

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

STATE OF LOUISIANA, <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.)	

DEFENDANTS' MONTHLY REPORT FOR THE MONTH OF DECEMBER
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 month of December 2022, (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 December 1–31, 2022.

Component	Citizenship	Title 42	Title 8	Total
OFO	AFGHANISTAN	0	1	1
	ARGENTINA	3	3	6
	ARMENIA	0	231	231
	AUSTRALIA	0	1	1
	AZERBAIJAN	0	4	4
	BANGLADESH	0	1	1
	BELARUS	0	40	40
	BELGIUM	0	1	1
	BELIZE	0	15	15
	BHUTAN	0	2	2
	BRAZIL	0	2	2
	CAMEROON	0	3	3
	CANADA	3	4	7
	CHILE	2	8	10
	CHINA, PEOPLES REPUBLIC OF	5	14	19
	COLOMBIA	9	65	74
	CROATIA	0	1	1
	CUBA	4	27	31
	DEMOCRATIC REPUBLIC OF CONGO (ZAIRE)	0	1	1
	DJIBOUTI	0	1	1
	DOMINICAN REPUBLIC	6	10	16
	ECUADOR	15	20	35
	EGYPT	1	1	2
EL SALVADOR	11	236	247	

ETHIOPIA	0	1	1
FRANCE	6	3	9
GEORGIA	0	6	6
GERMANY	8	7	15
GHANA	0	3	3
GREECE	1	0	1
GUATEMALA	34	184	218
HAITI	2	3,061	3,063
HONDURAS	27	933	960
INDIA	0	3	3
IRAN	0	3	3
IRELAND	2	1	3
ITALY	3	9	12
JAMAICA	0	8	8
JAPAN	0	1	1
KAZAKHSTAN	0	15	15
KENYA	0	1	1
KYRGYZSTAN	0	52	52
LUXEMBOURG	1	0	1
MEXICO	1,499	3,552	5,051
MOLDOVA	0	3	3
MOROCCO	0	1	1
NEPAL	0	1	1
NETHERLANDS	2	2	4
NICARAGUA	9	10	19
NIGERIA	0	4	4
PANAMA	0	1	1
PERU	6	13	19
PHILIPPINES	0	1	1
PORTUGAL	1	1	2
REPUBLIC OF CONGO (BRAZZAVILLE)	0	1	1
ROMANIA	1	2	3
RUSSIA	15	1,899	1,914
SAUDI ARABIA	0	1	1
SOMALIA	0	1	1
SOUTH KOREA	0	3	3
SPAIN	27	33	60
SWITZERLAND	0	2	2
SYRIA	0	1	1
TAJIKISTAN	0	25	25
TURKEY	0	1	1
TURKMENISTAN	0	1	1
UKRAINE	5	5	10
UNITED KINGDOM	0	2	2
UNKNOWN	3	1	4

	UZBEKISTAN	0	22	22
	VENEZUELA	7	792	799
	VIETNAM	0	2	2
	YEMEN	0	1	1
	ZAMBIA	1	0	1
	ZIMBABWE	1	0	1
	OFO Total	1,720	11,367	13,087
USBP	AFGHANISTAN	0	470	470
	ALBANIA	0	11	11
	ALGERIA	0	2	2
	ANGOLA	1	88	89
	ARGENTINA	0	21	21
	ARMENIA	0	36	36
	AZERBAIJAN	0	27	27
	BANGLADESH	0	166	166
	BELARUS	0	18	18
	BELIZE	1	142	143
	BENIN	0	5	5
	BOLIVIA	0	137	137
	BRAZIL	0	356	356
	BULGARIA	0	1	1
	BURKINA FASO (UPPER VOLTA)	0	82	82
	CAMEROON	0	240	240
	CAPE VERDE, REPUBLIC OF	0	2	2
	CENTRAL AFRICAN REPUBLIC	0	1	1
	CHAD	0	1	1
	CHILE	0	11	11
	CHINA, PEOPLES REPUBLIC OF	0	848	848
	COLOMBIA	610	8,127	8,737
	COMOROS	0	1	1
	COSTA RICA	0	48	48
	CUBA	30	29,570	29,600
	DEMOCRATIC REPUBLIC OF CONGO (ZAIRE)	0	30	30
	DOMINICAN REPUBLIC	2	8,427	8,429
	ECUADOR	462	5,206	5,668
	EGYPT	0	18	18
	EL SALVADOR	1,970	340	2,310
	EQUATORIAL GUINEA	0	11	11
	ERITREA	0	148	148
	ETHIOPIA	2	79	81
GAMBIA	0	4	4	
GEORGIA	0	822	822	
GHANA	0	114	114	
GUADELOUPE	2	0	2	
GUATEMALA	6,986	544	7,530	

