for the purposes of domestic security and repatriating deportees from the United States, and DHS’s desire to provide assistance to the PNC with respect to these endeavors;

Recognizing the need for increased coordination in law enforcement operations, repatriations of Salvadoran nationals, including Salvadoran nationals convicted of certain felonies, and improved communication and coordinated responses to acts of violence and serious criminal violations;

Further recognizing the desire of the Participants to collaborate and coordinate, as appropriate and to the extent practicable, subject to their capabilities and discretion to prevent and deter crime and improve sharing of law enforcement data to prosecute crime, with the aim of enhancing the security of El Salvador and the United States;
Recognizing the ongoing cooperative efforts of the Participants in security and law enforcement-related matters;

Recognizing the achievements reached through other bi-national fora and arrangements; and

Desiring to suppress and prevent criminal activities and threats to domestic security by exchanging criminal history record information and by improving and enhancing repatriation procedures for Salvadoran nationals, including Salvadoran nationals convicted of certain felonies - as defined in the accompanying Standard Operating Procedures (SOP) - and thereby respond decisively to these threats through criminal enforcement, homeland security and national security activities. All within the legal context that regulates the acting by the participants;

Hereby express their desire to fulfill the goals, initiatives, programs and mechanisms in this Memorandum of Cooperation (MOC):

I. PURPOSE

The purpose of this MOC is to memorialize the Participants' desire to share, by electronic means, immigration and/or criminal history record information concerning Salvadoran nationals who are being repatriated from the United States. The collection, processing, retention or transfer of information contemplated in this MOC is intended to be consistent with the applicable laws, regulations and relevant policies in El Salvador and in the United States.

The purpose of this information sharing is to improve the sharing of law enforcement and immigration data for the administration of criminal justice, suppress criminal activities and threats to domestic security in El Salvador, and prevent recidivism.

II. DEFINITIONS

A. "Administration of criminal justice" is conduct involving the following activities: detection, identification, apprehension, suppression, detention, pretrial release, post-trial release, prosecution, adjudication, correctional supervision, or rehabilitation of accused persons or criminal offenders and includes the collection, storage and dissemination of criminal history record information.

B. "Criminal history record information" is information about individuals that is maintained by the Participants within their respective government databases and collected by the Participant criminal justice agencies consisting of data on arrests, detentions, indictments, informations, or other formal criminal charges, and any disposition arising therefrom, including acquittal, sentencing, correctional supervision and release.
C. “Felony convictions” are convictions, as outlined further in the accompanying SOP, under the Participants’ Federal or State law.

D. “Repatriation” is the return of individuals from the United States to El Salvador pursuant to an Order of Removal, reinstated prior order, or voluntary departure.

E. “Immigration record information” is information, as described further the accompanying SOP, limited to the biographic and biometric information that is collected by DHS to assist in the repatriation of an individual to his or her country of nationality or citizenship, or removal to another country as legally appropriate.

III. SCOPE OF COOPERATION

The Participants intend to:

(b)(5); (b)(7)(E)
IV. IMPLEMENTING AGENCIES

U.S. Immigration and Customs Enforcement (ICE) is to serve as the Department of Homeland Security’s Implementing Agency under this MOC.

V. ACCESS TO AND USE OF INFORMATION
VI. SECURITY

A. The exchange of information performed under this MOC is to be conducted at the Controlled/Protected/For Official Use Only/Law Enforcement Sensitive/Restricted level;

B. To protect against unauthorized disclosure, use, copying or modification of the information exchanged under this MOC, the Participants intend to undertake appropriate security measures with respect to physical security of terminals and telecommunication lines; personnel security including background screening, technical security, data security, and dissemination and logging. Further, the receiving Participant is to restrict access to such information on a need to know basis, and use recognized security mechanisms such as passwords, encryption, or other reasonable safeguards to prevent unauthorized access;

C. The Participants are expected to notify each other of reported or suspected unauthorized access to or the loss, compromise, unauthorized use or distribution of criminal history record information promptly and in writing, and to state what action, if any, the Participants have taken or expect to take to resolve the matter;

D. The Participants intend to develop mutually acceptable audit procedures, and the Participants intend to make such audit information available to each other, if requested.

VII. FUNDING

Unless otherwise arranged for in writing, each Participant intends to bear its own costs in relation to this MOC. Expenditures are subject to the Participants’ budgetary resources and availability of funds pursuant to applicable laws and regulations. The Participants expressly acknowledge that this MOC in no way implies that funding is to be made available for such expenditures.
VIII. RECEIPT OF ADDITIONAL INFORMATION

The Participants intend that should they desire additional information related to criminal history record information, the Participants are to pursue such requests through other applicable agreements or arrangements.

IX. SUSPENSION OF ACTIVITY

A. Either Participant may suspend its activity under this MOC at any time in response to the other Participant’s unauthorized access to, distribution of, use of criminal history record information, biometric information, biographic identification information or immigration information, or for other cause, including violation of its agency’s applicable policies or regulations. Notice of suspension is to be provided in writing to the other Participant, and such suspension may be lifted by notice in writing to the other Participant.

B. The Participants may reinitiate activity under this MOC at their discretion. The basis for reinitiating activity is to be mutually acceptable and in writing.

X. MODIFICATION AND DISCONTINUANCE

A. The Participants intend that any modification of this MOC be mutually accepted by both Participants and in writing.

B. Either Participant may discontinue its participation under this MOC. In the event a Participant intends to discontinue participation under the MOC, it should endeavor to provide thirty (30) days written notice to the other Participant.

