

**MEMORANDUM OF COORDINATION ON REPATRIATION PROCEDURES  
BETWEEN  
THE DEPARTMENT OF HOMELAND SECURITY  
OF THE UNITED STATES OF AMERICA  
AND THE SECRETARIAT OF GOVERNANCE OF  
THE UNITED MEXICAN STATES  
CONCERNING THE SAFE, HUMANE AND ORDERLY REPATRIATION OF  
MEXICAN NATIONALS TO THE INTERIOR OF MEXICO**

The Department of Homeland Security (DHS) of the United States of America and the Secretariat of Governance (Secretaría de Gobernación, or “SEGOB”) of the United Mexican States, hereinafter referred to collectively as the “Participants,”

**Recognizing** the longstanding relationship and cooperation between their administrations and the shared desire for enhanced joint management of migration;

**Acknowledging** a shared concern for the safety and well being of Mexican nationals returning from the United States of America to the United Mexican States, the impact of repatriation both on the individual and on the communities to which people are returned, and a common belief that repatriating people to their home communities in the interior can contribute to the social and economic reintegration to these communities, where they are likely to remain and find the support they require;

**Desiring** to minimize an environment in the border communities where recently repatriated Mexican nationals without ties and support are vulnerable to criminal organizations or lack the funds or support to travel to their home communities in the interior of the United Mexican States;

**Recognizing** the shared goal of safe and human repatriation, that is beneficial to all Mexican nationals.

**Recognizing** the benefits of the voluntary Mexican Interior Repatriation Program (MIRP) to the United Mexican States, in which Mexican nationals who have participated since 2004 were flown to the interior of Mexico rather than taken to a border community;

**Bearing in mind** that the 2004 Memorandum of Understanding between the Secretariat of Governance and the Secretariat of Foreign Affairs of the United Mexican States and the Department of Homeland Security of the United States of America on the Safe, Orderly, Dignified And Humane Repatriation Of Mexican Nationals, established the Mexico – U.S. Repatriation Technical Working Group (RTWG) comprised of appropriate officials from both governments;

**Considering** that in April 2009 the United States and Mexico established a framework of thirty one Local Arrangements for the Repatriation of Mexican Nationals between consular and

immigration authorities of both countries, which have been an essential tool for bilateral cooperation on this issue;

**Taking into account** the Letter of Intent signed by SEGOB and DHS on February 17, 2010 and the Letter of Intent signed by the SEGOB, SRE and DHS on November 30, 2010, expressing their will to further cooperate on issues related to repatriation;

**Further Recognizing** the framework of cooperation to improve information sharing and repatriation procedures, as outlined in the Memorandum of Cooperation signed on March 23, 2010, by DHS, SEGOB, and the Secretariat of Public Safety (SSP);

The Participants hereby enter into this Memorandum of Coordination (MOC) on Repatriation Procedures.

## **I. PURPOSE**

The purpose of this MOC is to memorialize the Participants' commitment to establish procedures to be followed on a pilot initiative basis for a period up to November 30, 2012, to return Mexican nationals closer to their place of residence in a safe, humane and orderly way while preventing human smuggling and trafficking, providing physical safety, and promoting social and economic reintegration into their country.

## **II. DEFINITIONS**

For the purpose of this MOC,

“Repatriation” is the return of Mexican nationals from the United States of America to the United Mexican States pursuant to a Final Order of Removal or reinstated prior order;

“Interior repatriation” is the process through which Mexican nationals are repatriated to a location closer to or within their state of origin or declared residence;

“Returnee with a criminal conviction” means a Mexican national in the custody of U.S. Immigration and Customs Enforcement (ICE) being returned who has a criminal conviction as defined under U.S. law;

“Returnee with no criminal conviction” means a Mexican national in ICE custody being returned who has no criminal conviction as defined under U.S. law.

