



HUMAN
RIGHTS
WATCH

“They Treat You Like You Are Worthless”

Internal DHS Reports of Abuses by US Border Officials



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Summary

In 2017, a US Border Patrol agent kneed a woman in the lower pelvis, leaving bruises and pain days later, according to her statement to a government official screening her asylum claim. In a separate incident that year, a Border Patrol agent or Customs and Border Protection (CBP) officer forced a girl to undress and then inappropriately touched her. In 2018, a CBP officer hit another asylum applicant so hard he was knocked unconscious and suffered brain swelling. That same year, an officer wearing a green uniform, consistent with those of the Border Patrol, asked an asylum applicant to give him oral sex in exchange for being released from custody. Another asylum applicant was bitten in the testicle by a Border Patrol service dog and denied medical treatment for about one month and ultimately had to have his testicle surgically removed. In 2019, CBP officials appeared to withhold food from a man in a freezing cold holding facility until he agreed to sign a paper that he did not understand.

These are just some of the allegations of abuse catalogued in internal US Department of Homeland Security (DHS) reports received by Human Rights Watch on September 24, 2021 via the Freedom of Information Act (FOIA).

The internal reports include testimony and descriptions of testimony regarding over 160 cases of misconduct and abuse of asylum applicants at the hands of officers within several DHS components, particularly CBP officers and Border Patrol agents. The records, though heavily redacted, demonstrate that asylum officers within US Citizenship and Immigration Services (USCIS), another component of DHS, have repeatedly provided internal reports on allegations of assault, sexual abuse, due process violations, denial of medical care, harsh detention conditions, and dehumanizing treatment at the border.

The FOIA records include what appears to be an internal USCIS tally of 27 “possible CBP and ICE [US Immigration and Customs Enforcement] Due Process Violations” from 2017 to 2018, many of which describe officials preventing would-be asylum seekers from lodging claims or compelling them to sign papers they did not understand. One, for example, says the “applicant testified that she told the immigration officers that she was afraid to return. They wrote down that she said she was not. The applicant stated that the immigration officers did not tell her what she was signing when they typed in her signature.”

On September 28, Human Rights Watch provided DHS with summaries of 11 cases of abuse detailed in the FOIA documents, with a request for information about what, if any, investigations, or disciplinary actions occurred arising from the allegations. On October 12, Human Rights Watch provided DHS with additional details of concerns raised in the internal reports over violations of due process and dehumanizing treatment with a request for information about what, if any, training, investigations, or disciplinary actions occurred because of the allegations. At time of writing, DHS had not responded to either request.

Evidence that the nation's largest federal law enforcement agency, CBP, suffers from serious transparency, oversight, and accountability deficits has been mounting for years. A 2019 report from the DHS Office of Inspector General found that 47 percent of CBP employees surveyed did not believe officials at all levels were held accountable for their conduct. In a 2018 affidavit, CBP's former deputy assistant commissioner for internal affairs, James Wong, described CBP leadership as "reluctant to hold agents and others within the agency accountable for their actions, including if they were involved in criminal activity."

The documents Human Rights Watch obtained via FOIA relate to internal reports sent primarily between 2016 and 2021 that include serious allegations, in some cases of criminal conduct. For example, the records show that a supervisor in the San Francisco Asylum Office communicated the following internally at DHS: "AO [asylum officer] [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 [a border holding cell], 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].” The documents do not record how DHS responded to these allegations.

Under USCIS policy, employees have a duty to report misconduct internally to DHS or federal government oversight bodies. That includes reporting violations or suspected violations of federal, state, and local laws, as well as agency rules, regulations, and policies. While the records do not contain information on whether any of the reports of abuse were investigated or any form of disciplinary action was taken, they reveal that in

some cases USCIS employees were confused about proper reporting procedures for border abuses, especially where such reports should be sent.

For example, the records include an internal email from 2019 in which an asylum officer describes “alarming” evidence contained in an applicant’s file. The officer described corroborating in interviews with the applicant that a border agent intimidated an asylum applicant and failed to correctly record their fear of return to their country of origin or personal information. “I don’t know if this is an issue we can bring up to HQ or if there is even anything they would be able to do about it,” the email reads. “I just didn’t want to be the only one to know a thing.”

Three former asylum officers and Michael Knowles, President of the American Federation of Government Employees Local 1924, which represents asylum officers, told Human Rights Watch that based on their experience they have little expectation DHS will act on reports of CBP or ICE misconduct. They also said USCIS management did not uniformly enforce or encourage compliance with their reporting mandate, though the requirement is mentioned in asylum officer training.

The reports of misconduct and abuse contained in the documents appear to have been sent to USCIS supervisors or headquarters, the USCIS Office of Security and Integrity, the DHS Office for Civil Rights and Civil Liberties (CRCL), and the DHS Office of Inspector General (OIG). In many cases USCIS chose to redact sections of the documents containing crucial details such as dates, locations, and the nationality of the person who suffered abuse and omitted appended documents from the production. Human Rights Watch obtained the documents after litigation in federal court over a request it initially filed in 2015 and is considering a further appeal to press the government for greater transparency, including limiting redactions to those permitted under the FOIA statute.

The FOIA documents paint a picture of DHS as an agency that appears to have normalized shocking abuses at the US border. The US should take urgent and sustained action to stop such abuses by transforming migrant border reception and DHS accountability practices, including ensuring redress for migrants and asylum seekers who have been harmed. This should include investigations by Congress and other federal agencies, DHS reviews of its accountability and discipline practices, and the institution of more robust oversight and transparency policies.

Key Recommendations

To the US Congress:

- Investigate allegations of misconduct and abuse documented in internal DHS reports, including those described in this report;
- Investigate DHS' response to internal and external complaints of border abuses. The review should include an assessment of the agency's capacity to ensure transparent, prompt, and effective investigation, disciplinary action, and redress with respect to such complaints. It should encompass the conduct and capacities of DHS internal oversight bodies, the role of Human Resources at CBP in imposing discipline, and the role of training, culture, and transparency practices;
- Allocate federal funds to support DHS in taking necessary measures to ensure accountability, redress, and culture change toward an embrace of transparency and respect for the right to seek asylum;
- Allocate federal funds to build appropriate capacity for short-term reception of asylum seekers at the border in safety and dignity on the way to their destinations in the US, with attention to humanitarian needs and core rights, including access to personal hygiene products; toilets; potable water; regularly served, culturally- and age-appropriate food; clothing that is clean and warm; blankets; beds; attorney access; free phone calls; medical and mental health services, and access to ongoing case-management services.

To the Administration of President Joe Biden:

- Bring the full resources of the federal government to bear to ensure accountability in US border operations, including by tasking a separate federal agency such as the Department of Justice to investigate rights violations at the border;
- Reject the “prevention through deterrence” enforcement strategy, which includes policies that limit the entry of asylum seekers and migrants at ports of entry and propel them into hostile terrain by concentrating

enforcement in populated areas, and instead create more welcoming border management rooted in human rights and dignity that meets the humanitarian and protection needs of newly arriving people while ensuring order and efficiency.

To the Department of Justice:

- Investigate internal and external allegations of abuse by government officials at the US border and consider an investigation of a pattern and practice of rights violations by CBP and the Border Patrol.

To the Department of Homeland Security:

- Investigate the allegations of misconduct and abuse documented in internal reports, including those described in this report;
- Conduct an immediate review of DHS and CBP oversight, complaint, and disciplinary mechanisms, including appropriate referrals for criminal conduct, and publicly report the findings;
- Address persistent failures identified by the DHS OIG in implementation of discipline in CBP, even when a policy violation is found, including localized discrepancies, unchecked incentives to protect colleagues in the field and lack of outcome tracking;
- Review and strengthen protections against retaliation, deportation or expulsion of migrants who report abuses;
- Strengthen external and civilian oversight and engagement in reform efforts, including by incorporating independent, external, and directly impacted individuals and groups into the newly-announced DHS Law Enforcement Coordination Council, and other bodies aimed at improving CBP and law enforcement conduct at DHS.

Human Rights Watch’s FOIA Request and Internal DHS Reporting Structures

This report is based on records obtained by Human Rights Watch in response to a request filed under the United States Freedom of Information Act (FOIA). Human Rights Watch submitted its request together with the American Immigration Council on November 17, 2015, seeking records held by USCIS concerning alleged due process violations or other alleged misconduct by CBP impacting asylum seekers.

In late 2016, USCIS produced 110 documents totaling 229 pages at what it purported to be the conclusion of its review. One hundred-seventy-five of those pages were significantly or fully redacted. Less than a quarter of the produced pages were released in their entirety.

Represented by the law firm Nixon Peabody, Human Rights Watch sued USCIS under FOIA.¹ The lawsuit alleged that the documents USCIS originally produced were inadequate because they were over-redacted and because the original FOIA request sought documents from October 1, 2006 through December 13, 2016, but the government failed to provide any records dated between 2006 and 2012. In 2018, Human Rights Watch received a heavily redacted excel spreadsheet that appears to categorize 1,043 sworn statements of people in expedited removal in 2013 and 2014 as showing “no apparent problem” or indicating potential due process concerns caused by CBP.²

A March 2021 settlement of Human Rights Watch’s claims required USCIS to conduct a new search for updated responsive documents. On September 24, 2021, USCIS provided to Human Rights Watch 224 pages containing 135 separate records in which asylum officers recorded misconduct and abuse, often identifying the abusive individual as an official working with a specific agency (often CBP or Border Patrol), or as an official wearing a

¹ “US: FOIA Suit on Border Guards Rights Abuses,” Human Rights Watch news release, March 26, 2018, <https://www.hrw.org/news/2018/03/26/us-foia-suit-border-guards-rights-abuses>.

² 2018 FOIA Records, “AO Spreadsheet Production,” on file with Human Rights Watch.

green (olive green is the official color of the Border Patrol uniform)³ or black uniform (black is often worn by ICE officers),⁴ or as an official working in a specific named facility known to be under the administration of a particular component. The production also contained four copies of a spreadsheet summarizing a compilation of 27 reports of “possible due process” violations by CBP and ICE.

Under the expedited removal process, US law requires that when an individual apprehended at the border or near a point of entry expresses a fear of returning to their country of origin, CBP refer that individual to USCIS asylum officers for a “credible fear interview,” which determines whether the individual might qualify for asylum or other protection.⁵ Most of the records in the FOIA production appear to be based on information reported to asylum officers by asylum applicants in these interviews. “Part of your job [in a credible fear interview] is to create an environment where someone is telling you very personal stuff,” a former asylum officer told Human Rights Watch.⁶

According to a description of a 2015 USCIS management directive contained in the FOIA documents, USCIS personnel are required to internally report known or suspected government misconduct including “violations or suspected violations of federal, state, local laws, agency rules, regulations, and policies.”⁷ The management directive provides USCIS staff members with the options of reporting to the USCIS Office of Security and Integrity’s (OSI) Investigations Division by using an online reporting form, or to the DHS Office of Inspector General (OIG) through the OIG hotline web page.⁸ The reports contained in the records obtained by Human Rights Watch appear to have been sent to USCIS

³ Elliot Spagat, “Border Patrol uniform gets first makeover since the 1950s,” North County Times, August 16, 2007, https://web.archive.org/web/20090626063521/http://www.nctimes.com/articles/2007/08/17/news/sandiego/18_64_318_16_07.txt (accessed October 15, 2021).

