

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF LOUISIANA  
LAFAYETTE DIVISION

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STATE OF ARIZONA, <i>et al.</i> ,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	Civil Action No. 6:22-CV-00885-RRS-CBW
	)	
CENTERS FOR DISEASE CONTROL	)	
& PREVENTION, <i>et al.</i> ,	)	
	)	
Defendants.	)	

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**DEFENDANTS' MONTHLY REPORT FOR THE MONTH OF MAY PURSUANT TO  
THE COURT'S PRELIMINARY INJUNCTION**

Pursuant to the Court’s May 20, 2022 preliminary injunction order, ECF No. 91, Defendants herein provide, subject to the caveats discussed below, data showing, for the period of May 1-31, 2022,<sup>1</sup> (1) the number of single adults processed under Title 42 and Title 8 by country, (2) the number of recidivist border crossers for whom the U.S. Customs and Border Protection (“CBP”), Department of Homeland Security (“DHS”) has applied expedited removal, (3) the number of migrants that have been excepted from Title 42 under the NGO-supported humanitarian exception process, and (4) any material changes to policy regarding DHS’s application of the Title 42 process.

**1. The number of single adults processed under Title 42 and Title 8 by country.**

Below is the data for single adult encounters by CBP at the Southwest land border for the period of May 1-31, 2022.

Component	Citizenship	Title 42	Title 8	Total
<b>OFO</b>	AFGHANISTAN	0	4	<b>4</b>
	ARMENIA	5	180	<b>185</b>
	AUSTRALIA	0	1	<b>1</b>
	AZERBAIJAN	0	5	<b>5</b>
	BELARUS	5	51	<b>56</b>
	BELGIUM	1	1	<b>2</b>
	BELIZE	0	7	<b>7</b>
	BOLIVIA	0	2	<b>2</b>
	BRAZIL	0	5	<b>5</b>
	CAMEROON	0	1	<b>1</b>
	CANADA	5	2	<b>7</b>
	CHILE	1	3	<b>4</b>
	CHINA (MAINLAND)	2	21	<b>23</b>

<sup>1</sup> The Court’s preliminary injunction order stated that “DHS shall file monthly reports.” ECF No. 91. As explained in Defendants’ prior weekly reports required by the Court’s temporary restraining order (TRO), final verification of DHS’s border data takes place at the end of every month. Due to the TRO’s weekly reporting requirement, Defendants have been providing preliminary data subject to change. *See, e.g.*, ECF No. 89. In light of the preliminary injunction order’s monthly reporting requirement, counsel for Defendants informed Plaintiffs on June 9, 2022, that starting on June 16, 2022, and each month thereafter, DHS would supply monthly reports on the prior month’s final data as long as the preliminary injunction order remains in place. Plaintiffs did not object to Defendants’ proposal.

COLOMBIA	2	24	<b>26</b>
COSTA RICA	0	3	<b>3</b>
CUBA	7	176	<b>183</b>
CZECH REPUBLIC	1	0	<b>1</b>
DENMARK	0	1	<b>1</b>
DOMINICAN REPUBLIC	0	3	<b>3</b>
ECUADOR	2	2	<b>4</b>
EL SALVADOR	8	155	<b>163</b>
FRANCE	1	0	<b>1</b>
GEORGIA	0	13	<b>13</b>
GERMANY	3	1	<b>4</b>
GUATEMALA	24	87	<b>111</b>
GUYANA	0	2	<b>2</b>
HAITI	5	1,044	<b>1,049</b>
HONDURAS	9	386	<b>395</b>
INDIA	0	4	<b>4</b>
IRAN	0	3	<b>3</b>
IRAQ	0	1	<b>1</b>
ITALY	0	2	<b>2</b>
JAMAICA	0	38	<b>38</b>
JAPAN	0	1	<b>1</b>
JORDAN	1	0	<b>1</b>
KAZAKHSTAN	0	3	<b>3</b>
KYRGYZSTAN	0	28	<b>28</b>
MEXICO	1,777	2,549	<b>4,326</b>
MOLDOVA	0	22	<b>22</b>
NICARAGUA	8	18	<b>26</b>
NIGERIA	0	1	<b>1</b>
PERU	3	9	<b>12</b>
POLAND	1	1	<b>2</b>
PORTUGAL	1	0	<b>1</b>
REPUBLIC OF SOUTH AFRICA	0	1	<b>1</b>
ROMANIA	1	9	<b>10</b>
RUSSIA	37	946	<b>983</b>
SOMALIA	1	0	<b>1</b>
SOUTH KOREA	0	2	<b>2</b>
SPAIN	3	4	<b>7</b>
SWITZERLAND	0	1	<b>1</b>
TAJIKISTAN	0	1	<b>1</b>
THAILAND	0	1	<b>1</b>

