

# A Culture of Cruelty

ABUSE AND IMPUNITY IN SHORT-TERM  
U.S. BORDER PATROL CUSTODY



NO MORE DEATHS  
NO MÁS MUERTES  
2011

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# Table of Contents

## **4 EXECUTIVE SUMMARY**

- 4 Introduction
- 5 Border Patrol Short-Term Custody Conditions
- 5 Border Patrol's Apprehension Methods & Border Deaths
- 6 Changing Demographics
- 7 Existing Standards for Custody and Repatriation
- 8 Recommendations & Conclusions

## **10 PREFACE**

## **11 INTRODUCTION**

## **13 PART ONE: DOCUMENTATION FINDINGS & METHODOLOGY**

- 13 Documentation Methodology
- 14 Demographics and Characteristics of Sample
- 15 Areas of Concern
- 15 Psychological abuse
- 17 Failure to Provide and the Denial of Water in the Field and Processing Centers
- 19 Failure to Provide and the Denial of Food in the Field and Processing Centers
- 20 Failure to Provide Medical Treatment and Access to Medical Professionals
- 21 Inhumane Processing Center Conditions
- 24 Verbal Abuse
- 25 Physical Abuse
- 26 Dangerous Transportation Practices
- 28 Separation of Family Members
- 29 Dangerous Repatriation Practices
- 29 Failure to Return Personal Belongings
- 32 Due Process Concerns
- 33 Impact of Deportation on Those Who Have Lived in the U.S. for Many Years

*clockwise from top left*

Memorial for Carlos La Madrid, age 19, shot four times and killed by Border Patrol on March 21, 2011.

Knee injury sustained from a fall while being chased by Border Patrol, subsequently denied medical care. This man was deported having only received newspapers to bandage what agents called “just a scratch” to mock him, laughing.

Slashed water bottles left by No More Deaths for people crossing the desert, demonstrating the destruction of life-saving aid supplies.

Photo from November, 2009 in Naco, Sonora. Injuries sustained when a Border Patrol agent shoved this man several times into the side of a vehicle.



33 Border Patrol Apprehension Methods and Border Deaths

33 Intentional funneling of migrants to deadly regions and the dispersal of groups as a tactic to apprehend migrants

34 Undermined Search and Rescue Efforts

34 Interfering with medical professionals who are providing aid to patients

**38 PART TWO: EXISTING STANDARDS AND POLICIES FOR BORDER PATROL CUSTODY**

39 Hold Rooms & Short-Term Custody Memorandum, U.S. Customs and Border Protection, June 2, 2008

40 Memorandum of Understanding Regarding Local Arrangement for Repatriation of Mexican Nationals April 2, 2009

40 Conclusion

41 Current Border Patrol Custody Policies: Shortcomings and Violations

**42 PART THREE: THE POLITICAL AND INSTITUTIONAL CONTEXT OF BORDER PATROL ABUSE**

42 Policies that Contribute to Border Patrol Abuse

42 Border Militarization and the Failure of Deterrence

42 The Criminalization of Immigrants

43 Recipe for Abuse: The Economic Incentives for Border Militarization

44 Weak Oversight Mechanisms and an Institutional Culture Hostile to Accountability

44 Border Patrol Resistance to Accountability

45 Limitations of the Office of Civil Rights and Civil Liberties (CRCL)

46 Conclusion

**47 PART FOUR: RECOMMENDATIONS AND CONCLUSION**

47 Overall Standards Regulating Short-Term Custody

50 Independent, Non-Governmental Oversight

50 Conclusion

**51 GLOSSARY**

**53 ACKNOWLEDGEMENTS**

**54 APPENDIX**

**70 ENDNOTES**

# A Culture of Cruelty

## ABUSE AND IMPUNITY IN SHORT-TERM U.S. BORDER PATROL CUSTODY

### EXECUTIVE SUMMARY

*“We were held with another woman who was coughing so badly that she threw up violently, over and over. The others in the cell called for help. An officer came over and said, ‘Que se muera!’ - ‘Let her die!’”*

January 29, 2011 with three women in Nogales, Sonora

*“They treated me like a dog...They asked if [I] wanted water, but when [I] responded ‘yes,’ they wouldn’t give [me] any.”*

February 16, 2010, with a 16 year-old boy from Guatemala

### INTRODUCTION

In 2006, in the midst of humanitarian work with people recently deported from the United States to Nogales, Sonora, No More Deaths began to document abuses endured by individuals in the custody of U.S. immigration authorities, and in particular the U.S. Border Patrol. In September 2008 No More Deaths published *Crossing the Line* in collaboration with partners in Naco and Agua Prieta, Sonora. The report included hundreds of individual accounts of Border Patrol abuse, as well as recommendations for clear, enforceable custody standards with community oversight to ensure compliance. Almost three years later, *A Culture of Cruelty* is a follow-up to that report—now with 12 times as many interviews detailing more than 30,000 incidents of abuse and mistreatment, newly obtained information on the Border Patrol’s existing custody standards, and more specific recommendations to stop the abuse of individuals in Border Patrol custody.

The abuses individuals report have remained alarmingly consistent for years, from interviewer to interviewer and across interview sites: individuals suffering severe dehydration are

deprived of water; people with life-threatening medical conditions are denied treatment; children and adults are beaten during apprehensions and in custody; family members are separated, their belongings confiscated and not returned; many are crammed into cells and subjected to extreme temperatures, deprived of sleep, and threatened with death by Border Patrol agents. By this point, the overwhelming weight of the corroborated evidence should eliminate any doubt that Border Patrol abuse is widespread. Still the Border Patrol’s consistent response has been flat denial, and calls for reform have been ignored.

We have entitled our report “*A Culture of Cruelty*” because we believe our findings demonstrate that the abuse, neglect, and dehumanization of migrants is part of the institutional culture of the Border Patrol, reinforced by an absence of meaningful accountability mechanisms. This systemic abuse must be confronted aggressively at the institutional level, not denied or dismissed as a series of aberrational incidents attributable to a few rogue agents. Until then we can expect this culture of cruelty to continue to deprive individuals in Border Patrol custody of their most fundamental human rights.

## BORDER PATROL SHORT-TERM CUSTODY CONDITIONS

Our documentation from Fall 2008 to Spring 2011 includes **4,130 interviews** with **12,895 individuals** who were in Border Patrol custody, including 9,562 men, 2,147 women, 533 teenagers (ages 13-18), and 268 children (ages 0-12). The majority of interviews were conducted in Naco (3,201), followed by Nogales (834), and Agua Prieta (62). Based on these interviews we have identified 12 areas of concern, and in the full report provide prevalence statistics and case examples for each denial of or insufficient water; denial of or insufficient food; failure to provide medical treatment or access to medical professionals; inhumane processing center conditions; verbal abuse; physical abuse; psychological abuse; dangerous transportation practices; separation of family members; dangerous repatriation practices; failure to return personal belongings; and due process concerns. Our findings include the following:

- Border Patrol agents denied food to **2,981 people** and gave insufficient food to **11,384 people**. Only 20 percent of people in custody for more than two days received a meal.

- Agents denied water to **863 people** and gave insufficient access to water to **1,402 additional people**. Children were more likely than adults

to be denied water or given insufficient water. Many of those denied water by Border Patrol were already suffering from moderate to severe dehydration at the time they were apprehended.

- Physical abuse was reported by **10 percent** of interviewees, including teens and children. The longer people were held in custody, the more likely they were to experience physical abuse.

- Of the 433 incidents in which emergency medical treatment or medications were needed, Border Patrol provided access to care in only 59 cases—**86 percent** were deported without necessary medical treatment.

- The most commonly reported forms of inhumane processing center conditions were overcrowding (5,763 reports), followed by unsanitary conditions (3,107), extreme cold (2,922), and extreme heat (2,349).

- We recorded **2,926 incidents** of failure to return personal belongings: 398 cases of failure to return shoes or shoelaces, 211 cases of failure to return money, 201 cases of failure to return identification, 191 cases of failure to return important documents, and 125 cases where *no personal belongings were returned at all*. People deported without money or key personal belongings are at heightened risk of exploitation and physical harm.

- Border Patrol deported **869 family members** separately, including **17 children** and **41 teens**. Family separation frequently involved “lateral repatriation,” or deportation through ports of entry that are distant from the location of apprehension. It is a costly practice that increases the risk of physical harm to those who are repatriated to unfamiliar or dangerous locations.

- **1,051 women, 190 teens, and 94 children** were repatriated after dark in violation of the Memorandum of Understanding between the Mexican Consulate and U.S. Customs and Border

Protection and, in the case of children, the Trafficking Victims Protection Reauthorization Act (TVPRA) of 2008.

- Increasing reports of psychological abuse included threatening detainees with death; depriving them of sleep; keeping vehicles and cells at extremely hot or cold temperatures; playing traumatizing songs about people dying in the desert (*migracordos*) loudly and continuously;

and forced holding of strenuous or painful positions for no apparent reason other than to humiliate.

It is clear that instances of mistreatment and abuse in Border Patrol custody are not aberrational. Rather, they reflect common practice for an agency that is part of the largest federal law enforcement body in the country. Many of them plainly meet the definition of torture under international law.

## BORDER PATROL’S APPREHENSION METHODS & BORDER DEATHS

In 2009-2010 alone, at least 253 people died attempting to cross the border through southern Arizona. No More Deaths volunteers who patrol the region on a daily basis providing food, water, and medical aid, have identified three Border Patrol practices that further increase the risk of death in the desert and constitute their own forms of abuse:

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## **March 15, 2010 with Jorge, 27, from Guatemala**

Six Border Patrol agents, including some on horses and motorcycles, surrounded his group of 10. He was thrown onto the ground face first and an agent hit him on the side with the butt of a gun while agents yelled insults. Jorge was held for three days in the Tucson processing center. When he repeatedly asked to see a doctor, he was denied. Agents threw out any food the detainees had and provided none even when it was requested; over the course of three days, they received only packets of crackers. Jorge now suffers chronic stomach pain as a result of going so long without eating. Border Patrol also took everyone's clothes except a t-shirt and pants and then turned on the air conditioning. Jorge says his belongings, including his birth certificate and \$100 U.S. currency, were confiscated and not returned. Jorge has a cousin and father who live in Santa Monica, Calif., where he lived for 10 years before being deported. He was apprehended by Border Patrol as he attempted to return to them.

### *Intentionally funneling migrants to deadly regions and the dispersal of groups as an apprehension tactic*

The Border Patrol implements a border strategy that intentionally pushes migrants into the deadliest corridors of the desert in a failed and inhumane policy of “deterrence.” When Border Patrol finds migrants in the desert, the practice of “dusting”—using helicopters, vehicles, dogs, and horses to rush at and separate groups, apprehending some individuals while leaving others behind—makes those who have been scattered more likely to become disoriented and lost in the desert.

### *Impeding search and rescue efforts*

Volunteers attempting to form search and rescue missions for people lost in the desert—including “dusting” victims—report agents withholding critical information about where an individual might be and responding to reports of missing persons inadequately, if at all. Volunteers also report Border Patrol agents interfering with medical professionals attempting to provide emergency aid.

### *Vandalizing life-saving resources such as food, water, and blankets*

Life-saving humanitarian supplies left on migrant trails are frequently removed or destroyed. A high percentage of water bottles are slashed and food is often dumped out on the trail. Volunteers have witnessed Border Patrol agents pouring water out of bottles, and have come upon destroyed humanitarian resources immediately after seeing Border Patrol agents leave an area.

## **CHANGING DEMOGRAPHICS**

No More Deaths interviews are conducted in a rapidly changing political and economic context. Border Patrol abuse can be seen as a predictable consequence of a national political climate that vilifies immigrants through a dizzying array of state and federal measures. While border-crossing attempts have purportedly dropped, there has been a sharp increase in deportations of those who have lived in the U.S. for many years. To better understand this shift in demographics, we began a

separate “Deportation Impact” survey to identify the top concerns of this population. From over 100 interviews, the average length of time living in the U.S. before deportation was 14.4 years. Interviewees had, on average, 2.5 children in the United States, and 46.6 percent reported that all of their children living in the U.S. were U.S. citizens.



Notably, 69.3 percent of those interviewed answered that they would continue to try to cross the border to reunite with family in the U.S. Individuals who named rejoining family as their number one reason to cross again were also more likely to report that their family was dependent on their income, that their youngest child in the U.S. was less than 5 years old, and that they were married or in a relationship. For many in this situation, with no other way to see their children, spouse or home again, no amount of personal risk or inhumane treatment will ever be an effective “deterrent.” These individuals may be subjected to Border Patrol abuse on multiple occasions as they seek to return home.

## **June 14, 2010 with Gerardo, 47, from Nayarit, Mexico**

His feet were severely blistered and were being treated by a volunteer EMT during the interview. He was detained for two days at a Border Patrol detention center near Why, Ariz., after walking through the desert for three days. At the detention center, agents went through his belongings and those of others and threw away identification, cell phones and lists of phone numbers. He was able to recover his cell phone from the trash and had it in his possession during the interview. Gerardo requested medical treatment for his feet, but was only told, "Later." He never received any care. Migracorridos were played over the loudspeakers 24 hours a day at high volume. Every two hours, guards would come in shouting at the detainees and requiring them to line up for inspection. These measures prevented the detainees from sleeping and Gerardo regarded them as forms of psychological torture. He reported substandard conditions that included inadequate food, overcrowding and excessive cold.

## **EXISTING STANDARDS FOR CUSTODY AND REPATRIATION**

Since 2008, advocates have obtained three documents that define guidelines for conditions in Border Patrol custody and repatriation standards. We identified the standards that these memoranda address, many of which are routinely violated, as well as those areas of concern that are not included in any Border Patrol guidelines.



The *Hold Rooms & Short-Term Custody Memorandum* (June 2, 2008) was obtained through a Freedom of Information Act (FOIA) request by the American Civil Liberties Union—Regional Center for Border Rights. Although the document was heavily redacted, we were able to identify guidelines addressing the following, many of which are routinely violated in practice:

- Access to food
- Access to water
- Access to medical care
- Processing center conditions

- Property recovery
- Due process protections
- Special considerations for juveniles

The *Proper Treatment of Detainees Memorandum* (May 2, 2004), also obtained as a result of the ACLU FOIA request, explicitly prohibits verbal abuse on the basis of "name, nationality, race, religion, economic condition...dress or any other circumstance." The regularity with which this provision is violated makes its closing admonition almost ironic: "It is your duty to give them the same treatment you would like if your situations were reversed."

In neither of these memoranda does there appear to be any prohibition of, or guidance regarding, physical abuse, psychological harm, separation of family members, or safe transportation and repatriation practices. The standards that do exist are consistently ignored, and the apparent absence of basic human rights principles from training materials speaks volumes about the Border Patrol's posture towards the rights of individuals in its custody.

No More Deaths has also obtained a *Memorandum of Understanding Regarding Local Arrangement for Repatriation of Mexican Nationals* between the Department of Homeland Security and the Mexican Consulate (April 2, 2009), which addresses criteria and procedures for "repatriating Mexican nationals in a safe, dignified, and orderly way with respect to their human rights" and applies to both Border Patrol and Immigration and Customs Enforcement operations in the region. Our documentation suggests that Border Patrol does not comply with the following stipulations of the Memorandum of Understanding:

- All detainees should be informed of their right to speak to the Consulate, and guaranteed access to do so.
- The family unity should be preserved during repatriation.
- "Special needs" populations (including the elderly, women traveling alone, and unaccompanied minors) should be deported during daylight hours.



## **April 13, 2011 with anonymous woman, 22, from Chiapas, Mexico**

She stated that she, her husband, and five others were walking through the desert, north of Sasabe, Ariz. There were three married couples in the group. All were apprehended by Border Patrol, detained in Tucson, and all spouses were separated from each other. In the morning Border Patrol agents told her that she was about to be deported to Mexico. She replied that she wanted to go with her husband. The agents questioned the fact that she was married and asked to see her marriage license. She replied that she did not have it with her. The agents began laughing, ridiculing, and insulting her and said that they did not believe that she was married. Finally, they said, "Are you going to leave or not?" She was then deported to Nogales with two other members of her group. None of them had any information on the whereabouts of their spouses.

• Border Patrol and ICE should alert Mexican agencies receiving deportees of individuals with medical, mental health, or other special needs.

• In cases of Mexican nationals requiring ongoing medical treatment after deportation, mobility devices should be provided by the medical center where they were treated. When this is not possible, DHS should alert the Mexican consulate in advance so that the consulate can provide such devices.

Another apparent violation of the memorandum is the increasingly common practice of "lateral repatriation," in which Border Patrol transfers detainees far from their original point of entry prior to deportation. Men, women, and children with little or no money are then repatriated to unfamiliar cities—some of which are named in U.S. State Department travel alerts—and face greater risk of being targeted for abuse, extortion, and kidnapping.

### **INEFFECTIVE OVERSIGHT WITHIN THE DEPARTMENT OF HOMELAND SECURITY**

An institutional culture resistant to accountability and lacking transparency renders the limited internal accountability mechanisms currently in place virtually meaningless. It is unclear how or whether the Border Patrol seeks to ensure that its custody standards are applied in practice or whether agents receive any human rights training. Migrants are expected to file complaints with Border Patrol while still in custody, a policy that creates a clear conflict of interest and discourages victims from coming forward out of fear of retaliation. Above all, Border Patrol's steadfast denial of abuse in the face of overwhelming evidence to the contrary is indicative of an institution vehemently resistant to any measure of accountability.

Other existing oversight mechanisms are no more effective in addressing Border Patrol misconduct. The Office of Civil Rights & Civil Liberties (CRCL) receives and investigates complaints against Department of Homeland Security agents, including

the Border Patrol. For the past two years, No More Deaths and our partners in Naco and Agua Prieta, Sonora have made good faith efforts to engage the existing system, filing over 75 complaints with CRCL. To our knowledge, no discernable outcome has resulted from a single case we have filed. Of particular concern is the fact that DHS is the parent agency of both CRCL and Customs and Border Protection (CBP). Cases reviewed by CRCL are often referred back to the same DHS component agency named in the complaint, further undermining the credibility of CRCL as an oversight body. CRCL is under no obligation to share the results of an investigation, even with the person who experienced abuse and filed the complaint.

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**Above all, Border Patrol's steadfast denial of abuse in the face of overwhelming evidence to the contrary is indicative of an institution vehemently resistant to any measure of accountability.**

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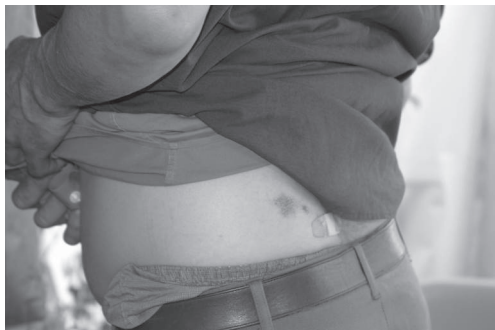
The utter lack of transparency within the current oversight structure exacerbates a Border Patrol culture of impunity that perpetuates and encourages abusive treatment of migrants in custody. We believe this can only be remedied by a truly independent oversight mechanism with a strong mandate and enforcement powers to end systemic abuse in Border Patrol custody.

### **RECOMMENDATIONS & CONCLUSIONS**

The findings of this report are twofold: First, human rights abuses of individuals in short-term U.S. Border Patrol custody are systematic and widespread. The accounts documented over the past two and a half years do not reflect anomalous incidents



but rather an institutional culture of abuse within Border Patrol. Second, the custody standards that do exist are inadequate and are not subject to the oversight necessary to ensure their implementation. Without drastic changes to Border Patrol custody standards and independent accountability mechanisms, the senseless abuse of immigrants along the border and in Border Patrol custody is certain to continue.



The Border Patrol must respect the basic human rights of people in custody; first, by applying the existing custody standards, and then by expanding the standards to fully address the concerns raised in this report. This includes guaranteeing full access to water, food, medical care, sanitary and humane processing center conditions, due process protections, and safe transportation and repatriation practices. Under no circumstances should agents verbally, physically, or psychologically abuse detainees. Property of those in custody must be respected and returned. In its apprehension methods, all Border Patrol strategies intended to scatter groups should end immediately and agents should actively assist with search and rescue missions. Border Patrol should cease the practice of, and publicly announce opposition to, the vandalism and removal of resources such as food, water, or blankets that have been left for those in crisis.

We also recommend the establishment of an independent oversight mechanism in which community and human rights

groups play a central role. While DHS must improve its ability to hold its own employees accountable, there is a need for an independent body charged with the following responsibilities: investigating complaints filed directly or by a third party; monitoring the implementation of standards in short-term facilities; imposing disciplinary sanctions on Border Patrol agents who commit egregious and repeat abuses; providing restitution to victims; and tracking, analyzing, and publicly reporting on aggregate information drawn from complaints, their resolutions, and facility ratings.

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**The utter lack of transparency within the current oversight structure exacerbates a Border Patrol culture of impunity that perpetuates and encourages abusive treatment of migrants in custody.**

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Indifference to the persistent institutional violence of the Border Patrol reflects a lack of ethical leadership and responsibility on the part of the federal government and is indefensible in light of the United States' longstanding commitment to human rights, justice, accountability, and the rule of law. While policy reforms addressing Border Patrol custody mistreatment are needed, so too are: a rejection of failed economic and enforcement strategies that compel, then criminalize, migration; the enactment of meaningful immigration reform; and the establishment of standards of conduct and independent oversight for the Department of Homeland Security.

**The full report in English and Spanish, as well as all government documents referenced within it, is available at <http://www.nomoredeaths.org>.**



# Preface

“I was trying to signal to my husband through the window of the bus—I was in one bus with the women and he was with the men—I tried to tell him to call his father when he gets to Mexico. So we can find each other that way. But I don’t think he understood me. And then they brought us here. I don’t know where he is.”

Carla is sitting on a bottom bunk, brushing and braiding the hair of a younger, darker-skinned woman who speaks limited Spanish with a thick indigenous accent. They were both, along with six other women, detained by Border Patrol and separated from their husbands before being deported. One is missing her father; another her 18-year-old son with asthma whose inhaler had been confiscated when they were sent to Border Patrol detention. Carla continues, “The Border Patrol even asked me if we were married, and I said yes, but then when I asked if we could be deported together he said no. I was crying and everything, you know, like, I don’t know it there, this is my first time, something bad is going to happen, but they didn’t pay attention, they didn’t care.”

The women’s area of the shelter in Nogales, Mexico feels cozier than the men’s. Bunk beds line the walls of the entranceway to a larger dorm in the back. If there are too many people for

the night, more mattresses are laid on the floor. But no one is turned away—for the first three nights, at least.

The trust and interdependency among these women is reminiscent of a group of old friends, a sleepover party. However, their camaraderie was built as they fought to get a Border Patrol agent to provide medical care for one of the women, who was coughing repeatedly until she threw up, over and over, unable to stop. As they called for help, the agent responded, “Que se muera!” – “Let her die!” Agents took the women’s coats and sweaters and turned the air conditioning on high. For food for the eight of them, together in one cell, an agent threw three burritos across the floor. They rolled open, spilling beans everywhere. When they asked for more, he yelled, “No es una fiesta!” – “This is not a party!”

At the shelter the women seem at ease, joking and laughing, obscuring the nervousness of so much unknown and the intense worry and pain of not being able to locate their loved ones. The border is as unfamiliar and confusing for people who have been deported as it is for the volunteers who work with them—and far more dangerous. We must remind ourselves this is not where they really belong. Those passing through here are dislocated, in between the places where their lives are built.

# Introduction

In 2006, in the midst of humanitarian work with people recently deported from the United States to Nogales, Sonora, No More Deaths began to document abuses endured by individuals in the custody of U.S. immigration authorities, and in particular the U.S. Border Patrol.

Abuse documentation is offered as one of various resources No More Deaths can provide. We also offer phone calls to family members and others in their support system, help recover money and other personal belongings not returned by the Border Patrol, provide basic first aid and assistance in accessing hospital care and medications, and work with the Mexican Consulate to locate missing family members. The services No More Deaths offers attempt to mend the damage done by systemic Border Patrol mistreatment. Much of what we do would not be needed if the people we meet had received humane and treatment while in in Border Patrol custody and upon release.

In 2008, after two years of conducting interviews, No More Deaths issued *Crossing the Line: Human Rights Abuses of Migrants in Short-Term Custody on the Arizona/Sonora Border*. The report, which was submitted to the U.S. Congress, included 345 cases of abuse and established twelve primary areas of concern. It urged immediate and fundamental changes in these practices and called for clear, enforceable standards with independent community oversight to ensure compliance.

In the last two-and-half years, volunteers in Nogales, Naco, and Agua Prieta, Sonora have conducted 4,130 interviews with 12,865 people. We have documented 32,075 incidents of abuse perpetrated against detainees in Border Patrol short-term custody—so many that we are only able to include a sampling of the full narratives gathered by No More Deaths in this report (see Appendix). The rest of the data is represented numerically.

Since the publication of *Crossing the Line*, the consistent response of the Border Patrol has been flat denial. Official responses have included: “when they leave [custody], they are in 100 percent better condition than when they came in,”<sup>1</sup> and “we treat everyone that has a medical injury.”<sup>2</sup> We wish this were true, but our findings over the last three years demonstrate that this is simply not the case. For over five years now, we have heard strikingly similar stories from thousands of people who

have been held in Border Patrol detention—people who would have had no way to communicate with one another, each independently sharing his or her experiences with us.

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## ADDITIONAL DOCUMENTATION OF BORDER PATROL ABUSE

Since 2008, several other organizations have documented similar patterns of mistreatment by the Border Patrol:

- ✦ Florence Immigrant and Refugee Rights Project “Seeking Protection, Enduring Prosecution” (2009)
- ✦ Women’s Refugee Commission “Halfway Home” (2009)
- ✦ Women’s Refugee Commission “Migrant Women and Children at Risk: In Custody in Arizona” (2010)
- ✦ Appleseed “Children at the Border” (2011)

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Part One of this report represents our documentation findings from Fall 2008 to Spring 2011. We have found that all of our areas of concern regarding the U.S. Border Patrol’s treatment of its detainees persist:

- ✦ Failure to Provide and the Denial of Water
- ✦ Failure to Provide and the Denial of Food
- ✦ Failure to Provide Medical Treatment and Access to Medical Professionals
- ✦ Inhumane Processing Center Conditions
- ✦ Verbal Abuse
- ✦ Physical Abuse
- ✦ Dangerous Transportation Practices
- ✦ Separation of Family Members
- ✦ Dangerous Repatriation Practices
- ✦ Failure to Return Personal Belongings
- ✦ Due Process Concerns

Additionally, we have refined the category originally known as “Failure to Respect Basic Dignity” to address instead intentional psychological abuse of people held in short-term custody. In practice, every one of these violations constitutes a failure to respect the basic dignity of human beings. Psychological abuse, on the other hand, is very specific, and appears in the use of death threats, extended sleep deprivation and the loud,

2008	2011
345 cases of abuse documented over 2-year period (June 2006-August 2008)	30,000 incidents of abuse documented over 2½-year period (November 2008-March 2011)
Human rights advocates have no information about the standards that may exist for Border Patrol short-term custody	Advocates have acquired versions of policies that are intended to set guidelines for treatment of those in Border Patrol custody
Organizations on the border are the only ones exposing patterns of abuse in Border Patrol custody and advocating for uniform, public, and enforceable standards	Several organizations' subsequent reports have found the same patterns of abuse. Regional and national organizations advocate for Border Patrol custody standards  Language codifying standards has been proposed in legislation
Crossing the Line establishes that systematic human rights violations occur regularly during Border Patrol custody in Arizona	Culture of Cruelty moves beyond identifying the issue to articulating the steps needed to end abuse

Table 1. Developments in Custody Standards Advocacy 2008-2011

repeated playing of *migracorridos*—songs about people dying in the desert—to people who may have lost loved ones while crossing. Psychological abuse is defined here as the intentional infliction of mental pain or suffering, by a person acting under the color of law, upon another person within his or her custody or physical control. Under international law, this type of abuse constitutes torture.<sup>3</sup> Each area of concern is illustrated by sample cases, and eighteen months of cases documented in Nogales are included in the Appendix.

Part One also includes information drawn from two other documentation projects of No More Deaths. First, it includes data from more than 100 interviews focused on the impact of deportation on people with established family and community ties in the U.S. For these individuals, the cost of *not* returning to the U.S. is often simply too high. Additionally, Part One includes a critical analysis of Border Patrol apprehension methods through the observations of volunteers who provide humanitarian aid to migrants in the deserts of southern Arizona. These volunteers describe Border Patrol tactics that purposely endanger migrants' lives and which constitute their own form of abuse.

Part Two covers existing Border Patrol custody standards and agreements recently obtained by No More Deaths, including those acquired through a FOIA request. We analyzed which areas of concern are already technically covered in the Border Patrol's official standards and agreements—identifying many that are frequently ignored in practice—and which standards do not appear to be addressed anywhere. The picture that emerges is one of an agency operating with complete disregard for existing

standards intended to apply to individuals in custody, limited and inadequate as they are.

Part Three addresses the political and economic context that contributes to Border Patrol abuse. It includes an analysis of existing DHS oversight mechanisms, the inadequacy of which guarantees that supposedly binding agreements and custody standards are routinely violated with impunity. Part Three also addresses the ways in which border militarization, the criminalization of immigrant communities, and the privatization of the border exacerbate a culture of abuse.

Part Four contains our recommendations for uniform and robust Border Patrol custody standards and proposes a framework for effective, independent monitoring and enforcement of those standards.

The campaign to end abuse and neglect in Border Patrol custody has come a long way since *Crossing the Line* three years ago. We have a much better understanding of the mechanisms that lead to a culture of impunity in the Border Patrol. We have investigated what short-term custody standards do exist and can analyze how these standards are being violated. We have compiled a much more extensive array of cases and stories demonstrating the patterns of abuse and neglect. We are collaborating with other organizations involved in documenting Border Patrol abuse and filing official complaints with the Department of Homeland Security.

While our methods and access to information have improved, conditions for individuals in Border Patrol custody have only worsened. The only true measure of success will be when people are no longer telling us stories like those contained in this report.

# PART ONE

# Documentation

# Findings and Methodology



This report is based on three sources of data collection. The bulk of the data draws on interviews conducted by volunteers working with No More Deaths in Nogales, Sonora, Mexico, and with the Migrant Resource Center in Naco, Sonora,

Mexico between October 2008 and April 2011. In Part One, we describe the documentation methodology and then examine the areas of concern or categories of abuse, accompanied by cases that exemplify each. We present additional data obtained through “deportation impact” interviews with more than 100 people deported through Nogales. These interviews focused on the consequences of deportation following extended periods of living in the U.S. Finally, we present a number of observations regarding Border Patrol conduct and practices before apprehension and custody from long-term volunteers in No More Deaths’ Desert Aid Working Group, which coordinates desert camps and humanitarian aid on migrant trails in southern Arizona.

## DOCUMENTATION METHODOLOGY

All testimonies in this report were collected by volunteers in Nogales and Naco. Participation was on a voluntary basis and not linked to provision of other services. As in *Crossing the Line*, all the volunteers administering the surveys have been trained extensively and are fluent in Spanish. The interviewees who choose to share their stories receive a complete explanation of how their testimony may be used—including this report—and are given the option to file an official complaint with the Office of Civil Rights and Civil Liberties at the Department of Homeland Security. No information is shared with others on-site, and interviewees are always given the option of refusing to provide

personal or identifying information. For the sake of confidentiality, all last names and other identifying information contained in the original documentation have been omitted and replaced with pseudonyms. Both closed- and open-ended ques-

tions are asked, allowing people to share personal testimonies and experiences.

The circumstances in which volunteers conduct this documentation vary. Dozens and sometimes hundreds of people are repatriated daily to Nogales, making it impossible for us to speak with every person every day, while volunteers at the Naco Migrant Resource Center have typically encountered smaller, more concentrated groups of migrants. In Naco, deportees would generally be directed to the Migrant Resource Center at the time of their deportation, and volunteers were able to conduct interviews with every individual and group who passed through the center. Therefore it is appropriate to use data from Naco to determine the percentage of deportees who have suffered each category of abuse; when percentages are reported, they are given from this representative sample.

Also, in general, rates of reported abuse were lowest in Naco due to sampling and interview method. We have found that during group interviews people are less likely to report violations of dignity and the details of assaults are frequently missing from reports. Therefore, when estimates are presented from our representative sample regarding how often each abuse occurs, we consider this to be the lowest prevalence estimate possible. This should be kept in mind while reading this section, particularly when reviewing data presented in the form of graphs comparing the treatment of men, women and children or comparing the

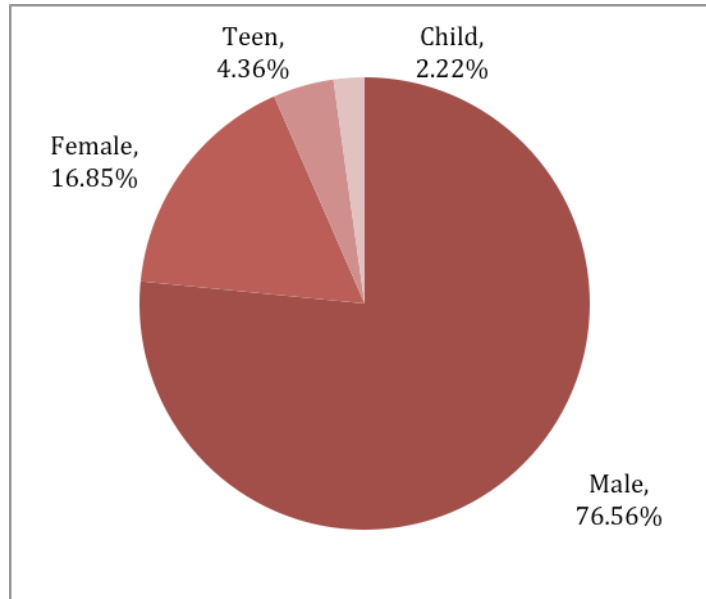


Figure 1. Gender and age in representative sample

treatment of detainees by time spent in custody. For several areas of concern (e.g., dangerous transportation practices, failure to return personal belongings), only the number of incidents are given because we were not confident that our sample was appropriately representative. These numbers were calculated from the overall sample.