C. In the event of discontinuance, the Participants intend to consult with each other to perform the actions related to the discontinuance on the most economical and equitable terms. Participants should endeavor to provide written confirmation of appropriate actions undertaken within thirty (30) days.

D. No later than one (1) year after the signing of this MOC, and on an annual basis every year thereafter, the Participants intend to review their cooperative efforts under the provisions of this MOC with a view to determine their desire to continue to cooperate consistent with this arrangement in the future.

E. The Participants intend to resolve any disagreements arising under or relating to this MOC only by consultation between the Participants.
XI. PARTICIPANTS' REPRESENTATIVES

The following Participants' representatives are designated as the points of contact for the purposes of implementing this MOC:

For PNC: The General Director of the Civilian National Police of El Salvador

For DHS: The Director of U.S. Immigration and Customs Enforcement

XII. COMMENCEMENT OF ACTIVITIES AND PERIOD OF VALIDITY OF MOC

The Participants intend to commence activities under this MOC upon signature of the Participants and to continue until notice is provided to discontinue such participation.

XIII. EXPRESSION OF INTENT

This MOC is not a legally binding agreement, nor is it a formal expression of a legally binding agreement. It is an expression of the intent of the Participants. Similarly, this MOC does not confer, grant or authorize any rights, privileges, or obligations as to any third party.

Signed at San Salvador on the 14 day of May of the year 2014, in duplicate in the English and Spanish languages.

FOR THE CIVILIAN NATIONAL POLICE OF THE REPUBLIC OF EL SALVADOR:

Eng. Rigoberto Trinidad Pleites Sandoval
General Director

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

Timothy S. Robbins
Deputy Executive Assistant Director Enforcement and Removal Operations
U.S. Immigration and Customs Enforcement
MEMORANDUM OF COOPERATION
BETWEEN
THE DEPARTMENT OF HOMELAND SECURITY
OF THE UNITED STATES OF AMERICA
AND THE NATIONAL POLICE OF
THE REPUBLIC OF HONDURAS
CONCERNING THE PROCESS AND EXCHANGE OF INFORMATION ON
HONDURAN NATIONALS REPATRIATED TO HONDURAS

The Department of Homeland Security (DHS) of the United States of America (United States), and the National Police (PN) of the Republic of Honduras (Honduras), hereinafter referred to collectively as the “Participants,”

Recognizing the longstanding relationship and cooperation between their administrations;

Having regard for their common concern for, and approach to, the security and safety of North and Central America, their common interest in protecting their peoples and law enforcement capabilities, and the relevant role their administrations and other agencies and divisions within their Departments have in such concerns, approaches and interests;

Recognizing the role their administrations play in criminal justice and safeguarding their nations and nationals, particularly by detecting, investigating, and preventing criminal activities in their respective territories;

Noting the desire of the PN to conduct and support law enforcement actions, including for the purposes of detection, apprehension, detention, pretrial and post-trial release, prosecution, correctional supervision, and rehabilitation of accused or criminal offenders, and DHS’s desire to provide assistance to the PN with respect to these endeavors;

Noting the desire of the PN to conduct and support immigration actions, including for the purposes of domestic security and repatriating Honduran deportees from the United States, and DHS’s desire to provide assistance to the PN with respect to these endeavors;

Recognizing the need for increased coordination in law enforcement operations, repatriations of Honduran nationals, including Honduran nationals convicted of certain felonies, and improved communication and coordinated responses to acts of violence and serious criminal violations;

Further recognizing the desire of the Participants to collaborate and coordinate, as appropriate and to the extent practicable, subject to their capabilities and discretion to prevent and deter crime and improve sharing of law enforcement data to prosecute crime, with the aim of enhancing the security of Honduras and the United States;

Recognizing the ongoing cooperative efforts of the Participants in security and law enforcement-related matters;

Recognizing the achievements reached through other bi-national fora and arrangements; and
Desiring to suppress and prevent criminal activities and threats to domestic security by exchanging criminal history record information and by improving and enhancing repatriation procedures for Honduran nationals, including Honduran nationals convicted of certain felonies - as defined in the accompanying Standard Operating Procedures (SOP) - and thereby responding decisively to these threats through criminal enforcement, homeland security and national security activities as legally appropriate

Hereby express their desire to fulfill the goals, initiatives, programs and mechanisms in this Memorandum of Cooperation (MOC):

I. PURPOSE

The purpose of this MOC is to memorialize the Participants' desire to share, by electronic means, immigration and/or criminal history record information concerning Honduran nationals who are being repatriated from the United States. The collection, processing, retention or transfer of information contemplated in this MOC is intended to be consistent with the applicable laws, regulations and relevant policies in Honduras and in the United States.

The purpose of this information sharing is to improve the sharing of law enforcement and immigration data for the administration of criminal justice, suppress criminal activities and threats to domestic security in Honduras, and prevent recidivism.

II. DEFINITIONS

A. “Administration of criminal justice” is conduct involving the following activities: detection, apprehension, suppression, detention, pretrial release, post-trial release, prosecution, adjudication, correctional supervision, or rehabilitation of accused persons or criminal offenders and further includes criminal identification activities and the collection, storage and dissemination of criminal history record information.

B. “Criminal history record information” is information about individuals that is maintained by the Participants within their respective government databases and collected by the Participant criminal justice agencies consisting of data on arrests, detentions, indictments, informations, or other formal criminal charges, and any disposition arising therefrom, including acquittal, sentencing, correctional supervision and release.