	TRINIDAD AND TOBAGO	0	1	1
	TURKEY	3	4	7
	UKRAINE	54	52	106
	UNITED KINGDOM	0	1	1
	UNKNOWN	2	6	8
	UZBEKISTAN	0	4	4
	VENEZUELA	2	10	12
	YEMEN	0	1	1
	<b>OFO Total</b>	<b>1,975</b>	<b>5,904</b>	<b>7,879</b>
<b>USBP</b>	AFGHANISTAN	0	27	27
	ALBANIA	0	10	10
	ANGOLA	0	68	68
	ARGENTINA	0	27	27
	ARMENIA	0	9	9
	ARUBA	0	1	1
	AZERBAIJAN	0	22	22
	BANGLADESH	0	95	95
	BELARUS	0	24	24
	BELIZE	1	20	21
	BENIN	0	9	9
	BOLIVIA	0	71	71
	BRAZIL	32	1,234	1,266
	BULGARIA	0	1	1
	BURKINA FASO	0	10	10
	BURMA	0	1	1
	CAMEROON	7	111	118
	CANADA	1	0	1
	CAPE VERDE	0	1	1
	CHILE	0	6	6
	CHINA, PEOPLES REPUBLIC OF	0	179	179
	COLOMBIA	59	9,361	9,420
	CONGO	0	24	24
	COSTA RICA	0	38	38
	CUBA	1,788	18,187	19,975
	DEM REP OF THE CONGO	0	20	20
	DOMINICA	0	1	1
	DOMINICAN REPUBLIC	1	350	351
	ECUADOR	118	1,138	1,256
	EGYPT	0	4	4
EL SALVADOR	4,160	378	4,538	

EQUATORIAL GUINEA	0	2	<b>2</b>
ERITREA	0	76	<b>76</b>
ETHIOPIA	0	23	<b>23</b>
GAMBIA	0	11	<b>11</b>
GEORGIA	0	849	<b>849</b>
GHANA	5	106	<b>111</b>
GUADELOUPE	4	0	<b>4</b>
GUATEMALA	11,734	576	<b>12,310</b>
GUINEA	0	24	<b>24</b>
GUINEA-BISSAU	0	5	<b>5</b>
GUYANA	1	0	<b>1</b>
HAITI	1,928	1,182	<b>3,110</b>
HONDURAS	7,662	791	<b>8,453</b>
HUNGARY	0	1	<b>1</b>
INDIA	1	1,906	<b>1,907</b>
IRAN	0	9	<b>9</b>
IRAQ	0	2	<b>2</b>
ISRAEL	0	2	<b>2</b>
ITALY	0	1	<b>1</b>
IVORY COAST	0	3	<b>3</b>
JAMAICA	0	379	<b>379</b>
KAZAKHSTAN	0	16	<b>16</b>
KOSOVO	0	4	<b>4</b>
KUWAIT	0	1	<b>1</b>
KYRGYZSTAN	0	17	<b>17</b>
LEBANON	0	2	<b>2</b>
LIBERIA	0	1	<b>1</b>
LIBYA	0	1	<b>1</b>
MALI	0	11	<b>11</b>
MAURITANIA	0	21	<b>21</b>
MEXICO	60,062	5,475	<b>65,537</b>
MOLDOVA	0	3	<b>3</b>
MOROCCO	0	2	<b>2</b>
NEPAL	0	136	<b>136</b>
NICARAGUA	1,071	14,441	<b>15,512</b>
NIGER	1	4	<b>5</b>
NIGERIA	1	51	<b>52</b>
PAKISTAN	0	30	<b>30</b>
PANAMA	0	16	<b>16</b>
PARAGUAY	0	3	<b>3</b>

