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September 28, 2021



HRW.org

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To Whom It May Concern:

On September 24, 2021, Human Rights Watch received a Freedom of Information Act production from the US Citizenship and Immigration Services (USCIS) component of the Department of Homeland Services (DHS). The records were produced in response to a FOIA request Human Rights Watch originally filed in 2015 and were received after litigation secured a new search for records at USCIS on March 18, 2021.

Our request sought complaints filed by USCIS personnel of abuse, violations or misconduct committed by Customs and Border Protection officers.<sup>1</sup>

We are writing to determine what, if any, internal or external investigations, disciplinary actions and / or referral for criminal prosecution occurred as a result of the allegations of CBP misconduct made by USCIS personnel between January 17, 2016, and the present that were internal to DHS. The FOIA production we received includes information relating to over 100 of such complaints, subject to redactions. We are asking for comment relative to a selection of these complaints, detailed below. We have also attached to this letter the verbatim records corresponding to these brief summaries.

1. According to documents contained in the FOIA production, a USCIS officer reported receiving testimony that on April 4, 2017, a woman was apprehended by Border Patrol near Mexicali. The woman's nationality is not included in the production. A refugee officer in Washington, DC flagged the mistreatment internally. According to the Asylum Officer's record, this asylum applicant stated: "I was harmed and mistreated and beaten by a border patrolman.... I ran a bit. He said 'OK you want to run?' So after he caught me, and threw me to the ground in a very aggressive way. And he pulled me up three or four times, and kept slamming me on the ground. He grabbed me by the hair. And, when

<sup>1</sup> In particular, Human Rights Watch sought 1) the Border Patrol station or CBP port of entry in which the alleged violation or other misconduct took place; 2) Border Patrol sector in which the alleged violation or other misconduct took place; 3) Nationality of the person who the record alleges suffered as a result of the alleged violation or other misconduct; 4) Immigration status of the person who the record alleges suffered as a result of the alleged violation or other misconduct; 5) Age or date of birth of the person who the record alleges suffered as a result of the alleged violation or other misconduct; 6) Gender of the person who the record alleges suffered as a result of the alleged violation or other misconduct 7) The nature of the alleged due process violation or other misconduct, including a full description of the allegation 8) All communications between asylum officers and the Asylum Division headquarters regarding the alleged violation or other misconduct committed by CBP from January 17, 2016 to present.

he did that, he drew blood from my ear and my hand. And then he cuffed me. And I had quite a few bruises after that....And when he hit me so hard, that my period started.” In response to the asylum officer’s question, “Did he strike you in your belly?,” the applicant responded, “Yes, he kicked me with his knee in the lower pelvis, on my belly. He hit me, below the rib cage, It hurts today.”<sup>2</sup>

- What, if any investigations, disciplinary action and / or referral for criminal prosecution occurred as a result of these allegations?
2. According to a document dated September 19, 2019, contained in the FOIA production, an applicant from Honduras testified to an asylum officer that he was subjected to mistreatment by a Border Patrol agent. The applicant stated that “I asked for water and he said you are a fucking moron. You are not in your country you cannot come here and give me orders. He told me I enjoy when I capture people like you. You are not gonna stay here, you're gonna go back. I'm gonna send you back and be glad I don't have the dogs with me. . .that same officer. He kicked me when I turned myself in and he got down from the horse he said what do you want and then (makes sound) he kicked me close to my back.” The applicant also testified he was held in the McAllen “icebox” and for 38 days in Kingsville in a cell for 40 people. The applicant continued: “I was there for 10 days sitting, I couldn't move because it was 67 of us in that cell. We said we needed toilet paper and water and told us to drink water from the sink and we reported the animals, the scorpions in there. When we reported it they would tell us you would be better off at home in your country you decided to come here. The mistreatment was psychological. They would tell us that we would spend a year there if possible and there were times we would just get a piece of bread, maybe every 8 hours, that's all we would get to eat. In the area, there were scorpions, ants, ticks, fleas and they would tell us that it was fine, it was because of our own stink of being there 45 days.”<sup>3</sup>
- What, if any, investigations, disciplinary action and / or referral for criminal prosecution occurred as a result of these allegations?
3. According to a document contained in the FOIA production, an applicant testified to an asylum officer that during his apprehension by CBP on September 4, 2018, an “immigration official hit him... The applicant did not know the officer's name. He said he was kneeling at the time after running and the officer came from behind and hit him, knocking him unconscious for 20 to 40 seconds. The applicant stated that he was taken to the hospital and given an MRI and an X-ray. He testified that doctors noted he had brain swelling. Counsel for the applicant informed [the asylum officer] that an official complaint had been filed.”<sup>4</sup>
- What, if any, investigations, disciplinary action and / or referral for criminal prosecution occurred as a result of these allegations?

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<sup>2</sup> See attached FOIA records under “Case 1” at COW2021000981 [5/155], COW2021000981 [6/155], COW2021000981\_2 [10/69], and COW2021000981\_2 [11/69]. [2021 FOIA Records 5\_155, 2021 FOIA Records 6\_155, 2021 FOIA Records 10\_69, and 2021 FOIA Records 11\_69].

<sup>3</sup> See attached FOIA records under “Case 2” at COW2021000981\_2 [4/69] and COW2021000981\_2 [5/69]. [2021 FOIA Records 4\_69 and 2021 FOIA Records 5\_69].

<sup>4</sup> See attached FOIA records under “Case 3” at COW2021000981\_2 [68/69]. [2021 FOIA Records 68\_69].

4. According to a document contained in the FOIA production, USCIS personnel reported to “HQ” that an applicant testified to an asylum officer that “he was mistreated at the Florence Staging Facility in Florence, AZ. The applicant testified that a man wearing a black uniform, who helps border patrol officers, put a gun to his head and told the applicant to ‘shut up or I’ll shoot you.’ The applicant decided to dissolve/withdrawal his fear claim due to the mistreatment at the Florence Staging Facility. The applicant is currently located at Florence Correctional Center and did not report experiencing any mistreatment at his current facility.”<sup>5</sup>
  - What, if any, investigations, disciplinary action and / or referral for criminal prosecution occurred as a result of these allegations?
5. According to a document contained in the FOIA production, an Asylum Officer conducting credible fear screenings reported receiving testimony that Border Patrol withheld food to coerce detained people into signing documents in English that were not explained to them. The Asylum Officer included identifying information of the Border Patrol agent who interviewed the applicant, though this was redacted from the FOIA production. The document included an exchange (listed as a “Q&A”) between an Ecuadorian man and an asylum officer about Border Patrol misconduct that took place when the applicant was at Border Patrol’s Laredo Processing Center at some point between March 2, 2019, and March 10, 2019: “They had me in the cooler for 8 days. . . .[Q:] Did they explain to you what you were signing? A: No, they just gave me a paper and the whole paper was in English and I don’t know English. Q: I’m just trying to understand, did they just ask you to sign things without explaining, or do you feel they were threatening you by withholding food until you signed? A: I didn’t know anything about anything. They just told me to go out and sign and get food.... Q: Do you feel you were being threatened in some way? A: Yes I don’t know how else to call it. ...I just felt I was dying in the cooler. I just signed to get my food.”<sup>6</sup>
  - What, if any, investigations, disciplinary action and / or referral for criminal prosecution occurred as a result of these allegations?
6. According to a document contained in the FOIA production, a Supervisory Asylum Officer in the San Francisco Asylum office communicated the following internally at DHS: “AO [redacted] brought a serious matter to our attention just now: one of the applicants she interviewed today has a young child who was sexually molested by someone we believe to be a CBP or Border Patrol Officer. They were apprehended by Border Patrol, sent to the Ice Box, then this occurred: the young girl was forced to undress and touched inappropriately by a guard in the Ice Box wearing green, with the nametag [redacted] notes from the interview are attached.” The Supervisory Asylum Officer wrote “Please let us know if there is any other information you need from the applicant, beyond what is in the attached notes.” The notes from the interview were not included in the production.<sup>7</sup>
  - What, if any, investigations, disciplinary action and / or referral for criminal prosecution occurred as a result of these allegations?
7. According to a document contained in the FOIA production, a male asylum applicant who had been arrested by Border Patrol in the desert near Tecate, California on June 19, 2018, “was assaulted by a border patrol dog listed in the Form 1-213 as Service Canine [redacted]

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<sup>5</sup> See attached FOIA records under “Case 4” at COW2021000981 [31/155]. [2021 FOIA Records 31\_155].

<sup>6</sup> See attached FOIA records under “Case 5” at COW2021000981\_2 [23/69], COW2021000981\_2 [24/69] and COW2021000981\_2 [25/69]. [2021 FOIA Records 23\_69, 2021 FOIA Records 24\_69, and 2021 FOIA Records 25\_69].

