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# MEMORANDUM

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Date: November 23, 2022

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

From: Jan Leshner   
County Administrator

Re: **Asylum Seekers, Update on Elimination of Title 42 and its Potential Impact to Pima County**

Periodically I have provided updates to the Board on various aspects of the evolving asylum seeker crisis that impacts the southern border since April of 2019. The County's priority since that time has been to safeguard the well-being, safety and health of this community by supporting the infrastructure that facilitates the expeditious and safe transit of asylum seekers through to their final destination and sponsors. It is appropriate to update the Board in light of recent changes in the federal posture as to the management of asylum seekers. The attached memorandum from Shane Clark, Director of the Office of Emergency Management, provides additional detail. (Attachment)

Title 42 of the United States Code addresses public health. Section 262 of U.S. Code, Title 42 prohibits entry into the United States when the Centers for Disease Control and Prevention (CDC) believes that "there is a serious danger to the introduction of [a communicable] disease into the United States." On March 20, 2020, the United States Department of Health and Human Services issued an emergency regulation to implement this portion of the Code in response to the COVID-19 pandemic. The same day, the Director of the CDC issued an order suspending the "introduction" of individuals from "Coronavirus Impacted Areas" which would include those entering from Canada or Mexico "who would be introduced into a congregate setting" at a port of entry or in a Border Patrol station. This includes all individuals normally detained by U.S. Customs and Border Protection (CBP) after arriving at the border, including asylum seekers and unaccompanied children.

Under Title 42 the federal government expelled nearly 2.5 million immigrants. These individuals were returned to their country of origin or to Mexico.

Last Wednesday a federal judge struck down federal executive action under Title 42. While the elimination of Title 42 was previously contemplated and delayed, this ruling likely represents the end to this federal stance. The judge stayed his ruling effectively delaying its implementation until December 21, an action expected to result in a significant spike of migrants coming across the southern border. This increase is in addition to what are already historic levels of border crossing of undocumented as well as legal asylum seekers.

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Since the onset of this crisis, 91,361 legal asylum seekers were processed and released by federal authorities into Pima County on their way to sponsors at their final destination. These individuals are managed by Catholic Community Services (CCS) and other community organizations providing essential humanitarian assistance.

A comparison of CBP October data for 2020 and 2022 for single asylum seekers eligible for exclusion under Title 42 highlights the increase in encounters rose from 10,500 to 21,000 for each of those month. Based on this historical estimate, we estimate the impact will be an additional 12,000 per month (or 400 per day) single asylum seekers traversing through this community. Those asylum seekers not supported by CAWC, transported to another location by federal agencies, or transported by Pima County to humanitarian partners in Phoenix will be released into the community.

Pima County has served as the fiscal agent for this collaborative effort. No general fund resources support any component of this effort.

The collaboration with the City of Tucson and humanitarian partners has been successful. Despite the processing of asylum seekers dropped off by federal authorities, these individuals have been moved efficiently through the community (72 hour average stay), without impacting public safety or compromising public health. The total cost to date of these efforts is \$16,071,205 funded entirely with Federal Emergency Management Agency (FEMA) Emergency Food and Emergency Food and Shelter Program (EFSP) funds awarded to and administered by Pima County.

When at or near system capacity, federal agencies have found additional federal holding spaces or performed lateral transports to the Rio Grande Valley, El Paso, San Diego and other locations. In other cases, Casas Alitas has accommodated additional asylum seekers temporarily exceeding its operational capacity and impacting staff-to-client ratio.

Despite these herculean efforts, on two occasions, the capacity of CCS was exceeded and the federal agencies were on the brink of releasing asylum seekers directly into the community. (Border Patrol refers to this as “non-sheltered releases” and the City of Tucson refers this as “community releases.”) Both times this was averted by prompt action by the City, which stood up a temporary hotel operation staffed by City and County personnel.

The most recent changes in federal immigration posture is expected to again place a strain on detention resources and is likely to cause an increase in the flow of legal asylum seekers through Pima County. We anticipate this action will substantially increase expenses for services including but not limited to transportation, travel logistics, COVID-19 testing, congregate and non-congregate sheltering, food, labor costs, medical services, maintenance, and security if we are to continue to avoid non-sheltered/community releases. Increasing costs will necessitate a continued and increased investment of federal resources to mitigate this crisis. Given the urgency and magnitude of this impending increase, I have authorized an

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emergency procurement action that will facilitate the ability of our team to continue to safeguard the public safety and health of Pima County.