⁴ ACLU of Southern California, “Immigration Enforcement at Courthouses,” <https://www.courts.ca.gov/documents/BTB24-2H-5.pdf> (noting that ICE agents frequently wear nondescript “black uniforms”) (accessed October 15, 2021).

⁵ Immigration and Nationality Act (INA) 235(b), codified as 8 U.S.C. 1225(b) and enacted as regulation at 8 C.F.R. 235.3(b)(c); INA 241(c), codified as 8 U.S.C. §1231(c) and enacted as regulation at 8 C.F.R. 241; INA 212(a)(9)(a) and (a)(9)(c)(i), codified as 8 U.S.C. 1182(a)(9)a and (a)(9)(c)(i).

⁶ Human Rights Watch telephone interview with former asylum officer, October 5, 2021.

⁷ Message from Leon Rodriguez, USCIS Director, “Message from the Director: Reporting Misconduct,” March 24, 2015, referencing USCIS Management Directive 256-005, “Reporting Known or Suspected Misconduct,” (2021 FOIA Records 3_155 on file with Human Rights Watch).

⁸ Ibid.

supervisors or headquarters, the USCIS Office of Security and Integrity, DHS' Office for Civil Rights and Civil Liberties (CRCL), and the DHS OIG.

Despite mandatory reporting, it is not clear how or whether DHS follows up on reports of misconduct or abuse at the border. On September 28, Human Rights Watch provided DHS with detailed summaries of the 11 cases of alleged abuse from the 2021 FOIA documents with a request for information about what, if any, investigations, or disciplinary actions occurred as a result of the allegations.⁹ On October 12, Human Rights Watch provided DHS with details of the concerns raised about due process and dehumanizing treatment in the internal reports to DHS oversight bodies.¹⁰ At this writing, DHS had not responded to either request.

A former asylum officer told Human Rights Watch she had advocated, ultimately successfully, in 2013 and 2014 for her office to collect and file reports of border abuse and misconduct, including systematic due process violations by CBP. Like many asylum officers, she is a licensed attorney. “My initial point was that as a member of the bar we are really ethically obligated to report this stuff even if upper management didn’t seem to care too much.” She continued:

I never heard that [reports/complaints we submitted] were followed up on or investigated. I inquired several times with my supervisor at the time ... and he said that HQ Asylum has a huge database of these complaints about ICE/CBP officers and that they were trying to figure out what to do with them.¹¹

A second former asylum officer told Human Rights Watch she interviewed applicants for credible fear for approximately a year and a half and submitted over a dozen reports of CBP abuse during that time.¹² She said:

⁹ Letter from Clara Long, associate director, US Program, Human Rights Watch, September 28, 2021, <https://www.hrw.org/media/91423>.

¹⁰ Letter from Clara Long, associate director, US Program, Human Rights Watch, October 12, 2021, <https://www.hrw.org/media/91425>.

¹¹ Human Rights Watch email correspondence with former asylum officer, October 8, 2021.

¹² Human Rights Watch telephone interview with former asylum officer, October 15, 2021.

When an applicant tells you about abuse during an interview, officers have a duty to take that information and then file a report with OIG... Many of us also had questions in our interview templates where we'd ask specifically how they were treated by CBP and ICE. It wasn't required. But it's something those of us concerned with this routinely did... It's really surreal when are you taking down a persecution claim from the applicant's country of origin, and you are simultaneously transcribing one from your own government.¹³

The former officer noted that out of the over a dozen reports she submitted, she “only ever got called about it once [from OIG], asking for more information.” Michael Knowles, President of the American Federation of Government Employees Local 1924, which represents asylum officers, told Human Rights Watch that when a USCIS employee reports alleged misconduct, waste, fraud, or abuse investigators are supposed to follow up and take a sworn statement from the complainant, but the complainant may never learn of the results of any investigation.

Another former asylum officer interviewed by Human Rights Watch estimated that asylum officers learn of border misconduct or abuse in a significant number of the credible fear interviews they conduct, though relatively rarely do they file internal reports.¹⁴ “A lack of investigations or controls normalizes the abuse” at the border, the former officer said.

DHS failure to act on or investigate external complaints of CBP abuses has been widely reported.¹⁵ In March 2021, the ACLU and the ACLU of Texas published a list of 13 unresolved external complaints about CBP filed with the DHS OIG between 2019 and

¹³ Human Rights Watch telephone interview with former asylum officer, October 15, 2021.

¹⁴ Human Rights Watch telephone interview with former asylum officer, October 5, 2021.

¹⁵ Chris Rickerd and Sarah Turberville, “An Oversight Agenda for Customs and Border Protection: America’s Largest, Least Accountable Law Enforcement Agency,” Project on Government Oversight, October 12, 2021, <https://www.pogo.org/report/2021/10/an-oversight-agenda-for-customs-and-border-protection-americas-largest-least-accountable-law-enforcement-agency/> (accessed October 15, 2021); Amy Isackson, Miguel Macias, Ari Shapiro, “Biden Says Border Agents Will Be Held Accountable For Misconduct. A Critic Has Doubts,” *NPR*, September 28, 2021, <https://www.npr.org/2021/09/28/1040999587/border-patrol-agents-misconduct-abuse-accountability> (accessed October 13, 2021); Robert Moore, El Paso Matters, “New Report Shows ‘Deeply Troubling Failures’ by Border Patrol in Boy’s Death, Key Congressional Leader Says,” *ProPublica*, September 17, 2021, <https://www.propublica.org/article/new-report-shows-deeply-troubling-failures-by-border-patrol-in-boys-death-key-congressional-leader-says> (accessed October 13, 2021); Garrett Graff, “The Green Monster: How the Border Patrol Became America’s Most Out-of-Control Law Enforcement Agency,” *Politico Magazine*, November/December 2014, <https://www.politico.com/magazine/story/2014/10/border-patrol-the-green-monster-112220/> (accessed October 15, 2021).

2020.¹⁶ The external complaints highlighted by the ACLU cover similar ground as the internal complaints Human Rights Watch obtained via FOIA, including dangerous and inhumane conditions in Border Patrol detention, routine failures to provide necessary medical care, verbal abuse, and denials of the right to seek asylum. Similarly, the National Immigration Project of the National Lawyers Guild released a compilation of dozens of complaints alleging CBP and ICE misconduct in which DHS either failed to investigate or act to provide redress.¹⁷ The Kino Border Initiative (KBI), a binational nongovernmental organization operating in Nogales, Arizona and Nogales, Sonora, Mexico, described in a February 2021 letter to DHS Secretary Alejandro Mayorkas 63 complaints about CBP misconduct and abuse that the OIG acknowledged receiving since 2017, only 14 of which “received definitive results” from the oversight body.¹⁸

A 2019 report from the OIG found that DHS “does not have sufficient policies and procedures to address employee misconduct,” resulting in localized discrepancies, unchecked incentives to protect colleagues in the field, and lack of outcome tracking.¹⁹ The same report found that 47 percent of CBP employees surveyed did not believe officials at all levels were held accountable for their conduct. In a 2018 affidavit, CBP’s former deputy assistant commissioner for internal affairs, James Wong, described CBP leadership as “reluctant to hold agents and others within the agency accountable for their actions, including if they were involved in criminal activity.”²⁰

On September 29, DHS announced the formation of the internal Law Enforcement Coordination Council (LECC) “to comprehensively assess a broad range of law enforcement

¹⁶ Letter from ACLU and ACLU Texas to Department of Homeland Security Secretary Alejandro Mayorkas about unresolved complaints of CBP misconduct, March 3, 2021, available at https://www.aclu.org/sites/default/files/field_document/2021_03_03_aclu_complaint_letter.pdf (accessed October 8, 2021).

¹⁷ National Immigration Project of the National Lawyers Guild, “Complaints Ignored, Abuses Excused: Why the Department of Homeland Security’s Internal Accountability Mechanisms Must Be Reformed,” April 2021, https://nipnlg.org/PDFs/2021_27Apr_ice-report.pdf (accessed October 8, 2021).

¹⁸ Letter from Kino Border Initiative Director of Education and Advocacy Joanna Williams to Department of Homeland Security Secretary Alejandro Mayorkas, February 11, 2021, <https://www.kinoborderinitiative.org/wp-content/uploads/2021/02/KBI-Complaint-Summary-Cover-Letter-2-11-21.pdf> (accessed October 15, 2021).

¹⁹ DHS OIG, “DHS Needs to Improve Its Oversight of Misconduct and Discipline,” OIG 19-48, June 17, 2019, <https://www.oversight.gov/sites/default/files/oig-reports/OIG-19-48-Jun19.pdf> (accessed October 9, 2021).

²⁰ Affidavit from James Wong in Support of the Petitioners, *Anastasio Hernandez Rojas and Family v. United States*, Inter-American Commission on Human Rights, May 18, 2018, https://d3n8a8pro7vhmx.cloudfront.net/alliancesandiego/pages/204/attachments/original/1612397990/Additional_Observations_on_Merits_Case_14042_Exhibits_%281%29_compressed_%281%29.pdf?1612397990 (accessed October 13, 2021).

matters.”²¹ According to the announcement, the LECC will form subcommittees focused on use of force policies and training. No specific focus on improving accountability and redress is mentioned.

In the context of border abuses, key sources of information on abuses are migrants and asylum seekers themselves who are often pursuing an arduous legal process to gain asylum in the United States, and are ill-equipped and disincentivized to make official complaints or bring legal action against US government officials for abusive treatment. They also may be transferred, deported, expelled, or released in relatively quick timeframes. On September 22, DHS Secretary Alejandro Mayorkas promised a swift disciplinary investigation into the “extremely troubling” footage of Border Patrol agents on horseback wielding long reins and chasing Black migrants from Haiti taken on September 19 as well as internal oversight of the agents’ conduct at the Del Rio migrant camp.²²

On September 24, four Black-led immigrant rights organizations filed a complaint with DHS CRCL about rights violations in Del Rio, Texas “imploring” DHS “to act with urgency to ensure that victims and witnesses of CBP misconduct and their families are not expelled, deported, or returned to Haiti, Mexico, or any third countries” so that they remain available to provide information to investigators.²³

As of October 6, the US had deported or expelled over 7,500 migrants to Haiti over the 17 days since the events in Del Rio, including some who told reporters they were on the banks of the Rio Grande when Border Patrol deployed on horseback.²⁴ At time of writing, DHS had

²¹ DHS, “DHS Announces Continued Efforts, Outlines Steps Taken to Address Best Practices in Law Enforcement Efforts,” September 29, 2021, <https://www.dhs.gov/news/2021/09/29/dhs-announces-continued-efforts-outlines-steps-taken-address-best-practices-law> (accessed October 9, 2021).

²² Kevin Johnson, “DHS Vows to Have Findings Within ‘Days’ in Investigation of Border Patrol’s Treatment of Haitian Migrants,” *USA Today*, September 22, 2021, <https://www.usatoday.com/story/news/politics/2021/09/22/photos-border-patrol-using-horse-reins-whips-prompts-dhs-probe/5812845001/> (accessed October 8, 2021).

