

Deprivation not Deterrence



A report on **human rights violations of immigrants** held in the Department of Homeland Security's short term detention facilities in Southern Arizona

*Our task then is to make our national laws actually work — to shape a system that reflects our values as a nation of laws and a nation of immigrants. ... But our borders are just too vast for us to be able to solve the problem only with fences and border patrols. It won't work. ...we have more boots on the ground near the Southwest border than at any time in our history...We doubled the personnel assigned to Border Enforcement Security Task Forces. We tripled the number of intelligence analysts along the border.**

Barack Obama
May 11, 2011

Deprivation, not Deterrence.

Part I: Human Rights Violations in Short Term Detention

| | |
|---|----------|
| 1.0 Introduction | 1 |
| Background | |
| 2.0 Executive Summary | 2 |
| DHS Policy and CBP Practice | |
| Rights Violations | |
| Vulnerable Populations | |
| 3.0 Methodology | 5 |
| 4.0 Findings on Conditions of Short Term Detention, Tucson Sector of Customs Border Protection: May – July, 2014 | 6 |
| Period of Incarceration | 6 |
| Food | 7 |
| Nutrition | 10 |
| Sleep | 12 |
| Water | 16 |
| Dehydration | 16 |
| Treatment of Pregnant Women | 21 |
| Conditions Conducive to Illness | 22 |
| Conclusions on Medical Rights Violations | 24 |
| Physical, Verbal, and Psychological Abuse | 25 |
| Due Process | 29 |

Part II: Review of US Border Security Policy 31

| | |
|---|-----------|
| 5.0 Antecedents of Policy | 31 |
| 6.0 Ephemeral Standards for Short Term Detention | 32 |
| 7.0 Border Security Policy Revisited | 38 |
| 8.0 Recommendations | 53 |
| Appendix I: Immigrant Narrative Summaries and Origin of Migration Profiles | 58 |
| Appendix II: Unaccompanied Minors and Family Units FY 2013 - Aug. 31, 2014. | 82 |

Deprivation, not Deterrence.

* Remarks by the President [Barack Obama] on Comprehensive Immigration Reform American University School of International Service, Washington, D.C., and CBP website: <http://www.cbp.gov/newsroom/stats/southwest-border-unaccompanied-children>. Accessed July 4, 2014

Acknowledgments:

Every immigrant family that arrived at the border in search of protection from what they had to leave behind and told us their story; Every immigrant family that feared reprisals and decided not to speak out; Casa Mariposa community for their humanitarian assistance to thousands of immigrants; former and current Guatemalan and Mexican Consular staff for their cooperation in assisting citizens from their countries; all the organizations documenting abuses in the US-Mexico Border Region. ACLU Border Litigation Program, American Immigration Council, Women's Refugee Commission, No More Deaths, Derechos Humanos, Human Rights Watch, La Indita, Café Marcel, Action Printing and Marketing, three anonymous donors from the border region, Marjorie King, RAICES in San Antonio, Stacey Merkt, Todd Miller, R.J. Johnson, anonymous Human Rights Consultant in NYC, Ixim Ulew, Sebastian Quantic, Linda Green, Laurie Melrood, and to all documenters who carry the stories of others in their pockets, in their minds, in their hearts.

Documenters:

Devora González, Cathie Pacheco, Paula McPhetters, Alma Schlor, Mariana Clavo, Leonardo J. Alvarado, Blake Gentry.

Data Analysts:

Devorah González, Cathy Pacheco, Beth Lowry, Laurie Melrood, Blake Gentry.

Consultants:

Medical Issues: Mary Jo Ghory, MD
Empirical Issues: Joseph Watkins, PhD
Human Rights Issues: Leonardo J. Alvarado, JD, LL.M

Immigrant Narratives Editor:

Devora González

Media Coordination:

Alexandra Sabo

Author and Editor:

Blake Gentry, MPPM

Publisher:

Guatemala Acupuncture and Medical Aid Project

Published: October, 2014

Any errors are of the author.

Full version Online All Rights Reserved ©

Cover and contents photo credit: CBP

Deprivation, not Deterrence.

Dedication

*To Laura Bonaparte, co – founder
Madres de la Plaza de Mayo
Buenos Aires, Argentina*

Laura Bonaparte (1925- 2013)

Recuperar nuestra capacidad de pensar en medio de tanta brutalidad quiere decir recuperar nuestra dignidad.

*To regain our capacity to think in the midst of such brutality is to regain our dignity.
(Author translation).*

Laura Bonaparte. Una Madre de Plaza de Mayo contra el olvido, Claude Mary. Source: heorinas Blogspot.

Within a system which denies the existence of basic human rights, fear tends to be the order of the day. . . . It is not easy for a people conditioned by fear under the iron rule of the principle that might is right to free themselves from the enervating miasma of fear. Yet even under the most crushing state machinery courage rises up again and again, for fear is not the natural state of civilized man.

Aung San Suu Kyi, Freedom from Fear

Democracy is not a synonym for justice or for freedom. Democracy is not a sacred right sanctifying mob rule. Democracy is a principle that is subordinate to the inalienable rights of the individual.

Terry Goodkind, Naked Empire

This place does not feel like my country. It feels like countries I have read about where things are very bad. It feels, in fact, like exactly the kind of thing we were protesting against, but we thought it was elsewhere. It is not heartening to find that it has come to us.

Nick Harkaway, The Gone-Away World

Part I: Human Rights Violations in Short Term Detention

1.0 Introduction

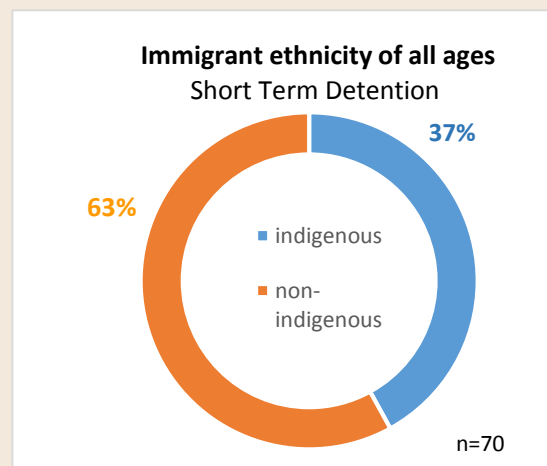
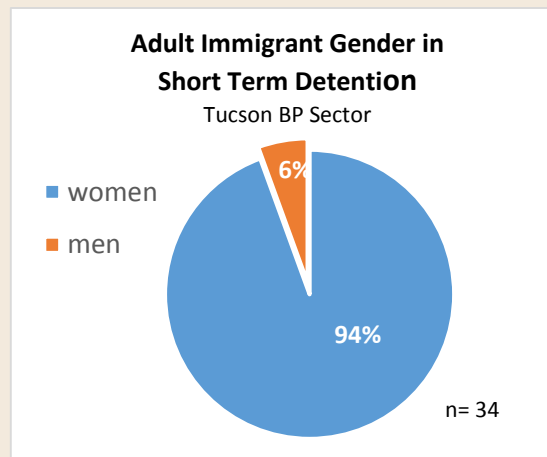
The scope of human rights violations generated by the policies of the Department of Homeland Security (DHS) and the practices of Customs and Border Protection (CBP) are a sign of our times. Institutional justifications for robust national security policies are punctuated with constant deaths and systemic abuses of immigrants in the Southwestern border zone of the United States.¹ Amnesty International’s 2012 report- [In Hostile Terrain](#) – comprehensively outlined that arch of human rights violations by US public officials and others for that region. This report about violations of *migrants rights*² in short term detention follows three previous reports and the submission of a complaint covering the period roughly from 2008 to 2014: Seeking Protection, Enduring Prosecution (2009), Culture of Cruelty (2008- 2011), *Violaciones de derechos humanos de personas migrantes mexicanas detenidas en los estados unidos* (2011- 2012), and the June, 2014 a civilian complaint entitled, Unaccompanied Immigrant Children Report Serious Abuse By US Officials During Detention.³ Those prior and this current report cover a timespan of six years.

This report, Deprivation, not Deterrence, prepared by the Guatemala Acupuncture and Medical Aid Project,⁴ is based on research after interviews with 33 adult migrants from families who were incarcerated in short term detention from late May through late July of 2014.⁵ Data was gathered from structured interviews using a standard questionnaire for 33 families, or sixty-eight persons. Eight adults, including four from the 33 standard interviews and four additional, were specifically asked about the origins of their migration.

This report analyzes human rights violations experienced by women, men, and children in seven DHS short term incarceration facilities in Southern Arizona: Border Patrol Stations, Land Ports of Entry, and Service Processing Centers. Guatemalan, Honduran, Salvadoran, and Mexican immigrant families generally were transferred from border facilities and then held in the 17,000 square feet of holding rooms at Border Patrol Headquarters in Tucson before their legal release.⁶ Findings and graphic illustrations of select findings are available in Section 4.0.

Background

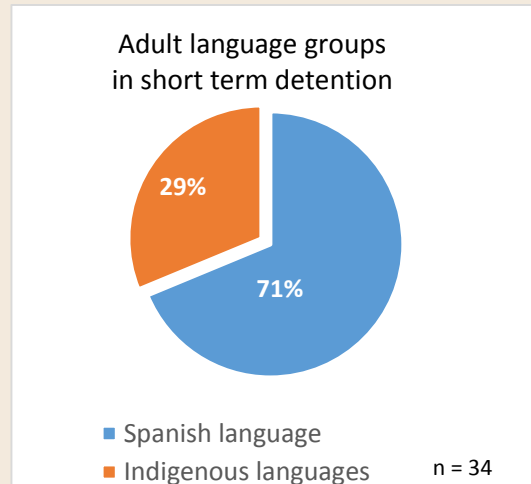
Immigrant women and female children represented 69% of all immigrants interviewed,



Deprivation, not Deterrence.

with female adults greatly outnumbering adult males 94% to 6%. Guatemalans represented 65% of all adults, Hondurans 24%, with Salvadoran and Mexican adults, less than 6% each. Male children moderately outnumbered female children, 57% to 44%. Some 63% of immigrant adults and children were mestizo and thirty seven percent (37%) of migrant adults and children were indigenous Maya from Guatemala.

Speakers of indigenous languages comprised 29% of adult migrants. Maya Mam and Kanjobal from the Western Guatemalan provinces of San Marcos and Huehuetenango were the prominent indigenous languages spoken.



2.0 Executive Summary

DHS Policy and CBP Practice

The overwhelming population encountered by CBP agents at the southwestern border were migrants from Mexico and Central America who were often subjected to brutal security practices unrelated to the origin of their human migration. Inhumane and degrading conditions were documented for immigrants held in nine short term Department of Homeland Security (DHS) facilities located throughout Southern Arizona in summer of 2014.⁷ DHS policy for and CBP practices of detention left an indelible trail of misery and subjugation for immigrant families and individuals in Southern Arizona from May through July, 2014.

Rights Violations

Over forty percent of immigrant families interviewed were held from three to nine days, directly contravening the DHS's minimal 12 hour detention standard. Three of five pregnant women were held from 3-9 days, exposing them to unnecessary and dangerous medical risk, again directly contravening the maximum 2008 Standard which was not to exceed 72 hours.

Deprivations of food and water were consistently reported by immigrants for infants, children, women, and men alike. Nutritional deficits and dehydration, even for immigrants in CBP custody for relatively short periods, had consequential impacts on their health status (See Conditions Conducive to Illness in the Findings). Nearly eighty percent of adult immigrants reported being hungry when apprehended, and eighty-three percent reported being hungry when they left the custody of Border Patrol. Of those who were released hungry, forty-eight percent tried to eat some food in detention, and of those that tried to eat, ninety-four percent refused to eat the main source of protein, or burritos, due to their consistently reported inedible state. Our study demonstrated that the food served was nutritionally deficient for nearly three quarters of all children, for one hundred percent of all adults, or on average for ninety percent of all sedentary immigrants interviewed incarcerated under CBP custody.⁸

No water, insufficient amounts of water, or undrinkable water were reported by nearly eighty percent of immigrants under the period of their incarceration in DHS facilities. Over

Deprivation, not Deterrence.

ninety percent of adults reported being “very thirsty upon entering the Border Patrol custody”. Some seventy-nine percent of adult migrants reported if they felt “dehydrated” after getting released from incarceration. Fifteen percent reported tainted water in the Douglas CBP station. The self-reported rehydration rate of sixteen percent meant that eighty-four percent did not rehydrate after entering CBP custody dehydrated.

Psychological, physical, or verbal abused was experienced by 30% of all immigrants, including women, children, and infants. Psychological abuse was reported in ten cases, physical abuse in five cases, and verbal abuse in eleven cases.

Immigrant sleep was accumulatively degraded due to five conditions experienced by immigrants in holding cells. Four of the conditions negatively affected immigrants physically: extreme cold temperatures for 94% of adults who found the temperatures to be intolerable, bright lights on 24 hours a day in holding rooms and cells reported by 91% of adults, disruption of sleep due to loud discussions by CBP agents during early pre-dawn hours in the area of holding rooms and cells (anecdotally reported by 18% of adults), and 41% of adult and child immigrants becoming over chilled due to the restriction of wearing only one layer of clothing. Standard issue aluminum space sheets did not retain heat. Those four techniques of accumulative sleep deprivation degraded migrants’ physical condition, the fifth and final technique degraded them mentally. Immigrants were purposefully and routinely awoken in the early AM hours for CBP agents to inform them of their legal options, when humans are least able process language and make decisions about their legal status. This practice of sleep deprivation was debilitating to their cognitive capacity. It was employed as a manipulative technique during the nadir of the human Circadian Rythm⁹.

CBP agents entrusted with the legal custody of immigrants denied sixty-one percent of interviewed adults’ legal right to call their consulate, a right guaranteed under the Vienna Convention on Consular Relations while nearly half, forty-seven percent, stated that they were denied a call to a family member. Those allowed a call to a family member, were commonly only allowed such a call in the last two hours before release from the Tucson Border Patrol Station, after days of incarceration. Half of adults stated they did not receive a reasonable explanation of their court appearance and date issued to them in a language they understood.

Vulnerable Populations

Pregnant women, children, and indigenous peoples were vulnerable populations in the context of short term detention.

Pregnant women were put at medical risk by returning them after medical exams to harsh physical and unsanitary conditions in holding rooms.

Immigrant children constituted the majority of migrants who experienced psychological, physical, and verbal abuse in short term detention¹⁰. Two physically abused children were infants aged one year or less. Two families Border Patrol agents attempted to make children adhere to a rigid five minute schedule of milk delivery, consumption, and confiscation. Children were unable to adhere to such regimented eating and drinking.

Some twenty–nine percent of adults were speakers of an indigenous language. Indigenous peoples, were particularly vulnerable to abuse by border patrol agents who did not comprehend language barriers, thus turning some encounters into compounded abuse, such

Deprivation, not Deterrence.

as in the case of a Mam speaker and her infant child. However, 56% of immigrants who reported they were bilingual in Spanish and in an indigenous language stated they did not receive a reasonable explication of their appointed court date. In one case, a 10 year old Kanjobal speaking boy interpreted the entire legal process for his monolingual Kanjobal speaking mother.

Root Causes of Migration

The regional origins of Mexican and Central American immigration were revealed. The families we interviewed clearly stated that they were fleeing poverty, defined as less than \$US 2.00/person/day, and extreme poverty, defined as less than \$US 1.00/person/day. The US regional economic model of free trade resulted in disastrous results for laborers in the agricultural sectors of Southern Mexico and Central America. The investigation found that it was not *failed states* over taken by organized crime that displaced migrants with social violence, rather migration was a direct result of displacement from agricultural employment. And in that economic vacuum, organized crime settled in. Examples of displaced agricultural communities in Guatemala and Honduras are found in the Part II: Border Security Policy Review.

Border Security Policy Revisited

The Department of Homeland Security was mandated in 2002 by the US Congress to establish national security policies set forth in legislation. Conditions for short term incarceration for immigrant apprehension and short term were then operationalized by DHS's sub-agencies: Customs and Border Protection Office of Field Operation (CBP-OFO), CBP agents at Ports of Entry, and Immigration and Customs Enforcement (ICE).

CBP practices for short term detention of immigrants though well known to DHS, were found to be inherently at odds with DHS's own 2008 standards for short term detention. For a fuller discussion of US non-compliance with domestic and international detention standards see Section 5.0 Ephemeral Standards for Short Term Detention in Part II: Review of US Border Security.

The range of human rights violations reported, physical deprivations, language discrimination, and a lack of due process were very consistent with three previous independent reports and hundreds of complaints about short terms conditions of detention. However this report investigated further the origin of the on-going systemic production of those human rights violations. The investigation found that since 1994, the Department of Defense acted as a co-planner of aspects of US border security strategy, including: border patrol facility design, training for Border Patrol agents and Customs and Border Protection officers, and the use of modified techniques of sleep deprivation against detainees.

Conclusions

Since 2002 the track record of CBP compliance and DHS enforcement of the 2008 Detention Standards for women and children has proved dismal. The 2008 Standards and the Flores vs. Meese's (1996) minimal standards of care for minors should provide a framework to counter most violations. DHS's Internal Inspector General's Office however was assigned the

Deprivation, not Deterrence.

dual role of investigation and adjudication of violations, but has been unable to instigate meaningful improvement in CBP and BP performance.¹¹ Border Patrol agents and Customs and Border Patrol officers' abuse of immigrants resulted in impunity. The United States Congress abdicated its own responsibility for investigation and excluded a credible permanent mechanism of redress to investigate allegations against DHS (and therefore CBP). For a detailed view of DHS's non-compliance with domestic and international standards, see Part II: 5.0 Ephemeral Standards for Short Term Detention.

From 2008-2014, mounting and relentless violations of the rights of migrants carried out by CBP agents on the southwest border, were thoroughly documented. Under DHS, immigration control is CBP's secondary mission. Evidence points to CBP's primary mission of implementing an anti-terrorist border security policy on the Southwest border as systemically conflicting with humane immigration control. On the southwestern border, agents were trained to gather intelligence and capture terrorists, not families fleeing from poverty and violence. The punishing behavior to which large numbers of women and children were subjected to in seven of nine Border Patrol Stations under this study point to a policy of human deprivation, not a successful policy of deterrence; but a depravity that was fed with the *bitter fruit* of free trade.

3.0 Methodology

Interviews of thirty-six adult immigrants released from Customs and Border Patrol in Tucson were conducted seven days a week in Spanish from Late May to late July, 2014. All immigrants were interviewed on a voluntary basis. Data published here are from a convenience sample gathered from responses to a standardized instrument¹² from thirty-three immigrant adults directly interviewed within six hours from release from detention, while one additional family completed some items but not others (n=70). The thirty-three families consisted of: one male and female couple, twenty-nine single women with children, three pregnant women without a child, and thirty-six children accompanied by an adults. Thirty-three families represented a population of sixty-eight incarcerated women, men and children (n=68), All percentages of populations affected by human rights violations were subject to rounding. Documented interviews regarding conditions in Border Patrol Stations and POE holding cells required documenters obtain written consent.

A separate interview process was employed to talk with immigrants about the origin of their migration; four adults from the previous group and four additional adults were interviewed. In both types of interviews, names and personal identification of immigrants were withheld in summaries of their narratives to protect their legal status and that of their families. Summaries are printed in the appendix.

Other immigrants readily spoke about violations while in US custody at the Arizona Border region, but declined to have their experiences documented citing concern about reprisals in pending immigration legal cases. Their testimonies were not recorded. If an immigrant reported an abuse during their journey in Mexico, they were offered contacts with non- Mexican non-governmental Human Rights organizations for reporting such abuses. Several

Deprivation, not Deterrence.

families were called, with their permission, after they arrived at their final destination in the United States to ascertain more details.

Most immigrants interviewed were given “expedited release” or “expedited release with credible fear” by ICE officers, or other release documents, i.e. they were all documented immigrants under current US immigration law. In every case they were mandated to appear at an ICE office closest to their residence at their final destination in the United States.

Eight project documenters were fluent Spanish speakers and received prior training for interviewing immigrants after their release from detention with special attention given to traumatized persons, and persons with special language needs.

The Spanish language documentation form consisted of thirty eight items: seven dichotomous questions, seven open ended questions, and twenty four multiple choice questions. The many locations where interviews took place in Tucson, Arizona were not disclosed in order to protect the persons who facilitated legal contact with the immigrants interviewed.

4.0 Research Findings & Observations

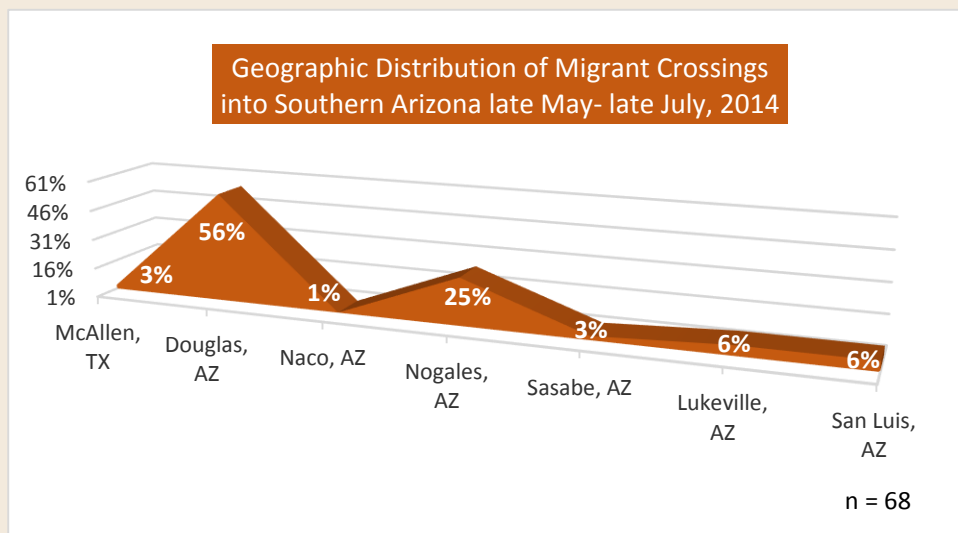
Research Findings on Rights Violations

Research findings of this report, based on a convenience sample of thirty-three structured interviews, represent a broad and deep intersection of state security policy and human rights violations. Findings were produced from analysis of adult immigrant interviews carried out in Southern Arizona from late May to late July, 2014. Interview summaries are found in Appendix I: Immigrant Narrative Summaries and Origin of Migration Profiles. Findings cover the following categories of human rights violations: period of incarceration, food, nutrition, sleep, water, dehydration, treatment of pregnant women, conditions conducive to illness, conclusions on medical rights violations, physical, verbal, and psychological abuse, and due process.

Findings on the Period of Short Term

Incarceration:

1. Eighty-one percent (81%) of immigrants in family units¹³ interviewed crossed the United States



Deprivation, not Deterrence.

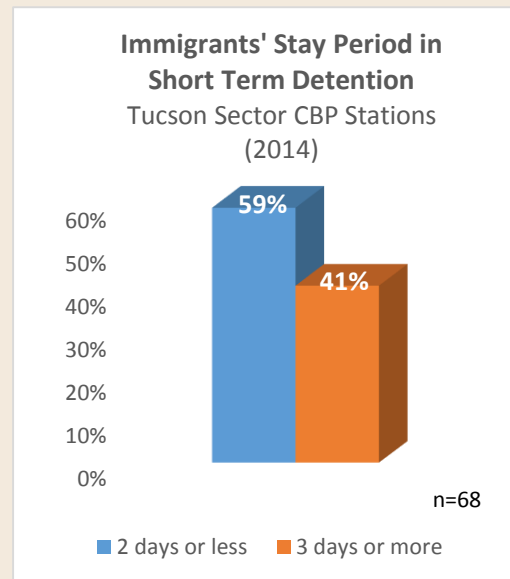
southwestern border at or near two Arizona Ports of Entry, Douglas and Nogales (n=68). See the Geographic Distribution of Migrant Crossings graph below.

