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# Board of Supervisors Memorandum

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March 24, 2021  
Emergency Meeting

## Release of Asylum Seekers in Ajo, Arizona and Transfers from Yuma, Arizona

### Introduction

Individual and family asylum seekers are now being released in both Yuma and Ajo, Arizona.

Those in Yuma have been and continue to be transported to the Casa Alitas Welcome Center, with the City of Yuma paying for transportation by bus. The Border Patrol station in Ajo is also now releasing asylum seekers to a nonprofit in Ajo, International Sonoran Desert Alliance (ISDA). They in turn contact Catholic Community Services to arrange transportation from Ajo to the Casa Alitas shelter at the former County Juvenile Justice Center.

We now face a perfect storm regarding this potential public emergency that we will be expected to handle. Factors contributing to this include the following:

- a) the potential end of the eviction moratorium on March 31, 2021, meaning fewer hotel/motel rooms for emergency housing,
- b) previous emergency asylum seeker shelters at El Pueblo Community Center and the Kino Event Center are now engaged in COVID-19 testing and will be converted into vaccination centers;
- c) Centers for Disease Control (CDC) COVID-19 requirements regarding physical distancing and spacing has decreased the capacity at Casa Alitas from 300 to 65 individuals,
- d) A number of other faith-based nongovernmental organizations (NGOs) have declined participation in asylum seeker transitioning due to COVID-19 and the age of their volunteers,
- e) As the economy begins to reemerge from the COVID-19 pandemic, the number of hotel and motel rooms available for occupancy will be reduced.

These factors all combine to create an unprecedented challenge in providing asylum seeker transitional services through the Casa Alitas Welcome Center.

### Poor Communication with US Border Patrol

Compounding this problem is extremely poor communication from the Border Patrol regarding the number of individuals to be released in Ajo. Last Thursday evening, March 18, 2021, we were told 28 asylum seekers would be released in Ajo on Friday, March 19, 2021 at

The Honorable Chair and Members, Pima County Board of Supervisors  
Re: **Release of Asylum Seekers in Ajo, Arizona and Transfers from Yuma, Arizona**  
March 24, 2021  
Page 2

9:00 am. It was communicated that given the late time period, arranging for bus transportation would be difficult and the transports would more than likely arrive near 9:30 am and the timeframe for release was requested to be adjusted accordingly. Initially this was refused. I then asked Ms. Theresa Cavendish of Catholic Community Services to relay my request to the Border Patrol to delay the release until the buses arrived and the Border Patrol finally concurred.

In the final analysis, 21 individuals were released instead of 28, which makes a difference because the buses have a capacity of 15 individuals, not the normal 32 seat capacity. We were also told there would be no releases over the weekend by the Border Patrol only to have that changed to releasing 11 individuals on Saturday, March 20, 2021 and told 60 individuals would be released on Sunday, March 21, 2021 in Ajo; the Border Patrol only released 3 individuals on Sunday.

This erratic and inconsistent communication causes confusion and a waste of resources. While the Border Patrol may believe they are communicating effectively with the NGOs associated with accepting asylum seekers, what actually occurs is they may communicate with a nonprofit such as Catholic Community Services or ISDA in Ajo but these NGOs ask the County for assistance, which we are happy to provide.

On Friday, March 19, our Office of Emergency Management and Homeland Security Director, Shane Clark, communicated with the third in command of the US Border Patrol Tucson Sector and indicated our frustration at the lack of communication. I then called the second in command of the US Border Patrol Tucson Sector to receive clarity on the Ajo releases on Saturday. This poor communication cannot continue.

### **Differences in Asylum Seeker Transportation from April 2019 to March 2021**

As the Board recalls, in April 2019 we were faced with an emergency surge of asylum seekers and processing nearly 1,000 individuals in a matter of a few days over the Easter holiday. The City of Tucson and the County stood up emergency shelters at the Kino Event Center and El Pueblo Community Center to process these individuals. These individuals were transported by the US Border Patrol and/or Immigration and Customs Enforcement (ICE) to these facilities. I asked what changed between 2019 and now and was told it would violate the Anti-Deficiency Act and that the Border Patrol no longer had the resources available to transport these individuals.

I have asked Pima County's lobbyist to investigate the issue associated with the Anti-Deficiency Act and determine if transport issues can be clarified through either policy direction from the Department of Homeland Security Secretary or through Presidential executive order.

It would be much more efficient if the Border Patrol would contract for transportation services with the same individuals who we are contracting with now to transport these

The Honorable Chair and Members, Pima County Board of Supervisors  
Re: **Release of Asylum Seekers in Ajo, Arizona and Transfers from Yuma, Arizona**  
March 24, 2021  
Page 3

individuals to NGOs for the purpose of transitioning asylum seekers to their final destination in the United States.

