

Exhibit A

Texas v. Biden Monthly Report**Reporting Period: December 1, 2021 –December 31, 2021****(1) The total monthly number of encounters¹ at the southwest border (SWB);**

Encounter data includes U.S. Border Patrol (USBP) Title 8 Apprehensions² between the ports of entry along the SWB, Office of Field Operations (OFO) Title 8 Inadmissibles³ at land ports of entry along the SWB, and Title 42 Expulsions⁴ at and between the ports of entry along the SWB.

December 2021 as of January 3, 2022	All Citizenships		Haitian Nationals	
	Title 8	Title 42	Title 8	Title 42
Office of Field Operations	6,348	2,306	35	1
El Paso Field Office	525	190	7	1
Laredo Field Office	1,213	1,140	22	
San Diego Field Office	4,276	746	6	
Tucson Field Office	334	230		
U.S. Border Patrol	93,903	76,283	5,141	1,898
Big Bend Sector	758	2,659	14	42
Del Rio Sector	22,756	10,449	637	822
El Centro Sector	1,460	2,675	19	8
El Paso Sector	8,072	11,399	1,886	793
Laredo Sector	621	6,683		
Rio Grande Valley Sector	24,447	19,397	9	7
San Diego Sector	4,719	8,863	67	16
Tucson Sector	2,673	13,086		
Yuma Sector	28,397	1,072	2,509	210
Total Encounters	100,251	78,589	5,176	1,899

¹ The sum of Title 8 apprehensions/inadmissible aliens and expulsions.

² Apprehension refers to the physical control or temporary detainment of a person who is not lawfully in the U.S. which may or may not result in an arrest.

³ Inadmissible refers to individuals encountered at ports of entry who are seeking lawful admission into the United States but are determined to be inadmissible, individuals presenting themselves to seek humanitarian protection under our laws, and individuals who withdraw an application for admission and return to their countries of origin within a short timeframe.

⁴ Expulsions refers to individuals encountered by USBP and OFO and expelled to the country of last transit or home country in the interest of public health under Title 42 U.S.C. 265.

(2) The total monthly number of aliens expelled under Title 42, Section 1225, or under any other statute;

- *Title 42 expulsions at and between the ports of entry along the SWB⁵*

December 2021 as of January 3, 2022	All Citizenships	Haitian Nationals
	Title 42	Title 42
Office of Field Operations	2,306	1
El Paso Field Office	190	1
Laredo Field Office	1,140	
San Diego Field Office	746	
Tucson Field Office	230	
U.S. Border Patrol	76,283	1,898
Big Bend Sector	2,659	42
Del Rio Sector	10,449	822
El Centro Sector	2,675	8
El Paso Sector	11,399	793
Laredo Sector	6,683	
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Yuma Sector	1,072	210
Total Encounters	78,589	1,899

- *Southwest Land Border Removals/Returns under Title 8, based on encounter date⁶*

Total Removals and Returns Under Title 8	All Citizenships	Haitian Nationals
U.S. Border Patrol	5,266	12
Bag and Baggage ⁷	49	
Voluntary Return ⁸	2,013	
Expedited Removal	1,593	6
Reinstatement of Removal	1,448	6
Returns Pursuant to 8 U.S.C. 1225(B)(2)(C)	191	
Office of Field Operations	1,615	
Bag and Baggage	1	
Voluntary Return	76	
Expedited Removal	296	
Reinstatement of Removal	6	
Withdrawal of Application for Admission	1,236	

⁵ Same as Title 42 expulsion data provided in response to 1 above.

⁶ Indicates that the noncitizen was encountered during the reporting period (December 1, 2021 – December 31, 2021).

⁷ When a noncitizen encountered or apprehended by CBP has been previously ordered removed by an immigration judge and the order was never executed (i.e., in absentia). The removal order may be immediately executed by CBP or CBP may turn the noncitizen over to ICE for removal.

⁸ Constitutes a request by a non-citizen to be permitted to return to their country of citizenship on a voluntary basis, in lieu of being formally removed or placed into removal proceedings.

Returns Pursuant to 8 U.S.C. 1225(B)(2)(C)		
Total	6,881	12

(3) Defendants' total detention capacity as well as current usage rates;*OFO Holding Capacity – Southwest Border in Custody⁹*

December 2021 Daily Average In Custody All Citizenships	December 2021 Daily Average In Custody Haitian Nationals
306 (32.8%) ¹⁰	2 (<1%)

USBP Average Daily Subjects In Custody by Southwest Border Sector¹¹

SECTOR	December 2021 Daily Average In Custody All Citizenships	December 2021 Daily Average In Custody Haitian Nationals
Big Bend	44	3
Del Rio	1,836	126
El Centro	418	5
El Paso	1,931	367
Laredo	936	258
Rio Grande	4,071	5
San Diego	1,191	9
Tucson	539	8
Yuma	2,419	344
Total	13,385	1,125

⁹ Represents an estimate of each cell's coded occupancy limit, as outlined in technical design standards when constructed, multiplied by the total number of cells for all ports of entry within each field office. This number does not account for the unique circumstances that may limit the occupancy of a given cell (e.g., high risk, nursing/pregnant, transgender, unaccompanied minor, etc.) nor does it reflect operational limitations that affect a port's capacity to detain. CBP's capacity to detain individuals in its short-term facilities depends on many factors, including: demographics of the individual in custody; medical or other needs of individuals in custody; ability of ICE ERO (or, if an unaccompanied child, the U.S. Department of Health and Human Services) to transfer individuals out of CBP custody; and OFO's available resources to safely process and hold individuals.