2. The maximum length of detention of over three days (72 hours) as defined by DHS 2008 Detention Standards, was ignored for 41% of incarcerated immigrants. (n=68). See the adjacent graph of Immigrants' Stay Period in Short Term Detention.
3. 60% of pregnant women (3 of 5) were held from 72 – 96 hours, or 3-9 days, thus promoting medical risk. (n=5).

Observations:

The 72 hr. maximum stay period for migrant families was violated for forty-one percent of immigrants while often subjecting them to harsh and often unsanitary conditions that promoted illness. One Honduran immigrant family, a woman and her one year and eight month old girl, were held for a total of nine days in various locations in two border states, or triple the maximum maximum number of days.

Three key physical conditions that produced violations of human rights of immigrants in short term incarceration by CBP agents were inadequate food, water, and sleep. The physical conditions of the holding cells created unsanitary health environment ripe for contagions from infections and viral disease. The level of inadequacy regularly reached the level of deprivation. Each instance of inadequate food, water, and sleep, contributed to conditions conducive of illnesses for immigrants. As dehydration worsened for many immigrants in prolonged stays, the accumulative effect of the triple deprivation played out in unsanitary cells creating an escalating health threat for individuals as is illustrated in a diagram on page 32.



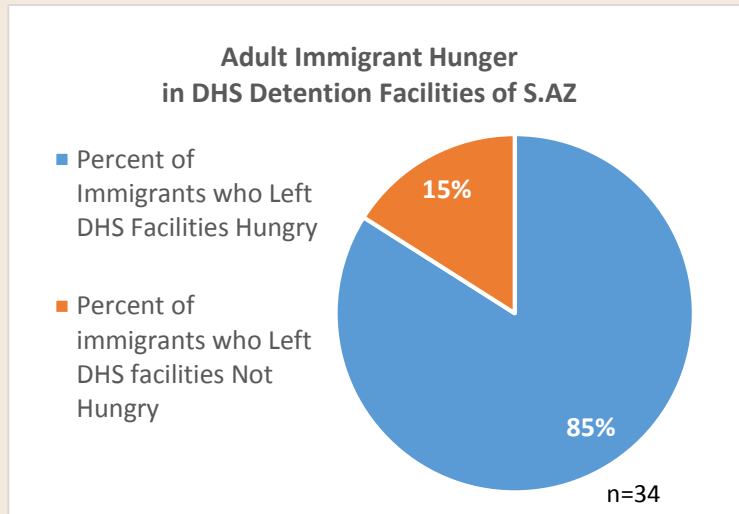
Provision of Food Findings

Immigrants were routinely given insufficient and sub-standard food; burritos that were frozen, unheated, spoiled, smelly, and with ingredients unfamiliar to Central Americans, were most often uneaten by immigrants who reported their hunger.

1. Of adult immigrants interviewed, 79% reported they entered DHS facilities - hungry. (n=33).

Deprivation, not Deterrence.

2. Of adult immigrants interviewed, 88% of adults reported leaving DHS facilities-hungry. (n=33).
3. Of the 83% who left detention still hungry, 48% (16/33) had eaten some food, but of those that ate something, 94% (15/16) refused to eat the main source of protein – a burrito.



4. Qualitative comments by adult immigrants about the main protein source provided.

I ate almost nothing but juice, [the] burritos were gross.

Burritos [were] cold and bad flavor.

[Burritos] made them gag, not enough juice to wash down the burrito; nauseated, wanted to throw up.

Burritos that made children throw up.

I did not eat the burrito, bad taste, old food.

Burritos were slimy, did not want to eat [them].

For a majority of people, it made them feel bad, it made their stomachs ache, they were unbearable.

Didn't eat for three days, [food] bad for stomach.

Deprivation, not Deterrence.



5. Calories and Rations for Immigrants

Calories listed on the “Baja Café” bean and cheese burrito offered 330 calories per burrito.¹⁴ Calories listed for “Toasty Crackers” and “Peanut Butter” crackers were 80 calories each.¹⁵ They were sometimes offered twice a day, sometimes only once a day, and were sometimes withheld entirely. Burritos and crackers, when served twice daily, contained 820 calories. Milk (8oz.) served added 100 calories for children, while a juice (6.75 oz.) added 80 calories per box serving.

6. Children’s Milk Consumption

Provision of milk to children adhered to a rigid five minute schedule of delivery and confiscation - belied the reality that children often could not adhere to strict eating or drinking regimes because they were *children under stress* who were *habituated to receiving milk and food from their mothers and not from uniformed and armed officers*, most of whom were men they do not know, and most of whom speak a language foreign to them. One mother was refused any milk and juice for her or for her infant. (Interviews no. 14, 24).

Observations on Food Deprivation

Given the sparse and repugnant food, and a scarce provision of water, women, men, and children who were hungry and thirsty upon arrest, stayed hungry. Or they became more

Deprivation, not Deterrence.

hungry and dehydrated. Edible food in a sufficient quantity to meet the minimum caloric intake for adults was not provided. If it had been provided of sufficient quality in sufficient quantities, it would have abated such hunger. In other words even though nearly 80% of immigrants entered CBP facilities hungry and 48% of adult immigrants ate while there, 94% refused to eat the burrito (the main food item offered) and subsequently 83% of all adult immigrants experienced hunger upon their departure, their hunger was readily preventable.

Central Americans from poor rural areas normally have simple diets by US standards. Mass produced and previously frozen commercial burritos that were often rancid were routinely served. Days old burritos, served cold or in a state of mush made with wheat flour that was not part of the Central American diet were served daily as the major source of protein. The “*Baja Burrito*” with the brand name of Reser’s Fine Foods™ contained 5 oz. of wheat flour, beans, and cheese. Manufactured in Beaverton Oregon as a frozen food, its proper provision in the Tucson sector required shipping over a great distance, thawing before serving, and heating in a microwave oven. Cheese is not consumed by some Central Americans who are lactose intolerant and *if an immigrant is severely dehydrated*, the heavy contents of a pre-packaged pre-frozen burrito may induce vomiting if eaten, especially by infants and children less than three years old. Burritos were not nutritionally appropriate foods for infants up to one year of age. Immigrants’ persistent refusal to eat the burritos was culturally uncharacteristic of their customs; it signaled a rather strong reason for refusing food when critically hungry, reflecting the fact that the food was categorically unfit to eat, rather than a preference. Complaints of stomach aches, nausea, and vomiting after eating ¹⁶ were consistent with physical reactions to dehydration and spoiled burritos. Without medical triage and treatment, undiagnosed and unattended illness were exacerbated by its consumption. Juices served were generally accepted. If the proper nutritional needs of migrants had been attended to with digestible food, the accumulative effects of dehydration might have been diminished with water and juices served in greater quantities.

Deprivation, not Deterrence.

Nutritional Findings: Children's Nutritional Deficit.

- Nutritional Requirement:** Consumption of burritos, crackers, milk, and juice in an optimal scenario of two consumable servings per day provided a maximum of 1,180 calories for an incarcerated immigrant children.
- Infant Food Deficit:** Food served to infant children aged under ten months was incompatible with infants' digestive capacity (n=4). The form of food, except the milk and juice, was not consumable.
- Severely Limited Nutritional Threshold.** USDA standards for adequate nutritional intake for sedentary children was limited to immigrant children *1 year to 3 years old*. (n=11). That threshold being met assumed an optimal scenario of a child *not* being lactose intolerant *and* eating all the food and liquids (juice, water, and milk) provided twice a day during incarceration.¹⁷
- Categorically 74% of *all children* aged 1 month to age of 16¹⁸ did not receive the daily minimal caloric intake according to the United States Department of Agriculture (USDA) standards for sedentary children.¹⁹(n =36).
- Actually 81% of all children did not receive and or could not eat the minimal caloric intake given age inappropriate food, the unacceptable state of burritos, limited servings, or because of vomiting after attempting to ingest the food offered.²⁰
- Milk:** Children whose mother's milk from breast feeding was disturbed by disciplined feeding period described above would be undernourished, while infants aged 0 to 10 months would also be under-nourished, given they cannot eat solid food, and no baby food is provided. To the contrary, when an immigrant women had it in her possession, it was forcibly thrown away by a BP agent. (interview no. 14)

Immigrant Caloric Intake

USDA minimum standard of daily caloric intake for sedentary children and adults:

| Children | Calories for: female - male |
|-------------------------|--------------------------------|
| 1 month through 2 yrs. | 1,000 - 1,000 |
| 2 yrs. through 3 yrs. | 1,100 - 1,000 |
| 4 yrs. through 5 yrs. | 1,200 - 1,200 |
| 6 yrs. through 7 yrs. | 1,200 - 1,400 |
| 8 yrs. | 1,400 - 1,400 |
| 9 yrs. through 10 yrs. | 1,400 - 1,600 |
| 11 yrs. through 12 yrs. | 1,600 - 1,800 |
| 13 yrs. | 1,600 - 2,000 |
| 14 yrs. | 1,800 - 2,000 |
| 15 yrs. | 1,800 - 2,200 |
| Young Adults | |
| 16 yrs. through 18 yrs. | 1,800 - 2,400 |
| 19 yrs. through 20 yrs. | 2,000 - 2,600 |
| Adults | |
| 21 yrs. - 25 yrs. | 2,000 - 2,400 |
| 26yrs. - 40 yrs. | 1,800 - 2,400 |
| 41 yrs. -60 yrs. | 1,800 - 2,200 |

Source: [My Pyramid ,USDA](#)

Deprivation, not Deterrence.

Adult Nutritional Deficit:

1. Only 980 calories were provided for 100% of adults above sixteen years old. That gave adults only 41% to 54% of needed minimal caloric intake depending on their age according to USDA standards for sedentary children and adults. In other words their categorical nutritional deficit was from 46% -59% of what they needed depending on their age.

Observations on Nutritional Deficits

Children ages 0 through 10 months cannot readily consume burritos, the main source for protein. Of eleven children 0-3 years old, four were 10 or less months old infants. Infants could not eat the heavy food distributed, and five additional children were unable to eat it or it was not distributed to them. Given widespread dehydration among incarcerated immigrants, the lack of fluids likely prompted one child's vomiting.

The CBP feeding plan obviously did not make differentiations among the nutritional needs of children in short term detention facilities. They did not distinguish nor minimally address the nutritional needs of more than three quarters of all children and 100% of all adults, or 90% of all immigrants in the families interviewed (n = 68).

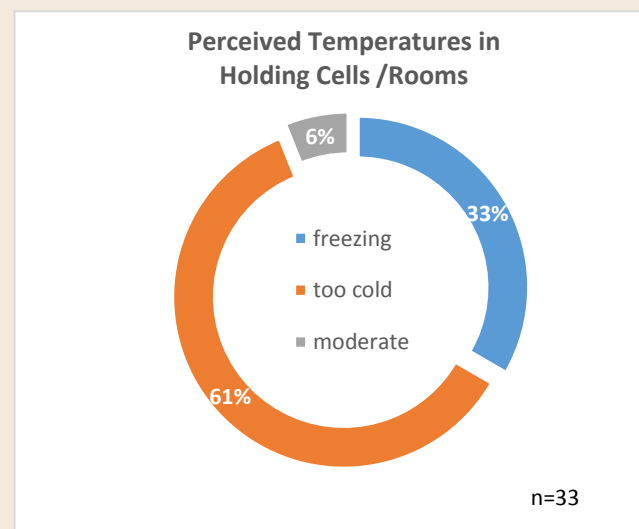
The level of adult immigrants' hunger actually increased during incarceration. CBP agents demonstrated the inadequacy of the DHS model for meeting basic nutritional needs of the persons they take into legal custody.

The serving of inedible, rancid, and foul smelling burritos was so common that it may be best understood as routine neglect or worse. The practice of serving the main source of protein as an unacceptable item for consumption by migrants who reported hunger both upon entering and leaving CBP custody appears to have constituted a deliberate form of punishment which effectively withheld food from prisoners. It was also a large calculable waste of public funds in the guise of food provision.

Sleep Findings:

Sleep deprivation is a purposeful over taxing of the body's senses to a degree that one cannot complete a full cycle of sleep in an environment where an individual cannot withdraw from over-exposure to induced stimuli.

1. Of the thirty-three adult immigrants interviewed, 94% reported that the temperature was "too cold" or "freezing" as a constant condition of incarceration. Temperature in



Deprivation, not Deterrence.

holding cells deliberately maintained at a very cold state 24 hours a day. Were reported by 61% (20/33) of adults as “too cold”, and by 33% (11/33) as “freezing cold”, and by 6% (2/33) as a moderate temperature.



5 yr. old immigrant child drawing of cold cell in Tucson CBP Station. “It was very cold, cold.”

2. All detainees including adults were allowed to have only a single garment to sleep with. Sleep was disrupted due a lack of clothing to insulate their body against 24/7 exposure to excessively cold ambient air in holding cells. This practice contributes to sleeplessness.
3. Given there were no pads to sleep on to provide an insulation barrier between immigrants’ bodies and the concrete floor, sleep was disrupted due to the conduction of cold from concrete floors into immigrants’ bodies. Their body heat was lost directly through conduction unfazed by the standard issue Mylar space “blankets” made of thin metallized polyethylene terephthalate. Migrants who were in a weakened state due to a lack of food and or water were less able to generate sufficient body heat for the space “blanket” to reflect.
4. Sleep disrupted due to being under bright lights 24 hours a day, as reported by 91% (30/33) adults.
5. Sleep disrupted due to loud discussions taking place by agents in the middle of the night as reported by 18% of adults (n=33). This item was calculated from comments only from interviews, but not from direct questions about disturbance from loud talking CBP staff was asked directly.
6. Sleep deliberately disturbed by agents at the Tucson BPS systematically waking up mothers and infant children in the early AM hours (i.e. between 2:00 AM - 5:00 AM) to sign release papers but not for their immediate departure. This was repeated as a “bed Check” method even when the same people occupied the same locked cell that cannot be left without being opened by armed CBP personnel. This practice was gathered from

Deprivation, not Deterrence.

comments of several adults and confirmed by others. It was not a direct question but also came from their comments.

Observations on Sleep Deprivation

Sleep deprivation was an accumulative experience for immigrants during the time they spent in CBP custody in holding rooms or cells. Sleep deprivation was induced, and apparently purposefully, in CBP short term facilities by excessive cold temperature, constant light, and sounds that disrupted the cycle of deep sleep. When one pregnant woman requested a warmer place, a BP agent laughed at her and said that it was “cold everywhere in the detention center.” (Interview no. 6)

Sleep deprivation was caused by six conditions, three of which were related to body heat: 1. Constant exposure to unbearably cold ambient temperatures in holding cells 24 hours a day, for days on end, 2. Direct bodily contact with cold concrete floors which continually cooled the body’s heat mass, and 3. Being clothed in only a single garment against ambient cold and cold conduction from cold floors, 4. Subjection to lights on 24 hours a day, 5. Disruption due to loud discussions taking place by agents in the middle of the night, and 6. Forced awake in the early pre-dawn hours by agents to process legal papers which breaks the Circadian Rythym causing temporary cognitive impairment. All six conditions are documented below.

The adjacent drawing on this page was also drawn by the same five year old immigrant child who drew the CBP cold cell. This drawing was of the child’s home. The windowless feature of the first drawing depicted air vents emitting cold air. The second drawing (adjacent) included windows and the strong splotch of sun on the other side.



5 yr. old immigrant child drawing of home

Observations on the Medical Effects of Sleep Deprivation

Sleep research using Imaging techniques such as:

“[Electroencephalography] EEG, in combination with [transcranial magnetic stimulation] TMS Imaging research, has provided evidence that brain region connectivity is dramatically different in waking and sleep states.”²¹

Deprivation, not Deterrence.

Sleep disrupted due to combined conditions of sleep deprivation reported on by many immigrants included descriptions of temperatures so cold that many were only able to sleep 2-3 hours a night. Typically, mothers also reported not knowing the number of days that had passed upon their release.²² They described a loss of a sense of time. Both symptoms were consistent with the negative cognitive effects of sleep deprivation in cells with no windows and no natural light. The natural somatic clock, i.e. the Circadian Rhythm, of diurnal and nocturnal phases of incarcerated immigrants were reported as having their sleep disturbed by those practices. US army medical research has documented:

*In addition to perception of stress, sleep quality appears to significantly affect cognitive performance.*²³

Indeed, a US Army Field Manual indicated that that one of the four most impacted capabilities for soldiers who were sleep deprived was “*acting decisively under pressure.*”²⁴ The combined techniques of sleep deprivation placed adult immigrants into a highly disorienting scenario in which they were coerced to make decisions about their legal status when they are already sleep deprived. Medical research has found that sleep deprivation impairs cognitive functioning²⁵. Sleep deprivation can affect the temporal load, the brain function directly associated with language processing. It also lowers the body temperature.

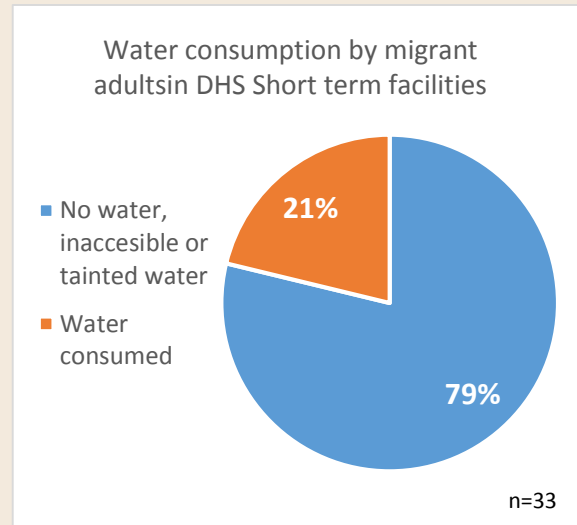
Critical to migrants held for days on end, research found that the longer the period in which sleep deprivation practices were experienced, the more likely the frontal lobe was affected.²⁶ When detainees were purposefully sleep deprived and then forcefully woken up in the middle of the night to have their legal rights “explained”, or as they experienced accumulative sleep deprivation toward the end of their two to nine days in detention, their capacity to understand was compromised, regardless of the language they speak - *but adults may have experienced a critical deficiency if they had low Spanish language literary skills or were first speakers of Mayan Languages from Guatemala, or both.* Their mental capacity to comprehend their legal rights presented often in rudimentary Spanish by the agent on duty were physically compromised beyond a reasonable consideration of their legal rights under US law.

Deprivation, not Deterrence.

Provision of Water Findings

Immigrant mothers and fathers with children in the Tucson BP Sector routinely experienced insufficient or a tainted supply of drinking water.

1. 26 adults or (79%) percent of immigrants in total reported no water, insufficient, or undrinkable water under the period of their incarceration in CBP facilities. (n=33)
2. Some 21 (64%) of adults reported having no drinkable water in holding cells at Ports of Entry in Southern Arizona; thirteen in Douglas, five in Nogales, two in Lukeville and Sasabe, and one at San Luis. One adult (3%) was not allowed water for two of four days in detention, while 2 or 6% of adults reported an inadequate amount of water was available at the Ajo and San Luis CBP Stations. (n=33)
3. Five, (15%) of adult immigrants reported that the heavily chlorinated water at the Douglas CBP Station was undrinkable due to the smell (n=33). Migrants also described it as “non-drinkable” due to the high level of “chlorine” used.



Observations on Water Deprivation

Arid desert conditions of the Sonoran Desert require humans to drink more fluids here than in most other environments where immigrants migrated from. Once in the custody of CBP, that requirement *is the most critical health standard* for immigrants who have *no freedom of movement nor independent access to water*. Stages of dehydration move from an initial deficit of fluids in mild dehydration, to a depleted stage where moderate symptoms appear, then progress to severe dehydration where heightened symptoms are apparent, which if left untreated can then result in a medical emergency²⁷. Weight loss, appearance or level of energy, and skin quality are general clinical measures that could not be ascertained given immigrant interviews occurred after the period of immigrant detention. Therefore, general symptoms reported by immigrants were analyzed for their consistency with stages of dehydration and reported on below.

Findings on Stages of Dehydration:

A self-reported symptom consistent with the *moderate stage of dehydration* was increased thirst. Given that condition was not diagnosed nor treated, its true etiology was not determined.

1. Ninety-four percent (94%) of adults reported being “very thirsty upon entering the Border Patrol custody”. The 94% of adult migrants who reported being “very thirsty”

Deprivation, not Deterrence.

upon their being taken into custody is an acceptable *proxy for "increased thirst"* consistent as a symptom of moderate dehydration. (n=33)

Self-reported symptoms consistent with the *severe stage of dehydration* were: excessive thirst (see proxy), dizziness, low blood pressure, and nose bleeds.

2. Some 79% of adult migrants reported if they felt dehydrated after getting released from incarceration. As a *proxy for "excessive thirst"* consistent with severe dehydration, 79% of adult migrants who reported "dehydration" upon their release indicated excessive thirst. (n=33).
3. Other symptoms reported consistent with symptoms of severe dehydration were: dizziness, low blood pressure, and nosebleeds. Given that these conditions were neither diagnosed nor treated, their true etiology was not determined.
 1. Three migrants experienced dizziness; one pregnant woman, and two children. [Interviews no. 1, 31 (2)].
 2. One pregnant woman registered low blood pressure. This symptom needs further investigation for the four other instances of pregnancy and monitoring. (Interview no. 1).
 3. One adult and one child reported nose bleeding, which can be a symptom associated with dry or parched mucous membrane related to moderate and severe dehydration respectively.²⁸ The degree of severity indicates moderate or severe dehydration.

One account of the summer of 2014 “Border Crisis”

While media attention concentrated on the under reported on arrival of unaccompanied minors to the Rio Grande Valley of Texas, their arrival masked the even larger presence of incarcerated family units that surpassed the unaccompanied minors population in Texas and Arizona. One Honduran woman and her young child were part of hundreds of families hastily transferred to Arizona and released after legal processing to sties for public transportation.

The portrait of DHS medical practice was illustrated by the experience of a Honduran woman who began an odyssey of having crossed the Rio Grande River into the Rio Grande Valley with her toddler, both in their wet clothes, then sleeping in the grass on the side of a field with other migrants. Upon her arrest by CBP agents was placed in critically crowded conditions in a “cold box” where she was not allowed to change clothes but remained in her wet clothes. She and her child were then transferred from the Texas border area to the Arizona border region on a four hour plane ride and then a two hour bus trip to Tucson where she became ill. She had eaten or drank little in the 48 hours before being sent to Tucson. After entering the Tucson Sector headquarters she became dizzy and then blacked. She was briefly hospitalized. During hospitalization, she was offered a hamburger and salad, but she only accepted intravenous fluids and refused the heavy food. After discharge from the hospital, she was returned to the group holding room where she had previously become ill at the Border Patrol Station for the remainder of her nine days of incarceration. There was no medical follow on check-up for the next six days. Her symptoms were consistent with the progression from moderate to severe dehydration to medical emergency. She stated she was still dehydrated upon her release. (Interview no.1)

Four instances of self-reported and untreated symptoms consistent with a *medical emergency as a final stage of dehydration* were: diarrhea (2) and vomiting (2). Four instances were reported with symptoms consistent with medical emergencies due to prior severe dehydration, three of which were not triaged for diagnosis or for treatment²⁹ and therefore, their true etiology was not determined.

