



MEMORANDUM

Date: December 19, 2022

To: The Honorable Chair and Members
Pima County Board of Supervisors

From: Jan Leshner 
County Administrator

Re: **Anticipated End of Title 42**

Absent federal action, on December 21 2022, we anticipate that Title 42 restrictions will lapse. With that, we expect the volume of legal asylum seekers crossing the southern border will increase from what are already historic levels. This will come with unprecedented challenges for this community as we continue to mitigate the risk of the federal release of legal asylum seekers into the streets.

Attached please find a memorandum from Shane Clark the Director of the Pima County Office of Emergency Management that provides a status update of this situation. It also describes the ongoing long-standing collaboration with non-profit partners and the City of Tucson, as well as our effort to increase congregate sheltering capacity to be supported with federal resources.

Our strategy in Pima County remains unchanged since the onset of this challenge in April of 2019. Our goal is to safeguard the health and safety of Pima County by humanely and expeditiously facilitating the movement of legal asylum seekers, from the point of release by federal authorities in this community onward to their final destination. The [policy framework](#) for the federal response was outlined earlier this year by Secretary Alejandro Mayorkas of the Department of Homeland Security.

We can expect no substantive improvement to the current crisis without federal leadership.

JKL/dym

Attachment

c: Carmine DeBonis, Jr., Deputy County Administrator
Francisco García, MD, MPH, Deputy County Administrator & Chief Medical Officer
Steve Holmes, Deputy County Administrator
Shane Clark, Director, Office of Emergency Management
Terry Cullen, MD, MS, Public Health Director, Health Department
Regina Kelly, Director, Grants Management & Innovation Department
Terri Spencer, Director, Procurement Director



MEMORANDUM

EMERGENCY MANAGEMENT

To: Jan Leshner
County Administrator

Francisco Garcia
Deputy County Administrator

Date: December 19, 2022
From: Shane Clark
Director

Re: Update on Elimination of Title 42 and its Potential Impact to Pima County

As of this memorandum, Title 42 (T42) is still scheduled to end on December 21, 2022. Regardless, the local-area partnership—Pima County (County), City of Tucson (City), Catholic Community Services (CCS), and The Inn - has seen record numbers of legally processed asylum seekers released by Department of Homeland Security (DHS) agencies. Nonprofit staffing has been stretched so thin that the County and City provided direct personnel to support food and shelter operations on the ground. The end of T42 will further stretch staffing, logistical, and fiscal support. In response, the County is putting resources and plans in place to move forward to bolster the effort in an attempt to balance operations with numbers of releases and funding in order to prevent non-sheltered releases into our community.

In the memorandum to you dated November 22, 2022, the end of T42 was estimated to result in DHS releases in Pima County of 12,000 more per month or 400/day over and above current operations. From 2019 to date, over 110,000 asylum seekers have been released to the local-area partnership; 62% of this total arrived in calendar year 2022, with steady increases specifically in recent months (September through December 2022). These DHS releases accelerated in the last four weeks. This is exemplified by a fourteen-day average of 504 DHS releases to our partners per day, with a single-day record release of 770. Of note, the largest volumes to-date were in November, in which the local network received over 11,000 asylum seekers from DHS agencies. December 2022 is already on track, even before the T42 lift, to eclipse the November numbers.

The Casa Alitas Welcome Center (CAWC), operated by CCS, is the primary drop-off point for DHS agencies. As the major nonprofit programming partner in the local partnership, CCS runs congregate shelter operations at CAWC as well as non-congregate hotel-based sheltering. The Inn, a new nonprofit humanitarian partner in the local network since June 2022, provides integral non-congregate hotel shelter support.

Nearly 80,000 asylum seekers have been tested for COVID-19 and the positivity rate remains stable and those positive are quarantined prior to travel. Transportation logistics and resources have been critical to move asylum seekers not only onward to their sponsorship families, but also to humanitarian organizations in the Phoenix area when the local network is at capacity for providing shelter.

The most important resource has been the nonprofit humanitarian staff who do this work every day. At times when the local nonprofit humanitarians have needed support, county and city employees have come forward to provide an organized labor pool that understands the complexities of providing care. These same

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employees have come together during a few pivotal crisis weekends to stand-up and staff an additional non-congregate hotel shelter when release numbers spiked and the CAWC/CCS network could not staff-up to prevent community releases. While this organizational structure has worked in the short term, this is not a sustainable model. As we face the end of T42, there are planning considerations coming into place that can rebalance the operation. This includes contracted resources to provide more staffing, looking at operational models beyond sheltering to more efficiently move asylum seekers to their final destination and reduce or eliminate the need for sheltering, and provide additional sheltering during surge beyond the capacity of CAWC.