²³ The Haitian Bridge Alliance, African Communities Together, UndocuBlack Network, the Black Alliance for Just Immigration, “Letter to DHS Office for Civil Rights and Civil Liberties Regarding DHS Rights Violations in Del Rio, Texas,” <https://www.theadvocatesforhumanrights.org/Res/CRCL%20Complaint%20on%20Del%20Rio%2009-24-21.pdf> (accessed October 8, 2021).

²⁴ Giuseppe Lorete, Twitter, October 8, 2021, https://twitter.com/g_loprete/status/1446518562210865157 (accessed October 8, 2021); Camilo Montoya-Galvez, Twitter, October 6, 2021, <https://twitter.com/camiloreports/status/1445913517773688836> (accessed October 9, 2021); Mica Rosenberg and Gessika Thomas, “Two Haitian Families, Two Diverging Fates at US-Mexico Border,” Reuters, October 7, 2021, <https://www.reuters.com/world/americas/two-haitian-families-two-diverging-fates-us-mexico-border-2021-10-07/> (accessed October 8, 2021).

not released any outcome of a probe, which Mayorkas said would “be completed in days – not weeks.”²⁵

²⁵ Kevin Johnson, “DHS Vows to Have Findings Within ‘Days’ in Investigation of Border Patrol’s Treatment of Haitian Migrants,” *USA Today*, September 22, 2021, <https://www.usatoday.com/story/news/politics/2021/09/22/photos-border-patrol-using-horse-reins-whips-prompts-dhs-probe/5812845001/> (accessed October 8, 2021).

Reports of Border Abuse

Physical Abuse During Apprehension and Detention

Multiple court cases, investigative reports, and media accounts have alleged that CBP, Border Patrol, and ICE officers perpetrated physical abuse against migrants.²⁶ The Southern Border Communities Coalition, an association of 60 organizations from the US border region, has tallied 55 deaths since 2010 related to agent or officer use of force in encounters with CBP personnel.²⁷ Efforts to hold agents accountable for excessive use of force have failed or faltered, even in the context of fatal incidents.²⁸

The FOIA records obtained by Human Rights Watch and analyzed for this report contain multiple incidents of serious physical abuse of migrants and asylum seekers during arrests and while in the custody of Border Patrol, CBP, and ICE, including during periods of detention in CBP lockups.

For example, according to the FOIA records, a USCIS officer reported receiving testimony that on April 4, 2017, a woman was apprehended by the Border Patrol near Mexicali. The woman’s nationality is not included in the records. An asylum officer in Washington, DC sent an internal report on the testimony. According to the asylum officer’s record of their interview, this asylum applicant stated:

I was harmed and mistreated and beaten by a border patrolman. ... 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

²⁶ Chris Rickerd and Sarah Turberville, “Abusing Migrants While on Horseback? That Fits With the Border Patrol’s Long History of Brutality,” *Los Angeles Times*, September 22, 2021, <https://www.latimes.com/opinion/story/2021-09-22/haitian-migrants-del-rio-border-patrol-horseback> (accessed October 9, 2021); Garrett Graff, “The Green Monster: How the Border Patrol Became America’s Most Out-of-Control Law Enforcement Agency,” *Politico Magazine*, November/December 2014, <https://www.politico.com/magazine/story/2014/10/border-patrol-the-green-monster-112220/> (accessed October 9, 2021).

²⁷ Southern Border Communities Coalition, “Deaths by Border Patrol,” https://www.southernborder.org/deaths_by_border_patrol (last updated June 11, 2020) (accessed October 9, 2021).

²⁸ Bob Ortega and Rob O’Dell, “Deadly border agent incidents cloaked in silence: Republic investigation finds little public accountability in Southwest Border killings,” *Republic*, December 16, 2013, http://archive.azcentral.com/news/politics/articles/20131212arizona-border-patrol-deadly-force-investigation.html?nclick_check=1 (accessed October 9, 2021).

and my hand. And then he cuffed me. And I had quite a few bruises after that.²⁹

In this same case, 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."³⁰

According to the FOIA records, an asylum officer reported that an applicant testified:

[T]hat 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 ["entered without inspection"] by CBP, upon being take[n] 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 stated that he believed cameras at the facility recorded the incident and that it was witnessed by other individuals.³¹

The applicant describes physically the alleged perpetrator and appears to name the individuals who witnessed this treatment, though those names are redacted from the documents released under FOIA.

In a separate incident, another asylum applicant is reported to have required medical care after he was apprehended by CBP on September 4, 2018. According to a record made by an asylum officer about an applicant he interviewed:

[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

²⁹ 2021 FOIA Records 10_69, on file with Human Rights Watch.

³⁰ Ibid.

³¹ 2021 FOIA Records 72_155, on file with Human Rights Watch.

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.³²

No record of this official complaint is included in the FOIA documents.

Another report involved verbal and physical abuse by a Border Patrol agent on horseback. According to a FOIA record dated September 19, 2019, an applicant from Honduras testified to an asylum officer that he was subjected to mistreatment by a Border Patrol agent. The asylum officer reported what the applicant said:

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.³³

Weapons were involved in some reported incidents of physical abuse. In a case detailed in the FOIA records, a USCIS staff member reported to “HQ” that an asylum applicant testified to an asylum officer that:

[H]e was mistreated at the Florence Staging Facility in Florence, AZ. The applicant testified that a man wearing a black uniform, who helps [B]order [P]atrol officers, put a gun to his head and told the applicant to ‘shut up or I'll shoot you.’³⁴

³² 2021 FOIA Records 10_155, on file with Human Rights Watch.

³³ 2021 FOIA Records 4_69, on file with Human Rights Watch.

³⁴ 2021 FOIA Records 52_69, on file with Human Rights Watch.

The USCIS staff member states in the internal report that the asylum applicant decided to withdraw his claim for protection “due to the mistreatment at the Florence Staging Facility.” Immigration lawyers working at the Florence Staging Facility told Human Rights Watch that officers working for Immigration and Customs Enforcement (ICE), another subagency of DHS, use black uniforms in the facility.³⁵

A gun was also used to physically threaten an asylum seeker from El Salvador, according to a record obtained from USCIS in its initial response to Human Rights Watch’s FOIA in 2018. In that case, the asylum applicant reported to an asylum officer that when he was apprehended, “a Border Patrol officer pushed an unloaded pistol into his stomach and pulled the trigger several times and threatened him.”³⁶ The asylum seeker reportedly told the asylum officer that his cousin witnessed the event.

Sexual Abuse

CBP, Border Patrol, and ICE officers have been accused, and in a small number of cases, criminally tried for sexual abuse.³⁷ The FOIA records analyzed for this report contain asylum officers’ reports of sexual abuse during apprehension and detention of asylum seekers and migrants. According to the FOIA records, a supervisory asylum officer in the San Francisco Asylum Office reported:

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:

³⁵ Human Rights Watch email correspondence with Laura St. John, Florence Immigrant and Refugee Rights Project, October 6, 2021.

³⁶ 2018 FOIA Records 106_229, on file with Human Rights Watch.

³⁷ Tim Stellar, “Sex crime arrests are far too common among Border Patrol Agents,” *Las Vegas Sun*, May 12, 2021, <https://lasvegassun.com/news/2021/may/12/sex-crime-arrests-are-far-too-common-among-border/> (accessed October 9, 2021); American Civil Liberties Union of Northern California, “Settlement Reached in CBP Sexual Assault Case: Teen Was Assaulted by Border Patrol Agent in Texas,” February 19, 2019, <https://www.aclunc.org/news/settlement-reached-cbp-sexual-assault-case> (accessed October 9, 2021); Jacob Soboroff and Julia Ainsley, “Migrant Kids in Overcrowded Arizona Border Station Allege Sex Assault, Retaliation from US Agents,” *NBC News*, July 9, 2019, <https://www.nbcnews.com/politics/immigration/migrant-kids-overcrowded-arizona-border-station-allege-sex-assault-retaliation-n1027886> (accessed October 9, 2021); Lomi Kriel, “ICE Guards ‘Systematically’ Sexually Assault Detainees in an El Paso Detention Center, Lawyers Say,” *ProPublica*, August 14, 2020, <https://www.propublica.org/article/ice-guards-systematically-sexually-assault-detainees-in-an-el-paso-detention-center-lawyers-say> (accessed October 9, 2021).

the young girl was forced to undress and touched inappropriately by a guard in the Ice Box wearing green, with the nametag [redacted].³⁸

The supervisory asylum officer reporting this case wrote: “Please let us know if there is any other information you need from the applicant, beyond what is in the attached notes.”³⁹

According to another FOIA record, a female applicant testified to an asylum officer that a female officer:

[P]ushed 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?”⁴⁰

The documents contain an excerpt from this female asylum applicant’s I-213, naming the primary CBP officer involved in her processing at the San Ysidro Port of Entry on September 20, 2015 at approximately 4:45 pm.⁴¹

In a third case of alleged sexual abuse contained in the FOIA records, an asylum officer reported:

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 officer told Mr. [redacted] that if he gave him sex, he would be set free. When Mr. [redacted] 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 performing body searches for the detainees

³⁸ 2021 FOIA Records 13_155, on file with Human Rights Watch. The English and Spanish words and phrases “ice box,” “hielera,” “freezer,” and “cooler” are colloquial terms used by asylum seekers, migrants, CBP, Border Patrol, and ICE to signify border holding cells.

³⁹ Ibid.

⁴⁰ 2021 FOIA Records 151_155, on file with Human Rights Watch.

⁴¹ An I-213 is a “Record of Deportable/Inadmissible Alien” and sets forth information to support the charge that a noncitizen should be removed from the US.

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.⁴²

The report contained physical descriptions of both officers involved in this alleged abuse.

Discriminatory and Dehumanizing Treatment

CBP's culture of cruelty and dehumanization has long been documented by external observers.⁴³ One video from Border Patrol's deployment of horses against migrants in Del Rio, Texas shows an agent telling a Haitian migrant, "This is why your country's shit!"⁴⁴

Several of the FOIA records describe discriminatory and intimidating language and treatment of asylum applicants by US border and immigration officials. In one record, a USCIS staff member describes a female asylum applicant from El Salvador as having "testified really clearly how she was harassed by our colleagues at the border." An excerpt from her statement is included:

[W]hen I got to the cooler [or "hielera," a slang phrase for border holding cells], they called me a whore and said I came to take what was theirs. ... When I came here and crossed the border, they said damn Salvadorans, damn you people.⁴⁵

Several complaints contained in the FOIA records indicate that DHS staff use words and phrases like the "dog pound" or "kennel" to describe CBP holding cells.⁴⁶ They also describe verbal abuse, for example, DHS staff comparing migrants to vermin. An asylum

⁴² 2021 FOIA Records 6_69, on file with Human Rights Watch.

⁴³ Josiah Heyman, Jeremy Slack and Daniel Martínez, "Why Border Patrol Agents and CBP Officers Should Not Serve As Asylum Officers," Center for Migration Studies, June 21, 2019, <https://cmsny.org/publications/heyman-slack-martinez-062119/> (accessed October 8, 2021).

⁴⁴ Al Jazeera English, "Haitian Migrants Undeterred as US Begins Removal Flights," September 20, 2021, <https://www.youtube.com/watch?v=UTFnKjqcPks> (accessed October 8, 2021).

