

Via Electronic Mail -
publicrecords@oag.texas.gov

Office of the Attorney General
Public Information Coordinator's Office
Mail Code 070
P.O. Box 12039
Austin, TX 78711

Via Electronic Mail - PIR@tdem.texas.gov

Texas Division of Emergency Management -
Open Records
P.O. Box 15467
Austin, Texas 78761

Via Electronic Mail -
openrecords@dshs.texas.gov

Texas Department of State Health Services
PO Box 149347
Austin, Texas 78714-9347

Via Electronic Mail -
OGC.Webmaster@dps.texas.gov

Texas Department of Public Safety
Office of General Counsel
P.O. Box 4087
Austin, Texas 78773

Via Electronic Mail -
Public.Information@tpwd.texas.gov

Texas Department of Parks & Wildlife
Open Records Coordinator
4200 Smith School Road
Austin, Texas 78744

Via Electronic Mail -
ng.tx.txarng.mbx.freedom-of-information-act@mail.mil

Texas Military
Office of the Adjutant General Attn: General
Counsel, NGTX-GCF (PIA Coordinator)
P.O. Box 5218
Austin, TX 78763-5218

October 1, 2021

Re: Public Information Request

To Whom it May Concern:

Haitian Bridge Alliance, UndocuBlack Network, and African Communities Together (the Co-Requesters), represented by Justice Action Center, Haitian Bridge Alliance, Innovation Law Lab, Robert F. Kennedy Human Rights, and Texas Civil Rights Project, hereby submit this records request pursuant to Texas Public Information Act, Chapter 552 of the Texas Government Code, regarding any communications between your agency or office and federal, state, and local authorities as well as certain private actors regarding the arrival or presence of migrants in or around Del Rio, Texas, and any actions taken in response to the arrival of such migrants.

On Friday, September 24, 2021, U.S. Department of Homeland Security Secretary Alejandro Mayorkas announced during a press briefing: "Less than one week ago, there were approximately 15,000 migrants in Del Rio, Texas, the great majority of whom were Haitian nationals. This was the unprecedented movement of a very large number of people traveling to a

single point of the border within a matter of a few days.”¹ Advocates understand from interviews that the group also included nationals from Ethiopia, Angola, and the Democratic Republic of Congo, among other Black migrants and asylum seekers.

This movement of Haitian and other migrants prompted a significant local, state, and federal response. For example, on September 16, 2021, claiming that “[t]he border crisis is so dire that the U.S. Customs and Border Protection [“CBP”] is requesting our help as their agents are overwhelmed by the chaos,” Governor Abbott announced that he had directed the Texas Department of Public Safety (“DPS”) and the Texas National Guard “to surge personnel and vehicles to shut down six points of entry along the southern border.”² The Governor amended this directive a few hours later, claiming that the Biden Administration had “flip-flopped to a different strategy” and directing the DPS and Texas National Guard instead “to maintain their presence at and around ports of entry to deter crossings.”³

The next day, on September 17, 2021, the presence of an estimated 12,000 migrants under the Del Rio international bridge prompted Del Rio Mayor Bruno Lozano to declare a local state of disaster (“Local Disaster Declaration”) and, as a security measure, to close the toll booths on the international bridge between Del Rio and Ciudad Acuña to halt traffic across the bridge.⁴ Although the city of Del Rio later released a statement saying that international traffic would “continue as normal,” CBP subsequently closed the port of entry at Del Rio late that same night, and it remained closed for a week until the federal government had removed all migrants from the encampment under the bridge.⁵

On September 21, 2021, Governor Abbott held a news conference in Del Rio, announcing a miles-long “steel wall” of DPS vehicles along the border: “One day there were countless coming across the border,” he said. “Then that very same day the Texas Department of Public Safety put up all these DPS vehicles. And suddenly, in an instant, people stopped crossing the border in this location. That strategy is working.”⁶ At the same press conference, Governor Abbott disclosed that state law enforcement was also arresting and jailing migrants who allegedly had trespassed onto private property or public land, although he did not release any numbers of how many migrants

¹ Felicia Sonmez, *All migrants have been cleared from encampment in Del Rio, homeland security secretary says*, Tex. Tribune, Sept. 24, 2021, <https://www.texastribune.org/2021/09/24/texas-border-migrants-camp-del-rio-haitians/>.