In Nogales, the various agencies with which No More Deaths collaborates in offering services and humanitarian aid are spread out over a several-mile radius within the city. During the period of time in which these interviews were conducted, the locations of and approaches to interviewing have evolved. In Nogales, interviews have taken place at the Mariposa aid station (a receiving area for deported migrants), at the Kino Border Initiative Centro de Atención a Migrantes Deportados (a meals program, women’s shelter, and clinic space), at the DeConcini Port of Entry (a public space through which people are repatriated), at Grupos Beta (a federal migrant assistance agency), at Transportes Fronterizos de Sonora (a privately owned and operated transportation company that transports people back to their place of origin and also provides shelter and other services to migrants), and at the Juan Bosco shelter.

These interviews are always conducted in the context of active humanitarian work. Consequently, the attention of the interviewees, as well as that of the interviewer, is often occupied in part by the variety of pressing practical concerns people face upon deportation: making a phone call home, for example, or accessing medical treatment for injuries sustained during the journey or in detention. While this combination of factors means that our documentation may not be representative of every person deported within the last three years, we have nonetheless found that the concerns people have raised to us regarding their treatment in custody have remained consistent across months and years, and from interviewer to interviewer. The trends they establish are clear.

## DEMOGRAPHICS AND CHARACTERISTICS OF SAMPLE

The final sample included 4,130 interviews with 12,895 individuals, including 9,562 men, 2,147 women, 533 teenagers (ages 13-18, regardless of gender), and 268 children (ages 0-12, regardless of gender). Ages ranged from newborn to 74 years old with a mean of 29.5 years old. These demographics are similar to the percentages found in our representative sample (see Figure 1). Individual interviews were conducted with 1,842 detainees; the remaining interviews were conducted with groups of people. The majority of interviews were conducted in Naco (3,201), followed by Nogales (834), and Aqua Prieta (62).

As discussed later, No More Deaths has noted a marked change in the composition of deportees over the past few years. As internal deportations reach record levels nationwide, individuals repatriated to Mexico are more likely to have lived in the U.S. for many years and to have been deported away from children, spouses and property (see Figure 2). Many report being deported from their home communities, while others report being apprehended by Border Patrol while attempting to return after leaving voluntarily to tend to personal matters, such as the death of a relative, in their country of origin.

Most interviewees spent fewer than 24 hours in Border Patrol custody (see Figure 3). More than 30 percent of interviewees, however, spent more than 24 hours in Border Patrol custody. Throughout this section, we analyzed type of abuse by time in Border Patrol custody as our concerns increase with the amount of time spent in custody. For example, we would be less concerned about detainees who are held for less than six hours who do not receive food than those who are held for more than a day and do not receive food.

The data indicate that the abuse of detainees in Border Patrol custody is not an occasional anomalous occurrence perpetrated

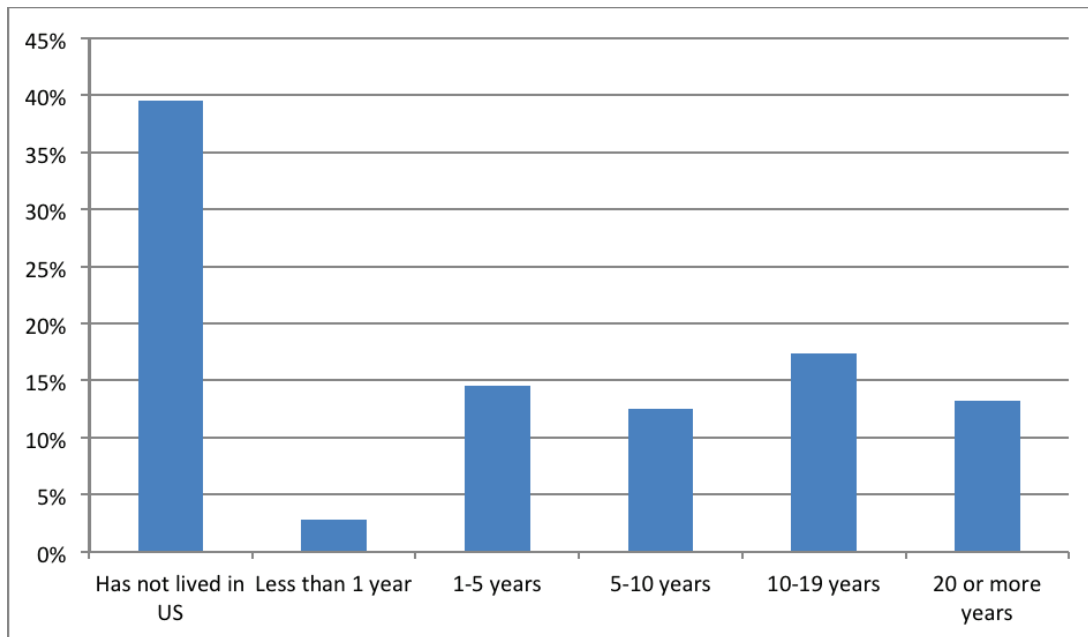


Figure 2. Time lived in the U.S. before apprehension

by a few rogue agents, but rather widespread, systematic and institutionalized.

## AREAS OF CONCERN

*Crossing the Line* established twelve primary areas of concern, or categories of abuse, to which people in short-term Border Patrol custody have been subjected. Our analysis of the data gathered over the last three years demonstrates that Border Patrol misconduct within each area of concern persists.

In *Crossing the Line, No More Deaths* identified denial of people's basic dignity as one such concern. We have removed this as a distinct category since each of the types of abuse we document constitutes a violation of a person's dignity. At the same time, we have increasingly heard accounts of what can only be interpreted as deliberate psychological abuse of detainees, including sleep deprivation, death threats, and the repeated playing of traumatizing songs about people dying in the desert. We have added psychological abuse as a new area of concern to account for this growing and disturbing phenomenon.

We have also changed the area of concern regarding abusive repatriation practices from "repatriation of vulnerable populations at night" to "dangerous repatriation practices" to account for the scope of these practices. Any person who is repatriated to an unfamiliar border city, often in compromised physical condition and without resources to meet their basic needs, has already been needlessly placed at risk while in a vulnerable state. The reckless practice of repatriating people at night only exacerbates this risk.

The following sections provide an overview of the twelve areas of concern and descriptions of typical violations for each. This is followed by prevalence statistics, when available from representative data, and other relevant quantitative descriptions. Each

section concludes with vignettes drawn from the interviews. In choosing these stories, we have tried to include those that are typical, rather than the most severe violations, to demonstrate the pervasiveness of abuse in short-term Border Patrol custody. All names are pseudonyms.

## PSYCHOLOGICAL ABUSE

We have used United States federal law and the United Nations Convention Against Torture to aid us in articulating the category of psychological abuse, which can be defined as "an act committed by a person acting under the color of law specifically intended to inflict severe physical or mental pain or suffering [...] upon another person within his custody or physical control."<sup>6 7</sup> According to U.S. federal law and the UN Convention Against Torture, these practices of psychological abuse constitute torture. They can include sensory deprivation or overstimulation, degradation, and dehumanization<sup>8</sup>, and they have been documented during short-term Border Patrol custody in the following ways:

- Threatening detainees with death while in custody
- Threatening to leave women alone with a group of men that they do not know
- Playing music, such as traumatizing songs about people dying in the desert, loudly and continuously
- Increasing cold or hot temperatures in vehicles or processing centers after requests to moderate temperature
- Forced removal of jackets outdoors during cold weather
- Forced removal of shoes when walking in the desert
- Forced holding of strenuous or painful positions for no apparent reason other than to humiliate
- Preventing sleep through forced standing or banging on the doors of cells



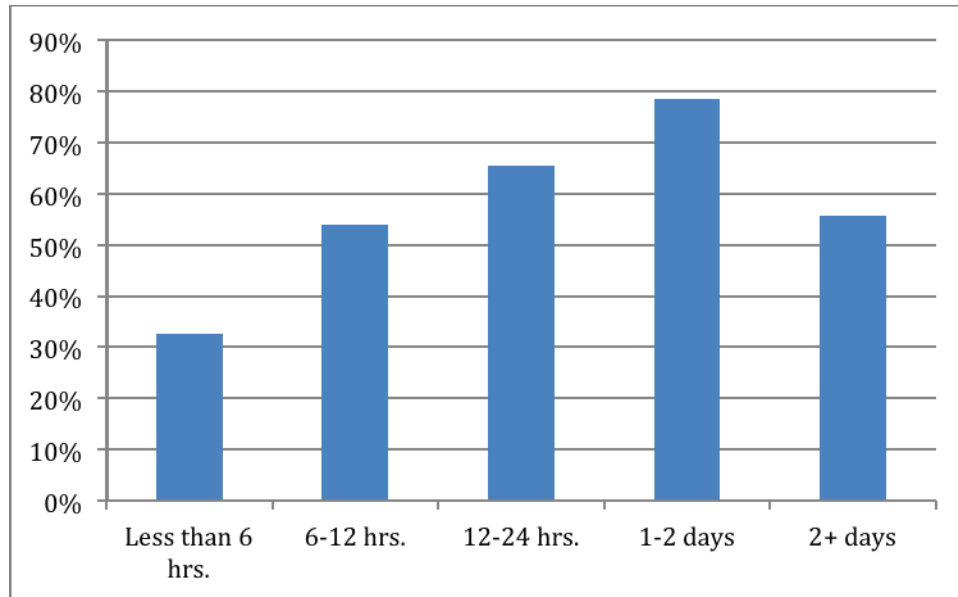


Table 3. Time spent in Border Patrol custody

• Preventing sleep by moving people between extremely cold and hot rooms in processing centers

Because this is a new category of concern, these acts of psychological abuse were not directly assessed through specific questions. Nevertheless, 379 interviewees independently reported incidents of psychological abuse: 279 men, 72 women, 12 teenagers, and 3 children. These proportions were comparable to the proportions of interviewees (that is, men did not report proportionately more psychological abuse than women; there were simply more men interviewed). To describe psychological abuse from detainees' perspectives, we have included below four narratives demonstrating different aspects of psychological abuse.

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**“We are people, not dogs.”**

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**June 14, 2010, with Gerardo, 47, from Nayarit, Mexico.** His feet were severely blistered and were being treated by a volunteer EMT during the interview. He stated that he was detained for two days at a Border Patrol detention center near Why, Ariz., after walking through the desert for three days. At the detention center, agents went through Gerardo's belongings and those of others and threw away identification, cell phones and lists of phone numbers. He was able to rescue his cell phone from the trash can and had it in his possession during the interview. Gerardo requested medical treatment for his feet, but was only told “Later.” and never received any care. *Migracorridos*, songs telling morbid tales of death in the desert, were played over the loudspeakers 24 hours a day at high volume, he said. Every two hours, guards would come in shouting at the detainees and require them to line up for inspection. These measures prevented the detainees from sleeping and Gerardo regarded

them as forms of psychological torture. He reported standard conditions that included inadequate food, overcrowding and excessive cold.

**Feb. 17, 2011, with Gabriel, 31, from Chihuahua, Mexico.** Gabriel states that he was apprehended after being lost in the desert for several days. He had become ill, he believes, from drinking dirty water from a cattle tank in the desert, which he filtered through his shirt. Gabriel said that after he had been in custody for two or three days, suffering from a fever and body aches, another migrant was forced to sit on his legs due to overcrowding in his cell. He says he stood up and reported the overcrowding to the Border Patrol agent who was present, saying that he “didn't want problems or punishment,” only medication and somewhere to sit. That agent went to get the 3rd shift supervisor, and told him that Gabriel was causing problems. The supervisor asked who was causing problems and Gabriel identified himself and explained the situation, requested pain medication and said, “We are people, not dogs.” The supervisor grabbed Gabriel by the shirt in front of the throat, threw him against a door, handcuffed him behind the back and took him out into the hallway. Gabriel was then put outside in a corner, with his hands cuffed behind his back for 2-3 hours. While he was in this position, the supervisor hit him in the head and the leg. The supervisor told Gabriel that he could lock him up if he wanted, could punch him in the face and knock out his teeth if he wanted because it was “his jail” and Gabriel was “there for pleasure.” After 2-3 hours, the supervisor came back and told Gabriel that he “needed to apologize and ask forgiveness” for “disrespecting an officer.” Gabriel said that he asked for forgiveness, and the supervisor stated, “You saved yourself, I could have thrown you on the floor and then you'd have lost two teeth.” Gabriel was then returned to the cell.

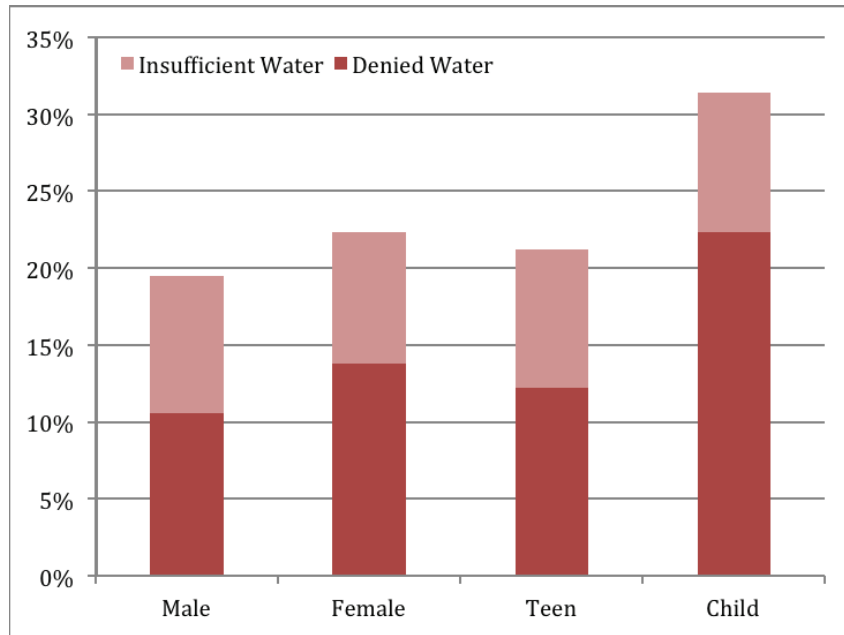


Figure 4. Percent of interviewees reporting denial/insufficient water from representative sample

**March 6, 2010, with César, 39, from Michoacan, Mexico.** César stated that he had lived in Seattle, Wash., for 20 years and has an American wife. César attempted to cross the border near Sasabe and was apprehended by the Border Patrol and held in custody for one day in Phoenix. Near the border, agents had a megaphone set up and were broadcasting repeatedly (in Spanish): “I have a gun and I’m going to kill you, I don’t like Mexicans. Go back to Mexico.” César confirmed that he saw a BP truck by the megaphone, so he knew it was Border Patrol. Additionally, César has HIV, which he disclosed to a guard in private. After he informed the guard, he and the other guards shouted loudly to each other that he had HIV. They used plastic gloves whenever they touched him, including when they took his fingerprints. They told other detainees that he had HIV and kept him in an isolated cell. While transporting him for deportation, they made him sit separately in a gated area on the bus, with his arms handcuffed together. He was repatriated to Nogales on March 3 through the Mariposa Port of Entry.

**March 18, 2010, with Jairo, from Guanajuato.** He stated that he has two daughters, both U.S. citizens, 10 and 7 years old. He was stopped for running a stop sign in Oregon and was transferred multiple times before being deported. Attempting to return to the U.S., he crossed the border near Sasabe and walked four days in the desert before Border Patrol agents apprehended him and his group. Agents tied two men to each other with heavy black rope and forced them to walk quickly through difficult terrain. An agent pushed some of the men. One agent said, “If I wanted to disappear you, I could do that right now, no matter what,” Jairo recalled. The men were told to sit in the dirt to wait for other apprehensions. When they complained about the tight wrist ropes, one agent told them to burn them off and gave a man a lit cigarette. The man tried to

burn the rope with the cigarette, but failed. The agent then cut off the ropes with a knife. They were taken to the Ajo Station and put with 69 people in a cell with a capacity of 19. It was very hot. When several detainees asked agents to turn off the heat, they pointed to a locked thermostat. When they complained of severe hunger, an agent said they were “not at home” and “I don’t give a fuck.” After nearly a day in Ajo, Jairo was deported to Nogales on March 16.

### FAILURE TO PROVIDE AND THE DENIAL OF WATER IN THE FIELD AND PROCESSING CENTERS

Frequently when detainees enter Border Patrol custody, they have been without water for hours or days. In any climate this would be a medical concern. In the desert, however, this is especially dangerous. This area is therefore of great concern to us. Incidents that were recorded in this area of concern included:

- + Water requests denied, even for vulnerable populations
- + Refusal to provide water in spite of evidence of compromised kidney function, dehydration, and other serious ailments
- + Providing non-potable or dirty water
- + Inadequate amounts of potable water available
- + Unsanitary distribution methods, including the provision of one gallon of water for multiple people without cups

Interviewees were asked if they had been provided with adequate water while in Border Patrol custody in the desert, while being transported, and/or in the detention centers. Complete denial of water was reported by 863 interviewees and insufficient access to water was reported by 1,402 interviewees. If interviewees reported being denied water in the desert but receiving sufficient water on buses or in detention centers, this was coded as receiving sufficient water. Therefore, figures presented

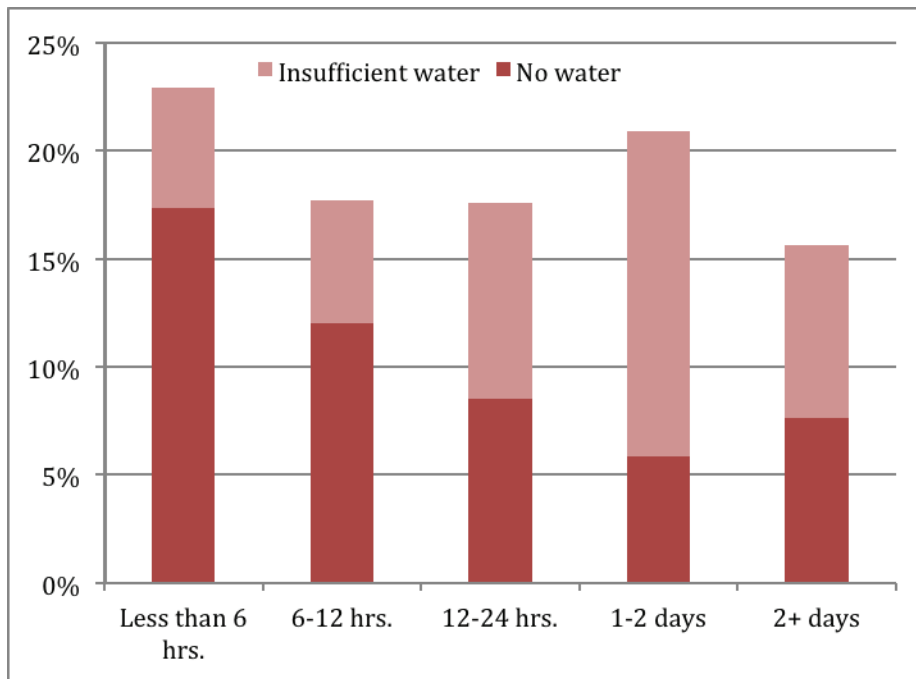


Figure 5. Percent of interviewees in representative sample who report no or little access to water by time in Border Patrol custody

here should be considered to be the most conservative possible estimates of the prevalence of water denial. Using only the data from Naco, which provides some measure of prevalence due to the population-based sampling design, we estimate that 17 percent of detainees experience this type of abuse (6.6 percent reporting no access to water and 10.4 percent reporting insufficient water). Disturbingly, children and women disproportionately reported complete denial of water, as shown in Figure 4.

Additionally, we analyzed the denial of water by how long interviewees reported being in Border Patrol custody. As shown in Figure 5, the denial of water is not limited to those in custody fewer than 6 hours. In our representative sample, 7 percent of detainees in Border Patrol custody for 6 to 12 hours reported no access to water and an additional 6 percent reported insufficient access to water for a total of 13 percent receiving inadequate or no access to water. Even detainees held in custody for more than two days reported receiving little or no water.

To better illustrate the denial of water in Border Patrol custody from detainees' perspectives, we have included four narratives that typify this type of abuse.

**Feb. 3, 2010, anonymous man from Veracruz, Mexico.** He stated that he attempted to cross into the U.S. to make enough money to support his wife and two children in Veracruz. He walked for three days in the desert without food, and was alone for two days. Border Patrol agents apprehended him Feb. 1 and took him to Tucson. He was extremely dehydrated and told the agent he had not had anything to eat or drink for days. The agent told him, "It doesn't matter to me," and "I'm not interested." In Tucson, the interviewee was held with 50 people in a

cell that said "Capacity 16." There wasn't enough room to sit or lie down. They did not have beds and the center was extremely cold. They were given only crackers and one small hamburger, and no medical attention. Before he was brought to court, his handcuffs were so tight they cut his wrists. At the time of the interview, No More Deaths volunteers were treating him for dehydration.

**March 18, 2010, with Manuel Bautista, 45, from Puebla, Mexico.** Manuel was traveling with his 18-year old nephew, both from the state of Puebla. They stated they had walked for two days and two nights without food before Border Patrol agents caught them. While in custody for a day in Casa Grande, they requested water but received no clean water. Agents told them to drink from a tap that was obviously dirty and not meant for people. They were not fed more than a small package of crackers each while in detention. The processing center was kept very cold and the agents insulted them. They were not informed of their rights and they were pressured to sign documents in English they could not understand so they could be released. They were deported March 14 to Nogales.

**July 27, 2010, with Silvano.** When he was apprehended in the desert, Silvano and others in his group asked for water, but agents refused to provide it, saying it was "lunch hour." When the migrants protested, the guards became angry and verbally abused them. When he was released, Silvano asked for his belongings. He was told: "You choose: leave now or you can stay for two weeks and we'll give you your things back." He chose to leave the facility, but he is now afraid to leave Nogales because he doesn't have identification or any way of contacting his family.

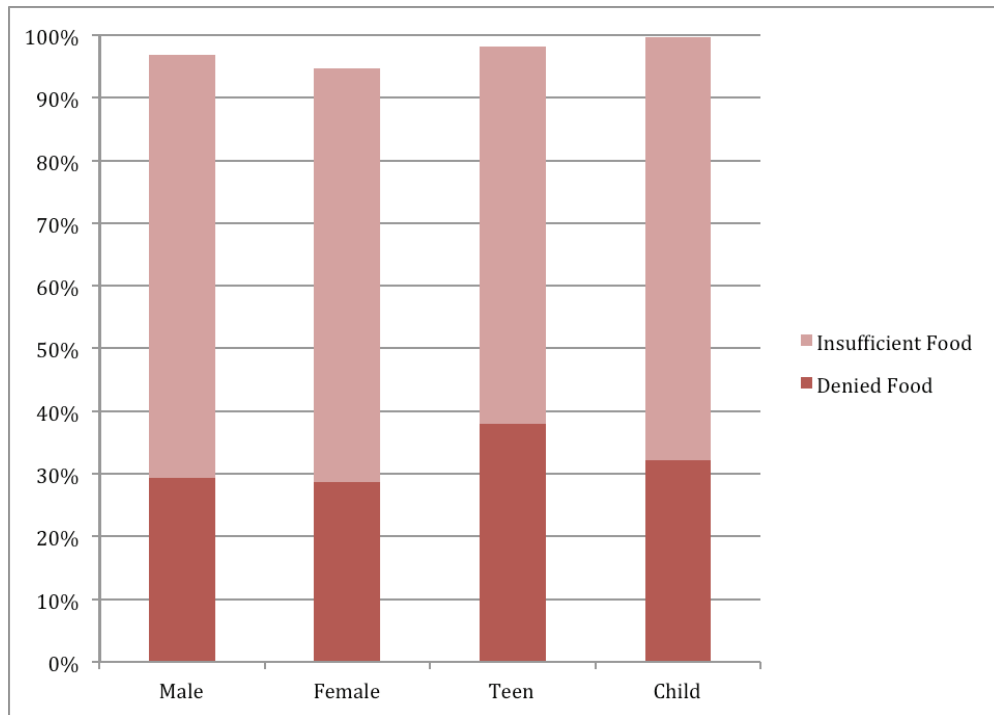


Figure 6. Percent of interviewees reporting denied/insufficient food from representative sample

## FAILURE TO PROVIDE AND THE DENIAL OF FOOD IN THE FIELD AND PROCESSING CENTERS

Just as detainees generally enter Border Patrol custody with some degree of dehydration, most are also malnourished. Denial of food exacerbates dehydration, rhabdomyolysis (kidney failure), and other serious ailments. Because of this, No More Deaths protocol is to treat all individuals as though they are in medical need of food, and volunteers at migrant resource centers in Naco and Agua Prieta always provide food under the assumption that people have not been fed while in Border Patrol custody. Several commonly reported ways in which food was denied or provided inadequately include:

- ✦ Agents throwing away food belonging to detainees or feeding it to horses or dogs in front of them
- ✦ Dismissing requests for sufficient amounts of food in processing centers
- ✦ Providing crackers only
- ✦ Throwing unpackaged food onto the floor
- ✦ Providing uncooked, frozen, or otherwise inedible food
- ✦ Agents purchasing food for themselves, while denying it to the people in custody
- ✦ Consistently denying adequate nutrition to children and pregnant women

In comparison to denial of water, denial of food was much more common, with 2,981 interviewees reporting denial of food and 8,403 more reporting insufficient food for a total of 94 percent (11,384) of detainees receiving inadequate or no food. As with water denial, if interviewees reported receiving no food

in the desert but received a meal in the detention center, they were coded as having received sufficient food. Therefore, these are the lowest possible estimates of this type of abuse. As shown in Figure 6, these rates were similar across gender and age.

For coding purposes, detainees who reported being given dry beans, cat food, moldy or insect-filled food, or had unpackaged food thrown onto the detention room floor were coded as receiving no food as the food was inedible regardless of whether or not it was consumed out of sheer hunger.

Depending upon circumstances reported by the detainee, many of these cases were coded as psychological abuse as well (for example, agents telling individuals to eat their food from the floor because they were “dogs”). Interviewees who reported receiving only crackers were coded as receiving insufficient food, regardless of time in detention. Conversely, interviewees who reported receiving a meal were coded as receiving sufficient food regardless of time in detention (the frequency of these meals was unknown). Therefore, if crackers are considered sufficient food for detainees held under 6 hours, then 57 percent of detainees held under 6 hours were given sufficient food, as shown in Figure 7 (48 percent given “insufficient food” plus 9 percent given a meal). However, we also found that 69 percent of detainees held over two days received only crackers for food for the entire time they were in custody.

The following accounts illustrate typical examples of the denial or inadequate provision of food to detainees:

**April 5, 2010, with Pedro.** He stated that he lived in New York for eight years and went to Mexico to visit a family member who was sick. When he tried to return to the U.S., Pedro

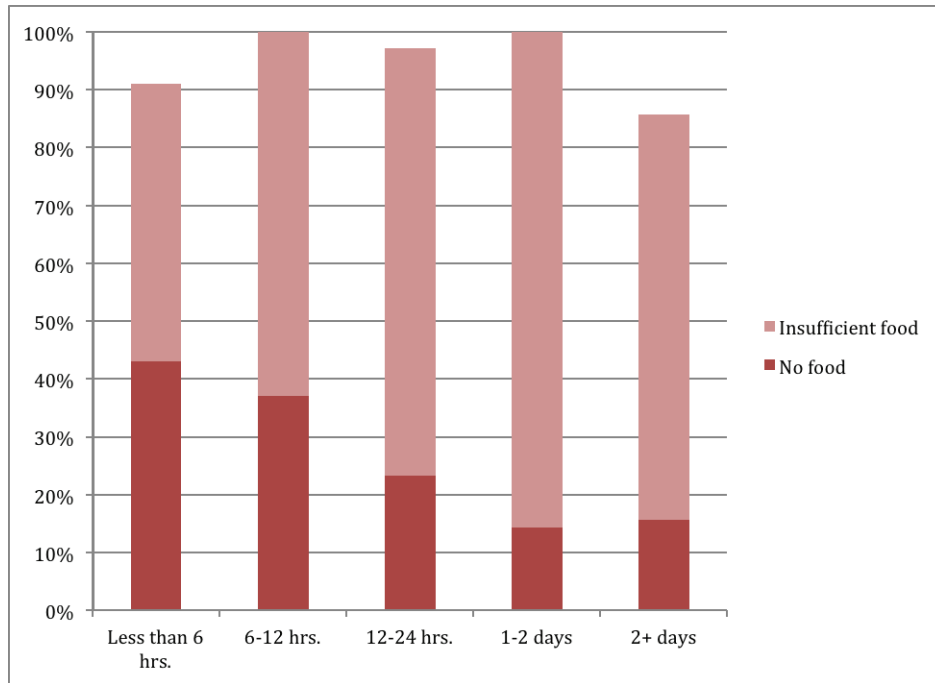


Figure 7. Percent of interviewees in representative sample who report no or insufficient food by time in Border Patrol custody

walked for seven days in the desert. His group ran out of food during the last three days. He was apprehended on April 1 and taken into custody in Casa Grande. He requested medical help for pain in his eye, ear and molar, but did not receive it. All of his clothes except for a t-shirt and pants were taken from him and not returned. He received only a packet of crackers, a small container of juice, and a small frozen hamburger over the course of 24 hours. Border Patrol agents used racist language toward detainees.

**March 15, 2010 with Jorge, 27, from Guatemala.** Six Border Patrol agents, including some on horses and motorcycles, surrounded his group of 10. He was thrown onto the ground face-forward and an agent hit him on the side with the butt of a gun. Agents were also yelling insulting names at them. Jorge was held for three days in the Tucson processing center. When he asked to see a doctor, he was repeatedly refused. Agents confiscated and threw out any food the migrants had and regularly denied requests for food. Over the course of three days, they only got small packets of crackers. Jorge says his stomach is in pain now from going so long without eating. His belongings were confiscated and not returned, including his birth certificate and \$100 U.S. currency. They also took everyone's clothes except a T-shirt and pants and then turned on the air conditioning. Jorge has a cousin and father who live in Santa Monica, Calif., where he also lived for 10 years before being deported by ICE. He was apprehended by Border Patrol while attempting to return to them.



## FAILURE TO PROVIDE MEDICAL TREATMENT AND ACCESS TO MEDICAL PROFESSIONALS

The physical dangers of the desert often exacerbate pre-existing chronic conditions and other medical risk factors. High temperatures and lack of food and water place pregnant women, the very old and very young, and those with diabetes or heart disease at high risk of experiencing medical complications. Additionally, people walking in the desert are frequently injured by falls or cacti and often have large blisters on the bottom of their feet. Finally, physical abuse by Border Patrol agents may compound any of these existing conditions and result in injuries that require emergency medical care. Abuses documented in this category included:

- Medications for pre-existing conditions like high blood pressure and diabetes, or prenatal vitamins being confiscated, thrown out, or not returned
- Open wounds, broken bones, and heat illness that go untreated before repatriation
- Lack of treatment of wounds from cacti that constitute emergencies (e.g., cactus spines in the eyes)
- Lack of treatment of infected blisters that cover entire soles of feet
- Repatriation without sufficient documentation of medical care received, adequate prescriptions, or adequately filled prescriptions

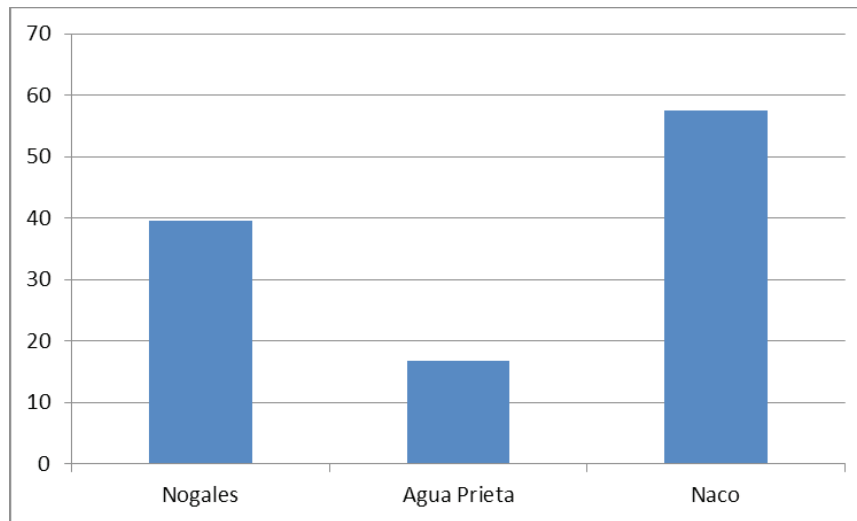


Figure 8. Percent of interviewees reporting inhumane center conditions by repatriation port

No More Deaths volunteers documented 433 incidents in which emergency medical treatment or medications were needed. In 59 (14 percent) of these incidents, Border Patrol provided treatment or access to treatment (this included two cases in which the detainees refused the treatment offered). Also considered among this category of abuse were 51 cases of medication confiscation by Border Patrol (usually diabetes medication) and 22 cases of people who were repatriated from the hospital without follow-up care or medication being provided. To illustrate the severity of this area of concern, we have included several vignettes below:

**Feb. 3, 2010, anonymous man.** A No More Deaths volunteer treated the interviewee for a severe wound on his right foot. He stated that he had injured his foot while walking. When he showed the injury to a Border Patrol agent who apprehended him on Jan. 30 and requested medical treatment, the agent refused to provide it. He had difficulty walking because of his foot pain, and the Tucson center guards laughed at him for limping.

**March 15, 2010, anonymous man, 53.** He had lost consciousness after not eating for six days. People from a ranch found him unconscious and called the Border Patrol and an ambulance. Both arrived, but the Border Patrol did not let the ambulance staff help him. Instead the agents called a new ambulance, which took him to a hospital where he remained from March 10-13. He was not sure whether he had had a heart attack. When Border Patrol agents picked him up, he had to leave the hospital in his pajamas without shoes, his documents, or the prescriptions the doctor had ordered. The agents did not speak Spanish and did not answer his questions. He was not informed of his rights, including the right to speak with the Mexican consulate, and did not have access to a lawyer. He was brought to Nogales by bus and left there at 8:30 p.m.