⁴⁵ 2021 FOIA Records 144_155, on file with Human Rights Watch.

⁴⁶ 2021 FOIA Records 11_155, 56_155, 69_155, 96_155, 133_155, 135_155, 4_69, 20_69, 47_69, 48_69, 49_69, on file with Human Rights Watch.

applicant from Honduras described such dehumanizing verbal abuse at a CBP facility in Chula Vista: “[T]hey called us sons of bitches, dogs, parasites, trash. Things like that.”⁴⁷ Another asylum applicant from Honduras whose gender is not indicated in the documents told an asylum officer of the dehumanizing language agents used:

[I]n the dog pound, they treat you like you are worthless, like you are not a human. ... If we laid down and didn't get up quickly they would kick us with their feet, and they told us that we gave birth to rats, and when we were eating if crumbs would fall they would say we look like rats.⁴⁸

Abusive Detention Conditions, Denial of Food, Medical Care

The conditions of detention in CBP holding cells are notoriously inhumane. In a 2018 report, Human Rights Watch documented how CBP used border holding cells, also known as “the icebox” or “the freezer,” to subject children and families to inhumane treatment in violation of CBP’s own policies.⁴⁹ The documents obtained via FOIA include harrowing accounts of harsh detention conditions and the denial of food and medical care to asylum seekers.

According to a document dated September 19, 2019 contained in the 2021 FOIA production, an applicant from Honduras testified he was held in the McAllen “icebox” and for 38 days in Kingsville in a cell for 40 people. The applicant said:

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

⁴⁷ 2021 FOIA Records 69_155, on file with Human Rights Watch.

⁴⁸ 2021 FOIA Records 46_69, on file with Human Rights Watch.

⁴⁹ Human Rights Watch, *In the Freezer: Abusive Conditions for Women and Children in US Immigration Holding Cells* (New York: Human Rights Watch, 2018), <https://www.hrw.org/report/2018/02/28/freezer/abusive-conditions-women-and-children-us-immigration-holding-cells>.

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.⁵⁰

The FOIA records also contain evidence that Border Patrol officers withheld food as a tool of coercion. For example, an asylum officer conducting credible fear screenings reported to DHS investigators that he or she received 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 who reported this treatment, though the name of the agent was redacted from the FOIA production. According to the testimony, an Ecuadorian man and an asylum officer had the following exchange about Border Patrol misconduct that took place when the applicant was at the Border Patrol’s Laredo Centralized Processing Unit in Laredo, Texas, 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.⁵¹

The records also include evidence that Border Patrol and ICE personnel failed to ensure asylum applicants could access necessary medical care, with devastating consequences. According to the FOIA records, 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] under the control of U.S. Border Patrol Agent [redacted].” The asylum officer’s record continues:

⁵⁰ 2021 FOIA Records 4_69, on file with Human Rights Watch.

⁵¹ 2021 FOIA Records 23_69, on file with Human Rights Watch.

Based on the testimony of the [applicant], it appears that the dog inadvertently severely injured the testicle of the [applicant]. The [applicant] 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 [applicant] 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 [applicant] was then transferred to ICE custody at the San Luis Regional Detention Center in Arizona on 07/10/2018. The [applicant] 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 [applicant] 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 [applicant].⁵²

Intimidation of Asylum Seekers and Denial of Due Process

For years, Human Rights Watch and others have documented intimidation tactics used by Border Patrol and CBP officers against asylum seekers, often in an apparent effort to pressure asylum seekers to abandon their claims.⁵³ Human Rights Watch and many other external reporters have also documented CBP's failure to record legitimate fear claims in

⁵² 2021 FOIA Records 21_155, on file with Human Rights Watch.

⁵³ Human Rights Watch, *You Don't Have Rights Here: US Border Screenings and Returns of Central Americans to Risk* (New York: Human Rights Watch, 2014), <https://www.hrw.org/report/2014/10/16/you-dont-have-rights-here/us-border-screening-and-returns-central-americans-risk>; John Washington, "Bad Information: Border Patrol Arrest Reports are Full of Lies that can Sabotage Asylum Claims," *The Intercept*, August 11, 2019, <https://theintercept.com/2019/08/11/border-patrol-asylum-claim/> (accessed October 9, 2021).

the expedited removal process.⁵⁴ Under the expedited removal process, US law requires that when an individual apprehended at the border or near a point of entry expresses a fear of returning to their country of origin, CBP refer that individual to USCIS asylum officers for a “credible fear interview,” which determines whether the individual might qualify for asylum or other protection.⁵⁵ Despite CBP’s proactive duty to screen migrants it places in expedited removal for fear of return to their country of origin, in practice many credible fear referrals come to USCIS on an ad-hoc basis once an asylum seeker has left CBP custody and entered the custody of ICE, the agency responsible for more prolonged detention of migrants.⁵⁶

Several of the records pertain to CBP’s intimidation of asylum seekers and failure to appropriately record fear claims in the expedited removal process. According to a record regarding a Honduran applicant for asylum,

The applicant stated that when he expressed he was afraid to return to Honduras, the [Border Patrol agent] 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.⁵⁷

The reporting USCIS staff member included the name of the Border Patrol agent listed on the applicant’s paperwork in the description of this case and added,

⁵⁴ Refugees International, “Addressing the Legacy of Expedited Removal: Border Procedures and Alternatives for Reform,” May 13, 2021, <https://www.refugeesinternational.org/reports/2021/5/11/addressing-the-legacy-of-expedited-removal-border-procedures-and-alternatives-for-reform> (accessed October 8, 2021); US Commission on International Religious Freedom, “Barriers to Protection: The Treatment of Asylum Seekers in Expedited Removal,” August 2, 2016, <https://www.uscirf.gov/news-room/releases-statements/serious-flaws-us-treatment-asylum-seekers-expedited-removal-children> (accessed October 8, 2021); US Commission on International Religious Freedom, “Study on Asylum Seekers in Expedited Removal,” February 2005, <http://www.uscirf.gov/reports-briefs/special-reports/report-asylum-seekers-in-expedited-removal> (accessed October 8, 2021).

⁵⁵ Immigration and Nationality Act (INA) 235(b), codified as 8 U.S.C. 1225(b) and enacted as regulation at 8 C.F.R. 235.3(b)(c); INA 241(c), codified as 8 U.S.C. §1231(c) and enacted as regulation at 8 C.F.R. 241; INA 212(a)(9)(a) and (a)(9)(c)(i), codified as 8 U.S.C. 1182(a)(9)a) and (a)(9)(c)(i).

⁵⁶ Human Rights Watch, *You Don’t Have Rights Here*.

⁵⁷ 2021 FOIA Records 105_155, on file with Human Rights Watch.

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 count[r]y, it is extremely disturbing that the officer acted with such insensitivity, and in my personal opinion, this is a serious act of misconduct.⁵⁸

An additional record in the FOIA documents includes a complaint to the DHS Office of Inspector General on September 19, 2019, possibly regarding the same incident. It further specifies that the report relates to conduct by a US Border Patrol agent in Tucson, Arizona, on June 27, 2019. According to the summary included in the documents,

[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 [...] 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.⁵⁹

The FOIA production additionally includes an Excel file named “Possible CBP and ICE Due Process Violations” that appears to be an internal USCIS tally of 27 cases from 2017 to 2018. In a column entitled “Problem/issue raised by the applicant” USCIS staff recorded a series of accounts of asylum seekers who said CBP interfered with their right to seek asylum. These records refer to persistent inaccuracies and inconsistencies in the paperwork CBP completes for migrants in expedited removal, particularly Form I-867B. Form I-867B requires that the immigration officer ask and record the answer to the question, “Do you have any fear or concern about being returned to your home country or being removed from the United States?”⁶⁰ These accounts include the following (corrected for minor spelling errors):

⁵⁸ Ibid.

⁵⁹ 2021 FOIA Records 123_155, on file with Human Rights Watch.

⁶⁰ Forms I-867B requires that immigration officers ask four questions: why did you leave your home country or country of last residence? Do you have any fear or concern about being returns to your home country or being removed from the United

- Applicant claimed CBP never interviewed her and never asked her if she has suffered harm, fears she would be harmed, or if she is afraid to return to Guatemala. Applicant claims she did not sign anything at the time. The paperwork shows that CBP entered that the applicant responded “no” to questions about if she fears to return to her country.⁶¹
- Applicant stated that she was told to sign papers in English without an explanation of what she was signing. Applicant claimed she was not asked if she fears to return to Honduras.⁶²
- Applicant claimed that CBP refused to let her speak. She told them she was afraid to return to her country and tried to tell them. I-867B lists the response as no to all four questions. Applicant claims CBP made her sign without explaining what she was signing.⁶³
- CBP wrote down that applicant was not afraid even though she stated the following: “Yes I did tell them that I was afraid and that I was also looking for a better future for my daughter. They asked if I was afraid of being tortured, extorted or afraid of the gangs, and my answer was no. That was all that they asked me.” Based on the applicant’s testimony, CBP asked different questions than the four on the I-867B and marked no under each question anyway.⁶⁴
- Applicant testified that she told CBP that she was afraid to return to her country and would be harmed if she returned. The I-867B reflects that she said no. The applicant claims that CBP “just said sign here and her[e] and here, and don’t worry because it has nothing to do with deportation,” rather than explaining what she was signing.⁶⁵
- Applicant testified that she told the immigration officers that she was afraid to return. They wrote down that she said she was not. The applicant stated

States? Would you be harmed if you are returned to your home country or country of last residence? Do you have any questions or is there anything else you would like to add? The form is available in Appendix A of Charles Kuck, “Legal Assistance for Asylum Seekers in Expedited Removal: A Survey of Alternative Practices” Expert Report in US Commission on International Religious Freedom, “Report on Asylum Seekers in Expedited Removal,” February 8, 2005, http://www.uscirf.gov/sites/default/files/resources/stories/pdf/asylum_seekers/legalAssist.pdf (accessed October 8, 2021).

⁶¹ 2021 FOIA Records “Possible CBP and ICE Due Process Violations” Spreadsheet, on file with Human Rights Watch.

⁶² Ibid.

⁶³ Ibid.

⁶⁴ Ibid.

⁶⁵ Ibid.

that the immigration officers did not tell her what she was signing when they typed in her signature for the I-867B questions.⁶⁶

The spreadsheet also notes eight cases in which asylum screening documents filled out by CBP indicate that the Border Patrol agent communicated with applicants in Spanish though USCIS records showed that the applicants were Indigenous language speakers and did not speak Spanish fluently.⁶⁷ In 2018, Human Rights Watch received a heavily redacted Excel spreadsheet that appears to categorize over one thousand sworn statements of people in expedited removal in 2013 and 2014 as showing “no apparent problem” or indicating potential due process concerns caused by CBP.⁶⁸ Of the 1,043 cases included in the spreadsheet, 389 were categorized under columns apparently referring to CBP’s administration of the Form I-867 interview questions entitled “not asked,” “too narrow,” “inappropriate,” “language,” and “BP did not record accurately.”⁶⁹ Only about 66 percent of the cases were categorized as showing “no apparent problems.”⁷⁰

⁶⁶ Ibid.