1. Two immigrant children, one toddler and one preschooler, had *diarrhea* which can led to severe dehydration if unchecked. The toddler had diarrhea for two nights without treatment. They were not given any treatment for the diarrhea. (Interviews no. 5 and 17).

Deprivation, not Deterrence.

2. One pregnant woman experienced multiple symptoms (cough, parched lips, hunger, thirst, nauseous, and vomiting (interview no.30). An infant girl turned cold, had dried out lips, and began vomiting³⁰ (interviews no. 1, 17) A two year old male child ate the crackers and burrito and then began throwing up. (interview no. 15) After the pregnant woman was examined, she was returned to the holding cell where her dehydration continued unabated.

Observations on Dehydration

Thirst was reduced for only 15% of immigrants from the time they entered CBP custody to the time of their release (94% less 79%). Rehydration, not just ordinary hydration was needed to arrest a progression in dehydration for immigrants incarcerated for longer than 24 hours. The illustration on the next page demonstrates the progression of three stages of dehydration.

Dehydration Stages of Immigrants in DHS/CBP Border Patrol Protection Facilities for Short Term Incarceration in Southern Arizona

Border & Near Border Locations Where Immigrants Entered Into CBP Custody Thirsty & Hungry:

San Luis POE, Lukeville POE, Ajo CBP Station, Casa Grande CBP Station, Sasabe POE, Nogales POE, Naco POE, Douglas POE.

[POE = Port of Entry]

Moderate Dehydration:

94% of adult immigrants reported upon apprehension to be “very thirsty”; “increased thirst” was a proxy for moderate dehydration (n=33).

Severe Dehydration:

79% of adult immigrants reported *dehydration* upon release; *excessive thirst* was a proxy for severe dehydration (n=33)

- excessive thirst (as per proxy)
- dizziness
- low blood pressure
- nosebleeds

Medical Emergency*:

5% of all immigrants (n=68)

- (severe) diarrhea
- vomiting

* Data reported from comments related to *medical emergency* was from an expanded domain that included children, while adult only data was taken from structured interviews.

Deprivation, not Deterrence.

Findings on Treatment Pregnant Women

1. While some pregnant women were examined (interviews: 6, 7, 27, 32), and initially received full health status tests (blood and urine samples, a sonogram, and a blood pressure check), one pregnant woman was not examined at all (interview no. 8). Overall there was inconsistent triage of pregnant women for pain, fainting, and contractions. The unexamined woman, who was six months pregnant, also carried an infant with a reboso around her torso.
2. In hospital stays, some *care was not only sub-standard, but medically inappropriate* given the dehydrated situation of most mother immigrants who were pregnant, e.g. offering a burrito to a dehydrated mother (interview 6).
3. Though most were briefly hospitalized, they *were then routinely returned to the harsh conditions which added to their medical complaints which often resulted in more dehydration in subsequent day(s) of incarceration.* (interviews: 6, 7, 27,32)
4. Pregnant women reported that no questions regarding their prior condition, lack of water, and lack of nutrition are asked when in Border Patrol custody. Neither are there follow-up checks once they are returned to the same harsh conditions. One pregnant woman was told to see a doctor within a week of her release but not told why she should see one. (interview 6)

Observations on Treatment of Pregnant Women

Instances of severe dehydration became medical emergencies, putting pregnant women and infants at unnecessary medical risk. Hospitalization of some pregnant women involved urine and blood tests, blood pressure monitoring, and sonograms were performed. However, the same detainees were returned to the same detention conditions that led to their hospitalization in the first place. *Three of five pregnant women (including the unexamined pregnant woman) were held for three or more days.*

A clear pattern of inconsistent triage for pregnancies was carried out in an unregulated manner without a reliable protocol for diagnosis of medical needs. Pregnant women who have travelled in the Sonoran Desert may have experienced both physical and emotional trauma and there was no recognition of its impact. Such trauma can also weaken their immune response. Prolonged detention for pregnant women can increase symptoms of dehydration when left unattended which puts them and unborn children at greater medical risk. The inconsistent treatment exposed an inadequately trained staff for performing triage and critically to monitor health conditions typical of pregnant women.

Deprivation, not Deterrence.

Findings on Conditions Conducive to Illness

Overcrowding

By DHS standards, “a single occupant hold room for detainees is . . . a minimum of 37 sq. ft. Multiple occupancy rooms shall be 37 sq. ft. for the first occupant; a 7 sq. ft. of unencumbered space for each additional occupant.”³¹ (according to the CBP Security Policy and Procedures Handbook, 2009, p.493.).

1. Incarcerated populations in the Border Patrol cells were reported being as high as from 30-40 people in a single cell room³² which provided a mere 1.08 - 1.2 sq. ft. per person; which is less than 18% of the minimal space mandated per person.³³
2. In those cells, immigrant adults reported that common toilets lacked partitions to shield women and children from other women and children in the cell. A preschool age girl who urinated in her pants was not allowed to change them, only the diaper underneath, subjecting her and all others in the cell to the stench of urine.³⁴
3. Used toilet paper and pampers were routinely allowed to be on the floor of the cells that people were held in - increasingly putting them at risk for infectious and viral diseases due to fecal matter, respiratory exposure, and particle matter respectively in their immediate environment.
4. The practice of maintaining cells colder than is conducive for sleeping adults, children, and especially infants routinely reproduced a risky environment for infectious disease due to its depletory effect on human immune systems.³⁵

Other Symptomologies

1. Common symptoms reported among immigrant adults and children incarcerated from one to nine days in harsh detention of meager food, scarce or undrinkable water, and sleep deprivation were: coughing, chills, parched or cracked lips, and nosebleeds.
2. When immigrants requested medical assistance for their infant children, they were denied assistance³⁶. Immigrants reiterated comments made by Border Patrol agents when they asked for assistance, they were told factually, “*there are no doctors*”.
3. The accumulative effect of both the weakened state of immigrants’ health and the unsanitary conditions of incarceration can lead to multiple symptoms as in the situation of this mother and her child.

A single indigenous Maya Mam woman from Quetzaltenango, Guatemala entered Douglas, Arizona with her two sons, both under eight years old. The

Deprivation, not Deterrence.

freezing temperatures and the refusal to allow more than a single garment while sleeping on a floor gave the mother and her children a cough, which in the case of the mother - hurt in her lungs. She was not given a medical exam for that condition. Despite eating the burritos (which she described as having a bad taste) crackers and juice provided, the mother stated she was hungry and dehydrated upon arrest, and remained hungry and dehydrated upon her release two days later. (Interview no.31)

Observations on Conditions Conducive to Illness

Women, men, and children with weakened immune systems reported becoming sick under unsanitary conditions. Infection may have caused some symptoms reported given that unsanitary conditions were reported in short term detention in border patrol station. Two prevalent conditions were conducive to illness; overcrowding where cells in Border Patrol Stations held up to 30 and 40 individuals (women and their children), and the lack of hygienic conditions due to air borne particulates and fecal matter in crowded conditions where toilets were unprotected by enclosures.³⁷ The exposure of immigrants who had no choice but to urinate or defecate in public was a form of purposeful public humiliation that affected one's willingness to relieve oneself as needed.

The tension and trauma of arrest and being placed in a harsh foreign environment likely diminished the immune response of children much more quickly. Without qualified personnel to carry out triage, medical treatment, and monitoring for pregnant women, those women, their unborn children, and their infants were placed at risk for contracting viral illnesses in detention. What may be considered typical disregard by CBP agents for the effects that harsh conditions conducive of illness had on very young children was reported by one woman whose child had a stomachache and started crying during the first night of detention.

He began to bleed from the nose. His mother asked for help given the bleeding. She was told "this is normal", and the agent refused to have any medical personnel attend to the child. ³⁸

The scope of what the statement "this is normal" meant was that there were no qualified medical personnel in the field among the Border Patrol or monitoring immigrants in short term facilities to triage immigrant populations in vulnerable states of health. The harsh conditions of detention then raised health risks for an incarcerated population in Border Patrol custody. A sequence of illnesses experienced by immigrants while incarcerated in DHS facilities is illustrated below.

Deprivation, not Deterrence.

Detention Conditions Conducive to Illness In Customs and Border Patrol Stations & Ports of Entry in Southern Arizona.

1st 24 Hours

1. Thirsty and hungry immigrants entered into custody for 1st 24 hrs.
2. Fluids declined and energy decreased with low caloric intake from sub-standard or inedible food and water deprivation.

24-48 Hours

1. Thirsty and hungry immigrants were repeatedly over exposed to extraordinary cold which lowered metabolism, and highly diminishes full sleep for 48
2. Exposure to unsanitary conditions increased risk of infection.
3. Onset of chills, coughs, or skin drying out (including lips), headaches, and other combinations of symptoms of moderate dehydration.
4. Resistance to infection was lowered as nutritional intake was reduced.

48-72 hours

1. Thirsty, hungry and sleep deprived immigrants presented fever, dizziness, or low blood pressure, and or any combination as physical reactions to ongoing water, food, and sleep deprivation entering into severe stage of dehydration.
2. Sleep deprivation impaired temporary cognitive ability for decision making.
3. Without medical tirage, resistance to infection was compromised from severe dehydration and or infections.

Medical Emergencies Unattended:

After 72 hrs. of thirst & hunger immigrants presented diarrhea and or vomiting in reaction to accumulative water, food, and sleep deprivation. Infections increased from unsanitary cells. Pregnant women were reincarcerated after brief hospitalization increasing health risks.

Conclusion on Medical Rights Violations

Conditions prevalent in the nine Border Patrol Stations and POE detention cells, hold rooms³⁹, search rooms, group holding cells, and rural CBP Field Offices with outside holding pens exposed to the extreme Sonoran Desert heat were all conducive of illness documented among incarcerated immigrants. With the systematic use of cold cells, lack of potable water, overcrowding, and unsanitary conditions⁴⁰, common symptoms of mild dehydration became symptoms of severe dehydration. Immigrants' immune systems were weakened and infections set in.

However, immigrants reported that there were no medical staff available to triage the onset of illnesses that arose from the conditions of detention - with the conditional exception of some pregnant women. With the possible exception of BORSTAR's Search and Rescue Unit

Deprivation, not Deterrence.

located in El Paso, Texas, Border Patrol agents who engaged in operations along the entire southwestern border were apparently untrained for triage of symptoms of dehydration in infants, young children, lactating mothers, children, or adults.

Standard health prevention and intervention strategies in short term detention were lacking. Agents were ill-equipped to assess when pregnant women were medically at risk before referral for a medical exam, or qualified medical personnel were lacking. A pattern of agents neglecting to triage or treat illness that arose within the confines of DHS short detention facilities was prevalent.

Findings on Psychological, Physical, and Verbal Abuse

Twenty-four cases of either psychological, physical, or verbal abuses were experienced by immigrant women and children, representing 34% of the population interviewed. One family experienced multiple abuses (see interview no. 24). Observations on the frequency by abuse type is exemplified by case information from interviews with migrants. Immigrant children constituted sixty-three percent of migrants who experienced psychological, physical, and verbal abuse in short term detention (n=24)⁴¹. Two physically abused children were infants aged one year or less.

Findings on Psychological Abuse

1. Psychological abuse by agents was reported for four immigrant adults and six immigrant children, or 15 percent (10/68) of immigrants held in detention were psychologically abused. (n=68).
2. Egregious psychological abuse was reported by a young immigrant mother during her incarceration at the Ajo Border Patrol Station. She was interrogated there and told point blank by an agent that her infant child was going to be taken from her. She believed this action was imminent throughout the two days of incarceration at the Ajo BP Station. She reported being traumatized from the interrogation during her incarceration in the Ajo BP Station. She was then transferred to the Tucson Border Patrol Station. When she was later processed for release at the end of her three day detention, and she continued to believe that she would never see her child again. She felt emotionally distraught, crying from the impending separation. Literally at the point of being released she was asked by a different agent at the Tucson Border Patrol Station why she was crying. She told the officer she was not going to see her baby again. Only then was she told she was going to keep her child. (Interview no. 24)
3. An teenage Salvadoran woman who was in her third trimester of pregnancy traveled from El Salvador and entered the Nogales, Arizona Port of Entry. During her stay, Border Patrol agents asked “*why did you come to this country if there are others [countries] you could go to?*” They then threatened to “*deport her to Mexico*” even though “*they knew I was from El Salvador*”. (Interview no. 7).

Deprivation, not Deterrence.

4. A single indigenous Maya Mam woman with two grade school aged sons from Quetzaltenango, Guatemala entered Douglas, Arizona in the first week of July, 2014 and were released two days later in the afternoon. During her first day and night at the Douglas Port Of entry, Border Patrol agents exhibited anger at her for having entered the United States and told her not to talk to her children. The Mayan Mam woman's first language was Mam, not Spanish. (Interview no. 31).
5. A Guatemalan Maya Mam woman traveled from Guatemala with one teenage daughter, a younger daughter, and a young son, all of whom entered Arizona at Douglas. The family spoke Mam, an indigenous language. The mother's occupation was agricultural field work. While in detention, money fell out of her pocket, they asked if she had more hidden elsewhere, and she answered "no", they threatened to send her back to Guatemala if she didn't confess. The mother's first language is Maya Mam. She studied Spanish through the 4th grade. (Interview no. 10).

Observations on Psychological Abuse

When CBP or BP agents used coercive threats or humiliating language in front of children of immigrant women, those children also experienced psychological abuse by having the mother's future placed in doubt or threatened. A young mother who was threatened with having her infant child permanently taken from her by a border patrol agent experienced a form of mental torture under Article 1 of United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. (Interview no. 24, see also: verbal abuses).

Findings on Physical Abuse

1. Seven percent (7%) (5/68) of the immigrants interviewed experienced some form of physical abuse; three women and two infants less than a year old were victimized. (n=73).
2. A Customs and Border Patrol agent physically abused an indigenous Guatemalan woman at the Port of Nogales who was told to quiet her infant daughter child, and when she was unable to, a Customs and Border Patrol Agent put an aluminum sheet over the head of her daughter, which the mother immediately removed. They mother was then shackled on the legs and not given any food, only the child was fed the rest of that entire day. (Interview no. 29). The mother's first language was Mam, a Mayan language.
3. A detained Honduran woman was first held in an outside facility at Mariposa Crossing Nogales. During her stay she was chained on her left ankle for 5-6 hours so tightly that she could not put a single finger between her ankle and the chain bracelet. It caused her much pain and bruised her ankle, and she requested it be

Deprivation, not Deterrence.

loosened, but was refused. Once in the station, she became ill from the cold temperature in the cell, catching a cough and her lips became parched, and she was then later nauseous and she vomited. (Interview. no. 30).

4. During arrest and near the Douglas Port of Entry, a Border Patrol agent physically abused an adult immigrant and child immigrant among other immigrants who were sitting on the ground when a female Border Patrol agent warned them not to move. An infant child and her mother, a Quiche Maya indigenous woman from Guatemala, were part of the group sitting on the desert floor. The infant began to fall onto the desert floor, but when the mother attempted to reach the infant to pick the infant up, the officer yelled to leave her alone and then grabbed the infant's mother by her hair and yelled at her not to move, disallowing her to pick up her crying infant. The mother's first language was Quiche Maya, not Spanish. The female Border Patrol officer involved was identified as having blond hair in a ponytail. (Interview no. 15)

Observations on Physical Abuse:

BP agents in the field, in short term detention during the day, and even in the middle of the night when adults immigrants were forcedly woken up to sign their legal papers, immigrants were physically abused when they perceived them to not be following orders given abruptly. At times orders were given abruptly in a language not understood by indigenous immigrants. The shackling of an adult woman immigrant was retribution for disobeying an order to quiet a child's crying. In another instance an agent endangered the life of an infant and then physically abused the mother as the mother protected her child.

Findings on Verbal Abuse

Sixteen percent (16%) of the immigrants interviewed experienced verbal abuse, i.e. five adult women, and six children were affected. (n= 68). CBP agents were abusive when interrogating immigrants on how and who may have assisted them to enter the United States, and during apprehension and in holding cells when children cried and agents became upset and demanded that their mothers quiet them immediately. Verbal abuse affected anyone in the vicinity of the verbal abuse whether it was directed at an adult or the child of a parent. Each person thus affected is considered a victim of that type of abuse.

1. Four case examples are available in the full report available on-line. See: interviews no. 10, 29, 30, and 38.
2. While incarcerated at the Douglas Border Patrol Station an immigrant mother was interrogated forcefully and repeatedly with border patrol agents yelling at her to reveal who her "smuggler" was. Agents tried to intimidate her, and she felt threatened. At the place she was interrogated at the Douglas Border Patrol Station, she asked for more juice and water because she and her child were

Deprivation, not Deterrence.

thirsty and Border Patrol refused to give them more juice and water. (Interview no. 13)

3. A young Guatemalan mother in her twenties entered the United States around Lukeville, Arizona with her infant . . . and was then taken to the Ajo Border Patrol Station. There she was screamed at and threatened repeatedly with having her infant child taken from her by a Border Patrol agent. The same light skinned male Border Patrol agent approximately 30 years old wearing a green hat then denied her milk and Pedialyte™ for her infant, a provision given to four other women in her same cell. (Interview no. 24).
4. A Mexican woman who presented herself and her pre-school age child at the Nogales Port of Entry to request Political Asylum given they fled drug cartel violence in Southern Mexico, they were transferred to the Tucson BP station where her young child cried in the holding cell, when an agent became upset and screamed at her to quiet the child who was crying. (Interview no. 36)
5. A woman from El Salvador with her grade school aged child entered the Nogales Port of Entry. Once in detention, she was pushed by a female agent as she was aiding her daughter remove her shoe. The guards laughed and made comments in English and Spanish about the mother. The guards asked her if she had another daughter in El Salvador *“why did she come?”* Then they said, *“they like to leave their kids thrown like trash, and bring the others suffering”*. (Interview no. 12)

Observation on Verbal Abuse:

CBP agents were abusive when interrogating immigrants on how and who may have assisted them to enter the United States. Verbal abuse occurred during apprehension, and also in detention when children cried and agents became upset and demanded that their mothers quiet them immediately.

Conclusion on Physical, Verbal and Psychological Abuse

More than one in three or 35% of immigrants interviewed reported either psychological, physical, or verbal abuse, or some combination of two types of abuse (n=68). Adult women, children, and infants were victims of these abuses. Often, the abuses occurred when immigrants were also either ill due to the conditions of deprivation discussed elsewhere in this report, or had physical restraints placed on their movement. Threatening to separate a young mother and her five month old infant, shackling the legs of another woman at an outside facility at a port of entry causing unnecessary pain and abrasions, attempting to quiet a child by placing a non-breathable material over its head, and pulling a woman's hair because she attempted to keep her infant from falling directly into the desert floor during apprehension were the most marked incidents of psychological, physical, and verbal abuse.

Deprivation, not Deterrence.

Some 38% of the incidents affected indigenous persons whose first language was not Spanish. In other words, one in three abuses involved persons who may have not been informed of orders issued by Border Patrol agents in a language they understood.

Findings Regarding Due Process

At the Tucson CBP Station, in the Alien Documentation, Identification & Telecommunications Room, immigrants receive their legal papers and are to be granted the use of a phone to call relatives and their consul.

1. Sixty-one percent of adult women and men stated that they were not apprised of their right to call their consulate. (n= 36)
2. Forty-seven percent of adults reported that they were denied a call to a family member. For those who were allowed a call to a family member, that legal right was commonly only allowed in the last two hours before release from the Tucson Border Patrol Station, days after being apprehended and incarcerated. (n= 32).
3. Half (50%) of adult migrants responding described that they did not receive a explanation of the legal papers issued to them in a language they understood. (n=32).
4. In several reported instances, indigenous women from Guatemala who were Maya Mam and Maya Kanjobal speakers were told about their release papers in Spanish, a language they did not fully understand - in Spanish.
5. A woman from Honduras who was transferred from DHS facilities in Texas stated that she was unclear what the legal papers meant since she only had a third grade reading level, and she did not understand the legal language in the document⁴².
6. A written notification of immigrants' right to call their nation's consul or a family member was identified by immigrants on a poster in the area where immigrants are processed by ICE /BP in the Tucson BP Station for their release. Most immigrants never saw the poster, while others did understand it was directed to them. Often immigrants described being told they had a right to call a consulate or one's family members *only upon their imminent departure at the time of release and was posed to them as an action that would only further delay their release.*
7. Some 28% of adults were speakers of an indigenous language, while 26% spoke an indigenous language as their 1st or only language (n=39).

| Indigenous language as 1 st language adults | No | Yes | n= 39 |
|--|-----|------|-------|
| count | 29 | 10 | |
| % | 74% | 26 % | |

Deprivation, not Deterrence.

8. 56% of speakers who reported themselves as speakers of both Spanish and an indigenous language also reported not receiving a reasonable explanation of their appointed court date. (n=9). In one case, a 10 year old Kanjobal speaking boy interpreted the legal process for his monolingual Kanjobal speaking mother.

Observations on Due Process

The practice of substituting a poster for a recitation of legal rights to incarcerated migrants did not comply with the Vienna Convention on Consular Relations that requires the agents or officials of all nations which are signatories to the accord to afford the right of any foreign national arrested on their soil and held against their will by state authorities to call the consulate of their own country. The poster was located in the Tucson Border Patrol Station - which is the main Tucson Sector CBP/ICE location that regularly receives immigrants from seven other short term detention facilities; with less frequent transfers of immigrants from Yuma. As legal rights information presented in an inaccessible language, in an inaccessible location, and in an untimely manner, the poster is an unacceptable notification of rights for immigrant adults and children in a pending legal status process.

The Border Patrol violated immigrants' rights to call a family member once in US custody. The denial of that right of immigrants' rights to contact a family member with a phone call or to contact their consulate was consistent with a routinized process of arrest, detention, and transfer to the Tucson CBP Processing Station before being released.

CBP and ICE demonstrated a lack of qualified personnel to process immigrants who were speakers of indigenous languages including an understandable explanation of their release papers was a common every day experience of immigrants interviewed.⁴³ One example of how legal rights were not respected based on language discrimination follows:

A Guatemalan Maya Mam woman traveled from Guatemala with a teenage daughter, with her grade school age daughter, and her grade school age son, all of whom entered Arizona at Douglas. The family spoke Mam, an indigenous language. While in detention, she was not told of her right to contact her consulate. She did not understand the release papers given to her, and she was not allowed to call her family until two hours before her release to the Greyhound bus Station in Tucson, being held incommunicado for 57 hours before she was allowed to call her husband and son with whom she was trying to reunite with her three other children. The mother's first language is Maya Mam. She studied Spanish through the 4th grade. (Interview no. 10)

The capacity of Border Patrol, CBP, and ICE agents to evaluate if a person speaks enough Spanish to understand the legal terms and used in release documents they must sign to be released was demonstrated to be inadequate and led to the abuse of due process not just for speakers of indigenous languages, but also for semi-literate Spanish speakers. Oral language ability does not necessarily equate with a sufficient reading ability to comprehend legal papers.

