

MEMORANDUM FOR: Directors, Field Operations
Director, Preclearance Operations
Office of Field Operations

FROM: Executive Director
Planning, Program Analysis and Evaluation

SUBJECT: Compliance Examination (COMPEX) Revised Definitions

The purpose of the Compliance Examination Program (COMPEX) is to provide a means of measuring the effectiveness of traveler processing procedures. This program allows U. S. Customs and Border Protection (CBP) to validate its deterrent efforts as well as the effectiveness of the program. COMPEX also allows CBP to meet the requirements of the Government Performance and Results Act (GPRA) of 1993.

Attached are the newly revised COMPEX definitions for Category One and Two Violations.

Non-responsive to the request



If there are questions concerning this memorandum or should you require additional information regarding this matter, please contact (b)(6) (b)(7)(C) at (202) [redacted], or (b)(6) (b)(7)(C) at (202) (b)(6) (b)(7)(C).

Thank you for your continued support and cooperation.

Attachments

cc: Executive Director, Passenger Systems Program Office (OIT)
Director, Targeting and Analysis Systems Program Office (OIT)

Muster TOPIC

Week of Muster: November 5, 2010

Topic: **Compliance Examination (COMPEX) Revised Definitions**

Reference Materials: **Memorandum dated November 5, 2010, Compliance Examination (COMPEX) Revised Definitions**

Headquarters POC: (b)(6) (b)(7)(C) (202) (b)(6) (b)(7)(C)

Office: Office of Field Operations, Planning, Program Analysis and Evaluation, Program Analysis and Measures

Message:

The purpose of the Compliance Examination Program (COMPEX) is to provide a means of measuring the effectiveness of traveler processing procedures. This program allows U. S. Customs and Border Protection (CBP) to validate its deterrent efforts as well as the effectiveness of the program. COMPEX also allows CBP to meet the requirements of the Government Performance and Results Act (GPRA) of 1993.

- Attached are the newly revised COMPEX definitions for Category One and Two Violations.
- The revised COMPEX definitions more accurately reflect the scope of the CBP mission.
- Managers please ensure distribution of these revised definitions to all appropriate CBP personnel.
- CBP Officers and CBP Agriculture Specialists whom perform COMPEX examinations should become familiar with these revised definitions.
- The revised definitions are to be used for all examinations effective October 1, 2010.

If there are questions concerning this muster topic or should you require additional information regarding this matter, please contact Mr. (b)(6) (b)(7)(C) at (202) (b)(6) (b)(7)(C), or (b)(6) (b)(7)(C) at (202) (b)(6) (b)(7)(C)

Prepared by: (b)(6) (b)(7)(C)
Date Submitted: November 5, 2010

**U.S. Customs and Border Protection
COMPEX
Violation Categories
Effective 10/1/10**

Category One (Major):

- o Non-responsive to the request

[Redacted]

[Redacted]

[Redacted]

Detention, removal, withdrawal, or NTA of an inadmissible alien traveler,
disposition codes:

- Non-responsive to the request

[Redacted]

- **Voluntary Return (V)**

- Non-responsive to the request

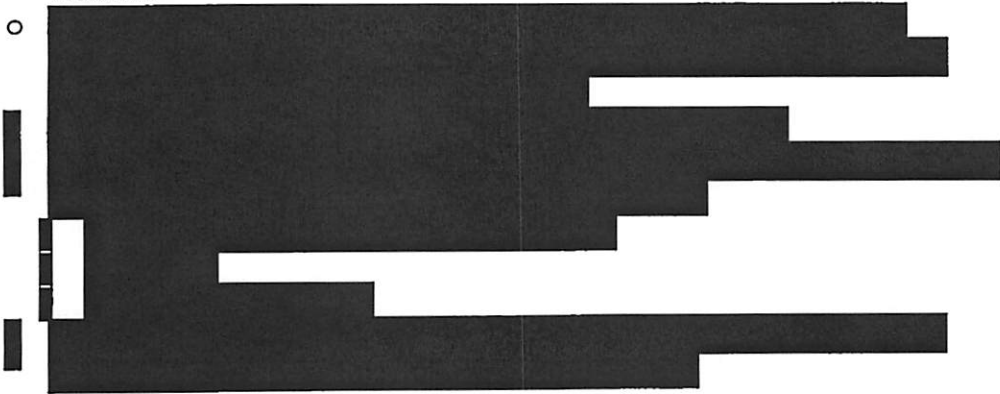
[Redacted]