⁶⁷ Ibid.: also see Tom Jawetz and Scott Shuchart, “Language Access Has Life-or-Death Consequences for Migrants,” Center for American Progress, <https://www.americanprogress.org/issues/immigration/reports/2019/02/20/466144/language-access-life-death-consequences-migrants/> (access October 8, 2021).

⁶⁸ 2018 FOIA Records, “AO Spreadsheet Production,” on file with Human Rights Watch.

⁶⁹ Ibid.

⁷⁰ Ibid.

Acknowledgments

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Appendix I: Letter to the Department of Homeland Security from Human Rights Watch, September 28, 2021

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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.¹

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

¹ 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."²

- 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."³
 - 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."⁴
 - What, if any, investigations, disciplinary action and / or referral for criminal prosecution occurred as a result of these allegations?

² 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].

³ 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].

⁴ 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.”⁵
 - o 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.”⁶
 - o 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.⁷
 - o 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]

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

⁶ 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].

⁷ 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.”⁸

- 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.⁹

- 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

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

⁹ 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.¹⁰

- 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-23770.¹¹

- 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]

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

¹¹ 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.”¹²

- 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

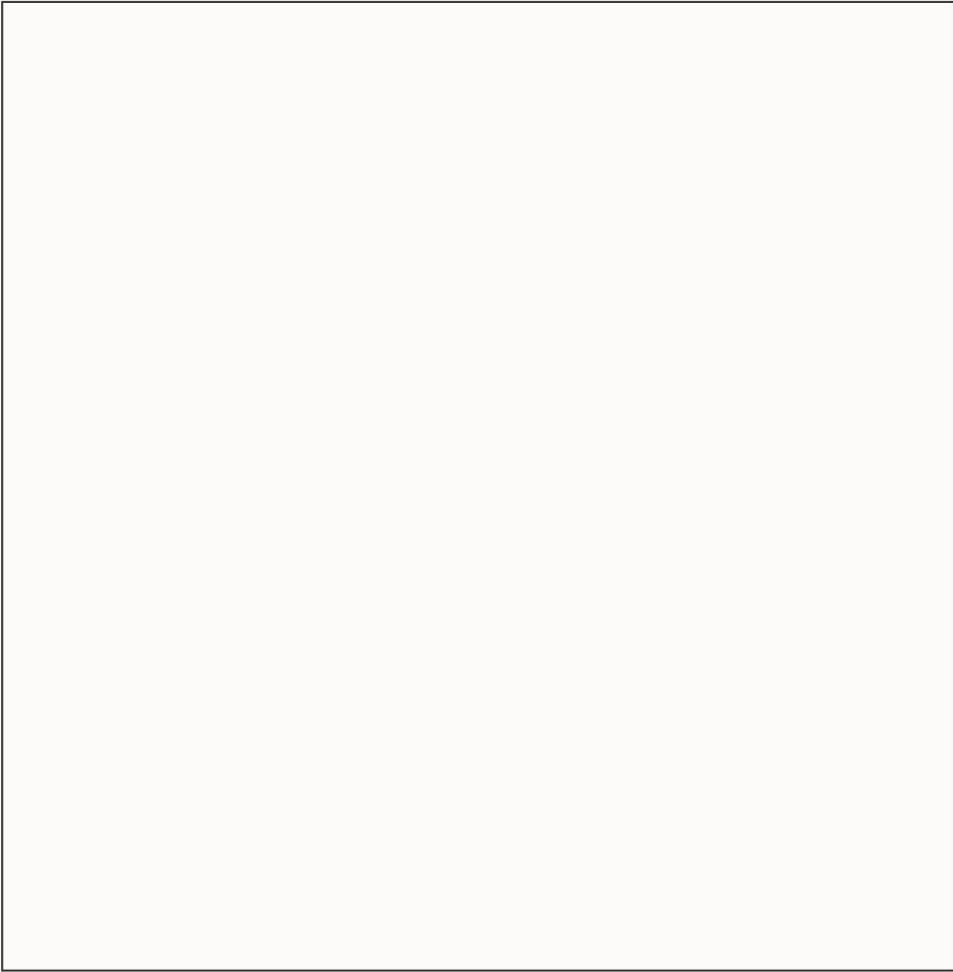
US Program, Associate Director
Human Rights Watch
Phone: [REDACTED]
Mobile/ WhatsApp/Signal: [REDACTED]
Web: <https://www.hrw.org/united-states>
Email: [REDACTED]
Twitter: @clarychka
[REDACTED]

Enc. Relevant verbatim records from FOIA

¹² 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].

Case 1

(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.

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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) [redacted]

Refugee Officer
US-CIS, RAIO
1250 Maryland Ave., SW Ste. 6110
Washington, DC 20024

(b)(6) [redacted]

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(b)(6)

Q: Is there anything else that you have no 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 know who did that 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 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.

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 [redacted]

Asylum Officer [redacted]

Interview Date: 4/27/2017

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2021 FOIA Records 11_69

(b)(6)	Alien No.: <input type="text"/> Name: <input type="text"/> Country: Honduras Asylum Office: Houston (ZHN)	Case 2 Date: September 17 2019 Asylum Officer: <input type="text"/> Language Line: <input type="text"/> Start: 9:00 AM Stop: 10:40 AM
(b)(6)		

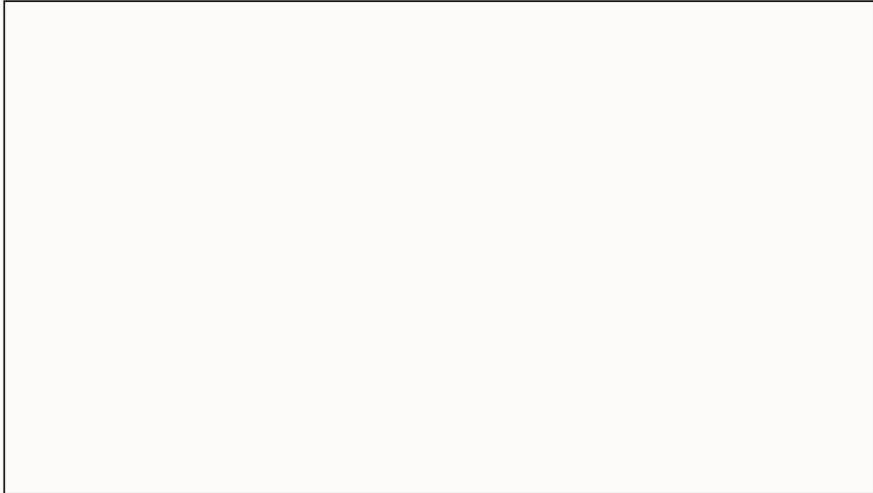
Officer	Applicant
Is there anything else that is important to your claim that we have not yet discussed?	No. Idk if I can talk about the detention. Only that I received an insult and they kicked me once.
Do you know who did this to you?	No. He was on a horse.
Was this in a facility or when you were first 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 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.
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

Anything else?	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.
Again sir, I'm very sorry that you had to experience this.	(silence with head down)

(b)(6)

Case 3
(b)(6)



The applicant for my CF interview today [redacted] testified during the interview that an (b)(6) 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)

(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

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2021 FOIA Records 69_69

2/3

Case 4
(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)

2021 FOIA Records 31_155

(b)(6)

Case 5

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. (b)(6) [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?

2021 FOIA Records 23_69

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 singed. Did the officers specifically refuse to give you food until you singed 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 singed?

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

2021 FOIA Records 24_69

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)

Case 6

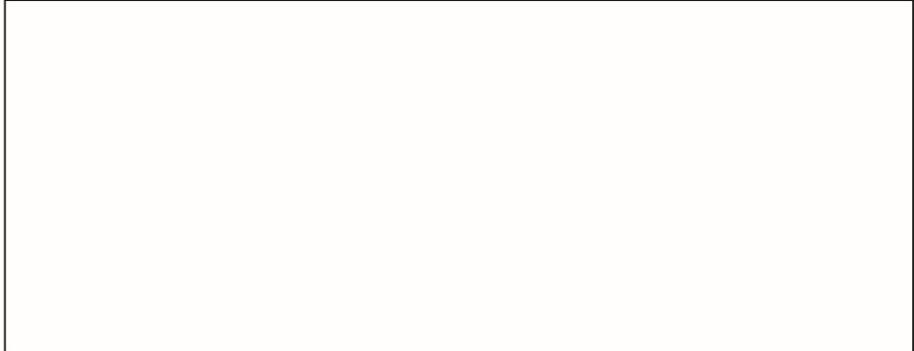
(b)(6)

(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

2021 FOIA Records 45-155

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)



[**2021 FOIA Records 46_155**](#)

Case 7

(b)(6) From:
To:
Subject:
Date:
Attachments:

(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 (b)(7)(c)
(b)(6) [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.

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)

(b)(6)

(b)(6)

(b)(6)

2021 FOIA Records 21_155

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

• Please provide the details/facts about the misconduct: CF APSO 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. This 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)

2021 FOIA Records 72_155

From:
To:
Subject:
Date:

[redacted] (b)(6)

Hi,

(b)(6)

Here are the portions from the initial and follow-up interview of [redacted] 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 [redacted] He looks like [redacted]
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 [redacted] or [redacted]
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.

(b)(6)

(b)(6)

at
e

(b)(6)
2021 FOIA Records 76_355

(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 Garita on September 20, and I asked for asylum, for the problem which I f A female officer talked to me and told me that because my child was a U.S. citizen, the t 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 Spanish, explain it to me better. She yelled at me when I asked for someone who spoke Spanish, pushed me, and she told me that I have to open very wide, and she touched my intimate 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 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) The I-213 lists the primary CBP officer a [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 along her United States citizen child, [redacted] and re [redacted] Asylum for herself before Customs and Border Protection Primary Officer [redacted] was subsequently turned over to the San Ysidro Admissibility Enf [redacted]

(b)(6)

file:///C:/U:

2021 FOIA Records 151_155

(b)(6)

Case 10

(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 country, 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)

2021 FOIA Records 105_455

(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 #, 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.

When did the incident(s) occur?*	06/27/2019 (applicant was there for abt half a day)	4548 remz
When were you made aware of the problem(s)?	9/13/19 (follow up interview 9/16/19) and rev 9/19	0 remz

Where did the incident(s) take place?

<https://hotline.oig.dhs.gov/> 9/19/2019
2021 FOIA Records 123_155

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)

Primary Office: 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: [REDACTED] (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:

DHS Emp: YES

City: DHS Exec: No

State: Zip:

Phone:

Email:

LNU, FNU

Work

Aka:

SSN:

EOD:

POB City:

POB State:

DOB:

Alien Number:

Address:

Company Name:

DHS Emp: YES

City: DHS Exec: No

State: Zip:

Phone:

Email:

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1 of 4 Pages

2021 FOIA Records 124_155

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 remz

When did the incident(s) occur?*

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

0 remz

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

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

0 remz

Where did the incident(s) take place?

<https://hotline.oig.dhs.gov/>

9/19/2019

2021 FOIA Records 153_155

Case 11
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)

(b)(6) Phone #: Cell: _____ Home: _____ Work: _____

(b)(6) Mailing Address: _____ *PO Box or Street address* _____ *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

(b)(6) Spanish and English. The officer told Mr. _____ that if he gave him sex, he would be set free. When Mr.