The brutal summer heat in the Sonoran Desert of Southern Arizona posed a real threat to border crossers, and given the number of immigrants who die in the rural desert lands increases in the summer months of June, July and August, relatives of survivors have a right to

Deprivation, not Deterrence.

know their status. CBP effectively denied their right to call their family in the immediate aftermath of arrest and within the first 24-48 hours or longer in detention when their relatives do not know if they were alive or dead. By contrast, immigrants leaving North African shores who attempted boat landings on Italian off-shore Islands, drowned recently in the Mediterranean Sea⁴⁴. Their relatives also had the right to know if they were alive or dead.

Part II: Review of US Border Security Policy

5.0 Antecedents of Policy

States are responsible for the protections and mechanisms that provide human rights to their citizens and others residing within their internationally recognized borders. State signatories to international treaties and conventions are legally bound, when such agreements are mandatory, to abide by the rights stipulated in articles of those human rights instruments. In this context, states are not at liberty to selectively enforce some, but not other human rights standards.⁴⁵

Immigration policy is normally presented in public discourse as domestic policy. Domestic policy however is also created and implemented by political institutions of state. The main goal of domestic public policy is often to manage and or solve a challenge to society that affects a significant proportion of the population. In contrast, foreign policy is most often crafted to guide relations between nation states and not to solve domestic social issues.

In the United States, immigration policy has historically been treated as an internal affair unaffected by international norms to which the United States is bound in terms of its own actions in regards to its membership in treaties and conventions for human rights. Nevertheless, United States' statutes often employ universal language that sets forth policy based on human rights principles - and not on political expediency. This policy behavior can be characterized as the projection of domestic law enshrined in universal principle. The United States is far from alone in crafting such a self – portrait.

However, the United States historically passed immigration law directly tied to foreign policy goals. For example, the onerous 1790 Alien Naturalization Act marked the beginning, not just of a citizenship restriction based on racial and social classes comprised of large numbers of people in the United States in the Federalists' reaction to the French Revolution, but it unleashed a series of other acts that mandated one of the largest forced transfers of people and wealth in the history of the United States which ultimately culminated in the removal of five domestic indigenous nations, and their subsequent subjugation to denationalization and a second subjugation of property loss and of collective status. Indigenous peoples born in the United States proper were only granted citizenship with the establishment of the 14th amendment in 1868, while reservation born indigenous in the United States were not granted citizenship status until 1924.

Currently, the discourse about United States' immigration policy revolves around popular ideas about the purpose of immigration policy and various sets of assumptions about its capacity to solve domestic public policy issues. One assertion is that without a physical and paramilitary presence on the southwestern border of the United States, no reform of

Deprivation, not Deterrence.

immigration will address the on-going challenge of either rejecting immigrants at that border or in absorbing them into the citizenship of the United States. That camp may be called the *border security first and immigration reform second camp*. That camp disavows a connection of immigration to foreign policy goals.

Others pin their hopes on the reform of immigration laws to solve the perceived injustices of undocumented residents in families often with mixed legal and illegal status as interpreted by the United States' federal government. That second camp may be called the *universal immigration reform camp*. It largely reiterates the goals of 1986 Immigration Reform and Control Act (IRCA) with updated provisions for certain age and family categories, and case law for asylum and special visa seekers as the preferred solution to solving the immigration challenge with domestic reform. Both sets of assumptions maintain a locus of resolution that addresses a problem that has long been associated directly with that border.

Just as in earlier historical periods, the 1986 passage of IRCA was framed with statements that appeared to support universal human rights, which while lofty and admirable, did not address foreign policy goals that dominated the relationship between the United States and immigrants' home countries then in question. Statements of principle, no matter how well articulated, do not mandate tangible standards. Their perennial reiteration by US federal officials has often been an attempt to manage the political ramifications of the status quo, not to enforce such standards derived from those principles.

At the nexus of this policy bifurcation was a gap in the relationship between domestic and foreign policy. The gap between the universality of United States' human rights standards for immigrants and border security policy was a direct result of that disjuncture in immigration policy from foreign policy.

In popular discourse, the *security first, reform second camp's* approach to solving the immigration challenge envisioned a border so physically secure that human migration, defying several millennia of counter examples, would be directly controlled, and if made severe enough, it was assumed that passage of legislation for tighter border controls would further discourage substantial migration. *The universal immigration reform camp* posits that universal principles should be applied to domestic reform in order to construct a just and equitable policy.

Both camps' interpretation of the origin of and the solution to the current immigration challenge were not just at odds with each other, but more significantly they were at odds with the United States' historical response to immigration policy as an extension of foreign policy. The following review of border security policy examined two origins of current border security policy related to migration. The review found that current US regional foreign policy goals were inherent to the origin of migration for the bulk of immigrants, e.g. for Mexican and Central American nationals, that entered the United States without legal status originating in the period of 1994 – 2005.

6.0 Ephemeral Standards for Short Term Detention

United States law established in *Flores vs. Meese* (1996) minimum standards for minors in detention. Under the ruling, detention was not exclusive to INS (now ICE) custody or

Deprivation, not Deterrence.

facilities, but was rather also inclusive of short term detention in border patrol facilities. The 2008 CBP Standards for Short Term Detention, acquired only as a result of a Freedom of Information Act request, demonstrated that subsequent standards had been posed by DHS to CBP, but that CBP was under no legal encumbrance to implement them. Even newly hewn standards applicable to short term detention in 2014, [Standards to Prevent, Detect, and Respond to Sexual Abuse and Assault in Confinement Facilities](#), were absent in CBP practices experienced by migrants interviewed from late May to late July of 2014 in the Tucson Sector of Border Patrol.

Regulatory law for such standards under DHS was treated by US border security institutions as a series of memorandum in which neither the sender (DHS) nor the receiver (CBP) were obligated to enact. Previous human rights reports on the conditions of short term detention aptly documented and published a constant stream of violations of the 2008 standards. For example, complaints of violations of migrant's rights from January 2009 to January 2012 system wide numbered 809 according to an Immigration Policy Center report of the American Immigration Council.⁴⁶ The frequency of abuses directly corresponded in descending order to border areas where most migrants crossed into the United States: Tucson [Arizona] sector, Rio Grande Valley of Texas Sector, and the San Diego [California] Sector. When combined, complaints from those sectors accounted for nearly 85% of all complaints. By the time of that report no action was taken for 97% of complaints that had a formal decision issued.⁴⁷ Conceptually remote from such memos were the principle guarantees written into international standards for prisoners, for civil and political rights, for migrants and their families, and for indigenous persons. A brief analysis of where the 2008 Detention standards were missing and what international standards would require follows.

Implementation

Under the 2008 CBP Detention Standards, medical personnel were required to triage medical needs of migrants in CBP custody.

*'Emergency Medical Technicians, Paramedic . . . , a nurse practitioner, a physician's assistance, or physician' will evaluate detainees 'needing medical attention or showing signs of serious infectious disease, or contagion . . .'*⁴⁸

A broad array of rights under conditions of detention were stipulated in the UN's Minimal Rules for the Treatment of Prisoners (SMRTP) and applied to immigrants in short term detention in the Tucson Sector of Border Patrol. The basic right to food⁴⁹ and water⁵⁰ are inherent to detained person's rights. In the SMRTP, so were the appointment of medical officers to complete: triage and monitor nutritional needs; to attend to the physical and mental health of detainees; to monitor the quantity and quality of food; and to attend to migrants' medical care whether they presented illness once in custody.⁵¹ Medical officers were required to ensure conditions for personal hygiene⁵² and sanitation of facilities. They were responsible for the lighting and temperature in holding cells.⁵³

The Inter-American Commission on Human Rights' *Principles and Best Practices on the Protection of Persons Deprived of Liberty* in the Americas, established specific guidelines on basic

Deprivation, not Deterrence.

provisions – such as the rights to food, drinking water, sleeping quarters, hygiene, and clothing.⁵⁴ CBP practices routinely failed to rise to those standards. This report’s findings on the physical conditions of food, water, sleep, and overcrowding documented conditions found that CBP did fulfill the minimum standards of the SMRTP.

Finally, international standards for detention under the SMRTP required prisons maintain conditions that did not systematically deprive immigrants of sleep.⁵⁵ The results of this study clearly demonstrated that the Tucson Sector of the US Border Patrol under DHS had neither the personnel nor the operational plan to meet those medical standards and physical needs. For example, under CBP operations, medical intervention for hospitalization of pregnant immigrant women lacked preventive measures such as rehydration because there was no monitoring for rehydration of locked up pregnant immigrant women. As well, after hospitalization of pregnant women, their subsequent re-exposure to the very same unsanitary and harsh conditions of detention, in this context, was medically ineffective, punitive, and costly. In general under the SMRTP, migrants were to be ensured:

... in holding centres of a doctor with appropriate training in psychological treatments. Migrants should have the possibility of being assisted by interpreters in their contacts with doctors or when requesting medical attention.

CBP did not meet that international standard for interpreters under DHS policy which applied to the Tucson Sector facilities.⁵⁶

Monitoring

In order to meet improvements in conditions mandated for minors under the *Flores Settlement Agreement* of 1996 (Flores Agreement), DHS’s own Office of Inspector General’s review reported in 2010 improved conditions for the *appearance and purchasing of food*. *Nevertheless*, their review did not inspect nor measure the actual *delivery of food by CBP agents to immigrants in holding cells*. Their self-reported compliance with the Flores Agreement for ten facilities of the Tucson Border Patrol Sector was based on inadequate and highly restricted inspections at only two facilities, in Sonoyta and in Tucson. This outcome lacked validity given the largest sector for immigrant juvenile detention in the United States in 2011 was the Tucson Sector which covered six border patrol facilities and four ports of entry.⁵⁷ Only unannounced inspections allowing non-DHS civilians for monitoring of stipulated conditions in the Flores Agreement would ensure validity.

Though conditions of short term detention for *family units* per se were not stipulated in the Flores Agreement⁵⁸, *standards for those children under eighteen years of age* (who were part of detained families in this study) *were applicable*. The *denial of food and water to minors*, documented in this report, were egregious violations of the Flores Agreement.⁵⁹ Furthermore, the subjugation of immigrant women and children to psychological, physical, and verbal abuses violated Article 16. 2. of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Migrant Convention: 1990).⁶⁰ which states:

Deprivation, not Deterrence.

Migrant workers and members of their families shall be entitled to effective protection by the State against violence, physical injury, threats and intimidation, whether by public officials or by private individuals, groups or institutions.

Language and Due Process

DHS announced its implementation on May 6, 2014, of rules for [Standards to Prevent, Detect, and Respond to Sexual Abuse and Assault in Confinement Facilities](#), which called for “...language assistance services for limited-English proficient detainees, safe detention of family units...” However, specific language rights of indigenous peoples as outlined in the UN Declaration on the Rights of Indigenous People of 2007, were not included in the 2008 Standards, nor was that provision from the May 6, 2014 Standards implemented for indigenous migrants interviewed. The right to communicate with one’s government and family were established also in the core human rights convention, the UN Covenant on Civil and Political Rights (CCPR: 1976) ⁶¹. Tellingly, the 2009 FIRRP Report revealed a correlation between indigenous ethnicity of minors and a disproportionate percent of them being physically abused.

That outcome should have been a red line for a DHS short term detention policy review by 2010.⁶² Five years later however in July, 2014, DHS had not equipped CBP facilities with interpretation for indigenous immigrants in the Tucson Sector, effectively denying them the legal right to information related to decisions made by them and officials about their legal status. The presence of indigenous immigrants from Guatemala in the Tucson BP Sector and as far north of the border as Queen’s Creek, Arizona was well known. In fact, this population had historically crossed into Arizona since at least the early 1980’s, long before the creation of DHS, in other words, for more than thirty years. In general, DHS and its sub parts (CBP and ICE) had not met the basic requirements for conditions reviewed in 2001, thirteen years prior.

Language accessibility in legal proceedings of any kind is not an exceptional request. Denial of language rights under due process is an egregious policy that separates US jurisprudence from extant international standards. DHS’s long acquiescence to this CBP practice, amounts to a policy of institutional racism tolerated on a daily basis against indigenous immigrants in violation of the UN Standard of Minimum Rules for the Treatment of Prisoners ⁶³ (SMRTP: 1977), and more recently, the UN Declaration of the Rights of Indigenous Peoples (DRIP 2007)⁶⁴; standards that the US Department of State and the Obama Administration publicly supported.

The United States underlines its support for the Declaration’s recognition in the preamble that indigenous individuals are entitled without discrimination to all human rights recognized in international law . . . The United States reads all of the provisions of the Declaration in light of this understanding of human rights and collective rights.⁶⁵

However, their support did not apply the standards of the UN DRIP to indigenous migrants.

Deprivation, not Deterrence.

Within the human rights framework of the Americas, as a signatory to the American Declaration, Article XXVI obligated the United States Department of Homeland Security and Customs Border Protection to respect the right of a person held against their will to an interpreter or translator without charge.⁶⁶

CBP's denial of due process in *short term holding facilities* in the Tucson Sector during the period of this study included denial of a migrants' right to communicate with consular authorities⁶⁷, and to contact family members, which violated the Migrant Convention, DHS's Office of the Inspector General's own 2005 Review of DHS Responsibilities for Juvenile Aliens⁶⁸, and Article 36 (1) of the Vienna Convention on Consular Relations. The right to be promptly told of the right to contact a consulate or diplomatic mission and to contact a family member is held by IACHR as minimal principles; principles denied to 61% and 47% of detained adult immigrants interviewed respectively.⁶⁹ Inter-American Principle 87 states that the right to due process

“also comprises the right to opportunistically request and receive information concerning their procedural status and the remaining time of deprivation of liberty, if applicable.”⁷⁰

Regardless of language accessibility to that due process, 50% of adults interviewed reported not receiving a reasonable of the legal process they were subjected to and of the release papers issued to them in a manner they understood.

Human Rights Violations

Neutralizing language aside, in terms of the structure of CBP Short Term detention facilities, their security level, armed personnel, use of restraints, adapted techniques of physical deprivations function as border prisons; prisons better designed for enemy combatants, but not to legally hold and process immigrants within the scope of a humanitarian framework. Despite DHS's origin in security policy, it was institutionally tasked with immigrant apprehension, short term detention, and legal processing.⁷¹ After monitoring ICE facilities under DHS administration, the Inter American Commission on Human Rights (IACHR) in 2010 found DHS lacked credible internal oversight of ICE compliance. Those monitoring actions were however for *Long Term Detention Facilities* where ICE operated contracts or directly imprisoned migrants. But *Short Term Detention Facilities* administered by CBP in the border zone were not under ICE administration, so even failed implementation of those standards, if improved, would not affect short term facilities.⁷²

Migrants experienced ephemeral humanitarian and legal standards in short term detention. The standards were not equitable with DHS longer term detention standards, precisely because they do not apply to border bound holding cells. The practices they endured didn't attain the level of prison standards, they were actually much worse. For example, The Inter American Commission on Human Rights (IACHR) recognized in 2010 that UNHCR standards called for children who were asylum seekers not to be detained, but

“If, for some extraordinary reason children were detained, they ought not to be held in prison-like conditions”.⁷³

Deprivation, not Deterrence.

The IACHR also noted some CBP facilities were “not equipped to provide the most basic necessities, such as food, water, and sleeping accommodations”.⁷⁴ IACHR stated that due to Articles V, VI and VII of the American Declaration,

*. . . families and pregnant women who seek asylum ought not to be detained; and if they are detained, they ought not to be subjected to prison-like conditions.*⁷⁵

The thirty-six children held in the Tucson Sector were held in prison like conditions. Under Article V of the American Declaration,

“every person has the right to the protection of the law against abusive attacks upon his...private and family life.”

Under Article VII,

“all women, during pregnancy and the nursing period, and all children have the right to special protection, care and aid.”

The detention of children and women, let alone pregnant women, was routine for the families interviewed. Psychological, physical, or verbal abuses against women and children by CBP and BP agents violated these articles for 34% of the population interviewed.

Accountability

The United States’ complaint mechanism for reporting abuses to the Department of Justice’s Office of Civil Rights and Civil Liberties engaged citizens in an endless exercise wheel of submitting complaint filings about serious and egregious rights’ violations, delayed decisions, and a flagrant level of inaction; passing itself off as a legitimate process. The process has habitually delayed redress through international conventions by giving the appearance of redress, all the while stonewalling and delaying actual redress, even while it violates international norms.⁷⁶ The complaint mechanism has no standing in international law, at the United Nations, nor at the Inter-American Court.

It is a case study in state abuse and obfuscation that many countries globally may unfortunately study and replicate in order to imprison immigrants all the while evoking the name of human rights. The complaint mechanism is simply an architected DHS policy that provides cover for CBP malpractice. DHS has no viable track record of producing credible investigations nor of safeguarding against abusive practices among its more than 44,000 agents operating in government facilities closed to the public and the media. The ephemeral accountability meant that abusive practices carried out in holding cells and holding rooms⁷⁷ by some agents habituated silence among other agents.

Deprivation, not Deterrence.

New Federal Standards and Independent Enforcement

Current DHS policies and CBP practices described above resembled an extremely harsh model of incarceration for immigrants that comprised inhumane and degrading treatment against international legal standards, notably, the CCRP⁷⁸, and the Advisory opinion of the Inter-American Court.⁷⁹ The model, derived from national security planning, was not designed for the daily tasks of humane apprehension, housing, feeding, and legal processing of migrants. Therefore, future supplemental and piecemeal procedural remedies will prove impractical for transforming its state security operation into a humanitarian one without new federal legislation mandating short term detention standards and their enforcement by a department of federal government with independent investigative, administrative, and judicial powers over DHS policy and CBP practices relevant to migrants and subject to investigative powers exercised by the US Congress.

7.0 Border Security Policy Revisited

DHS's Strategic Blunder

From late May through early August 2014 tens of thousands of families and unaccompanied children migrated through Tamaulipas, Mexico to the Rio Grande Valley of Texas. Their migration culminated in an operational fiasco for Customs and Border Protection and Border Patrol operations. Domestically and internationally, US border security policy's over reliance on militarization was exposed in the summer of 2014 when Central American families and unaccompanied minors amassed at the Southwestern Border. Despite two years of data showing a doubling for those two vulnerable populations, from 2011 through fiscal year 2013, CBP officers and BP agents responded by carrying out mass transfers of families from short term detention facilities in the Rio Grande Valley Texas, to Southern Arizona, releasing them to the Tucson Sector headquarters for processing, and then dropping them off at bus stations in Tucson and subsequently in Phoenix, Arizona without public aid.⁸⁰

Facts of that crisis however were masked by the wholly inadequate reporting on immigrant families crossing the Southwestern Border from Oct. 1, 2013 to August 31, 2014 (FY 2013-FY 2014) which outnumbered the unaccompanied minors. DHS scrambled to act where CBP and Border Patrol had not - to set up temporary shelters for arriving unaccompanied minors whose numbers increased by 88% from October 1, 2013 through August 31, 2014 compared to the same period in 2013.⁸¹ What the Border Patrol did not disclose was the 412% annual increase in the total number of family members crossing the southwest border during the same time.⁸²

American Catholic Bishops had traveled to Central America and Mexico to study the brewing crisis and their report forewarned the Department of State in late 2013, to no avail.⁸³ In other words, DHS's blunder was an over reliance on threat analysis and minimalizing the humanitarian challenge posed by immigrant children and families. That minimization was modeled by the Department of State in its address at a United Nations round table on migration in February, 2013.⁸⁴

Deprivation, not Deterrence.

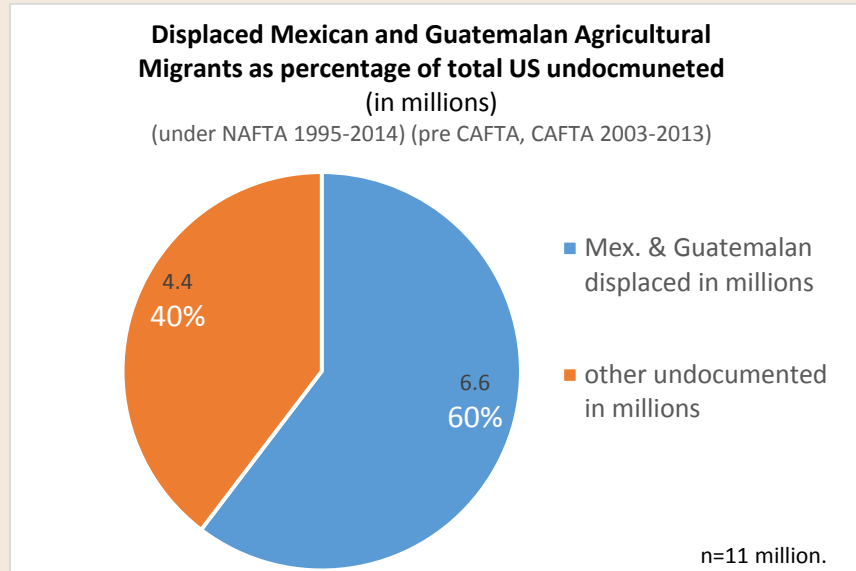
While restating the US commitment to three international human rights conventions, its omission regarding the Secure Communities involving 3,000 US counties underlined the purposeful bifurcation of immigration from US foreign policy. The threat based security state model functioned rather poorly when it faced a surge in migration.

Who Crosses the Southwestern Border?

Mexican and Central Americans accounted for 73% of total undocumented persons residing in the United States in 2012; 81% of those immigrants were working of age; 18-54 years old.⁸⁵ Mexico, Guatemala, El Salvador, and Honduras represent the closest and largest contributing countries to the US immigrant population without a viable legal status. They enter the United States at our Southwestern border.

In Mexico under NAFTA from 1994-2013 the number of displaced rural unemployed in agriculture was six million⁸⁶. Immigration from the Mexico and Northern Triangle of the Central American region was a direct result of displaced agricultural workers due to trade policies of the North American Free Trade Agreement (NAFTA) and the Central American Free Trade Agreement.

Since CAFTA passed in 2005 in Guatemala the agricultural job loss or displaced agricultural workers was 639,231 people, representing rural unemployed in Central America's largest agricultural exporter where 84.5% of its rural population toil in the informal sector.



When combined, the unemployed and displaced rural agricultural workers became migrants who composed 60% (6.36 million) of the approximately 11 million estimated undocumented immigrants in the US by 2013.

Why Are They Coming?

In separate interviews about the origins of their migration (summarized in the Narrative Appendix, Section II) immigrants interviewed in the period of study plainly stated that their primary immediate concern was not a fear of facing harsh conditions in Border Patrol Stations. One family's situation was typical.

A single Maya Mam woman from, Quetzaltenango, Guatemala entered Douglas, Arizona with her two sons, five and seven years old. She

Deprivation, not Deterrence.

reported that they left for economic reasons. For her family of three, she was able to earn US 3.33 per day when she had work as cook or washing clothes. Her house had recently been destroyed in an earthquake for which the Guatemalan Government rendered her no aid. They lived on \$1.10 per person per day. (Summary of interview # 31).

A different family's story portrays a region bereft of economic and social development:

A 21 year old single woman seven months pregnant from Santa Rosa Department of Guatemala arrived at Nogales, Arizona, USA on July 19th, 2014, and was released on 21 July in Tucson. She entered the desert at the outskirts of Nogales until apprehended by Border Patrol. When asked why she left - she said she didn't have any work. Her family has 11 children (five brothers, and six sisters) and two parents. Her family was supported economically by her father who grew plants for his own greenhouse in the summer and sold the plants throughout the winter months. He made, on average, Q400 a week or \$ US 7.6 per day, equivalent to \$US 00.58 per person per day. No other family members had independent employment or generated income for the family. She had no work in the two weeks prior to leaving.