<sup>7</sup> See attached FOIA record under “Case 6” at COW2021000981 [45/155]. [2021 FOIA Records 45\_155].

under the control of U.S. Border Patrol Agent [redacted].” The document continues, “[b]ased on the testimony of the detainee alien, it appears that the dog inadvertently severely injured the testicle of the alien detainee. The alien detainee was subsequently taken into custody, and based on his testimony, was transferred to U.S. CBP offices in Chula Vista, California. There, the applicant complained to officers about the severe pain he was experiencing in his testicle for the next approximately 23 days. The alien detainee was told by officers that he was going to be transported to ICE custody, and that if ICE had a doctor, the doctor could see him there, but there was no doctor to see him in the facility where he was located. Government records indicate that the alien detainee was then transferred to ICE custody at the San Luis Regional Detention Center in Arizona on 07/10/2018. The alien detainee testified that once he arrived in Arizona, he again complained of severe pain in his testicle and was told to fill out a form to be seen. He described that he filled out the form at least 10 times over the course of 10 or 11 days, until finally his medical condition resulted in a fever and headache so bad that he showed officers his testicle in order to get more immediate treatment. The applicant was then taken to the hospital, where his testicle had to be surgically removed...The alien detainee complained of severe pain from an injury inflicted by an agent of the U.S. Border Patrol, albeit unintentionally, and was then subjected to over a month of negligence on the part of DHS agencies after repeatedly reporting a medical condition. This negligence resulted in the loss of a testicle for the alien detainee.”<sup>8</sup>

- What, if any, investigations, disciplinary action and / or referral for criminal prosecution occurred as a result of these allegations?
8. According to a document contained in the FOIA production, an asylum officer reported that an applicant testified “that he experienced undue physical harm by a CBP officer. He believes this occurred at the San Ysidro station. The applicant testified that after he was apprehended EWI by CBP, upon being take to the station for processing on December 17, 2018 he was hit and pushed into the wall by the back of the neck. His face hit and was rubbed against the wall. The CBP officer told him to "shut up," although the applicant had not been saying anything. The applicant was so severely hit and pushed, that blood clots appeared from his nose several days after the incident and he suffered pain in his nose and head for over two weeks. The applicant was unable to identify the CBP officer, other than stating that he seemed to be Chinese or Japanese. The applicant stated that he believed cameras at the facility recorded the incident and that it was witnessed by other individuals.” The applicant appears to name the individuals who witnessed this treatment, though that information is redacted from the documents released under FOIA. <sup>9</sup>
- What, if any, investigations, disciplinary action and / or referral for criminal prosecution occurred as a result of these allegations?
9. According to an incompletely legible document contained in the FOIA production, an applicant testified to an asylum officer, “I entered the Garrita on September 20, and I asked for asylum, for the problem which I fl[ed]. A female officer talked to me and told me that because my child was a U.S. citizen, the U[S] was going to take him from me. She said that at that time, she could take my son and tu[illegible] the government and deport me at that time. I asked for someone who could speak Spanish [illegible] explain it to me better. She

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<sup>8</sup> See attached FOIA records under “Case 7” at COW2021000981 [21/155]. [2021 FOIA Records 21\_155].

<sup>9</sup> See attached FOIA records under “Case 8” at COW2021000981 [72/155], COW2021000981 [75/155] and COW2021000981 [76/155]. [2021 FOIA Records 72\_155, 2021 FOIA Records 75\_155, and 2021 FOIA Records 76\_155].

yelled at me when I asked for someone who spoke Spanish... and she said that if I came to the U.S., I had to speak English. She took [illegible] pushed me, and she told me that I have to open very wide, and she touched my intimate [illegible] hit me there with a lot of force, and she touched me really hard. I said 'I don't understand... how am I going to hide something in my intimate parts?'" The documents contain an excerpt from the applicant's I-213 naming the primary CBP officer involved in the applicant's processing at the San Ysidro Port of Entry on September 20, 2015, at approximately 4:45 pm.<sup>10</sup>

- What, if any, investigations, disciplinary action and / or referral for criminal prosecution occurred as a result of these allegations?

10. According to a document contained in the FOIA production a DHS staff member made a report regarding the testimony of a Honduran applicant for asylum. According to the documents, "[t]he applicant stated that when he expressed he was afraid to return to Honduras, the officer told him that he doesn't have the right to have asylum. That the government was not granting asylum, and not even women were receiving asylum. He was then told that he was going to be sent to a jail where they were going to rape him, and that he was told this because the applicant didn't sign the paperwork the officer asked him to sign. The applicant stated that he didn't sign because he thought it was papers to deport him, and it was in English." The reporting DHS staff member included the name of the Border Patrol Officer listed on the applicant's paperwork in the complaint (though it is redacted in the production) and added, "[a]lthough I do not know the exact circumstances of the interview between the officer and the applicant, a threat of rape is a gross violation for refusing to sign paperwork that was not made clear to an applicant. Compounded by the fact that this applicant was in fact raped, which resulted in him fleeing his country, it is extremely disturbing that the officer acted with such insensitivity, and in my personal opinion, this is a serious act of misconduct." An additional document in the FOIA production records a complaint to the DHS Office of Inspector General on September 19, 2019, regarding conduct by US Border Patrol in Tucson, Arizona on June 27, 2019. According to the summary, "a CBP/Immigration officer advised an applicant in the credible fear process that it was okay if someone wanted to rape him because he was gay, and wasn't that what he liked. The officer told the applicant that he means nothing to him and it would have been okay for them to rape the applicant. When the applicant attempted to read the officer's name badge the officer covered the badge with his hand and said it was his word against the applicant's." The case is captioned C19-BP-TUC-23770.<sup>11</sup>

- What, if any, investigations, disciplinary action and / or referral for criminal prosecution occurred as a result of these allegations?

11. According to a document contained in the FOIA production an Asylum Officer filed an internal complaint regarding the following incidents that occurred in December 2018. "Mr. [redacted] was solicited with sex by an immigration officer on 12/6/18 while being transported alone in a government vehicle from the border with Mexico and California to the 'Ice Box' detention center in San Ysidro, CA. The immigration officer was described as tall, thin, with blond hair and tan skin, and wearing a green uniform. The officer spoke Spanish and English. The officer told Mr [redacted] that if he gave him sex, he would be set free. When Mr. [redacted]

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<sup>10</sup> See attached FOIA documents under "Case 9" at COW2021000981 [151/155]. [2021 FOIA Records 151\_155].

<sup>11</sup> See attached FOIA documents under "Case 10" at COW2021000981 [105/155], COW2021000981 [106/155] and COW2021000981 [123/155], COW2021000981 [124/155], COW2021000981 [153/155]. [2021 FOIA Records 105\_155, 2021 FOIA Records 106\_155, 2021 FOIA Records 123\_155, 2021 FOIA Records 124\_155, and 2021 FOIA Records 153\_155].

refused the proposition, the officer swore at him in English and said that he would be locked up as punishment. Mr [redacted] was also propositioned with sex by an officer on 12/14/18 at 5 pm while in detention. The officer was short, had black hair, brown eyes and light brown skin. The officer was performing body searches for the detainees and told the applicant to wait behind the others. He grabbed Mr. [redacted] shirt and asked him if he wanted to give him oral sex. He said that there were no cameras in the area. Government records indicate that the applicant would have been at the San Luis Regional Detention Center during this incident.”<sup>12</sup>

- What, if any, investigations, disciplinary action and / or referral for criminal prosecution occurred as a result of these allegations?

We would appreciate your response to this inquiry on or before Friday, October 8.