[Redacted]

**U.S. Customs and Border Protection
COMPEX
Violation Categories
Effective 10/1/10**

Category Two* (Minor):

- Any noncompliance with established laws, rules, regulations, and/or a specific law, rule, regulation, or agreement that CBP is responsible for enforcing
- Any violation of the law that does not meet the criteria of a Category One violation



*Category Two includes the discovery of prohibited items (i.e., prohibited goods, not routine referrals to other agencies because someone has non-prohibited items). This may involve an action taken by CBP for other agencies that results in a confiscation of goods or an additional action taken by the other agency (examples include confiscated conch shell by F&WL, confiscation of non-prescribed medication by FDA, confiscation of alcoholic beverages by state authorities, etc.). Category Two also includes amended declarations resulting in additional revenue or additional CBP action (examples include: a CBP-6051 for detained merchandise, a forced post entry, forced CBP 4790 no seizure just amendment, forced CBP 6059B due to CPX inspection, etc.).

**DEPARTMENT OF HOMELAND SECURITY
U.S. Customs and Border Protection**

CBP DIRECTIVE NO. 5240-007

DATE:

**ORIGINATING OFFICE: FO:APTL:FPFD
SUPERSEDES: N/A
REVIEW DATE:**

SUBJECT: PERSONAL PROPERTY DISPOSITION PROCEDURES

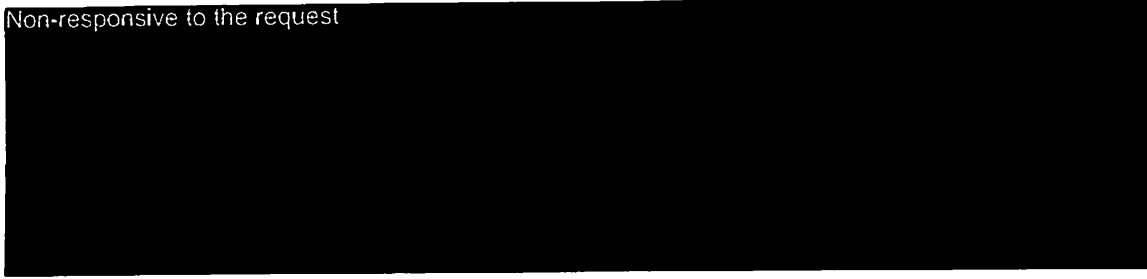
1 PURPOSE. To establish internal procedures and assign responsibilities for implementing policies and procedures outlined in the Department of the Treasury Directive 38, which remains applicable to U.S. Customs and Border Protection (CBP) pursuant to 6 United States Code 552(d) (6 U.S.C. 552(d), regarding the handling of personal effects taken during the course of a CBP law enforcement action. Examples of these personal effects might include nonforfeitable property contained in a seized vehicle or the personal baggage or effects of an arrestee who is to be held for removal or prosecution. This Directive also authorizes consignment of personal property to the National Seized Property Contractor for storage and sale or destruction. This Directive does not affect property of individuals who are held only for processing purposes for short periods of time pending release or return to their country of origin, such as voluntary returns and expedited removals.

2 POLICY. It is the policy of CBP to maintain 100 percent accountability and control for personal effects that are to be disposed of by the agency or returned to an owner or authorized agent at a later date.

Non-responsive to the request




Non-responsive to the request




Non-responsive to the request



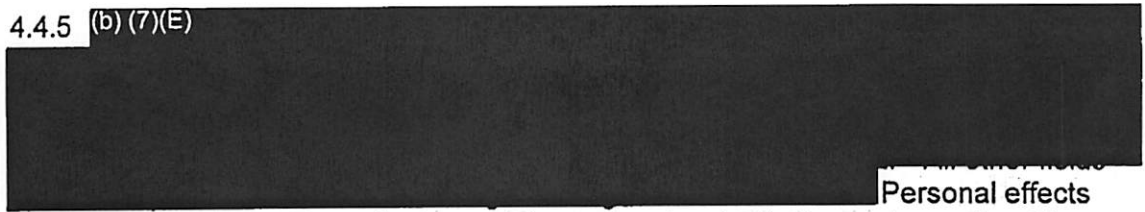
Non-responsive to the request



Non-responsive to the request



4.4.5 (b) (7)(E)




Personal effects being held pending an expedited removal or an imminent voluntary return will not be entered into TECS/SEACATS.