Her partner, the father of her expected child, is working in Canada on a work visa there. Though her partner had been a temporary laborer outside Guatemala for 2 years, she left because of the instability of her economic situation, and the insecurity of the town she lived in where gangs threatened her 17 year old sister last year in an attempt to extort money from her. Her father was assaulted last year on his way home from work and shot twice during a robbery and subsequently hospitalized. (Interview no. 32).

Free Trade and Labor Mobility

Mexican and Central American immigrants incarcerated short term at the southwestern border by CBP in 2014 were still largely coming from communities devastated from the long term effects of NAFTA and CAFTA. Many of the over 11 million undocumented immigrants originally fled from the collapsing agricultural labor markets of those countries in the wake of trade agreements that favored mergers and consolidation of agricultural production.

In CAFTA sanctioned agricultural export trade, agricultural production was vastly transformed by domestic capital investment bolstered by regional development bank financing of land acquisitions. In Guatemala, for example, the Inter-American Bank and the Central American Bank for Economic Integration were instrumental in loans that led to concentration of sugar plantations being owned by only 14 oligarchic families which then produced 80 percent of sugar production while five companies produced all the ethanol, and eight families produced 98 percent of all palm oil produced.⁸⁷

Deprivation, not Deterrence.

In Honduras's Bajo Aguan Valley, a single palm production corporation, Dinant, was backed by three landowners who obtained 22,000 acres through force and corrupt practices. A 2009 landmark redistribution of 10,000 acres to small farmers under the former Zelaya administration was rescinded when Zelaya was overthrown in a coup d'état. Local farm laborers disputed and then re-occupied 12,000 of those acres after the Honduras Congress stripped them of their properties.

In May 2012, a public hearing on the human rights situation in the peasant communities of Bajo Aguán concluded that the agrarian conflict in the Bajo Aguán is the "most serious situation in terms of violence against peasants in Central America in the last fifteen years." Since the coup at least 60 people, mostly farmers as well as some Dinant employees, have been killed in the Aguán conflict, according to the Associated Press.⁸⁸

Land confiscations fed a consolidation of land holdings. The introduction of plantation scale agro-export crops resulted in an agricultural labor market redundancy throughout the Northern Triangle Region of Central America.

For example, in February of 2014 in Alta Verapaz, Guatemala 1,600 Guatemalan National Police confronted the communities of *Semococh* and *Monte Olivio*. Houses and farm properties were burned to the ground, three men were shot dead, sixty people were injured, twenty-six arrested, and hundreds of families became internally displaced people.⁸⁹

The relationship between remittance sending relatives and land poor farm workers, under those circumstances becomes a critical link for survival, not just a long term employment strategy. Sending children to parents and extended family in the United States became a defensive decision necessary at times to save them from severe hunger and illness.

A second trend resulted from displaced agricultural workers. Their children came looking for them. The Brookings Institute estimated 85-90% of unaccompanied minors would be placed with relatives in the United States while awaiting immigration hearings. It also estimated some 40% of the children of workers who migrated as unaccompanied minors to United States were estimated to have legitimate asylum claims or other legal relief from deportations.⁹⁰ Immigrant women indicated both poverty, or living on less than \$2 per person per day, and extreme poverty, living on less than \$ 1.00 per person per day - was prevalent. *Rural poverty rates in Central America were significantly higher, for example, they were at about 70% in rural Guatemala.⁹¹*

Evolution of Militarization I

How did the southwestern border of the United States become the militarized zone it is today? The national security framework deployed at the border before 2001 arose from two origins. Border wide policies for immigrant apprehension arose out of the Border Patrol Strategic Plan 1994 and Beyond that used a planning process which *explicitly* involved "planning experts from the Department of Defense Center for Low Intensity Conflict (CLIC) and Chief Patrol agents from all regions and selected Headquarters staff."⁹² That historic bridge was the

Deprivation, not Deterrence.

beginning of an eventual coordination of the separate functions of national defense by the Department of Defense with that of domestic security.

. Congressional representatives and policy makers in the Clinton Administration legislated the initial phase of militarization of the southwestern US Border as a dual economic and security strategy for launching a regional trade agreement. The new border security strategy was constructed in anticipation of a heightened need to manage a mobilized and displaced labor force which was anticipated by 1994. The 1994 border strategy paper stated its *major policy assumption* based on neo-liberal economic theory⁹³.

The passage of The North American Free Trade Agreement (NAFTA) should reduce illegal immigration as the Mexican economy improves.

The border security strategists nevertheless readily admitted to an extant contingency, or rather the existence of a:

Significant population of unemployed and underemployed in Mexico.

The United States congress expanded that rationale on a regional basis to Central America with the subsequent 2005 passage of similar trade legislation for Central America, the Dominican Republic, and the United States, in the form of The Central America Free Trade Agreement (CAFTA). CAFTA rested on the same assumption as NAFTA. Federal legislation, the Homeland Security Act of 2002, authorized an unprecedented transformation of the southwestern border into a national security zone with the launching of the Department of Homeland Security (DHS). The act consolidated a new large scale security framework that attempted to federate separate federal intelligence services of the Border Patrol, the Immigration and Naturalization Service, Drug Enforcement Agency, Coast Guard, and others. In March of 2003, the Immigration and Naturalization Service and the Border Patrol were absorbed by the Department of Homeland Security (DHS) as an answer to calls for consolidation of domestic security protection.

Evolution of Militarization II

As a part of the national post 9/11 response, direct coordination between DHS and DOD was called for by May, 2003 and then again two months later in a *second strategy paper, entitled, Department of Defense Roles and Missions in Homeland Security*, put out by the Defense Science Board report of 2003. Training for new Customs and Border Protection officers and Border Patrol agents, called for:

Enhance[ment of] homeland security by 'exporting' relevant core competencies that match the needs of the other organizations that have homeland security responsibilities, [through] three core competencies . . . training, experimentation, and operational planning and execution.

Deprivation, not Deterrence.

The report also stated that the:

DOD is not doing enough to address the vulnerabilities of mission critical infrastructure and services, particularly in areas outside its control. A systematic approach – that focuses both ‘inside and outside the fence’ – must be taken to identify and redress vulnerabilities.⁹⁴

DHS’s new model of deterrence had evolved from the Low Intensity Conflict (LIC) doctrine in 1994 and received unprecedented levels of funding by 2003. CBP is institutionally tasked with

[the] processing of applicants for admission; issuing documents relating to the entry and status of an alien’s right to enter, work or reside in the United States; and examining U.S. citizens...⁹⁵

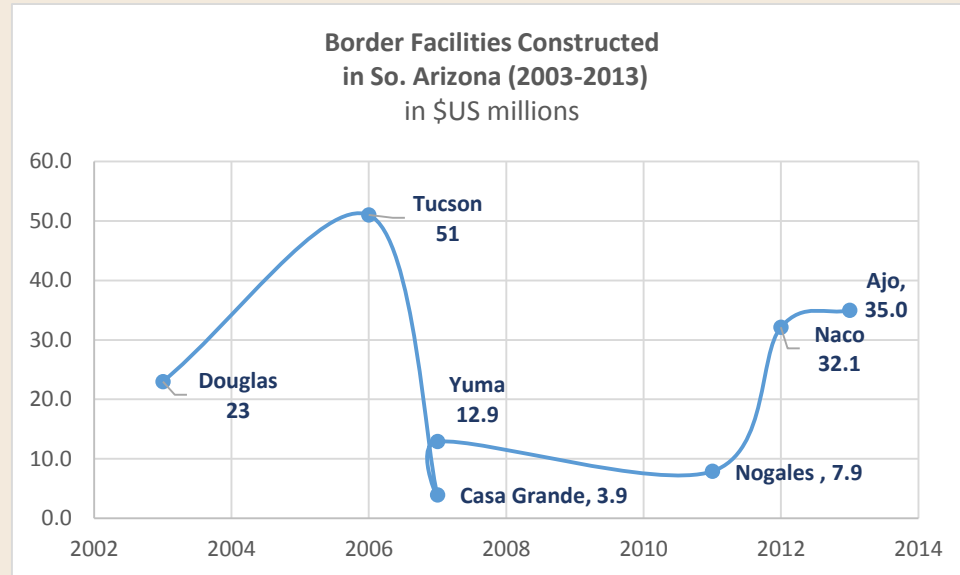
DHS Expenditures on a daily basis were mostly for apprehension, detention, and legal processing of immigrants, 73% of whom are from Mexico and Central America. However, Contingency planning is critically necessary. The lack of planning can cost lives and cause injury to citizens and immigrants alike. Hurricane Katrina provided that vivid lesson. The use of the Department of Defense facilities to house unaccompanied minors on US soil while temporarily functional was unprecedented. Both operationally and legally it was ill advised given the blurred authority over ICE’s role in the legal process of transferring those minors to non-security personnel, the Dept. of Health and Human Services and the Office of Refugee Resettlement. The lack of accountability for due process by either the DOD or the Department of homeland security when DHS’s budget approached 60 billion annually pointed to a DHS over engineered for terrorist onslaughts, but unable to handle the least problematic population of immigrants. The episode exposed its security vs. humanitarian mission dichotomy.

Border militarization, having begun as a strategy to contain a mobilized labor force in 1994, was enforced through three strategic changes: 1) anti-terrorism facilities, 2) paramilitary training, and 3) the ideation of terror.

Deprivation, not Deterrence.

Facilitation of Anti-Terrorism

A new border anti-terror architecture was exemplified the Tucson Sector where new facilities garnered an outlay of at least 166 million dollars in construction alone.⁹⁶



Border Security Training Unbraided

To escalate border policing into border militarization, training curriculum was changed in order to project a para-military response to a threat based approach. To mold a new unified force of “boots on the ground”. The CBP Border Patrol Academy required a *basic training* covering weapons handling, evasive and defensive driving techniques, encounters with armed persons who pose a threat of deadly force, physical endurance, interrogation techniques, and comprehension of the categories of legal status for immigrants that they process. Spanish language phrases were learned over an eight week period for rudimentary interrogation techniques.⁹⁷

Paramilitary tactics were deployed to the border geography of the Southwest through the considerable expansion of agents, many of who came as former soldiers from foreign theaters of war. Older CBP agents who trained under a different model were then expected to adjust to new operational mandates. The new training model required a minimum basic training regime of approximately 464 hours⁹⁸. In contrast, protocols learned in order to manage unaccompanied minors, for example, consisted of a one hour annual review. Border Patrol training did not include a credible standard approach for humane treatment of immigrants or refugees; for the transport, temporary housing, rehydration, and feeding of persons who may be victims or witnesses to traumatic violent events, including economic and social violence. Serious safeguards for protecting local indigenous and immigrants’ rights however were not reflected in CBP and Border Patrol operations either.

The third and most critical border transformation was the objectification of immigrants crossing the US southwestern border. That was accomplished through the ideation of terror, or the process of creating the idea of terror as national threat at the southwest border. The highest stated priority of the Department of Homeland Security was to:

Deprivation, not Deterrence.

*“Prevent terrorist attacks” and US vulnerability to such attacks, as well as prevent the smuggling or use of “chemical, biological, radiological, and nuclear” materials in the United States.*⁹⁹

Policymakers who depicted immigrants and the southwestern border as a security threat based on the experiences of the three attacks on 9/11 and subsequent terror plots, offered no compelling evidence that before or after 9/11 the southwest border served as a conduit for terrorist activity, or that immigrants were directly associated with terrorists. DHS’s third new director, Jeh Johnson, exemplified the ideological thread maintained by DHS policy towards immigrants:

. . . Good border security is a barrier to terrorist threats, drug traffickers, transnational criminal organizations and other threats to national security . . . counterterrorism must and will remain the cornerstone of the Department of Homeland Security’s mission. It’s the reason we were created, and for me personally, as a New Yorker who was present in Manhattan on 9/11, it’s what motivates my public service¹⁰⁰. Thirteen years after 9/11, it’s still a dangerous world. There’s still a terrorist threat to our homeland, though it is more decentralized and more complex.

¹⁰¹ As reviewed in the excellent January 2012 outline of media coverage about terrorism, Adam Isacson demonstrated that evidence of cross border terrorism was lacking.¹⁰² Repetitive claims of terrorism and alien criminality actively promoted the *immigrant-as-potential-terrorist* and *immigrant-as-criminal-prototypes*, prototypes that were employed to validate the priority of DHS policy.

The Secure Communities Program of Immigration and Control Enforcement (ICE) identified apprehensions of immigrants by local police with an FBI database according to their immigration status. While touted by ICE as a legitimate tool to detect dangerous immigrants, it became the central strategy for ICE to identify and deport immigrants with or without misdemeanor or felony charges. The program quickly blurred local and federal law enforcement jurisdictions in the name of crime reduction. According to a comprehensive study of 3,000 counties in the United States on the program’s effects on violent crime, targeting immigrants based on their association with crime was based on a false premise.

Research from the University of Chicago study found contrary findings, such as that the first year roll out of the program was greatly correlated with southwest border communities. Though southwest border counties were only 1% of all counties, they were locations for 27% of all Secure Communities Programs. Counties with higher rates for violent and property crime were supposed to be targeted, but when using a standard method of statistical analysis for time scale events, researchers found that the propensity of early adopter counties was more correlated with *higher concentration of Hispanic populations*, and third that the roll out was *less correlated with a higher presence of non-citizens.*¹⁰³

Deprivation, not Deterrence.

Given the 2012 debunking of imminent terror threats and the 2014 study demonstrating the non-criminal focus of the Secure Communities Program, the rationale for launching the Southwest border security policy was neither based on threats of terror nor criminality. Its implementation didn't make a safer environment for border residents. Given the absence of terrorists prior to 911, claims of post 911 terrorism "prevention" rang hollow.

Immigrants and Effigies

The ideation of terror however continued apace. Homogenizing immigrants into a single racial category successfully replaced undocumented immigrants as a labor force related by blood to a large resident Hispanic population. In other words, the first step in redefining them as a prototype was complete. The *immigrant-as-potential-terrorist* prototype was a much more pliant image than that of Mexicans, Guatemalans, Hondurans, and Salvadorans. As long as the prototype was frequently recalled and associated with border crossings or with places they lived in the interior, they were assigned and then fulfilled the symbolic role of effigies - not of people.

Repetitive signaling of terror threats in the media, replete with visual images and sound, episodically evoked fear. The content and location of the reports, attacks, bombings, and warfare in foreign theatres of war was of less value over time than was the association of the visuals and sounds of terror with a prototype. That stimuli was then associated by pundits with the perceived geographic vulnerability of the Southwestern Border. The 2006 Secure Fence Act called for arming and literally fortifying hundreds of miles of southwest border as a tangible reactionary response, in "the homeland" to the ideation of terror. By militarizing the border, the nation was engaged in a preparatory show down of force against a prescribed "enemy" at a place unfamiliar to most Americans. The border then became a theater for the normalization of paramilitary operations on US soil. DHS's objectification of both the immigrant and the border fed the transformation of the border's function from an inefficient sieve for labor control to a free-wheeling national security corridor replete with highly lucrative long term military supply contracts.

In 1994 and 2005 the peoples of Mexico and Central America were referred by US leaders as our "friends" at signing ceremonies for NAFTA and CAFTA respectively. The poorest of "our friends" were not attended to by the agreements' reorganization of national economies to favor regional exports to the United States. Central Americans were well-known to US Foreign and military policymakers in the 1980's under President Reagan when United States' intelligence agencies promoted both covert and overt funding for civil conflicts in Central America.¹⁰⁴ The victors of those conflicts laid the ground work for CAFTA.

The Price of Security

The border security model abjured investment in regional social development as an alternative strategy to prevent high levels of migration. According to the US national security doctrine, only the short term border security model solves the problem of the arrival of

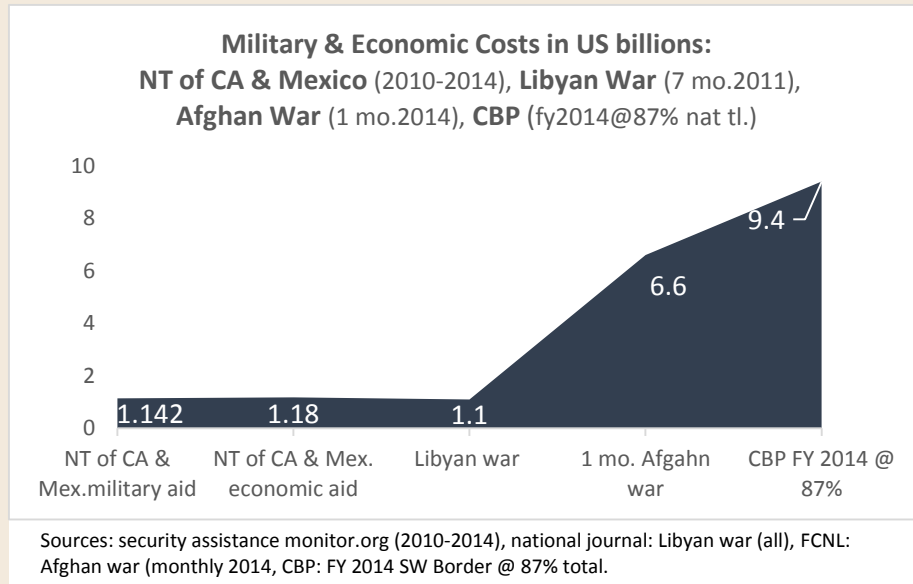
Deprivation, not Deterrence.

migrants to the border. Military aid to Mexico and Central America represented 49% or 1.42 billion of all aid to the region for the five year period of 2010 to 2014. When combined with the anemic 1.18 billion in social aid to the region during the same period, it failed to stem the flow of immigrants who entered illegally to join family members, which is discussed below.

US regional assistance to Mexico and the Northern Triangle Countries of Central America (Guatemala, Honduras, and El Salvador) was a proxy for regional development based on trade policy.

When compared to budgets for other foreign security outlays, both domestically and abroad, a stark gap appears as is displayed in the adjacent graph¹⁰⁵.

Five years of economic and military aid amounted to less than 25% of the 2014 annual budget of Customs Border Protection for the Southwestern Border¹⁰⁶.



Incarceration Techniques Adaptation

Since the initial 1995 INS and DOD collaboration, the United States' strategy for low intensity conflict itself evolved as the Department of Defense engaged in several theaters of war overseas. One critical form of that evolution was the CIA's policy for enhanced interrogation techniques with prisoners incarcerated by the Department of Defense; techniques which produced adverse consequences. DHS applied some of the Department of Defense's tactics employed in Afghanistan for holding prisoners in its short term detention facilities with migrants.

After arrest by the Border Patrol, migrants who were locked in CBP cold cells with wet clothes for extended periods were placed at medical risk; risk which resulted in mild, critical, fatal reactions for immigrants at the southwest border. Immigrants reported about this practice upon their release from Southern Arizona CBP and BP facilities in the summer of 2014. National media, and rights' organizations¹⁰⁷ have reported on the use of *hieleras* or cold cells as common practice in different Border Patrol Sectors in the Southwestern border area.

In the first interview of this report, interview no. 1, a Honduran woman was placed wet in a cold cell, later was flown with her daughter on a plane from the Rio Grande Valley of Texas to Arizona, became sick, was hospitalized and returned to harsh conditions before her release

Deprivation, not Deterrence.

in a state of hunger, dehydration, and exhaustion (see p. 17). Below are two more accounts from other sources.

A twenty four-year old Salvadoran man was held by Border Patrol from June 25th to June 27, then transferred to ICE custody through August 4th. He died, according to preliminary reports, of cardiac arrest on August, 4th. He was initially held for 48 hours at the Harlingen CBP Station, a short term facility. An autopsy is pending¹⁰⁸.

A 20 year old Guatemalan, Gustavo Antonio Chaj, was apprehended in McAllen of the Rio Grande Valley of Texas and placed in a “cold box” for five days. According to his account given to relatives before his death, he was placed nude in the box while being wet.

He was in CBP / ICE custody for five days before his deportation to Guatemala where he was released on 23 May, having been arrested with his friend Chiche Tucux, also 20 years old who also became critically ill upon his return and also admitted to the same regional hospital in Guatemala’s second largest city, Quetzaltenango. Chaj’s relatives quoted hospital staff citing his cause of death was pneumonia¹⁰⁹.

As late as 2011 to 2012, these conditions were reported about Tor Jail (a Prison) north of Afghanistan:

The testimony includes repeated claims that their cells were kept uncomfortably cold so they were unable to sleep, that they were given inedible food, and that bright lights were kept on in windowless cells 24 hours a day.¹¹⁰

Such practices began there ten years earlier in 2002 with a suspect known to the CIA as a terrorist in Afghanistan, Gul Rahman (also known by his nom de guerre Abdul Manan). On November 20, 2002 was captured in Pakistan and flown to Afghanistan.

He was a driver for a known terrorist abducted along with Rahman in Pakistan and flown to a compound outside of Kabul, Afghanistan called the Salt Pit. The compound contained windowless cells used as interrogation chambers. To break his resistance, he was stripped from his waist down, and with his hands immobilized over his head, he was doused with water and left in that state overnight. That night the temperature fell to below 36F. He died, according to a CIA medic and a doctor of hypothermia. The CIA subsequently declined to discuss the Salt Pit case and denied a Freedom of Information Act request submitted by the Associated Press who investigated the story.¹¹¹

Placing prisoners in “cold boxes” was a practice of US armed services personnel in Afghanistan and Iraq, and now carried over and systematically employed in the operations of DHS. As an interrogation strategy in the US war experience in Afghanistan, it was discredited

Deprivation, not Deterrence.

and banned after its use for interrogation was uncovered and prohibited. The less extreme use of sleep deprivation over a short period of days, not weeks, can however also injure incarcerated immigrants under DHS custody. The medical difference between hypothermia and pneumonia is one of extreme shock versus prolonged effect; the later may result in the onset of pneumonia while the former can cause a quick death.

A second borrowed technique was the use of windowless cells. Immigrants who reported stays in seven out of the nine Border Patrol Stations reported windowless holding areas.

A third practice promoting sleep deprivation was having full lights on 24/7.

The fourth practice, forced awakening in the early AM hours, when coupled with the other three techniques over several nights, effectively broke immigrants' Circadian Rhythm.

DHS has not disclosed why they maintain these practices. The deliberate physical weakening of immigrants in short term detention may or may not have been an interrogation technique, but it was routinely used form of brutality that DHS carried out on a daily basis within a border area often described in military language. A former head of Customs and Border Patrol Internal Affairs, James F. Tomscheck identified the culture of impunity was due to the Border Patrol leadership's institutional view of CBP as the "Marine Corps of the US law enforcement community." He stated that

*The Border Patrol has a self-identity as a paramilitary border security force and not that of a law enforcement agency.*¹¹²

Deprivation and Deterrence

The punishing behavior that women and children experienced in seven Border Patrol Stations under this study from late May to late July in 2014 demonstrated a regular policy of intentionally subjecting immigrants to harsh conditions. As the stories of immigrants below demonstrated, subjecting poor Mexican and Central Americans to the tactics of low intensity conflict did produce violations of human rights but it had no deterrent value for people fleeing poverty, and violence in their home country. Migrants consistently stated their families were threatened *by economic and social conditions* in their home countries. Two instances typify the experiences of Central American immigrants held in DHS short term detention facilities by CBP in Southern Arizona in 2014.