² Uriel J. Garcia, and Jolie Mccullough, *Gov. Greg Abbott backpedals on pledge to shut down border crossings and blames Biden administration for confusion*, Tex. Tribune, Sept. 16, 2021, <https://www.texastribune.org/2021/09/16/migrants-haitians-del-rio-bridge-texas/>.

³ *Id.*

⁴ Uriel J. Garcia and Jolie Mccullough, *Thousands of Haitian migrants fleeing disaster and unrest seek asylum at Del Rio bridge*, Tex. Tribune, Sept. 17, 2021, <https://www.texastribune.org/2021/09/17/texas-border-del-rio-migrants/>.

⁵ Dave Mistich and Carrie Kahn, *The Border is Reopening At Del Rio After the U.S. Clears Migrant Camp*, National Public Radio WNYC, Sept. 24, 2021, <https://www.npr.org/2021/09/25/1040706287/the-border-is-reopening-at-del-rio-after-the-u-s-clears-migrant-camp>.

⁶ Uriel Garcia and Jolie Mccullough, *Texas Troopers create “steel wall” of patrol vehicles in Del Rio as feds continue to repatriate Haitians*, Tex. Tribune, Sept. 22, 2021, <https://www.texastribune.org/2021/09/22/texas-border-haitian-migrants-del-rio/>.

had been arrested under this policy.⁷ He further added that he intended to redistribute state resources along the border to prevent crossings as migrants had begun moving to other areas along the Rio Grande to enter the United States.⁸

By September 24, 201, DHS Secretary Mayorkas announced, “As of this morning, there are no longer any migrants in the camp underneath the Del Rio International Bridge”⁹—a massive expulsion of migrants by the federal government. It is still unclear how many migrants were expelled, and to where. It is likewise unclear how many migrants remain in the United States, including those arrested by Texas state and local law enforcement, and what has happened to them.

The September influx of migrants and asylum seekers in Del Rio did not happen by accident. Rather, the State’s border practices have created mass confusion in immigration enforcement policies. Collectively, Operation Lone Star,¹⁰ the Border Disaster Proclamation,¹¹ and the State’s criminal prosecution of migrants,¹² have created a spotlight on Del Rio and Val Verde County. Instead of deterring migration as intended,¹³ the policies targeting Black and brown migrants by the State have created a human rights disaster.¹⁴ The State’s parallel border enforcement in Val Verde and adjacent border counties have serious implications for regional migration patterns. Moreover, the State’s border policies have deliberately incarcerated and discriminated against Black and brown migrants seeking the legal right to claim asylum.

Due to the violence and vitriol targeted against Black migrants, the Co-Requesters urgently seek information on the actions taken by Texas state and local officials and law enforcement in connection with the treatment of migrants in Del Rio, including regarding any arrests or detention of any migrants.

⁷ Frank Heinz and Maria Guerrero, *Miles of Vehicles ‘Seal’ Border in Del Rio; Abbott Says Failure to Enforce Laws Led to Chaos*, NBCDFW, Sept. 22, 2021, <https://www.nbcdfw.com/news/local/texas-news/wall-of-vehicles-seals-border-in-del-rio-abbott-says-failure-to-enforce-laws-led-to-chaos/2748029/>
⁸ *Id.*

⁹ Felicia Sonmez and Nick Miroff, *All migrants have been cleared from encampment in Del Rio, Tex., homeland security secretary says*, Wash. Post, Sept. 24, 2021, https://www.washingtonpost.com/politics/immigrants-haitians-biden-administration/2021/09/24/a05fd1bc-1d66-11ec-a99a-5fea2b2da34b_story.html.

¹⁰ Press Release, Office of the Texas Governor, Governor Abbott, DPS Launch “Operation Lone Star” To Address Crisis At Southern Border, Mar. 6, 2021, <https://gov.texas.gov/news/post/governor-abbott-dps-launch-operation-lone-star-to-address-crisis-at-southern-border>.

¹¹ Greg Abbott, Governor of Texas, Letter to Ruth R. Hughes, Texas Secretary of State, May 31, 2021, https://gov.texas.gov/uploads/files/press/DISASTER_border_security_IMAGE_05-31-2021.pdf.

¹² Jolie Mccullough and Lomi Kriel, *Converted Texas prison gets first immigrant detainees as Gov. Greg Abbott’s border security effort ramps up*, Tex. Tribune and ProPublica, July 21, 2021, <https://www.texastribune.org/2021/07/21/texas-prison-immigrant-jail-briscoe/>.