## **III. SCOPE OF COORDINATION**

The Participants intend to develop and implement an initiative to repatriate some Mexican nationals, with or without a criminal history, to the interior of the United Mexican States. This interior repatriation is not intended to replace or preclude the repatriation of Mexican nationals along the northern border of the United Mexican States.

#### **IV. IMPLEMENTING AGENCIES**

DHS designates U.S. Immigration and Customs Enforcement (ICE), and SEGOB designates the National Institute of Migration (INM) as their respective implementing agents, (together, the Implementing Agencies) under this MOC.

#### **V. BILATERAL WORKING GROUP**

The Participants intend to refer processes and other issues required for successful implementation of these repatriations to the Mexico – U.S. Repatriation Technical Working Group (RTWG). The members of the RTWG may request the participation of officials from other government departments and agencies of the United States of America and the United Mexican States, or any other experts who have useful information for successful design and/or implementation of the repatriations.

Beginning three (3) months after these repatriations becomes operational, and every three (3) months thereafter, the RTWG is to prepare a written evaluation report. This written report is to have at least three sections: a) a U.S. Government evaluation, b) a Government of Mexico evaluation, and c) Joint Conclusions. In the event that the national delegations have a difference of opinion on any issue in the evaluation, each is to add its own conclusion to the final report.

The RWTG is expected to present the written report to the points of contact identified in section IX no later than thirty (30) days after each three (3) month interval. The points of contact, or their representatives, intend to meet, either in person or telephonically, within thirty (30) days of the receipt of each evaluation to discuss the contents and decide whether any changes must be made to the procedures or this MOC. In the event these repatriations are suspended, the RTWG should prepare a written evaluation within thirty (30) days of the suspension.

#### **VI. PRINCIPLES FOR THE INTERIOR REPATRIATION PROCEDURES**

The Participants intend to follow these principles:

1. Mexican nationals with or without a criminal history who are to be repatriated pursuant to a final order of removal, reinstated prior order, voluntary departure, or voluntary return are eligible to be repatriated to the interior. Mexican nationals who reside in the northern border states of The United Mexican States or in the state of Baja California Sur, are not eligible to be repatriated under these procedures.
2. All individuals who are to be repatriated are to be in good health, which means that the person is able to fly safely, without worsening any illness as a result of the flight or putting his or her life or the life of any other person at risk. If an otherwise eligible person is not in good health, he or she will be repatriated in accordance with existing ICE policies and procedures, as well as under the terms set for vulnerable individuals in the applicable bilateral Local Arrangement.

3. Eligible Mexican nationals are to be repatriated according to ICE procedures via air to the interior of Mexico on flights specially contracted for this purpose. Once in Mexico, they are to be transported by specially contracted ground transportation to the final destination that each returnee identifies as his or her place of residence.
4. Families in ICE custody are not to be separated. If any member of a family unit is for any reason ineligible to participate, the entire family unit will be ineligible to be repatriated under these procedures. For purposes of this MOC, the Participants define “family” as including spouses (including common law spouses), children, siblings (brothers and sisters), parents, grandparents, aunts, and uncles.
5. Mexican nationals being repatriated through this procedure are to be provided with information regarding their right to consular notification, in accordance with the Vienna Convention on Consular Relations, the Mexico-U.S. Consular Convention and Local Arrangements for the Repatriation of Mexican Nationals. DHS intends to provide adequate facilities so that consular access can be granted before the departure of their flight from the United States.

If, working with Mexican consular officials, ICE concurs that extraordinary or compelling circumstances exist and require a different form of repatriation for a particular returnee, ICE may elect to repatriate that person through another repatriation method.