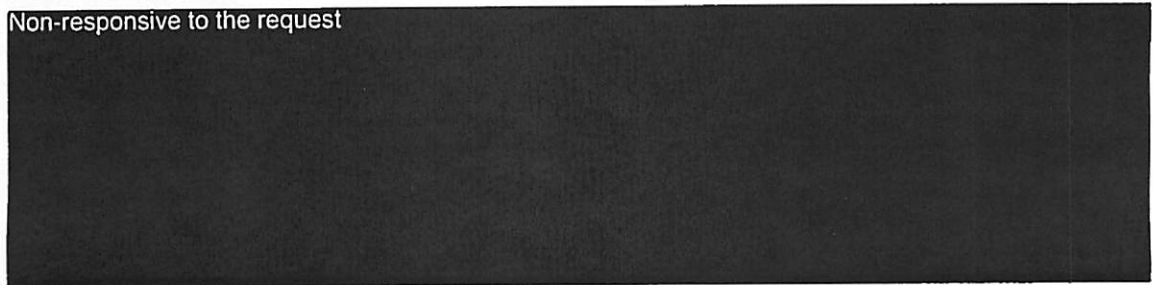
Non-responsive to the request



Non-responsive to the request



Non-responsive to the request



ENFORCEMENT OPTIONS

Refresher Course on Basic Enforcement Authority

Applicants for Admission

An alien present in the U.S. who has not been admitted or who arrives in the U.S. (whether or not at a designated Port of Arrival) = Applicant for Admission

8 C.F.R. § 1.1q

The term arriving alien means an applicant for admission coming or attempting to come into the United States at a port-of-entry, or an alien seeking transit through the United States at a port-of-entry, or an alien interdicted in international or United States waters and brought into the United States by any means, whether or not to a designated port-of-entry, and regardless of the means of transport.

An alien present without admission or parole.

- An alien present in the United States without being admitted or paroled, or who arrives in the United States without being admitted or paroled, or who arrives in the United States at any time or place other than as designated by the Attorney General, is inadmissible.**

Section 212(a)(6)(A)(i)

Inadmissible Aliens

- **Arriving Aliens**
- **Aliens Present without admission or parole**

Removable Aliens

- **Nonimmigrant who violate immigration laws**
- **LPRs who violate immigration laws**
- **Nonimmigrants and Immigrants who were inadmissible at time of entry**

What You Do Now

- **Arriving Aliens at POE**
 - **Withdrawal of Application for Admission**
 - **Expedited Removal**
 - **240 Removal Proceedings**

What Else Can You Do

- **Non-arriving aliens**
 - **Voluntary Return**
 - **Expedited Removal**
 - **Reinstatement**
 - **240 Removal Proceedings**

Voluntary Return (AKA Voluntary Departure)

Voluntary return is an act of discretion that can be applied to non-arriving aliens in circumstances analogous to those where withdrawal of application for admission is allowed.

Section 240(B)(a)(1)

- **The government may permit an alien to depart voluntarily at the alien's own expense in lieu of formal removal proceedings.**
- **An alien may request voluntary departure at any time prior to commencement of removal proceedings (i.e. before an NTA is filed with the immigration court.)**

– 8 C.F.R. 240.25(d)

Voluntary departure is a discretionary determination and the government may attach any conditions it deems necessary to ensure the alien's timely departure from the United States, including continued detention and removal under safeguards.

– 8 C.F.R. 240.25(b).

Since it is discretionary in nature, voluntary departure may be denied if the government has an interest in criminal prosecution, or if the government elects a formal removal procedure so as to bar the alien's later readmission to the United States.

Denial of the voluntary departure is not appealable; however, the alien may renew the request for voluntary departure during removal proceedings before the immigration court.