Sincerely yours,

Clara Long

**Clara Long**  
**she, her, hers**

US Program, Associate Director

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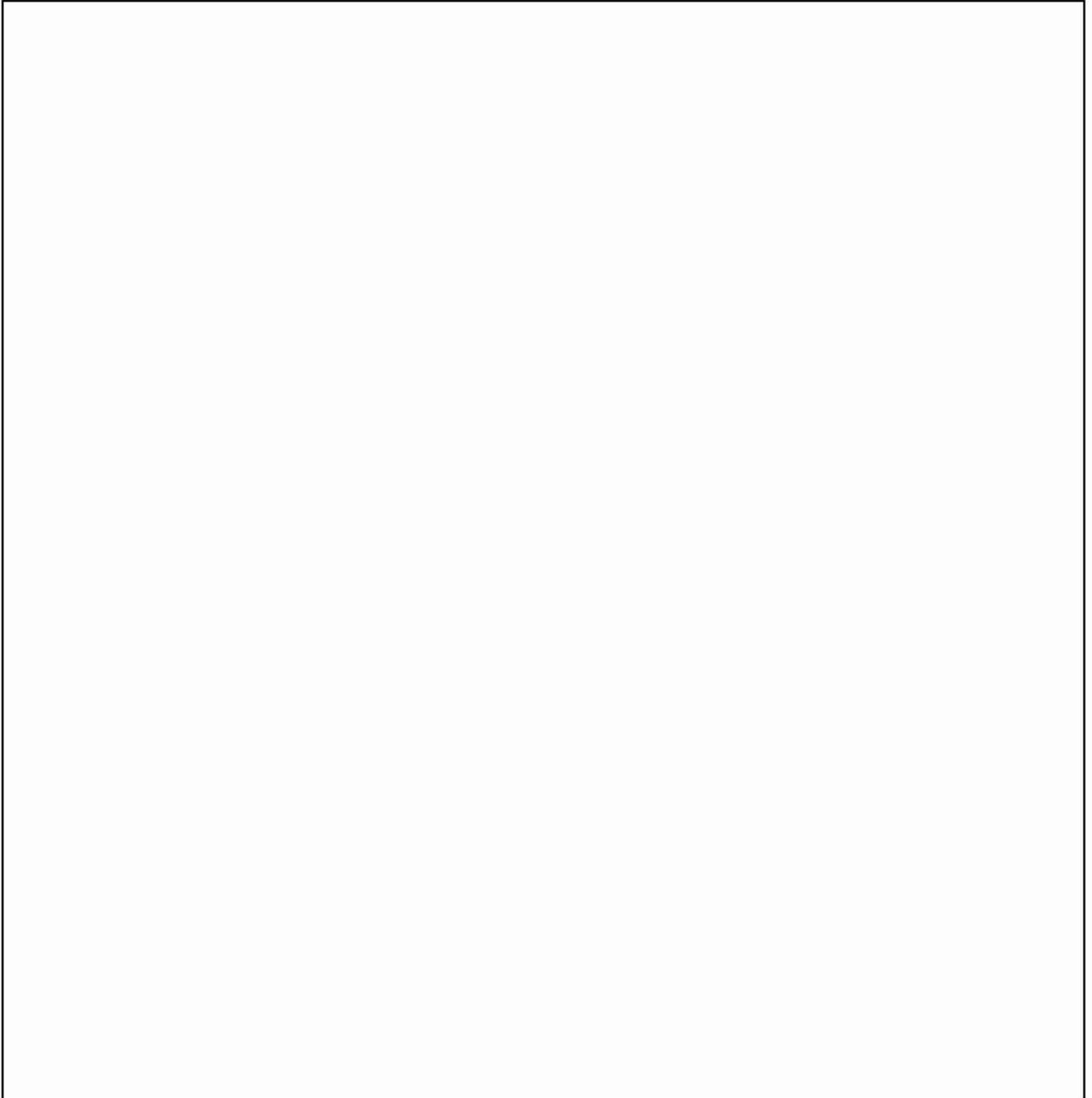
350 Sansome St. Ste 1000, San Francisco, CA 94104

Enc. Relevant verbatim records from FOIA

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<sup>12</sup> See FOIA records under “Case 11” at COW2021000981\_2 [6/69] and COW2021000981\_2 [7/69]. [2021 FOIA Records 6\_69 and 2021 FOIA Records 7\_155].

(b)(6)



Here's the applicant's summary about the encounter at the border.

She crossed the border. She began to run from the officer. The man you hit her was the first person she met. What follows is what she said:

“There were other immigration officers. But he's the one who took over my case. The girl who was with me went to other immigration officers. I ran a bit. He said, “OK, you want to run?” So after he caught me, and threw me to the ground in a very aggressive way. And he pulled me up three or 4 times, and kept slamming me on the ground.

He grabbed me by the hair. And when he did that, he drew blood from my ear and my hand. And then he cuffed me. And I had quite a few bruises after that.”

She said she had bruises on right arm, right shoulder and ribs. “And when he hit me so hard, that my period started.”

“Q: Did he strike you in your belly?

A; Yes, he kicked me with his knee in the lower pelvis, on my belly. He hit me, below the rib cage. It hurts today.”

She also said that she reported here at the center, and was treated briefly by the doctors. However, when I asked her at the beginning of the interview how she was feeling, she said, “Fine.”

I don’t know if it was related, but she also told me that they “drew blood” today.

Thanks for taking this up.

With kind regards,

(b)(6)

Refugee Officer

US-CIS, RAIO

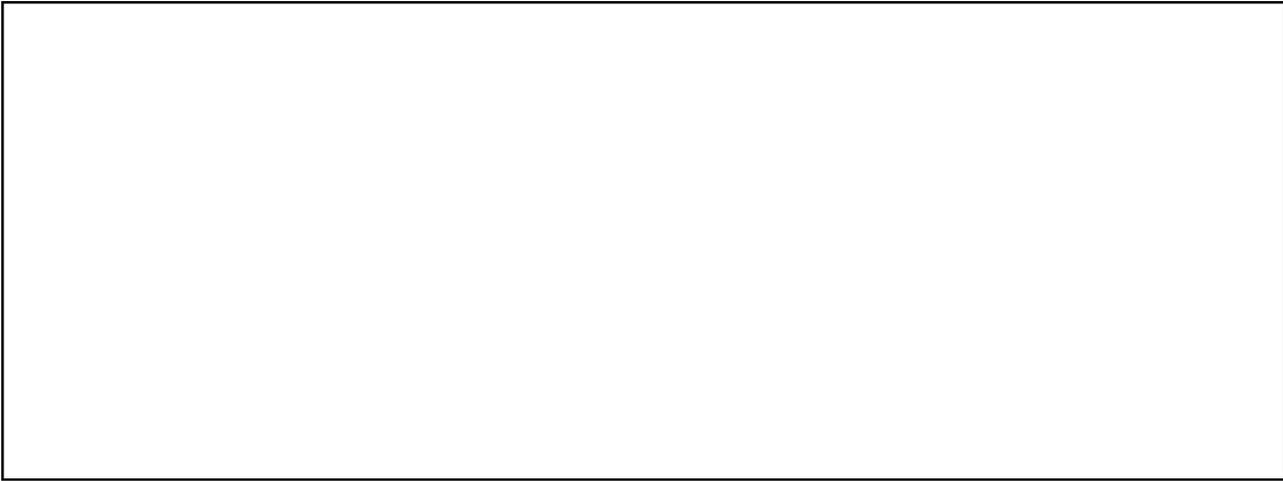
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(b)(6)

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(b)(6)



Q: Is there anything else that you have not already told me that you wish to add to your claim, that you have not already told me?

A: No, I think that everything's OK. But I was harmed and mistreated and beaten by a border patrolman.

Q: In what country?

A: Here in the US.

Q: Do you know who did that to you?

A: I don't know the name, but I have a witness that was coming with me.

Q: Where did that happen?

A: Here in Mexicali. He got me when I crossed.

Q: It was the first person who met you?

A: Yes, the first person. There were other immigration officers. But he's the one who took over my case. The girl who was with me went to other immigration officers.

Q: What exactly did this officer do to you?

A: I ran a bit. He said, "OK, you want to run?" So after he caught me, and threw me to the ground in a very aggressive way. And he pulled me up three or four times, and kept slamming me on the ground. He grabbed me by the hair. And when he did that, he drew blood from my ear and my hand. And then he cuffed me. And I had quite a few bruises after that.

Q: Where were the bruises?

A: On my right arm. And marks on my right shoulder. And some on my ribs. And when he hit me so hard, that my period started.

Q: Did he strike you in your belly?

Applicant's Name:

[Redacted]

Asylum Officer

[Redacted]