Unfortunately, these resources are not yet in place for three reasons. First, the numbers of releases are a forecast, which requires us to be ready for surge at a moment's notice. Second, the County emergency procurement order does not go into effect until December 21, 2022, which will allow for expedited contracting. Once emergency procurement can begin, priorities include further staffing to allow for peak operations with existing shelter resources for a sustained period of time. Third, per County Administrator direction, operation costs must be covered with Federal Emergency Management Agency (FEMA) Emergency Food and Shelter Program (EFSP) funding to avoid County general fund impact. This requires maximizing every FEMA EFSP dollar received via operational efficiencies as well as protecting this funding via compliance oversight. Continued FEMA EFSP funding must continue to be aggressively pursued. This is proving more challenging as cities and counties beyond the U.S. southern border (e.g., New York City, Boston, Chicago, Washington D.C., and Miami) have recently joined the competition for these finite federal resources. This challenge is compounded by Congressional foot-dragging to re-up FEMA EFSP funding for humanitarian assistance to asylum seekers. Another challenge has been the imposition of overly restrictive spend-down deadlines. For example, in the first quarter of this fiscal year, Pima County was awarded two tranches of FEMA EFSP Phase HR22 grant money (each tranche totaled \$7,790,548.18, for a grand total of \$15,581,096.40) and two tranches of FEMA EFSP Phase CARES (each of these tranches totaled \$2,212,029.36, for a grand total of \$4,424,058.72). As noted in the [October 17, 2022](#) Board memorandum, all four of these tranches add up to \$20,005,155.08. However, the week before Thanksgiving, the FEMA EFSP National Board informed all grant awardees that these monies had to be completely spent by December 31, 2022. The fiscal agent for the local area partnership - County Department of Grants Management & Innovation (GMI) - appealed this decision and FEMA EFSP National Board voted on December 13 to allow the County an extension through March 31, 2023. GMI forecasts that roughly half of the \$20,005,155.08 will be spent by December 31, 2022, and the other half will be spent by the new deadline of March 31. A second smaller allocation of FEMA EFSP funding was awarded \$3,395,015.87, with a performance period of April 1, 2023 to September 30, 2023. Finally, the FEMA EFSP National Board has thus far not allowed any entity seeking asylum seeker funding to consider T42 lift impacts. Instead, entities can only base funding asks on existing data and policy.

A large-scale congregate shelter is still on pace to become operational within the next two months. That location will be able to provide congregate shelter for over 300 individuals at any given time. Of note, this facility will establish expedited throughput for individuals who are departing same day, or subsequent day (over recent months, 23% depart same day, while an average of 42% depart the following day). CAWC/CCS is partnering with the American Red Cross for to equip this new space with sheltering resources. CAWC/CCS and the County continue to look for other non-governmental partners to support this operation.

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While the amount of releases is anticipated to grow, there is concern that the locations of release can also expand. The Office of Emergency Management (OEM) is communicating with federal partners to understand when they are also under strain and their resources are short. OEM should be notified if any of the Border Patrol Stations within the Tucson Sector or Customs Border Protection Ports of Entry become release locations. We are paying particular attention to the Ajo Station, which has been a release location in the past. OEM continues to work with Cochise and Santa Cruz County OEM departments while they navigate their own relationship building with local and federal partners. These county counterparts continue to express concern regarding lack of resources in their rural border towns and continue to seek Pima County's assistance especially with transportation resources. Pima County OEM has appealed to its Arizona state emergency management counterparts that resource requests will be forthcoming, if needed.

With all of this, there is a growing concern that the overwhelming number of those seeking asylum across the southwest Border States will place all communities at risk of overcapacity. There is also the worry that this elevated pace of sustained operation may become the new normal. As you know our most rural portions of Pima County, as well as our southern Arizona counties serving rural communities are home to Customs and Border Protection Ports of Entry and Tucson Sector Border Patrol Stations. The County, and its local partners, will only be able to resource this mission with increased and stable federal funding, and logistical capacity. As the federal policy landscape continues to shift, local-area partners are forced to pivot within narrow time limits. Local partnerships with federal counterparts and the Congressional delegation are critical at this point to ensure adequate planning, support, and resourcing to provide humanitarian support to asylum seekers and prevent non-sheltered community releases.

c: Carmine DeBonis, Deputy County Administrator
Steve Holmes, Deputy County Administrator
Regina Kelly, Director, Grants Management & Innovation Department
Dr. Theresa Cullen, Director, Health Department
Terri Spencer, Director, Procurement Department