**April 15, 2010, with Angélica from Mexico.** Angélica has a son in Oregon. When the Border Patrol apprehended her group, agents handcuffed them to one another and made them

walk in a line for 20 minutes in the dark. She fell because it was difficult to walk and agents pushed her. While she was in custody in Yuma on March 14, agents threw away all of her possessions, including medicine. Border Patrol agents kicked Angélica in the stomach and denied her medical attention. When No More Deaths volunteers met her on April 15, she reported persisting pain in her abdomen.

## INHUMANE PROCESSING CENTER CONDITIONS

In addition to lack of food, water, and medical attention, interviewees consistently reported inhumane or unsanitary detention center conditions, defined here as the following:

- Holding cells at extreme temperatures
- Denial of blankets, or distribution of filthy blankets riddled with cactus spines
- Sleeping on overcrowded cell floors
- Cells too crowded to move, lift arms, or lie down to sleep
- Toilets in public view, video cameras over toilets, or no access to toilets

We recorded reports of inhumane center processing conditions from 7,038 interviewees. The most commonly reported forms of inhumane center conditions were overcrowding (5,763), followed by unsanitary or dirty conditions (3,107), extreme cold (2,922), and extreme heat (2,349). We have also noticed a disturbing trend of BP agents deliberately creating inhumane center conditions; although questions regarding Border Patrol intent were not asked, intent could be inferred from the context of detainees' stories. For example, when interviewees report being crowded into one holding cell when an empty holding cell is available, this treatment may be considered intentionally inhumane rather than the result of a lack of resources. We have reports of agents turning on the air conditioning or placing fans outside the cells after receiving complaints about cold cells, or holding people outside in the summer in pens that

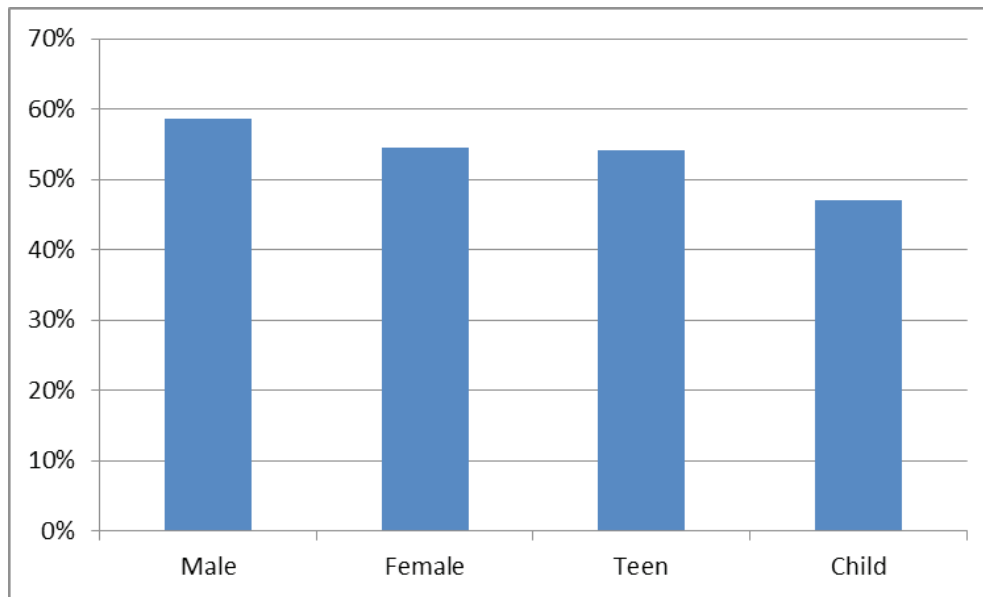


Figure 9. Percent of interviewees reporting inhumane detention center conditions in representative sample

do not offer shelter from the sun in spite of having air-conditioned cells available inside. These types of reports were coded as psychological abuse as well as inhumane center conditions. Finally, 415 detainees reported extremely hot and extremely cold rooms within one center, particularly during group interviews. Given other reports of deliberate temperature manipulation, we surmise that this is also intended to torture people, but this was coded as psychological abuse only when detainees reported being moved between extremely hot and cold rooms for no apparent reason.

Detainees are frequently moved between detention centers. Many detainees report being taken to Tucson detention centers for a day or two before being deported, and others report being taken to California or Texas before repatriation (this is discussed further in “Dangerous Repatriation Practices”). Therefore, detainees’ stories about detention center conditions frequently contain comparisons between centers; when they do not, however, it is difficult to discern to which center they refer. Using the port-of-repatriation, we were able to estimate the prevalence of inhumane center conditions for each of our interview sites as shown in Figure 8 (due to sampling method, however, these cannot be considered representative). Additional information was available regarding center conditions in California and Texas (which were both much higher in reported inhumane conditions); due to small samples from these other states, however, we did not examine this further.

Using the representative sample, we found that children were less likely than men and women to have experienced inhumane center conditions (see Figure 9). There were no statistically significant differences in the other proportions.

In general, interviewees were more likely to report inhumane center conditions the longer they spent in Border Patrol custody

up to two days (see Figure 10). This is likely due to the fact that detainees have more time to experience center conditions the longer they stay. For example, people in custody under 6 hours may not be concerned about sleeping situations and therefore never consider them. However, while over 75 percent of people in custody for one to two days reported inhumane conditions, only 55 percent of those in custody for over two days reported the same. This decrease in the proportion of interviewees reporting inhumane conditions after two days is likely due to detainees being moved between centers when they are in custody longer and the fact that they may be referring to conditions in more than one center, as previously discussed.

To illustrate the severity of detention center concerns, several detainees’ stories follow.

**March 17, 2010, with Miguel, 41, from Tapachula, Chiapas.** He stated that he and his companion joined other migrants from Chiapas and began walking at 7 p.m. Miguel said, “I was very tired, dehydrated [...] My legs hurt, but I wasn’t hungry, just thirsty.” Miguel lost his footing in a stream and fell; he asked the guide to stop so he could catch his breath and was refused. Shortly thereafter, he collapsed from exhaustion. He tried to continue, but stopped under a tree and let the group go on without him around 1 a.m. In the morning he continued walking and joined another person who had been left behind. Shortly before noon, they spotted a Border Patrol agent and decided to turn themselves in. They were taken to a local station, and then to the detention center in Tucson, where they stayed for 24 hours. The center was very overcrowded with 300 men in a cell the size of a large room. They were packed like sardines and had to stand up. The cell was filthy and some of the four or five bathrooms were broken, he said. The air conditioning was on high, so it was very cold at night. The only food provided was cheese crackers and

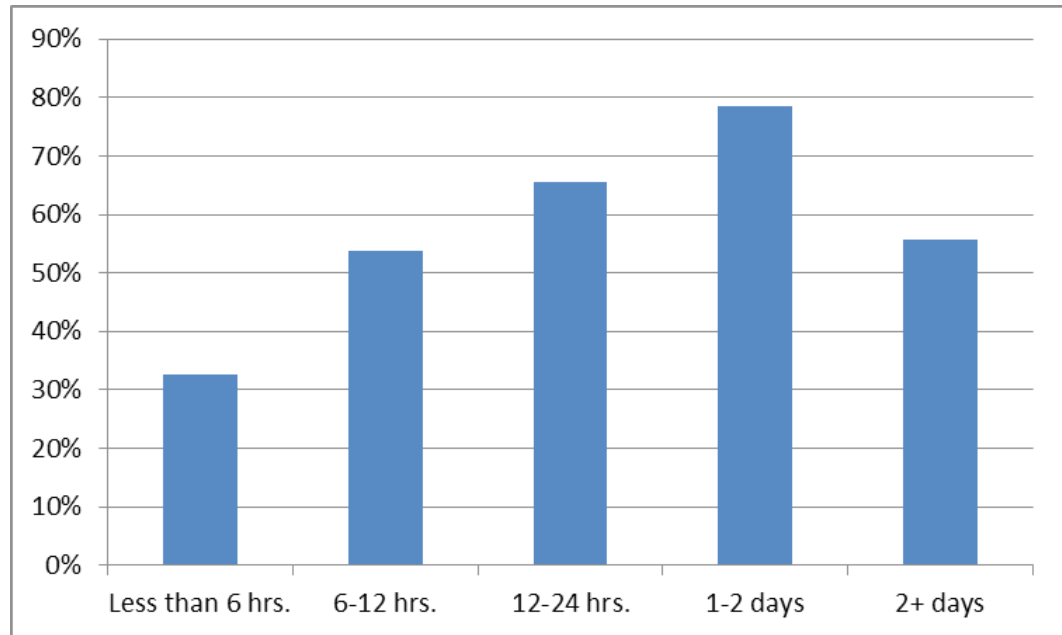


Figure 10. Percent of interviewees in representative sample who reported inhumane detention center conditions by time in Border Patrol custody

small juice boxes. Finally, he was repatriated to Nogales. Miguel wondered if the Border Patrol waited until the migrants were “sleeping, tired, with blisters, and can’t run” before they tried to apprehend them, he said. “There should be an agreement between the U.S. and Mexico and Central America to give us a permit so that we could go to work in the U.S.,” Miguel said. “There are so many of us who need to work there, not because we want luxury, just for the security of ourselves and our families.” He stated that he has a 19-year-old daughter in Los Angeles and many relatives in other parts of the U.S. “If we’re here, it’s because the situation in our homes is very sad,” Miguel said. “A salary in Tapachula is very low: 700 pesos a week. I often had to work overtime for no extra pay.”

**April 24, 2010, with Diego, 21, from Oaxaca, Mexico.** He stated that he tried to cross into the United States for the first time to join his parents and siblings. When he was apprehended in the desert, an agent asked Diego how many were in his group. When he said, “It’s just us,” the guard struck him in the face with a flashlight. In the Border Patrol vehicle, agents mocked him. He never received medical treatment for injuries sustained in the assault or for wounds on his feet. At no point while he was in custody was he told where he was being taken or held. Diego described the site where he was detained as a small center in the desert. Women and minors were held inside, but the men were held in a pen outside in extremely cold temperatures with no blankets. After a day and half, he was deported to Nogales.

**March 9, 2011, with Guadalupe and Marco Antonio, from Guadalajara, Mexico, whose four children were left with their grandmother.** At the time of the interview, the couple had recently been reunited after being separated immediately after their apprehension. Border Patrol agents left all their be-

longings in the desert, only allowing them to keep their clothes. The wife was sent to Nogales. While there, she saw a woman’s request to speak with her consulate denied. The husband, Marco Antonio, was sent to Tucson and then California before being repatriated to Mexicali. In Tucson, Marco Antonio was put

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...an agent asked Diego how many were in his group. When he said, “It’s just us,” the guard struck him in the face with a flashlight.

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in an overcrowded, standing room only cell where people had to sit on top of the bathroom stalls. When new detainees arrived, Border Patrol agents would push the men to the back of the already overcrowded cell to make more room. Marco Antonio said that he saw one man faint from the crowded conditions. The guards dragged the man out and laid him on a bench outside the cell. When the man woke up the guard put him back in the cell without providing any medical care, though it was requested. The husband became sick while in custody and believed he had caught the flu, since he had a fever. He asked the guards for medicine and was denied. The only place to lie down to sleep was in one of only three bathroom stalls which had no door and offered no privacy. Marco Antonio asked for information about his wife and one guard told him that it could be found, but another guard yelled at him for continuing to ask. He was afraid to continue asking because it was known that as punishment, the guards would place detainees in a room with the air conditioning on high.



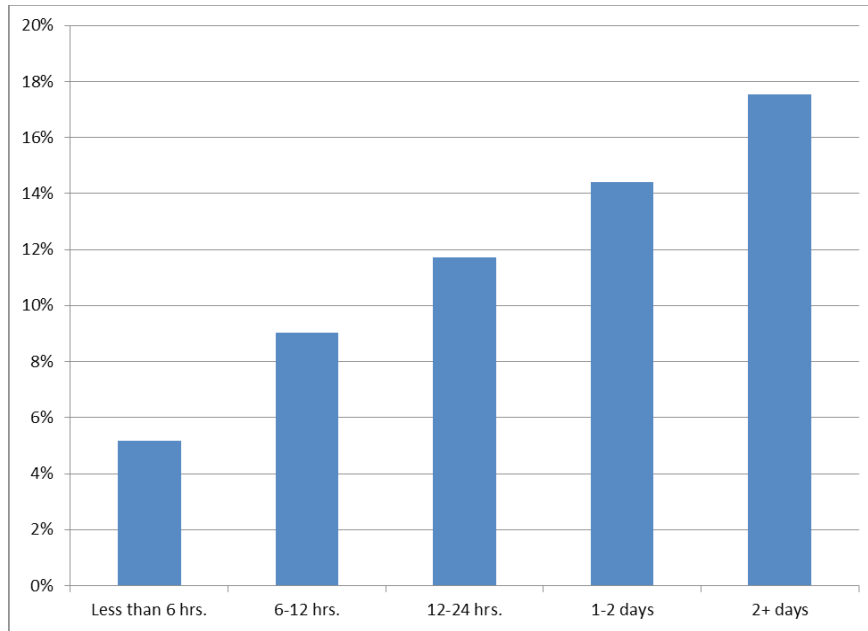


Figure 11. Percent of interviewees in representative sample who reported verbal abuse by time in Border Patrol custody

## VERBAL ABUSE

Verbal abuse was particularly common with 1,699 incidents being reported. It demeans and intimidates detainees and may compound feelings of confusion, helplessness and terror for those in custody. Verbal abuse includes racial and sexist epithets, in addition to threats of sexual violence, used to subjugate and degrade detainees. Furthermore, verbal abuse may include violent threats made credible by public examples of physical abuse and assault. Verbal abuse appears to aid in creating an environment of intimidation, fear and compliance among detainees.

Typical forms of verbal abuse included:

- + Derogatory racial, ethnic, and sexual epithets
- + Profanity
- + Yelling and screaming for no apparent reason, both in the field and in processing centers

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“You are illegal, you don’t  
have rights.”

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Verbal abuse rates were comparable across gender and age, with children being as likely to experience verbal abuse as adults. Reports of verbal abuse did increase over time, however, with those who were in detention longer being more likely to report being verbally abused (see Figure 11). This is likely due to increased exposure to multiple Border Patrol agents, suggesting that verbal abuse, though pervasive, is not yet ubiquitous.

Several cases that illustrate the contexts in which verbal abuse is experienced are described below.

**Feb. 19, 2010, three anonymous women.** Three women were held in custody Feb. 17-18 in Tucson. One woman was

from Chiapas, where she has three children ages 8, 10, and 12. She was attempting to cross for the first time to find work to support her children. She was brought in chains to Operation Streamline at the federal courthouse in Tucson, where guards pushed detainees who were chained together. One guard held her nose in front of the detainees and said they smelled. Another woman stated that when she was apprehended with a group in the desert, a Border Patrol agent accused them of carrying drugs and threatened to shoot them. The third woman reported that guards shouted at them and used racist language. Agents took their clothes and then held them in extremely cold temperatures while in custody.

**May 18, 2010, anonymous man from Mexico.** He stated that he had lived in Wisconsin for 14 years and Texas for one year, and has family in the U.S. The interviewee and his group were apprehended by Border Patrol agents. Many people asked for water and did not receive it. Some were wounded and did not receive medical care. They were told neither where they were being taken nor where they were being held in custody. The agents used curse words and racial epithets and told the detainees, “You are illegal, you don’t have rights.”

**Nov. 25, 2009, anonymous male, 18, from Chiapas, Mexico.** While crossing the Sonoran Desert on Nov. 23, he was apprehended by Border Patrol. An agent grabbed him by the shirt, threw him to the ground so he hit his head, and then stepped hard on his chest. The agent denied him food and water and addressed him with racial slurs and insults such as “motherfucker.” The interviewee was held in custody in Tucson for 48 hours and did not receive medical attention for injuries sustained during the assault or for a cactus spine in his eye. While in custody, he was held in an unclean cell made for 18-20 people but holding 60 detainees who could not lift their arms or move. The

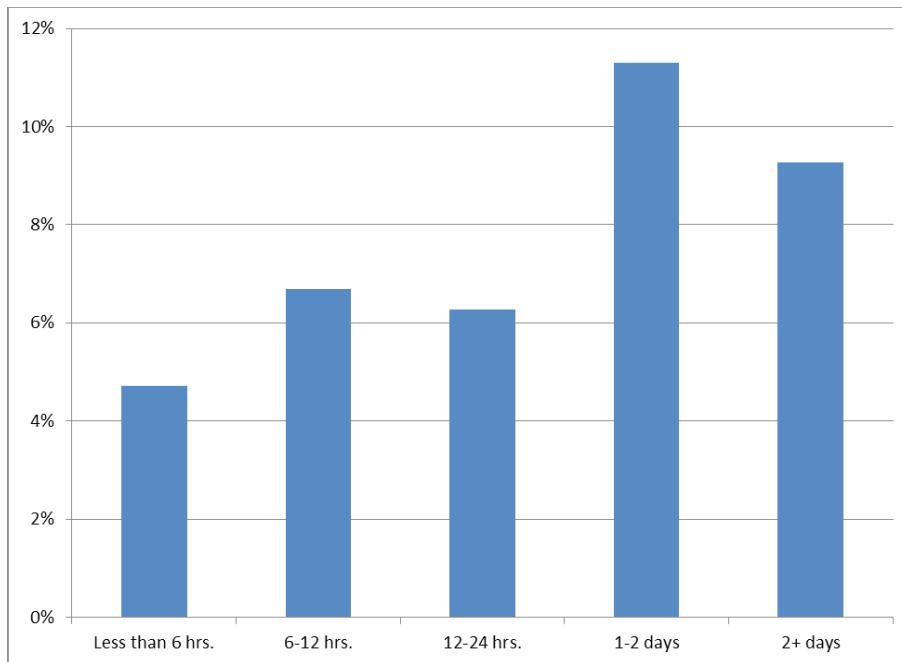


Figure 12. Percent of interviewees in representative sample who reported physical abuse by time in Border Patrol custody

single bathroom was unclean and did not have a door. The cell was very cold, and the air conditioning was turned up at night. There were no beds. When No More Deaths encountered him, his right eye was red and swollen from the spine, and he reported that his head still hurt from the assault.

## PHYSICAL ABUSE

Physical abuse is heinous under any circumstance, but physical abuse toward individuals who are in custody is especially egregious. The effects of abuse are further compounded by the compromised physical health of most detainees when they enter custody and exacerbated by lack of food and water while in custody. Physical abuse by agents is commonly reported as a method of control or as punishment for asking for basic human rights such as speaking to an attorney, having medications returned, or receiving water. It is also used in conjunction with psychological torture, with many detainees reporting that agents threatened to kill them and leave their bodies in the desert while they were being beaten. Incidents frequently occur in the presence of other detainees to intimidate them and establish control. Witnessing physical assault, particularly when the threat of death is included, is one of the precursors of post-traumatic stress disorder and can be as psychologically damaging to those who witness it as to those who endure it.<sup>9</sup> Therefore, we have included both witnessed and experienced incidents of physical abuse in our estimates.

The circumstances of an individual's story were examined when considering whether or not incidents comprised physical abuse. Incidents of assault that occurred in the course of apprehension were not coded as physical abuse (for example, agents shoving people as they were running away), but generally incidents that

occurred once people were in custody were coded as physical abuse (for example, shoving handcuffed people down hills so they fell and were injured). Common abuses included the following:

- + Agents shoving people in custody into cacti
- + Agents striking and/or kicking people in custody with hands, feet or objects
- + Agents running people over with vehicles or horses
- + Use of chokeholds
- + Sexual assault
- + Chaining people together with shackles and forcing them to run
- + Use of restraints that leave bruise marks on arms and ankles
- + Forceful application of standing and sitting positions that are painful (e.g., hand-cuffing a detainee's hands to their ankles and leaving them in that position alone for hours)
- + Forcing people to remove shoes and walk in the desert

Physical abuse was reported by 10 percent of interviewees. Rates of physical abuse did not differ by gender or age in the representative sample, meaning that children were as likely to be physically abused as adults. In general, the longer people were held in custody, the more likely they were to experience physical abuse, as shown in Figure 12.

Verbal abuse was also commonly reported in conjunction with physical abuse, with 675 interviewees reporting both verbal and physical abuse. The following are stories of physical abuse reported during our interviews.

**Sept. 21, 2009, anonymous woman.** She stated that she had lived in the U.S. for 17 years with three children. When her parents died in Mexico, she returned for the funeral, and was apprehended on July 23 near Nogales, Ariz., while trying to reenter

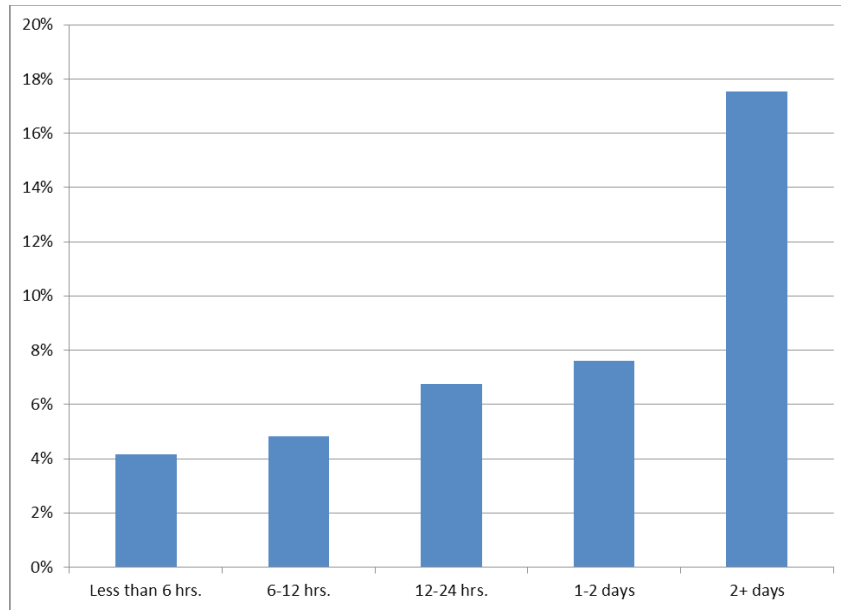


Figure 13. Percent of interviewees separated from family members by time in Border Patrol custody

the U.S. In the processing center, guards laughed at her for being Mexican. They had her strip naked; then they took her clothes and touched her breasts in the presence of both male and female guards. Her belongings were taken and not returned, including \$20, jewelry, and make-up. She was detained for two months in Florence. She was given papers in English to sign, without a translator, and was deported Sept. 18 to Nogales, Sonora.

**Feb. 16, 2010, anonymous man, 16, from Guatemala.** He walked for two days until being apprehended by the Border Patrol. He was thrown to the ground and kicked in the knee. Agents took his \$20 and hit him in the back of the head with a flashlight. As he told the story, he appeared confused about why they had beaten him. “They didn’t understand me and treated me like a dog,” he said. Agents joked about him, saying he was like a toy. They asked if he wanted water, but when he responded “yes,” they wouldn’t give him any. He was also taunted with food. Eventually, during three days in custody, he received a small packet of cookies and a small juice box each day.

**Feb. 18, 2010, anonymous man from Sonora, Mexico.** After three days in the desert, three Border Patrol agents apprehended him and his friend at about 10 a.m. on Feb. 15. The agents accused the interviewee of carrying drugs and beat him in the head with the butt of a pistol. He collapsed to the ground, bleeding heavily from a gash on the left side of his head. In the hospital, doctors treated his wound with staples. The doctor who treated him did not provide identification and upon release the interviewee did not receive any documents about his injury or treatment. After he was released from the hospital, the man and his friend were taken to Tucson and given deportation papers in English to sign. They received only juice and crackers to eat before they were deported on Feb. 18 to Nogales. At the time of the interview, the friend, who had witnessed the

assault, confirmed the interviewee’s testimony. The interviewee appeared to be in a state of shock.

### DAINGEROUS TRANSPORTATION PRACTICES

Driving in rough terrain naturally carries risks, but these risks are compounded by reckless or unnecessarily fast driving. Reported incidents in this category frequently contained multiple forms of recklessness (for example, standing room only vehicles driven at high speeds), thereby increasing the safety concern.



Commonly reported types of incidents in this area included:

- + Lack of seat belts in Border Patrol and G4S/Wackenhut vehicles
- + Agents driving at high speeds over rough terrain
- + Agents intentionally driving in circles to cause nausea
- + Hazardous overcrowding
- + Vehicles kept at extreme temperatures

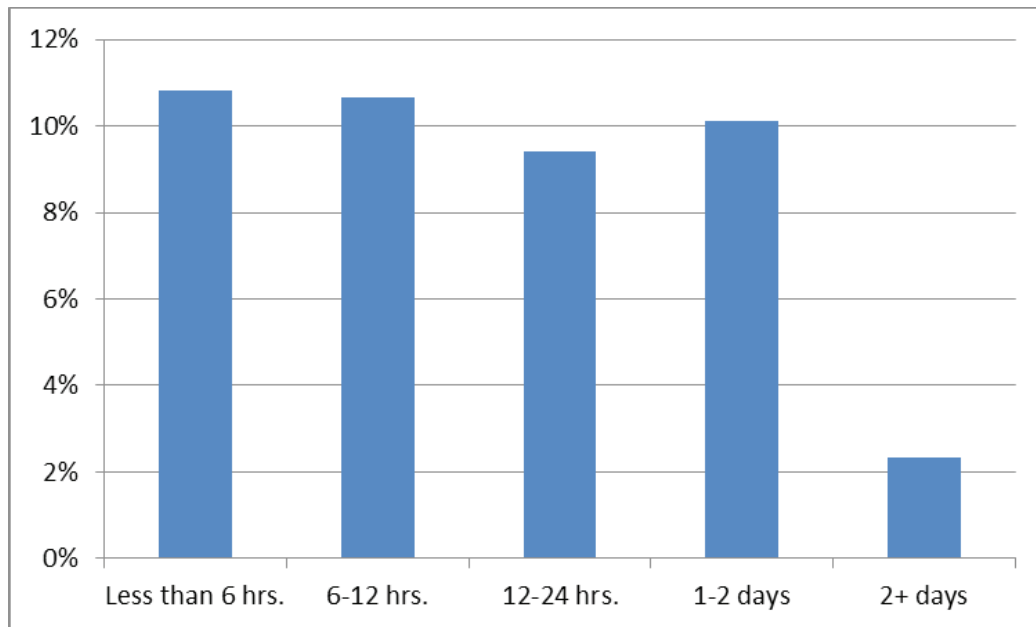


Figure 14. Percent of female, child, and teen interviewees in representative sample who reported repatriation at night by time in Border Patrol custody

Incidents in which dangerous transportation practices appeared deliberate were coded under other areas of concern as well. For example, one man reported being left in the back of a Border Patrol car for over an hour with the heat on during the summer, causing one passenger to break the window glass with his hand to relieve the heat. This was coded as both physical and psychological abuse as requests to moderate the temperature were repeatedly denied by agents.

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**The agents accused the interviewee of carrying drugs and beat him in the head with the butt of a pistol. He collapsed to the ground, bleeding heavily from a gash on the left side of his head.**

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Overall, we received 416 reports of dangerous transportation practices, with 130 reports of extreme temperatures, 103 reports of reckless or fast driving, and 78 reports of overcrowding to the point of being dangerous.

**Nov. 27, 2009, with Javier, 19, from Mexico.** He stated that while crossing in the desert, a Border Patrol agent apprehended the group and beat two of his companions. He hit one in the head three times, and grabbed the other by the hood of his sweatshirt to throw him to the ground, and then kicked him in the ribs. The agent took the group into custody without giving them food, water or medical attention even though they requested it. They were held for four hours in one location and

then moved to another in Tucson for 24 hours. The interviewee reported that the Tucson center was dirty and so full that, even with 40 people in one cell, people could not move. There were no beds, only benches, and the air conditioning was turned on high. During 28 hours in detention, detainees were given only one small hamburger each. At one point, the interviewee tried to address a guard, but the guard slammed the door in his face. The agent who drove the van carrying the migrants to the Mariposa Port of Entry drove recklessly. Despite the fact the van was packed with 20 people and it was very hot, he turned the heat all the way up and ignored requests to turn it down.

**Feb. 24, 2010, with Valeria, 25, from Oaxaca, Mexico.** She stated that she was apprehended by the Border Patrol in the Arizona desert early on Feb. 22. The group had walked for two days, but when they asked for water, they were denied. They were put into a dogcatcher-type vehicle and driven around and around in circles for an hour to make them dizzy. They were held in custody in Tucson, until the evening of Feb. 23, when they were deported through Nogales.

**Nov. 4, 2010, with José Miguel, 54, from Sinaloa, Mexico.** He lived for 35 years in Los Angeles, working at the downtown swap meet. He had a wife and five U.S. citizen children. José returned to Sinaloa to see his sick mother. On his way back, he was apprehended by a Border Patrol agent in the desert. The agent put him in the patrol truck and drove recklessly, causing the vehicle to flip over into a ditch. Two women riding with José were injured and one was bleeding from the head. José suffered a serious back injury and fainted after the accident. He was taken to the hospital in Douglas where he spent two nights. José refused to sign deportation papers. Agents yelled threats at him and held him for 24 hours without food or water. They told him if he signed the papers, he could see a doctor again and get pain

medication. In the end, he signed the papers. José was deported Oct. 29 with a back brace and a week's worth of Oxycodone. *Follow-up to initial interview:* On Nov. 5, José ran out of Oxycodone. He was in a lot of pain, still wearing the brace, and had trouble walking. He died a short time later in Nogales.

## SEPARATION OF FAMILY MEMBERS

Family members are routinely separated from each other while in custody and denied information regarding the whereabouts of other family members upon release. The hardships experienced because of this practice are compounded by “lateral repatriation” strategies wherein Border Patrol agents will transfer a detainee to another port of entry before deportation (as discussed in “Dangerous Repatriation Practices” below). As a consequence, family members who are apprehended in Nogales, Ariz., may be deported through Mexicali, Nogales, and Agua Prieta separately. In addition, agents often confiscate belongings and do not return them (see “Failure to Return Personal Belongings”). This includes papers or cell phones containing contact information for family members who may serve as mutual contacts to facilitate reunification.

Separating family members is especially dangerous for more vulnerable populations. Aside from the psychological agony of being separated, possibly permanently, from loved ones, women and children who are repatriated alone are vulnerable to kidnapers and sex traffickers (see “Dangerous Repatriation Practices”).

We received 869 reports of family separation, including 17 reports from children and 41 reports from teens. There was no statistical difference in rates of family separation by age or gender, with teens and children being as likely to be separated from family members as adults. There was a difference in time in custody, however, with interviewees being more likely to be separated from family members the longer they were in custody (see Figure 13).

The following are representative accounts of family separation:

**March 18, 2010, with Gonzalo, 20, from Chiapas, Mexico.** He stated that he was traveling with four adults and two minors

who were all related. In detention, agents ordered them to take off all their clothes except T-shirts and pants. Then they threw away the rest of the clothes and turned the air-conditioning on high so it was extremely cold. The migrants received insufficient water and no food, although they asked for it. Some people wanted to go to the bathroom and were not allowed. The processing center was overcrowded, with 30 people in a cell so that they were all “on top of each other,” Gonzalo said. The next day, they were loaded onto a bus with adults in front and minors in the back. If they tried to talk with each other, agents yelled at them. The adults were deported to Nogales on March 15 and were separated from their underage cousins. Mexican officials told them the minors were going to the DIF shelter, but did not explain that only a parent or older sibling could retrieve them, not cousins. The cousins worried that it would be extremely difficult for the parents to travel from Chiapas to retrieve the youth because they have no money. They spent what they had to sponsor their children’s attempt to cross.

**April 13, 2011 with anonymous woman, 22, from Chiapas, Mexico.** She stated that she, her husband, and five others were walking through the desert, north of Sasabe, Ariz. There were three married couples in the group. All were apprehended by Border Patrol, detained in Tucson, and all married partners were separated from each other. She was detained in the women’s area overnight for 12 hours. In the morning Border Patrol agents told her she was about to be deported back to Mexico. She replied that she wanted to go with her husband. The agents questioned the fact that she was married and asked to see her marriage license. She replied that she did not have it with her. The agents began laughing, ridiculing, and insulting her and said that they did not believe that she was married. Finally, they said, “Are you going to leave or not?” She was then deported to Nogales with two other members of her group. None of them received any information on the whereabouts of their spouses. After calling the Mexican Consulate, she learned that her husband was moved to a detention facility in New Mexico, but there was no information about his release. Concerning her two

### **March 16, 2010 1:25 a.m.**

A Wackenhut bus unloads 20-22 detainees, all male. They say they have been in detention for three days with only crackers, snacks and small cups of juice for food. Most are disheveled, unwashed, and disoriented and indicate that they are extremely thirsty and hungry. Mexican repatriation officials take most of them by van to a shelter.

2:20 a.m.: A bus labeled “Asset Protection Services” releases 12 to 15 male deportees. They are dressed in well-kept clothing and look to be in better condition than the previous group. Their belongings are in large brown paper bags.

3:47 a.m.: A Wackenhut bus discharges seven detainees in similar condition as the group that arrived at 1:25 a.m. They appear disheveled and disoriented, also indicate thirst and hunger, and most are taken in a van by Mexican officials to a shelter.

friends (who are with her now and were in her original group), one woman's husband was moved to Phoenix and the other, a man, is unable to locate his wife.

**January 29, 2011 with anonymous woman.** She was staying at the Juan Bosco shelter after being deported through Nogales. She reported that her 18-year-old son was still being detained and may have been processed through Operation Streamline and moved from Tucson Border Patrol custody to a detention center in Florence. She was concerned because he is a severe asthmatic and the Border Patrol confiscated his inhaler; his asthma is serious enough that if he had an attack without access to his inhaler, it could be lethal.