C. “Felony convictions” are convictions, as outlined further in the accompanying SOP, under the Participants' Federal or State law.
D. "Repatriation" is the return of individuals from the United States to Honduras pursuant to an order of removal, reinstated prior order, or voluntary departure.

E. "Immigration record information" is information, as described further in the accompanying SOP, limited to the biographic and biometric information that is collected by DHS to assist in the repatriation of an individual to his or her country of nationality or citizenship, or removal to another country as legally appropriate.

III. SCOPE OF COOPERATION

(b)(5); (b)(7)(E)
IV. IMPLEMENTING AGENCIES

U.S. Immigration and Customs Enforcement (ICE) is to serve as the Implementing Agency for the Department of Homeland Security under this MOC. The PN is to serve as the Implementing Agency for Honduras under this MOC.

V. ACCESS TO AND USE OF INFORMATION

(b)(5); (b)(7)(E)
VI. SECURITY

A. The exchange of information performed under this MOC is to be conducted at the Controlled/Protected/For Official Use Only/Law Enforcement Sensitive/Restricted level;

B. To protect against unauthorized disclosure, use, copying or modification of the information exchanged under this MOC, the Participants intend to undertake appropriate security measures with respect to physical security of terminals and telecommunication lines; personnel security including background screening, technical security, data security, and dissemination and logging. Further, the receiving Participant is to restrict access to such information on a need to know basis, and use recognized security mechanisms such as passwords, encryption, or other reasonable safeguards to prevent unauthorized access;

C. The Participants are expected to notify each other of reported or suspected unauthorized access to or the loss, compromise, unauthorized use or distribution of criminal history record information promptly and in writing, and to state what action, if any, the Participants have taken or expect to take to resolve the matter; and

D. The Participants intend to develop mutually acceptable audit procedures, and the Participants intend to make such audit information available to each other, if requested.

VII. FUNDING

Unless otherwise arranged for in writing, each Participant intends to bear its own costs in relation to this MOC. Expenditures are subject to the Participants’ budgetary resources and availability of funds pursuant to applicable laws and regulations. The Participants expressly acknowledge that this MOC in no way implies that funding is to be made available for such expenditures.
VIII. RECEIPT OF ADDITIONAL INFORMATION

The Participants intend that should they desire additional information related to criminal history record information, the Participants are to pursue such requests through other applicable agreements or arrangements.

IX. SUSPENSION OF ACTIVITY

A. Either Participant may suspend its activity under this MOC at any time in response to the other Participant's unauthorized access to, distribution of, or use of criminal history record information, biometric information, biographic identification information or immigration record information, or for other cause, including violation of its agency's applicable policies or regulations. Notice of suspension is to be provided in writing to the other Participant, and such suspension may be lifted by notice in writing to the other Participant.

B. The Participants may reinitiate activity under this MOC at their discretion. The basis for reinitiating activity is to be mutually acceptable and in writing.

X. MODIFICATION AND DISCONTINUANCE

A. The Participants intend that any modification of this MOC be mutually accepted by both Participants and in writing.

B. Either Participant may discontinue its participation under this MOC. In the event a Participant intends to discontinue participation under the MOC, it should endeavor to provide thirty (30) days written notice to the other Participant.

C. In the event of discontinuance, the Participants intend to consult with each other to perform the actions related to the discontinuance on the most economical and equitable terms. Participants should endeavor to provide written confirmation of appropriate actions undertaken within thirty (30) days.

D. No later than one (1) year after the signing of this MOC, and on an annual basis every year thereafter, the Participants intend to review their cooperative efforts under the provisions of this MOC with a view to determine their desire to continue to cooperate consistent with this MOC in the future.

E. The Participants intend to resolve any disagreements arising under or relating to this MOC only by consultation between the Participants.
XI. PARTICIPANTS' REPRESENTATIVES

The following Participants' representatives are designated as the points of contact for the purposes of implementing this MOC:

For PN: The General Director of the National Police of Honduras

For DHS: The Principal Deputy Assistant Secretary of U.S. Immigration and Customs Enforcement

XII. COMMENCEMENT OF ACTIVITIES AND PERIOD OF VALIDITY OF MOC

The Participants intend to commence activities under this MOC upon signature of the Participants and to continue until notice is provided to discontinue such participation.

XIII. EXPRESSION OF INTENT

This MOC is not a legally binding agreement, nor is it a formal expression of a legally binding agreement. It is an expression of the intent of the Participants. Similarly, this MOC does not confer, grant or authorize any rights, privileges, or obligations as to any third party.

Signed at Tegucigalpa, Honduras on the XXth day of XXX of the year 2014, in duplicate in the English and Spanish languages.