¹³ Greg Abbott (@GregAbbott_TX), Twitter (June 10, 2021, 8:13 PM), https://twitter.com/GregAbbott_TX/status/1403143430373584896.

¹⁴ Jolie Mccullough, *Texas court orders release of more than 200 migrants imprisoned in Gov. Greg Abbott’s border security clampdown*, Tex. Tribune, Sept. 28, 2021, <https://www.texastribune.org/2021/09/28/texas-migrants-prison-release/>.

Specifically, we request all records¹⁵ created or modified since September 1, 2021:

1. discussing or reflecting any plans or course of action for responding to the arrival or presence of migrants in or around Del Rio, Texas, and any actions taken by your agency or office¹⁶ in response to the arrival of such migrants (the “Del Rio Response”), including but not limited to:
 - a. the Local Disaster Declaration issued by the Mayor of Del Rio on September 17, 2021;¹⁷
 - b. Governor Abbott’s request for a presidential disaster declaration and related federal assistance transmitted September 20, 2021;
 - c. any use of state or local law enforcement or the Texas National Guard to close any Texas port of entry;
 - d. any statements or threats made by the State of Texas to the federal government regarding actions Texas would take if the Del Rio port of entry was not closed and/or migrants camping near the port of entry were not removed or expelled swiftly;
 - e. closure of the international bridge between Del Rio and Ciudad Acuna;
 - f. statements on the use of horseback law enforcement practices by federal, state or local agents;¹⁸
 - g. the deployment of federal, state, or local law enforcement officers in or around Del Rio;
 - h. any actions or efforts taken or considered to manipulate or control the amount of water flowing through the Rio Grande River at any location within the Del Rio Sector;
 - i. the use of vehicles to create a barricade along the U.S.-Mexico border; and
 - j. arrests of migrants crossing at or near Del Rio, Val Verde County who have been alleged to have violated state or local laws, including but not limited to trespass.
2. reflecting any policies, procedures, instructions, or directives that concern the Del Rio Response.
3. reflecting communications discussing or reflecting the Del Rio Response between your agency or office and any of the following individuals or agencies:
 - a. Governor Abbott or any employee of the Office of the Governor of Texas;
 - b. any Texas state official or agency;

¹⁵ For the purposes of this request, “Records” are collectively defined to include the definition of public information and the manners of maintaining that information contained in Texas Government Code § 552.002.

¹⁶ All references to “your agency or office” shall include any employee or agent of your agency or office acting on behalf of your agency or office.

¹⁷ Bruno Kozano, Mayor of Del Rio, Texas, *Emergency Local Disaster Declaration*, City of Del Rio, Texas, <https://www.cityofdelrio.com/home/showpublisheddocument/6590/637674846959130000>.

¹⁸ Greg Abbott (@GregAbbott_TX), Twitter (Sept. 26, 2021, 11:51 PM), https://twitter.com/gregabbott_tx/status/1442335972054781955.

- c. any Val Verde County official or agency;
 - d. any Del Rio city official or agency;
 - e. any Texas local official or agency;
 - f. any U.S. federal government official or agency;
 - g. any Mexican federal or local government official or agency;
 - h. any Haitian government official or agency;
 - i. any government official or agency of another State;
 - j. Stephen Miller;
 - k. any employee, officer, agent, board member, or contractor of America First Legal; and
 - l. any employee, officer, agent, board member, or contractor of the Immigration Reform Law Institute (IRLI).
4. all reports and statistics, including data in any database, showing any of the following:
 - a. the number of noncitizens arrested and taken into state or local law enforcement custody in the Val Verde County by state law enforcement between September 1 and October 1, 2021
 - b. the number of noncitizens arrested and taken into custody in Val Verde County by local law enforcement between September 1 and October 1, 2021.
 5. for persons enumerated in the response to Request No. 4 above, all reports and statistics showing generally and anonymously:
 - a. their age, nationality, and state of residence;
 - b. location of detention;
 - c. whether they have been charged with any state crime and what the charges are;
 - d. whether any bail amount was set and/or paid and how much;
 - e. the status of appointment of criminal defense counsel; and
 - f. the status of any state criminal proceeding against them, including the arrest records, probable cause affidavits, date of any arraignment, plea, or conviction.
 6. reflecting actions or efforts to provide medical care, including COVID-19 vaccinations and testing, to migrants arriving at land ports of entry or between land ports of entry and camping near the port of entry in Val Verde County.
 7. reflecting any recordkeeping undertaken or contemplated, generally and anonymously, to assess and/or document COVID-19 testing of migrants in or around Val Verde County and/or vaccination status of those migrants.
 8. discussing or reflecting any and all investigations conducted by the Texas Rangers into the Del Rio Response.