## DANGEROUS REPATRIATION PRACTICES

### REPATRIATION AT NIGHT

A 2004 Memorandum of Understanding (MOU) signed by four Arizona offices of Customs and Border Protection (CBP) and four Mexican Consulates established procedures for "repatriating Mexican nationals in a safe, dignified, and orderly way with respect to their human rights," which includes repatriating members of vulnerable groups (such as physically disabled individuals or women traveling alone) during daylight hours only. This MOU is described in more detail in Part Two. The Trafficking Victims Protection Reauthorization Act (TVPRA) of 2008 also includes several provisions governing the safe repatriation of unaccompanied children.

Our observations include multiple violations of the MOU and the TVPRA, including 1,336 total incidents of women (1,051), children (94), and teens (190) being repatriated after dark (between 8 p.m. and 6 a.m.). As shown in Figure 14, repatriation of vulnerable populations at night is similar across all lengths of time in Border Patrol custody, except among those held over two days, who are much less likely to be repatriated at night. This means that Border Patrol agents do not hold vulnerable people for longer periods of time (i.e., overnight) to repatriate them during daylight hours.

For two nights in March 2010, in order to document late-night deportations of people by the U.S. Border Patrol, a group of No More Deaths volunteers monitored the DeConcini Port of Entry between Nogales, Arizona and Nogales, Sonora. Each night, volunteers were stationed on both sides of the port of entry from midnight to 4 a.m. The volunteers observed the following patterns during repatriation: Privately owned buses, most operated by private contractor Wackenhut, transported all the detainees to the Mexican border for deportation. As during the day, the buses never crossed the border, but unloaded the migrants on the U.S. side. The deportees then crossed into Mexico on foot to be processed by Mexican officials.

### LATERAL REPATRIATION

Volunteers in Nogales and at the Migrant Resource Centers in Naco and Agua Prieta have noted a rise in lateral repatriation, officially known as the Alien Transfer and Exit Program (ATEP). The program repatriates individuals through a port of entry along the Southwest border other than the one near which they crossed. In spite of the fact that migrants continue to cross the border in the areas near the resource centers, almost no one has been deported through Naco or Agua Prieta since May 2010. Using information regarding the nearest port of entry when crossing into the U.S. and the port of repatriation, we were able to estimate the number of lateral repatriations over time. As shown in Figure 15, lateral repatriations have generally increased over the past two years (as demonstrated by the trend line in red) but continue to fluctuate from month-to-month (as demonstrated by the individual data points).

### FAILURE TO RETURN PERSONAL BELONGINGS

We have regularly documented the confiscation and destruction or theft of detainees' personal belongings by custodial agencies. In response, in 2008, No More Deaths and the Federal Public Defenders office began an initiative to recover personal belongings from CBP and ICE. The bureaucratic obstacles impeding recovery of deportees' property are compounded

#### **March 17, 2010 12:05 a.m.**

A Wackenhut bus discharges more than 20 detainees, all men. Deportees from a previous bus are still being processed. The new arrivals appear disheveled, unwashed, and disoriented, and many indicated that they were extremely thirsty and hungry. One deportee is unable to walk due to a problem with one of his legs. He limps off the bus and for several yards until Mexican officials bring him a wheelchair. A *Cruz Roja* (Red Cross) ambulance eventually takes him away. Mexican repatriation officials take most of the others by van to a shelter.

3:00 a.m.: Approximately 20 individuals, all men, are deported. They are similar in appearance to those deported at 2:20 a.m. the previous night. Mexican officials take about half the group by van to a shelter.

3:40 a.m.: A Wackenhut bus releases 20 men and two or three women. The men cross to the Mexican side for processing, appear disheveled and disoriented, and indicate thirst and hunger. Mexican repatriation officials take the majority of the men by van to a shelter. The women wait outside for over half an hour by the bus, not crossing to the Mexican side. Mexican officials refuse to accept or process the women at night, so the women are taken away again on the same bus.

Mark Adams and Phil Kennedy of Frontera de Cristo in Douglas, Arizona and the Agua Prieta Migrant Resource Center in Agua Prieta, Sonora, along with Cecile Lumer of the Migrant Resource Center in Naco, Sonora, explain why the lateral repatriation program is intrinsically abusive.

While previously most migrants were detained for relatively short periods of time (usually less than one day) and then returned through the nearest port of entry, now migrants are regularly transported over one thousand miles across state borders before being released. This Alien Transfer and Exit Program (ATEP) is used in conjunction with other programs like Operation Streamline. For example, a migrant might be detained in Douglas, Arizona, transported to Tucson, Arizona to be part of a Streamline court proceeding, and then transported to San Diego, California to be repatriated to Tijuana.

We view the process of lateral repatriation as a major humanitarian issue. With lateral repatriation, it is harder to keep track of the care migrants receive while detained. As people are repeatedly transferred (a common case might involve being transferred from one Border Patrol station to a private corporation for transport, then to another Border Patrol station for processing, and then back to the private corporation for transport and repatriation) the possibility of abuse and inadequate care increases and the system provides little oversight or accountability. It becomes very easy to lose track of who is given meals, medical attention, and other essential care. Meanwhile, it makes the difficult job of documenting such abuses and filing official complaints almost impossible, as victims have been shuttled across the country and seldom can keep track of every facility and every officer they encounter.

However, the most egregious assault on human rights comes from the simple fact that migrants, usually with little or no money, are now repatriated to unfamiliar cities with little regard for their safety or family unity. By using a very narrow definition of “family,” Border Patrol often returns siblings, cousins, and other family members to distant cities without informing them of how or where to find one another. People who would otherwise be repatriated to places like Agua Prieta, Sonora (a relatively safe border city) are now being deported to Nogales, Tijuana, or Reynosa—all of which are named in State Department travel alerts. The men, women, and children being repatriated into these cities are even more likely to be targeted for abuse, extortion, kidnapping, and even death.

Apart from the humanitarian concerns with ATEP, the U.S. public should also know that this program is much more expensive than processing and repatriating persons in the areas where they are initially detained. While Border Patrol will claim that the program is part of their “strategy,” there is no evidence of its effectiveness or that placing men, women and children at heightened risk outweigh the costs.

Even if ATEP works to delay or prevent the re-entry of persons repatriated, and even if it is determined to be “cost-effective,” lateral repatriation is a form of cruel and unusual punishment that should, at best, be stopped completely, or at least come under severe scrutiny with particular attention given to the specific cities where migrants are returned.

*Mark Adams, Director, Frontera de Cristo, and Phil Kennedy, Volunteer, Frontera de Cristo and Agua Prieta Migrant Resource Center*

I have seen this several times. An example is of two brothers who cross together. One is repatriated through Tijuana and the other through Nogales (or elsewhere). Each has no idea where the other brother is. Also, if one family member is Streamlined and the other returned to a place different from where he or she crossed, they have no idea where to meet. In the past, those Streamlined were repatriated through Nogales, but now some are repatriated elsewhere, as far as Del Rio, Texas. I even know of a case where the father and son were both repatriated through Del Rio, Texas, but a week apart. The father came to Naco and waited until his son was released and also came to Naco. Because they had cell phones they were able to arrange this. The son had been Streamlined. Also, people come looking for family members who crossed in Naco, but since the person is not repatriated through Naco we are unable to help. Often, the Mexican Consulate is also unable to help, since they rely on the Border Patrol for this information, which the Border Patrol seems to be releasing at a slower and slower pace.

Naco is a small town and a relatively safe place. But, when people are repatriated through Tijuana or Nogales they are being sent back to dangerous places, cities where robbery of migrants is common. This is especially true of women who are also in great danger of rape and abuse in all border cities, but especially in places like Tijuana and Nogales.

We know about these cases and problems because many migrants take a bus and return to Naco. They do this because it is a place they know, or because they feel safer here. When they return, they tell us their stories.

*Cecile Lumer, Director, Migrant Resource Center in Naco*

by the fact that different law enforcement agencies have vastly different policies regarding confiscated belongings. Personal effects commonly unreturned or thrown away in front of people held in custody include: clothing, money, contact information or phone numbers, identification, medication and cell phones. While few detainees have cell phones, those who do report that they are regularly confiscated and never returned. Identification documents are necessary after deportation for people to receive social services, to buy bus tickets, to work, and to avoid being detained in their country of origin. Confiscation of personal belongings often means that people lose the few mementos of home they brought with them on their journey.

We recorded 2,926 incidents of failure to return personal belongings to 663 detainees: 398 cases of failure to return shoes or shoelaces, 211 cases of failure to return money, 201 cases of failure to return identification, 191 cases of failure to return important documents, and 125 cases where *no* personal belongings were returned at all. The vast majority of cases of failure to return personal belongings were reported by people who had been detained more than two days; 65 percent of people detained more than two days reported that their belongings were confiscated and not returned while an average of 2 percent of people detained less than two days reported the same.

We believe these prevalence estimates do not fully represent the reality of detainees' experiences. This potential underestimation may be accounted for by the fact that No More Deaths has a property recovery initiative that is separate from its other

abuse documentation practices. Variances in documentation methods between the different geographic sites could account for differences in sub-sector station practices for property recovery. For example, individuals participating in group interviews may be less likely to report property confiscation.

The following cases include personal belongings being confiscated:

**March 18, 2010, with Jaime, 34, from Veracruz.** He has two children in North Carolina, age five and seven, both U.S. citizens. Jaime crossed into the U.S. near Sasabe on Jan. 29, 2010. A Border Patrol agent scattered the group and he walked for five days before being apprehended. He was transferred numerous times and tried to keep track of his belongings, including his birth certificate, driver's license, bank statements and approximately \$70 in cash. When officers couldn't locate his papers, Jaime was told that "this is hard to keep track of and a lot of times it ends up in the trash." In Tucson, he spent a night with 60 people in a cell designed for 35 or 40 people. It was very cold inside and there was no bedding. He was transferred to an ICE detention center for 45 days, but he was told he needed to pick up his belongings within 30 days. When they didn't have Jaime's papers, he was told it was his responsibility. Before entering the prison, he was made to take off all of his clothes in front of the other migrants and guards. He said he was very embarrassed. Jaime was paid one dollar a day for about three hours of work in the prison kitchen. If you live in the U.S. without papers, "every day you have to pray to God to make it," Jaime said. "It's a lot of pressure."



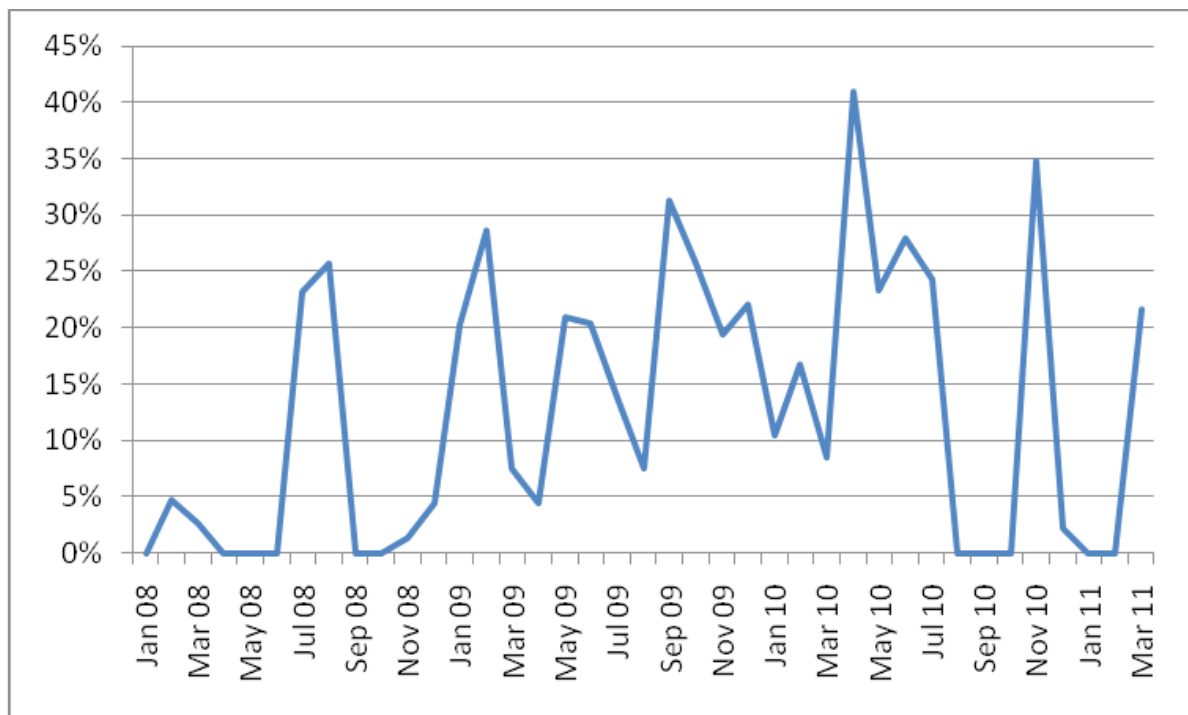


Figure 15. Percent of interviewees reporting lateral repatriation by date of repatriation

**April 15, 2010, two anonymous men from Mexico.** The first man reported that when he was apprehended in the desert at about 6 p.m. on April 13, Border Patrol agents burned his belongings in front of him. “This is trash,” they said. The interviewees said the detention center in Nogales, Ariz., was extremely cold. They were held for two days without receiving meals, only crackers. The second man reported that agents told them, “We’re going to kill you.”

## DUE PROCESS CONCERNS

We recorded 1,063 incidents of detainees not receiving due process. Common ways in which due process were violated were:

- Forms not being provided in a language that the person can read
- Failure to inform people of their rights to legal counsel and the Mexican Consulate
- Failure to provide access to the Mexican Consulate when requested
- Failure to follow protocol for detainees requesting asylum
- Coercion into signing voluntary repatriation documents under threat of violence, criminal charges, or lengthy detention times
- Forced fingerprinting on voluntary deportation documents

It is important to note that in these reports, most people were being held only for civil immigration violations and were not charged with a criminal offense. Instead, they were held for civil immigration violations and were not charged with a crime. Therefore, many detained people are never given the

opportunity to speak with a lawyer to inform them of their rights. Others report they were aware of their rights, though they were denied when they attempted to exercise them.

The following are several sample cases of these violations:

**March 18, 2010 with Ricardo, 33, from Michoacán, Mexico.** Ricardo stated that he had lived in California from 1996 to 2010 with his wife and two U.S-born children. He returned to Mexico because his mother’s leg was to be amputated. While there, Ricardo was taken hostage by the Zeta cartel, which beat and abused him for 15 days. After his brother helped pay the \$800 ransom, Ricardo sought entry into the U.S. He spent five days in the desert, suffering from dehydration and exhaustion, and then surrendered to Border Patrol agents. He told agents in Tucson that he was seeking asylum in the United States. He said that if he returned to Mexico, the Zetas would kill him and he needed to return to his family in California. The agent responded, “If you do not return to Mexico and they don’t kill you there, we’re going to kill you here,” and “The illegals here don’t have any rights. Here you are nothing.” After Ricardo’s request for asylum was denied, agents took him to Tucson, where he was held for six days. Five agents coerced him to sign deportation papers. He was cuffed on his knees and physically abused until he finally signed the papers. He was deported to Nogales without any of his personal belongings, identification, or money.

**June 28, 2010, with Alejandro, man.** He was apprehended by the Border Patrol while crossing the desert and held in a large cell with other detainees. A guard ordered them in English to move into another room and take the blankets off the beds

so they could be cleaned. Some people didn't respond because they didn't understand English. One guard got upset at the lack of response and began yelling at them. When Alejandro asked the guard to speak in Spanish so they could understand, the guard yelled at Alejandro, grabbed his arm, and twisted it behind his back. The guard handcuffed Alejandro and threw him in a cell by himself on his face, so that he had to turn his head to breathe. When Alejandro was in court, he told the judge he had been abused by Border Patrol in detention and wanted to make a complaint. The judge told him to make the complaint to ICE officials, but those officials refused to listen. When he asked to call a lawyer, his request was denied and he was moved to a detention facility in San Diego. After this point, he was denied phone calls to his family. He asked for medical attention for his arm, which was swollen to twice its normal size, and his shoulder, which was dislocated, but never received it. At the time of the interview, Alejandro's shoulder was still dislocated.

**January 26, 2011 with Alonso, 40, from Durango, Mexico.** Alonso had been living in North Carolina for six years when he was wrongly arrested on charges of drug trafficking. After one month in a North Carolina prison, his charges were dropped but he was still sent to an ICE detention facility in Riverside, Calif. and then deported to Mexico. When Alonso tried to cross back into the States he was apprehended near Sasabe, Ariz., by an agent who kicked and pushed him. Alonso sustained multiple injuries, including a dislocated shoulder and cuts and bruises on his leg and back. While awaiting deportation, Alonso spent four days in a single cell that contained over 100 detainees. In the one cell there was not sufficient room to sit down, so during those four days they were all forced to stand. His requests to speak with the consulate were repeatedly denied, as were his requests for water. He signed a voluntary deportation form without understanding the content because it was written in English; now, he is prohibited from returning to the U.S. for 20 years.

### **IMPACT OF DEPORTATION ON THOSE WHO HAVE LIVED IN THE U.S. FOR MANY YEARS**

A new No More Deaths documentation project<sup>10</sup> has focused on the consequences of deportation for individuals following many years living in the U.S. Interviews with more than 100 people deported through Nogales, Sonora, indicate that the average length of time living in the U.S. before deportation was 14.4 years. The states where the respondents had most recently lived included Arizona (36.2 percent), California (31.4 percent), Florida (4.8 percent), Colorado, Minnesota and Washington (2.9 percent), and 11 other states from every region of the country. Interviewees had, on average, 2.5 children in the United States, and 46.6 percent reported that all of their children living in the U.S. were U.S. citizens. On a scale from "none" to "completely," respondents answered how dependent their family in the U.S. had been on their income prior to their arrest; 43.6 percent reported that their families had depended "a lot" to "completely" on this income.

How do rising numbers of interior deportations, increased detention, and expanded criminalization of immigrant communities and communities of color impact individuals like these?

When asked what their primary reason would be for crossing again, 69.3 percent of deported immigrants interviewed answered they would do so to reunite with family in the U.S. Individuals who named rejoining family as their primary reason to cross again were also more likely to report that: their family was dependent on their income; their youngest child in the U.S. was younger than 5 years old; and they were married or in a relationship.

Deep roots to family, jobs, and communities in the U.S. contribute to the likelihood that an individual will attempt to return to the United States, despite the dangers of militarized and inhospitable terrain, the possibility of criminal prosecution, and the abuses they may endure in Border Patrol custody.

### **BORDER PATROL APPREHENSION METHODS AND BORDER DEATHS**

As border militarization has funneled people into increasingly remote corridors, including the deadliest areas of the Sonoran Desert, deaths have steadily increased. Prior to Operations Hold the Line and Gatekeeper, there had not been a large number of people dying as a result of unauthorized migration into the U.S. By contrast, in 2009-2010 alone, at least 253 people died attempting the passage through Southern Arizona.<sup>11</sup> It is impossible to provide precise figures of deaths along the U.S.-Mexico border, as many sources only include recovered human remains and many bodies are never found. Many more remain unidentifiable in county morgues due to extreme decomposition. Some statistics suggest that border-wide, approximately 500 people die every year while crossing without authorization into the U.S.<sup>12</sup>

Our experiences lead us to believe that Border Patrol practices in the desert and apprehension methods amplify the number of deaths of migrants crossing the U.S. border and constitute their own form of abuse. Members of No More Deaths Desert Aid Working Group, who patrol the region daily providing food, water, and medical aid to those in crisis, have identified three main patterns of abuse committed by Border Patrol on a regular basis in relation to their apprehension methods in the field.<sup>13</sup>

### **INTENTIONAL FUNNELING OF MIGRANTS TO DEADLY REGIONS AND THE DISPERSAL OF GROUPS AS A TACTIC TO APPREHEND MIGRANTS**

An increase in migrant deaths indicates that people are moving to more remote locations and further away from roads, which are increasingly under surveillance by the growing number of Border Patrol agents.<sup>14</sup>

Previous verbal and physical abuse in detention and the threat of years in prison for those charged with re-entry makes many migrants resistant to any contact with Border Patrol, even in dire

situations. Many people are separated from their groups and become lost in the terrain of the desert resulting in injury and even death. Suffering is also worsened by the growing presence of Border Patrol and the roadside checkpoints at points farther north, both of which lead to increasing distances being traversed. It appears to be increasingly common for people to attempt to walk back to Mexico rather than interact in any way with the law enforcement well known to abuse those in their custody.

Individuals become separated from their groups in a variety of ways. Migrants and humanitarian aid workers routinely report “dusting” by Border Patrol helicopters—intentionally flying low over groups of people in order to split them up. In some reports, Border Patrol helicopters simply fly away after the group has disbanded, while Border Patrol agents proceed to apprehend the largest portion of the group, and leave the rest to wander alone without a guide in others. The Border Patrol is unquestionably aware that individuals left behind by their groups will rarely traverse the desert without suffering injury or death.

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## UNDERMINED SEARCH AND RESCUE EFFORTS

When Border Patrol detains a group, people regularly try to inquire about others who were separated from the group or left behind. But as Border Patrol deems most of these accounts “needle in the haystack” cases, they rarely respond with help. The Border Patrol search and rescue team, BORSTAR, requires an exorbitant amount of information to even commence a search. It is also extremely problematic that U.S. Border Patrol blends law enforcement and search and rescue efforts. This results in BORSTAR searches that are both infrequent and ineffective.

Often, detainees are left to wonder about the whereabouts of family members and friends until they are deported, or are able to speak with consulate or humanitarian aid workers able to search DHS databases. When reports of missing persons and/or human remains have been made to No More Deaths, Border Patrol has withheld life-saving information from humanitarian



aid organizations whose search and rescue teams comb the mountains, riverbeds, and canyons looking for individuals in need.

## VANDALISM OF LIFE-SAVING RESOURCES SUCH AS FOOD, WATER, AND BLANKETS AND INTERFERENCE WITH MEDICAL TREATMENT

Volunteers consistently meet migrants who are dehydrated and starving, many times necessitating emergency medical evacuations. Individuals also tell them about finding food and water that saved their lives as they wandered the desert. No More Deaths consistently documents the vandalism of those very life-saving supplies it leaves in strategic locations where individuals in crisis can find them.

Volunteers have acquired evidence that Border Patrol agents vandalize these life-saving supplies in the desert. During 2010, the group documented the large-scale destruction and removal of life-saving water and resources at least once a week on average. Multiple reports tell of Border Patrol vehicles seen leaving an area with stockpiles of water, food and blankets. Humanitarian aid workers subsequently find the items violently cut up and thrown into ravines. On at least three occasions, Border Patrol agents have been recorded in the act of removing water that could have saved lives. In May 2011, a Border Patrol agent in the field told No More Deaths volunteers that supervisors advise agents to not simply destroy the water they found in the desert, but to remove it entirely so as to not “litter.”

## INTERFERING WITH MEDICAL PROFESSIONALS WHO ARE PROVIDING AID TO PATIENTS

Despite lower numbers of apprehensions<sup>15</sup> and lower numbers of people migrating without legal authorization into the U.S., there is evidence indicating that more people are dying on their journey than ever before.<sup>16</sup> Border Patrol policies and practices such as those detailed above directly contribute to these deaths.

“Our team interviewed the friend of a deceased individual and committed to him that we would assist with the search to recover the remains. Upon arrival Border Patrol yelled at us and denied us the opportunity to accompany them. The reporting party was also yelled at for communicating with us. As concerned family members waited we were unable to do anything, though many of us knew the search area intimately. We later learned that Border Patrol refused to allow the search to continue beyond the second day. The reporting party was in Border Patrol custody and was handcuffed while he hiked with agents to find his friend’s remains, later falling on the rough terrain with his hands restrained. We were devastated for all of those affected by this death and how the reporting individual, already traumatized, was mistreated.”

- No More Deaths volunteer, May 2011

“As we arrived near the top of a remote canyon road to check on supplies that we had previously left for those in crisis, we were stopped by two Border Patrol agents. They asked us if we were littering and threatened us with various charges. After we were released and allowed to continue driving we found a pile of gallons of water nearby that had been violently cut apart and thrown into a ravine. The bodies of several migrants had recently been recovered in that area and the larger quantities of water we were leaving for those in need had been used often by migrants until the Border Patrol agents began to destroy it.”

-No More Deaths volunteer, October 2010

“Helicopters were flying low in circles for hours all afternoon near our encampment, yet we never saw any Border Patrol trucks arrive. We filmed the helicopters and documented what was taking place. Before sunrise the next morning, three people who had been split up from their group by Border Patrol woke us up. They were scared, lost and in need of food, water and medical care for their feet. What struck me most was that two of them were just kids.”

-No More Deaths volunteer, April 2011

“We called Border Patrol headquarters after multiple agents denied us access to information concerning the location of an apprehension that would indicate what region the lost person was in. The lost person had called his friend from his cell phone and we knew he was in bad shape, the heat was deadly and he was out of food and water. Border Patrol would only release information to the Mexican Consulate, who would only release it to a family member. Due to this run-around, the teams searched for days without this knowledge and at one point were harassed by a Border Patrol agent who interrogated the volunteers.”

- No More Deaths volunteer, July 2010

“Two No More Deaths volunteers brought a migrant who had been lost in the desert for ten days to the Arivaca Fire Department for treatment. As the Arivaca Fire EMTs moved the 21-year old patient to a gurney and began to treat him for severe dehydration, Border Patrol Agent Kermis interjected: “This is just a piece of shit drug-smuggler.” The EMTs providing treatment were forced to interrupt treatment several times to attempt to calm Agent Kermis. After the EMTs moved the patient into the building to initiate treatment, Agent Kermis continued to harass the volunteers, attempting to search their vehicle, accusing them of stealing the patient’s backpack, demanding their identification, threatening to arrest them and at one point even screaming, “Fuck off!” at one of the volunteers as he tried to deescalate the situation. After the patient was transported to the hospital, Agent Kermis detained the volunteers until two Pima County sheriff’s deputies arrived to identify them.” –No More Deaths volunteer, August 2010

“We came across a migrant who hadn’t had water in three days, except for filthy water from a cow tank. He began to vomit and was very incoherent. The EMTs on the scene called a doctor, who confirmed that he was in danger of severe kidney damage. He was taken in an ambulance to the Arivaca Fire Department, where Border Patrol proceeded to interrogate and threaten the EMTs while they insisted that the patient needed immediate hospital treatment. Only later did we learn from the patient’s brother that the Border Patrol agents had forcefully removed the patient from the ambulance before it ever left for the hospital. They pulled out his IV and drove south to Nogales, dumping him across the line in the middle of the night without any further medical attention.”

-No More Deaths volunteer, August 2008

## THE BORDER BETWEEN US

*Three of more than one hundred cases of abuse documented by No More Deaths volunteers in the last 18 months*

### **Pregnant woman beaten, money not returned by Border Patrol**

*Anonymous woman, lived in Los Angeles for three and a half years. Her husband is still there.*

She came to Mexico to visit her family. She tried to return through Tijuana just before Christmas in 2009. Border Patrol agents apprehended her along with four other people. She witnessed a Border Patrol agent throw a large rock at the rib cage of a young man in the group, and then kick his knee. The young man did not receive medical attention while in custody. He was later told that his rib was fractured. The same agent threw sand in the face of the woman. At the time of the interview, she had just been held in Border Patrol custody in Tucson after she tried to cross a second time through Nogales. Agents confiscated their clothing and left the detainees in only T-shirts in extremely cold temperatures. A cell designed for 20 people was crowded with 40 to 45 women. They had no beds and only dirty blankets. The water was dirty and the food insufficient and uncooked. Cameras were placed directly above the toilets. The woman was given papers to sign in English that she did not understand. The woman witnessed many people who had money confiscated and not returned. She saw many people arrive sick and injured and not receive medical attention. She witnessed one pregnant woman who was screaming in pain and was refused medical attention. Since being deported, she met another woman in the Juan Bosco shelter in Nogales who said she had been pregnant, was beaten while in custody, deported in severe pain, and miscarried while at the shelter.

### **Pushed, stepped on, and verbally abused by Border Patrol**

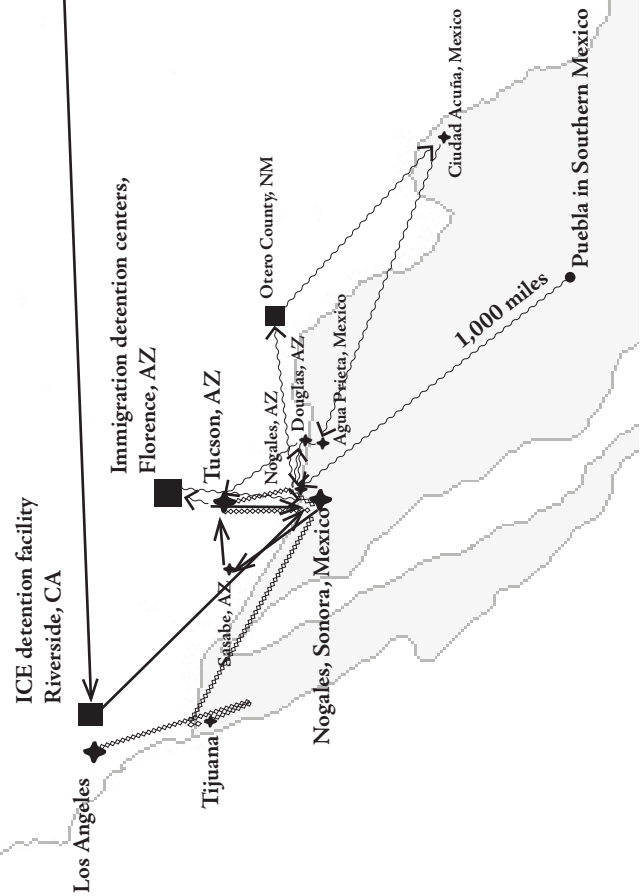
*Josue, 25. Wife and two kids, ages three and nine, are U.S. citizens. Lived in New York City for 13 years.*

Josue returned to Puebla last May when his mother died. To return to his family in New York City he paid \$2700 to a coyote and crossed the border in the desert outside of Nogales, Ariz. in Dec. 2010. He was apprehended and taken to Douglas, Ariz., before being transferred to Nogales, Ariz., and then Otero County, New Mexico—all within four days. He was deported to Ciudad Acuña, Mexico, across the border from Del Rio, Texas. He took a bus back to Agua Prieta one week after his first attempt to cross. He crossed the border again the next day and was again apprehended. The Border Patrol officers, "were acting like despots," he said. They swore at the migrants, yelling phrases such as, "Don't move motherfuckers." When Josue turned to look at one of the officers who was yelling, the officer pushed him down with his foot, stepping on his back. He was then taken to Douglas and then transferred to Tucson for court. In Tucson, he was fed "bad" food, including old hamburgers. He was sentenced to 30 days in a private detention center run by CCA in Florence, Ariz. When he asked for his receipt to recover his belongings, he was called a "fucking mojado."

### **Beaten by Border Patrol agent, denied requests for aid**

*Alonso, 40. Lived in North Carolina for six years.*

Alonso was wrongly arrested on charges of drug trafficking. After one month in a North Carolina prison he was informed that the charges had been dropped. However, he was then sent to an ICE detention facility in Riverside, Calif., and deported to Mexico. He tried to cross back into the states and was apprehended near Sasabe, Ariz. While apprehending Alonso, a Border Patrol agent by the last name of Gonzalez kicked and pushed him. Alonso sustained multiple injuries: a dislocated shoulder and cuts and bruises on his leg and back. While awaiting deportation he spent four days in a Border Patrol facility in Tucson. He was held in a single cell with more than 100 detainees. The cell was so crowded, no one could sit down. For four days, he and everyone else were forced stand. He asked to speak with the Mexican consulate and was repeatedly denied, as were his requests for water. He signed a voluntary deportation form without understanding the content. He is now prohibited from returning to the U.S. for 20 years.





## PART TWO

# Existing Standards and Policies for Border Patrol Custody

The systemic mistreatment of migrants in Border Patrol custody contravenes United States and international law. The abuses documented here constitute violations of various federal statutory provisions and of the Fourth and Fifth Amendments to the U.S. Constitution, which apply to citizens and noncitizens alike. Current U.S. border policies and practices also conflict with international law, including two United Nations Conventions: the Convention Against Torture and the Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, which reiterates “the basic rights which are enshrined in the Universal Declaration of Human Rights and elaborated in the international human rights treaties adopted by most nations.”<sup>17</sup> Several of that Convention’s provisions are routinely violated by Border Patrol policies and practices, including:

- the prohibition of “cruel, inhumane or degrading treatment or punishment”<sup>18</sup>
- the right to “honor and reputation and also to privacy”<sup>19</sup>
- safeguards against arbitrary property confiscation<sup>20</sup>
- due process protections, including “necessary legal assistance, interpreters and information”<sup>21</sup> and the “right to be informed by

the States concerned about their rights...free of charge and in a language understood by them.”<sup>22</sup>

In addition to domestic and international law, common Border Patrol practices violate Customs and Border Protection’s own policies and guidelines, including internal agency instructions, bi-national agreements, and legal settlements. The Border Patrol has refused to voluntarily share complete copies of the pertinent documents regarding its custody standards, including training materials and guidance to the field. Nonetheless, advocates have worked to obtain as much information about these policies as possible.

Our initial surprise at the very existence of custody guidelines has given way to dismay at how inadequately they are applied and enforced. Much of the information has been heavily redacted, further obscuring the effects of CBP policies on the human and civil rights of those in Border Patrol custody. Further, several common types of abuse are left out of the available documents. Nonetheless, we have summarized common violations and analyzed the extent to which these policies fail to address the abuses we have documented over the past five years.

### ***Legal Framework Governing Treatment of Children in Border Patrol Custody***

Several agreements and statutes have contributed to the development of custody standards that address the specialized needs of children in short-term custody.