Interview Date: 4/27/2017

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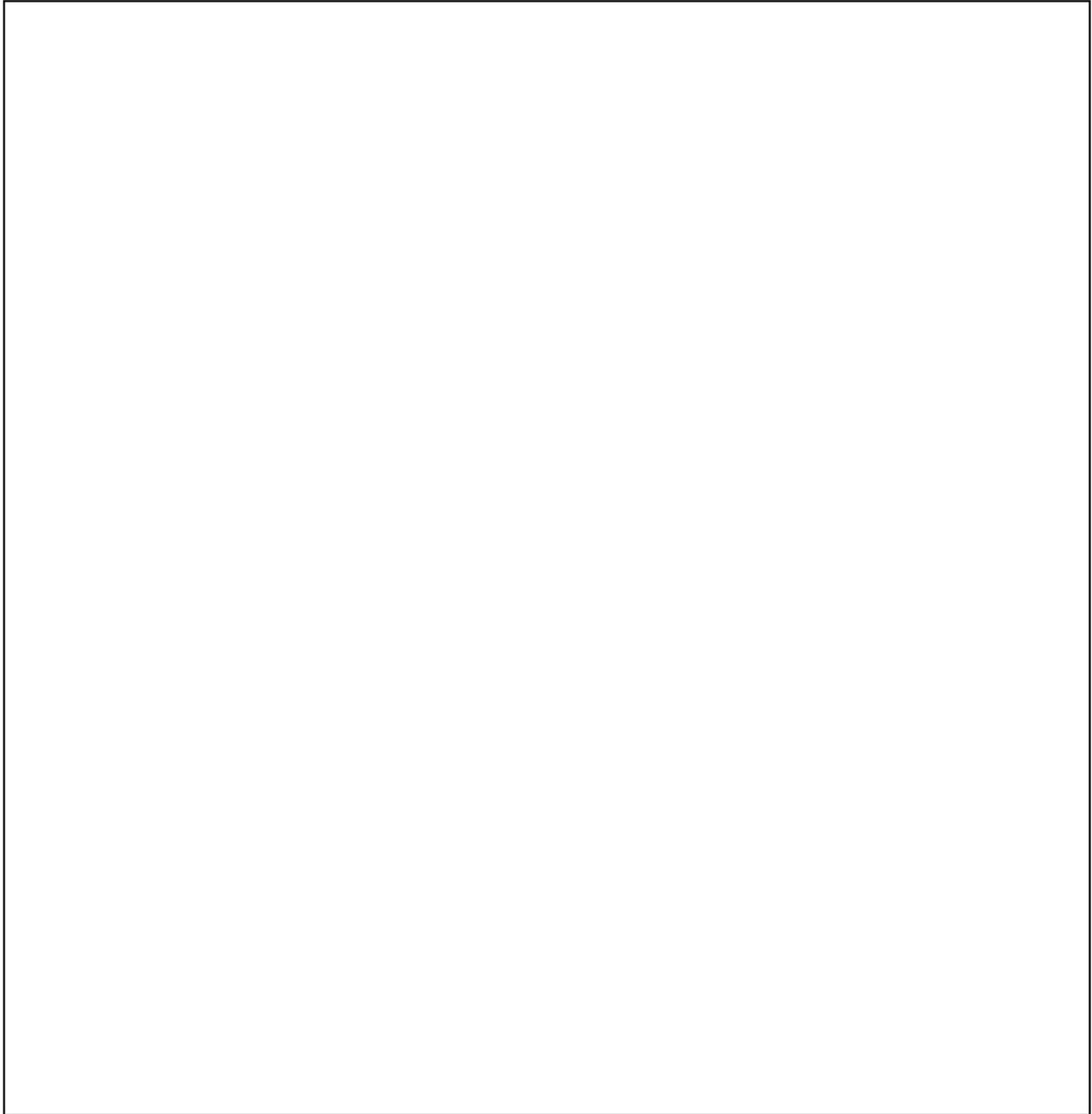
(b)(6)

A; Yes, he kicked me with his knee in the lower pelvis, on my belly. He hit me, below the rib cage. It hurts today.

Q; Did you report this to anyone here at the detention center? The medical people?

A: Yes, I reported it. They took me to see the doctor. All I have now are the bruises.

Q: I'm sorry that happened to you.



(b)(6)

Applicant's Name:

(b)(6)

Asylum Officer:

Interview Date: 4/27/2017

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Case 2

Alien Number: [redacted]  
Name: [redacted]  
Country: Honduras  
Asylum Office: Houston (ZHN)

Date: September 17 2019  
Asylum Officer: [redacted]  
Language Line: [redacted]  
Start: 9:00 AM Stop: 10:40 AM

(b)(6)

[Large redacted area]

(b)(6)

Officer	Applicant
Is there anything else that is important to your claim that we have not yet discussed?	No. Idk if I can talk about the detention. Only that I received an insult and they kicked me once.
Do you know who did this to you?	No. He was on a horse.
Was this in a facility or when you were first apprehended?	At the moment that I turned myself in.
Can you explain to me what happened – what were the insults?	Exactly as he said it?
Yes please.	He was on horse, he got off and he said what do you want what are you doing in my country. I said nothing I'm just trying to work and trying to survive. The truth is I asked for something and maybe it was my mistake for not saying please and I asked for water and he said you are a fucking moron. You are not in your country you cannot come her and give me orders. He told me I enjoy when I capture people like you. You are not gonna stay here, you're gonna go back I'm gonna send you back and be glad I don't have the dogs with me.
I'm very sorry this happened to you. Did he say or do anything else to you?	No he just took my information and threw my phone, he didn't throw it at me, he told me to give him my stuff.
You mentioned that someone kicked you?	Yes that same officer. He kicked me when I turned myself in and he got down from the horse he said what do you want and then (makes sound) he kicked me close to my back. Would I be in trouble if I tell you what happened in my time in the icebox?
No you will not be in trouble. Please feel to tell me what happened to you.	I was 9 days in McAllen in the icebox and then they transferred me in Kingsville. I was there for 38 days.
Were you mistreated or insulted in either of those facilities?	In Kingsville the cell where we were in they told us it was a cell for 40 people. I was there for 10 days sitting, I couldn't move because it was 67 of us in that cell. We said we needed toilet paper and water and told us to drink water from the sink and we reported the animals, the scorpions in there. When we reported it they would tell us you would be better off at home in your country you

(b)(6) Alien Number: [redacted] Date: September 17, 2010  
Name: [redacted] Asylum Officer: [redacted]  
Country: Honduras Language Line: [redacted]  
Asylum Office: Houston (ZHN) Start: 9:00 AM Stop: 10:40 AM

	decided to come here.
Anything else?	The mistreatment was psychological. They would tell us that we would spend a year there if possible and there were times we would just get a piece of bread, maybe every 8 hours, that's all we would get to eat. In the area, there were scorpions, ants, ticks, fleas and they would tell us that it was fine, it was because of our own stink of being there 45 days.
Again sir, I'm very sorry that you had to experience this.	(silence with head down)

[Large redacted area]

(b)(6)

(b)(6)

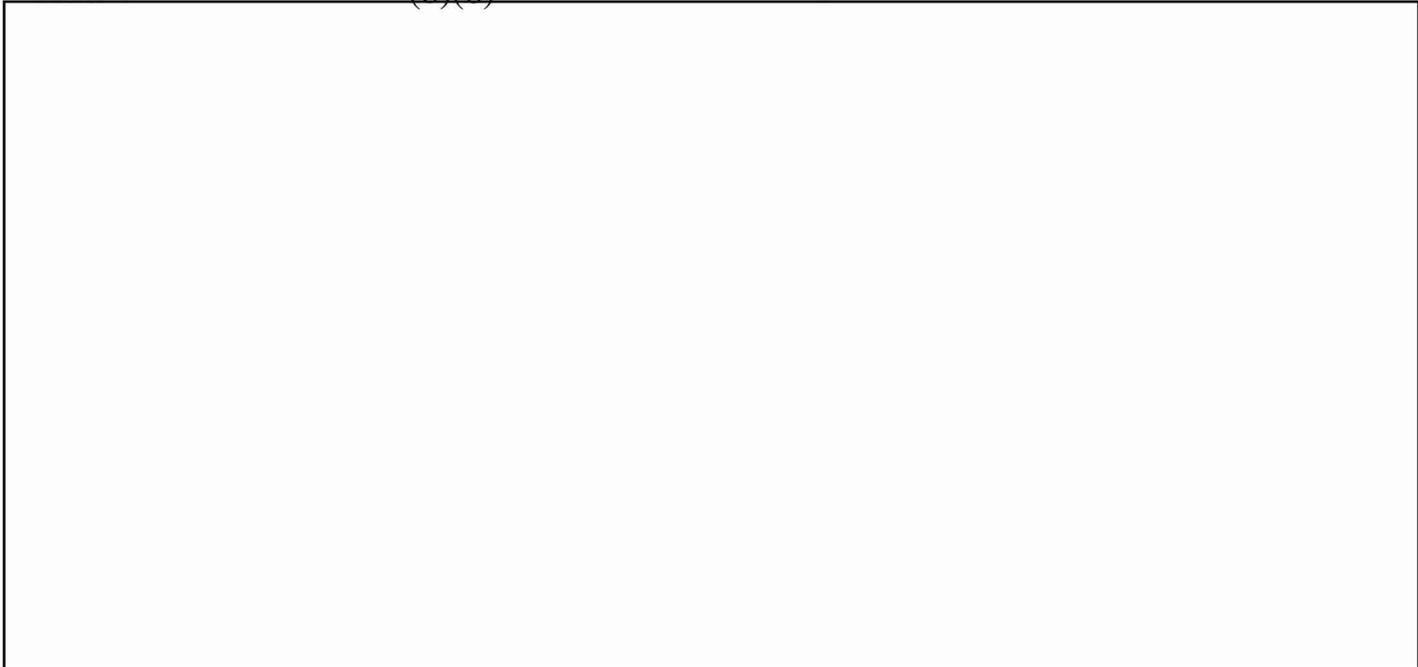


(b)(6) The applicant for my CF interview today [redacted] testified during the interview that an immigration official hit him during his apprehension on September 4, 2018. The applicant did not know the officer's name. He said he was kneeling at the time after running and the officer came from behind and hit him, knocking him unconscious for 20 to 40 seconds. The applicant stated that he was taken to the hospital and given an MRI and an X-ray. He testified that doctors noted he had brain swelling. Counsel for the applicant informed me that an official complaint had been filed.