GUINEA	0	100	100
GUINEA-BISSAU	0	7	7
GUYANA	0	7	7
HAITI	0	25	25
HONDURAS	4,737	516	5,253
INDIA	0	2,481	2,481
IRAN	0	21	21
IRAQ	0	7	7
ISRAEL	0	3	3
IVORY COAST	0	3	3
JAMAICA	0	348	348
JORDAN	0	5	5
KAZAKHSTAN	0	66	66
KENYA	0	1	1
KOSOVO	0	5	5
KYRGYZSTAN	0	110	110
LEBANON	0	3	3
LIBERIA	0	1	1
LIBYA	0	2	2
MALI	0	18	18
MAURITANIA	1	212	213
MEXICO	21,900	9,552	31,452
MOLDOVA	0	28	28
MOROCCO	0	8	8
NEPAL	0	310	310
NICARAGUA	79	28,599	28,678
NIGER	0	5	5
NIGERIA	0	118	118
PAKISTAN	0	89	89
PANAMA	1	98	99
PAPUA NEW GUINEA	0	1	1
PARAGUAY	0	5	5
PERU	3	6,242	6,245
PHILIPPINES	0	1	1
POLAND	0	1	1
PORTUGAL	0	1	1
REPUBLIC OF CONGO (BRAZZAVILLE)	0	18	18
REPUBLIC OF SOUTH AFRICA	0	4	4
ROMANIA	0	69	69
RUSSIA	0	912	912
RWANDA	0	1	1
SENEGAL	1	255	256
SERBIA	0	3	3
SIERRA LEONE	0	23	23
SOMALIA	0	261	261

SPAIN	0	2	2
SRI LANKA	0	61	61
SUDAN	0	11	11
SYRIA	0	21	21
TAJIKISTAN	0	71	71
TANZANIA	0	5	5
THAILAND	0	1	1
TOGO	0	7	7
TRINIDAD AND TOBAGO	0	3	3
TURKEY	0	913	913
TURKMENISTAN	0	4	4
UGANDA	0	1	1
UKRAINE	0	5	5
URUGUAY	0	3	3
USSR	0	1	1
UZBEKISTAN	0	513	513
VENEZUELA	2,738	648	3,386
VIETNAM	0	218	218
WESTERN SAHARA	0	1	1
YEMEN	0	3	3
ZAMBIA	0	1	1
ZIMBABWE	0	3	3
USBP Total	39,526	109,195	148,721
CBP Total	41,246	120,562	161,808

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

From December 1–31, 2022, U.S. Border Patrol (“USBP”) applied expedited removal, 8 U.S.C. § 1225(b)(1), to 841 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 December 1–31, 2022, CBP’s Office of Field Operations processed 23,025 Title 42 exceptions at the 8 ports of entry that utilize the above-referenced NGO-supported humanitarian exception process. The below shows the data broken down by port.

- Brownsville, TX: 6,843

- Hidalgo, TX: 4,759
- Laredo, TX: 0
- Eagle Pass, TX: 1,860
- Paso del Norte, El Paso, TX: 1,931
- Nogales, AZ: 791
- Calexico, CA: 728
- San Ysidro, CA: 6,113

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

DHS reports the following developments relating to its application of the Title 42 process.

In their last monthly report, DHS informed the Court of the November 15, 2022, partial summary judgment ruling in *Huisha-Huisha v. Mayorkas*, No. 21-cv-00100 (D.D.C.), vacating and setting aside CDC’s “Title 42 Policy,” and the entry of final judgment under Federal Rule of Civil Procedure 54(b) in that case. Defendants indicated that unless the *Huisha-Huisha* judgment is stayed beyond an initial brief period, DHS would begin processing all noncitizens entering the United States pursuant to Title 8 of the U.S. Code on December 21, 2022. Thereafter, 19 states, all of whom are plaintiffs in this case, sought to intervene in *Huisha-Huisha*. On December 27, 2022, the Supreme Court stayed the *Huisha-Huisha* judgment pending resolution of the question “[w]hether the State applicants may intervene to challenge the District Court’s summary judgment order.” *Arizona v. Mayorkas*, 143 S. Ct. 478 (2022). DHS will accordingly continue to implement the Title 42 policy pending the outcome of legal proceedings, consistent with the Supreme Court’s stay and the preliminary injunction in this case.

DHS also reports that beginning on January 12, 2023, covered noncitizens who seek to travel to the United States through southwest border land ports of entry (POEs) and who believe they meet certain vulnerability criteria may use the CBP One mobile application to schedule an appointment to present themselves for inspection at participating POEs to seek a humanitarian exception from the

Title 42 order. Appointments will be available up to 14 days in advance. The use of CBP One is expected to streamline processing and help ensure safe and orderly processing, but it does not guarantee that an individual will be granted an exception to the Title 42 order. Rather, processing determinations will continue to be made on a case-by-case basis by a CBP officer at the POE when the noncitizen presents himself or herself at a POE at the appointed time. As recognized in Section 3 above, NGOs previously have scheduled such appointments on behalf of covered noncitizens. Such direct assistance will cease on January 25, 2023. While the number of appointments on a given date will vary by POE, DHS does not expect to increase the maximum number of humanitarian exceptions granted per day by POEs at the southern border.

DHS also reports that, beginning January 6, 2023, DHS established new parole processes for Cubans, Haitians, and Nicaraguans, modeled on similar programs for Venezuelans and Ukrainians. DHS also continued the existing process with respect to Venezuelans. These processes, which rely on DHS' parole authority under Title 8 of the U.S. Code, provide a lawful pathway for such individuals to enter the United States. Nationals from Cuba, Haiti, Nicaragua, and Venezuela, who do not avail themselves of this process, attempt to enter the United States without authorization, and cannot establish a legal basis to remain will be returned to Mexico. Mexico, in turn, has agreed to accept returns of 30,000 Cubans, Haitians, Nicaraguans, and Venezuelans per month who fail to use these new pathways.

Date: January 17, 2023

Respectfully submitted,

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