The Flores settlement resulted from a 1985 class action lawsuit challenging INS treatment of juveniles in immigration custody. The Trafficking Victims Protection Reauthorization Act (TVPRA) of 2008 built upon the child-protective framework established in the Flores Settlement with numerous protections for juveniles in DHS custody, including safe repatriation guidelines. The 2009 Memorandum of Understanding between DHS, the Mexican Consulate, and the National Institute of Migration was based on a similar MOU from 2004 and specifies numerous protections for children and other “special needs” populations.

The common Border Patrol practices documented herein—including mistreatment of children in custody and dangerous repatriation practices—regularly contravene these binding policies.

For a detailed analysis of the legal framework regulating the treatment of minors in short-term custody, see *Children at the Border: The Screening, Protection, and Repatriation of Unaccompanied Mexican Minors*, Appleseed (2011)

## HOLD ROOMS AND SHORT-TERM CUSTODY MEMORANDUM, U.S. CUSTOMS AND BORDER PROTECTION, JUNE 2, 2008

Through a Freedom of Information Act request by the American Civil Liberties Union-Regional Center for Border Rights, advocates obtained a copy of the Border Patrol's Hold Rooms & Short-Term Custody Memorandum in the spring of 2009. To our knowledge, the hold room policy is the primary articulation of the CBP's standards of treatment for those in its custody. Although most of the document was heavily redacted, we have still been able to identify several provisions that are routinely violated:

- Access to Food
  - Snacks and juice every four hours; a meal if detained more than 8 hours; snacks, milk and juice available to juveniles, children, babies, and pregnant women at all times<sup>23</sup>
- Access to Water:
  - Potable drinking water will be available<sup>24</sup>
- Processing Center Conditions:
  - Access to clean, individual bedding<sup>25</sup>
  - Access to private restroom facilities<sup>26</sup>
  - Detention space capacity will not be exceeded<sup>27</sup>
  - Regular cleaning and sanitization of detention cells<sup>28</sup>
  - Family groups with juveniles will be detained as a unit<sup>29</sup>
- Property Recovery:
  - Property will be secured and catalogued, including money, valuables, baggage and other personal belongings<sup>30</sup>
  - All property will accompany juveniles<sup>31</sup>
- Access to Medical Care:
  - Detainees with medical concerns will be evaluated by an EMT, paramedic, physician, or nurse practitioner<sup>32</sup>
  - Detainees have access to appropriate medical services, prescriptions, medications, and emergency medical treatment and will be able to self-administer adequate prescription information<sup>33</sup>
- Due Process Protections:
  - Those detained for more than 24 hours will be given access to a telephone for the purpose of contacting an attorney or other party (calling card or collect call for long distance)<sup>34</sup>
- Considerations for Juveniles<sup>35</sup>
  - Minors will be granted access to legal counsel and consular officials<sup>36</sup>
  - When minors are held for more than 24 hours, juvenile holding rooms must include basic hygiene articles, toilets and sinks, drinking water, adequate temperature control, meals offered once every six hours (two of every three meals must be

hot), and direct supervision<sup>37</sup>

Much of the document was heavily or entirely redacted with regard to:

- The maximum time a detainee should be held in short-term custody, including for unaccompanied minors (in Section 6.2.4.1, CBP redacts the maximum time that was part of a stipulated settlement agreement under *Flores v Reno*)<sup>38</sup>
- Four exemptions to "Short-Term Detention in Border Patrol Hold Rooms"<sup>39</sup>
- A section on monitoring of individuals in hold rooms<sup>40</sup>
- Parameters of the hold room search, restraint, and segregation procedures<sup>41</sup>
- The definition of a medical concern<sup>42</sup>
- The definition of a family unit<sup>43</sup>

## PROPER TREATMENT OF DETAINEES MEMORANDUM, U.S. CUSTOMS AND BORDER PROTECTION, MAY 2, 2004

Received through the same FOIA request as the Hold Room memorandum, but released two years later, the Proper Treatment of Detainees Memorandum explicitly prohibits verbal abuse of those in Border Patrol custody. The memo instructs agents that:

"Detainees are entitled to certain rights, among which is the right to courteous, considerate treatment by all employees of the Service. No remarks of a sarcastic or "kidding" nature should ever be made to a detainee about his/her name, nationality, race, religion, economic condition, his/her dress or any other circumstance that is derogatory towards the person. ***It is your duty to give them the same treatment you would like if your situations were reversed.*** (emphasis in original)"<sup>44</sup>

The documentation included in this report indicates that this provision is routinely violated and that children are as likely to experience verbal abuse as adults.

Having reviewed these memos, the agency does not appear to prohibit, or provide any guidance regarding physical abuse, psychological harm, separation of family members, or safe transportation and repatriation practices. The standards that do exist are consistently ignored, and the apparent absence of basic human rights principles from training materials speaks volumes about Border Patrol's posture towards the right of individuals in its custody. Without additional information it is impossible to know what instruction Border Patrol agents are given, much less whether or not they comply.

In addition, while the custody memorandum makes mention of performance evaluations in Section 7, it does not explicitly state that the failure to follow these guidelines by CBP agents may result in disciplinary action.



## MEMORANDUM OF UNDERSTANDING REGARDING LOCAL ARRANGEMENT FOR REPATRIATION OF MEXICAN NATIONALS APRIL 2, 2009

The 2009 Memorandum of Understanding between the Department of Homeland Security, the Mexican Consulate and the National Institute of Migration, updates provisions for the “orderly and safe repatriation of Mexican nationals” previously delineated in a 2004 Memorandum.<sup>45</sup> The agreement provides that repatriations “should be conducted in a manner consistent with the respect of the human rights and dignity of Mexican nationals found in the United States in violation of U.S. immigration law.”<sup>46</sup>

Our documentation suggests that the following provisions of the 2009 Memorandum of Understanding are routinely violated:

- All detainees should be informed of their right to speak to the Consulate and guaranteed access to do so.<sup>47</sup>
- The unity of families should be preserved during repatriation, with family defined as “spouses, children, siblings, brothers, parents, grandparents, aunts, and uncles.”<sup>48</sup>
- “Special needs” populations should be deported during daylight hours. The MOU defines daylight hours as before 7:30 p.m. local time; special needs groups include: the elderly; women traveling alone; pregnant women or women with children; unaccompanied minors; individuals who are mentally or medically incapacitated.<sup>49</sup>
- DHS should alert Mexican agencies receiving deportees of individuals with medical, mental, or other special needs.<sup>50</sup>
- In cases of Mexican nationals requiring ongoing medical treatment post-deportation, special devices for mobility (crutches, wheelchair, walker) should be provided by the medical center where they were treated. When this is not possible, DHS should alert the Mexican consulate in advance so that the consulate can provide such devices. If the patient is ambulatory, deportation should not take place until arrangements have been made with a medical institution in Mexico or with family to receive them.<sup>51</sup>

Another apparent violation of the Memorandum is the increasing practice of “lateral repatriation,” discussed in Part I, in which Border Patrol deports detainees far from their original point of entry. Men, women, and children with little or no money are then repatriated to unfamiliar cities—some of which are named in U.S. State Department travel alerts—at great risk of being targeted for abuse, extortion, and kidnapping.

## CONCLUSION

On paper, these policies should serve as adequate measures against many of the abuses we regularly see. However, the testimonies of those who have experienced Border Patrol short-term custody demonstrate that these guidelines are routinely violated. Furthermore, existing policies fail to address some common types of mistreatment. This virtually guarantees the continued, systemic due process and civil rights violations of individuals in Border Patrol custody.

Regardless, written standards are not enough. Only an independent oversight mechanism with meaningful investigation and enforcement powers can begin to address the prevalence and severity of Border Patrol abuse.

## CYCLES OF VIOLENCE

While *No More Deaths*' documentation focuses on the abuses perpetuated by U.S. law enforcement, Border Patrol abuse is part of a broader cycle of violence for those attempting to cross or who have been repatriated along the U.S.-Mexico border.

We regularly meet people who endure multiple forms of cruelty and violence: rape and robbery by bandits and U.S.-based anti-immigrant vigilantes; kidnappings of Central American migrants in Mexico; exploitation of the deported by corrupt government officials, private entrepreneurs, and organized crime; and injuries, illnesses, and death from exposure to the desert terrain. These experiences typify migration compelled by economic or personal necessity.

“Invisible Victims: Migrants on the move in Mexico”  
Amnesty International, 2010.

## U.S. ECONOMIC POLICIES COMPEL MIGRATION

As it has restricted legal immigration, the U.S. has simultaneously supported civil wars and economic policies that have devastated local economies throughout Latin America.

In Mexico, after decades of World Bank and U.S. loan policies that mandated domestic spending cuts, NAFTA wreaked havoc on local farmers by flooding Mexico with heavily subsidized U.S. agricultural products. Unable to sell their products, millions were left with little alternative to migrating north.

Rather than addressing the role it has played in the political and economic root causes of migration, the U.S. has opted for border militarization – the policy framework in which Border Patrol abuse now occurs.

## CURRENT BORDER PATROL CUSTODY POLICIES: SHORTCOMINGS AND VIOLATIONS

Area of Concern	Which existing agency policies directly address this concern?	Which provisions were redacted or appear to be excluded?
Access to Water	Hold Rooms & Short Term Custody Memorandum	Definition of “potable drinking water”
Access to Food	Hold Rooms & Short Term Custody Memorandum	Definition of “meal”
Access to Medical Care	Hold Rooms & Short Term Custody Memorandum Local Arrangement for Repatriation of Mexican Nationals Memorandum	Criteria for receiving medical care Sufficient guarantees to care and medications
Processing Center Conditions	Hold Rooms & Short Term Custody Memorandum	Clear and humane temperature guidelines
Verbal Abuse	Proper Treatment of Detainees Memorandum	Prohibition of verbal abuse in Hold Rooms & Short Term Custody Memorandum
Physical Abuse	None	Specific definition and prohibition of physical abuse
Transportation Practices	None	Protocol for speed, safety equipment, capacity, and temperature
Separation of Family	Hold Rooms & Short Term Custody Memorandum Local Arrangement for Repatriation of Mexican Nationals Memorandum	Consistent and public definition of “family”
Dangerous Repatriation Practices	Local Arrangement for Repatriation of Mexican Nationals Memorandum	Nighttime repatriation prohibition Gender identity and expression as a category of vulnerable persons
Returning Personal Property	Hold Rooms & Short Term Custody Memorandum	Adequate guarantees that property will be returned, especially money, including where necessary coordinating with other agencies to ensure property is returned Provision ensuring that instructions to collect property are provided
Due Process	Hold Rooms & Short Term Custody Memorandum Local Arrangement for Repatriation of Mexican Nationals Memorandum	Clear notice of access to legal counsel and consular services for adults Provision guaranteeing proper document translation and explanation prior to signing by detainee Provision guaranteeing that detainees receive a copy of all forms they sign
Psychological Abuse	None	Specific definition and prohibition of psychological abuse

### THE CHANGING FACE OF DEPORTATION

More than ever before, our Border Patrol abuse interviews are conducted with people who have lived in the U.S. for years and sometimes decades. They have established roots working and attending school, and their deportation rips them away from families that often include U.S. citizens. Some were brought to the U.S. as small children and have few connections to their country of origin; they often find themselves repatriated to a country they don't remember, where their only connections are to people they have never met. They may not even speak Spanish.

Our interviews suggest that young people seeking to get back to the only home they know, and those who have established homes and families in the U.S., are the least likely to be deterred from returning. Despite common knowledge of deaths in the desert, Border Patrol abuse, and multi-year bans on legal re-entry, it appears that the cost of not trying is simply too high. As a result, they are even more likely to be detained by the Border Patrol and mistreated. The pain of family separation is compounded by the trauma of abuse in Border Patrol custody, and the devastating effects ripple through families and communities in the U.S. and beyond.

## PART THREE

# The Political and Institutional Context of Border Patrol Abuse

Border Patrol abuses do not occur in a vacuum. They arise in the context of a militarized border and proliferating state and federal policies that criminalize immigrants. Abuse can be seen as a predictable consequence not just of U.S. border policy, but of a political climate in which immigrants' fundamental rights are under attack. This climate is reflected in abusive Border Patrol practices and compounded by woefully inadequate oversight mechanisms that deny migrants meaningful recourse when they are harmed in custody.

Many who experience mistreatment in Border Patrol custody have already been subjected to violence and exploitation associated with the migration journey. Border Patrol abuse only compounds this trauma.

Individual Border Patrol agents should be held accountable for the abuse of people held in detention. However, to fully understand the causes and consequences of Border Patrol abuse, the context in which it occurs must be considered.

### POLICIES THAT CONTRIBUTE TO BORDER PATROL ABUSE

#### BORDER MILITARIZATION AND THE FAILURE OF DETERRENCE

U.S.-Mexico border policy shifted significantly in 1994, with drastic repercussions for migrants that continue to this day.<sup>53</sup> The "Southwest Border Strategy"—including Operation Hold the Line in El Paso, Texas and Operation Gatekeeper in San Diego, California—increased border enforcement personnel and infrastructure in order to shift undocumented migration from densely populated urban settings into harsh desert and mountain terrain. The goal was to "deter" undocumented migration by increasing the physical risks and financial costs of trying to enter the U.S.<sup>54</sup> This policy was developed in particular to address the wave of migration correctly predicted to accompany the North American Free Trade Agreement (NAFTA), passed in 1994.<sup>55</sup>

For nearly 20 years, this border strategy has failed to significantly deter unauthorized entries, while migrant deaths have skyrocketed. Prior to 1993, most apprehensions of migrants entering the United States occurred in urban areas of California and Texas, and migrant deaths were in decline.<sup>56</sup> In the years following implementation of the Southwest Border Strategy,

fatalities along the border doubled, with heat exposure as the leading cause of death.<sup>57</sup>

Border Patrol agents now confront migrants in harsh and unpopulated areas along a heavily militarized border, far from public view. While the Border Patrol frequently encounters migrants with life-threatening symptoms resulting from exposure to extreme desert conditions, they often deny aid or subject migrants to additional abuses by Border Patrol agents. Given that Border Patrol is charged with implementing a policy intentionally designed to *maximize* the risk to migrants' lives, it should not be entirely surprising when agents fail to respect basic human rights.

#### THE CRIMINALIZATION OF IMMIGRANTS

The national debate around immigration has reached a fever pitch. Following the September 11 attacks, immigration has been situated within a national security framework to justify the abrogation of rights of immigrants and communities of color. This includes racial profiling, warrantless surveillance, and indefinite detention. Inflammatory rhetoric equates unauthorized immigration with illegal activity and provides cover for literally turning immigrants into criminals. First, by increasing criminal prosecutions of unauthorized entrants; and second, by expanding programs that function as dragnets, funneling more people into deportation proceedings.

While apprehensions at the border have declined, detentions and deportations of unauthorized immigrants already living in the United States have increased dramatically in the last five years.<sup>58</sup> The Obama administration has criminally prosecuted, detained, and deported immigrants in record-breaking numbers. In Fiscal Year 2010, a record 400,000 were deported; on any given day, 30,000 were held in immigration detention facilities around the country.<sup>59</sup> This escalation is also reflected in the ballooning federal court caseload: in that same time period, nearly 90 percent of federal charges in Arizona were immigration related.<sup>60</sup> In the first half of Fiscal Year 2011, illegal entry and reentry were the most common federal criminal charges prosecuted nationwide.<sup>61</sup>

These measures both respond to and perpetuate a xenophobic political climate. They justify, excuse, and even promote mistreatment of immigrants. As increasingly draconian local, state, and federal measures proliferate, Border Patrol abuses are more likely to be perceived as consistent



with or justified by anti-immigrant sentiment. At the same time, harsh enforcement measures will inevitably cause more immigrants to come into contact with abusive and unaccountable Border Patrol agents.

### **OPERATION STREAMLINE**

In the border region, the Federal Court process called “Operation Streamline” typifies the frantic pace of criminalization.<sup>62</sup> Formally titled “The Arizona Denial Prosecution Initiative,” Operation Streamline charges and rapidly tries groups of unauthorized migrants with the federal crime of illegal entry. It is another piece of the strategy of “deterrence.” Convictions add a criminal record, a federal prison sentence, and almost guarantee that the person is excluded from future legal pathways to immigration and citizenship.<sup>63</sup>

Since Streamline proceedings began in Tucson in 2008, advocates have identified numerous due process deficiencies<sup>64</sup>: generic, pre-determined plea agreements; dozens of defendants responding en masse; inadequate attorney time; and “innumerable defendants whose pleas are not knowing, intelligent, and voluntary.” These deficiencies are so egregious that the Federal Public Defender has filed suit to challenge the program’s legality.<sup>65</sup>

Those selected by lottery for Streamline prosecution can spend an extended time in Border Patrol custody before being remanded to the custody of the U.S. Marshals Service, increasing the likelihood of Border Patrol mistreatment. Still, there is no data to show that this strategy has deterred migration any more than the militarization of the border.<sup>66</sup>

### **CRIMINALIZATION AT THE STATE AND LOCAL LEVEL**

The escalation of immigration enforcement is most pronounced at the state and local level. Federal “287(g)” agreements and the Secure Communities program blur the lines between immigration officials and local law enforcement, and state legislatures target immigrants as convenient scapegoats in times of economic hardship.

Section 287(g) of the Immigration and Nationality Act essentially deputizes local and state law enforcement agents to enforce federal immigration law.<sup>67</sup> The Secure Communities program allows ICE to access arrestees’ fingerprints, which

are submitted to national criminal and immigration databases.<sup>68</sup> Despite ICE claims that the program

prioritizes dangerous offenders, even people with petty charges, including minor traffic violations, are targeted.<sup>69</sup>

Critics argue that local law enforcement officers untrained in immigration law are ill-equipped to implement these programs correctly. This results in frequent violations of constitutional rights.<sup>70</sup> Further, these programs lead to unnecessary or prolonged detention, create incentives for profiling and pretextual arrests, and lack transparency, oversight, and accountability.<sup>71</sup>

These policies have coincided with the proliferation of even more extreme state initiatives, such as Arizona’s Senate Bill 1070 (SB 1070). The spread of anti-immigrant state laws continues the criminalization efforts at the heart of federal programs like 287(g) and Secure Communities. All of these policies marginalize immigrants and deny fundamental constitutional rights to communities of color.

In the context of widespread anti-immigrant initiatives at the federal, state, and local level, it is little wonder that Border Patrol policies also deny migrants’ basic human rights. Border Patrol abuse committed on the border is consistent with the broad denial of fundamental due process and constitutional rights to immigrants throughout the U.S.

### **RECIPE FOR ABUSE: THE ECONOMIC INCENTIVES FOR BORDER MILITARIZATION**

The vast infrastructure required to maintain these policies is not cheap. Federal agencies and state governments already struggling to balance budgets pay billions of dollars annually to private companies for immigration-related surveillance and detention services. This work is so lucrative that private industries are now driving the very anti-immigrant policies that benefit them. The migrants we have interviewed about their experiences in Border Patrol custody have stepped into a political battleground; their very bodies are commodities worth billions of dollars in annual profit to contractors hired by the U.S. government.

The private prison industry in particular has benefitted enormously from the increased criminalization of unauthorized immigrants. In the last five years, the annual number of immigrants detained and the cost of detaining them

have doubled: in 2009, 383,524 immigrants were detained, costing taxpayers \$1.7 billion at an average of \$122 a day per bed.<sup>72</sup> Private industry thus has strong economic incentives to push for ever more extreme

anti-immigrant policies, regardless of the cost to government or the human toll involved. As *In These Times* revealed in a 2010 report, the nation's largest private prison company, the Corrections Corporation of America, not only lobbied for but actually helped to draft Arizona's SB 1070.<sup>73</sup>

The Border Patrol relies upon private industry as well, paying G4S and its subsidiary, Wackenhut, \$50 million annually to provide transportation of migrants in Border Patrol custody.<sup>74</sup> Such contractors are not generally subject to transparent, enforceable custody standards. They may not be trained in appropriate medical screening and assessment skills for vulnerable migrants in their custody, or held to the same standard of public scrutiny as government entities.

Some outsourced programs are so dubious as to appear fraudulent.<sup>75</sup> As part of the Secure Border Initiative, the Department of Homeland Security left the development of a "virtual fence" program up to private contractor Boeing, which ran up a bill of roughly \$1 billion before DHS cancelled the failed program in January 2011.<sup>76</sup>

As private industry increasingly profits from the criminalization of immigrants and militarization of the border, harmful, costly, and ineffective policies are likely to spread. These policies will force even more people to attempt unauthorized border crossings and inevitably subject them to potentially abusive encounters with the Border Patrol, while a vicious anti-immigrant climate will only compound the Border Patrol's pervasive culture of abuse.

## WEAK OVERSIGHT MECHANISMS AND AN INSTITUTIONAL CULTURE HOSTILE TO ACCOUNTABILITY

Border Patrol abuse is exacerbated and encouraged by weak internal accountability mechanisms and culture within Customs and Border Protection (CBP) that is resistant to addressing human rights violations. For the past two and a half years, No More Deaths and other human rights organizations have made a good faith effort to engage CBP, with negligible results. CBP sector and headquarters level staff has repeatedly received specific examples of systemic abuse along with substantive administrative policy



recommendations. Still, in the face of tens of thousands of cases of misconduct, CBP—the largest federal law enforcement body in the country—maintains that custody abuses simply do not occur.

In the face of CBP denials, advocates have tried to engage existing accountability mechanisms within DHS as a whole. However, for migrants and advocates alike, the process for initiating and pursuing a complaint is extremely unclear. Various offices of DHS charged with oversight, including the Office of the Inspector General and component agencies' Internal Affairs divisions, do not themselves appear certain of the proper procedures to follow. Nonetheless, since January 2010, Arizona organizations—No More Deaths in Nogales, Frontera de Cristo in Agua Prieta, the Migrant Resource Center and Shelter in Naco, and O'odham Rights on the Tohono O'odham Nation—have filed more than *seventy-five* complaints of Border Patrol abuse with the Department of Homeland Security's Office of Civil Rights and Civil Liberties in the Department of Homeland Security (CRCL). To our knowledge, DHS has taken no action to redress the abuse detailed in these complaints.

It is clear that standards alone are insufficient. Independent oversight, with clear complaint procedures and meaningful enforcement mechanisms, as well as a shift in CBP's institutional culture, must accompany written policy.

## BORDER PATROL RESISTANCE TO ACCOUNTABILITY

The Border Patrol's decentralized structure and internal culture make its limited accountability standards virtually meaningless. CBP delegates significant authority and discretion to Border Patrol sector chiefs and leadership to implement agency policies and procedures locally. This pronounced disconnect between headquarters and the sector level further undermines the credibility of oversight.

For example, CBP has not indicated whether or not the *Hold Rooms and Short-Term Custody Memorandum* is part of Basic Training Academy instruction. In publicly available curriculum information, human rights principles and custody standards are entirely absent.<sup>77</sup> Although the memorandum is binding agency-wide policy, communicating the guidelines appears to be left to the discretion of the Sector leadership. We can only conclude that CBP believes the standards do not constitute "necessary" information for their trainees. This may have severe implications for those who find themselves in Border Patrol custody.

Just as the decentralized structure of the Border Patrol hinders accountability, so too does a functionally non-existent CBP complaint process. Detainees who seek to initiate a complaint while still in Border



Patrol custody must contact the Chief Agent in Charge on duty in the facility where they are detained. Fear of retaliation makes detainees reluctant to initiate complaints. To give responsibility for receiving and investigating allegations of abuse to any custodial agency that is simultaneously the object of the complaint creates a clear conflict of interest. This conflict effectively discourages detainees from reporting instances of abuse. The complaint process is no friendlier after repatriation, because procedures for following up on existing complaints from outside the U.S. are also unclear.

Because DHS depends on private contractors, it is even more difficult to uniformly implement, investigate, and enforce violations of detention standards. CBP relies on private companies like G4S to transport and detain migrants, putting them in the custody of potentially abusive entities not subject to the same public scrutiny or training as governmental agencies. From apprehension to repatriation, the dizzying number of agents or contractors with whom a detained migrant might come into contact makes it incredibly difficult to investigate allegations of abuse.

A lack of meaningful accountability mechanisms within Customs and Border Protection, along with an “anything goes” mentality and inadequate human rights training, suggest Border Patrol abuse may be another part of the “prevention through deterrence” model. Perhaps the greatest indicator of CBP resistance to accountability is its continued insistence, in spite of overwhelming evidence to the contrary, that misconduct does not occur. This further encourages abusive, traumatizing tactics by agents. Without drastic structural and cultural changes within CBP, these abuses are certain to continue.

## LIMITATIONS OF THE OFFICE OF CIVIL RIGHTS AND CIVIL LIBERTIES (CRCL)

Beyond CBP’s patently deficient complaint process, the Office of Civil Rights and Civil Liberties (CRCL) is the principal DHS oversight mechanism with which No More Deaths has had contact. Established specifically to address complaints of civil rights and civil liberties violations by employees of DHS or

constituent agencies, CRCL’s mandate is to investigate each complaint it receives. In the last year, Arizona humanitarian organizations have met twice with CRCL representatives, who have indicated that at least some of the

complaints we have filed will be investigated. However, as of May 2011, CRCL has not, to our knowledge, completed an investigation of *any* of our complaints that has changed agents’ daily practices. Meanwhile, our volunteers continue to receive regular reports of systemic abuse of immigrants at the hands of the Border Patrol.

Our experience suggests that despite the good intentions of its staff, CRCL may not be structurally or politically empowered to defend the human rights of detainees in a meaningful way. While CRCL was established for the purpose of “investigating and resolving civil rights and civil liberties complaints filed by the public,” the office is itself under the jurisdiction of DHS, alongside CBP.<sup>78</sup> As a result, CRCL must simultaneously attempt to function as a credible watchdog and remain on good terms with the divisions of DHS it is charged with investigating. Our experience suggests that this arrangement undermines the efficacy of CRCL efforts to substantively address the abuses of its sister agencies.

Further, despite the clear distinction the office attempts to make between itself and other DHS agencies, CRCL is not as separate as it needs to be. CRCL investigates some cases itself, but many are referred to the component agency named in the complaint, which does its own review and reports its findings to CRCL. If an agency has an institutional culture that permits, or may even encourage, mistreatment of those in its custody, it is little surprise that its investigation will not find misconduct. Advocates use the CRCL oversight mechanism precisely because they do not believe the Border Patrol can monitor itself. A process that hands the investigation back to the same agency in which the alleged abuse originated is not credible.

Within this flawed framework, there are other significant limitations to CRCL’s current complaint and investigation process. It is individual case-oriented and requires the complainant to provide information to which she or he may not have access or feel safe revealing. This process is often inaccessible for the recently deported, who are understandably reluctant to share their names with the agency they perceive to be responsible

for their abuse. We have tried to file complaints based on the compilation of many individuals' reports of the same patterns of abuse, but CRCL does not seem to have the capacity to adequately investigate aggregate complaints.

Finally, our experience shows that complainants cannot follow up on the status of their complaints. CRCL's website displays a "complaints flowchart" that shows at what points CRCL notifies the complainant about the status of their case.<sup>79</sup> However, our experience has been that this does not necessarily occur. While CRCL releases quarterly aggregate reports with the results of their investigations, they are insufficient to surmount the skepticism that surrounds them.

In sum, the individual-oriented structure of the CRCL complaint process, the inability to track progress of complaints, the general lack of transparency surrounding investigations, and the resulting skepticism about the effectiveness of the process are all obstacles to addressing human rights abuses that occur in Border Patrol custody through CRCL. Confusion regarding which DHS agency handles complaints presents a barrier to filing investigable complaints in the first place. These obstacles both result from and contribute to an internal culture of impunity and an agency that is unconcerned with providing recourse for the victims.

CRCL is insufficiently funded, which makes it even more difficult to conduct investigations or engage in community education about the role of the office and its functions. Most fundamentally, we have serious concerns about how an internal DHS office can monitor another DHS agency. Accordingly, one of this report's principal recommendations is to establish an *independent* oversight mechanism, with transparent complaint and investigation procedures and meaningful compliance and enforcement mechanisms to monitor and discipline abuses within the various agencies of DHS.

## CONCLUSION

Several important factors contribute to or exacerbate systemic Border Patrol abuse. A failed policy of deterrence has intentionally driven migrants into remote desert regions, where they are endangered by the elements and vulnerable to abuse at the hands of vigilantes, assailants and Border Patrol agents. Meanwhile, federal, state, and local initiatives—including federal prosecutions, state-level enforcement programs, and state and local anti-immigrant measures—have undermined the constitutional and human rights of immigrant communities nationwide, resulting in record deportations.

As a result, the demographics of people we encounter have shifted, with increasing numbers of people having lived in the U.S. for long periods of time. For these individuals, the cost of *not* returning to the U.S. is often simply too high. Young people raised in the U.S. may find themselves repatriated to an unfamiliar country, unable to navigate an unknown culture and language. For parents who are separated from their families, recrossing the border to reunite with their children is often imperative. These individuals may be subjected to Border Patrol abuse on multiple occasions, depending on the number of times they are apprehended reentering the U.S.

In this context, Border Patrol abuse, accompanied by a complete lack of accountability can be seen as another ineffective and inhumane form of "deterrence," consistent with other state and federal policies. Despite overwhelming evidence of systemic abuse, Customs and Border Protection denies such abuse exists, and existing oversight mechanisms within DHS are unclear and unresponsive to migrants' grievances to the point that most are discouraged from pursuing legitimate complaints in the first place.

The prevailing culture of impunity within Border Patrol contributes to the human rights crisis on the border. Without significant changes to existing standards and the creation of independent, effective oversight mechanisms, the widespread abuse of immigrants in Border Patrol custody can be expected to continue.

### **September 14, 2010 with Pablo Gilberto Melendez, 47, from Michoacán, Mexico.**

Pablo had lived in the U.S. for over 30 years and has a wife and two citizen children in Chicago. He was crossing the border on July 1, near the Border Patrol checkpoint on I-19 when a Border Patrol agent discovered him and his group. The agent removed their backpacks and took their property. Four other agents came and one of the agents kicked him so that he fell onto his back on the ground. The agent stepped on his face forcefully. The agent then pulled his shoulder back and repeatedly hit his elbow against a rock. He believes that his elbow has been fractured, and that his lower spine was also damaged. He was brought to a Border Patrol detention center where he requested to file a case against the agent who abused him. At this time he was transferred to a prison in Florence because he refused to sign a voluntary departure until his complaint was heard. He was held for a total of 64 days and for the entire time requested medical care and X-rays for his injured arm and back to be used as evidence against the agent that abused him. He reports that he did not get medical care or X-rays until his 5th week in detention. His constant requests to see the X-ray results were denied, including three written requests. He began to despair and felt that nothing would come of remaining in detention to fight his case, and so he agreed to sign the voluntary departure form. He was deported to Nogales on September 4 and was not clear on whether a physical abuse complaint in his name was ever officially filed before reporting this case to No More Deaths.

# PART FOUR

# Recommendations and Conclusion

## RECOMMENDATIONS

This report's findings are twofold. First, abuse of people in short-term custody is ongoing and systemic. And second, those policies and custody standards that do exist have proven inadequate to address a culture of impunity within the U.S. Border Patrol.

Our recommendations seek to address both problems. We maintain, as we did in *Crossing the Line*, that the Border Patrol must respect the basic human and constitutional rights of people in its custody. To that end, we are proposing a more comprehensive regime of custody standards than those currently in place. While we call for DHS to hold its own employees accountable, we also recommend the establishment of an independent oversight body that will investigate complaints, monitor the implementation of standards in short-term facilities, impose sanctions for violations, issue compensation for victims, and track, analyze, and publicly report on aggregate information drawn from complaints, their resolutions, and facility ratings.

## OVERALL STANDARDS REGULATING SHORT-TERM CUSTODY

In order to protect the rights of all individuals detained by the Border Patrol, we propose the following comprehensive standards to regulate short-term custody. These standards should be accompanied by the disciplinary action agents may face if the standards are not followed. "Short-term custody" refers to all contact between agents and migrants during:

- Apprehension in the field
- Detention at the processing centers
- Transportation
- Repatriation at the ports of entry

The term "agents" refers to Border Patrol agents as well as to all employees of private entities contracted by the Department of Homeland Security.

## ACCESS TO WATER

1. Agents and DHS subcontractors will provide potable water to each person in custody immediately after initial contact.
2. To prevent contamination and spread of disease, water will

be distributed in a sanitary manner. Each person shall receive his or her own bottle (or other sanitary, personal receptacle) of water.

3. Each person in custody shall always have unfettered access to potable water.

4. Pregnant women, children, the elderly and the ill in particular shall have sufficient water.

5. Every person in custody shall be offered electrolyte beverages.

## ACCESS TO FOOD

1. Upon encounter, agents will ask every migrant if they are aware of any food allergies.

2. Agents will, at a minimum, provide basic electrolyte replacement snacks.

3. Each migrant will receive at least one meal regardless of the time in detention or time of arrival, and subsequent meals if held for more than five hours.

4. Meals shall be provided at least every five hours, and a minimum caloric value for each meal shall be established.

5. Meals shall be nutritious and culturally appropriate.

6. Agents shall not discard food belonging to migrants unless it appears to be unsafe.

7. Children and pregnant women shall be given additional access to food as desired.

8. Mothers who are breast-feeding shall not be separated from their children.

## ACCESS TO MEDICAL CARE

1. Licensed medical professionals<sup>80</sup> shall always be on site at the processing facility.

2. Each person in custody shall be medically screened at no cost by a licensed medical professional.

3. Prior to transportation to a processing facility, a field assessment shall be conducted by medical personnel with at least Emergency Medical Technician certification.

4. Licensed medical personnel shall conduct a more comprehensive screening at the detention or processing center.

5. Medical personnel shall provide medical treatment for any and all injuries.



6. All open wounds and blisters shall be attended to before persons in custody are released.

7. Agents shall never refuse medical treatment, including access to hospital services, to any person in custody.

8. Prescriptions shall not be taken away, and will always be filled when ordered by a physician to maintain medical stability. Other medicines, including prenatal vitamins, diabetes medication, and any other medication the person in custody may have on his or her person shall not be confiscated.