Best,



(b)(6)



**Please provide the details/facts about the misconduct:**

I interviewed a detained applicant for a Credible Fear Screening on 08/29/2019. The applicant is detained at the Houston Contract Detention Facility. During the interview the applicant provided me with the following information regarding a potential deportation officer misconduct:

Is there anything you have not told me that you think would be important for me to know?	Yes something that happened to me there at the detention center. I was tortured by officers. They called me and brought me here to where I am right now and they took me to the ICE box. They wanted me to sign papers and my lawyer told me not to sign documents. Then some officers told me to sign and put my fingerprints and I said no so they put me in a cell alone away from the other inmates. They threw me on a bench and from the bench they threw me on the floor and one put his knee on my head and one of them hit me with his knuckles and made an impression behind my ear and one was trying to suffocate me with his hands. I'm sorry I am very nervous because they pass by here and I see them and I am scared
How was the officer trying to suffocate you with his hands?	He was suffocating me by covering my nose and mouth
Do you see the officers who harmed you at the detention center you are at right now?	Yes
Do you know their names?	No
How many officers were there?	Three
Which detention center are they at?	In Houston Processing Center
Have they harmed you again or threatened you?	No, only the one time because I told them I was not going to sign since the documents were in English

**Section IV - Witness(es) Information**

To add Witness Information, please click "Save" at the top of the page. An "Add New" button will then appear on the right side of this Subject Information section.

First Name	Last Name	Title	Region	Office	City	State	Telephone	Extension
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No Records Found

**Section V - Additional Information and Attachments**

(b)(6)

(b)(6)

(b)(6)

(b)(6)

Hi HQ,

(b)(6)

Our office conducted a RF interview for [redacted] today. The applicant informed the APSO officer that he was mistreated at the Florence Staging Facility in Florence, AZ. The applicant testified that a man wearing a black uniform, who helps border patrol officers, put a gun to his head and told the applicant to “shut up or I’ll shoot you”. The applicant decided to dissolve/withdrawal his fear claim due to the mistreatment at the Florence Staging Facility. The applicant is currently located at Florence Correctional Center and did not report experiencing any mistreatment at his current facility.

(b)(6)

(b)(6)

(b)(6)

(b)(6)

(b)(6) Please provide the details/facts about the misconduct:

I am an Asylum Officer conducting Credible Fear screenings of migrants seeking asylum after crossing the southwest border.

[redacted] an applicant for asylum - indicated mistreatment by US Border Patrol officials at **Laredo Centralized Processing Unit in Laredo, TX** on or about **03/02/2019 – 03/10/2019**. He indicated that during this time period border patrol withheld food to coerce him and other detainees into signing documents written in English that were not explained to them.

The officer who processed his case, interviewed him, and made a finding of inadmissibility to the US on 03/06/2019 was **Border Patrol Agent** [redacted] (b)(7)(c)

(b)(6) Below please find a record of the Q&A I conducted with [redacted] regarding this matter on 04/12/2019 via telephone while he was detained at **IAH Secure Adult Detention Facility, 3400 FM 350 South, Livingston, TX 77351**

**Q&A**

*When you were first taken into custody by US government officials do you remember the officers asking you questions about who you are and why you came to the US?*

*They did not ask me anything*

*We have records here from when you were first arrested in the US and it shows that they asked you why you came to the US and you said you came to look for work and that you were not afraid to go back to Ecuador?*

*No, they didn't ask me anything at all. They had me in the cooler for 8 days.*

*Your signature is on the paperwork showing that you said you were not afraid to go back to Ecuador and that you came to look for work in the US. Why did you sign that if you never said those things?*

*It's just I was confused. They told me to sign to get food.*

*Did they refuse to give you food until you signed?*

*Yes, I think so because they detained me for 8 days. We were 50 people in a small room. They would only give us food in the morning at night and it was one burrito*

*I'm asking specifically about the papers you signed. Did the officers specifically refuse to give you food until you signed those papers?*

*I think so because they would not let me get out fast*

*What did they say to you?*

*They just called my name and I got out and they said sign here so you can get your food and take a shower*

*Did they explain to you what you were signing?*

*No, they just gave me a paper and the whole paper was in English and I don't know English*

*I'm just trying to understand, did they just ask you to sign things whiteout explaining, or do you feel they were threatening you by withholding food until you signed?*

*I didn't know anything about anything . they just told me to go out and sign and get food*

*Do you feel you were being threatened in some way?*

*Yes, I don't know how else to call it*

*Can you to explain to me what they were doing and saying that made you think they were threatening you?*

*I just felt I was dying in the cooler. I just signed to get my food*

*How long did they hold you before feeding you?*

*More or less one hour*

*Did you try to ask them to explain the papers you were signing?*

*No, I just signed because I can't read English*

*Why didn't you ask them to explain what you were signing?*

*What happened was at that point I didn't care about anything I just wanted to get food and take a shower*

*At any point before that, did they ever ask you for food and they denied it?*

*Yes*

*What did they say when you asked for food?*

*When we were locked up we asked them for food and they didn't give it to us. One hour later they called us for the food*

*Did you see them refuse food to anyone who didn't want to sign?*

*Yes, many*

*Tell me about that?*

*Some people with me had been there for 15 days. They were saying they want us to sign to get out, but we are not going to sign anything.*

*Did they say anything else?*

*NO*

*Did these people eventually get food?*

*I don't know because they stayed there*

*Did they take you to a different place to get food?*

*Yes*

*The men who refused to sign, did they ever come to get food there also?*

*No because I only stayed in that place for two days.*

*What happened to the people who refused to sign?*

*They stayed in the same place. I didn't see them anymore*

*What color were the uniforms of the officials there?*

*Green*

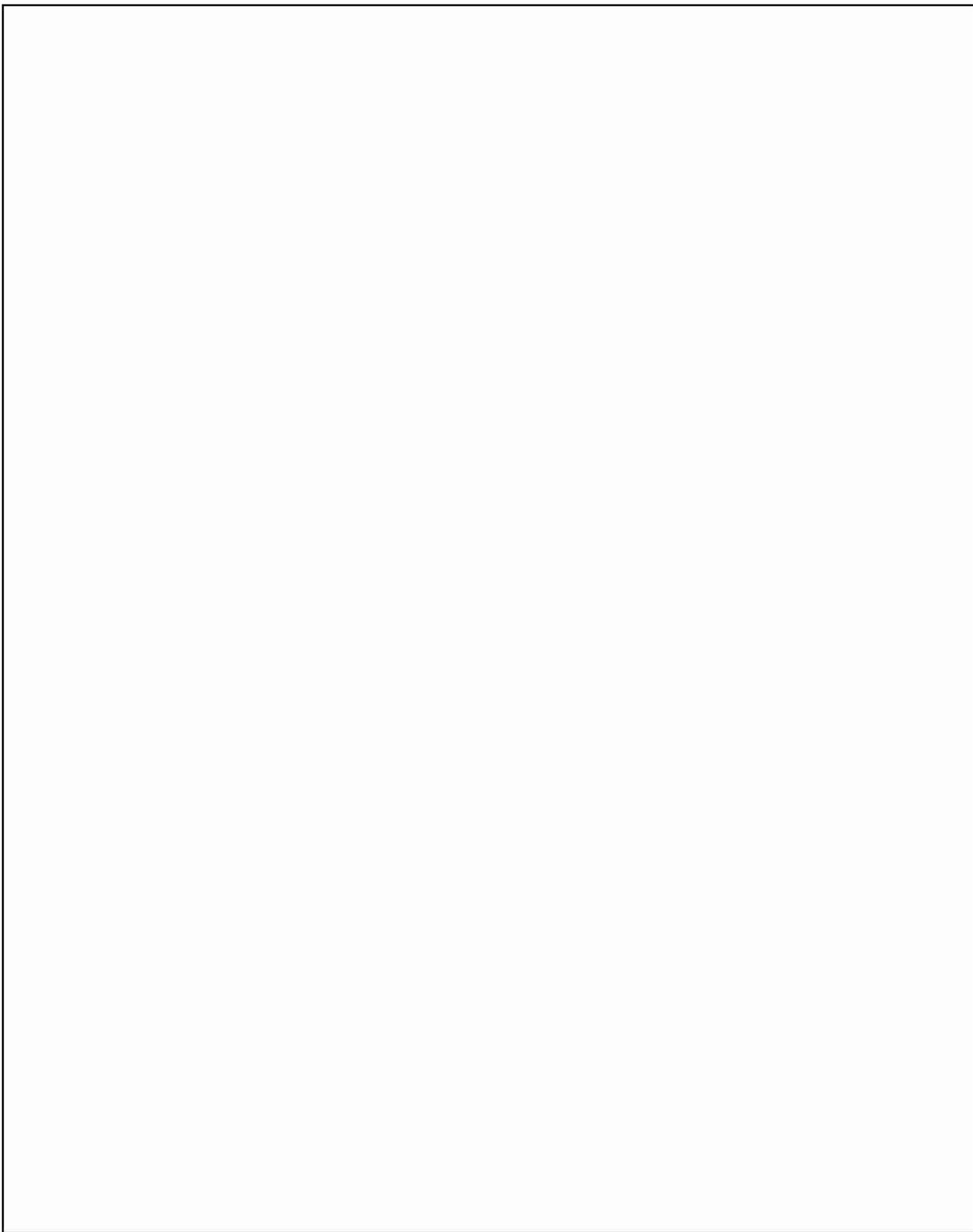
*Were you mistreated in any other ways?*