(b)(6) 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

(b)(6) 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.

2

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):

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

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.

Appendix II: Letter to the Department of Homeland Security from Human Rights Watch, October 12, 2021

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Andrew Zoli

October 12, 2021



HRW.org

Department of Homeland Security
301 7th Street SW
Washington, DC 20528

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.¹

On September 28, we wrote to you 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 relative to a selection of 11 of these complaints. We have not received a response.

We are writing now to ask what action DHS took in response to reports from USCIS that CBP officers and Border Patrol agents had engaged in discriminatory and dehumanizing treatment and denied due process to asylum seekers.

Several of the FOIA records allege discriminatory and intimidating language and treatment of asylum applicants by US border and immigration officials. In one record, a female asylum applicant from El Salvador “testified to having some pretty rough verbal abuse once she arrived in the US.” She said:

[W]hen I got to the cooler [or “hielera,” a slang phrase for CBP holding cells], they called me a whore and said I came to take what was theirs. Yes,

¹ 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.

there were always people traveling from other countries to El Salvador] and they'd always say we are dumb people. When I came here and crossed the border, they said damn Salvadorans, damn you people.²

Several complaints contained in the FOIA records suggest the shared use of dehumanizing language among both applicants and DHS staff like the “dog house,” “dog pound,” or “kennel” to describe CBP holding cells.³ They also contain evidence of verbal abuse, comparing migrants themselves to animals. An asylum applicant from Honduras described such dehumanizing verbal abuse at a detention facility in Chula Facility: “[T]hey called us sons of bitches, dogs, parasites, trash. Things like that.”⁴ Another asylum applicant told an asylum officer of the dehumanizing language agents used against her:

Just in the dog pound, they treat you like you are worthless, like you are not a human.... If we laid down and didn't get up quickly they would kick us with their feet, and they told us that we gave birth to rats, and when we were eating if crumbs would fall they would say we look like rats.⁵

In our previous letter, we inquired about several reports of specific intimidation tactics used by Border Patrol and CBP officers against asylum seekers, often in an apparent effort to pressure asylum seekers to abandon their claims. The FOIA production additionally includes an excel sheet entitled “Possible CBP and ICE Due Process Violations” that appears to be an internal to USCIS tally of 27 cases from 2017 to 2018. In a column entitled “Problem/issue raised by the applicant” USCIS staff recorded a series of accounts of asylum seekers who said CBP interfered with their right to seek asylum. These records refer to persistent inaccuracies and inconsistencies in the paperwork CBP completes for migrants in expedited removal, particularly form I-867B. Form I-867B requires that the immigration officer ask and record the answer to the question, “Do you have any fear or concern about being returned to your home country or being removed from the United States?”⁶ These accounts include the following “Possible CBP and ICE Due Process Violations” (corrected for minor spelling errors):

- Applicant claimed CBP never interviewed her and never asked her if she has suffered harm, fears she would be harmed, or if she is afraid to return to Guatemala. Applicant claims she did not sign anything at the time. The paperwork shows that CBP entered that the applicant responded “no” to questions about if she fears to return to her country.⁷
- Applicant stated that she was told to sign papers in English without an explanation of what she was signing. Applicant claimed she was not asked if she fears to return to Honduras.⁸

² 2021 FOIA Records 144_155, on file with Human Rights Watch.

³ 2021 FOIA Records 11_155, 56_155, 69_155, 96_155, 133_155, 135_155, 4_69, 20_69, 47_69, 48_69, 49_69, on file with Human Rights Watch.

⁴ 2021 FOIA Records 69_155, on file with Human Rights Watch.

⁵ 2021 FOIA Records 48_69, on file with Human Rights Watch

⁶ Forms I-867B requires that immigration officers ask four questions: why did you leave your home country or country of last residence? Do you have any fear or concern about being returns to your home country or being removed from the United States? Would you be harmed if you are returned to your home country or country of last residence? Do you have any questions or is there anything else you would like to add? The form is available in Appendix A of Charles Kuck, “Legal Assistance for Asylum Seekers in Expedited Removal: A Survey of Alternative Practices” Expert Report in US Commission on International Religious Freedom, “Report on Asylum Seekers in Expedited Removal,” February 8, 2005, http://www.uscirf.gov/sites/default/files/resources/stories/pdf/asylum_seekers/legalAssist.pdf (accessed October 8, 2021).

⁷ 2021 FOIA Records “Possible CBP and ICE Due Process Violations” Spreadsheet, on file with Human Rights Watch.

⁸ Ibid.

- Applicant claimed that CBP refused to let her speak. She told them she was afraid to return to her country and tried to tell them. I-867B lists the response as no to all four questions. Applicant claims CBP made her sign without explaining what she was signing.⁹
- CBP wrote down that applicant was not afraid even though she stated the following: "Yes I did tell them that I was afraid and that I was also looking for a better future for my daughter They asked if I was afraid of being tortured, extorted or afraid of the gangs, and my answer was no. That was all that they asked me." Based on the applicant's testimony, CBP asked different questions than the four on the I-867B and marked no under each question anyway.¹⁰
- Applicant testified that she told CBP that she was afraid to return to her country and would be harmed if she returned. The I-867B reflects that she said no. The applicant claims that CBP "just said sign here and her[e] and here, and don't worry because it has nothing to do with deportation" rather than explaining what she was signing.¹¹
- Applicant testified that she told the immigration officers that she was afraid to return. They wrote down that she said she was not. The applicant stated that the immigration officers did not tell her what she was signing when they typed in her signature for the I-867B questions.¹²

The spreadsheet also notes eight cases in which asylum screening documents filled out by CBP indicate that the Border Patrol agent communicated with applicants in Spanish though USCIS records showed that the applicants were Indigenous language speakers and did not speak Spanish fluently.¹³

Additionally, Human Rights Watch spoke with several former asylum officer who said DHS appeared uninterested in receiving or investigating reports from USCIS about CBP and Border Patrol.

What efforts has DHS undertaken to respond to these reports and to address more generally the issues of dehumanizing treatment and verbal abuse, and due process violations of asylum seekers?

We would appreciate your response to this inquiry on or before October 18, 2021, 5 business days from October 12, 2021.

Sincerely yours,


 Clara Long
 she, her, hers

US Program, Associate Director

Human Rights Watch

Phone: [REDACTED]

Mobile/ WhatsApp/Signal: [REDACTED]

Web: <https://www.hrw.org/united-states>

⁹ Ibid.

¹⁰ Ibid.

¹¹ Ibid.

¹² Ibid.

¹³ Ibid; also see Tom Jawetz and Scott Shuchart, "Language Access Has Life-or-Death Consequences for Migrants," Center for American Progress, <https://www.americanprogress.org/issues/immigration/reports/2019/02/20/466144/language-access-life-death-consequences-migrants/> (access October 8, 2021).

Email: [REDACTED]
Twitter: @clarychka
[REDACTED]

Enc. Relevant verbatim records from FOIA

POSSIBLE CBP AND ICE DUE PROCESS VIOLATIONS

Detention Center	Assignment Office	Number(s)	CBP	COR	Location	Interview Type	Date Interviewed	DOC	Problem/Issue raised by applicant
ZNK	(B6B)	Mexico	Mexico	CR	CR	B16	12/19/2017	CBP did not ask her if she was afraid to return to Mexico	Applicant claimed CBP officer (ICE)聆听 from testimony said he would be signing his deportation when orienting him, so applicant refused to sign it. I-444 even in night, which prevented him from being able to sleep.
ZNK	(B6B)	Honduras	Honduras	Spanish	CR	B16	12/27/2017	Applicant claimed CBP officer (ICE)聆听 from testimony said he would be signing his deportation when orienting him, so applicant refused to sign it. I-444 even in night, which prevented him from being able to sleep.	Applicant claimed CBP officer (ICE)聆听 from testimony said he would be signing his deportation when orienting him, so applicant refused to sign it. I-444 even in night, which prevented him from being able to sleep.
ZNK	(B6B)	El Salvador	El Salvador	Spanish	CR	B16	1/12/2018		I-867A and I-867B indicate that the CBP officer communicated with the applicants in Spanish. Our records show that the applicants only speak Spanish fluently.
ZNK	(B6B)	Guatemala	Guatemala	Spanish	CR	B16	2/20/2018		I-231, -867A, and -867B indicate that the CBP Officer interviewed the applicants in Spanish. Our records show that the applicants only speak Spanish fluently.
ZNK	(B6B)	Guatemala	Guatemala	Spanish	CR	B16	2/20/2018		I-867A and I-867B indicate that the CBP officer communicated with the applicants in Spanish. Our records show that the applicants only speak Spanish differently.
ZNK	(B6B)	Honduras	Honduras	Spanish	CR	B16	2/14/2018	Applicant stated that the CBP Officer interviewed him in Spanish. Applicants are only fluent in Quechua.	I-867A and I-867B indicate that the CBP officer communicated with the applicants in Spanish. Our records show that the applicants only speak Spanish differently.
ZNK	(B6B)	Guatemala	Guatemala	Spanish	CR	B16	3/07/2018	Applicant stated that the CBP Officer interviewed him in Spanish. Applicants are only fluent in Quechua.	I-867A and I-867B indicate that the CBP officer communicated with the applicants in Spanish. Our records show that the applicants only speak Spanish differently.
ZNK	(B6B)	Guatemala	Guatemala	Spanish	CR	B16	3/07/2018	Applicant requested an interpreter for the orientation but there was no local interpreter.	I-867A and I-867B indicate that the CBP Officer re-oriented applicants in Quechua.
ZNK	(B6B)	Guatemala	Guatemala	Spanish	CR	B16	3/07/2018		I-867A and I-867B indicate that the CBP officer communicated with the applicants in Spanish. Our records show that the applicants only speak Spanish.
ZNK	(B6B)	Guatemala	Guatemala	Spanish	CR	B16	3/07/2018		I-867A and I-867B indicate that the CBP officer communicated with the applicants in Spanish. Our records show that the applicants only speak Spanish.
DULY	(B6B)	Guatemala	Guatemala	Spanish	CR	B16	3/07/2018		I-867A and I-867B indicate that the CBP officer communicated with the applicants in Spanish. Our records show that the applicants only speak Spanish.
DULY	(B6B)	Guatemala	Guatemala	Spanish	CR	B16	4/06/2018	Applicant claimed CBP never interviewed her and never asked her if she has suffered harm, fear, she would be harmed, or if she is afraid to return to Guatemala. Applicant claims she did not sign anything at the time. The affidavit shows that CBP oriented the applicant responded "no" to questions about if she fears to return to her country	Applicants interviewed and oriented in Spanish, not English, per I-187A, I-867B, and M-444. Rachel Mayer (RIO) re-oriented applicants in Quechua.
DULY	(B6B)	Guatemala	Guatemala	Spanish	CR	B16	4/06/2018	Applicant stated that she was told to sign papers in English without explanation of what she was signing. Applicant claimed he was not asked if the Fees to return to her country to her and need to tell them. I-867B lists the response as no to all four questions.	Applicants interviewed and oriented in Spanish, not English, per I-187A, I-867B, and M-444. Rachel Mayer (RIO) re-oriented applicants in Quechua.
DULY	(B6B)	Honduras	Honduras	Spanish	CR	B16	4/20/2018	Applicant claims CBP gave her sign without explaining what she was signing.	I-867A and I-867B indicate that the applicants were interviewed in Spanish. Our records show that the applicants are only fluent in Quechua.
DULY	(B6B)	Mexico	Mexico	Spanish	CR	B16	4/20/2018		I-867A and I-867B indicate that the applicants were interviewed in Spanish. Our records show that the applicants are only fluent in Quechua.
DULY	(B6B)	Honduras	Honduras	Spanish	CR	B16	4/20/2018	Applicant stated the following during the interview about her initial interaction with CBP and apprehension: We crossed the river then walked and waited for like an hour and a half. That is when we saw my immigration card, I said to then I know I can't go on. My feet would not keep going. My children would say mom stop, I would say let's keep going. That is when I ran away from the bush and the car took off. So then the immigration took off on the street. That is when the young man jumped out of the bush. He scared us. He started barking at a dog, because some of us were stopped. We couldn't go on anymore. That's when I saw the car where we're going. We said to the U.S. We said this is not the U.S. You're in Mexico. And that was the Mexican immigration. And we said that can't be. That's when I didn't say anything anymore. Then he told us come with me. Let's go back to Mexico. That's when we barked at one another and I told my children don't want to go back to Honduras.	No date or original M-444 and no signatures. Section of I-867 signed despite applicant expressing retain in I-23, -867A, and -867B.