9. Agents shall not interfere with medical procedures.

10. Agents will pay close attention to pregnant women, children, the elderly and the ill to prevent any injuries.

11. Pregnant women shall not be handcuffed after arrival to a hospital or clinic.

12. Women in active labor shall not be handcuffed either en route to, or while in, a hospital.

13. Agents shall not verbally or physically harass persons in custody while they are receiving medical treatment.

## **PROCESSING CENTER CONDITIONS**

1. Searches shall always be conducted by an agent of the same gender as the person in custody. A transgender individual should be asked what their preference is.

2. For every person in custody, agents shall provide two clean blankets, a bed, and a safe and adequate area to sleep.

3. Persons in custody shall have access to basic toiletries (i.e., shampoo, deodorant, toothpaste, toothbrush and soap).

4. Persons in custody shall be given access to toilet facilities upon request and access to toilet facilities will never be denied. Toilet facilities will be placed in private locations, away from the potable water supply.

5. If a person identifies a primary family member with whom they are traveling, every effort shall be made to ensure that these family members are not separated in custody.

6. Special safety considerations should be provided to vulnerable groups, including LGBTQ persons, the elderly, and people at medical risk.

7. Diapers and sanitary products will be made available immediately upon request.

8. Agents shall ensure that sanitation and temperatures in

cells are maintained at acceptable and comfortable levels, and requests to adjust the temperature shall not be denied.

9. There must be a quarterly sanitation inspection with a written report by a local or state sanitation official. The facility must be in compliance with corrections, restrictions, or conditions stipulated by this authority.

10. The detention areas must be cleaned, repaired, and maintained according to the same standards as the rest of the facility. (e.g. facility employees' offices).

11. The detention areas shall be kept at the same temperature as the rest of the facility (e.g. facility employees' offices).

12. All horizontal surfaces in the detention centers shall be damp-dusted daily with a germicidal solution.

13. Waste containers shall be lined with plastic bags and the liner shall be changed daily.

14. Holding cells shall be cleaned daily.

15. Holding cells shall not exceed the maximum capacity as posted inside the facility.

## **SAFE TRANSPORTATION PRACTICES**

1. Temperatures in vehicles shall be maintained at acceptable and comfortable levels.

2. Transportation shall always operate at a safe speed that takes into account road and weather conditions.

3. Persons in custody shall not be crowded in vehicles. In vehicles, the number of persons in custody shall not exceed the manufacturer's recommended number of passengers.

4. Persons in custody will only be transported in vehicles with seatbelts provided for each person in custody.

5. Persons in custody shall not be shackled unless they have seatbelts.

6. Persons in custody shall only be shackled when being transported from one point to another, not while they are in processing facilities.

7. Transportation shall be safe and take into special consideration those with additional healthcare concerns, including but not limited to pregnant women, infants, and children.

8. Vehicles used for transporting persons in custody will be properly equipped, maintained, and operated.

## **PROHIBITIONS ON VERBAL, PHYSICAL, AND PSYCHOLOGICAL ABUSE**

1. Agents shall provide an environment free from harassment, humiliation, physical, sexual, verbal and emotional abuse.
2. At no time will agents participate in torture or any form of abusive, cruel, inhumane or degrading treatment or punishment.

## **SAFE REPATRIATION PRACTICES**

1. Individuals shall never be repatriated between the hours of 7 p.m. and 7 a.m.
2. Agents will ensure that family members are processed and repatriated together; if a person identifies a family member with whom they are traveling, effort shall be made to ensure that they are not separated during repatriation and that they receive information of each other's whereabouts.
3. Children shall never be separated from their family.
4. A mother shall never be separated from her children, especially when she is breastfeeding.
5. In repatriation of unaccompanied minors, agents should fully comply with the requirements of the 2009 MOU and the TVPRA.
6. No person in custody shall be held or returned with wet clothes, and agents will provide dry clothing when necessary.
7. Special safety considerations should be provided to vulnerable groups, including LGBTQ persons, the elderly, and people at medical risk.
8. DHS shall provide a daily report to all appropriate consulates that contains a complete list of all repatriated and deported individuals, as well as the time and port of entry of removal.
9. DHS shall end the practice of lateral repatriation.

## **RESPECT FOR AND RESTITUTION OF PROPERTY**

1. Identification documents, property and/or money of each person in custody shall be securely labeled, stored, and returned upon removal, transfer, or release.
2. Medications shall always be returned to persons in custody.
3. There will be no destruction of the property of the person in custody, including clothing.
4. Each person in custody shall be fully clothed in weather-

appropriate clothing when removed from a facility. Agents will provide appropriate attire and/or shoes when necessary.

## **DUE PROCESS**

1. Upon admission, persons in custody shall be informed verbally and in writing of their rights in a language they understand, including the right to petition for asylum, to see a judge or attorney, and their right to consular notification.
2. Persons in custody shall be given the opportunity to make a phone call to legal counsel, their consulate, and/or a family member.
3. When persons in custody are asked to sign any paperwork, the forms shall be in their native language.
4. No legal document shall be signed without providing the opportunity for consultation with consulate representatives.
5. Agents shall explain all paperwork content if requested to do so.
6. Agents shall not threaten, coerce or force persons in custody into signing paperwork.
7. Individuals will receive a copy of *all* forms they sign and will be able to carry these with them throughout deportation proceedings.

Based on our findings related to dangerous apprehension methods in the desert, we strongly recommend the following changes:

1. The practice of "dusting" with helicopters and all other approaches intended to scatter groups shall be discontinued immediately, and agents who continue to engage in these dangerous practices shall face punitive consequences.
2. Agents shall inquire about missing persons to all groups or individuals apprehended, subsequently report missing persons, and assist with searches for all lost individuals.
3. Border Patrol shall release information, such as location of apprehension, to humanitarian search and rescue teams.
4. Border Patrol shall publicly announce its opposition to the practice of vandalizing and removal of water, food, or blankets that are left for those in crisis. Border Patrol shall emphasize this opposition in trainings for new agents and ensure that agents who engage in acts of vandalism are reprimanded.

## INDEPENDENT, NON-GOVERNMENTAL OVERSIGHT

Recognizing the failure and limitations of the existing complaint and accountability processes – both within CBP and through the CRCL process – we recommend an independent, non-governmental oversight structure that is not contracted with, housed under, or funded by DHS. Any such structure must be able to monitor compliance with the standards articulated above and have the authority to act when they are violated. Our recommendations are:

- ✦ An oversight committee shall be established and appropriately funded by the U.S. Congress to ensure compliance with codified standards in all Border Patrol short-term custody facilities as well as in the field.
- ✦ The committee shall be independent of the Department of Homeland Security.
- ✦ The committee shall be staffed with a diverse group of border-area residents and experts including medical and legal professionals, child welfare experts, and individuals who work in the area of human and migrant rights. The committee shall have clear staff liaisons at DHS and component agencies.
- ✦ The committee shall include representatives from each community in which a Border Patrol short-term custody facility is located. Each sector shall have a subcommittee that meets monthly, with the entire committee meeting on a regular basis and as needed.
- ✦ Responsibilities and powers of the oversight committee shall include:
  1. Investigating complaints filed directly or by a third party
  2. Regularly monitoring conditions of short-term custody facilities, with unlimited access to detention facilities and detainees
  3. Imposing disciplinary sanctions on agents and officials involved in egregious and/or repeated abuse
  4. Ensure and/or advocate for adequate compensation to individuals harmed by BP abuse
  5. Tracking, analyzing, and publicly reporting aggregate data on complaints, their resolutions, and facility ratings based on human rights standards, including regular reporting to Congress

While we are convinced that independent community oversight is necessary to ensure compliance with standards, we also believe that DHS should establish its commitment to investigating complaints filed against its own employees. To that end, we recommend the following changes to the existing complaint processes:

- ✦ DHS shall ensure prompt and thorough investigations of all complaints against employees.
- ✦ An investigation shall be conducted within three months of the date on which the complaint has been filed.
- ✦ The complainant shall be notified as to the status of the

investigation at regular intervals throughout the investigation process, and the outcomes of complaints—including any recommendations issued by the investigating body—shall be promptly available to the individual(s) who filed the complaint.

- ✦ CBP shall issue regular reports with aggregate information about the content of complaints filed with them.

- ✦ Independent monitors and international observers shall have full and regular access to all short-term custody facilities used to hold migrants, including free communication with migrants who want to speak with such monitors and observers.

## CONCLUSION

Human rights abuse of individuals in short-term U.S. Border Patrol custody is systematic and widespread. The accounts advocates have documented over the past two and a half years do not reflect anomalous incidents but rather an institutional culture of abuse within the Border Patrol. Additionally, the custody standards that do exist are inadequate and not subject to the effective and independent oversight necessary to ensure that they are upheld. Without drastic changes to Border Patrol custody standards and independent accountability mechanisms, the senseless abuse of immigrants along the border and in Border Patrol custody is certain to continue.

As the U.S. continues to militarize the border and to target immigrant communities as criminals at the federal, state, and municipal levels, more people will find themselves in Border Patrol custody. The agency's failure to establish comprehensive standards and transparent oversight mechanisms only encourages and perpetuates abuse. This subjects countless women, children and men seeking to reunite with family, community, jobs or homes to needless harm and suffering at the hands of Border Patrol agents.

Indifference to the persistent institutional violence of the Border Patrol reflects a lack of ethical leadership and responsibility that is indefensible in light of the United States' longstanding commitments to human rights, justice, accountability, and the rule of law. The evidence of abuse presented here clearly merits specific policy reforms addressing the mistreatment of people in Border Patrol custody. At the same time, the problems endemic to short-term detention occur in a much broader context including the failure to reject the international trade and economic policies that compel migration, to abandon a border strategy designed to endanger innocent peoples' lives, and to enact meaningful immigration reform. Any serious effort to address the systemic abuses in this report must take into account these broader issues as well.

Nonetheless, the immediate creation of comprehensive, transparent, and enforceable standards, and an oversight structure able to enforce them, are essential to ending to the rampant human rights abuse currently being perpetuated by the United States along the border.

# Glossary

## **BORSTAR - Border Search, Trauma, and Rescue**

Teams of Border Patrol agents that are tasked with search and rescue efforts.

## **BP - Border Patrol**

The Border Patrol is responsible for apprehensions and custody of individuals perceived to be in violation of immigration law along the border.

## **CBP – (U.S.) Customs and Border Protection**

A division of the Department of Homeland Security, the U.S. Customs and Border Protection houses the Border Patrol and is the largest federal law enforcement agency in the country.

## **DIF – Desarrollo Integral de la Familia**

Mexican federal agency responsible for reuniting minors with their family members.

## **DHS - Department of Homeland Security**

Created by the Homeland Security Act of 2002, the Department of Homeland Security began operations in 2003. One of its primary responsibilities is the implementation and enforcement of immigration laws and policies. DHS oversees the U.S. Customs and Border Protection (CBP) and Immigration and Customs Enforcement (ICE).

## **Coyote**

An individual who smuggles migrants across the U.S.-Mexico border, usually for a high fee.

## **A Culture of Cruelty**

## **Deportation**

The administrative process of removing a person from the U.S. who is not a U.S. citizen and who does not have legal status to be in the U.S. The formal term for deportation was changed to “removal” under the Illegal Immigration Reform and Immigrant Responsibility Act of 1996.

## **Flores v. Reno settlement agreement (1997)**

This settlement agreement established the first uniform standards for the care and treatment of immigrant and refugee minors now in the custody of ICE or the Office of Refugee Resettlement.

## **Frontera de Cristo**

Frontera de Cristo is one of the six Presbyterian Border Ministries of the National Presbyterian Church of Mexico and the Presbyterian Church U.S.A. Frontera de Cristo is centered in Agua Prieta, Sonora and Douglas, Arizona.

## **ICE - Immigration and Customs Enforcement**

A division of DHS, ICE enforces immigration law within the interior of the U.S. Responsibilities include apprehension, detention, and removal of undocumented immigrants.

## **Migrant**

In this report, the term “migrant” refers to a person who transitions from one geographical location to another out of personal necessity.

### **Migrant Resource Centers, Naco and Agua Prieta, Sonora, Mexico**

Binational humanitarian projects that provide aid to migrants as the U.S. Border Patrol repatriates them near the Naco and Agua Prieta ports of entry.

### **MOU - Memoranda of Understanding**

A statement of agreement between two entities. In this report, the MOUs referenced are those between the Mexican Government and the US Border Patrol that pertain to minors in short-term custody and the repatriation of vulnerable populations.

### **OCRCL or CRCL - Office of Civil Rights and Civil Liberties**

Within the Department of Homeland Security, OCRCL is charged with advising DHS on civil rights and civil liberties issues and investigating complaints.

### **Operation Streamline**

Implemented in 2005, this program funnels undocumented border crossers into the federal criminal justice system and into U.S. prisons, rather than civil deportation proceedings. First time crossers may be prosecuted for misdemeanors punishable by up to 6 months in prison while those who reenter after deportation may be prosecuted for felonies punishable by up to 20 years in prison.

### **Oversight**

An independent system to guarantee ongoing access of community and human rights groups to all DHS facilities to monitor the implementation of all standards of care. This accountability mechanism includes legal recourse for noncompliance.

### **O'odham Rights**

A project formed by members of the Tohono O'odham Nation to document Border Patrol abuses against tribal members whose traditional territories are bisected by the U.S.-Mexico border.

### **Removal**

See "deportation."

### **Repatriation/Returned**

Unlike deportation, which carries a formal legal charge, repatriation simply refers to the physical act of returning migrants without legal status to their countries of origin. Many of the migrants served at the Border Aid Stations and Migrant Resource Centers, and in Border Patrol custody have signed a 'voluntary removal' or 'voluntary departure' form and are repatriated. This is a civil procedure, rather than a criminal one. For the purposes of this report, 'repatriation' and 'deportation' are often used interchangeably.

### **Short-Term Custody**

A period of 72 hours or less of non-criminal border patrol custody, before any prosecutorial documents are issued. Individuals are most often held in Service Processing Centers (SPCs).

### **Standards of Care**

The basic, essential human rights that must be given to any human being while in government custody, including but not limited to food, water, and medical attention.

### **Streamlined**

The condition of being processed through Operation Streamline, resulting in a criminal record for unauthorized crossing of the U.S.-Mexico border.

### **TVPRA – Trafficking Victims Protection Reauthorization Act (2008)**

The TVPRA directs the Secretary of Labor to monitor and combat the use of forced labor and child labor in violation of international standards.

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# Appendix

*A Culture of Cruelty* includes 100 representative narratives of abuse documented by No More Deaths volunteers in Nogales, Sonora, between September 2009 and April 2011. They are included because they reflect the most regularly seen types of abuse reported during interviews. All names are pseudonyms.

1. Sept. 21, 2009, anonymous woman. She stated that she had lived in the U.S. for 17 years with three children. When her parents died in Mexico, she returned for the funeral. She was apprehended on July 23 near Nogales, Ariz., as she tried to get home. In the processing center, guards laughed at her for being Mexican. They had her strip naked; then they took her clothes and touched her breasts in the presence of both man and woman guards. Her belongings were taken and not returned, including \$20, jewelry, and make-up. She was detained for two months in Florence. She was given papers in English to sign, without a translator, and was deported Sept. 18 to Nogales, Sonora.

2. Sept. 21, 2009, anonymous man, 33, from Mexico. He stated that a gang while traveling to the U.S. assaulted him. When taken into custody, he was held with 43 other detainees in a small cell, made to hold 15 to 20 people. At no point while in U.S. custody did he have access to a lawyer. He signed legal documents in English, without a translator, and stated that he did not understand them.

3. Sept. 23, 2009, anonymous woman, 23, from Mexico. She stated that she came to the U.S. when she was 15 with her mother, who could not find work in Mexico. She lived in the U.S. for eight years and her two U.S. citizen children live in Atlanta, Ga. Now eight and a half months pregnant, she was attempting to cross through the desert when the Border Patrol apprehended her. The interviewee did not have access to legal representation while in U.S. custody. Guards at the centers where she was held (Sonoita and Phoenix) took her prenatal vitamins and threw them into the trash. She heard one of the guards, whose last name is Spencer, call another pregnant woman a "bitch."

4. Nov. 21, 2009, Jose, 33, from Mexico. He approached No More Deaths volunteers in Nogales, Sonora, reporting pain in his knee. He stated that he and two other migrants were apprehended by Border Patrol Agent Broce in the desert near Arivaca, Ariz., on Nov. 18. The agent told the migrants to stop, but they ran for approximately 10 meters. When Agent Broce shouted again, "Don't move!", Jose stopped and raised his hands. The agent approached the migrants and kicked Jose in his left

knee so that he fell to the ground, then held his boot to the same knee so Jose could not move. When No More Deaths volunteers encountered him, the knee was still swollen. He had not received any medical attention while in custody.

5. Nov. 25, 2009, anonymous man, 18, from Chiapas, Mexico. While crossing the Sonoran Desert on Nov. 23, he was apprehended by a Border Patrol agent, he reported. The agent grabbed him by the shirt, threw him to the ground so he hit his head, and then stepped hard on his chest. The agent did not give the interviewee food or water and addressed him with racial slurs and swear words such as "motherfucker." The interviewee was held in custody in Tucson for 48 hours and did not receive medical attention for injuries sustained during the assault or for a cactus spine in his eye. While in custody, he was held in an unclean cell made for 18-20 people but holding 60 detainees who could not lift their arms or move. The single bathroom was unclean and did not have a door. The cell was very cold, with the air conditioning on higher at night. There were no beds. When No More Deaths encountered the man, his right eye was red and swollen from the spine, and he reported that his head still hurt from the assault. He was preparing to return to Chiapas.

6. Nov. 25, 2009, anonymous man from Mexico. He reported that while he was in custody, guards ate the food and drank the water that was supposed to be given to detainees.

7. Nov. 25, 2009, anonymous man from Mexico. He reported that while he was in custody, he was required to walk with his ankles chained together, his wrists chained together, and with a third chain connecting the two. This is standard practice and, because it was difficult for him to walk like this and he was tired, he limped. He reported that detention guards laughed at him limping, and imitated him and other detainees.

8. Nov. 25, 2009, anonymous man from Mexico. He reported that while he was in custody, guards ripped his shirt and took his gold wedding ring.

9. Interview Nov. 25, 2009, anonymous man from Mexico. He reported that while he was in custody, he could hear a girl screaming.

10. Nov. 27, 2009, with Javier, 19, from Mexico. He stated that while crossing in the desert, a Border Patrol agent apprehended the group and beat two of his companions. He hit one

in the head three times, and grabbed the other by the hood of his sweatshirt to throw him to the ground before kicking him in the ribs. The agent took the group into custody without giving them food, water or medical attention even though they requested it. They were held for four hours in one location and then moved to another in Tucson for 24 hours. The interviewee reported that the Tucson center was dirty and so full that, even with 40 people in one cell, people could not move. There were no beds, only benches, and the air conditioning was turned on high. During 28 hours in detention, detainees were given only one small hamburger each. At one point, the interviewee tried to address a guard, but the guard slammed the door in his face. The agent who drove the van carrying the migrants to the Mariposa Port of Entry drove recklessly. Despite the fact the van was packed with 20 people and it was very hot, he turned the heat all the way up and ignored requests to turn it down.

11. Dec. 2, 2009, Juan, 24, who had lived in California for 10 years. He stated that in early October, he was crossing the desert with other migrants when the Border Patrol apprehended them. Agents used racist language when talking about the migrants to each other. They took the detainees to a processing center, where they were held for 16 hours. During this time, the detainees were only given one meal of a small burrito. The guards strip-searched the detainees, then kept their clothing and made them sit naked on the floor for 30 minutes. They transferred the detainees to a CCA facility in Florence, where they gave them orange prison uniforms that were ripped and unclean. Without giving him a reason, guards placed Juan in solitary confinement and “lockdown” for three weeks. He was not allowed to leave his cell and was fed small meals at 4:30 a.m., 12 p.m., and 5 p.m. through a hole in the door. The air conditioning was kept on high, so he was always cold. He described the food as “inedible” and the experience as “a kind of torture.” After three weeks, Juan was granted a meeting with a supervisor who told him he would be moved out of solitary into the general population. He was moved to an extremely crowded section of cells. After about five weeks, he was deported to Nogales, Sonora late on Thanksgiving night.

12. Dec. 9, 2009, anonymous woman, 30, from Guanajuato, Mexico. She reported that she had attempted to cross for the first time to reach her family in Oregon and care for her ailing father. She and six other people walked in the desert for a week, the last three days without food or water. One man was too weak to walk, so others carried him during the last day. Border Patrol agents apprehended the group near Arivaca around 1 p.m. Saturday, Dec. 5. The agents did not provide the group with food, water or medical attention. They called the migrants “stinky pigs.” While she was being taken into custody, the interviewee attempted to retrieve her backpack, which contained the phone numbers and contact information for her family, as well as identification and money. A Border Patrol agent forced her

to leave it in the desert. The group was taken to Tucson (name of facility unknown), where they were held for three nights and forced to sleep on the floor. In a nearby cell, where 20 men were held, guards entered and kicked the men. She witnessed three man guards beat another woman who was in custody. The facility was very cold, with the air conditioning on high. The women in custody had access to blankets, but the men did not. A guard pulled the blanket the interviewee had wrapped around her shoulders to shake her and push her against a wall. During three days in custody, the detainees did not have access to showers or medical care. The interviewee was deported to Nogales at 2 a.m. Tuesday morning. She witnessed three sisters with whom she had been in custody separated and deported at different times. Since she lost the bag with contact information for her family, she was unable to contact her brothers and father in Oregon. They do not know where she is. The interviewee left Nogales for Guanajuato on Dec. 10.

13. Dec. 15, 2009, Juliana, 30, from Mexico. She stated that she had lived for 10 years in Moreno Valley, Calif., and has four children who are U.S. citizens. She was attempting to cross into the U.S. to resolve a problem with Child Protective Services. CPS required her to return her children to the U.S. even though she herself is not permitted to stay there. Juliana crossed in a group of 22 people and walked for a week in the desert. At about 3 a.m. on Dec. 7, Border Patrol agents apprehended the group. One taunted the migrants and told them to raise their arms above their heads and dance. Juliana told the agent, “We are not your monkeys. We will not dance for you.” The agents loaded the group into a car crowded with other people and took them to a center near Tucson (name unknown). Approximately 45 women were held in a cell made for 20. The toilet was right next to the bed and the detainees were given cold and insufficient food twice a day: a small container of juice and a hamburger that was still frozen. Only on the day that the consulate was present did they receive hot food. The center was very cold. After signing a voluntary departure order, Juliana was held in the center for three days. She saw children separated from families and held in a separate cell. A woman in her cell said she had been there for a month and that the same children had been there a month ago. Another woman who was seven months pregnant had a fever and asked to go to the hospital. The guards would not let her go, insisting that she wasn’t pregnant. The woman suffered a miscarriage. Juliana had severely sprained her ankle while walking in the desert, and at no point in custody did she receive medical treatment. At the time that No More Deaths encountered her, she was in severe pain and could not put much weight on the injured ankle.

14. Jan. 20, 2010, Angel, from Puebla, Mexico. Angel stated that he had lived in New York for 40 years, most recently working in a flower shop in Queens. He has nieces and nephews in New York and his girlfriend is a U.S. resident. He had recently



begun the process to obtain a work permit in New York when he came back to Mexico to visit his mother. While attempting to return, he was apprehended and held in detention in Tucson Jan. 17-19. He was not given access to a lawyer and was held in a cell with 100 other men. There were no beds or benches, only a concrete floor. Angel witnessed a boy vomiting who requested medical care and was refused. He also saw guards physically assault another young man. The guards asked the man, "What's your problem?" and when the man replied, "I don't have a problem," they grabbed him by the neck and threw him to the ground. The detainees were given three small meals of a hamburger and a package of crackers each day. Angel was instructed to sign papers without a chance to read and understand them. After he signed, he was informed that he had signed a voluntary departure order and was repatriated to Nogales, Sonora at 6 p.m. on Jan. 19.

15. Jan. 28, 2010, anonymous woman from Mexico. She stated that she had lived in Los Angeles for three and a half years and her husband still lived there. She went to Mexico to visit her family. When she tried to return through Tijuana on Dec. 20, 2009, Border Patrol agents apprehended her along with four other people. The interviewee witnessed a Border Patrol agent throw a large rock at the rib cage of a young man in the group, and then kick his knee. The young man did not receive medical attention while in custody, but was later told that his rib was fractured. The same agent threw sand in the face of the interviewee. At the time of the interview, she had just been held in custody in Tucson after she tried to cross a second time through Nogales. Guards confiscated their clothing and left the detainees in only T-shirts in extremely cold temperatures. A cell designed for 20 people was crowded with 40 to 45 women. They had no beds and only very dirty blankets. The water was dirty and the food insufficient and uncooked. Cameras were placed directly above the toilets. The interviewee was given papers to sign in English that she did not understand. Only some people were allowed access to lawyers. The interviewee witnessed many people who had money confiscated and not returned. She saw many people arrive sick and injured and not receive medical attention. She witnessed one pregnant woman who was screaming in pain and was refused medical attention. Since being repatriated, she met another woman in the Juan Bosco shelter in Nogales who said she was pregnant and had been beaten while in custody. The woman arrived in Nogales in severe pain and miscarried while at the shelter.

16. Feb. 3, 2010, anonymous man from Veracruz, Mexico. He stated that he attempted to cross into the U.S. to make enough money to support his wife and two children in Veracruz. He walked for three days in the desert without food, and was alone for two days. Border Patrol agents apprehended him Feb. 1 and took him to Tucson. He was extremely dehydrated and told the agent he had not had anything to eat or drink for days. The

agent told him, "It doesn't matter to me," and "I'm not interested." In Tucson, the interviewee was held with 50 people in a cell that said "Capacity 16." There wasn't enough room to sit or lie down. They did not have beds and the center was extremely cold. They were given only crackers and one small hamburger, and no medical attention. Before he was brought to court, his handcuffs were so tight they cut his wrists. At the time of the interview, No More Deaths volunteers were treating him for dehydration.

17. Feb. 3, 2010, anonymous man from Mexico. He stated that while in custody in Tucson, he didn't receive any food for 24 hours. He was held in a cell with 50 people. When he and others complained about the conditions, a Border Patrol agent told them, "This isn't a hotel."

18. Feb. 3, 2010, anonymous man. A No More Deaths volunteer treated the interviewee for a severe wound on his right foot, which he said he had injured while walking before being apprehended on Jan. 30. When he showed the injury to a Border Patrol agent and requested medical treatment, the agent refused to provide it. He had difficulty walking because of his foot pain, and the Tucson center guards laughed at him for limping.

19. Feb. 16, 2010, anonymous man, 16, from Guatemala. He walked for two days until being apprehended by the Border Patrol. He was thrown to the ground and kicked in the knee. Agents took his \$20 and hit him in the back of the head with a flashlight. As he told the story, he appeared confused about why they had beaten him. "They didn't understand me and treated me like a dog," he said. Agents joked about him, saying he was like a toy. They asked if he wanted water, but when he responded "yes," they wouldn't give him any. He was also taunted with food. Eventually, during three days in custody, he received a small packet of cookies and a small juice box each day.

20. Feb. 16, 2010, Ernesto, 54. He stated that he had lived in the U.S. for six years before being deported. While crossing back into the U.S. on Feb. 8 to work and be with his son, he was caught by the Border Patrol. During the arrest, he reported seeing BP agents hitting other migrants. The agents repeatedly insulted the group and treated them all badly because one or two migrants tried to escape. Ernesto was detained in a cell that was extremely cold and dirty. He asked for food and was given one sandwich during his two days in custody. Treatment of detainees is unfair, he said. They are being treated harshly because a few others attempt to bring drugs into the U.S. After two days, he was repatriated to the Mariposa Port of Entry at 1 a.m.

21. Feb. 16, 2010, anonymous man, 19. He stated that he traveled for over a month from Palenque, Chiapas before arriving at the border to attempt to cross for the first time. On the night of Jan. 31, three hours after crossing the border, the group

was hiking through the mountains when the Border Patrol arrested them. Their wrists were bound with plastic zip-tie handcuffs, which were so tight they cut off circulation in the hands. During the arrest, one man dropped a piece of trash. Border Patrol agents insulted him and said, "You don't come to drop trash in my country!" As a punishment, the agents made the detainees run down the mountain while agents followed them with flashlights. There was very little light and the interviewee tripped and injured his wrist in the fall. His wrist was visibly swollen two weeks after the injury. When the migrants arrived at the Border Patrol vehicle, they were told to take off their outer layers or sweaters and placed in the back of the vehicle. The air conditioning was turned up until it was extremely cold. The interviewee was detained for 24 hours and despite his requests, was given no food. He did not receive any medical attention for his injured wrist. After a day, he was repatriated to the Mariposa Port of Entry at 2 a.m.

22. Feb. 18, 2010, anonymous man from Sonora, Mexico. After three days in the desert, three Border Patrol agents apprehended him and his friend at about 10 a.m. on Feb. 15. The agents accused the interviewee of carrying drugs and beat him in the head with the butt of a pistol. He collapsed to the ground, bleeding heavily from a gash on the left side of his head. In the hospital, doctors treated his wound with staples. The doctor who treated him did not provide identification and upon release the interviewee did not receive any documents about his injury or treatment. After he was released from the hospital, the man and his friend were taken to Tucson and given deportation papers in English to sign. They received only juice and crackers to eat before they were deported on Feb. 18 to Nogales. At the time of the interview, the friend, who had witnessed the assault, confirmed the interviewee's testimony. The interviewee appeared to be in a state of shock.

23. Feb. 19, 2010, three anonymous women. Three women were held in custody Feb. 17-18 in Tucson. One woman was from Chiapas, where she has three children ages 8, 10, and 12. She was attempting to cross for the first time to find work to support her children. She was brought in chains to Operation Streamline at the federal courthouse in Tucson, where guards pushed detainees who were chained together. One guard held her nose in front of the detainees and said they smelled. Another woman stated that when she was apprehended with a group in the desert, a Border Patrol agent accused them of carrying drugs and threatened to shoot them. The third woman reported that guards shouted at them and used racist language. Agents took their clothes and then held them in extremely cold temperatures while in custody.

24. Feb. 24, 2010, with Valeria, 25, from Oaxaca, Mexico. She stated that she was apprehended by the Border Patrol in the Arizona desert early on Feb. 22. The group had walked for two

days, but when they asked for water, they were denied. They were put into a dogcatcher-type vehicle and driven around and around in circles for an hour to make them dizzy. They were held in custody in Tucson, until the evening of Feb. 23, when they were deported through Nogales.

25. Feb. 27, 2010, three anonymous men from Mexico. They stated that they had lived in the United States for five years, four years, and one year, respectively, and all still have family there. The men had crossed through Sonoyta, Sonora, and Border Patrol agents apprehended them in the desert on Feb. 24. First, they were held in Phoenix and then in Tucson. All three described the conditions in the Tucson detention center. Guards shouted at them, using racist words and bad language, and they were not allowed to use the bathroom for long periods of time. When they were jailed, guards threw the food and water they were carrying into the trash and then laughed at them when they requested food. They were served only juice and crackers. They did not have access to medical care or a lawyer, and were not allowed to call the Mexican consulate. The men experienced physical abuse by guards, as well as witnessed the mistreatment of others. They reported seeing agents kicking and pushing detainees and slamming doors as detainees were walking through them. For three days, they were held in a cell with 152 other people without space to sit or lie down. They slept standing up, pressed against each other so closely that they could not lift their arms. "They treated us like animals," the men said. They gave the names of several guards in Tucson who were particularly abusive: Rodriguez, Esor, Anderson, Molina, and Gonzales. They were repatriated at 10 p.m. Feb. 26 to Nogales, Sonora.

26. Feb. 27, 2010, anonymous woman from Mexico. She stated that she has a seven year old son and this was her first attempt to cross into the U.S. to find work to support him. She crossed through Sonora and walked for four nights in the desert before the Border Patrol apprehended her. The agents shouted at her group, calling them criminals and dogs. They poured out their water and stepped on the fruit they were carrying. A woman agent groped her during a purported search. Now she will attempt to find work in Nogales, Sonora because, "I can't return empty handed," she said. "I am a single mother."

27. March 6, 2010, with César, 39, from Michoacan, Mexico. César stated that he had lived in Seattle, Wash., for 20 years and has an American wife. César attempted to cross the border near Sasabe and was apprehended by the Border Patrol and held in custody for one day in Phoenix. Near the border, agents had a megaphone set up and were broadcasting repeatedly (in Spanish): "I have a gun and I'm going to kill you, I don't like Mexicans. Go back to Mexico." César confirmed that he saw a BP truck by the megaphone, so he knew it was Border Patrol. Additionally, César has HIV, which he disclosed to a guard in private. After he informed the guard, he and the other guards shouted

loudly to each other that he had HIV. They used plastic gloves whenever they touched him, including when they took his fingerprints. They told other detainees that he had HIV and kept him in an isolated cell. While transporting him for deportation, they made him sit separately in a gated area on the bus, with his arms handcuffed together. He was repatriated to Nogales on March 3 through the Mariposa Port of Entry.

28. March 9, 2010, with Maria, from Toluca, Mexico. She stated that she had lived in Maryland for 12 years and has a 13-year-old daughter there. Maria was held in custody March 2-3 in Tucson in a very cold room. When she asked for heat to be turned on, the guards turned on the air conditioning. She saw guards throw two boys against a wall and beat a woman. The women's bathrooms had low doors and cameras so the guards could watch them. When she was called to give fingerprints, she asked why the detainees were being treated so badly. A guard told her, "This is not a hotel." Maria has lung cancer and needed to take medicine every four hours, but the guards did not permit her to do so. As a result, when she arrived in Nogales, Sonora, she had a medical crisis and had to be taken to the hospital.

29. March 9, 2010, Julio. He stated that he had lived in Orange County, Calif., for 12 years and has a wife and children there. When he attempted to return home, Julio was apprehended by the Border Patrol in Green Valley on Dec. 8. The agent held a gun to his face and threatened to shoot him. While in custody in Green Valley, he and other detainees were not given any food for 24 hours. The guards threw his belongings, including an ID and clothing, into the trash. Guards told the detainees, "We don't want you; we don't want any more Mexicans." He asked to call the Mexican consulate, but was not allowed to do. Julio was taken to Tucson, processed through Operation Streamline and sentenced to 90 days in prison. He was held for 30 days at CCA in Florence and then for 60 days in Flagstaff.