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

Thomas S. Winkowski  
Principal Deputy Assistant Secretary  
U.S. Immigration and Customs Enforcement

FOR THE NATIONAL POLICE OF THE REPUBLIC OF HONDURAS:

Ramon Antonio Sabillon Pineda  
General Director
MEMORANDUM OF COOPERATION
BETWEEN
THE DEPARTMENT OF HOMELAND SECURITY
OF THE UNITED STATES OF AMERICA,
IMMIGRATION AND CUSTOMS ENFORCEMENT,
AND
THE SECRETARIAT OF STATE IN THE SECURITY OFFICE
OF THE REPUBLIC OF HONDURAS
THE SERVICE OF THE NATIONAL POLICE
CONCERNING
THE PROCESS AND EXCHANGE OF INFORMATION ON
HONDURAN NATIONALS REPATRIATED TO THE REPUBLIC OF
HONDURAS

The Department of Homeland Security (DHS), Immigration and Customs Enforcement (ICE) of the United States of America (United States) and The Secretariat of State in the Security Office (SECSEG) of the Republic of Honduras (Honduras), the Service of the National Police (PN), hereinafter referred to collectively as the “Participants,”

Recognizing the longstanding relationship and cooperation between their administrations;

 Having regard for their common concern for, and approach to, the security and safety of North America and Central America, their common interest in protecting their peoples and law enforcement capabilities, and the relevant role their administrations and other agencies and divisions within their Departments have in such concerns, approaches and interests;

Recognizing the role their administrations play in criminal justice and safeguarding their nations and nationals, particularly by detecting, investigating, and preventing criminal activities in their respective territories;

Noting the desire of PN to conduct and support law enforcement actions, including for the purposes of detection, apprehension, detention, pretrial and post-trial release, prosecution, correctional supervision, and rehabilitation of accused or criminal offenders, and DHS’s desire to provide assistance to PN with respect to these endeavors;

Noting the desire of PN to conduct and support immigration actions, including for the purposes of domestic security and repatriating Honduran deportees from the United States, and DHS’s desire to provide assistance to PN with respect to these endeavors;

Recognizing the need for increased coordination in law enforcement operations, repatriations of Honduran nationals, and improved communication and coordinated responses to acts of violence and criminal convictions;

Further recognizing the desire of the Participants to collaborate and coordinate, as appropriate and to the extent practicable, subject to their capabilities and discretion to prevent and deter crime
and improve sharing of law enforcement data to prosecute crime, with the aim of enhancing the
security of the United States and Honduras;

Recognizing the ongoing cooperative efforts of the Participants in security and law enforcement-
related matters;

Recognizing the achievements reached through other bi-national fora and arrangements; and

Desiring to suppress and prevent criminal activities and threats to domestic security by
exchanging criminal history record information and by improving and enhancing repatriation
procedures for Honduran nationals, including those convicted of crimes and thereby responding
decisively to these threats through criminal enforcement, homeland security and national security
activities as legally appropriate;

Hereby express their desire to fulfill the goals, initiatives, programs and mechanisms in this
Memorandum of Cooperation (MOC).

I. PURPOSE

The purpose of this MOC is to memorialize the Participants’ desire to share, by electronic means,
immigration and/or criminal history record information concerning Honduran nationals subject to
repatriation from the United States. The processing, retention or transfer of information
contemplated in this MOC is intended to be consistent with the Participants’ applicable laws,
regulations and relevant policies.

The purpose of this information sharing is to improve the sharing of law enforcement and
immigration data for the administration of criminal justice, suppress criminal activities and threats
to domestic security, and prevent recidivism.

II. DEFINITIONS

A. “Administration of criminal justice” is conduct involving the following activities:
detection, apprehension, suppression, detention, pretrial release, post-trial release,
prosecution, adjudication, correctional supervision, or rehabilitation of accused
persons or criminal offenders and further includes criminal identification activities and
the collection, storage and dissemination of criminal history record information.

B. “Criminal history record information” is information about individuals that is
maintained by the Participants within their respective government records and
collected by the Participant criminal justice agencies consisting of data on arrests,
detentions, indictments, information, or other formal criminal charges, and any
disposition arising therefrom, including acquittal, sentencing, correctional supervision
and release.
C. “Convictions” are convictions, as outlined further in the Standard Operating Procedures (SOP), under the Participants’ Federal or State law.

D. “Repatriation” is the return of individuals from the United States to the Republic of Honduras pursuant to an order of removal, reinstated prior order, or voluntary departure.

E. “Immigration record information” is biometric and biographic information, including gang affiliation information, as set forth in the SOP, that is collected by DHS to assist in the repatriation of an individual to his or her country of nationality or citizenship, or removal to another country as legally appropriate.

III. SCOPE OF COOPERATION

IV. IMPLEMENTING AGENCIES
The Participants are the implementing agencies.

V. ACCESS TO AND USE OF INFORMATION
(b)(5); (b)(7)(E)

VI. SECURITY
A. The exchange of information performed under this MOC is to be conducted at the Controlled/Protected/For Official Use Only/Law Enforcement Sensitive/Restricted level;

B. To protect against unauthorized disclosure, use, copying or modification of the information exchanged under this MOC, the Participants intend to undertake appropriate security measures with respect to physical security of terminals and telecommunication lines; personnel security including background screening, technical security, data security, and dissemination and logging. Further, the receiving Participant is to restrict access to such information on a need to know basis, and use recognized security mechanisms such as passwords, encryption, or other reasonable safeguards to prevent unauthorized access;

C. The Participants are expected to notify each other of reported or suspected unauthorized access to or the loss, compromise, unauthorized use or distribution of criminal history record information or immigration record information promptly and in writing, and to state what action, if any, the Participants have taken or expect to take to resolve the matter; and

D. The Participants intend to develop mutually acceptable audit procedures, and the Participants intend to make such audit information available to each other, if requested.

VII. FUNDING

Each Participant intends to bear its own costs in relation to this MOC. Expenditures are subject to the Participants' budgetary resources and availability of funds pursuant to applicable laws and regulations. The Participants expressly acknowledge that this MOC in no way implies that funding is to be made available for such expenditures and does not obligate the Participants to expend any funds.