POSSIBLE CBP AND ICE DUE PROCESS VIOLATIONS

DULY	204	(b)(6)	Spanish	Spanish	CROSS	(b)(6)	4/26/2018	Poor treatment by medical staff at DILY; refused adequate treatment for daughter which has not eaten in 9 days and has 105 degree fever
DULY	204	(b)(6)	Spanish	Spanish	CROSS	(b)(6)	4/26/2018	CBP word down that applicant was not afraid even though she stated the following: "Yes, I did tell them that I was afraid and that was also looking for a better future for my daughter. They asked if I was afraid and that was also looking for a better future for my daughter. They asked if I was afraid and that was also looking for a better future for my daughter. They asked if I was afraid and that was also looking for a better future for my daughter." Based on the applicant's testimony, my answer was no. That was all that they asked me. Based on the applicant's testimony, CBP asked different questions than the four on the I-867/B and married no under each question anyway."
DULY	204	(b)(6)	Spanish	Spanish	CROSS	(b)(6)	4/26/2018	Applicant testified that she was treated very badly after she was detained while in wait, they call the "waiting room before being transferred to DILY. She stated: "They would get us up all the time if someone was asleep they would go and kick you to get up"
DULY	204	(b)(6)	Spanish	Spanish	CROSS	(b)(6)	4/26/2018	Applicant testified the following: Officer interviewee Do you remember speaking with Immigration Officer when you were initially detained on your most recent entry? Ah, with the officers practically in the doghouse, why didn't get much information because mainly they did not take my care Did you tell them you were going to Washington? Yes
DULY	204	(b)(6)	Spanish	Spanish	CROSS	(b)(6)	4/26/2018	Did you tell them you were looking for work? Yes I said I was coming to get my children Did they ask you if you were afraid to return to your country? No they asked How did you respond? I told them I had fear but there asking me it was for documentation and they said that all the countries were like that, and then didn't pay attention to me. Is there any reason why they put down that you said never afraid to return to your country? I never is no reason, because really they don't request much information. Did they ask you if you were afraid to return to your country? No they didn't. Did they make you sign anything without explanation that you never signed? No I didn't want to sign anything. They just told me I was going to be deported but they didn't give me sign anything.
DULY	204	(b)(6)	Spanish	Spanish	CROSS	(b)(6)	5/2/2018	Applicant testified that she told CBP that she was afraid to return to her country and would be harmed if she returned. The I-867 reflects that she said no. The applicant claims that CBP just said sign here and her and here, and don't worry because this coming to do with deportation". Rather than explaining what she was signing.
DULY	204	(b)(6)	Spanish	Spanish	CROSS	(b)(6)	5/6/2018	Applicant testified that she told the immigration officers that she was afraid to return. They wrote down that she said she was not. The applicant stated that the immigration officers did not tell her what she was signing when they typed in her signature for the I-867B questions.
DULY	204	(b)(6)	Spanish	Spanish	CROSS	(b)(6)	5/6/2018	The applicant testified that before entering EWI she appeared at a POC and told CBP she was afraid to return but they told her to go back to Mexico. The applicant testified in the interview to the following: Officer: If you were awaiting a relative petition, why didn't you show up at a port of entry? Applicant: I showed up at the bridge but was not allowed to enter. I stated that in my statement, I presented myself here on May 4. I waited until Saturday May 5.
DULY	204	(b)(6)	Spanish	Spanish	CROSS	(b)(6)	5/6/2018	Officer: When you presented yourself at the port of entry did they ask you if you were afraid to return? Applicant: Of course! told them I came here to seek help and they told me go back to Mexico. I said I couldn't.

POSSIBLE CBP AND ICE DUE PROCESS VIOLATIONS

DULY 2nd	(b)(6) Husband Husband Spouse	CBP DHS	5/7/2013	Applicant claimed she told CBP she was afraid to return to her country and that she would be harmed if she returned. The -867 says he answered that she was not afraid. The applicant claims she was never shown this document. The document is stamped "Refused to be harm[ed] if she returned." Sign: _____
DULY 2nd	(b)(6) Wife Wife Spouse	CBP DHS	5/16/2013	Applicant claimed she told CBP she was afraid to return to her country and that she would be harmed if she returned. The -867 says he answered that she was not afraid. The applicant claims she was never shown this document. She was not asked the -867 questions. CBP told her she had signed a paper that said she was not afraid to return and would not be harmed.
DULY 2nd	(b)(6) Husband Husband Spouse	CBP DHS	5/18/2013	Applicant claimed she told CBP she was afraid to return to her country and that she would be harmed if she returned. The -867 says he answered that she was not afraid. The applicant claims she was never shown this document. She was not asked the -867 questions. The applicant further claimed that she was mistreated in the ice box and that the officers threatened to take her daughter from her and prosecute her for entering illegally.

(b)(6)



Dear Sir/Madam,

I am a Supervisory Asylum Pre-Screening Officer currently on detail to the Houston Asylum Office at the South Texas Family Residential Center in Dilley, TX. On May 2, 2016, we received a report of mistreatment by Border Patrol officers from a female applicant traveling with her young son, age 7. The I-213 records indicate that this individual was apprehended at or near Roma, TX on April 20, 2016 and subsequently processed at the McAllen Border Patrol Station in McAllen, TX on April 22, 2016 at 0200 by Officer [REDACTED]. According to EARM records, she was subsequently booked in to the STFRC on April 23, 2016. The Form I-867 indicates that the applicant denied a fear of persecution or torture at the time she was detained, although her testimony below seems to imply that these questions were not asked, at least not initially.

(b)(7)(c)

The relevant portion of the applicant' testimony is included below:

Have you ever experienced severe pain or suffering?	When I entered here.
What do you mean?	When I entered here or in my country?
Anytime in your life?	Yes, I've experienced it.
Besides what we've already spoken about, have you experienced severe pain or suffering other times in life?	When I entered the freezer and they treated us bad.
What happened?	They took my son away for three days, put me in a cold room and only a sandwich for lunch and one for dinner.
Who did this?	Immigration when they detained us for crossing here.
I want you to feel comfortable telling me any problems you had with immigration. I don't tell them these things and it won't affect your case?	They took my son almost 3 days, while I was in that room. He slept on the floor without a sweater. I was there in that freezing room. I

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(b)(6)

WHERE?

Incident Location(s): After apprehension at the border, the applicant testified that she was taken to the
(Limit to 500 characters) ice box then the "dog kennel." The incident occurred at the dog kennel.

(b)(6)

(b)(6)

Did you apply for asylum in Mexico?

I was getting my documents together but after this happened I decided it was better to apply here. I jumped the wall out of fear because the police said that if I said this and to not report this to any human rights organization. I don't know if I should say this but I wanted to say but when I was detained in San Diego the office [redacted] [redacted] they slapped me strongly with an open hand and they punched me and kicked me on my body.

Why did they do that what happened?

When I was detained they were interrogating me and I responded the questions but there was other people that were detained that were sick and I always carry my medical equipment with me and I asked if I could have it so that I could attend to them and they said no that we don't have rights here and that it is better to let them die and they kicked me on my knees until I fell and then they slapped me.

Did you say anything else to them?

No only what I just told you now

Did they say anything else to you?

No only exactly what I expressed as well.

Did anything else like that happen to you here in the US?

No only verbal aggression which appears to be normal with the officers but this happened in Chula Vista.

What kind of verbal aggressions?

For example they called us sons of bitches, dogs, parasites, trash. Things like that.

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(b)(6)



How are you being treated at the detention facility?	Well, during the time that we have been here like in the dog kennels, we were mistreated. They treated us really bad
Who did?	I don't know. The ones that wear green.
Are they American?	Yes. From immigration. The ones that grabbed us.
Do you know any of their names?	No
The person that interviewed you when you came in, did he mistreat you?	Yes, he told me to sign my deportation but I didn't agree with that.
Why didn't you agree?	Because I didn't want to return to Guatemala.
Did you tell him you were afraid to return?	Yes
What did you tell him exactly?	I said that I was afraid to return to Guatemala and that's why I wouldn't sign my deportation. I told him I wanted asylum.
Did you tell him that before or after he asked you to sign the papers?	It was after, when he asked me to sign the papers that is how I answered.
Before he asked you to sign the papers, did he ask you if you were afraid to return?	Yes.
What did you say?	That I didn't want to return to Guatemala because I was afraid to return with my daughter.
How did they mistreat you?	(applicant shaking) he said you have to sign your deportation because you don't have anything to do here.
Did they physically touch you?	They kicked us
Where?	In order to wake us up, we were sleeping and they wanted us to wake up, if we didn't wake up they would just kick us and that was how they were waking everyone up.
Did they hurt you?	No. but I just felt bad.
Did they threaten you?	No
Did they hurt you in any other way?	No. just when they would wake us up like that. Or when we asked for water they wouldn't give it to us.
Did they do anything else?	No
How long did they not give you water for?	2 days
They didn't give you water for two days?	Yes, I asked and they didn't give it to us.
Were you in the custody of the people in green clothing and they didn't give you	Yes.

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(b)(6)

(b)(6) On Friday April 13, 2018 I interviewed resident [REDACTED] The applicant has a seven year old daughter [REDACTED] and a nine year old son [REDACTED]. The applicant stated that she was not able to secure medical treatment for her children prior to their arrival at the South Texas Family Residential Center and also disclosed allegations of abuse following her detention but prior to her arrival at the FRC.

(b)(6) The applicant and her children were held in custody at a prior location. The applicant testified that she and her children were held for 7 days in a place called the "Dog Pound." She stated that both her children [REDACTED] were visibly sick with hives. Although the applicant asked for medical treatment for her children for three days, they were not provided any medical treatment while at the "Dog Pound."

(b)(6)

This morning Office [redacted] interviewed resident [redacted]
(b)(6) The applicant has a three year old son, [redacted]. The
applicant stated she has not been able to secure medical treatment for her son here at the South
Texas Family Residential Center and also disclosed allegations of abuse following her detention but
prior to her arrival at the FRC.