*A single Mam Maya woman and her grade school age daughter from municipality of Quilco, Huehuetenango, Guatemala came to the United States to live with her niece. She worked in Quilco for \$ 600 Quetzals a month.¹¹³ She was supporting her two older daughters, her parents and grandparents. **The family income was the equivalent of \$ US thirty-six cents per person per day.** The daughters were left behind to take care of the grandparents. She will be the bread winner to support the remaining family.*

In detention she was only able to sleep two hours each of the two nights, and her daughter slept three hours each night in late June in the Douglas Border

Deprivation, not Deterrence.

Patrol Station, and the following night in the Tucson Border Patrol Station. She reported that the burritos smelled putrid, she and seven other women and seven children could not eat the burritos served. They did eat the crackers and juice. She stated the water at the Douglas Border Patrol Station smelled of chlorine. After sleeping on the floor, she became sick, had a fever, chills, a cough, and chapped lips. She was denied legal rights to be informed about a call to her consulate, to a reasonable explanation about her release papers, and was at first denied a call to her family in Guatemala by a blue uniformed officer, though a second officer in a green uniform allowed her. She stated that she could not read, having never attended school. (Interview # 25)

The second example is of a family from Honduras,

A Honduran woman in her twenties with her grade school age daughter entered Arizona at Mariposa Port of Entry at Nogales, Arizona on a day in the first week of in the early afternoon and was released the following day. She was first held in an outdoor facility at Mariposa Crossing at Nogales, Arizona. She reported she was threatened by a local gang while in Honduras attempting to extort 150 -200 Lempiras or \$US 7.6 to \$10.50 from her three weeks prior to leaving. They threatened her grade school aged daughter. She witnessed a woman who went door to door to sell clothes at the victim's house. She was accosted approximately one month prior to the immigrant's leaving and because she did not have money to pay gang members who attempted to extort her - they broke her arm in public. The immigrant woman reported that death threats are also commonly issued.

*She worked washing clothes. She found two days of work in the two weeks prior to emigrating from San Pedro Sula, Honduras. She made \$L 150 -200 [\$US 7.6 to \$10.50] per day.¹¹⁴ **She supported herself, three children, her mother and her uncle on \$1.26 to \$1.75 per person per day.** Her brother who lives with his own family and who is a mechanic had not contributed anything to the household income given he had no work in the two week period prior to her leaving. She left with one of her children, leaving two sons behind. She had no money but traveled on top of a train with friends in Mexico to reach the United States. She crossed into the US where she saw others cross to reach the US side at Nogales, Arizona on the other side of the fence. She knew before she left that there was no amnesty law for immigrants in the US, but risked coming because she could not live in the economic conditions, and she saw no future for her daughter. (Social Interview # 30)*

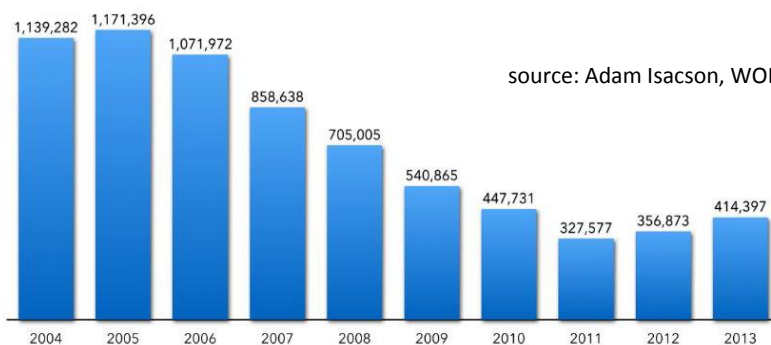
Deprivation, not Deterrence.

Many immigrant's family members already lived in the United States. Despite the 21% increase in border apprehensions in the last two years (2011 to 2013)¹¹⁵ as seen in the adjacent graph from WOLA, and the prospect of increased deportation in the border zone continuing apace during the past five years (2008-2013) as the second graph illustrates. Immigrant families attempted to reach other family members to be together. The increase of immigrant families in the Tucson Sector for example, (7/31/2013 to 7/31/2014) was fifty three percent.¹¹⁶

Immigrants who arrived during the 2014 period under study reported their migration was primarily due to economic displacement from rural agricultural areas, and secondarily from social violence. The long term economic trend of a displaced regional

agricultural labor force has been studiously ignored by the US Congress and the Obama administration. That unstable and mobilized labor force from Central America and its sister labor force in Mexico is now fighting not for its enrichment, but its very survival. The "economics free" response of the US Congress and Obama Administration to the recent surges in both unaccompanied minors and family units followed a prescribed short term "security only" response loop. The negative regional economic outcome of displaced labor was anticipated with the 1995 strategy for militarization of the Southwestern border and immigration policy itself. The archetype of an anti-terrorism security policy replete with infrastructure and deep funding, then replaced the policing function of the border patrol with a paramilitary operation now run by the Department of Homeland Security. DHS is the harbor deeply dredged to hold both ships in the same dock, and charged with managing them both

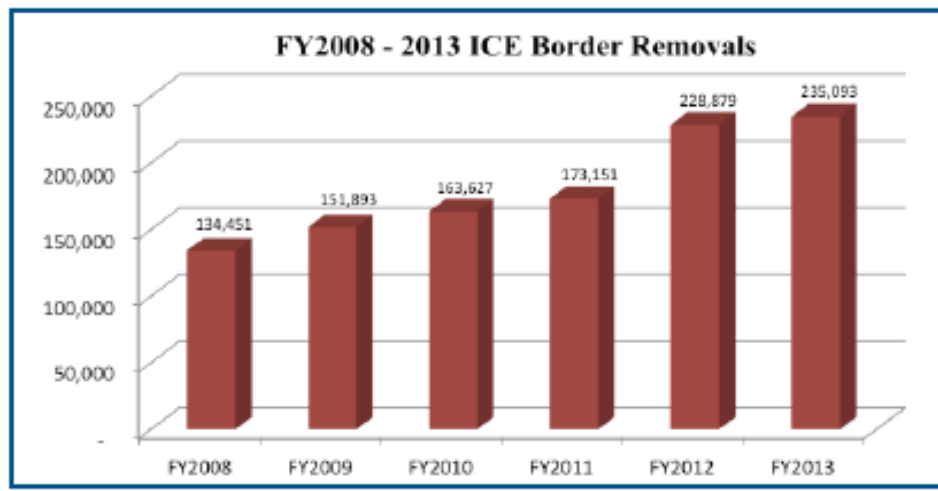
Undocumented Migrants Apprehended by Border Patrol at the U.S.-Mexico Border, 2004-2013



source: Adam Isacson, WOLA

Source: <http://www.usa.gov/1v9i2tc>

FY2008 - 2013 ICE Border Removals



Deprivation, not Deterrence.

effectively. Indeed, on the policy plane, it provides anti-terror umbrage but remains wedded to the idea that a mobilized but controllable labor force is indispensable.

Comprehensive immigration reform is needed to reorient our immigration system to meet the needs of the marketplace.

*Jeh Johnson, Director of DHS ¹¹⁷
Sept. 24, 2014*

The full migratory cycle of agricultural labor displacement, migration, family separation, secondary migration for reunification, deportation, and tertiary migration - grows exponentially but now on a regional basis stretching from Central America to the interior United States. The application of the low Intensity conflict doctrine in this context requires a series of militarized borders in order to maintain an exclusive security response to an economically rooted challenge, extended to Mexico's Southern Border after DHS's summer blunder of 2014.¹¹⁸

The 1994 Border Strategy left its moorings long ago, but its ships, immigration control and border security, are adrift in a sea of publicly financed border militarization. The low intensity conflict model of deterrence failed markedly in its goal of diminishing emigration into the US Southwestern border area in the five year period of 200 -2013. The response of the Department of Homeland Security for deterring immigrants in short term incarceration facilities in the summer of 2014 proved most potent for creating migrant illnesses and rewarding an institutional "culture of cruelty"¹¹⁹. The punishing behavior to which large numbers of women and children were subjected to in seven of nine Border Patrol Stations under this study point to a policy of human deprivation, not a successful policy of deterrence; but a depravity that was fed with the *bitter fruit* of free trade.

Deprivation, not Deterrence.

Recommendations

The recommendations below are summaries only of more extension and detailed recommendations based on both the *human rights violations of immigrants reported in the Deprivation not Deterrence report, and an extended version of the Border Security Policy Review*. Policy recommendations exceeded the initial scope of human rights violations in order to address short and long term policy alternatives to the failed policy of deterrence. Given free trade policies have economically integrated regions of Central and North America and produce on-going migration, the policy scope was widened beyond migration and human rights. It is the conclusion of the border policy review that currently proposed policies do not adequately address on-going migration from Central American and Mexico, without addressing both immigration policy that is a result of an economically embedded foreign.

POST NAFTA and CAFTA Regional Trade & Central Bank Policy Recommendations

1. The US Congress and Central American legislatures re-negotiate the agricultural section of NAFTA and CAFTA; exempt medium and small holders¹²⁰ from import quotas to the US, and open lines of credit from the US export/import bank for funds of \$ US 10,000 – 45,000 for those operators who have no other land holdings in Central America and Mexico according to municipal and national land registries. Funding is set at US\$ 1.75 billion. . .
2. End all subsidies from the US Congress for large US agricultural exports to Central American countries, including price supports and purchase for food aid programs. Eliminate the [Commodity Credit Corporation](#) payments for post-production subsidies . . .
3. Establish quotas for four-eight month temporary labor contracts for Central American and Mexican agricultural laborers with US or Canadian national health, labor, and environmental standards as standards for certification of employers for contracting . . .
4. Establish a North and Central American Permanent Labor Tribunal (NCAPLT) with judges appointed by two schools of law from universities of sender countries (Mexico, Honduras, El Salvador, Guatemala) and the receiver countries (United States, and Canada) to be determined by their respective ministries or departments of education.. Establishment of this tribunal effectively eliminates the Commission for Labor Cooperation (CLC)¹²¹ . . .
5. Restore the primary function of the Central Banks of Mexico, Guatemala, El Salvador, and Honduras, to control and monitor the money supply of its official currency; included any funds dedicated with the sovereign boundaries of that country greater than \$ Us 1 million in any form of value. The monetary control includes funds entering the country and funds exiting the country. The Central Banks establish Financial “stop signs” and “speed bumps” to reduce currency swings and manage foreign direct capital accounts . . .

Humanitarian Border Policy for Immigrants

Many of the recommendations below are not new. Previous and current calls for a credible independent mechanism for carrying out investigations of human rights violations committed by DHS personnel are credible only if given independent investigatory authority and real time consequences to perpetrators are applied by an entity outside the organizational structure of DHS. New measures for qualified health staff and evidence based

Deprivation, not Deterrence.

methods to address the public health and medical need of immigrants before placing them at risk, have been added. Familiar calls also for reform of physical deprivations including sleep deprivation, food and water provision, and unsanitary conditions, are reiterated and expanded here as well. The more vulgar form of abuses, physical, verbal and psychological are treated as offenses to be investigated by an independent Border Patrol Independent Monitoring Mechanism. Legal rights are also to be monitored and enforceable under that provision. Protections for indigenous peoples of Central America are called for in order to secure their rights as a major part of the population of immigrants, completely ignored to date, even though other HR organizations have called for such reforms.

I. Investigation of the Human Rights Violations of Migrants/Immigrants.

Goal: Reduce Gross Violations of Rights by Establishing a Border Detention Independent Monitoring Mechanism (BDIMM).

Objectives:

1. Establish the BDIMM Commission as public commission mandated by Congress with a separate budget of monitoring function with personnel assigned from the CDC and Federal Dept. of Health and Human Services and a 24/7 Spanish/ English bilingual operated telephone hot line for complaints of immigrants regarding short term detention with one non-DHS staff investigator per CBP Sector to investigate complaints of violations of medical neglect, food & water deprivation, sleep deprivation, physical, verbal, psychological abuse, as well as a denial of legal rights during arrest, transport, and through short term detention until release. The BDIMM shall have oversight of the Indigenous Peoples Sub Committee . . .
2. BDIMM Commission Members will undergo an FBI check for security purposes. Only persons who have posed a recorded threat to the United States will be barred from BDIMM if recommended for membership.
3. Investigators are employed under a joint appointment of the FBI and their home agency (CDC or Dept. HHS) on federal employment contracts. A budget of \$500,000 shall be assigned on an annual basis from extant DHS funds . . .
4. The BDIMM shall report to a bi-partisan joint US Senate/ US House committee of ten members (five from each body) on Conditions of Immigrant Detention with advisory staff from DOJ, DHS, DHHS, with two year terms, and a slate of seven independent US human rights monitoring organizations . . . Areas that monitoring reports will cover include investigations of human rights, public health and medical attention, physical deprivations, and legal rights inclusive of all sub sections contained in these recommendations.
5. Permanent signs to be affixed in all holding cells of all immigrants written in Spanish and English with the published hotline number and a clear statement that any violation of such rights is prohibited, and that by noting an agent's identification name tag, CBP agents can be legally identified . . .
6. Authorize investigators to gather credible evidence and seek testimony from other immigrant witnesses in detention or outside detention in private settings. Written safeguard provisions are required for no reprisals on current or future legal proceedings . . .
7. When credible evidence is obtained, subject any US CBP agent identified by immigrants (under oath) to immediate suspension with 50% pay, and refer the infraction to the Dept. of Justice for legal action.

Deprivation, not Deterrence.

II. Public Health and Medical Attention

Goal: Redesign the response actions of CBP agents to immigrant and refugee populations for preventative management of public health issues among the detained population.

Objectives:

- 1. Retrain CBP agents, starting with new recruits, in basic humanitarian aid. Training purposefully re-identifies immigrant and refugee populations as distinct from Cartel Drug Traffickers and potential terrorists. . .**
- 2. Establish stand-alone CBP units comprised of core medical personnel assigned every shift in CBP Stations and Ports of Entry in the Tucson Sector . . .**
- 3. Decisions of medical triage should not be assigned to CBP Field units, but establishing a communication link and medical protocol between specially trained paramedics and medical staff stationed at Border Patrol Stations throughout the Tucson Sector can operationalize a front line but flexible triage system that starts in the field . . .**
- 4. Provide immediate medical triage for pregnancies by a physician and legally release pregnant women and their children within three hours or less of apprehension to a community agency on expedited release, or if medically necessary refer to a hospital from CBP custody.**

III. Physical Deprivations

Goal: Eliminate the inhumane and ineffective practice of harsh detention conditions related to sleep, food, water, and basic hygiene.

Objectives for Provision of Food and Water:

- 1. Provision immigrants with prepared food produced locally by locally contracted vendors to meet a nutritional standards that meet or exceed the USDA minimum daily calorie requirement for infants, children, and adults. Meet the following content and delivery requirements. . .**
- 2. Allow outside monitors from Medical and Legal aid organizations who are properly vetted to ensure prompt delivery of uncontaminated food and water to immigrants in accordance with a regulated service date for food distrusted to schools or other public institutions.**
- 3. Prohibit the practice of withholding of food or water from immigrants as a method of interrogation for the gathering of intelligence on smuggling operations.**
- 4. Any infraction reported by an authorized monitor triggers an immediate report to the head of operations at the CBP station who then responds within 8 hours to the monitoring, or if the head of operations fails to respond, a suspension of the agent responsible under provision of (Section I, no. 4) until an investigation is concluded no longer than 748 hours from the time of the infraction reported on by the monitor to the Dept. of Justice Ombudsmen and the Federal Attorney General in the state where the infraction occurred.**
- 5. Commit resources in the Dept. Of Justice to prosecute any DHS staff involved in the use of withholding food and water.**

Deprivation, not Deterrence.

6. Request review of revised detention procedures and 4 months of monitoring reports to the UN review board of the Geneva Convention.

Objectives to reverse the practice of Sleep Deprivation:

1. Prohibit cold temperature in the cells, maintain a range from 67-70 degrees Fahrenheit.
2. Prohibit the practice of immigrants sleeping on concrete floors, and provide vinyl covered foam mattresses and sanitary wipes for detainees to ensure a clean sleeping surface.
3. Install dimmers for the large overhead lamps that illuminate cells 24 hours. Turn the dimmers down so that ambient light allows agents to see all detainees and allows detainees to maintain their Circadian Rhythm in order to not become sleep deprived during incarceration in short term detention. Establish a reasonable "lights down" "lights up" period that allows for eight hours of sleep.
4. Prohibit the practice of forced awakenings during nocturnal sleep periods (after 9:00 PM and before 5:00 AM) . . . for whatever reason.

Objectives to Reduce Unsanitary Practices

1. Install visual barriers around all toilets in common holding cells to facilitate privacy for urination and defecation. Allow mothers and fathers to assist small children.
2. Place high risk individuals in individual holding rooms when security risk is warranted.
3. Reposition security cameras outside the area where non – high risk immigrant populations urinate and defecate in holding cells.
4. Prohibit the practice of incarcerating immigrants with wet clothes in holding cells. This is to prevent possible pneumonia, hypothermia, and death.
5. Prohibit the unsanitary or medically risky practice of refusing immigrants a change of clothes when garments are urinated in, defecated in, or become saturated wet.
6. Allow immigrants to retrieve clothing for anyone who has urinated or soiled their clothes in order to change those clothes within 5 minutes of request.

IV. Legal Rights

Goal is to recognize and implement international norms for migrants and their families and end a selective interpretation of immigration as a criminal activity but rather is just as often motivated by home country conditions as it is to permanently remain the United States. Reinstate the status of immigration law violations as civilian offenses.

Objectives to restore legal rights of immigrants and their families:

1. Prohibit the practice of misinforming and not allowing immigrants the legal right to call their consulate.
2. Prohibit the practice of misinforming and not allowing immigrants the legal right to call their family.

Deprivation, not Deterrence.

3. Prohibit the practice of substituting immigrants legal rights with written messages printed in a single poster in the Tucson BP Station's processing area that describes the right to make consular or family calls, and *then informing immigrants they have to choose to either to call their consulate or family, but not both*. Remove the poster, or put one in every holding room and cell with a Toll free 800 number to report on agents in non-compliance.
4. Prepare and deploy a video, explaining immigrants' rights to access to family and consular representatives with language prepared in with plaintiff parties to the *Orantes case*, to be viewed *at a minimum* by immigrants twice daily (at 10 AM) and (at 4:00 PM). . . The viewing must include isolation cells with one family or single individuals
5. The rights to access video needs to *include a spoken provision in Spanish and English for indigenous persons to request an interpreter in their language* if they did not understand the explanations given in Spanish. . .

V. Rights of Indigenous Peoples

1. Establish an Indigenous Peoples sub-committee of BPIMM to address needed practices and protocols for communication and cultural practices of Central American and Mexican indigenous peoples incarcerated by CBP and Processed by ICE . . .
2. An Indigenous Peoples Sub-committee of BPIMM, following a written response by the BPIMM to their findings will make recommendations to the full BDIMM within 45 days . . .
3. The BPIMM will consider and vote on the recommendations forwarded by the Indigenous Peoples Sub-committee within 15 days of submittal. . .
4. Resource's obtainable by the Indigenous Sub-Committee, financed from extant ICE and CBP operating budgets, will be to hire consultants experienced in matters of immigration and Indigenous peoples, both on a legal basis and on a cultural basis. . .
5. The Indigenous Sub-committee will have access to all short term the holding facilities of DHS in the Border Region to investigate the physical holding rooms, holding cells, and especially the holding pens in rural areas such as on the Tohono O'odham Nation, Sasabe, and other rural non-POE holding areas and processing areas of CBP and or ICE.

Appendix I. Section I: Narrative Summaries of Interviews of Immigrants from Short Term Detention

Introduction

In Section I human rights violations experienced by members of thirty –three families comprised of immigrant women and their children, single pregnant women, and men and their children in short term detention from late May to late July, 2014. Interview numbers are sequential but not continuous due to limited availability of some interviewed immigrants whose imminent departure precluded completion of interviews. Therefore no documentation for interviews no. 21 and 22 were completed, and interviews no. 23, no. 26, and no. 32 are in Section II, where the origins of ten families’ migrations are reported.

Interview No. 1

Experience of a Honduran Immigrant and Infant Child Transferred from the Custody of the Rio Grande Valley US BP Sector (McAllen, Texas) to the Tucson Border Patrol Sector (Tucson, Arizona)

Sleep Deprivation for Child and Adult
Food Deprivation for Child
Induced Adult Illness (Severe Dehydration)
Adult Medical Neglect
Denial of Legal Rights
Unsanitary Conditions in Cell

Josefina Peralta (fictitious name of a real woman from Honduras who has a pending immigration hearing) crossed into Texas from Reynosa, Mexico. Josefina Peralta, her infant daughter, and four other women with their four minor children were arrested in late May by the US Border Patrol in the vicinity of McAllen, Texas. She was traveling with a final destination to a New York.

While in the custody of the Border Patrol in McAllen, Texas she and the others described above were placed in a holding cell for two days and two nights in a rural area with thirty other immigrants. She estimated there were another 10 cells with similar numbers of people being held in the same location. The cells were approximately 15 ft. wide by 45 ft. long. During her first night there she and her child were in wet clothes from crossing the river. She requested to change her clothes and was denied a change even though she had dry clothes with her in a backpack.

Deprivation, not Deterrence.

Texas to Arizona Transfer

She was then moved after two days and two nights moved to board a plane and estimated a flight time of some 3-4 hours. She reported that it had been cold in the plane. She then described traveling in a vehicle to the Border Patrol station in Tucson on Golf Links road. After her arrival in Tucson, she stated an additional seven days and seven nights, for a total of nine days and nine nights.

Josefina was paroled by Officer No. 61118 at the Tucson Border Patrol Station on the basis of section 212 (d) (5) (a) 8CFR on the 30 of May; this was same day as a human rights documenter interviewed her upon release. Her release form had neither ER (expedited release) nor ER-CF (expedited release credible fear) marked.

Medical Condition

She reported that the temperature in the holding cell was always was “too cold” and she couldn’t sleep because of it. She developed a fever, a cough and dried lips. During the stay at the Tucson border Patrol station she became dehydrated and felt dizzy. She passed out and was taken to a hospital for an hour and a half where she was offered a hamburger and salad, which was different than the provisions given out in the cells of cold burritos, crackers, and juice. She refused the food but accepted an I.V. because she reported feeling very despondent. Her blood pressure was measured and it was determined that it was too low.

She reported to the HR documenter that her child also developed a cough, a fever, and dry lips due to the cold conditions in the Border Patrol Station. She did not report any medical attention given to her child.

Conditions of Sleep Deprivation, Hunger, Dehydration, and Unsanitary Cells

Each night for eight nights she attempted slept with her daughter on the concrete floor of the facility where she was held. The only garment allowed to cover herself was the standard issue aluminum blanket called “nylon” by the immigrant interviewed. She was not allowed, nor was anyone allowed to have more than a single thin shirt, and pants even though the temperature was unbearably cold. She reported being too weak and underfed to produce enough heat to stay warm. She became more and more fatigued due to the sleeplessness, dehydration, and sickness. She reported not being able to enter into a full sleep, but becoming fatigued instead. The cells held 1-3 toilets but they were cleaned once daily and once at night. Fumes from toilet paper on the floor made the cells not fit for occupation and they caused them to be unsanitary. *[Note: In Central America, it is most common not to dispose of toilet paper directly into toilets due to weaker sewage systems and gravity flows, but into a trash can. Unless instructed otherwise, immigrants would assume the same practice is followed in a place they have never been to.]*

When asked if she was hungry when she came into custody, she responded yes. When asked if she was still hungry when she was then released, she answered yes. When asked if she was

Deprivation, not Deterrence.

thirsty upon her arrest, she answered yes. When asked if she was dehydrated upon her release, she answered yes.