In the interest of open government, please be mindful of your duty to make a good-faith effort to relate these requests to any information that you hold. I also ask that, in accordance with the law, you promptly produce the information we have requested. If you expect that fulfilling

this request will take longer than ten days, please inform me when I can expect copies of these records. As you are aware, the Texas Local Government Code dictates that a local government record subject to a request under the Texas Public Information Act may not be destroyed until the request is resolved.

Please waive the fees for this request, as it is made for public and non-commercial purposes. Tex. Gov't Code § 552.267.

Haitian Bridge Alliance. Haitian Bridge Alliance is a grassroots and community-based non-profit organization with federal 501(c)(3) status that advocates for fair and humane immigration policies and provides migrants and immigrants with humanitarian, legal, and social services, with a particular focus on Black migrants, the Haitian community, women and girls, LGBTQIA+ individuals, and survivors of torture and other human rights abuses. HBA works to elevate the issues unique to Black migrants and build solidarity and collective movement toward policy change. Many of the individuals served by HBA present at the U.S.-Mexico border. HBA staff and volunteers regularly travel to the border to provide assistance and counsel to immigrants, many of whom have been subject to and impacted by the Title 42 Order. HBA and its partners were present in Del Rio, Texas, and assisted migrants impacted by the unlawful expulsions and civil rights abuses that are the subject of this Request. HBA will use the information obtained through these Requests to serve those clients and community members most directly affected by the information, including the thousands of migrants impacted by the Government's conduct in Del Rio, and to ensure accountability for the Government's unlawful conduct. HBA will also work with other non-profit and advocacy organizations to ensure that the information obtained through these Requests is distributed to affected populations and the public at large.

UndocuBlack Network. The UndocuBlack Network is a fiscally sponsored project of [the Praxis Project](#), a 501(c)(3) nonprofit organization. The UndocuBlack Network (UBN) serves as a multigenerational network of currently and formerly undocumented Black people that aims to foster community, facilitate access to resources, and transform the realities of undocumented Black people, so that we are thriving and living our fullest lives. UBN believes that directly impacted people should be at the center of the decisions impacting their lives, and takes strategic direction and advice from its membership. As such, UBN develops leadership among its members by developing tools, training, and programming. UBN builds power with and for communities through advocacy, local organizing, and strategic alliances to achieve policy goals. UBN centers the humanity, dignity, and wellbeing of our members and community in all aspects of our work. UBN has chapters in Los Angeles, New York, and the DC/MD/VA area, and multiple new chapters are in formation. For more information, please visit www.undocublack.org.

African Communities Together. African Communities Together (ACT) is an organization of immigrants from Africa and their families. Its mission is to empower African immigrants to integrate socially, get ahead economically, and engage civically. ACT supports African immigrants nationwide by providing direct services, including pro

bono immigration legal services to indigent and underserved African immigrant clients; through leadership development programs, organizing, and civic education; and by advocating for policy reforms that would benefit its members, clients, and constituent communities. ACT is informed by legal and community partners on the ground and media reports that while the migrants expelled from Del Rio were overwhelmingly Haitian asylum seekers, they included in their number refugees from Ethiopia, The Congo, and other African countries who have joined with their fellow Black asylum seekers. As one of the largest organizations of and for African immigrants in the U.S., ACT frequently receives requests for assistance from African migrants and Afro-Caribbean migrants who have recently entered the U.S. and are seeking asylum, who are in immigrant detention, and who are in removal proceedings, as well as requests for support from the lawyers and community organizations who represent them. ACT attempts to respond to these requests for assistance to the best of its ability and within its available resources.

We request this information for the benefit of the general public.

If you deny any or all part of this request, please cite each specific exemption that you claim justifies your denial and notify me of the appellate procedures available under the law.

We prefer to receive these documents electronically. Please direct all inquiries and correspondence related to these Requests to:

Erin Thorn Vela
Texas Civil Rights Project
PO Box 219
Alamo, TX 78557
(956)-787-8171 ext. 127
erin@texascivilrightsproject.org

We would be happy to coordinate about the easiest way to transmit your response.

Thank you for considering this request.

Sincerely,

/s/ Jane Bentrott

Justice Action Center