VIII. RECEIPT OF ADDITIONAL INFORMATION

The Participants intend that should they desire additional information related to criminal history record information, the Participants are to pursue such requests through other applicable agreements or arrangements.

IX. SUSPENSION OF ACTIVITY

A. Either Participant may suspend its activity under this MOC at any time in response to the other Participant's unauthorized access to, distribution of, or use of criminal history or immigration record information, or for any other cause. Notice of suspension is to be provided in writing to the other Participant, and such suspension may be lifted by notice in writing to the other Participant.
B. The Participants may reinitiate activity under this MOC at their discretion. The basis for reinitiating activity is to be mutually acceptable and in writing.

X. MODIFICATION AND DISCONTINUANCE

A. The Participants intend that any modification of this MOC be mutually accepted by both Participants and in writing.

B. Either Participant may discontinue its participation under this MOC. In the event a Participant intends to discontinue participation under the MOC, it should endeavor to provide thirty (30) days written notice to the other Participant.

C. In the event of discontinuance, the Participants intend to consult with each other to perform the actions related to the discontinuance on the most economical and equitable terms. Participants should endeavor to provide written confirmation of appropriate actions undertaken within thirty (30) days.

D. No later than one (1) year after the signing of this MOC, and on an annual basis every year thereafter, the Participants intend to review their cooperative efforts under the provisions of this MOC with a view to determine their desire to continue to cooperate consistent with this MOC in the future.

E. The Participants intend to resolve any disagreements arising under or relating to this MOC only by consultation.

XI. PARTICIPANTS' REPRESENTATIVES

The following Participants' representatives are designated as the points of contact for the purposes of implementing this MOC:

For DHS: Chris Cronen, Assistant Director, Enforcement, U.S. Immigration and Customs Enforcement

For the PN: Jose David Aguilar Morán, Director General of the National Police of Honduras

XII. COMMENCEMENT OF ACTIVITIES AND PERIOD OF VALIDITY OF MOC

The Participants intend to commence activities under this MOC upon signature of the Participants and to continue for a term of five years or until notice is provided to discontinue such participation.

XIII. EXPRESSION OF INTENT
This MOC does not, is not intended to, shall not be construed to, and may not be relied upon to create any rights, substantive or procedural, enforceable at law by any person in any manner, civil or criminal. Similarly, this MOC does not confer, grant or authorize any rights, privileges, or obligations as to any third party.

XIV. RESOLUTION OF DISPUTES

Should disagreement arise on the interpretation of the provisions of this MOC, amendments and/or revisions thereto, or any matter arising under this MOC, that cannot be resolved at the operating level, the area(s) of disagreement shall be stated in writing by each Participant and presented to the Participants’ Representatives for resolution.

Signed by Nathalie R. Asher at Washington, D.C. on the 4th of July, of the year 2019,

and by Julian Pacheco Tinoco, at Tegucigalpa, Honduras on the 15th of July, of the year 2019, in the English and Spanish languages.

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

FOR THE SECRETARIAT OF STATE IN THE SECURITY OFFICE OF THE REPUBLIC OF HONDURAS

Nathalie R. Asher

Julian Pacheco Tinoco

Executive Associate Director
Enforcement and Removal Operations
U.S. Immigration and Customs Enforcement

Minister of Security
STANDARD OPERATING PROCEDURES
FOR THE IMPLEMENTATION OF

THE MEMORANDUM OF COOPERATION
BETWEEN
THE DEPARTMENT OF HOMELAND SECURITY OF
THE UNITED STATES OF AMERICA,
IMMIGRATION AND CUSTOMS ENFORCEMENT
AND
THE SECRETARIAT OF STATE IN THE SECURITY OFFICE
OF THE REPUBLIC OF HONDURAS,
THE SERVICE OF THE NATIONAL POLICE
CONCERNING
THE PROCESS AND EXCHANGE OF INFORMATION
ON HONDURAN NATIONALS REPATRIATED TO THE REPUBLIC OF
HONDURAS

I. PURPOSE

These Standard Operating Procedures (SOP) identified by the Department of Homeland Security (DHS) of the United States of America, as represented by U.S. Immigration and Customs Enforcement (ICE) and the Secretariat of State in the Security Office (SECSEG) of the Republic of Honduras (Honduras), the Service of the National Police (PN) hereinafter collectively referred to as the “Participants,” identify the procedures by which the Participants intend to implement the Memorandum of Cooperation Between the Department of Homeland Security of the United States of America, Immigration and Customs Enforcement and the Secretariat of State in the Security Office of the Republic of Honduras, the Service of the National Police. Concerning the Process and Exchange of Information on Honduran Nationals Repatriated to the Republic of Honduras, signed on the 15th day of July, in the year 2019.

The Memorandum of Cooperation (MOC) is an ICE and the PN collaborative effort through which the Participants intend to share, by electronic means, immigration and criminal history record information concerning Honduran nationals in the United States of America who are subject to repatriation, utilizing the Criminal History Information Sharing (CHIS) initiative. CHIS is a DHS led information sharing initiative between the United States Government (USG) and its international partners. Through CHIS, ICE provides its partners with valuable immigration and criminal conviction information on foreign nationals before their removal from the United States.

This SOP defines the level of sharing, as permitted by the Participants’ policy and procedure, to be limited to Honduran nationals convicted of felonies, designated misdemeanors, and/or with known gang affiliation in the United States or Honduras.