6. Unaccompanied minors are not to be repatriated following these procedures.
7. These procedures are not intended to supplement or supersede the international obligations of the United States of America and United Mexican States. Nothing in this MOC should be interpreted as a limitation upon existing international agreements to which the United States of America or the United Mexican States is a party. Nothing in this MOC should be interpreted as a modification of existing bilateral arrangements or programs on repatriation, such as the MIRP and the Local Arrangements for the Repatriation of Mexican Nationals.
8. The biographical information (name, date of birth, gender, age, place of birth) of Mexican nationals being repatriated through these procedures are to be provided by ICE electronically and automatically to the competent Mexican authority before departure of the corresponding plane. Criminal history information about persons being repatriated is to be provided in advance of the repatriation and in accordance with the provisions of the MOC dated March 23, 2010 and the procedures implemented pursuant thereto.
9. The Participants intend to explore possible bilateral cooperation in order to facilitate the social, economic, and cultural reintegration of Mexican nationals who are repatriated to the interior through these procedures.
10. To facilitate operational functionality and safety for the implementation of these procedures, the Participants are to identify the location(s) from which interior repatriation flights are to depart from the United States of America and the location(s) within the United Mexican States to which the flights are to arrive.

11. The Participants intend to provide sufficient personnel and resources to meet the objectives of these procedures.
12. The Participants intend to jointly decide upon the number and frequency of interior repatriation flights.
13. To promote consistency and messaging alignment, the Participants should mutually determine about any public communications about these procedures.
14. The human rights of returnees are to be respected. The Implementing Agencies appointed in Section IV intend to take the appropriate measures to train personnel on the humane treatment of returnees and intercultural relations to facilitate communication and understanding between agents and returnees. Participants intend to ensure that Mexican nationals being repatriated under these procedures are well informed of the migratory process. Sufficient water and food should be accessible to returnees. Appropriate steps should be taken to accommodate a special diet if necessary due to medical conditions. Long periods of detention should be avoided through the expedited processes. The Participant who has custody of the returnee should provide necessary medical treatment.
15. Any violation of these principles should be evaluated jointly by the Participants and could constitute sufficient cause for the suspension of these procedures, following the rules established in section VIII.
16. Specific Standard Operating Procedures (SOPs) governing these repatriations are to be established jointly under these principles.

## **VII. FUNDING**

Unless otherwise mutually determined to in writing, each Participant intends to bear its own costs in relation to this MOC. ICE intends to fund the cost of flights, while INM intends to fund the cost of ground transportation within the territory of the United Mexican States. Expenditures are subject to the Participants' budgetary processes and availability of funds pursuant to applicable laws and regulations. The Participants expressly acknowledge that this MOC in no way implies that funding is required to be made available for such expenditures.

## **VIII. MODIFICATION AND DISCONTINUANCE**

1. Any modification of this MOC is to be in writing.
2. The Participants may discontinue their participation under this MOC at any time. In the event that a Participant intends to discontinue its participation under the MOC, it should provide 30 days' written notice to the other Participants. The Participant who intends to discontinue the MOC should provide a written report presented to the representatives identified in section IX stating the causes and motives for the discontinuance decision. If the Participants decide, and if necessary for the continuance of the interior repatriations procedures herein, an *ad hoc* mechanism may be established to resolve differences that are unresolved by the RTWG.

3. In the event of discontinuance, the Participants should consult with each other in order to carry out the discontinuance on the most economical and equitable terms. The Participants should provide written confirmation of appropriate actions undertaken within 30 days of the discontinuance.
4. The Participants intend to resolve disagreements arising under or relating to this MOC only by consultation between all Participants.

#### **IX. PARTICIPANTS' REPRESENTATIVES**

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

*For SEGOB: The Undersecretary of Population, Migration and Religious Affairs*

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

#### **X. COMMENCEMENT OF ACTIVITIES**

The Participants intend to commence activities under this MOC after signature of all Participants, and upon the development of bilaterally agreed SOPs for its implementation.

#### **XI. 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 Mexico City, on February 27, 2012 in duplicate in the Spanish and English languages.

**FOR THE SECRETARIAT OF  
GOVERNANCE OF THE UNITED  
MEXICAN STATES**

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

  
Alejandro Poiré Romero  
Secretary

  
Janet Napolitano  
Secretary