8 C.F.R. 240.25(e)

- **Where feasible, VR cases should be documented in the SIGMA, consistent with existing procedures.**
- **When processing in SIGMA, facts should be articulated documenting the unlawful presence, and an A-file and TECS record should be created.**
- **Necessary to document unlawful presence.**

ENFORCEMENT OPTIONS

- **Voluntary Return**
- **Expedited Removal**
- **Reinstatement**
- **240 Removal Proceedings**

PWIS

- **Voluntary Return**
- **Expedited Removal – (here 14 days or less) (using 212(a)(7) no docs charge)**
- **Reinstatement (if prior order of removal)**
- **240 Removal Proceeding (using 212(a) (6)(i) present without admission or parole charge)**

Enforcement Policy

When an alien has already demonstrated his or her intent to depart the United States, it serves no purpose to issue an NTA. The alien is already executing our ultimate objective, which is to have them removed from the United States. There is no reason to burden the immigration court with these cases. [7-24-06, 11-16-07]

(b)(6) (b)(7)(C)

From: (b)(6) (b)(7)(C)
Sent: Wednesday, August 01, 2012 6:31 PM
To: (b)(6) (b)(7)(C)
Subject: More PCS Procedures

Importance: High

Outbound adverse actions will be handled in the following fashion:

If the subject entered the U.S. with a valid document and it is determined that he/she is out of status during an outbound inspection, the charge will be 237 and they cannot be ERed.

If the subject is an EWI, the charge will always be 212 and if the subject entered the U.S. in the last 14 days and was out status (for example: working) within 100 air miles from the border, he/she can be ERed (final decision will be done by a Chief or APD). If the subject entered the U.S. more than 14 days ago, he/she will be VRed. It may seem a bit confusing since it appears to be the opposite but this is the guidance we have received from LFO.


In both of these scenarios, if the subject does not have an A#, we will be issuing one.

(b)(6) (b)(7)(C)

Roma POE
Chief Officer
(b)(6) (b)(7)(C)@cbp.dhs.gov
(956) (b)(6) (b)(7)(C)
(956)

From: (b)(6) (b)(7)(C)
Sent: Wednesday, August 01, 2012 3:44 PM
To: (b)(6) (b)(7)(C)
Subject: PCS Procedures
Importance: High

The following items are reminders/changes to some of the PCS procedures:

- Non-responsive to the request


- Visa Packets with health related issues:

Non-responsive to the request


Non-responsive to the request

- A copy of the most current phone number for language services has been placed on the bulletin board along with a list of all deferred inspection sites.

• Non-responsive to the request

If you have any questions, contact Chief (b)(6) (b)(7)(C)

(b)(6) (b)(7)(C)

Roma POE

Chief Officer

(b)(6) (b)(7)(C) @cbp.dhs.gov

(956) (b)(6) (b)(7)(C)

(956) (b)(6) (b)(7)(C)

(b)(6) (b)(7)(C)

From: (b)(6) (b)(7)(C)
Sent: Monday, July 23, 2012 10:24 PM
To: (b)(6) (b)(7)(C)
Subject: Fw: A-File

----- Original Message -----

From: (b)(6) (b)(7)(C)
To: (b)(6) (b)(7)(C)
Sent: Mon Jul 23 23:04:33 2012
Subject: RE: A-File

Mr. (b)(6) (b)(7)(C)

An A-File is typically required for an ER, NTA, and sometimes a U.S.C. (for alien smuggling) as aliens being processed for ERs and NTAs are subject to deportation either from an Immigration Officer (ER) or an Immigration Judge (NTA). On Withdrawals (I-275) and Voluntary Returns (VR) they are not required because the alien is withdrawing the application for admission in an I-275 and voluntarily returning to Mexico for a VR. On the same note, we have to open an A-file on a VR when the alien is going to be prosecuted and deported after criminal proceedings. Exception, an A file can be opened for tracking purposes as was done with the EWI VR Prosecution subject that was in possession of the firearm.

-----Original Message-----

From: (b)(6) (b)(7)(C)
Sent: Monday, July 23, 2012 9:45 PM
To: (b)(6) (b)(7)(C)
Subject: A-File

(b)(6) (b)(7)(C)

I understand that an A-File is needed on VRs and Withdrawals or basically on all adverse actions?