30. March 15, 2010 with Diego. Diego was arrested in the desert on March 10 and deported March 13. The first time he was deported, he was barred from reentering the country for five years. This time, he received 20 more. He stated that he has a wife and three kids in California, where they have lived since 1999. The couple adopted his daughter's children, ages 2 and 3, who are U.S. citizens. He showed the adoption papers and said he is legally responsible for supporting them. Now he can't get back to the country to do so. Border Patrol agents insulted people when they arrested them, Diego said. They called them "burros" and called several bald people "pelones," and asked, "Did you come here to water your hair?" In custody, they were given only a package of cookies and a tiny box of juice for breakfast, the same for lunch, and a tiny hamburger and water for dinner. They were taken first to a small cell in a trailer, then to a county jail, then to a big jail to be sent to Mexico. Agents took their clothes and left Diego with only a

sweater and no shirt. One man was left with only an under-shirt. There was no heat in the rooms and they were extremely cold. He saw a lot of people suffer.

31. March 15, 2010, Jorge, 18, from Michoacán, Mexico. Jorge left to cross March 10 with a group of 12 people, including his aunt and uncle. Border Patrol caught them in Sonoita, Ariz., and took them to Tucson. The agents swore at them, took all their clothes and food and told them if they came to the country again, they would be imprisoned. In two days in custody, they were given only a small package of juice. Their clothes were taken and they were left in the cold with only a T-shirt and pants. On March 12, they were sent to Nogales and left at the DeConcini Port of Entry at 3 a.m. Jorge was separated from his aunt and uncle upon arrest and he was not been able to find them. He has no money to return home. He was told he would get \$1,500 for the trip, but not until Thursday. He does not know how to last until then.

32. March 15, 2010, Antonio, 33. Antonio stated that he entered the U.S. on Jan 25, walked through the desert for two days and was caught by the Border Patrol. Agents threw his spare clothing and jacket in the road, leaving him in the cold with only his pants and T-shirt. At the detention center, his suitcase with food and medicine was thrown in the trash, leaving him with nothing. His second entry into the U.S. was on Feb. 2. Traveling alone, Antonio was apprehended again and experienced the same treatment, he said. He was given only a hamburger to eat. He was given 15 years of no entry after deportation. On his third crossing on Feb. 9, he was captured with dogs. Again, his clothes and all of his belongings were taken. Many people got nothing back, including IDs, he said. He was taken to a detention center and told he had to go to court. He was treated like a criminal. He was handcuffed with a special system that included hands and feet and linked around the waist, tightening every time he moved.

33. March 15, 2010, Carlos, 39, from Mérida, Yucatán, Mexico. Carlos stated that he fled Border Patrol agents in the desert on Feb. 21, tripped and fell five meters, hurting his arm and shoulder. "You want to survive, but they kill you in the desert," Carlos said. "They stab water bottles so people will die." At the detention center, he was told to undress and left on the floor. The prisoners had to take off everything except their T-shirts. The agent said it would be warm inside, but they put on the air conditioning and the prisoners were left shivering. If they didn't understand or speak English, the agents shouted at them. His family is sick and has no money to send for him to get home.

34. March 15, 2010, with Xavier, 42, from Mexico. Xavier stated that he has a sister who lives in the U.S and is a citizen. He lived in California for eight years, and was trying to return home. He crossed with eight people he met along the

way, including three women and one child. One person was sick. When captured by the Border Patrol, they were given no water, only juice later in the afternoon and a packet of cheese crackers. When they asked for food, they were told, "This is not a restaurant." No one in his group received medical attention during the day and a half they were held in detention. Xavier had stomach pain and vomiting. When he complained, the agent asked his boss what to do, and the boss said to give him juice, which he did. The rooms were kept very cold. There were no beds, but they were given blankets. Agents said they were not responsible for the situation; it was the migrants' own fault. They took Xavier's identification, but later returned it. He was informed of his right to call the consulate, but declined. He received no information about his right to see a lawyer, so he signed the deportation documents. He was repatriated to Nogales at 2 a.m. on March 13.

35. March 15, 2010, anonymous man, 53. He had lost consciousness after not eating for six days. People from a ranch found him unconscious and called the Border Patrol and an ambulance. Both arrived, but the Border Patrol did not let the ambulance staff help him. Instead the agents called a new ambulance, which took him to a hospital where he remained from March 10-13. He was not sure whether he had had a heart attack. When Border Patrol agents picked him up, he had to leave the hospital in his pajamas without shoes, his documents, or the prescriptions the doctor had ordered. The agents did not speak Spanish and did not answer his questions. He was not informed of his rights, including the right to speak with the Mexican consulate, and did not have access to a lawyer. He was brought to Nogales by bus and left there at 8:30 p.m.

36. March 15, 2010, Miguel, 36, from Puebla, Mexico. He stated that he lived in Hingham, Mass., for two years and has a sister in the U.S. The Border Patrol arrested him in the desert after he crossed alone and had walked for three days. Part of the soles of his feet had become raw meat due to walking with blisters. In the Tucson detention center, Miguel did not get any medical care. He was locked in a cell that was overcrowded and unsanitary, and he had difficulty breathing. He was not informed of his rights nor have access to a lawyer. He signed papers in English, which he did not understand. After 10 hours in detention, he was repatriated shortly after midnight through the DeConcini Port of Entry.

37. March 15, 2010, anonymous man, 28, from Oaxaca, Mexico. He stated that he has relatives in the U.S. and lived in Florida for eight years. He was arrested and deported a year ago, but has no criminal record. He tried to return to the U.S., leaving from Sonoyta, Sonora, but got lost and wandered for three days in the desert. He ended up in an abandoned military base. After two more days, a security guard found him and called the Border Patrol. Agents did not provide food or water

and in the Tucson detention center, he did not get enough food or medical attention. The cell, designed for 20 detainees, held 70 at the time, and the temperature was extremely hot. The interviewee signed documents in English, which were "explained" to him, since he does not speak English. After two days, he was repatriated through the DeConcini Port of Entry. No More Deaths volunteers tended his badly blistered feet, which were bloody and raw.

38. March 15, 2010 with Jorge, 27, from Guatemala. Six Border Patrol agents, including some on horses and motorcycles, surrounded his group of 10. He was thrown onto the ground face-forward and an agent hit him on the side with the butt of a gun. Agents were also yelling insulting names at them. Jorge was held for three days in the Tucson processing center. When he asked to see a doctor, he was repeatedly refused. Agents confiscated and threw out any food the migrants had and regularly denied requests for food. Over the course of three days, they only got small packets of crackers. Jorge says his stomach is in pain now from going so long without eating. His belongings were confiscated and not returned, including his birth certificate and \$100 U.S. currency. They also took everyone's clothes except a T-shirt and pants and then turned on the air conditioning. Jorge has a cousin and father who live in Santa Monica, Calif., where he also lived for 10 years before being deported by ICE. He was apprehended by Border Patrol while attempting to return to them.

39. March 16, 2010, Jesus, 43. He stated that he crossed the border near Sonoyta and had traveled with a group of 10 people for 30 hours. At about 1 a.m. on the night of March 14 they reached the top of a hill. Jesus was at the end of the line when Border Patrol agents appeared with rifles. He turned and a BP German shepherd attacked him from behind, biting his back and knocking him down the hill. He severely bruised his head and leg and lost his two front teeth. Five agents then held him spread-eagle and face down on the ground, and forced him to remain this way for about three hours, with the dog guarding him. It was extremely cold and he was severely injured. At approximately 4 a.m., the agents took him to a station in the desert, where he was locked up for two days in a very cold room. Despite repeated requests, he was not allowed to receive medical attention. He was given only two packets of crackers to eat. Agents left Jesus' backpack, with his money, wallet and identification papers, where he fell in the desert. He was fingerprinted and asked if he wanted to see a judge. He said "yes," but his request was not granted. Without signing any document, Jesus was summarily repatriated to Nogales at 1 p.m. on March 15.

40. March 17, 2010, Alejandro, 32, from Ojos Negros, Guerrero, Mexico. He stated that the Border Patrol arrested him in the desert with his wife after they had walked for an entire night. They were separated because there was an arrest warrant

against her for traffic violations. She resided for three years in Fresno, Calif., where she has a sister. Alejandro has a sister in Phoenix, Ariz. In the Tucson detention center, Alejandro did not get enough water or food, he said. The cell was overcrowded and detainees could only stand. He was profoundly distressed because he was not informed where his wife had been taken. After two days in custody, he was repatriated March 16 through the DeConcini Port of Entry. No More Deaths volunteers found out his wife was being held in the CCA Central Arizona Detention Center and would go in front of a judge in the next 24 hours. He stated that he would not leave Nogales until he was reunited with her.

41. March 17, 2010, anonymous man, 20, from Tabasco, Mexico. The interviewee stated that his entire family lives in the U.S., where he also resided for three years before being deported. He was eager to be reunited with his family, so he paid a coyote to help him cross the border. He, a friend and a few other migrants hid under the flooring of a van. When the Border Patrol chased the vehicle in Tucson, the driver accelerated into high speed. The van rolled over and the interviewee was ejected and landed on his back. The coyote escaped. While the interviewee was lying on the ground with severe pains in his back, one of the BP agents threatened him with a gun. He did not receive any medical care at the Tucson detention center, nor enough water or food, he said. The cell was overcrowded and the detainees had to stand. The temperature was exceedingly cold and he did not have access to a bed or toilet. After two days in custody, he was repatriated March 16 through the DeConcini Port of Entry.

42. March 17, 2010, with Miguel, 41, from Tapachula, Chiapas. He stated that he and his companion joined other migrants from Chiapas and began walking at 7 p.m. Miguel said, "I was very tired, dehydrated [...] My legs hurt, but I wasn't hungry, just thirsty." Miguel lost his footing in a stream and fell; he asked the guide to stop so he could catch his breath and was refused. Shortly thereafter, he collapsed from exhaustion. He tried to continue, but stopped under a tree and let the group go on without him around 1 a.m. In the morning he continued walking and joined another person who had been left behind. Shortly before noon, they spotted a Border Patrol agent and decided to turn themselves in. They were taken to a local station, and then to the detention center in Tucson, where they stayed for 24 hours. The center was very overcrowded with 300 men in a cell the size of a large room. They were packed like sardines and had to stand up. The cell was filthy and some of the four or five bathrooms were broken, he said. The air conditioning was on high, so it was very cold at night. The only food provided was cheese crackers and small juice boxes. Finally, he was repatriated to Nogales. Miguel wondered if the Border Patrol waited until the migrants were "sleeping, tired, with blisters, and can't run" before they tried to apprehend them, he said. "There

should be an agreement between the U.S. and Mexico and Central America to give us a permit so that we could go to work in the U.S., Miguel said. "There are so many of us who need to work there, not because we want luxury, just for the security of ourselves and our families." He stated that he has a 19-year-old daughter in Los Angeles and many relatives in other parts of the U.S. "If we're here, it's because the situation in our homes is very sad," Miguel said. "A salary in Tapachula is very low: 700 pesos a week. I often had to work overtime for no extra pay."

43. March 17, 2010, Marcos, man, 39, from Guerrero, Mexico. He stated that he lived in Atlanta, Ga., from 2001 to 2009, where he worked in a restaurant. "I was progressing," he said. "In Mexico there is no work. You have to emigrate to progress, to sustain your family." Marcos returned to Mexico to see his wife and three children, ages 18, 13, and 8. In 2001, he had been caught crossing the border, he said. He tried in October 2009; three armed men attacked his group of 12 on the Mexican side of the border and threatened to kill them. The men demanded money to let the migrants pass and they paid them. At night, the Border Patrol found the group and arrested them. "They treat you badly, even though they're Chicanos, gringos," Marcos said. "Párate, pinche cabrón mexicano! (Stop you fucking Mexican bastard!" they shouted. He was deported through Calexico and Mexicali and returned to Guerrero. In March 2010, Marcos tried again. His group walked for four days and nights in cold weather. Near Interstate 19, they believe someone saw them and called the Border Patrol, he said. Agents took his group of 14 men and one woman to jail in Tucson, where they spent two days with a lot of other Mexican prisoners. The only food they got was cheese crackers, juice boxes, Burger King hamburgers and a jug of water. The center was very dirty and very cold, with 50 people in a small room. Marcos was deported March 16 to Nogales and has asked Grupo Beta for help to return to Guerrero. "As a human being, as a Mexican, I just want to work and return," Marcos said. "I don't want a green card, just a work permit. In Guerrero there is agriculture, and commerce, but it's very hard to start a business. I missed my children's childhood because I knew this would happen; it would be so hard to get back."

44. March 18, 2010, anonymous man, 19, from Mexico City. He left Mexico on March 15 with his wife. He stated that they had lived Tucson for five years. They tried to return to Arizona and had spent two nights in the desert when Border Patrol captured them and took them to a prison near Nogales. It was very cold in the detention center. Agents took their jackets and left them with only T-shirts. The detainees received only a cheese cracker to eat. When they asked to see a lawyer, they were told they had no right. The interviewee was taken away and his wife kept there because of an outstanding traffic ticket, he said. Later, he was told she was sent to Florence and given 65 days in jail, but has no way to contact her. He arrived March 17 in Nogales.

45. March 18, 2010, with Gonzalo, 20, from Chiapas, Mexico. He stated that he was traveling with four adults and two minors who were all related. In detention, agents ordered them to take off all their clothes except T-shirts and pants. Then they threw away the rest of the clothes and turned the air-conditioning on high so it was extremely cold. The migrants received insufficient water and no food, although they asked for it. Some people wanted to go to the bathroom and were not allowed. The processing center was overcrowded, with 30 people in a cell so that they were all “on top of each other,” Gonzalo said. The next day, they were loaded onto a bus with adults in front and minors in the back. If they tried to talk with each other, agents yelled at them. The adults were deported to Nogales on March 15 and were separated from their underage cousins. Mexican officials told them the minors were going to the DIF shelter, but did not explain that only a parent or older sibling could retrieve them, not cousins. The cousins worried that it would be extremely difficult for the parents to travel from Chiapas to retrieve the youth because they have no money. They spent what they had to sponsor their children’s attempt to cross.

46. March 18, 2010, Julio, 27, from Guatemala. He stated that his father and a cousin live in Santa Monica, Calif., where he also lived for 10 years before being deported by ICE. When Julio tried to return, six Border Patrol agents, including some on motorcycles and horses, surrounded his group of 10 migrants. Everyone ran in different directions. An agent threw him onto the ground on his face and hit him on the side with the butt of a gun. Agents also yelled insulting names at them. In the Tucson processing center, Julio asked to see a doctor but was repeatedly denied. Agents confiscated and threw out any food the migrants had in their bags. Over the course of three days, they got only small packets of crackers. Agents took everyone’s clothes except a T-shirt and pants and then turned the air conditioning up high so it was very cold. Julio says his stomach is always in pain now from going so long without eating. His belongings were confiscated and not returned, including his birth certificate and \$100 in U.S. currency. He was deported through the DeConcini Port of Entry at 6 p.m. March 7.

47. March 18, 2010, with Manuel Bautista, 45, from Puebla, Mexico. Manuel was traveling with his 18-year old nephew, both from the state of Puebla. They stated they had walked for two days and two nights without food before Border Patrol agents caught them. While in custody for a day in Casa Grande, they requested water but received no clean water. Agents told them to drink from a tap that was obviously dirty and not meant for people. They were not fed more than a small package of crackers each while in detention. The processing center was kept very cold and the agents insulted them. They were not informed of their rights and they were pressured to sign documents in English they could not understand so they could be released. They were deported March 14 to Nogales.

48. March 18, 2010 with Ricardo, 33, from Michoacán, Mexico. Ricardo stated that he had lived in California from 1996 to 2010 with his wife and two U.S-born children. He returned to Mexico because his mother’s leg was to be amputated. While there, Ricardo was taken hostage by the Zeta cartel, which beat and abused him for 15 days. After his brother helped pay the \$800 ransom, Ricardo sought entry into the U.S. He spent five days in the desert, suffering from dehydration and exhaustion, and then surrendered to Border Patrol agents. He told agents in Tucson that he was seeking asylum in the United States. He said that if he returned to Mexico, the Zetas would kill him and he needed to return to his family in California. The agent responded, “If you do not return to Mexico and they don’t kill you there, we’re going to kill you here,” and “The illegals here don’t have any rights. Here you are nothing.” After Ricardo’s request for asylum was denied, agents took him to Tucson, where he was held for six days. Five agents coerced him to sign deportation papers. He was cuffed on his knees and physically abused until he finally signed the papers. He was deported to Nogales without any of his personal belongings, identification, or money.

49. March 18, 2010, Josue, 22, from Tabasco, Mexico. Josue stated that he was working as a coyote, picking up people, and was caught by Border Patrol agents after a three-hour chase. He was then detained for 13 months and sent to New Mexico. While in custody, Josue received insufficient food and water, and medical attention was denied. The facility was filthy and filled with a lot of people. Josue was subjected to both verbal and physical violence, and guards threatened him with a 20-year sentence. Josue was never informed of his rights and did not have access to a lawyer. After being deported, Josue had no form of documentation, money or identification. He was told if he attempted to cross the border again, he could get a life sentence.

50. March 18, 2010, with Jairo, man, from Guanajuato. He stated that he has two daughters, both U.S. citizens, 10 and 7 years old. He was stopped for running a stop sign in Oregon and was transferred multiple times before being deported. Attempting to return to the U.S., he crossed the border near Sasabe and walked four days in the desert before Border Patrol agents apprehended him and his group. Agents tied two men to each other with heavy black rope and forced them to walk quickly through difficult terrain. An agent pushed some of the men. One agent said, “If I wanted to disappear you, I could do that right now, no matter what,” Jairo recalled. The men were told to sit in the dirt to wait for other apprehensions. When they complained about the tight wrist ropes, one agent told them to burn them off and gave a man a lit cigarette. The man tried to burn the rope with the cigarette, but failed. The agent then cut off the ropes with a knife. They were taken to the Ajo Station and put with 69 people in a cell with a capacity of 19. It

was very hot. When several detainees asked agents to turn off the heat, they pointed to a locked thermostat. When they complained of severe hunger, an agent said they were “not at home” and “I don’t give a fuck.” After nearly a day in Ajo, Jairo was deported to Nogales on March 16.

51. March 18, 2010, Amaya, 22, from Michoacan, Mexico. She stated that she was traveling with her father and husband when they were apprehended and she was separated from both of them in Tucson. She was given nothing but a Burger King hamburger and a small juice for an entire day. The detention center officers screamed at them to stand up when they were being moved to a new holding cell. It was very cold in the cell, she said, with no beds or bedding. There were 52 people in a cell that would comfortably fit 20 or 25. None of the information Amaya was given was in Spanish and she didn’t understand the document she signed. She was deported to Nogales at 9 a.m.

52. March 18, 2010, with Cristian, 17, from Chihuahua, Mexico. He stated that he was traveling with his 26-year-old brother when the Border Patrol apprehended them. They spent three days in detention in Tucson and were fed nothing but a Burger King hamburger, a few cookies, and a juice box once each day. He said he was very hungry.

53. March 18, 2010, with Ricardo, 30, from Mexico City, Mexico. Ricardo was deported on March 14. He stated that the Border Patrol agent who apprehended his group was very aggressive, “muy machado,” and continually made racist remarks, such as “fucking Mexicans.” The agent pushed one of the migrants against the wall of the holding cell while he was still in handcuffs and the man cut his elbow. Another Border Patrol agent had to tell the first agent to be “más tranquilo” (calmer).

54. March 18, 2010, with Jaime, 34, from Veracruz. He has two children in North Carolina, age 5 and 7, both U.S. citizens. Jaime crossed into the U.S. near Sasabe on Jan. 29, 2010. A Border Patrol agent scattered the group and he walked for five days before being apprehended. He was transferred numerous times and tried to keep track of his belongings, including his birth certificate, driver’s license, bank statements and approximately \$70 in cash. When officers couldn’t locate his papers, Jaime was told that “this is hard to keep track of and a lot of times it ends up in the trash.” In Tucson, he spent a night with 60 people in a cell designed for 35 or 40 people. It was very cold inside and there was no bedding. He was transferred to an ICE detention center for 45 days, but he was told he needed to pick up his belongings within 30 days. When they didn’t have Jaime’s papers, he was told it was his responsibility. Before entering the prison, he was made to take off all of his clothes in front of the other migrants and guards. He said he was very embarrassed. Jaime was paid one dollar a day for about three hours of work in the prison kitchen. If you live in the U.S. without papers,

“every day you have to pray to God to make it,” Jaime said. “It’s a lot of pressure.”

55. March 18, 2010, Ivan, from Mexico City, Mexico. He stated that about a year earlier, he crossed from Tijuana. A Border Patrol agent chased him in the desert and when he caught him, the agent pressed his pistol to Ivan’s forehead so hard that he bled. Armando crossed again successfully a few weeks later. In Georgia last year, when he was pulled over for speeding, he admitted to the police officer that he didn’t have papers. The officer cracked his license in half and told him he was going to ICE.

56. April 5, 2010, with Pedro. He stated that he lived in New York for eight years and went to Mexico to visit a family member who was sick. When he tried to return to the U.S., Pedro walked for seven days in the desert. His group ran out of food during the last three days. He was apprehended on April 1 and taken into custody in Casa Grande. He requested medical help for pain in his eye, ear and molar, but did not receive it. All of his clothes except for a t-shirt and pants were taken from him and not returned. He received only a packet of crackers, a small container of juice, and a small frozen hamburger over the course of 24 hours. Border Patrol agents used racist language toward detainees.

57. April 5, 2010, Raul. He stated that he lived in the United States for 13 years, including nine years in California. His three minor children were still in California, staying with a sister. After crossing the border, Raul was apprehended March 28 by the Border Patrol and held for seven days in a CCA detention center in Florence. He went through proceedings for Operation Streamline. During the first 12 hours in custody, he received no food. After that, he was given small frozen hamburgers and crackers. Agents used racist words with the detainees and Raul named one agent, Hernandez, as particularly abusive. He reported that while in custody he asked for medical assistance for severe pain in his head. He was told, “You’ve been walking in the desert. You can deal with it.”

58. April 15, 2010, two anonymous men from Mexico. The first man reported that when he was apprehended in the desert at about 6 p.m. on April 13, Border Patrol agents burned his belongings in front of him. “This is trash,” they said. The interviewees said the detention center in Nogales, Ariz., was extremely cold. They were held for two days without receiving meals, only crackers. The second man reported that agents told them, “We’re going to kill you.”

59. April 15, 2010, anonymous man from Mexico. He was apprehended on his first time crossing the border and sentenced to one month at a CCA facility. He reported that he was forced to sign papers in English that he did not understand.

60. April 15, 2010, Eduardo, from Oaxaca, Mexico. He reported that he was apprehended in the desert in October and held for six months in Holbrook, Ariz., after going through Operation Streamline in Tucson. The cells were extremely cold with no blankets. Border Patrol told him: "Shut your mouth, "You're trash," and "You should speak English in my country," he said.

61. April 15, 2010, with Angélica from Mexico. Angélica has a son in Oregon. When the Border Patrol apprehended her group, agents handcuffed them to one another and made them walk in a line for 20 minutes in the dark. She fell because it was difficult to walk and agents pushed her. While she was in custody in Yuma on March 14, agents threw away all of her possessions, including medicine. Border Patrol agents kicked Angélica in the stomach and denied her medical attention. When No More Deaths volunteers met her on April 15, she reported persisting pain in her abdomen.

62. April 15, 2010, anonymous man from Mexico. He reported that while in custody in Tucson, he witnessed someone beaten by two agents with the names Riones and Chavez. Guards threw food at them and called them dogs. He was in custody from April 12-15.

63. April 24, 2010, Hernando, from Mexico. He stated that he had lived in El Paso for eight years and in Chicago for 13 years, where he has a 10-year-old daughter. While trying to return to the U.S., Hernando was apprehended while walking in the desert at about 4 a.m. on April 20. He was held in Casa Grande until about 9 p.m. April 22. In custody, agents dealing with him, in particular one with the last name Currillo, were abusive, racist, and rude, Hernando reported. At one point, he attempted to intervene on behalf of other detainees because the guards were throwing food at them. When he told Agent Currillo this behavior was inappropriate, Currillo ordered other guards to handcuff Hernando and move him into solitary confinement. He was held alone in a room for 10 hours with handcuffs on and no shoes in extremely cold temperatures.

64. April 24, 2010, with Diego, 21, from Oaxaca, Mexico. He stated that he tried to cross into the United States for the first time to join his parents and siblings. When he was apprehended in the desert, an agent asked Diego how many were in his group. When he said, "It's just us," the guard struck him in the face with a flashlight. In the Border Patrol vehicle, agents mocked him. He never received medical treatment for injuries sustained in the assault or for wounds on his feet. At no point while he was in custody was he told where he was being taken or held. Diego described the site where he was detained as a small center in the desert. Women and minors were held inside, but the men were held in a pen outside in extremely cold temperatures with no blankets. After a day and half, he was deported to Nogales.

65. May 13, 2010, anonymous man from Mexico. He stated that he had lived in Texas for two years. After crossing the U.S. border, he was apprehended in the desert. Border Patrol agents told him if he signed a voluntary deportation order, he would be released in two days. The interviewee was taken into custody in Tucson and held for 15 more days. When he asked why, he was told he would be held for an additional eight days on top of that. Many people were held there for one or two months, he said. He was deported to Nogales on April 22.

66. May 18, 2010, anonymous man from Mexico. He stated that he had lived in Wisconsin for 14 years and Texas for one year, and has family in the U.S. The interviewee and his group were apprehended by Border Patrol agents. Many people asked for water and did not receive it. Some were wounded and did not receive medical care. They were told neither where they were being taken nor where they were being held in custody. The agents used curse words and racial epithets and told the detainees, "You are illegal, you don't have rights."

67. June 14, 2010, with Gerardo, 47, from Nayarit, Mexico. His feet were severely blistered and were being treated by a volunteer EMT during the interview. He stated that he was detained for two days at a Border Patrol detention center near Why, Ariz., after walking through the desert for three days. At the detention center, agents went through Gerardo's belongings and those of others and threw away identification, cell phones and lists of phone numbers. He was able to rescue his cell phone from the trash can and had it in his possession during the interview. Gerardo requested medical treatment for his feet, but was only told "Later." and never received any care. Migracorrídos, songs telling morbid tales of death in the desert, were played over the loudspeakers 24 hours a day at high volume, he said. Every two hours, guards would come in shouting at the detainees and require them to line up for inspection. These measures prevented the detainees from sleeping and Gerardo regarded them as forms of psychological torture. He reported standard conditions that included inadequate food, overcrowding and excessive cold.

68. June 17, 2010, anonymous couple from Mexico City, Mexico. They had been held in Border Patrol custody in Tucson. The man and woman stated that they witnessed the following event June 13 in the center: A young man was near the women's cell, speaking with his wife. A Border Patrol agent shouted at the man in English, which the man did not understand, so didn't move. Three agents then grabbed the man. One held him, another grabbed his arms and a third kicked and beat him. The interviewees also reported that the center was extremely cold and guards refused to give blankets to the detainees.

69. June 28, 2010, with Alejandro. He was apprehended by the Border Patrol while crossing the desert and held in a large



cell with other detainees. A guard ordered them in English to move into another room and take the blankets off the beds so they could be cleaned. Some people didn't respond because they didn't understand English. One guard got upset at the lack of response and began yelling at them. When Alejandro asked the guard to speak in Spanish so they could understand, the guard yelled at Alejandro, grabbed his arm, and twisted it behind his back. The guard handcuffed Alejandro and threw him in a cell by himself on his face, so that he had to turn his head to breathe. When Alejandro was in court, he told the judge he had been abused by Border Patrol in detention and wanted to make a complaint. The judge told him to make the complaint to ICE officials, but those officials refused to listen. When he asked to call a lawyer, his request was denied and he was moved to a detention facility in San Diego. After this point, he was denied phone calls to his family. He asked for medical attention for his arm, which was swollen to twice its normal size, and his shoulder, which was dislocated, but never received it. At the time of the interview, Alejandro's shoulder appeared to be dislocated.

70. June 29, 2010, five anonymous men from Veracruz and Jalapa, Mexico. At least two of the men had lived in the U.S. Border Patrol agents took the men into custody near Sells, Ariz., about 2 a.m. June 27. They stated that one agent on a 4x4 drove very close to a Guatemalan man and knocked him down, causing him to hit his head. Agents hit one man in the head with a flashlight and hit another man on his backpack. In custody, conditions were crowded, with everyone sleeping in a bathroom and using the same toilet. Two men said they didn't use the bathroom for two days. They didn't ask for medical help for fear of being insulted. They heard insults such as "stinky" and "pinches Mexicanos" (fucking Mexicans). Migracorrídos, songs about migrants dying in the desert, were played for hours, which one man described as "traumatizing." The men were held for two days before they went to Operation Streamline court. Two cousins, ages 17 and 20, were reported to have been flown back to Veracruz.

71. July 1, 2010, anonymous man. He was held in custody in Tucson for three days before being repatriated to Nogales, Sonora on June 30. His wife and her family are still in the U.S. The interviewee reports he was handcuffed so tightly that the cuffs left marks on his skin. While in detention, guards did not let him rest, but made him constantly walk in and out, stand up and sit down. The guards made lots of noise by banging on the walls with a bar. Temperatures were kept at extremely cold levels and one blanket was given for a room full of people. The interviewee reports that a psychologist asked if he had piercings or tattoos.

72. July 27, 2010, with Silvano. When he was apprehended in the desert, Silvano and others in his group asked for water, but agents refused to provide it, saying it was "lunch hour." When

the migrants protested, the guards became angry and verbally abused them. When he was released, Silvano asked for his belongings. He was told: "You choose: leave now or you can stay for two weeks and we'll give you your things back." He chose to leave the facility, but he is now afraid to leave Nogales because he doesn't have identification or any way of contacting his family.

73. July 28, 2010, Mario. He stated that he lived in New York with his wife and three small children and worked at a pizza parlor and a sandwich shop. After getting in a bar fight, he was arrested and deported. He crossed the border again and was apprehended by Border Patrol agents. When Mario attempted to evade the agents, one yelled, "Stop, pendejo!" The agent cursed at him and hit him in the back, causing him to fall to the ground. Mario was held in ICE detention for 90 days before he was deported.

74. July 29, 2010, Fernando. He stated that Border Patrol agents apprehended him after walking across the U.S. border. Fernando tried to run away and agents hit him to get him to stop. The blows caused him to fall, and then one agent stomped on his back and cursed at him. During his incarceration, Fernando's cell phone was confiscated and not returned to him.

75. September 14, 2010, Pedro, 47, from Michoacan, Mexico. Pedro had come to the U.S. at age 14 and lived in the country for over 30 years before being deported from Chicago. He has two citizen children and a wife in Chicago. He crossed the border on July 1, 2010 and was apprehended with his group near the Border Patrol checkpoint on I-19 by Amado, Ariz., at about 10 a.m.. The agent removed their backpacks and took their property and called for backup. Four other agents came. One of the agents kicked Pedro so that he fell onto his back on the ground. The agent stepped on his face forcefully. The agent then pulled his shoulder back and repeatedly hit his elbow against a rock. He believes that his elbow has been fractured or hurt in some way, and that his lower spine was also damaged from the aggressive treatment. There was a CBP helicopter above, close enough to see what was happening, and he heard one agent say to the rest that this was not necessary and the helicopter is watching them. He wonders if someone in the helicopter may have caught the event on camera. Pedro was then taken to a Border Patrol detention center (location unknown) where he refused to sign a voluntary departure because he wanted to file a complaint against the agent who abused him. After he filed his complaint Pedro was transferred to the Florence Detention Center. He was held for a total of 64 days and for the entire time requested medical care and X-rays for his injured arm and back. He reports that only during the fifth week of detention did he finally get medical care and X-rays were taken. For the remaining weeks Pedro continued to request to see his X-ray results and was never allowed to. He submitted three written requests and he twice met personally with a case manager named Romero

who works at Florence Detention Center and asked to see the X-rays. He began to despair and felt that nothing would come of remaining in detention to fight his case, and so he agreed to sign a voluntary departure form and was deported through the Nogales Port of Entry on September 4 between noon and 1 pm. Pedro also reported insufficient access to water and food while in the Border Patrol detention facility, and vehicles being intentionally kept at hot temperatures while transporting them during the summer. Pedro made five attempts (three written, two verbally with a "case manager") to access his X-ray results in Florence. He would like investigators to request copies of these X-rays to determine if there is physical evidence of the harm done to him by the Border Patrol agent.

76. Sept. 30, 2010, anonymous woman, 24, from Morelos, Mexico. She stated that she had lived for several years in Smithfield, Minn., with her U.S. citizen daughter, now 4. The little girl is autistic and has a seizure disorder. Her mother had taken her back to southern Mexico, thinking the weather there would prevent so many upper respiratory illnesses. But she could not pay the 1,360 pesos per month for medication, since the little girl is not a Mexican citizen. So she crossed the border to seek work to help her daughter. The interviewee crossed near Sasabe and was picked up by Border Patrol agents about 3 a.m. on Sept. 27. In custody, she received sufficient water but was fed only hamburgers twice each day, at 7 a.m. and at 6 p.m., and one packet of crackers. She was chained at the wrists, waist, and feet and put through Operation Streamline. They "treated us like criminals," she said. Officials did a body search that was humiliating and people were made to sit down while chained in positions they were not used to. When they entered the cell, they found it dirty with trash, including used toilet tissue on the floor. Border Patrol agents accused them of trashing the cell and called them "co-chinas" (filthy). One person asked for medical treatment and was told, "When we want to." Eventually, a medical person checked her blisters and pushed hard on them, she said. She was bused to Nogales, Sonora about 8 p.m. Sept. 29.