This SOP recognizes the desire of the Participants to collaborate and coordinate, as appropriate and to the extent practicable, consistent with their respective capabilities, policies, and laws, to
suppress and prevent criminal acts, and improve sharing of law enforcement data for the administration of criminal justice, thus enhancing the security of Honduras and the United States.

Through this SOP, the Participants declare their readiness to achieve a high standard of cooperation to suppress criminal activities and threats to domestic security as stated in the MOC. The Participants intend to respond decisively to these threats through the exercise of criminal enforcement, homeland security, and national security activities. These efforts intend to achieve this through a more intensive exchange of criminal history record information and by improving and enhancing bilateral repatriation procedures for Honduran nationals convicted of felonies, designated misdemeanors, and/or with known gang affiliations.

### II. INFORMATION TO BE SHARED

(b)(5); (b)(7)(E)

### III. AUTOMATED METHODS FOR INFORMATION EXCHANGE

1. DESIGN OVERVIEW:

(b)(5); (b)(7)(E)
Page 24

Withheld pursuant to exemption

(b)(5); (b)(7)(E)

of the Freedom of Information and Privacy Act
Withheld pursuant to exemption
(b)(5); (b)(7)(E)
of the Freedom of Information and Privacy Act
7. QUALITY ASSURANCE:

All system development work by ICE in support of this initiative is to follow ICE system lifecycle management guidelines and the ICE architecture technology reference model.

IV. FUNDING

Each Participant intends to bear its own costs in relation to this MOC. Expenditures are subject to the Participants’ budgetary resources and availability of funds pursuant to applicable laws and regulations. The Participants expressly acknowledge that this MOC in no way implies that funding is to be made available for such expenditures and does not obligate the Participants to expend any funds.

V. RESTRICTIONS ON USE, DISSEMINATION, RETENTION, AND DESTRUCTION

1. PERMITTED CRIMINAL JUSTICE USES OF THE INFORMATION
2. UNAUTHORIZED USES OF THE INFORMATION

Criminal history record information and immigration record information shared by ICE under this SOP is not to be used for any noncriminal justice purposes, including but not limited to, background checks for governmental licensing determination, employment suitability, immigration and naturalization matters, and national security clearance reviews, or for any other purpose other than what is identified in subparagraph (1) directly above.

Should the PN desire additional information related to criminal history record information provided by ICE, the PN is to pursue such requests through other applicable agreements or arrangements.

3. RETENTION AND SAFEGUARDING OF INFORMATION

a. The criminal history record information and immigration record information sharing activities performed under this SOP are to be conducted at the following, or equivalent, levels: Controlled/Protected/For Official Use Only/Law Enforcement Sensitive/Restricted or the foreign partner’s equivalent.

c. NP is to retain the biometric and/or biographic information for only as long as it is appropriate to carry out the administration of criminal justice as defined in the MOC and this SOP, and if found to no longer be applicable for law enforcement purposes, to destroy it thereafter.

d. The Participants are to store information obtained under this arrangement in secure electronic and/or paper storage systems.

d. The Participants are to endeavor to undertake appropriate security measures to physically secure the terminals and telecommunication lines; personnel-security, including background screening; technical security to protect against unauthorized use; data security; dissemination; and logging. PN is expected to notify ICE Office of Enforcement and Removal Operations and OCIO of reported or suspected unauthorized access to or the loss, compromise, unauthorized use, or distribution of criminal history record information or immigration record information promptly and in writing, and to state what action, if any, has been taken or is expected to be taken to resolve the matter.

4. THIRD PARTY DISSEMINATION

a. PN is to obtain written authorization from ICE for the disclosure to third parties of criminal history record information or immigration record information received by PN from ICE under this SOP prior to such disclosure. Third parties are
individuals or entities outside of PN. If a compelling need exists that would justify PN not making such a written request, PN is to give written notice of the disclosure to ICE as soon as practicable. In no event may PN disseminate criminal history record information to any other entity unless the entity is a criminal justice agency engaged in the administration of criminal justice and uses the information only for criminal justice purposes enumerated above.

b. ICE is to obtain written authorization from PN for the disclosure to third parties of criminal history record information or immigration record information received under this SOP prior to such disclosure, except where ICE is required by law to disclose the information to third parties. Third parties are individuals or entities outside of ICE. If a compelling need exists for ICE to share criminal history record information without a written request, ICE is to give written notice of the disclosure to PN as soon as practicable. Unless otherwise required by law, regulation, or policy ICE may not disseminate criminal history record information to another agency outside of DHS unless the agency is a criminal justice agency engaged in the administration of criminal justice and uses the information only for criminal justice purposes.

c. Nothing in this SOP is intended to restrict or preclude PN from sharing biographic data that is extracted from the criminal history record information or immigration record information provided by ICE for the purpose of facilitating the repatriation process.