PERU	15	4,759	<b>4,774</b>
PHILIPPINES	1	3	<b>4</b>
ROMANIA	0	147	<b>147</b>
RUSSIA	0	458	<b>458</b>
RWANDA	0	1	<b>1</b>
SENEGAL	0	172	<b>172</b>
SERBIA	0	6	<b>6</b>
SIERRA LEONE	0	9	<b>9</b>
SOMALIA	1	103	<b>104</b>
SOUTH KOREA	1	0	<b>1</b>
SPAIN	0	1	<b>1</b>
SRI LANKA	0	11	<b>11</b>
ST. LUCIA	0	1	<b>1</b>
SUDAN	0	4	<b>4</b>
SWEDEN	0	1	<b>1</b>
SYRIA	0	9	<b>9</b>
TAIWAN	0	1	<b>1</b>
TAJKISTAN	1	8	<b>9</b>
TOGO	0	9	<b>9</b>
TRINIDAD AND TOBAGO	0	2	<b>2</b>
TUNISIA	0	1	<b>1</b>
TURKEY	0	1,770	<b>1,770</b>
UKRAINE	0	47	<b>47</b>
URUGUAY	0	5	<b>5</b>
UZBEKISTAN	2	107	<b>109</b>
VENEZUELA	17	3,393	<b>3,410</b>
VIETNAM	0	2	<b>2</b>
YEMEN	0	4	<b>4</b>
ZAMBIA	0	1	<b>1</b>
ZIMBABWE	0	1	<b>1</b>
<b>USBP Total</b>	<b>88,675</b>	<b>68,646</b>	<b>157,321</b>
<b>CBP Total</b>	<b>90,650</b>	<b>74,550</b>	<b>165,200</b>

**2. The number of recidivist border crossers for whom DHS has applied expedited removal.**

From May 1 - 31, 2022, U.S. Border Patrol (“USBP”) applied expedited removal, 8 U.S.C. § 1225(b)(1), to 2,017 single adults who attempted to unlawfully enter the United States between a port

of entry and who had previously been encountered by USBP and processed under Title 42 or Title 8 at least one time since March 20, 2020.

**3. The number of migrants that have been excepted from Title 42 under the NGO-supported humanitarian exception process.**

From May 1 - 31, 2022, CBP's Office of Field Operations processed 8,247 Title 42 exceptions at the 6 ports of entry that utilize the above-referenced NGO-supported humanitarian exception process. The below shows the data broken down by port.

- Hidalgo, TX: **3,651**
- Laredo, TX: **655**
- Eagle Pass, TX: **483**
- Paso del Norte, El Paso, TX: **920**
- Nogales, AZ: **390**
- San Ysidro, CA: **2,148**

**4. Any material changes to policy regarding DHS's application of the Title 42 process.**

DHS reports that it has made one material change to its policy on its application of the Title 42 process beyond compliance with the Court's preliminary injunction order. As explained in Defendants' opposition to Plaintiffs' motion for preliminary injunction, *see* ECF No. 40 at 7-8, on March 4, 2022, the D.C. Circuit affirmed in part a previously stayed preliminary injunction enjoining the application of Title 42 orders to family units. *Huisha-Huisha v. Mayorkas*, 27 F.4th 718 (D.C. Cir. 2022). The court found that although 42 U.S.C. § 265 likely authorizes the expulsion of covered noncitizens, pursuant to the Immigration and Naturalization Act, such expulsion may not be "to places where [the noncitizens] will be persecuted or tortured." *Id.* at 722. On May 23, 2022, the D.C. Circuit issued its mandate in *Huisha-Huisha*. In preparation for the mandate's issuance, DHS issued guidance to its field operators on May 21, 2022, attached hereto as Exhibits 1 & 2, specifying that "covered noncitizens who are part of a family unit and who have manifested a fear of returning

or being sent to the country to which they would be expelled should not be expelled without an appropriate screening by United States Citizenship and Immigration Services (USCIS) to determine whether they are more likely than not to be persecuted or tortured.” This guidance went into effect on May 23, 2022.

Date: June 16, 2022

Respectfully submitted,  
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