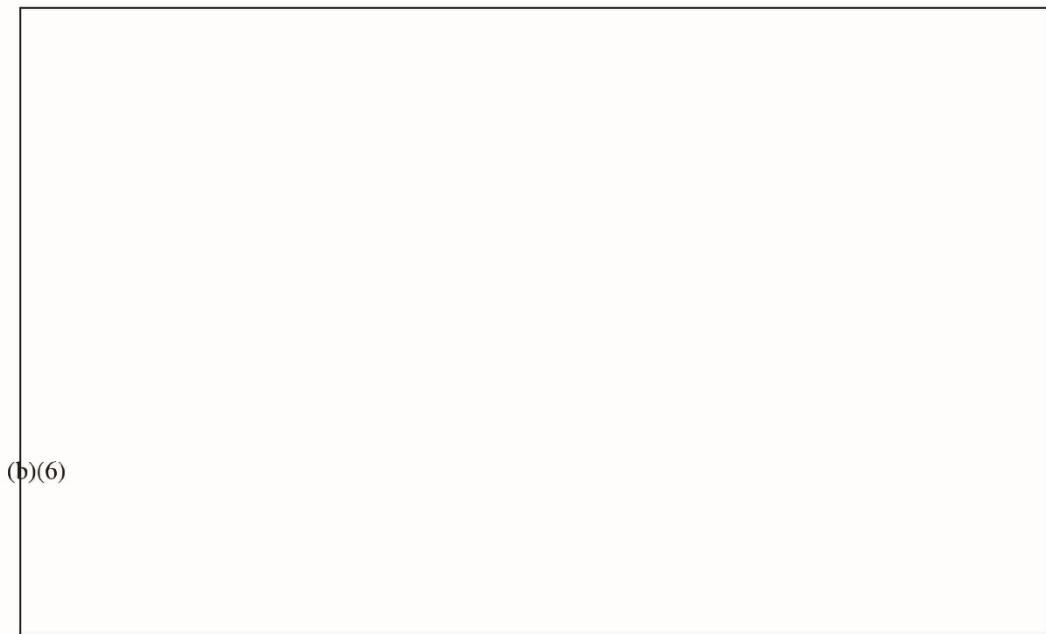
(b)(6)
(b)(6)

(b)(6) The applicant stated her son [redacted] is sick with a cold and has
asthma. The applicant stated she brought him to the medical center for a consultation. She stated
she was told that her son would be observed and receive medication, but he has not received any
treatment. The applicant stated she has been giving him a spray she brought with her from El
Salvador. The applicant stated she would like for her son to receive additional medical treatment for
his asthma.

In addition, the applicant made allegations of mistreatment by U.S. Officials while in custody at a
prior location. The applicant testified she and her son were held for 4 ½ days in a place called the
“Kennel” or “Dog house.” She stated she was kicked in the back and ribs by two female officers
wearing grey uniforms. The applicant testified the Officers called people from El Salvador
“pupuserias” or people who make or sell pupusas. The applicant stated the Officers said they were
insignificant for being immigrants. The applicant testified that at the time her son was sick with a
high fever but when she asked for assistance from the Officers, they refused to provide him with
medical treatment. The applicant testified the Officers told the applicant this was what they had to
bear in this country. The applicant described the women as follows:

1. white female, black hair, short, not too fat, grey uniform, wearing sunglasses on her head,
English speaker
and
2. white female, hair dyed between brown and red, with yellowish eyes, chubby and taller,
grey uniform, English speaker.

(b)(6)



(b)(6)

My first applicant [redacted] testified to having some pretty rough verbal abuse once she arrived in the US. I know they were collecting this info in the recent past, and wanted to flag this case as she testified really clearly how she was harassed by our colleagues at the border. Please see notes excerpts below.



(b)(6)

Since you've been in US, has anyone harmed or threatened you?	No, only when I got to the cooler, they called me a whore and said I came to take what was theirs.
Who said that to you?	One of the women who was there.
What is the cooler?	When you cross the border and get to immigration, they put you in a cold room with no blanket, sleeping on the floor.
Is this in the US?	Yes. Crossing the river in US.

Have you ever been threatened and/or harmed or do you fear harm/threats on account of your nationality, in your country?	Yes, there were always people traveling from other countries to ES and they'd always say we are dumb people. When I came here and crossed the border, they said damn Salvadorans, damn you people.
Who said that to you?	In that same place, crossing that border, in that cooler, they expressed like that there. They always said damn immigrants.
Do you know if these were border officials?	Yes, they are the ones there, who process the paperwork when you cross the river, they process you and then take you to the cooler. (hielera)

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(b)(6) Alien N: [REDACTED] Date: September 17 2019
 Name: [REDACTED] Asylum Officer: [REDACTED]
 Country: Honduras Language Line: [REDACTED]
 Asylum Office: Houston (ZHN) Start: 9:00 AM Stop: 10:40 AM

(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 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.
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)



Today I interviewed an asylum (credible fear) applicant at the Dilley South Texas Family Residential Center, who told me that she was sent to the "dog kennel" when she arrived to the US on 8/9/18 and before she arrived to Dilley on 8/10/18. Records indicate this was at the Rio Grande Valley Sector Centralized Processing Center. The applicant reported to me that officers said, "welcome to the dog kennel", that officers told them they did not care if the applicants were afraid of returning to their countries because there is crime and rape in all countries. The applicant reported an officer grabbed her three year old daughter's bottle of milk and threw it in the garbage, stating that if someone has teeth they are able to eat. The applicant states they were given sour milk, frozen ham, and bread to eat/drink. She reported that officers would make them get up by kicking them. She reported that there was an applicant who just arrived, whose birthday it was, the officer's said "welcome to your birthday party, your party is about to start", and then the officers laughed.

(b)(6)



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(b)(6)

[REDACTED]
How are you being treated here at this Detention Center?
Here where I am well.

Were you mistreated at a center before coming here?
I was in that freezer and I was also in that dog kennel. In the icebox my daughter was vomiting a lot and trembling a lot it was as if she was having seizures.

Did she receive medical attention?
Yes.

Were you or your daughter mistreated there by any government officer?
There was a moment when I was at the freezer and when my daughter was sick I asked an officer if I could go to my daughter and he said to me, if you speak English yes, if you speak Spanish, no.

Did he refuse you to see your daughter?
Yes, he flatly said no, you can't go see your daughter and he put me back in that icebox and closed the door.

Did you see the name the name of that officer?
No, not at all, I only saw him that time, and there were many of them there, I didn't see him again.

How is your daughter doing now?
Yes, she is doing better, they are treating her and she is doing much better.

Do you feel well enough to continue with the interview today?
Yes, I'm fine.

[REDACTED] (b)(6)

How are you being treated here at this Detention Center?
Well, thankfully. There in that dog cage, there was an official who spoke to me very rudely. When I went to have the interview, he told me that I had to sign the deportation order and I said I wouldn't because my aunt told me not to. He told me that if I didn't sign it didn't matter because I would see a judge and he would deport me. He said that if I was seeking asylum, they were not giving it here and I should have gone to a place like Nicaragua because here they didn't want any more immigrants here.

I'm sorry he spoke to you like that, the U.S. is still accepting asylum seekers, and you are currently in part of that process.

Do you know the name of that officer?
No.

Was he the same officer who gave you a small interview about your fears of returning to Honduras?

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No, it was on the phone, a lady – he was the one who brought me the paper and wanted me to sign it.

Do you feel well enough to continue with the interview today?
Yes.



How are you being treated here at this Detention Center?
Very well thank God.

Were you and your daughter ever at a US government center where you were treated badly?
I was in that dog kennel, we were there for about 5 days. They treated us badly we would be woken up by force and they would be made if we didn't get up, they would take the sheets away if we didn't wake up. They were always in a bad mood and if we did something wrong they would yell at us, they would make fun of us in English.

In addition to that did anyone hurt you or your daughter?
No, just that bad treatment.



(b)(6)

Were you or your child at any government facility where you experienced any abuse or mistreatment?
No. At the dog kennel, they mistreat you there.

How you were mistreated there?
Verbal.

What kinds of things were said to you?
They called us pigs, they would call us "migras" and command us to do thing.

Did anyone ask you or your child do something you did not want to do or that you felt comfortable doing?
No.

Do you feel well enough to continue with the interview today?
Yes.



(b)(6)

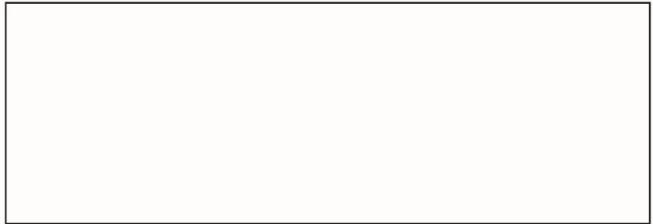
How are you being treated here at this Detention Center?
Very well.

Have you been mistreated by any government officers here in the United States?
Just in the dog pound, they treat you like you are worthless, like you are not a human.

Did you have a personal experience with that?
If we laid down and didn't get up quickly they would kick us with their feet, and they told us that we gave birth to rats, and when we were eating if crumbs would fall they would say we look like rats. And at meal time if we made a line, they said it looks like we were starving.

Do you feel well enough to continue with the interview today?
Yes

(b)(6)



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“They Treat You Like You Are Worthless”

Internal DHS Reports of Abuses by US Border Officials

A US Border Patrol agent kneed a woman in the lower pelvis, leaving bruises and pain days later, according to her statement to a government official screening her asylum claim. A CBP officer hit another asylum applicant so hard he was knocked unconscious and suffered brain swelling.

An officer wearing a green uniform, consistent with those of the Border Patrol, tried to coerce a different asylum applicant into giving him oral sex in exchange for being released from custody. In another incident, a Border Patrol agent or Customs and Border Protection (CBP) officer forced a girl to undress and then inappropriately touched her.

Another asylum applicant was bitten in the testicle by a Border Patrol service dog, denied medical treatment for about one month and ultimately had to have his testicle surgically removed. CBP officials appeared to withhold food from a different man in a freezing cold holding facility until he agreed to sign a paper in a language he did not understand.

These are just some of the over 160 allegations of abuse catalogued in internal US Department of Homeland Security (DHS) reports received by Human Rights Watch under the Freedom of Information Act. The records, though heavily redacted, demonstrate that asylum officers within US Citizenship and Immigration Services, another component of DHS, have repeatedly provided internal reports on allegations of assault, sexual abuse, harsh detention conditions, denial of medical care, discriminatory and dehumanizing treatment and due process violations at the border.

The US should take urgent and sustained action to stop such abuses by transforming migrant border reception and DHS accountability practices, including ensuring redress for migrants and asylum seekers who have been harmed.

(above) US Border Patrol agents walk along the perimeter fence near the International Bridge between Mexico and the US, where migrants seeking asylum in the US are waiting to be processed, in Del Rio, Texas, US, September 20, 2021.

© 2021 REUTERS/Marco Bello

(front cover) Several migrants are apprehended and searched by US Border Patrol agents in the early morning hours of May 12, 2021 in Rio Bravo, Texas, US.

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