¹⁰ Represents the average number of travelers in custody on a daily basis averaged over the 30-day period, at all Southwest Border Field Office locations. Travelers include inadmissible individuals, lawful permanent residents, asylees, refugees, and United States Citizens who are being detained to verify wants, warrants, criminal, administrative or other judicial process.

¹¹ U.S. Border Patrol facilities, such as stations and central processing centers, provide short-term holding capacity for the processing and transfer of individuals encountered by agents. Maximum facility capacity along the southwest border is approximately 5,000, which assumes a homogenous population and full operating status at all facilities. Actual capacity fluctuates constantly based on characteristics of in-custody population, to include demographics, gender, criminality, etc. The average percentage of subjects in custody on a daily basis for all citizenships is 270%, which is averaged over the 30-day period and includes all Southwest Border Sector locations.

December 2021 as of January 3, 2022	All Citizenships	Haitian Nationals
	Title 8	Title 8
Office of Field Operations	6,348	35
El Paso Field Office	525	7
Laredo Field Office	1,213	22
San Diego Field Office	4,276	6
Tucson Field Office	334	
U.S. Border Patrol	93,903	5,141
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El Paso Sector	8,072	1,886
Laredo Sector	621	
Rio Grande Valley Sector	24,447	9
San Diego Sector	4,719	67
Tucson Sector	2,673	
Yuma Sector	28,397	2,509
Total Encounters	100,251	5,176

(5) The total monthly number of “applicants for admission” under Section 1225 paroled into the United States; and

	December 2021 Paroles All Citizenships	December 2021 Paroles Haitian Nationals
Southwest Border Paroles		
U.S. Border Patrol Total	18,270	421
Parole Disposition	18,270	421
Office of Field Operations Total	4,520	34
NTA and Paroled into the U.S. on a case-by-case basis pursuant to 8 U.S.C. § 1182(d)(5)	3,816	34
Parole Disposition	704	
Total	22,790	455

¹² An applicant for admission is defined as “[a]n alien present in the United States who has not been admitted or who arrives in the United States (whether or not at a designated port of arrival and including an alien who is brought to the United States after having been interdicted in international or United States waters).” 8 U.S.C. § 1225(a)(1). Thus, an applicant for admission may include noncitizens that have never been encountered by CBP. At this time, CBP does not have a mechanism to track all applicants for admission in the United States that are not encountered by CBP. CBP has included the same data as the Title 8 encounter data provided in response to 1 above.

Southwest Border Releases	December 2021 Releases All Citizenships	December 2021 Releases Haitian Nationals
U.S. Border Patrol Total	51,106	1,508
Notice To Report ¹⁵		
Notice to Appear - Order of Release on Recognizance	32,836	1,087
Parole Disposition	18,270	421
Office of Field Operations Total	4,520	34
NTA and Paroled into the U.S. on a case-by-case basis pursuant to 8 U.S.C. § 1182(d)(5)	3,816	34
Parole Disposition	704	
Parole Disposition (ICE Declined to Detain Indicator)	5	
Total	55,626	1,542

USBP Southwest Border ORs, NTRs, and Parole Subjects by Month

Categories		December 2021 All Citizenships	December 2021 Haitian Nationals
NTA/OR	"Lack of Space"	11,577	425
		21,566	686
NTA/OR Total¹⁶		33,143	1,111
NTR Total¹⁷		0	0
Parole	"Lack of Space"	431	8
		17,831	416
Parole Total¹⁸		18,262	424

¹³ All numbers in reporting requirement 6 for Office of Field Operations are “based on encounter date,” as defined above. The parole disposition (ICE Declined to Detain Indicator) row within the “Office of Field Operations Total” is *not* in addition to the preceding rows. This is not indicative of all individuals paroled into the United States due to an ICE declination to detain. This is merely those that requested to be paroled at a port of entry and a custody determination was made by ICE not to detain. When processing in OFO systems, this is not a field required for input. OFO is able to provide data on noncitizens paroled and released into the United States; however, is not able to provide specific reasons as to why detention was declined. Specific reasons for denial are not captured in CBP’s electronic systems of record nor is it provided when that decision is reached.

¹⁴ Given that the data reported in reporting requirement number 6 is inclusive of the data reported in reporting requirement number 5, we have only included the data related to the reasons for release in response to reporting requirement number 6. In addition, the CBP releases may have occurred under Section 1225 or Section 1226, but that specific data is not available at this time for purposes of this report.

¹⁵ Individuals who are screened by CBP, and after criminal and immigration records checks are conducted to determine if the subject is a threat to national security or public safety, are then released and instructed to report to U.S. Immigration and Customs Enforcement (ICE) for continued processing.

¹⁶ NTA/OR: Lack of detention capacity is not a required field in USBP’s system of record. Some NTA/ORs were documented in the system using a descriptor of “lack of space” when ICE declined custody due to lack of detention capacity, but since it is not a required field, the descriptor is not consistently utilized and documented in the system. Some NTA/ORs may have issued due to a lack of detention capacity but not documented as such in the system.

¹⁷ NTR: Lack of detention capacity is not a required field in USBP’s system of record and is not captured in the system for NTRs; however, NTRs were issued in limited sectors on a case-by-case basis when USBP holding capacity was exceeded or when resources became overwhelmed.

¹⁸ Parole: Lack of detention capacity is not a required field in USBP’s system of record. Some Paroles were documented in the system using a descriptor of “lack of space,” but since it is not a required field, the descriptor is not consistently utilized and documented in the system.