Milk Distribution to Children

Milk was distributed to mothers for their children to drink milk every five hours during the day. There was little time given for the children to drink the milk. If they had not finished in the prescribed time, unfinished cartons were disposed of. Other Children asked for more because they were visibly hungry. They were denied more than one carton. [Note: Children may associate milk with the protection and nourishment that their mother provides]. This mother felt that the practice of denying milk or enforcing a time restriction was harmful to her infant child, and to other children in the cell.

Legal Rights

Josefina stated that during the eight days she was not informed that she had a right to contact her consulate. She stated that she did not receive an explanation of the meaning of the court printed in her release papers. The papers are in English. She does not read English, but rather Spanish. Therefore she does not understand them. She reported seeing only on day seven of her detention a poster that stated that immigrants had a right to contact their consulate. She stated she had a third grade education and that she does not understand much written materials in Spanish.

Loss of Sense of Time

She reported losing her sense of time. There were no windows or outside light visible from the cells where she was held. She recalls asking a Border Patrolmen to show her the time on his wristwatch, to which he held up a number of fingers to indicate the approximate time. She stated that she did not know if the time reported was AM or PM.

Interview No. 2

Food Deprivation of Adult Induced Illness & Medical Neglect of Child

A Honduran mother, her preteen son, and grade school aged daughter, entered Arizona around Lukeville, a morning in early June and were held at Ajo Arizona Border Patrol Station for half a day. They were then transferred to the Tucson Arizona Border Patrol station and released an evening in early June. They were in custody for a total of three days and two nights. The mother reported being hungry upon her arrest and when she was released. She did not eat the crackers she was given because she did not like the taste. She reported that the facility in the cell where she was held had three toilets, two without enclosures. She reported that as a result of sleeping on the floor for two nights with only the aluminum sheet her child had a fever but

Deprivation, not Deterrence.

that when she asked for medicine, they response of the Border Patrol was that they “weren’t doctors”.

Interview No. 3

Food & Water Deprivation of Adult and Child Induced Illness & Medical Neglect of Child

A Honduran woman and her toddler were arrested during the late morning in early June south of Yuma around San Luis, Arizona and then transferred to the Tucson Border Patrol Station three days later where she was released in the evening. Sleeping on the floor for two nights gave her child a cough. Both she and the child were hungry and thirsty during the time they were in Border Patrol Custody, even though she ate the burritos, crackers, and juice given to her and her child. She reported that due to the cold temperatures that they subjected to during their incarceration, negatively affected all the children. When the mother requested help for her child’s fever, she was told, “There are no doctors”.

Interview No.4

Unsanitary Conditions Subject to Inhumane and Degrading Physical Treatment of Child Denial of Right to Call Consulate and Family

A Honduran woman traveled from Honduras with a pre-teen son and daughter of preschool age. They crossed in Douglas, Arizona and were arrested in the evening of a day in early June. The following morning they were transferred to Tucson, and released in the evening of their third day in detention. The bathroom space in the detention cell was dirty with used toilet paper and used diapers on the floor of the same area where incarcerated women and their children were staying. No one was allowed to shower or brush teeth.

The young girl urinated in her pants on the second night but the mother was not allowed to change the daughter’s clothes. The child was only allowed a diaper and remained clothed in unsanitary clothes. The family was given burritos, crackers, and juice. The mother and daughter did not eat the burritos. The son did not eat and was feeling faint of hunger.

Interview No. 5

**Father Deprived of Visitation with Child
Induced illness
Infant Medical Neglect
Denial of Legal Rights to call Consulate or
Receive Reasonable Explanation of Release Papers**

A Guatemalan agricultural worker, his wife, and their toddler son entered the United States a night in mid-July, near Douglas, Arizona. While in custody, the father was separated from his wife and child, and held in a different cell with 15-20 other immigrant men. The mother and child were isolated in a different cell with only one other teenage girl. The mother asked that the child be able to be held by his father, but the father was denied access to his son. The family was in custody for four days and three nights. The mother and son slept on the concrete floor in a cell with extreme cold temperatures that initially gave them chills. The mother's lips dried out and the child had diarrhea for two nights. All three entered into CBP custody hungry and dehydrated and they left their custody hungry and dehydrated. They were not informed of their right to call their consul or given an explanation of their release papers that they understood. The family is from a Mayan Mam community from Western Guatemala.

Interview No. 6

**Medical Neglect during Pregnancy
Denial of Legal Right to Reasonable Explanation of Release Papers**

A twenty-three year old pregnant woman in her second trimester from Honduras, crossed into Naco, Arizona a day in mid-June but was apprehended in the evening. Upon her arrest at Naco, she complained of stomach pain and was then transferred to the hospital at Douglas, Arizona. She was experiencing contractions and was subsequently transported two hours to a Tucson Hospital. At the hospital, the mother-to-be complained of colics (abdominal pain during pregnancy). She was offered a burrito, which she refused, but drank the juice and took the medication for contractions. Blood and urine tests (including HIV) were administered, with a 12 AM check on her status.

The mother was released from the hospital at noon of her second day in custody to the Douglas Border Patrol station. The water at the Douglas BP station was too chlorinated to drink, putting off an awful odor. She was then transferred to the Tucson Sector Border Patrol Station where no one further checked on her medical status for the remaining three days and three nights that she spent in custody. The pregnant woman was then subjected to "freezing cold"

Deprivation, not Deterrence.

conditions in the cell where she slept on the concrete floor, which led to a nosebleed and she became dehydrated. She asked for a warmer room, but the agents laughed at her and responded that the conditions were the same everywhere in the facility. The mother-to-be, who had been an engineering student in Honduras, was detained a total of four nights and four days.

Interview No. 7

**Lack of Potable Water
Induced Risk to Unborn Child
Medical Neglect During Pregnancy
Denial of Legal Right to Call Consul
Psychological Abuse**

A young Salvadoran woman in her third trimester of pregnancy entered the Nogales, Arizona port of entry a night in early June. She was placed in a cell that was “too cold”. The water inside the cell was so chlorinated that the pregnant woman could not drink it. Early the following morning, she was transported to a hospital where the doctor informed her that her unborn child’s heart was not functioning like it should due to dehydration. She returned later in that same day to the Border Patrol Facility in Tucson and was returned to her cell after the exam.

No one checked on her health after her return. She stated she was not hungry when she began her incarceration, she ate the burritos, crackers, and juice provided, but was hungry upon her release. She stated she was thirsty upon arrest, and dehydrated upon her release. During her stay, Border Patrol agents asked “why did you come to this country if there are others [countries] you could go to?” They then threatened to “deport her to Mexico” even though “they knew I was from El Salvador”.

Interview No. 8

**Unsanitary Conditions
Induced Illness and Medical Neglect of a Child
Medical Neglect during Pregnancy**

A Guatemalan woman in her second trimester of pregnancy traveled from Guatemala with her infant daughter and entered Douglas, Arizona after midnight, a day in mid-June. She was in custody for three days and two nights. In Guatemala she worked in a restaurant. The

Deprivation, not Deterrence.

conditions in detention were freezing cold, which led to her to having chills and cracked lips, and to the child having shivers and a very persistent cough. The pregnant mother was not given medical attention to check the health of her unborn child. She reported filthy conditions in the cell she shared with 25 other people, with toilet paper and used diapers on the floor, with no trash can to contain it.

The pregnant mother told the agents three times that her infant child had a cough and until the third time she was allowed to give her child the medicine she had in her belongings, however, her daughter was not given any medical attention. They both slept on the floor and shared a single aluminum blanket. The mother reported being not hungry but thirsty upon her detention, but being hungry and dehydrated upon her release.

The detainees were made to clean the room, if they did not comply they were threatened that would not be released to the Greyhound Station.

Interview No. 9 Water and Food Deprivation of Adult and Child

A Maya Mam woman from Western Guatemala and her son, a toddler, entered at Sasabe, Arizona a morning in mid-June. She described being hungry upon arrest and incarceration at the Casa Grande Border Patrol Station. She was in detention for three days and two nights. At the station, they stayed alone in a triangular shaped room, and were not given food for a day and a night. The following morning, they were transported to the Tucson Border Patrol Station and given some food. In Tucson during their second night of incarceration, they slept on a thin foam pad and she ate all the burritos, crackers and juice provided. She reported being dehydrated upon her release.

Interview No. 10 Food & Water Deprivation Verbal and Psychological Abuse Possible Denial of Legal Rights

A Guatemalan Maya Mam woman traveled from Guatemala with a pre-teenage daughter and two other children, both of grade-school age. They entered through Douglas, Arizona and were arrested past midnight, a day in late June. They were in detention for three days and two nights. During their incarceration they did not have access to water, however the mother reported that one family got a gallon of water because the child had a fever. The family was

Deprivation, not Deterrence.

transferred from Douglas to the Golf Links Border Patrol Station in Tucson, Arizona. The family's first language is Mam, an indigenous language, but the mother also studied Spanish through the 4th grade. The mother's occupation was working in the field. While in detention, hidden money fell out of her pocket. The agents asked if she had more hidden elsewhere, and she answered "no". They threatened to send her back to Guatemala if she didn't confess. The mother was not told of her right to contact her consulate. Though she did understand the release papers given to her, she was not allowed to call her family until two hours before her release to the Greyhound bus Station in Tucson. It was 57 hours before the mother was able to call the husband and son that she was trying to reunite with.

Interview No.11

Sleep Deprivation of Mother and Infant Food Deprivation of Mother Denied Legal Right to Reasonable Explanation of Release Papers

A Guatemalan Maya Kanjobal woman traveled from Guatemala to Nogales, Sonora, Mexico with a toddler. She attempted to cross into Nogales, Arizona and was caught by the US Border Patrol. She was in detention for three days and two nights. The first night she was detained in Nogales, Arizona where the room temperature was cold and she was fed crackers and juice.

The second night she was transferred to a Tucson sector Border Patrol station. The temperature in the cells was freezing, and causing shivers in the mother and daughter; the toddler also had cracked lips. The mother was given one burrito to share with her daughter. At both locations the guards conducted interviews during midnight hours, deliberately interrupting the sleep of the mother, and insisting on waking her one and a half year old daughter.

In Guatemala, the mother earned 10-15 Quetzals per day by weaving and working as a domestic worker. That amount is equivalent to \$US 00.66 – \$US 1.00 per day to provide for her and her child.

Interview No. 12

Physical and Psychological Abuse

A woman from El Salvador traveled with her daughter of grade school age, and they attempted to cross at the Nogales Port of Entry in late June at noon. They were transported to a 5-6

Deprivation, not Deterrence.

people cell where they stayed three days and two nights. The cell they were incarcerated in was extremely cold, which led to shivers and cracked lips in both the mother and daughter. In detention, a female agent pushed the mother as she was helping the daughter take off her shoe. The guards laughed and made comments in English and Spanish about the mother. The guards asked her during the credible fear interview “if she had another daughter in El Salvador why did she come?” Then they commented, “they like to leave their kids thrown like trash, and bring the others suffering”. Her release form was marked ER/CF [Expedited release / Credible Fear]. The mother expressed a history of domestic abuse.

Interview No. 13

Deprivation of Water and Food Denial of Legal Right to call her Family or Consulate during Interrogation Mild Dehydration

A Guatemalan woman with a preteen daughter entered the US at Douglas, Arizona a night in late June. They were released in Tucson an afternoon three days later. While incarcerated at the Douglas Border Patrol Station the mother was interrogated forcefully and repeatedly with border patrol agents yelling at her to reveal her “smuggler”. Agents tried to intimidate her, and she felt threatened. While she was detained, she asked for more juice and water because she and her child were thirsty but the agents refused to give them more juice and water. She reported being in a cell that was “too cold” and catching a cough. Her daughter had chills, a cough, and parched lips. She reported being thirsty upon arrest and dehydrated upon her release.

She insisted on the third day of detention that she needed to the Guatemalan Consulate, and her mother in Guatemala because her mother was sick, but the Border Patrol agents in Douglas refused to allow her to call her mother in Guatemala or the consulate. She was only allowed to call her mother once transferred to the Tucson Border Patrol Station. The mother reported being thirsty upon entering the Douglas Border Patrol Station, and being dehydrated upon her release from the Tucson Border Patrol Station.

Interview No. 14

**Food and Water Deprivation
Induced Sickness Due to Cold and Sleep Deprivation,
Medical Neglect of Infant
Denial of Right to Reasonable Explanation of Release Papers**

A Guatemalan Mayan-Mam woman and her infant girl entered the US at Douglas, Arizona a night in late May. They were detained one night at the Douglas Border Patrol Station, and then transferred to the Tucson Border Patrol Station. Mother and daughter were detained for two nights and two days.

She was hungry upon being taken into custody in Douglas and upon release by the Border Patrol in Tucson. In Douglas, the mother became sick while sleeping on the concrete floor that was “too cold” to sleep on. She got chills, a headache, caught a cough, had blocked nasal passages, and had pain in her knees and feet. Her child got a cough and also a headache. The mother traveled with a *rebozo* (shawl), used traditionally to wrap the infant around the mother to keep the child warm, however, it was taken away from her. Due the cold cells, her child cried the entire night of their arrest. She requested that her *rebozo* (shawl) be returned to her in order to keep the child warm. The officer on duty refused to get the *rebozo*. The second night, she was again refused. Once in Tucson, she convinced an official on duty to allow her to wrap her child to her body to keep the infant warm, and she was given the *rebozo*. In total she said she slept only 2-3 hours a night.

She reports not having a full meal for seven days, two and a half spent in detention, and the other days before crossing the border. In Douglas, she nevertheless wouldn't eat the food served: burritos and crackers. The water in the large water bottles smelled of chlorine so much that she didn't drink that water.

An agent at the Douglas Border Patrol Station threw away the milk the mother carried for her child. Later, the mother was offered milk the Border Patrol station provided but the child would not drink it.

To use the bathroom with any privacy, other incarcerated women had to hold up the aluminum blankets around the woman who needed to urinate or defecate, or be seen by everyone in the cell and any official in the vicinity and experience a public humiliation.

She did not receive an explanation that she understood regarding her release papers.

Deprivation, not Deterrence.

Interview No's. 15, 16, 17:

**Deprivation of Food for Infant
Physical Abuse against Mother of Infant
Induced Illness
Medical Neglect of Women and Infant Children,
Denial of Legal Right to Call Consulate and Family
Different Information about Legal Responsibilities Based on Ethnicity**

Two Guatemalan Ladina women from Huehuetenango, one with a toddler son, and the other with a child of grade school age, plus an indigenous Maya Quiche woman with an infant boy were arrested by the Border Patrol a night in late June near Douglas, Arizona. They spent two nights at the Douglas Border Patrol Station, and one night at the Tucson Border Patrol Station.

In the cells at the Douglas Border Patrol Station, the following occurred to the same group of women:

Interview No. 15

- The toddler boy travelling with his mother ate crackers and a burrito but threw up the food. A Border Patrol agent refused to give the mother another blanket for her cold child. The toddler came down with a cold. The mother was “freezing cold” and had a headache from the cold and hunger.

Interview No. 16

- The infant boy and his mother were offered portions of the adult food rations. The child could not eat it because the baby was not yet eating adult food. The mother requested access to her daypack because she had baby food in the pack but she was denied access to the baby food, and none was offered as an alternative to the adult food. The baby turned cold, his lips dried out, and she began vomiting.
During their arrest at the Douglas Port of Entry, the Quiche indigenous woman was yelled to leave her infant on the desert floor as the child rolled over into the dirt. As the mother attempted to pick up the baby, the Border Patrol female agent grabbed the mother by her hair and yelled at her not to move, prohibiting her to pick up her crying infant. The Border Patrol agent was identified as having blond hair in a ponytail.

Interview No. 17

- The five year old told his mother he was very, very cold. He couldn't eat, and then became sick with diarrhea and a cold. The mother shivered with the cold and was not warmed up by the thin aluminum cover.

Deprivation, not Deterrence.

The three women also reported that the Burritos made them nauseous, that they were hungry and thirsty when they were taken into custody and hungry and dehydrated when released by Border Patrol. They were not informed of the right to call their consulate. While the two Ladina women understood the instructions related to their release papers, the indigenous Maya Quiche woman did not. They were only allowed to call their relatives when leaving the Border Patrol Station upon their release.

Interviews No. 18, 19, 20

Food and Water Deprivation

Sleep Deprivation

Induced Illness

Medical Neglect

Denial of Legal Right to Contact Consulate and Family

Reasonable Explanation of Release Papers

Three families of Guatemalan women in their thirties, from a department in Western Guatemala (two Ladina and one Maya Kanjobal) and their male children, all of grade school age, entered Douglas, Arizona a late night in late May and were incarcerated at the Douglas Border Patrol Station for a night before being transferred to the Tucson Border Patrol Station for one night, before their release during the late morning the following day. They were detained a total of two nights and three days. Kanjobal was the first language of the Maya Kanjobal woman. Spanish was the first language of the other two women.

The three families experienced disturbingly cold temperatures during their incarceration. The temperatures were so cold in the holding cells that it gave them chills, coughs, and blistered lips. All three reported shivers, and two had stomachaches.

One child had a stomachache and headache during the first night. He began to bleed from the nose. His mother asked for help given the bleeding, and she was told: "this is normal", and refused to have any medical personnel attend to the child. Two of the children also had chills, coughs and dried, blistered lips. The immigrant women and children were allowed to wear a single garment to cover themselves with during the cold nights on the concrete floor. While they were trying to sleep, agents yelled at them that food was being served regardless of their need to sleep. The three women reported that every night the lights were left on bright and that they were deprived of about six hours of sleep each night, only being able to sleep for two to three hours each night during their three nights in detention.

Deprivation, not Deterrence.

The three women reported that the burritos given each day were old, inedible given to their “bad taste”. The women drank the juice provided, but when asked if they drank water, they replied that the water smelled like bleach. The three mothers reported hunger upon their arrest and their release as well as dehydration upon entering the Border Patrol facilities and upon leaving them.

They reported a humiliating experience in going to the bathroom since there are no barriers around the common toilets located directly inside the cellblocks. Other women had to hold up the aluminum sheets that are issued for sleeping, so that some modicum of privacy was possible.

All three women reported that they were not informed of their right to call their consul, nor were their release papers explained in a manner they understood. One woman was not informed of the right to call her family while incarcerated, while the other two were.

Interview No. 24

Psychological Abuse Water and Food Deprivation Denial of Legal Right to Call Consulate and Family

A young Guatemalan mother in her twenties entered the United States around Lukeville, Arizona with her infant child and was arrested an evening in late June and detained at the Ajo Border Patrol. There, a Border Patrol male agent with light skin, approximately 30 years old, and with a green hat, yelled at and threatened the young mother repeatedly that her baby would taken from her. Later, the same agent denied her milk and pedialyte for her infant, a provision given to four other women in the same cell during while incarcerated with them. She had previously entered the United States (according to her release papers). She asked for and was denied a phone call to her relatives in the United States. She was not informed of her right to call her own consulate. She believed her infant child was in immediate danger of being taken from her during the 49 hours she was held in custody.

She was transferred to the Tucson Border Patrol station where she stopped eating due to being depressed about what she believed was the immediate loss of her child. She reported the burritos served were slimy and could not eat them, though she stated she was very hungry upon her arrest and very hungry upon her release. Due the extreme cold and sleeping on the floor, her baby shivered from the cold and developed a cough. The infant got a fever that lasted the 49 hours in Border Patrol custody. No medical aid was offered to her child. The child consumed two juices and 1 small packet of crackers in two days.

Deprivation, not Deterrence.

While she was being processed for release at the Tucson Border Patrol Station, she was sobbing given she expected her child was to be taken away from her at any moment. The agent asked why she was sobbing, and she told him she was going to lose her child. After two days of psychological abuse, only then was she apprised that what the agent said at the Ajo BP Station was false.

Interview No. 25

**Water and Food Deprivation
Sleep Deprivation
Induced Illness
Denial of Legal Right to Contact Consulate
Reasonable Explanation of Release Papers**

A single Mam Maya woman and her daughter of grade school age from a department in Western Guatemala came to live with her niece. During both nights of their detention in two separate Border Patrol stations, the mother was only able to sleep two hours both nights, and her daughter slept three hours. The mother reported that the burritos smelled putrid, and that she and seven other women with seven children could not eat the burritos served. They did, however, eat the crackers and juice. The water at the Douglas Border Patrol station smelled like chlorine. Sleeping on the floor made her sick, gave her a fever, chills, a cough, and chapped lips. She was denied the legal right to be informed about a call to her consulate, and was not given a reasonable explanation about her release papers. She asked to call her family in Guatemala and was denied by one agent. However, she asked for a second time to another agent, and he allowed it. Since the mother never attended a formal school setting, she does not know how to read.

Interview 25: social Interview, see Narrative Section II.

Interview No. 26

Interview 26: social Interview, see Narrative Section II.

Interview No. 27

Medical Exam of Pregnant Woman

A Guatemalan woman in her twenties, and in her third trimester of pregnancy was apprehended in Lukeville, Arizona in early July. The young woman was ten days from her due date. She was transferred to Tucson where she spent the night before being released the following day. She reports receiving full medical examination including having her blood pressure taken, blood sample drawn, and a sonogram.

Interview No. 28

**Legal Rights Denial
Water and Food Deprivation in Holding Cell
Induced Illnesses for
Five year old and Father due to Physical Conditions**

A Guatemalan father presented himself for asylum at the San Luis, Arizona port-of-entry with his son of grade school age a day in early July. He was detained in Yuma, Arizona for one night before being transferred to Tucson where they were detained for three more nights. After witnessing a homicide, there was an attempt to take the life of the man and his family. While held in detention in Yuma, the man and son were held in isolation. He reported that his court date was explained to him mostly in English, and he was told that he had to choose between making a phone call to his family and making a call to the Guatemalan Consulate. While in detention, man and son were given burritos, cookies, and juice, but they did not eat because the food was causing severe stomach pain for the majority of detainees who ate it. The father asked for water, and was only given one cup of water to drink during the day. The father and son reported freezing temperatures in detention that caused shivering, coughing and chapped lips. In addition, the boy had a fever upon his release.

Interview No. 29

Verbal Abuse against Mother and Infant
Sleep Deprivation
Abuse of Physical Constraints
Induced Illness
Medical Neglect

An indigenous Maya Mam woman and her toddler daughter, from Western Guatemala, were apprehended in Nogales, Arizona an early afternoon in early July, and detained overnight. When the woman arrived to the holding cell, a Border Patrol official told her to quiet her crying child. When the child continued to cry, an official pulled an aluminum blanket over the child's head. The infant's mother removed the blanket because her child could not breathe. During her detention in Nogales, AZ, the woman's legs were shackled and she was not given any food – only her child received juice and cookies. Because of the cold temperature of the holding cell, her child was shivering, coughing, and had chapped lips upon their release from CBP custody. The immigrant mother reported being hungry, thirsty, and dehydrated upon her release.