JKL

Attachment

c: Carmine DeBonis, Jr., Deputy County Administrator  
Francisco García, MD, MPH, Deputy County Administrator and Chief Medical Officer  
Steve Holmes, Deputy County Administrator  
Shane Clark, Director, Office of Emergency Management  
Regina Kelly, Director, Grants Management & Innovation



# MEMORANDUM

EMERGENCY MANAGEMENT

To: Jan Leshner  
County Administrator  
  
Francisco Garcia  
Deputy County Administrator

Date: November 22, 2022  
From: Shane Clark  
Director

**Re: Update on elimination of Title 42 and its potential impact to Pima County**

As you are aware, late last week a federal judge declared the elimination of Title 42 followed by an extension until December 21, 2022. Being five weeks away there has been significant discussions in anticipated impact, renewed planning assumptions and the need of increased logistics with the goal to provide more support to Casas Alitas Welcome Center (CAWC), other humanitarians, or partnering with the City of Tucson if Border Patrol non-sheltered releases are imminent.

In a memo delivered in April of this year, it was noted that Title 42 of the United States Code deals with, in part, public health. Section 262 of U.S. Code, Title 42 prohibits entry into the United States when the Centers for Disease Control and Prevention (CDC) believes that “there is a serious danger to the introduction of [a communicable] disease into the United States. On March 20, 2020, the United States Department of Health and Human Services issued an emergency regulation to implement this portion of the Code in response to the COVID-19 pandemic. The same day, the Director of the CDC issued an order suspending the “introduction” of individuals from “Coronavirus Impacted Areas” which would include those entering from Canada or Mexico “who would be introduced into a congregate setting” at a port of entry or in a Border Patrol station. This includes individuals who would normally be detained by U.S. Customs and Border Protection (CBP) after arriving at the border, including asylum seekers and unaccompanied children. The issuance of Title 42 meant that Individuals who arrived at the U.S.-Mexico border were not allowed to travel into the United States to seek asylum.

Based on this announcement, there is the potential for significant impact to our community. The US Customs and Border Protection provides a website ([Nationwide Encounters | U.S. Customs and Border Protection \(cbp.gov\)](https://www.cbp.gov)) that can assist to the anticipated impact and put that impact into context. First, it confirms the amount of surge that has been placed on the Border Patrol Tucson Sector. Overall, in FY2022 there were over 250,000 encounters (216K single adults and 17K family units). During a one-month snapshot of the past three October’s (FY2020-2022) encounters rose from 10,500 to 21,000. During that time, 73% was amenable under Title 42. Taking the figure from October 2022, rough estimates is that the anticipated impact will be an addition 12,000/month (400/day) could be released into our community. This is over what CAWC is currently serving.

Releases of Legally Processed Asylum Seekers into Pima County and specifically to CAWC. Since April of 2021, there have been approximately 90,000 releases directly to CAWC.

Shane Clark, Director

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There have been two instances whereas Border Patrol alerted city and county officials that CAWC was unable to intake more and Border Patrol “non-sheltered” releases were imminent. In these instances, the city averted this by establishing a city hotel and city staff supplemented as needed with county staff supported operations.

There has been numerous instances since May where non-sheltered releases were in discussion. In many cases, CAWC went beyond their capacity to shelter more. In other cases, Border Patrol was able to transfer pre-processed asylum seekers to other locations. Pima County continues to be a transition point for asylum seekers entering our country from other area along the southwest border. Almost daily, buses of primarily family units arrive from Yuma County and as needed from other locations.

During all operations, COVID testing has been conducted to ensure public health safety. Specific to CAWC operations, over 69,000 COVID tests have been administered with a 5% positivity rate. In those cases, those that tested positive were placed at the COVID hotel.

As there has been a significant rise in recent months in releases to CAWC, efforts have been successful to transfer from CAWC to humanitarians in Phoenix to decompress CAWC operations. Those humanitarians provide a waypoint of transition, as there are more opportunities for travel to final destination available at Phoenix Sky Harbor.

In anticipation for the surge based on the elimination of Title 42, more is being coordinated. The big-box location will allow CAWC to intake more and when in full operation. Other planning contingencies are being considered in the areas of intake, transportation, staff management and specialties, testing, feeding, and so on. We have requested the Arizona Department of Emergency and Military Affairs emergency management department to come to the planning table alongside and seek potential solutions. Your consideration of an emergency procurement order will allow for expedited logistics coordination. GMI as the fiscal agent will continue to seek additional Emergency Food and Shelter Program funding to sustain current and potentially expanding operations.

With all of this, there is still a growing concern the overwhelming amount of those seeking asylum across the southwest border states will place all communities at risk of overcapacity. 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. In the end, there will be only so many resources that will be available to support this mission.

cc: Carmine DeBonis, Deputy County Administrator  
Steve Holmes, Deputy County Administrator  
Regina Kelly, Director - Grants Management Innovation Department  
Dr. Theresa Cullen, Director - Health Department