VI. SUSPENSION, MODIFICATION, OR DISCONTINUANCE

Any suspension, modification, or discontinuance of this SOP is to be governed by terms of MOC.
MEMORANDUM OF COOPERATION
BETWEEN
THE MINISTRY OF GOVERNMENT OF THE REPUBLIC OF GUATEMALA THE
DEPARTMENT OF HOMELAND SECURITY AND
OF THE UNITED STATES OF AMERICA CONCERNING THE PROCESS AND
EXCHANGE OF INFORMATION ON GUATEMALAN NATIONALS
REPARTRIATED TO GUATEMALA

The Ministry of Interior (MINGOB) of the Republic of Guatemala (Guatemala) and the Department of Homeland Security (DHS) of the United States of America (United States), hereinafter referred to collectively as the “Participants,” Recognizing the longstanding relationship and cooperation between their administrations;

Having regard for their common concern for, and approach to, the security and safety of North and Central America, their common interest in protecting their peoples and law enforcement capabilities, and the relevant role their administrations and other agencies and divisions within their Departments have in such concerns, approaches and interests;

Recognizing the role their administrations play in criminal justice and safeguarding their nations and nationals, particularly by detecting, investigating, and preventing criminal activities in their respective territories;

Noting the desire of the MINGOB and Civilian National Police (PNC) of the Republic of Guatemala to conduct and support law enforcement actions, including for the purposes of detection, apprehension, detention, pretrial and post-trial release, prosecution, correctional supervision, and rehabilitation of accused or criminal offenders, and DHS’s desire to provide assistance to the MINGOB and PNC with respect to these endeavors;

Noting the desire of the MINGOB and PNC to conduct and support immigration actions, including for the purposes of domestic security and repatriating Guatemalan deportees from the United States, and DHS’s desire to provide assistance to the PNC with respect to these endeavors;

Recognizing the need for increased coordination in law enforcement operations, repatriations of Guatemalan nationals, including Guatemalan nationals convicted of certain felonies, and improved communication and coordinated responses to acts of violence and serious criminal violations;

Further recognizing the desire of the Participants to collaborate and coordinate, as appropriate and to the extent practicable, subject to their capabilities and discretion to prevent and deter crime and improve sharing of law enforcement data to prosecute crime, with the aim of enhancing the security of Guatemala and the United States;

Recognizing the ongoing cooperative efforts of the Participants in security and law enforcement-related matters;

Recognizing the achievements reached through other bi-national fora and arrangements; and
Desiring to suppress and prevent criminal activities and threats to domestic security by exchanging criminal history record information and by improving and enhancing repatriation procedures for Guatemalan nationals, including Guatemalan nationals convicted of certain felonies - as defined in the accompanying Standard Operating Procedures (SOP) - and thereby responding decisively to these threats through criminal enforcement, homeland security and national security activities as legally appropriate,

Hereby express their desire to fulfill the goals, initiatives, programs and mechanisms in this Memorandum of Cooperation (MOC):

I. PURPOSE

The purpose of this MOC is to memorialize the Participants' desire to share, by electronic means, immigration and/or criminal history record information concerning Guatemalan nationals who are being repatriated from the United States. The collection, processing, retention or transfer of information contemplated in this MOC is intended to be consistent with the applicable laws, regulations and relevant policies in Guatemala and in the United States.

The purpose of this information sharing is to improve the sharing of law enforcement and immigration data for the administration of criminal justice, suppress criminal activities and threats to domestic security in Guatemala, and prevent recidivism.

II. DEFINITIONS

A. “Administration of criminal justice” is conduct involving the following activities: detection, apprehension, suppression, detention, pretrial release, post-trial release, prosecution, adjudication, correctional supervision, or rehabilitation of accused persons or criminal offenders and further includes criminal identification activities and the collection, storage and dissemination of criminal history record information.

B. “Criminal history record information” is information about individuals that is maintained by the Participants within their respective government databases and collected by the Participants criminal justice agencies consisting of data on arrests, detentions, indictments, informations, or other formal criminal charges, and any disposition arising therefrom, including acquittal, sentencing, correctional supervision and release.

C. “Felony convictions” are convictions, as outlined further in the accompanying SOP, under the Participants’ Federal or State law.

D. “Repatriation” is the return of individuals from the United States to Guatemala pursuant to an Order of Removal, reinstated prior order, or voluntary departure.
E. "Immigration record information" is information, as described further in the accompanying SOP, limited to the biographic and biometric information that is collected by DHS to assist in the repatriation of an individual to his or her country of nationality or citizenship, or removal to another country as legally appropriate.

III. SCOPE OF COOPERATION

(b)(5); (b)(7)(E)
IV. IMPLEMENTING AGENCIES

U.S. Immigration and Customs Enforcement (ICE) is to serve as the Implementing Agency for the U.S. Department of Homeland Security under this MOC. The PNC is to serve as the Implementing Agency for MINGOB under this MOC.

V. ACCESS TO AND USE OF INFORMATION

(b)(5); (b)(7)(E)
VI. SECURITY

A. The exchange of information performed under this MOC is to be conducted at the Controlled/Protected/For Official Use Only/Law Enforcement Sensitive/Restricted level;

B. To protect against unauthorized disclosure, use, copying or modification of the information exchanged under this MOC, the Participants intend to undertake appropriate security measures with respect to physical security of terminals and telecommunication lines; personnel security including background screening, technical security, data security, and dissemination and logging. Further, the receiving Participant is to restrict access to such information on a need to know basis, and use recognized security mechanisms such as passwords, encryption, or other reasonable safeguards to prevent unauthorized access;

C. The Participants are expected to notify each other of reported or suspected unauthorized access to or the loss, compromise, unauthorized use or distribution of criminal history record information promptly and in writing, and to state what action, if any, the Participants have taken or expect to take to resolve the matter; and

D. The Participants intend to develop mutually acceptable audit procedures, and the Participants intend to make such audit information available to each other, if requested.