77. Oct. 12, 2010, Liliana, from Sinaloa, Mexico. She has three U.S. citizen children in Phoenix. She stated that she attempted to cross the border with a group Oct. 6 when they were apprehended at a ranch near Sells. A man who lived near the ranch gave them water and food. When the Border Patrol arrived, agents began yelling at the group. Their dog attacked the man who had fed them and bit his wrist, making it bleed. The agents did nothing to stop the dog. When a man in the group tried to intervene, the agents beat him. Agents made the people in the group sit on the ground with their heads down. Later, while in custody in Tucson, Liliana asserted that she did not want to sign a voluntary deportation order, but she was pressured to do so. Agents told her: "You have to sign. You don't have rights here."

78. Nov. 4, 2010, with José Miguel, 54, from Sinaloa, Mexico. He lived for 35 years in Los Angeles, working at the downtown swap meet. He had a wife and five U.S. citizen children. José returned to Sinaloa to see his sick mother. On his way back, he was apprehended by a Border Patrol agent in the desert. The agent put him in the patrol truck and drove recklessly, causing the vehicle to flip over into a ditch. Two women riding with José were injured and one was bleeding from the head. José suffered a serious back injury and fainted after the accident. He was taken to the hospital in Douglas where he spent two nights. José refused to sign deportation papers. Agents yelled threats at him and held him for 24 hours without food or water. They told him if he signed the papers, he could see a doctor again and get pain medication. In the end, he signed the papers. José was deported Oct. 29 with a back brace and a week's worth of Oxycodone. Follow-up to initial interview: On Nov. 5, José ran out of Oxycodone. He was in a lot of pain, still wearing the brace, and had trouble walking. He died a short time later in Nogales.

79. Nov. 10, 2010, Gerardo, 33, from Veracruz, Mexico. He states he has a wife and a 12-year old son in Veracruz. After riding the train north for 10 days, Gerardo crossed the desert with a large group and got lost. He wandered in the desert for five days, most of them without food or water. He drank his own urine until it turned bloody. When he found a highway, Gerardo flagged down a vehicle. The civilian called the Border Patrol, who took him to University Medical Center in Tucson. Doctors gave him an IV and wrote him a prescription for antibiotics. Gerardo stayed six hours in the hospital before he was deported at 7 p.m. the same evening to Nogales, Sonora, without getting his prescription filled. He went to the hospital in Nogales where staff kept him overnight and gave him another IV.

80. Nov. 14, 2010, Adrian. He stated that around Feb. 22, 2010, he was detected by Border Patrol agents north of the border while traveling from Altar to Tucson. When Adrian tried to run, an agent tackled him and punched him in the head. After he was handcuffed, the agent forced him to walk and then hit him on the shoulder. Adrian lost his balance and fell on the ground, causing his face to bleed. He remembers the agent's name as something like C. Eccelceln but he is not sure. Agents also used foul language towards the detainees. Adrian was transported to a hospital near Three Points. He doesn't remember the name of the hospital, but it may have been St. Mary's. Then he was transported to the CCA facility in Florence, where he spent more than two months. There, he refused to sign the voluntary departure form because he could not read English and because his family lives in Cathedral, Calif. He also wished to make an official complaint against the BP agent who abused him. In court, the judge told him he would receive 25 to 30 years in prison if he refused to sign the voluntary departure.

Adrian asked his lawyer to help him file a complaint and believes that did happen, but he has not received any response,

he said. He requested medical records to prove the injury, but received no response. Although he refused to sign the voluntary departure, he was deported the day after submitting his complaint. His ID was not returned and he continues to have daily headaches and migraines from the incident.

81. Jan. 21 2011, Josue, 25, from Puebla, Mexico. He stated that he had lived 13 years in New York City. His wife and two children, ages 3 and 9, are U.S. citizens. He returned to Puebla last May when his mother died. To return to his family in NYC, he paid \$2,700 to a coyote and crossed the U.S. border in the desert outside of Nogales on Dec. 12, 2010. Josue was apprehended, taken to Douglas, transferred to Nogales, and then sent to Otero County, New Mexico, within four days. He was deported to Ciudad Acuña, Mexico, across the border from Del Rio, Texas. He took a bus back to Agua Prieta on Dec. 19. He crossed the border again the next day and was again apprehended. The Border Patrol agents, he claimed, were acting like despots. They swore at the migrants, yelling phrases such as, "Don't move, motherfuckers!" When Josue turned to look at an agent who was yelling, the agent pushed him down with his foot and stepped on his back. Josue was then taken to Douglas and then transferred to Tucson for court. In Tucson, he was fed "bad" food, including old hamburgers. He was sentenced to 30 days in a CCA prison in Florence. When he asked for his receipt to recover his belongings, he was called a "fucking mojado."

82. Jan. 22, 2011, Felipe, 30, from Jacaltenango, Huehuetenango, Guatemala. Felipe states that his mother died when he was seven and his father died very recently in Guatemala. When his wife got sick and his two young daughters, one just two and a half years old, developed lung infections, Felipe borrowed money to pay the doctor and had no way to pay it back. He also needs medical care for a cataract in his left eye. He decided to go north to try to find work. On Jan. 5, Felipe left his home to cross Mexico and reach the U.S. border. He crossed with a group of about 12 people with a pollero who said he would only charge them half price if they failed to make it across the border in three attempts. On Jan. 19, after walking in the desert for a day, Felipe's group was apprehended by Border Patrol at about 2 p.m. They began to run but gave up because the agents were riding motorcycles. After Felipe had stopped, he reached into his backpack to get his water. An agent knocked him down and kicked him in the back while he was on the ground. The entire group was put into detention, where they were fingerprinted. Felipe did not get a chance to talk to a lawyer or anyone about his situation. He was detained three days and nights and received only two small hamburgers and a little juice each day. He was kept in a room with about 120 people, so crowded that they couldn't all lie down to sleep. At 3 a.m. on Jan. 22, Felipe and about 70 other men were repatriated to Nogales, Sonora. He had told the police he was Mexican because it was what they were instructed to do. He says he will try to cross at least two

more times, even though he knows each time he gets caught, he's in greater danger. He worries about standing out because his native language is Jacalteco, not Spanish. "We're risking our lives to go and work—not for bad work, not for sinful work—but just to try and save our lives for the family."

83. January 26, 2011 with Alonso, 40, from Durango, Mexico. Alonso had been living in North Carolina for six years when he was wrongly arrested on charges of drug trafficking. After one month in a North Carolina prison, his charges were dropped but he was still sent to an ICE detention facility in Riverside, Calif. and then deported to Mexico. When Alonso tried to cross back into the States he was apprehended near Sasabe, Ariz., by an agent who kicked and pushed him. Alonso sustained multiple injuries, including a dislocated shoulder and cuts and bruises on his leg and back. While awaiting deportation, Alonso spent four days in a single cell that contained over 100 detainees. In the one cell there was not sufficient room to sit down, so during those four days they were all forced to stand. His requests to speak with the consulate were repeatedly denied, as were his requests for water. He signed a voluntary deportation form without understanding the content because it was written in English; now, he is prohibited from returning to the U.S. for 20 years.

84. Jan. 29, 2011, ten anonymous women at the Juan Bosco Shelter in Nogales, Sonora. They reported that they were separated from a man relative when deported (eight were separated from husbands, one from her 18-year-old son, and one from her father). Family members were not allowed to communicate before being separated by gender. All of the women had been held at the Tucson Border Patrol facility and were deported on Jan. 29. One woman, Julisa, reported that a Border Patrol officer asked if she and her husband were married and she answered "Yes." She asked if they could be deported together and the officer said "No." She began to explain, "I don't know the place we'll be deported. This is my very first time. I don't feel safe." As they were being separated Julisa tried to give her husband a phone number of a relative to call and make a plan, but the officer would not let them talk. She tried to communicate to him from the bus (the men and women were on two different buses and she could see him through the window) to call her uncle, but she doesn't think he understood. Julisa does not know if he was deported somewhere else or if he remains in detention. Additionally, all 10 women were held in a cell together and said that their coats and sweaters were taken away so that they were in short sleeves, and then the air conditioning in the detention center was turned very cold. An agent also yelled, "Fuck you" at a woman three times when she did not understand him.

85. January 29, 2011, with Imelda and two anonymous women. They were held together at the Tucson Border Patrol facility and reported witnessing a woman in their cell who was

coughing so badly that she threw up. The woman continued to throw up violently over and over. The other women in the cell called for help. An officer came over and said, "Que se muera!" (let her die) and refused to do anything. They found out that the woman has asthma and had an inhaler in her backpack when she was picked up. It was confiscated and when she asked for it back the officers refused. Imelda could see the officer's name badge who had said "Que se muera" and it appeared to be J. Donald or Donalt. Imelda and the other women also said that there were eight women in their cell and the only food they received in 24 hours were three burritos, which an agent threw onto the ground. They hit the floor, opened, and the beans flew all over the floor. When they asked for more food, a Border Patrol agent told them, "No es una fiesta!" (This is not a party). Additionally, while they were being processed before moving to the cells Imelda witnessed a man thrown against the wall by an agent. The man hit his face against the wall, and spit out a tooth that was broken. Imelda reports that a supervisor was passing by and the man yelled for help but the supervisor ignored him. Imelda and the others were deported on January 29 through Nogales, Sonora.

86. January 29, 2011 with anonymous woman. She was staying at the Juan Bosco shelter after being deported through Nogales. She reported that her 18-year-old son was still being detained and may have been processed through Operation Streamline and moved from Tucson Border Patrol custody to a detention center in Florence. She was concerned because he is a severe asthmatic and the Border Patrol confiscated his inhaler; his asthma is serious enough that if he had an attack without access to his inhaler, it could be lethal.

87. September 14 2010 with Pablo Gilberto Melendez man, 47, from Michoacán, Mexico. Pablo had lived in the U.S. for over 30 years and has a wife and two citizen children in Chicago. He was crossing the border on July 1, near the Border Patrol checkpoint on I-19 when a Border Patrol agent discovered him and his group. The agent removed their backpacks and took their property. Four other agents came and one of the agents kicked him so that he fell onto his back on the ground. The agent stepped on his face forcefully. The agent then pulled his shoulder back and repeatedly hit his elbow against a rock. He believes that his elbow has been fractured, and that his lower spine was also damaged. He was brought to a Border Patrol detention center where he requested to file a case against the agent who abused him. At this time he was transferred to a prison in Florence because he refused to sign a voluntary departure until his complaint was heard. He was held for a total of 64 days and for the entire time requested medical care and X-rays for his injured arm and back to be used as evidence against the agent that abused him. He reports that he did not get medical care or X-rays until his 5th week in detention. His constant requests to see the X-ray results were denied, including three written

requests. He began to despair and felt that nothing would come of remaining in detention to fight his case, and so he agreed to sign the voluntary departure form. He was deported to Nogales on September 4 and was not clear on whether a physical abuse complaint in his name was ever officially filed before reporting this case to No More Deaths.

88. Jan. 30, 2011, Rodolfo, from Chiapas, Mexico. Border Patrol apprehended him while he was crossing through the desert. He was detained for one week. In the center Rodolfo experienced verbal abuse from the guards who made racist and other derogatory remarks towards him. In addition, the room where he was held was very cold and he was denied phone access.

89. Feb. 2, 2011, anonymous man, 18, from Puebla, Mexico. He had been crossing the desert near Sasabe with his wife in a group of about 40 people. Everyone was caught when the Border Patrol saw them, except for the guide and one other person who escaped. This was the second time he had tried to cross, and this time he was detained for about a week. The detention center, which he thinks was in Tucson, had about 350 people crowded together, and he remembers going before a judge. During detention, the guards called them names or shouted things, like "pinche Mexicanos" ("fucking Mexicans") and other insults. They were only given small sandwiches or hamburgers and a small amount of juice. He was deported Feb. 1 to Nogales at 7 p.m., without his 19-year-old wife, who he had been told would be released at the same time. He contacted the consulate, and they called about his wife, but the records stated that she had already been sent from the center to Nogales. As of the time of the interview, he hadn't heard from her and did not know if she had been released or how to get in contact with her.

90. Feb. 17, 2011, with Gabriel, 31, from Chihuahua, Mexico. Gabriel states that he was apprehended after being lost in the desert for several days. He had become ill, he believes, from drinking dirty water from a cattle tank in the desert, which he filtered through his shirt. Gabriel said that after he had been in custody for two or three days, suffering from a fever and body aches, another migrant was forced to sit on his legs due to overcrowding in his cell. He says he stood up and reported the overcrowding to the Border Patrol agent who was present, saying that he "didn't want problems or punishment," only medication and somewhere to sit. That agent went to get the 3rd shift supervisor, and told him that Gabriel was causing problems. The supervisor asked who was causing problems and Gabriel identified himself and explained the situation, requested pain medication and said, "We are people, not dogs." The supervisor grabbed Gabriel by the shirt in front of the throat, threw him against a door, handcuffed him behind the back and took him out into the hallway. Gabriel was then put outside in a corner, with his hands cuffed behind his back for 2-3 hours. While he was in this position, the supervisor hit him in the head and the

leg. The supervisor told Gabriel that he could lock him up if he wanted, could punch him in the face and knock out his teeth if he wanted because it was “his jail” and Gabriel was “there for pleasure.” After 2-3 hours, the supervisor came back and told Gabriel that he “needed to apologize and ask forgiveness” for “disrespecting an officer.” Gabriel said that he asked for forgiveness, and the supervisor stated, “You saved yourself, I could have thrown you on the floor and then you’d have lost two teeth.” Gabriel was then returned to the cell.

91. Feb. 24, 2011, Carlos, 23, from Puerto Vallarta, Jalisco, Mexico. Carlos reported having been lost for two days in the desert when a Border Patrol helicopter passed overhead and called to ground units. Carlos and two traveling companions were picked up in a patrol truck. In the process of the arrest, Carlos was handcuffed with his hands behind his back. He knelt on the ground, where he says he was hit in the neck (at the base of his skull) and kned in the back of the neck. He states that he was ridiculed for being Mexican, as the Border Patrol officers called them “pinche Mexicanos” and said to him, “Yo no se porque vienen a nuestro pais, les gusta la vida facil pero no lo encontraron (“I don’t know why you come to our country; you like the easy life but haven’t found it”).

92. March 8, 2011, anonymous couple (man and woman) from Chiapas, Mexico. Their families migrated originally from Guatemala but both have Mexican citizenship. They have a six-year-old daughter at home. The wife’s sister lives in Seattle, Wash. and is married to a permanent resident. The husband had spent five years working in the U.S. including Fort Myers, Fla., Atlanta, Ga., and Illinois doing landscaping and restaurant work. The husband’s brother lives in Miami, Fla. The husband had crossed into the U.S. two prior times without problems. This time, however, they walked for eight hours and then ran into the “mafia,” so they returned. Then they attempted to cross again and were walking two nights in Sonora, three nights to the border, and then five hours walking on the United States side before they were caught at midnight. They were with a group and attempted to run away from Border Patrol and some got away, but five got caught. Border Patrol threw the woman on the ground when they caught her. They hit the man over the head with a flashlight. A woman Border Patrol agent said to the wife “¿ A donde va, puta?” (Where are you going, bitch?). The husband asked them not to hurt his wife and a man Border Patrol agent said, “He is saying shit.” The agents emptied all of the food in their backpacks onto the floor. Some members of their party were handcuffed. When the couple arrived in detention they were separated. They were in detention for two days. While there, the husband was in a room with so many others that there was only space to stand. He was fed a hamburger, crackers and juice, and he received water every six hours. After two days, both were able to leave together, at the husband’s request. Their belongings were taken when they were brought

to detention; however, when they went to leave, they only were able to find the husband’s belongings. The couple let one bus pass while they waited for her backpack to be located but had to get on the next bus or they would have been stuck overnight. Her backpack contained her clothes, photos, identification, and a birth certificate.

93. March 8, 2011, two anonymous women, 20 and 25, from Oaxaca, Mexico. They had been detained with their 17-year-old cousin in the Arizona desert and spent two nights in detention. All of the food and clothing they were carrying with them was taken. They could not sleep in the detention center because it was too crowded. They were in Nogales attempting to get their 17-year-old cousin out of the DIF shelter for minors and were calling their family members to try to get her documentation. They had already spent three nights in a shelter and were worried about where to stay until they could get their cousin out. The women did not want to leave her in Nogales alone.

94. March 9, 2011, with Guadalupe and Marco Antonio, from Guadalajara, Mexico, whose four children were left with their grandmother. At the time of the interview, the couple had recently been reunited after being separated immediately after their apprehension. Border Patrol agents left all their belongings in the desert, only allowing them to keep their clothes. The wife was sent to Nogales. While there, she saw a woman’s request to speak with her consulate denied. The husband, Marco Antonio, was sent to Tucson and then California before being repatriated to Mexicali. In Tucson, Marco Antonio was put in an overcrowded, standing room only cell where people had to sit on top of the bathroom stalls. When new detainees arrived, Border Patrol agents would push the men to the back of the already overcrowded cell to make more room. Marco Antonio said that he saw one man faint from the crowded conditions. The guards dragged the man out and laid him on a bench outside the cell. When the man woke up the guard put him back in the cell without providing any medical care, though it was requested. The husband became sick while in custody and believed he had caught the flu, since he had a fever. He asked the guards for medicine and was denied. The only place to lie down to sleep was in one of only three bathroom stalls which had no door and offered no privacy. Marco Antonio asked for information about his wife and one guard told him that it could be found, but another guard yelled at him for continuing to ask. He was afraid to continue asking because it was known that as punishment, the guards would place detainees in a room with the air conditioning on high.

95. March 10, 2011, Gerardo, 40, from Mexico City, Mexico. Gerardo is forty years old, and lived in the U.S. for almost seven years. He spent about two and a half year in Highland Park, Ill., where he worked at Highland Park High School, attended

English classes, and worked in a bagel restaurant. In 2009 Gerardo went back to Mexico to visit family in Mexico City, but then returned to the US. While in Illinois, he was deported when ICE came to the restaurant where he worked and arrested everyone without documents. Most recently, he attempted to cross back into the U.S. on March 5, near Agua Prieta when he and 11 other people went through the desert with a coyote. They left Saturday afternoon at 3pm but were caught just two hours later when a rancher saw them on his land and called Border Patrol. He spent two nights in detention and was returned to Nogales on March 7. When Border Patrol stopped him, Gerardo said he just surrendered and didn't have any problem with the agent. When in detention Gerardo said he couldn't use a phone, he was not given enough food or water, and he was not able to sleep sufficiently. Water was available in the cell but when it ran out and they asked for more, the agents were very slow to replenish it. He said he was not personally abused and he didn't see any physical abuse but there was verbal abuse by some of the officers. Officers used offensive language, yelled at people and insulted them and threatened them with more time in detention or jail. A woman with his group who had hurt her foot and needed medical attention. They eventually helped her, but not until Sunday morning, although she asked for help when they were first detained. The detention facility was very dirty and he had to sleep on the floor with no bed. There were not enough blankets for everyone. It was also very cold in detention. They could go to the bathroom when they wanted to but the toilet was in front of everyone with no privacy and a security camera above it. There were separate holding areas for men, women, and children. There was insufficient food. The meals were only served twice a day, once in the afternoon and once in late evening. They received only a very small hamburger and a small package of cookies. Before being taken on the bus, everyone had to sign something. Gerardo was not sure what it was, as it was written in English, but he knew that he could not reenter the US for 10 years. He did not know if he was required to sign the voluntary departure, and he knew that everyone else was signing. Gerardo was not told of his rights nor given access to an attorney or the consulate.

96. March 10, 2011, three anonymous women, 18, 13, and age unreported, from Oaxaca, Mexico. The women were detained for three days and were given only crackers and juice to eat during that time. Detention was crowded and cold and they were unable to sleep. When Border Patrol caught them, the 18-year-old was separated from her father. Volunteers called the consulate to find out where he was, but they had no information. The three are from Oaxaca and had no bus fare home.

97. March 11, 2011, three anonymous women (including one child, 13,) from Oaxaca, Mexico. They tried to cross on March 6. They were detained the same day and released three days later. They asserted that during detention they did not

suffer physical or verbal abuse. However, they said the detention center was crowded and they heard people yelling in other areas. They shared a small room with about 40 people. During their detention, they received one hamburger, crackers and juice. They had access to water, but were not sure if the water was potable. Nobody explained their legal situation to them, but they were expected to sign papers. One woman has two daughters in the United States who send her money. This is the third time she tried to reunite with them. Her husband was repatriated separately from her and to Chihuahua. The Border Patrol agents told them that they knew when they crossed, but they allowed them to walk a long distance to make them tired and sick. The other woman had attempted to cross for the first time. She left her 11-month-old child home in Oaxaca. She mentioned that in the group of detainees, there was a man bleeding because Border Patrol agents beat him on the head. He received no medical aid.

98. March 22, 2011, Josias, from Michoacan Mexico. Josias traveled with 12 people in the desert after leaving Belmont, Calif. to see his dying father. Josias' father passed away so he decided to head home. He walked for three days. When he was caught his feet were so blistered he couldn't walk any more. Josias was in custody for several days, requested medical attention but did not receive it. He had been treated by volunteers several times during the past few days because his feet were still bleeding.

99. April 13, 2011 with anonymous woman, 22, from Chiapas, Mexico. She stated that she, her husband, and five others were walking through the desert, north of Sasabe, Ariz.. There were three married couples in the group. All were apprehended by Border Patrol, detained in Tucson, and all married partners were separated from each other. She was detained in the women's area overnight for 12 hours. In the morning Border Patrol agents told her she was about to be deported back to Mexico. She replied that she wanted to go with her husband. The agents questioned the fact that she was married and asked to see her marriage license. She replied that she did not have it with her. The agents began laughing, ridiculing, and insulting her and said that they did not believe that she was married. Finally, they said, "Are you going to leave or not?" She was then deported to Nogales with two other members of her group. None of them received any information on the whereabouts of their spouses. After calling the Mexican Consulate, she learned that her husband was moved to a detention facility in New Mexico, but there was no information about his release. Concerning her two friends, who are with her now and were in her original group, one woman's husband was moved to Phoenix and the other, a man, is unable to locate his wife.

100. April 14, 2011, a woman from Oaxaca, a woman from Morelos, a man from Oaxaca, a woman from Mexico, and a man from Guerrero. The group reported that they had been

apprehended by Border Patrol April 11 at 11 p.m. The interviewees reported that agents called them dogs and drove over one woman's backpack with a motorcycle, saying it was her fault. They took them into custody in Tucson where they were held for five days. It was very cold, to the point that their hands were shaking. They were given only one small hamburger a day. The group witnessed one woman with bleeding feet who asked for medical attention and was denied. At no point while in custody were they allowed to contact the consulate or a lawyer.

(Endnotes)

1. Gustavo Soto, Border Patrol spokesman in the Tucson Sector, quoted in *Arizona Daily Star*, October 18, 2008.

2. Tucson Sector public affairs officer Mario Escalante, quoted in *Nogales International*, March 23, 2010.

3. Human Rights International, Human Rights Clinic Training, Psychological Assessment of Torture Survivors, Dr. John J. Toma, PhD. May 7, 2011, Tucson, Arizona

4. Women's Refugee Commission "Halfway Home" (2009); Florence Immigrant and Refugee Rights Project "Seeking Protection, Enduring Prosecution" (2009); Women's Refugee Commission "Migrant Women and Children at Risk: In Custody in Arizona" (2010); Appleseed "Children at the Border" (2011)

5. CIR ASAP Act of 2009 (H.R. 4321), Strong STANDARDS Act (S. 1550) and its companion bill (H.R. 4470), all from the 111<sup>th</sup> Congress.

6. "Torture" definition according to US Federal Law: Title 18 of the US Code as currently published by the US Government reflects the laws passed by Congress as of Feb.1, 2010, and it is this version that is published here. TITLE 18, PART I, CHAPTER 113C, § 2340

§ 2340. Definitions as used in this chapter:

(1) "torture" means an act committed by a person acting under the color of law specifically intended to inflict severe physical or mental pain or suffering (other than pain or suffering incidental to lawful sanctions) upon another person within his custody or physical control;

(2) "severe mental pain or suffering" means the prolonged mental harm caused by or resulting from—

(A) the intentional infliction or threatened infliction of severe physical pain or suffering;

(B) the administration or application, or threatened administration or application, of mind-altering substances or other procedures calculated to disrupt profoundly the senses or the personality;

(C) the threat of imminent death; or

(D) the threat that another person will imminently be subjected to death, severe physical pain or suffering, or the administration or application of mind-altering substances or other procedures calculated to disrupt profoundly the senses or personality; and

(3) "United States" means the several States of the United States, the District of Columbia, and the commonwealths, territories, and possessions of the United States.

7. PART I, Article 1 of the UN Convention Against Torture, December 10, 1984: For the purposes of this Convention, the term "torture" means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of

a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions.

8. Human Rights International, Human Rights Clinic Training, Psychological Assessment of Torture Survivors, Dr. John J. Toma, PhD. May 7, 2011, Tucson, Arizona

9. According to the *Diagnostic and Statistical Manual of Mental Disorders IV* by the American Psychiatric Association, the initial criterion for Post-Traumatic Stress Disorder is “The person has been exposed to a traumatic event in which both of the following were present:

1. the person experienced, witnessed, or was confronted with an event or events that involved actual or threatened death or serious injury, or a threat to the physical integrity of self or others

2. the person’s response involved intense fear, helplessness, or horror. Note: In children, this may be expressed instead by disorganized or agitated behavior.”

10. In an attempt to more fully document the impact(s) of deportations on people who have lived many years in the United States, in Spring 2010 No More Deaths initiated a separate documentation project using questionnaires known as the Deportation Impact Survey. Volunteers, who underwent the same training as those conducting abuse documentation interviews, asked interviewees questions about their histories in the U.S. and how their deportations have impacted their families, their communities, and their physical and psychological health. A report focused on the findings of this project is forthcoming.

11. “Arizona Recovered Remains,” *Coalición de Derechos Humanos*, Tucson, Arizona

12. “Border Deaths are Increasing,” *The Washington Post*, September 30, 2009.

13. The documentation practices of the Desert Aid Working Group differ in methodology from those of Abuse Documentation volunteers conducting interviews about Border Patrol abuse with people in Nogales and Naco. The findings represented in this section include aggregate impressions of Desert Aid volunteers.

14. “Migrant Deaths Rise on U.S.-Mexico Border,” MSNBC, April 8, 2009.

15. “Migrant Deaths Rise on U.S.-Mexico Border,” MSNBC, April 8, 2009

16. *Ibid.*

17. *International Migrant Convention*, www.UNESCO.org. Despite the fact that the majority of people who migrate (numbered at between 185 and 192 million in 2005) go to Europe, Canada, or the United States, no western “receiving” state has ratified the Convention.

18. *International Migrant Convention*, Article 10

19. *International Migrant Convention*, Article 14

20. *International Migrant Convention*, Article 15

21. *International Migrant Convention*, Article 22

22. *International Migrant Convention* Article 33; The right

to consular notification is also stipulated through Article 36 of the Vienna Convention on Consular Relations, to which the United States is a signatory. The full text of the Convention is available at: [http://untreaty.un.org/ilc/texts/instruments/.../conventions/9\\_2\\_1963.pdf](http://untreaty.un.org/ilc/texts/instruments/.../conventions/9_2_1963.pdf)

23. Hold Rooms & Short Term Custody Memorandum, Section 6.8

24. Hold Rooms & Short Term Custody Memorandum, Section 6.9

25. Hold Rooms & Short Term Custody Memorandum, Section 6.11

26. Hold Rooms & Short Term Custody Memorandum, Sections 6.10, 6.23

27. Hold Rooms & Short Term Custody Memorandum, Section 7.1.2

28. Hold Rooms & Short Term Custody Memorandum, Section 6.16

29. Hold Rooms & Short Term Custody Memorandum, Section 3.6

30. Hold Rooms & Short Term Custody Memorandum, Section 6.13

31. Hold Rooms & Short Term Custody Memorandum, Section 6.13

32. Hold Rooms & Short Term Custody Memorandum, Section 6.7.2

33. Hold Rooms & Short Term Custody Memorandum, Section 6.7.5

34. Hold Rooms & Short Term Custody Memorandum, Section 6.21

35. For a detailed analysis of the legal framework regulating the treatment of minors in short-term custody, see *Children at the Border: The Screening, Protection, and Repatriation of Unaccompanied Mexican Minors*, Appleseed (2011)

36. Hold Rooms & Short Term Custody Memorandum, Section 6.24.1

37. Hold Rooms & Short Term Custody Memorandum, Section 6.24.6, 6.24.7,

38. Hold Rooms & Short Term Custody Memorandum, Section 6.2.1

39. Hold Rooms & Short Term Custody Memorandum, Section 6.3

40. Hold Rooms & Short Term Custody Memorandum, Section 6.5.3

41. Hold Rooms & Short Term Custody Memorandum, Sections 6.19, 6.20, and 6.22

42. Hold Rooms & Short Term Custody Memorandum, Section 6.7.1, 6.7.3 and 6.7.5

43. Hold Rooms & Short Term Custody Memorandum, Sections 3.6, 6.24.12

44. Proper Treatment of Detainees Memorandum

45. Memorandum of Understanding on the Safe, Orderly, Dignified and Humane Repatriation of Mexican Nationals, Section 1.



46. Memorandum of Understanding on the Safe, Orderly, Dignified and Humane Repatriation of Mexican Nationals, Section 2
47. Memorandum of Understanding on the Safe, Orderly, Dignified and Humane Repatriation of Mexican Nationals, Section 4
48. Memorandum of Understanding on the Safe, Orderly, Dignified and Humane Repatriation of Mexican Nationals, Section 10
49. Memorandum of Understanding on the Safe, Orderly, Dignified and Humane Repatriation of Mexican Nationals, Section 11
50. Memorandum of Understanding on the Safe, Orderly, Dignified and Humane Repatriation of Mexican Nationals, Attachment 4, Section 4.3
51. Memorandum of Understanding on the Safe, Orderly, Dignified and Humane Repatriation of Mexican Nationals, Attachment 4, Section 4.3
52. While Section 10 of the repatriation agreements contains a clear definition of family; the definition of “family group,” Section 3.6 and Section 6.24.12, was redacted from Hold Rooms & Short Term Custody Memorandum
53. Lorey, D. *The U.S.-Mexican Border in the 20<sup>th</sup> Century*. Wilmington, DE: Scholarly Resources, Inc., 1999; S. Hsu, “Border Deaths Are Increasing: Rise Is Despite Fewer Crossers, U.S. and Mexican Groups Say,” *Washington Post*, September 30, 2009.
54. For a detailed analysis of the ramifications of the policies described here, see the 2009 ACLU report by Maria Jimenez, *Humanitarian Crisis: Migrant Deaths at the U.S. – Mexico Border*.
55. Nevins, J. *How High Must Operations Gatekeeper’s Death Count Go?* *Los Angeles Times*, November 19, 2000.
56. “Operation Gatekeeper: An Investigation into Allegations of Fraud & Misconduct.” Department of Justice, July 1998.
57. U.S. Government Accountability Office, “Illegal Immigration: Border-Crossing Deaths Have Doubled Since 1995; Border Patrol’s Efforts to Prevent Deaths Have Not Been Fully Evaluated,” August 2006.s
58. “Deportation 101,” Detention Watch Network, [www.DetentionWatchNetwork.org](http://www.DetentionWatchNetwork.org)
59. <http://www.womensrefugeecommission.org/press-room/1155-womens-refugee-commission-welcomes-new-handbook-on-alternatives-to-immigrant-detention->
60. “Arizona Federal Prosecutions Driven to All-time Highs,” Transactional Records Access Clearinghouse, <http://trac.syr.edu/tracreports/crim/236>
61. “Illegal Reentry Becomes Top Criminal Charge,” Transactional Records Access Clearinghouse, <http://trac.syr.edu/immigration/reports/251/>
62. For a detailed review of Operation Streamline’s enforcement logic, see *Operation Streamline: Drowning Justice and Draining Dollars Along the Rio Grande* 2010. <http://www.grassrootsleadership.org/Articles/OperationStreamline.pdf>
63. Lydgate, J. “Assembly Line Justice: A Review of Operation Streamline,” Berkeley School of Law, Warren Institute, January 2010.
64. “What Part of (the) Process Don’t You Understand? Operation Streamline Criminalizes Migrants by Denying Due Process,” Charles Vernon, 2011
65. In 2009, the Ninth Circuit Court in San Francisco ruled against the Streamline practice of trying defendants en masse—all seventy at the same time. In response to this hearing, Streamline has been reduced to groups of seven. A second appeal, filed in February 2011, failed in May.
66. “Claims of Border Program Success are Unproven,” NPR, September 13, 2010.
67. “ICE ACCESS,” Immigration and Customs Enforcement, [www.ice.gov](http://www.ice.gov), November, 2008.
68. “Secure Communities: A Fact Sheet,” Immigration Policy Center, November 4, 2010.
69. Ibid.
70. “Fact Sheet: 287(g) Agreements,” American Immigration Lawyers Association, [www.aila.org](http://www.aila.org)
71. Ibid.
72. Detention Watch Network, “The Influence of the Private Prison Industry in Immigration Detention.”
73. “Ties That Bind: Arizona Politicians and the Private Prison Industry,” *In These Times*, June 21, 2010. NPR later covered the story in “How Corporate Interests Got SB 1070 Passed,” November 9, 2010.
74. A. Borowitz, “Wackenhut Worries: a company with a sketchy record has quietly taken over deportation duties from the Border Patrol,” *Tucson Weekly*, May 3, 2007.
75. “Fallacies of High-tech Fixes for Border Security,” Tom Barry, Center for International Policy, April 2010.
76. A. Sternstein, “Auditors: DHS lacks cost justification for \$780 million spent on border network,” *Nextgov.com*, May 11, 2011.
77. [https://help.cbp.gov/app/answers/detail/a\\_id/1017/~~/cbp-border-patrol-academy](https://help.cbp.gov/app/answers/detail/a_id/1017/~~/cbp-border-patrol-academy)
78. [http://www.dhs.gov/xabout/structure/editorial\\_0371.shtm](http://www.dhs.gov/xabout/structure/editorial_0371.shtm)
79. <http://www.dhs.gov/xlibrary/assets/crcl-complaints-flowchart.pdf>
80. A Registered Nurse, at minimum.