*No*

(b)(6)



(b)(6)

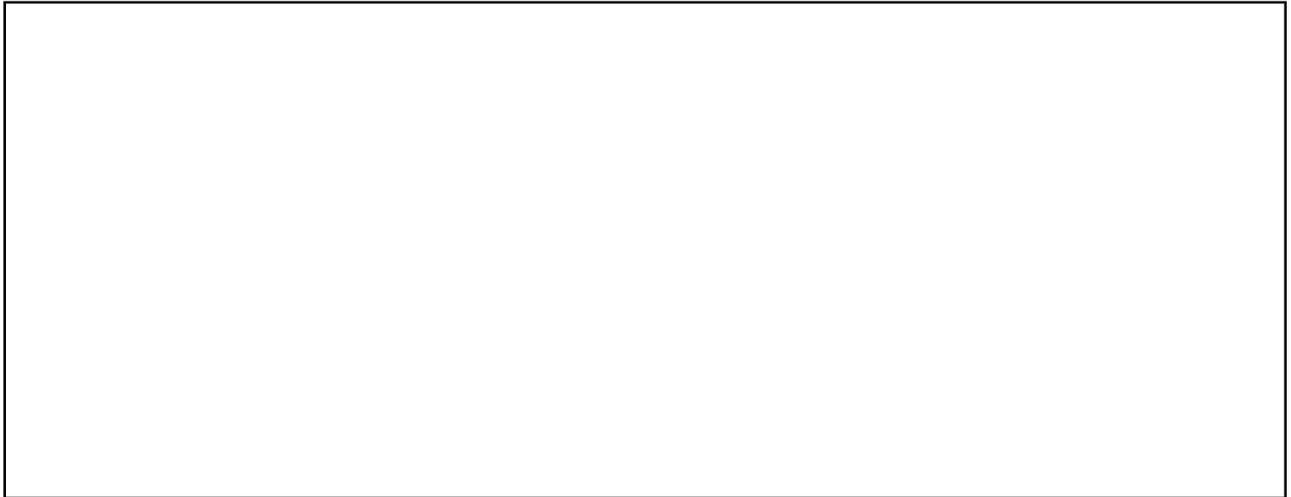


(b)(6)

AO [redacted] brought a serious matter to our attention just now: one of the applicants she interviewed today has a young child who was sexually molested by someone we believe to be a CBP or Border

Patrol Officer. They were apprehended by Border Patrol, sent to the Ice Box, then this occurred: the young girl was forced to undress and touched inappropriately by a guard in the Ice Box wearing (b)(7)(c) green, with the nametag [redacted] The notes from the interview are attached.

(b)(6)



(b)(6) **From:** [Redacted]  
 (b)(6) **To:** [Redacted]  
**Subject:** [Redacted] (b)(6)  
**Date:** [Redacted]  
**Attachments:** [Redacted]

[Redacted]

(b)(6)

(b)(6) In short, the detainee alien was encountered in the desert of California near Tecate, California on 06/19/2018. He was assaulted by a border patrol dog, listed in the Form I-213 as "Service Canine [Redacted] under the control of U.S. Border Patrol Agent [Redacted] Based on the testimony of the detainee alien, it appears that the dog inadvertently severely injured the testicle of the alien detainee. The alien detainee was subsequently taken into custody, and based on his testimony, was transferred to U.S. CBP offices in Chula Vista, California. There, the applicant complained to officers about the severe pain he was experiencing in his testicle for the next approximately 23 days. The alien detainee was told by officers that he was going to be transported to ICE custody, and that if ICE had a doctor, the doctor could see him there, but there was no doctor to see him in the facility where he was located. Government records indicate that the alien detainee was then transferred to ICE custody at the San Luis Regional Detention Center in Arizona on 07/10/2018. The alien detainee testified that once he arrived in Arizona, he again complained of severe pain in his testicle and was told to fill out a form to be seen. He described that he filled out the form at least 10 times over the course of 10 or 11 days, until finally his medical condition resulted in a fever and headache so bad that he showed officers his testicle in order to get more immediate treatment. The applicant was then taken to the hospital, where his testicle had to be surgically removed.

(b)(7)(c)

The alien detainee complained of severe pain from an injury inflicted by an agent of the U.S. Border Patrol, albeit unintentionally, and was then subjected to over a month of negligence on the part of DHS agencies after repeatedly reporting a medical condition. This negligence resulted in the loss of a testicle for the alien detainee.

(b)(6) [Redacted]

(b)(6)

(b)(6) [Redacted]

(b)(6)

Date on which misconduct occurred (if known): 12/17/2018

▲ Please provide the details/facts about the misconduct:

CF APPO applicant testified to Asylum Officer that he experienced undue physical harm by a CBP officer. He believes this occurred at the San Ysidro station. The applicant testified that after he was apprehended EWI by CBP, upon being take to the station for processing, he was hit and pushed into the wall by the back of the neck. His face hit and was rubbed against the wall. The CBP officer told him to "Shut up," although the applicant had not been saying anything. The applicant was so severely hit and pushed, that blood clots appeared from his nose several days after the incident and he suffered pain in his nose and head for over two weeks. The applicant was unable to identify the CBP officer, other than stating that he seemed to be Chinese or Japanese. The applicant stated that he believed cameras at the facility captured the incident, and that it was witnessed by other individuals.



(b)(6)

(b)(6)



From:  
To:  
Subject:  
Date:

(b)(6)

Hi,

(b)(6)

Here are the portions from the initial and follow-up interview of  relating to Misconduct Report that was filed yesterday:

**First Interview:**

How are you being treated at the facility?	In this facility good, in AZ good. But when I entered, an officer beat me up.
Do you mean an US IO?	Yes.
Did you tell anybody about this officer beating you up?	I only told me aunt over the phone that an officer beat me up.
Besides your aunt, did you tell anybody else?	And my uncle. And my mother. Only them.
Do you know this officer's name?	Idk the name. Idk that. I can tell that he's from <span style="border: 1px solid black; display: inline-block; width: 80px; height: 15px;"></span> He looks like <span style="border: 1px solid black; display: inline-block; width: 80px; height: 15px;"></span>
You tried to enter the US on Dec 17, is that right?	Yes
I will let my supervisors know about this incident. If we have any questions, we may contact you.	Ok. It was that day I entered. I think the cameras caught when he was beating me up and he was rubbing my face.

(b)(6)

Follow Up Interview

Those are all my questions. Do you have any questions for me?	I wanted to ask you about the first time we spoke. You mentioned that you were going to talk to your supervisor about the officer that beat me up in San Diego.
Yes, I do need to get some more information from you about that. Tell me exactly what happened.	When I got to the detention center. I followed all the instructions I didn't say a word. He hit me and pushed me from the back on my neck. Rubbed my face on the wall there, half wall and half mirror.
This was at San Ysidro detention center?	I think so. That's the first place they took me to take my f/ps. It was CBP.
Do you know this officer's name?	I believe it could be in the computer. The officer that took my information, that's the one that hit me.
But you don't know his name?	No, idk. I just know he's something <span style="border: 1px solid black; display: inline-block; width: 80px; height: 15px;"></span> or <span style="border: 1px solid black; display: inline-block; width: 80px; height: 15px;"></span>
Did he say anything to you when he did this to you?	He just told me Shut up. There was another one talking as well. I don't remember having said anything, for him to shut me up.
Besides that, did he say anything else?	Well, no. what happened is as soon as I got off from Border Patrol car. I was wet, I was

(b)(6)

	wearing a sweater. He grabbed my hoodie and pulled it down and he took me inside. That's when he hit me.
Did anything else happen?	No, then I waited in line and he took my information.
Do you know why he would mistreat you like that?	Idk. He did the same thing to another person there.
Besides this officer and the cameras, do you know of any other witnesses?	I have witnesses. Some friends. [redacted] Those three. There were a lot of other people but I can only mention these 3.
Do you mean because you only know the names of these 3 people?	I don't remember the name of the other person. I could give you a last name and it could be wrong.
And these people are witnesses because they were also taken in by Border Patrol?	Yes, we were caught at the same time.
Did you have any injuries from this?	Only some pain in my nose and head because of the hit I received.
How long did the pain last?	More than 2 weeks. When he hit me and took me into the room, after a few days some blood clots came out from my nose.
So you didn't report to anybody when this happened, or at the facility?	No, I didn't want to say anything because he was always working there every day. Just told my mom. My aunt and uncle. That's it.
Do you want me to report this incident?	Yes.

