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

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

<u>DEFENDANTS' MONTHLY REPORT FOR THE MONTH OF MAY PURSUANT TO</u>
<u>THE COURT'S PRELIMINARY INJUNCTION</u>

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, 1 (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
	AFGHANISTAN	0	4	4
	ARMENIA	5	180	185
	AUSTRALIA	0	1	1
	AZERBAIJAN	0	5	5
	BELARUS	5	51	56
	BELGIUM	1	1	2
OFO	BELIZE	0	7	7
	BOLIVIA	0	2	2
	BRAZIL	0	5	5
	CAMEROON	0	1	1
	CANADA	5	2	7
	CHILE	1	3	4
	CHINA (MAINLAND)	2	21	23

¹

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

UNITED KINGDOM UNKNOWN UZBEKISTAN VENEZUELA YEMEN OFO Total AFGHANISTAN ALBANIA ARGENTINA AZERBAIJAN BANGLADESH BELARUS BELIZE BENIN BOLIVIA BRAZIL BULGARIA BURKINA FASO USBP USBP USBP UNITED KINGDOM 0 1 1 1,975 5,904 7, 10 10 11 1,975 5,904 7, 11 1,975 5,904 7, 11 1,975 5,904 7, 11 1,975 5,904 7, 11 1,975 5,904 7, 11 1,975 5,904 7, 11 1,975 5,904 7, 11 1,975 5,904 7, 11 1,975 5,904 7, 11 1,975 5,904 7, 11 1,975 5,904 7, 11 1,975 5,904 7, 11 1,975 5,904 7, 11 1,975 1,994 1,994 1,994 1,994 1,994 1,994 1,994 1,994 1,994 1,994 1,994 1,994 1,994 1,994 1,994 1,994 1,994 1,994 1,994 1,994 1,994 1,994 1,994 1,994 1,994 1,994 1,994 1,994 1,994 1,994 1,994 1,994 1,994 1,994 1,994 1,994 1,994 1,994 1,994 1,994 1,994 1,994 1,994 1,994 1,994 1,994 1,994 1,994 1,994 1,994 1,994 1,994 1,994 1,994 1,994 1,994 1,994 1,994 1,994 1,994 1,994 1,994 1,994 1,994 1,994 1,994 1,994 1,994 1,994 1,994 1,994 1,994 1,994 1,994 1,994 1,994 1,994 1,994 1,994 1,994 1,994 1,994 1,994 1,994 1,994 1,994 1,994 1,994 1,994 1,994 1,994 1,994 1,994 1,994 1,994 1,994 1,994 1,994 1,994 1,994 1,994 1,994 1,994 1,994 1,994 1,994 1,994 1,994 1,994 1,994 1,994 1,994 1,994 1,994 1,994 1,994 1,994 1,994 1,994 1,994 1,994 1,994 1,994 1,994 1,994 1,994 1,994 1,994 1,994 1,994 1,994 1,994 1,994 1,994 1,994 1,994 1,994 1,994 1,994 1,994 1,994 1,994 1,994 1,994 1,994 1,994 1,994 1,994 1,994 1,994 1,994 1,994 1,994 1,994 1,994 1,994 1,994 1,994 1,994 1,994 1,994 1,994 1,994 1,994 1,994 1,994 1,994 1,994 1,994 1,994 1,994 1,994 1,994 1,994 1,994 1,994 1,994 1,994 1,994 1,994 1,994 1,994 1,994 1,994 1,994 1,994 1,994 1,994 1,994 1,994 1,994 1,994 1,994 1,994 1,994 1,994 1,994 1,994 1,994 1,994 1,994 1,994 1,994 1,994 1,994 1,994 1,994 1,994 1,994 1,994 1,994 1,994 1,994 1,994 1,994 1,994 1,994 1,994 1,994 1,994 1,994 1,994 1,994 1,994 1,994 1,994 1,994 1,994 1,994 1,994 1,994 1,994 1,994 1,994 1,994 1,994 1,994 1,994 1,994 1,994 1,994 1,994 1,994 1,994 1,994 1,994 1,994 1,994 1,994 1,994 1,994 1,994 1,994 1,994 1,994 1,994 1,994 1,994 1,994 1,994 1,994 1,99	7 106 1 8 4 12 1 7,879 27	52	_	TIDIZEX
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AZERBAIJAN 0 22	9	9	0	ARMENIA
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BENIN 0 9	24	24	0	BELARUS
BOLIVIA 0 71	21	20	1	BELIZE
BRAZIL 32 1,234 1, BULGARIA 0 1 BURKINA FASO 0 10 USBP BURMA 0 1 CAMEROON 7 111 CANADA 1 0 CAPE VERDE 0 1 CHILE 0 6	9	9	0	BENIN
BULGARIA 0 1 BURKINA FASO 0 10 BURMA 0 1 CAMEROON 7 111 CANADA 1 0 CAPE VERDE 0 1 CHILE 0 6	71	71	0	BOLIVIA
USBP BURKINA FASO 0 10 BURMA 0 1 CAMEROON 7 111 CANADA 1 0 CAPE VERDE 0 1 CHILE 0 6	1,266	1,234	32	BRAZIL
USBP BURMA 0 1 CAMEROON 7 111 CANADA 1 0 CAPE VERDE 0 1 CHILE 0 6	1	1	0	BULGARIA
CAMEROON 7 111 CANADA 1 0 CAPE VERDE 0 1 CHILE 0 6	10	10	0	BURKINA FASO
CANADA 1 0 CAPE VERDE 0 1 CHILE 0 6	1	1	0	BP BURMA
CAPE VERDE 0 1 CHILE 0 6	118	111	7	CAMEROON
CHILE 0 6	1	0	1	CANADA
	1	1	0	CAPE VERDE
CHINA, PEOPLES REPUBLIC OF 0 179	6	6	0	CHILE
	179	179	0	CHINA, PEOPLES REPUBLIC OF
COLOMBIA 59 9,361 9,	9,420	9,361	59	COLOMBIA
CONGO 0 24	24	24	0	CONGO
COSTA RICA 0 38	38	38	0	COSTA RICA
	9,975	18,187	1,788	
DEM REP OF THE CONGO 0 20	20		·	DEM REP OF THE CONGO
DOMINICA 0 1	1			
DOMINICAN REPUBLIC 1 350	351	350	1	DOMINICAN REPUBLIC
			118	
EGYPT 0 4	1,256	ĺ		
EL SALVADOR 4,160 378 4,	1,256 4		4 160	EL SALVADOR

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

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

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, BRIAN M. BOYNTON Principal Deputy Assistant Attorney General U.S. Department of Justice, Civil Division

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