**The Federal Emergency Management Agency (FEMA) Public Assistance and/or Food and Shelter Programs for Reimbursement of Expenses**

I, along with Mr. Clark met with officials from FEMA, US Department of Homeland Security and Arizona Department of Emergency and Military Affairs to discuss the dilemma we faced with regard to asylum seeker shelter. First, it is fairly clear that we can be reimbursed for transportation costs and will do so. It should be noted that the cost of transport on Friday March 19 to transport 21 asylum seekers from Ajo to the Casa Alitas Welcome Center cost approximately \$2,000.

A larger issue is the interpretation by FEMA that they will only pay for emergency non-congregate housing if an individual tests positive for COVID-19. If we used the example of 1,000 asylum seekers transferred to local NGOs in April 2019 and we can only house 65 individuals at the Casa Alitas Welcome Center, the problem becomes obvious. If, for example, five percent of those asylum seekers are COVID-19 positive, that five percent or 50 individuals could be given housing in non-congregate emergency shelter in hotel/motel rooms. However, we also understand hotels and motels are reluctant to take in COVID-19 positive individuals. This leaves us with a problem of locating shelter for the other 850 to 900 individuals.

The language identified in FEMA Policy 104-009-18 ("FEMA Emergency Non-Congregate Sheltering during the COVID-19 Public Health Emergency (Interim)") states that, "FEMA recognizes sheltering operations during the COVID-19 Public Health Emergency may require SLTTs [State, local, Territorial, or Tribal governments] to consider additional strategies to ensure that survivors are sheltered in a manner that does not increase the risk of exposure to or further transmission of COVID-19." Providing non-congregate shelter during the COVID-19 pandemic in order to mitigate "risk of exposure" and/or "transmission" is very different from providing non-congregate shelter to only those who test positive for the coronavirus. The CDC spacing requirements are directly related to COVID-19. Therefore, the reduced capacity at our traditional shelters is a direct result of CDC guidance regarding COVID-19. Hence, it seems reasonable that housing for individuals who are not COVID-19 positive, but due to spacing requirement cannot find housing in a congregate shelter such as the Casa Alitas Welcome Center would be eligible for FEMA emergency non-congregate emergency housing.

**COVID-19 Testing**

The Border Patrol does not test all asylum seekers for COVID-19 before turning them over to NGOs. It appears the Border Patrol only provides COVID-19 testing for symptomatic individuals. For this reason, we have asked all NGOs to provide the COVID-19 BINAXNOW Rapid Test for all individuals. We have provided the testing equipment and training to the NGOs. To date, individuals recently turned over to an NGO in Ajo have all tested negative.

The Honorable Chair and Members, Pima County Board of Supervisors  
Re: **Release of Asylum Seekers in Ajo, Arizona and Transfers from Yuma, Arizona**  
March 24, 2021  
Page 4

Because of the lack of testing by the Border Patrol, the risk associated with asylum seeker transfers increases. We would prefer testing upon arrest as well as at the time of release.

**Estimated Budget to Facilitate Surge in Asylum Seekers**

The Border Patrol has met with staff on a few occasions to alert local agencies, NGOs and local governments of the possibility of an asylum seeker surge in the near future. It is likely this surge will not occur until Title 42 travel restrictions are lifted at the border. These restrictions have now been extended to April 21, 2021.

If Title 42 travel restrictions are lifted, Border Patrol predicts that the asylum seeker surge will be a fourfold increase over the 2019 surge in Pima County; they also predict the surge will last six months. Based on a potential fourfold increase, the estimated cost of housing, food and shelter would probably exceed \$4 million over a six-month period.

Clearly, the number of non-congregate emergency housing units are not sufficient to meet the surge as now contracted, let alone the increase that may occur as evictions begin to occur at the same time.

Rather than speculate on a future cost, we need to solve the existing transportation problem from Ajo, Arizona to Tucson.

**Recommendation**

Therefore, I ask the Board of Supervisors for authority to enter into appropriate transportation contracts for the purpose of transporting Ajo-released asylum seekers to the Casa Alitas Welcome Center in Tucson and seek Federal Emergency Management Agency (FEMA) cost reimbursement for this transportation.

Sincerely,



C.H. Huckelberry  
County Administrator

CHH/anc – March 23, 2021

- c: Jan Leshar, Chief Deputy County Administrator  
Carmine DeBonis, Jr., Deputy County Administrator for Public Works  
Francisco García, MD, MPH, Deputy County Administrator & Chief Medical Officer,  
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Terry Cullen, MD, MS, Public Health Director, Pima County Health Department