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(b)(6)

Q	How are you being treated at the detention facility?
A	They've been treating me well where I am now. In the other detention facility, no.
Q	Which facility were you at before?
A	San Ysidro; I think it's near San Diego.
Q	How were you mistreated there?
A	I entered the Garrita on September 20, and I asked for asylum, for the problem which I fl A female officer talked to me and told me that because my child was a U.S. citizen, the U was going to take him from me. She said that at that time, she could take my son and turn the government and deport me at that time. I asked for someone who could speak Spani: explain it to me better. She yelled at me when I asked for someone who spoke Spanish, my hand away, and she said that if I came to the U.S., I had to speak English. She took r pushed me, and she told me that I have to open very wide, and she touched my intimate p hit me there with a lot of force, and she touched me really hard. I said "I don't understand my country, how am I going to hide something in my intimate parts?" And she continue just don't understand.
Q	You said that the officer hit you in your intimate parts?
A	Well she was checking my parts, but she shoved her hand really strongly, and I felt that s against my intimate parts for no reason.
Q	Were you mistreated in any other way at that facility?
A	No, it was only that. Aside from that, everything is the same.
Q	I'm sorry to hear that you were mistreated, ma'am. Do you remember the female officer
A	I think it was [redacted] and she was of Indian origin.

(b)(7)(c)

(b)(7)(c) The I-213 lists the primary CBP officer as [redacted] the following paragraph:

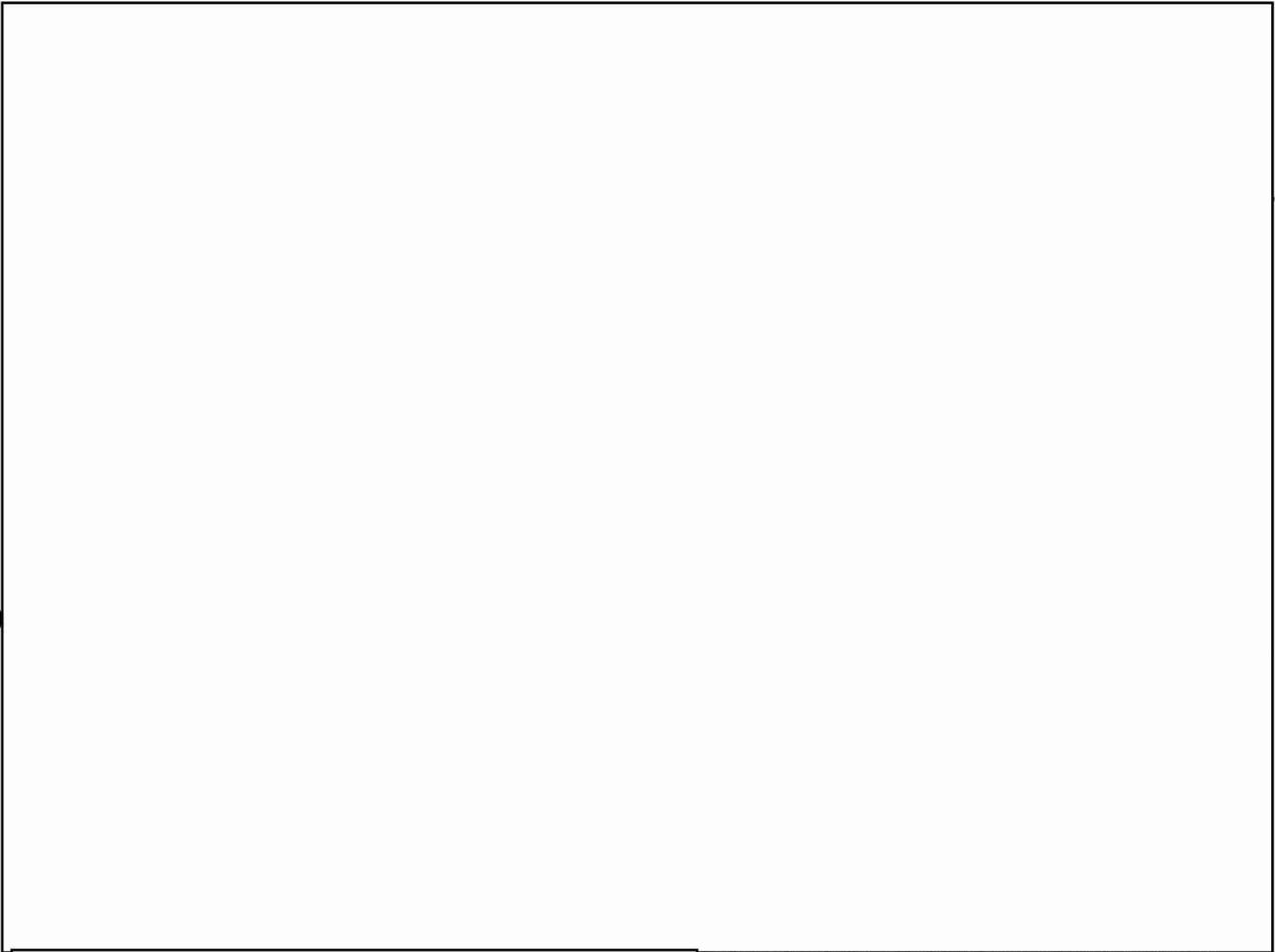
(b)(6)

**On September 20, 2015 at approximately 16:45 hours, [redacted] admission into the United States at the San Ysidro Port Of Entry primary [redacted] along her United States citizen child, [redacted] and re (b)(6) Asylum for herself before Customs and Border Protection Primary Officer [redacted] [redacted] was subsequently turned over to the San Ysidro Admissibility Enf further disposition**

(b)(7)(c)

(b)(6)

(b)(6)



[redacted] was raped by a police officer back home in [redacted] the applicant expressed that he was poorly and insensitively treated by a U.S. employee or officer during his in-take interview.

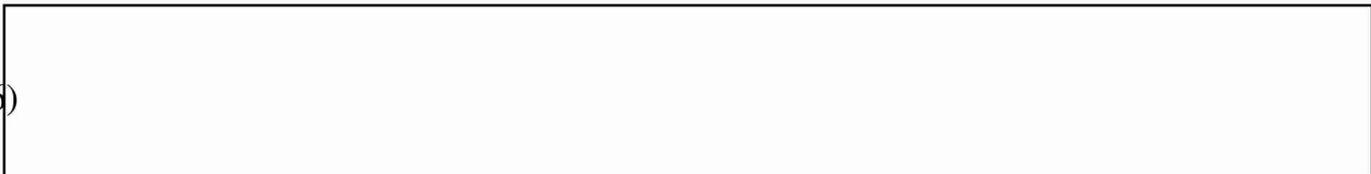
The applicant stated that when he expressed he was afraid to return to Honduras, the officer told him that he doesn't have the right to have asylum. That the government was not granting asylum, and not even women were receiving asylum. He was then told that he was going to be sent to a jail where they were going to rape him, and that he was told this because the applicant didn't sign the paperwork the officer asked him to sign. The applicant stated that he didn't sign because he thought it was papers to deport him, and it was in English.

(b)(7)(c)

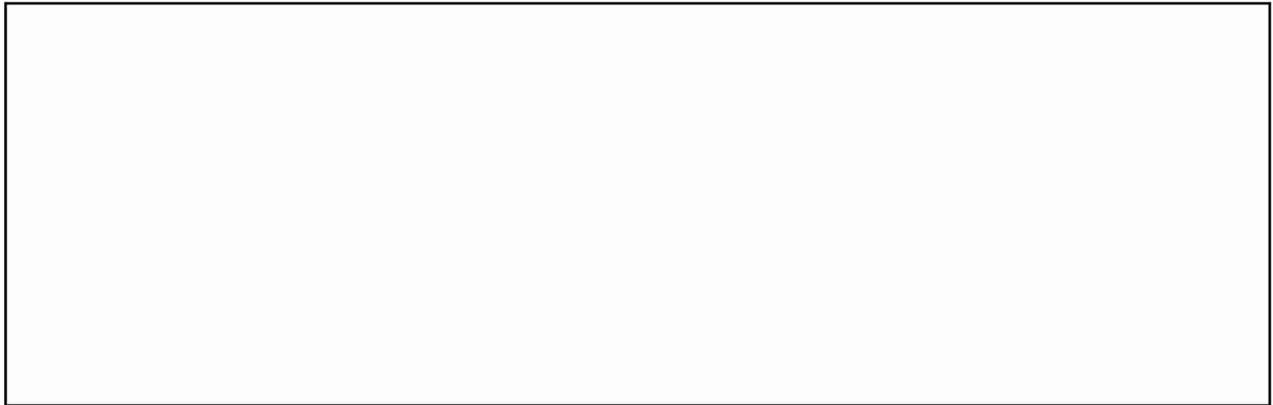
The Border Patrol Officer listed on the paperwork is named [redacted] and the applicant's paperwork has a stamp on each page that states, "Applicant refused to sign."