VII. FUNDING

Unless otherwise arranged for in writing, each Participant intends to bear its own costs in relation to this MOC. Expenditures are subject to the Participants' budgetary resources and availability of funds pursuant to applicable laws and regulations. The Participants expressly acknowledge that this MOC in no way implies that funding is to be made available for such expenditures.
VIII. RECEIPT OF ADDITIONAL INFORMATION

The Participants intend that should they desire additional information related to criminal history record information, the Participants are to pursue such requests through other applicable agreements or arrangements.

IX. SUSPENSION OF ACTIVITY

A. Either Participant may suspend its activity under this MOC at any time in response to the other Participant’s unauthorized access to, distribution of, or use of criminal history record information, biometric information, biographic identification information or immigration record information, or for other cause, including violation of its agency’s applicable policies or regulations. Notice of suspension is to be provided in writing to the other Participant, and such suspension may be lifted by notice in writing to the other Participant.

B. The Participants may reinstitute activity under this MOC at their discretion. The basis for reinstituting activity is to be mutually acceptable and in writing.

X. MODIFICATION AND DISCONTINUANCE

A. The Participants intend that any modification of this MOC be mutually accepted by both Participants and in writing.

B. Either Participant may discontinue its participation under this MOC. In the event a Participant intends to discontinue participation under the MOC, it should endeavor to provide thirty (30) days written notice to the other Participant.

C. In the event of discontinuance, the Participants intend to consult with each other to perform the actions related to the discontinuance on the most economical and equitable terms. Participants should endeavor to provide written confirmation of appropriate actions undertaken within thirty (30) days.

D. No later than one (1) year after the signing of this MOC, and on an annual basis every year thereafter, the Participants intend to review their cooperative efforts under the provisions of this MOC with a view to determine their desire to continue to cooperate consistent with this MOC in the future.

E. The Participants intend to resolve any disagreements arising under or relating to this MOC only by consultation between the Participants.
XI. PARTICIPANTS' REPRESENTATIVES

The following Participants' representatives are designated as the points of contact for the purposes of implementing this MOC:

For MINGOB: The Minister of Interior
For PNC: The General Director of the Civilian National Police of Guatemala
For DHS: The Assistant Secretary of U.S. Immigration and Customs Enforcement

XII. COMMENCEMENT OF ACTIVITIES AND PERIOD OF VALIDITY OF MOC

The Participants intend to commence activities under this MOC upon signature of the Participants and to continue until notice is provided to discontinue such participation.

XIII. EXPRESSION OF INTENT

This MOC is not a legally binding agreement, nor is it a formal expression of a legally binding agreement. It is an expression of the intent of the Participants. Similarly, this MOC does not confer, grant or authorize any rights, privileges, or obligations as to any third party.

Signed at Guatemala City, Guatemala, on the ninth day of July of the year 2014, in duplicate, in the English and Spanish languages.

FOR THE MINISTER OF
GOVERNANCE OF THE
THE REPUBLIC OF GUATEMALA:

[Signature]
Mauricio Lopez Bonilla
Minister of Governance

FOR THE U.S. DEPARTMENT OF
HOMELAND SECURITY OF THE
UNITED STATES OF AMERICA:

[Signature]
Jeh C. Johnson
Secretary
ICE HSI BITMAP OVERVIEW

U.S. Immigration and Customs Enforcement (ICE), Homeland Security Investigations (HSI), in collaboration with Customs and Border Protection (CBP) and Department of Defense (DOD), developed the Biometric Identification Transnational Migration Alert Program (BITMAP) to extend the U.S. border by targeting high risk subjects who attempt to enter the U.S. utilizing illicit pathways.

BACKGROUND

PURPOSE

Through BITMAP, HSI trains and equips foreign counterparts to **tactically collect biometric and biographic data** on special interest aliens, gang members, and other persons of interest as identified by various host country partners.

IMPACT

Foreign partners share this data with HSI to populate and enhance **U.S. government databases** simultaneously, including the Department of Defense’s ABIS, the Federal Bureau of Investigation’s NGI, and DHS’s IDENT.

VALUE

BITMAP’s current operations in 18 countries generates the following operational value:

INTERAGENCY COLLABORATION

HSI collaborates with CRP, the DOD, the Federal Bureau of Investigation (FBI), and other components of the Department of Homeland Security (DHS) to support the capability to search and enroll BITMAP data into the **three primary U.S. biometric databases** simultaneously.

INTERNATIONAL COOPERATION

HSI and other USG partners work with host nations to **build capacity to take appropriate law enforcement actions** against identified threats to U.S. national security. BITMAP collections by foreign law enforcement partners may prevent future visa issuance, admission to the U.S., or alert U.S. law enforcement personnel upon encounters within the border.

DATA-DRIVEN RESULTS

Since its inception in 2011, BITMAP has enrolled over 155,000 encounters of persons of interest, including over 460 enrollments of Known and Suspected Terrorists (KST). BITMAP has matched over 300 persons to the DOD Biometrically Enabled Watchlist (BEWL), and added 1,413 new identities to the BEWL.

GLOBAL CAPACITY FOR GROWTH

In an effort to enhance U.S. national security, HSI is committed to the continued expansion of BITMAP and to the enhancement of operations. HSI is prioritizing expansion in the Caribbean, South America and Africa. HSI will continue to collaborate with U.S. Customs and Border Protection to automate initial biographic and biometric screening.

BITMAP provides the U.S. government **vital information from foreign law enforcement partners**, including border encounters of special interest aliens, gang members, and other persons of interest who may pose a potential national security concern to the United States.