Although I do not know the exact circumstances of the interview between the officer and the applicant, a threat of rape is a gross violation for refusing to sign paperwork that was not made clear to an applicant. Compounded by the fact that this applicant was in fact raped, which resulted in him fleeing his county, it is extremely disturbing that the officer acted with such insensitivity, and in my personal opinion, this is a serious act of misconduct.

(b)(6)



(b)(6)



Did you receive an explanation of the process for asking for protection?	Yes
Do you have any questions about the process?	Well yes when the officer was doing the process, he treated me bad.
Okay what exactly did he do?	He said that know that I don't have the right to have asylum. They are not giving asylum not even women are giving asylum.
Okay I am really sorry to hear that he said that to you.	And then he told me that they were going to send me to a jail where they were going to rape me. And he told me that because I didn't sign what he wanted me to sign because I thought it was papers to deport me and it was in English.
Do you happen to know the officer's name?	No that is what I couldn't. I couldn't check his name.
Okay I am really sorry that this happened to you. It should not have happened.	And then he also told me that he was going to do everything possible for me not to go to the judge to fight for my case.
Is this at the current detention center that you are at?	No no when I entered the first time and when I was arrested.
Have you told anyone else about this?	No only my companions that we came.
Okay well I will definitely let my supervisors know that you were treated this way.	That's fine

# DHS OIG Hotline Complaint Form

- 1. Complainant Information
- 2. Allegation Details
- 3. Additional Details
- 4. Other Actions
- 5. Upload Documents
- 6. Certifications

## Part III - Additional Details

### (\* Required Information)

We can best process your complaint if we receive accurate and complete information. Provide a summary of your complaint, to include an event chronology, if appropriate.

If your complaint involves contractor fraud, provide the name of the primary contractor, subcontractor, type of contract, contract #s, date of contract award, and name(s) of agency official(s) if known.

Allegation Category

Civil Rights / Civil Liberties

DHS Affected Agency

U.S. Border Patrol (DHS)

What did the person(s) do or fail to do that was wrong?\*

A CBP/Immigration officer advised an applicant in the credible fear process that it was okay if someone wanted to rape him because he was gay, and wasn't that what he liked. The officer told the applicant that he means nothing to him and it would have been okay for them to rape the applicant. When the applicant attempted to read the officer's name badge the officer covered the badge with his hand and said it was his word against the applicant's.

4548 rema

When did the incident(s) occur?\*

06/27/2019 (applicant was there for abt half a day

0 rema

When were you made aware of the problem(s)?

9/13/19 (follow up interview 9/16/19) and rev 9/19

0 rema

Where did the incident(s) take place?

# Case Summary Report

## C19-BP-TUC-23770

**Title:** FNU LNU; BP; Why, AZ

Date Rcd: 9/19/2019 Date Assigned: Date Opened: 9/23/2019 Date Closed:

Rcd Method: Public Website

Agent:

Affected Agency: U.S. Border Patrol (DHS)

PrimaryOffice: Tucson, AZ

Ref Agency:

Alleg Type: Civil Rights / Civil Liberties \ Other Civil Rights/Civil Liberties

Special: No Privacy: No Confidential: No Dollar Loss: \$0.00

Joint Agency:

Ref Cases:



(b)(7)(c)

Comments: A CBP/Immigration officer advised an applicant in the credible fear process that it was okay if someone wanted to rape him because he was gay, and wasn't that what he liked. The officer told the applicant that he means nothing to him and it would have been okay for them to rape the applicant. When the applicant attempted to read the officer's name badge the officer covered the badge with his hand and said it was his word against the applicant's.

### People - Subjects

#### LNU, FNU

#### Home

Aka:

SSN:

EOD:

POB City:

POB State:

DOB:

Alien Number:

Address:

Company Name:

City:

State:

Zip:

DHS Emp: YES

DHS Exec: No

Phone:

Email:

#### LNU, FNU

#### Work

Aka:

SSN:

EOD:

POB City:

POB State:

DOB:

Alien Number:

Address:

Company Name:

City:

State:

Zip:

DHS Emp: YES

DHS Exec: No

Phone:

Email:

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# DHS OIG Hotline Complaint Form

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Allegation Category

Civil Rights / Civil Liberties

DHS Affected Agency

U.S. Border Patrol (DHS)

What did the person(s) do or fail to do that was wrong?\*

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4548 rema

When did the incident(s) occur?\*

06/27/2019 (applicant was there for abt half a day

0 rema

When were you made aware of the problem(s)?

9/13/19 (follow up interview 9/16/19) and rev 9/19

0 rema

Where did the incident(s) take place?

# Complaint Information

If you don't speak/write English, CRCL has access to interpreters and can talk to you in any language.

## ① Information about the person who experienced the civil rights/civil liberties violation

(fill in what you can)

(b)(6) Name:  First and Middle  Last

Phone #: Cell: \_\_\_\_\_ Home: \_\_\_\_\_ Work: \_\_\_\_\_

Please note that we may contact you at the provided numbers.

Mailing Address: \_\_\_\_\_  
Street address City State Zip

(b)(6) Date of Birth  Email (optional): \_\_\_\_\_

Alien Registration #. (if you have one and it's available)

Check here if you are in detention now.

(b)(6)

Which facility? Denver Contract Detention Facility 3130 NORTH OAKLAND STREET AURORA, CO 80010  
Facility name Facility address

Check here if you are represented by an attorney in this matter. If so please provide the attorney's name and contact information \_\_\_\_\_

## ② Are you filling in this complaint form on behalf of another individual? If yes, please provide your information.

(b)(6) Name  First  Last \_\_\_\_\_ Job title

(b)(6) Organization (if any): New Orleans Asylum Sub Office (DHS-RAIO-Asylum)  
Phone #: Cell:  Home:  Work:

(b)(6) Mailing Address  PO Box or Street address (b)(6) City \_\_\_\_\_ State \_\_\_\_\_ Zip

## ③ What happened? Describe your complaint. Give as much detail about your experience as possible.

(b)(6) Mr.  (in detention under the  and name  (b)(6) was solicited with sex by an immigration officer on 12/6/18 while being transported alone in a government vehicle from the border with Mexico and California to the 'Ice Box' detention center in San Ysidro, CA. The immigration officer was described as tall, thin, with blond hair and tan skin, and wearing a green uniform. The officer spoke Spanish and English. The officer told Mr.  that if he gave him sex, he would be set free. When Mr.  refused the proposition, the officer swore at him in English and said that he would be locked up as punishment.

(b)(6) Mr.  was also propositioned with sex by an officer on 12/14/18 at 5pm while in detention. The officer was short, had black hair, brown eyes and light brown skin. The officer was performing body searches for the detainees and told the applicant to wait behind the others. He grabbed Mr. 's shirt and asked him if he wanted to give him oral sex. He said that there were no cameras in the area. Government records indicate that the applicant would have been at the San Luis Regional Detention Center during this incident.

Continue on an additional page, if needed.

**When did this happen? If ongoing, please indicate when the problem began.**

*(If it happened on more than one date, list all dates):*

The first incident happened on 12/6/18 and the second proposition happened on 12/14/18.

**Where did this happen?**

Place *(for example, name the detention facility, airport, other):* Government Vehicle in San Ysidro, CA and San Luis Regional Detention Center

City: San Ysidro, CA and San Luis, AZ State or Country: CA and AZ

**④ Who treated you unfairly?**

An employee, contractor, or officer of *(check as many as apply):*

- Citizenship and Immigration Services (USCIS)
  - Customs and Border Protection (CBP)\*
    - Customs Officer
    - Border Patrol Agent
  - Federal Emergency Management Agency (FEMA)
  - Immigration and Customs Enforcement (ICE)
  - Secret Service (USSS)
  - Transportation Security Administration (TSA)\*
  - U.S. Coast Guard (USCG)
  - Other DHS program *(specify)* :
- Not sure which DHS office
  - Non-DHS employee working under the authority of DHS (e.g., 287g officer) specify: \_\_\_\_\_

\*If your complaint is about an incident at an airport, train station, or border crossing, you may also file a complaint with the Department of Homeland Security's Traveler Redress Inquiry Program (TRIP). TRIP and this Office will review your complaint together, resulting in a faster response. Go to: [www.dhs.gov/trip](http://www.dhs.gov/trip).

**⑤ List anyone else who may have seen or heard what happened.**

*(If you do not know their names, provide whatever details you can)*

Names (or other information, e.g., agency): \_\_\_\_\_

Mailing Address: \_\_\_\_\_  
PO Box or Street address City State or Country Zip

Phone No.: \_\_\_\_\_ Email: \_\_\_\_\_

Names (or other information, e.g., agency): \_\_\_\_\_

Mailing Address: \_\_\_\_\_  
PO Box or Street address City State or Country Zip

Phone No.: \_\_\_\_\_ Email: \_\_\_\_\_

*Continue on an additional page, if needed.*