Interview No. 30

Verbal Abuse
Sleep Deprivation
Physical Constraint without Justification
Induced Illness
Medical Neglect

A Honduran woman in her mid-twenties, with her daughter of grade school age, entered at the Mariposa Port of Entry at Nogales, Arizona an afternoon in early July and both were released the following day. She was first held in an outside facility at Mariposa Crossing Nogales. During her stay she was chained on her left ankle for 5-6 hours so tightly that she could not put a single finger between her ankle and the chain bracelet. It caused her much pain and bruised her ankle, and she requested it be loosed, but was refused. She became ill from the cold temperature in the cell, catching a cough and her lips became parched. She was hungry and thirsty upon entering CBP custody, and she was hungry and dehydrated upon her release. In detention she became ill, first feeling nauseous and then had vomiting. Border Patrol agents verbally abused her and other immigrant women, yelling at them for coming to the US, and

Deprivation, not Deterrence.

subsequently waking them up from sleep in the middle of the night telling them to sign their papers for release.

Interview 30: Social Interview, see Narrative Section II.

Interview No. 31

Deprivation of Food and Water Induced Illness Medical Neglect for Adult and Children Denial of Legal Rights to Call her Consulate and Family, & A Reasonable Explanation of her Release Papers

A single indigenous Maya Mam woman from Western Guatemala entered Douglas, Arizona a night in early July with her two sons of grade school age. They were released after two days and two nights in detention. They were incarcerated one night at the Douglas Border Patrol Station and a second night the Tucson Border Patrol Station. The freezing temperatures and the refusal to allow more than a single garment while sleeping on a floor gave the mother and her children a cough, which in the Interview of the mother - hurt in her lungs. She was not given a medical exam for that condition. Despite eating the burritos (which she described as having a bad taste) crackers and juice provided, the mother stated she was hungry and dehydrated upon arrest, and remained hungry and dehydrated upon her release two days later. Her children were also hungry, cold, began coughing in detention, and were fainting.

Border Patrol agents acted angry toward her for having entered the United States and told her not to talk to her children. Upon her release, their belongings were returned, but her money confiscated and not returned. She was not allowed a call to family, nor told of her right to contact her consul, and she did not understand the purpose of the legal papers given to her. Her first language is Maya Mam.

Interview No. 32

Interview No. 32: social Interview, see Narrative Section II.

Interview No. 33

**Food Deprivation, Denial of Legal Rights,
Sleep Deprivation**

A Guatemalan woman with a toddler entered the United States a day in mid-June. They were detained in Nogales and then transferred to the Tucson Border Patrol Station, for a total of six days and five nights. During detention, the toddler urinated on himself. The mother was able to change the child's diaper, but she was not given access to a change of clothes. She reported the temperature as "too cold" which gave the child a cough, cracked lips, and chills. Neither the mother nor the child ate the burritos served for the days in detention, and the mother reported being hungry upon release. They were both woken in the middle of the night for an interview regarding their legal status, and she was told she could either call her consulate or her family but not both. Lights were on 24/7 for five nights in holding cell thus interrupting sleep.

Interview No. 34, 35, 36

**Food Deprivation,
Denial of Legal Rights,
Sleep Deprivation**

A Honduran mother with a young son, another Honduran mother with a young daughter and toddler, were detained with a Guatemalan mother and her grade school aged daughter at the Tucson Border Patrol Station. The women reported that the room was "freezing cold" and it caused dry lips and shivers. The families were given inedible burritos, crackers, and juice. No child ate a burrito. All three women were made to choose if to call the consulate or their families.

Interview No. 34 and 35

- A mother and her U.S citizen son of grade school age traveled from Honduras. She lived in the U.S for several years and had a son. After a family emergency, she left the country. To reunite with her son, she attempted to cross the border once but was placed in a fast-track deportation process and unable to fight a case. Mother and son presented themselves at the Nogales Port of entry.

Interview No. 35

- A Honduran mother of a daughter of grade school age and a toddler presented themselves at the Nogales Port of Entry with another family (Interview No. 34). Both

Deprivation, not Deterrence.

mothers reported “freezing” cells and only being given crackers and juice during their first night of detention.

Interview No. 36

- A Guatemalan mother of a child of grade school age crossed the border through Agua Prieta and was arrested within one hour of walking in the desert. When detained, they were taken to “cage-like” outside cell. They were then transferred to another location approximately 40 minutes away, where they spent two days sleeping on the floor and only with a blanket and shared the cell with two women and their children. On their last day, the mother and daughter were transferred to the Tucson Border Patrol station. She was detained for three days and two nights.

Interview No. 37

Food Deprivation, Denial of Legal Rights, Sleep Deprivation

A Mexican woman, her husband, and her toddler daughter entered the United States on a day in late July at Nogales. Her husband was immediately separated from them and taken away, without reuniting them upon her release along with that of her child. She described the temperature in the holding cells as “too cold” and that they experienced chills and cracked lips as a result of the constant cold. The mother and daughter ate only the crackers and juice, refusing the burritos as unacceptable. They slept on the floor under lights on 24/7 for the time they were in CBP custody. They did not receive a reasonable explanation of their legal papers and they were denied a call to their family. They were detained for three days and two nights.

Interview No. 38

Denial of Legal Rights, Sleep Deprivation, Verbal Abuse

A Mexican woman, her husband, and her preschool aged son entered the United States a day in late July at Nogales being incarcerated for two days. She described the temperature in the holding cells as “too cold” and that they experienced chills, cough, and cracked lips as a result of the constant cold. They slept on the floor under lights on 24/7 for the time they were in CBP custody. When her son cried while under CBP custody and a CBP agent yelled at her to quiet

Deprivation, not Deterrence.

her child in an abusive manner. They did not receive a reasonable explanation of their legal papers and they were denied a call to their family.

Appendix I, Section II: Summaries of Migration Origin Narratives

The migration narrative Interviews follow the same sequence as Section I narrative summaries. Some immigrants reported abuses and their migration narrative, while some reported on their only migration narrative only. Interviews on migration origins were conducted according to the time available and circumstances of their departures. Immigrants released by ICE typically traveled by bus from Tucson to interior locations.

Introduction

The following ten narratives were summarized from interviews carried out by trained documenters who asked about the socio-economic conditions that immigrants left in their home countries. Immigrant families interviewed were of women and children, and of men and children. They were asked about the economic conditions they lived in immediately prior to leaving, and why they left. The interviews were part of an effort to document conditions that immigrants experienced during their short-term incarceration by the US Border Patrol in the Tucson Sector of Arizona, which covers Southern Arizona.

Interview No. 10

A Mayan Mam mother of four had previously lived in Florida with her husband and one son who was terminally ill. She had been apprehended and given she had no documented status; she was given a deportation order. In court she explained to the immigration judge she came to be with her son due to his illness needing the best attention she could give. The judge stayed her deportation and she remained without a legal status. The son who was ill, died. She returned to San Marcos because one of her children was hospitalized due to a disability. Her three remaining children were in San Marcos, Guatemala with her parents in the community of Cerrito de Oro, Municipality of Tacaná, Guatemala.

The community that the family lives in is in a rural area close to agricultural fields that are under an armed dispute for control. Over two years ago, her father was assaulted on his way to work on the coast by assailants in Malacatan who beat him, stole his cellular phone, and took Q \$10. As a result of their attack, he vomited up blood and lost the vision out of one eye. In the vicinity of their community in San Marcos, there are poppy fields in dispute between two

Deprivation, not Deterrence.

communities, Yxchiguin and Tacumulco, the later, she believes may harbor people from across the Guatemalan Mexican border of Campeche, Mexico that are not from there. The mother of three described the dangerous use of heavy arms and bombs in the skirmishes that take place there where poppy plants are grown. Her re-entry into the US was to reunite her three children, her, and her husband, who lives in Florida.

Prior to her leaving, her father, who has not worked in two years since his being assaulted, used to make Q50 a day when he encountered work or Q250 a week, when such work was available. He became ill and hospitalized with appendicitis and cannot work. While she was there with her extended family, the household then held nine people: her, her three children, her parents, her sister and her sister's two children. None of the adults had work, and the family was dependent on the remittances of the father in Florida and any food they could grow on their small plot of land or *milpa*. The dollar equivalent that her father made was \$US 3.93 per person per week, or \$.00.56 per person per day.

Interview No. 11

A Guatemalan Maya Kanjobal woman traveled from Guatemala to Nogales, Sonora, Mexico with a daughter, a toddler. She attempted to cross into Nogales, Arizona and was caught by the US Border Patrol. She was in detention for three days and two nights. In Guatemala, the mother earned 10-15 Quetzals per day by weaving and working as a domestic worker. That amount is equivalent to \$US 00.66 – \$US 1.00 per person per day for her family of two. She was living in extreme poverty.

Interview No. 22

A twenty year old Maya K'ekchi woman from the Finca Sachina, Municipality of Uspantan, in the department of Quiche, Guatemala stated she left Guatemala because she "didn't have any food" to feed herself and her toddler daughter. Her husband had lost their house and land after he went to work in Guatemala City. Her father-in-law took his land, because he had other children to care for. The land amounted to 15 hectares. The husband returned to the family once a month and gave her Q 100 (\$12.98) for her and her baby to live off of. Her own family was from Baja Vera Paz, an adjoining state to the east. She herself was from a family of 13 children. Two of her brothers went to work in Guatemala City, and two others live in New Jersey. Her disposable income was less than \$US 00.50 for her and her baby per day.

Interview No. 23

A Ladina woman in her thirties from the Southern Municipality of San Luis, Petén, Guatemala became a widow early in January 2011. He was killed when he was coming home from church on a Sunday. Friends of the family thought it might have been random violence, since he had received no prior threats. The murder was reported to the police in San Luis. While her husband was alive worked in agriculture, growing on their own plot: sugar, beans, and corn. On the weekends, he gathered firewood. When he found work, he made \$Q 75 daily. She worked as a housemaid cleaning and ironing clothes and also in a *comedor*, a low cost diner. She worked for \$ Q 50 per day, and she worked seven days a week. She has four daughters, aged: 16, 15, 12, and 5. Her income after her husband's death was the equivalent of \$1.6 per person per day.

Interview No. 25

A single Mam Maya woman and her daughter of grade school age from Santa Rosa Carnival, Municipality of Quilco, Huehuetenango, Guatemala came to live with her niece. Her former husband lives in Florida since 2002 with a second wife. She worked in Quilco for \$Q 600 a month but she was supporting her two older daughters, her parents and grandparents. The family income was \$2.66 for six people, or \$US 00.44 per person per day.

The daughters were left behind to take care of the grandparents. She will be the breadwinner to support the remaining family. In detention she was only able to sleep two hours each of the two nights, and her daughter slept three hours each night in late June in Douglas Border Patrol Station, and the following day in the Tucson Border Patrol Station. She reported that the burritos smelled putrid, she and seven other women and seven children could not eat the burritos served. They did eat the crackers and juice. The water in Douglas smelled like chlorine. The sleeping on the floor made her sick, gave her a fever, chills, a cough, and chapped lips. She was denied legal rights to be informed about a call to her consulate, to a reasonable explanation about her release papers, and was at first denied a call to her family in Guatemala by a blue uniformed officer, though a second officer in a green uniform allowed her. She stated that she could not read, having never attended school.

Interview No. 26

(Social Interview Only)

A Ladina woman in her thirties came from the Northern Municipality of San Benito, in Petén, Guatemala with her toddler. She was born, raised, and lived in San Benito until the day she left

Deprivation, not Deterrence.

for the United States. She crossed from Guatemala to Mexico at La Mesilla entering Ceibo, Campeche, Mexico. Her former husband abandoned her and her child six and a half years ago. She reported it to the police and that resulted in the police bringing him to her and him paying her a onetime payment of Q 3,000/ \$US 428. He never returned after that. She worked in washing and ironing clothes for \$Q 40 – \$ Q 80 a day, but she found work only 6 out of every 15 days. She left behind three other children: two teenage sons, and a daughter of grade school age. Her wage ranged from to \$US 5.3 to \$US 10.66 a day for her family of five if spread over the 15 day period. Each member had the equivalent of \$1.06 to \$ 2.13 per person per day.

The two year old contracted a chronic condition, “GUIAN BARR”. He was admitted and cared for in the San Juan de Dios Hospital in Guatemala City where she became indebted due to the \$ Q 100,000 [\$US 13,300] worth of medicines prescribed to him during his nine day stay starting on late July, 2009, and again on late October, 2010 for an additional 40 days. She was educated to the 1st grade, having to leave school due to poverty. She lived with her family in San Benito. “There were times when we could not afford salt”.

Interview No. 30

A Honduran woman in her late-twenties with her daughter of grade school age entered Arizona at Mariposa Port Of Entry at Nogales, Arizona an afternoon in early June and was released the following day. She was first held in an outside facility at Mariposa Crossing Nogales. She reported she was threatened by a local gang while in Honduras attempting to extort 150 -200 lempiras from her three weeks prior to leaving. They threatened her young daughter. She witnessed a woman who went door to door to sell clothes at the victim’s house. Approximately one month prior to her own departure the clothes seller accosted because she did not have money to pay gang members who attempted to extort her - they broke her arm in public. The immigrant woman reported that death threats are also commonly issued.

She worked washing clothes. She found two days of work in the two weeks prior to emigrating from San Pedro Sula, Honduras. She made \$L 150 -200 [\$US 7.15 – \$US 9.5] per day. She supported herself, three children, her mother and her uncle. The six of them lived on \$ 1.19 to \$1.58 per person per day. Her brother who lives with his own family and who is a mechanic had not contributed anything to the household income given he had no work in the two week period prior to her leaving. She left with one of three children. She left two sons behind. She had no money but traveled on top of a train with friends in Mexico to reach the United States. She crossed into the US where she saw others cross to reach the US side at Nogales, Arizona on the other side of the fence. She knew before she left that there was no amnesty law for immigrants in the US, but risked to come because she could not live in the economic conditions, and she saw no future for her daughter.

Interview No. 31

A single indigenous Maya Mam woman from Quetzaltenango, Guatemala entered Douglas, Arizona a night in early June with her two sons of grade school age. They were released on the afternoon after spending three days and two nights in detention. The mother reported that she left for economic reasons. For her family of three, she was able to earn \$Q25 per day (US \$ 3.33), or \$ US 1.10 per family member per day. Her house had recently been destroyed in an earthquake before her departure - for which she received no assistance from the Guatemalan government. When she had work, she worked as a cook and washed clothes.

Interview No. 32

(Social interview only)

A single woman in her early twenties and in her third trimester of pregnancy from Santa Rosa Department of Guatemala was arrested at Nogales, Arizona, in mid-July, and was released three days and two nights later. She entered the desert on the outskirts of Nogales until apprehended by Border Patrol. When asked why she left - she said she didn't have any work. Her family has 11 children (five brothers, and six sisters) and two parents. Her father who grew plants for his own greenhouse in the summer and sold the plants throughout the winter months supported her family economically. He made, on average, Q 400 a week or \$ US 7.6 per day, which is equivalent to \$US 00.58 per person per day. No other family members had independent employment or generated income for the family. She had no work in the two weeks prior to leaving.

Her partner, the father of her expected child, is working in Canada on a work visa there. She left because of the instability of her economic situation. She has not seen her partner for 2 years. The instability she described was also related to the town she lived where gangs threatened her teenage sister last year in an attempt to extort money from her. Her father was assaulted last year on his way home from work and shot twice during a robbery. He was hospitalized.

Deprivation, not Deterrence.

Appendix II: Unaccompanied Minors and Family Units FY 2013 – August 31, 2014

| Appendix Unaccompanied Minors and Family Units FY 2013 -FY 2014 | | | |
|---|------------------|------------------|---------------|
| Table 1 : UAC (FY2013to FY2014) | | | |
| Sectors by Region | Fiscal Year 2013 | Fiscal Year 2014 | % Change |
| Arizona and California | | | |
| El Centro Sector | 396 | 612 | 55% |
| San Diego Sector | 589 | 877 | 49% |
| Tucson Sector | 8,480 | 7,867 | -7% |
| Yuma Sector | 236 | 328 | 39% |
| regional totals | 9,701 | 9,684 | <1% |
| Texas and New Mexico | | | |
| Big Bend Sector | 122 | 244 | 100% |
| Del Rio Sector | 1,943 | 3,150 | 62% |
| El Paso Sector | 693 | 945 | 36% |
| Laredo Sector | 3,503 | 3,629 | 4% |
| Rio Grande Sector | 19,247 | 48,475 | 152% |
| regional totals | 25508 | 56443 | 54.80% |

| Table 2: Family Units (FY2013to FY2014) | | | |
|---|------------------|------------------|------------|
| Sectors by region | Fiscal Year 2013 | Fiscal Year 2014 | % Change |
| Arizona and California | | | |
| El Centro Sector | 347 | 592 | 71% |
| San Diego Sector | 1,424 | 1,617 | 14% |
| Tucson Sector | 2,436 | 3,668 | 51% |
| Yuma Sector | 207 | 626 | 202% |
| regional totals | 4,414 | 6,503 | 32% |
| Texas and New Mexico | | | |
| Big Bend Sector | 97 | 164 | 69% |
| Del Rio Sector | 591 | 4,839 | >500% |
| El Paso Sector | 290 | 530 | 83% |
| Laredo Sector | 1,514 | 3,487 | 130% |
| Rio Grande Sector | 6,002 | 50,619 | >500% |
| regional totals | 8,494 | 59,639 | 86% |

| Table 3: regional UAC and Family unit totals (FY2013to FY2014) | | | |
|--|---|---|--|
| Texas And New Mexico 2013 UAC and Family Units | Texas and N. Mex. 2014 UAC + Family Units | Arizona and California 2013 UAC + Family Units | Arizona and California 2014 UAC + Family Units |
| 25508 | 56443 | 9,701 | 9684 |
| <u>8,494</u> | <u>59639</u> | <u>4414</u> | <u>6503</u> |

Deprivation, not Deterrence.

| | | | |
|-------|--------|--------|-------|
| 34002 | 116082 | 14,115 | 16187 |
|-------|--------|--------|-------|

| Table 4: UAC AND Family Units (FY2013 to FY2014) | | Table 5: Texas and New Mexico Sectors as % of Total UAC & Family Units | |
|---|--------------|---|-------|
| 2013 totals | 34002 | 2013 | 2014 |
| | <u>14115</u> | 70.6% | 87.7% |
| | 48117 | | |
| 2014 totals | 116082 | | |
| | <u>16187</u> | | |
| | 132269 | | |

Source: <http://www.cbp.gov/newsroom/stats/southwest-border-unaccompanied-children>
 Accessed 25 Sept. 2014.

ENDNOTES

¹ Since 2010, CBP Officers have killed 29 people. SBCC: CBP Reforms On The Right Track But Implementation Is Key, Sept. 18, 2014, <http://soboco.org/sbcc-cbp-reforms-on-the-right-track-but-implementation-is-key/> accessed 26 Sept. 26, 2014.

² The terms *migrants* and *immigrants* are legally recognized internationally as the same category of people, therefore both terms are used interchangeably in this report.

³ Seeking Protection, Enduring Prosecution was published by the Florence Immigrant and Refugee Rights Project , Culture of Cruelty was published by No More Deaths, Human Rights Violations of Mexican Migrants Detained in the United States was published by the Programa de Defensa e Incidencias Binacional de la Iniciativa Frontera Norte de Mexico, and the Unaccompanied immigrant children report serious abuse by U.S. Officials during detention, was issued jointly by the National Immigrant Justice Center, the Esperanza Immigrant Rights Project, the Florence Immigrant and Refugee Rights Project, and ACLU Border Litigation Project. Other critical reports were from the Women’s Refugee Commission (2009, 2010, and 2011).

⁴ [GUAMAP](#), a US based non-profit organization, since 1994 has provided health training in Petén, a former Guatemalan conflict zone and its largest province. GUAMAP’s 20 trained acupuncturists provide a total of 4,000 to 5,000 acupuncture treatments annually for rural residents in pre-natal and post natal care, pediatrics in situations of natural disaster, women’s health, and in infectious diseases. GUAMAP partnered in Guatemala with ASECSA and the Regional Hospital in San Benito, Petén, Guatemala during the 2009 outbreak of Hemorrhagic Dengue and Febrile Dengue. GUAMAP presented findings at the American Public Health Association (2004, 2006), and at the 2013 North American Detoxification Association (NADA) conference, Denver, CO. as a panelist on the NADA treatment protocol for persons in times of civil war and natural disaster.

⁵ Three of the 33 families included two adult couples, both husbands/fathers were separated at a Port of Entry and their children were incarcerated apart from them with their mothers. One additional family (interview # 21) was counted only on questions of due process due to an imminent departure; n = 35. Other families were single parent headed families. For language & ethnicity counts, n=35 included interviews on migration origin; except for questions of due process where n=35). 72 persons of families in total experienced the conditions reported on by interviewed adults. An additional nine (women and children) were counted in Migration Origin Narratives. Language and ethnicity counts were based on available information from both conditions of detention interviews and migration story interviews.

⁶ HDR, Protecting our Borders, p.14, <http://www.hdrinc.com/sites/all/files/content/brochures/files/6042-44209-protectborderbroch-1113gbw-elect.pdf>

⁷ Douglas, Naco, Nogales, Tucson, Sasabe, Lukeville, Ajo, Casa Grande, San Luis, and Yuma.

⁸ For an illustration of those requirements see the nutritional chart in Section III: Findings.

⁹ “ The circadian alertness signal is the alertness-enhancing output from the suprachiasmatic nucleus that increases from morning to peak in the late evening, and then decreases across the night to trough near the normal wake time.”, The Challenge Of Sleep Management In Military Operations, p. 114
http://www.cs.amedd.army.mil/amedd_journal.aspx

¹⁰ Thirty-five children were in families interviewed, but one additional child’s mother was partially interviewed including their stay in detention which was documented, therefore the count on this and other items is 36 children.

¹¹ See: Border agency report reveals internal struggles with corruption, Andrew Becker, Center for Investigative Reporting. 29 Jan. 2013. <http://cironline.org/reports/border-agency-report-reveals-internal-struggles-corruption-4126> accessed 26 Sept. 2014

¹² See endnote no. 3 for variation on n = due to differentiated interview outcomes.

¹³ A family unit is considered one or more legal parent and their child or children. A male parent may or may not be allowed to remain in custody in the same facility with that person’s family depending on their nationality and or previous record of entry.

¹⁴ Reser’s Fine Foods brand. Burrito given to immigrants who described it as the regular burrito served in short term detention.

¹⁵ Austin brand of Toasty Crackers with peanut butter, an ingredient Central Americans are not normally accustomed with.

¹⁶ Stomach aches (interviews no: 18, 19, 20, 28), nauseous (interviews no: 17, 30), and vomiting (interviews no: 16,30).

¹⁷ Calorie levels are based on the Estimated Energy Requirements (EER) and activity levels from the Institute of Medicine Dietary Reference Intakes Macronutrients Report, 2002, referenced from My Pyramid, USDA. These are estimates, actual calories needed to maintain weight may vary according to muscle mass, activity, and other factors. https://www.getfit.tn.gov/fitnesstracker/calorie_levels.pdf

Deprivation, not Deterrence.

¹⁸ Twenty five of thirty six children (including four infants less than 1 yr.) did not receive the minimal USDA caloric intake for sedentary children given the calories of items *if served twice daily*.

¹⁹ Ibid, Pyramid, USDA

²⁰ Four infants less than one year old in addition five children aged 1-3 years old were affected by inappropriate or unacceptable food: See interviews no. **9** (food served only of two days), **11** (one burrito served to a child and adult), **15**, (food thrown up), **33** (provided only milk and juice), **34** (no burrito served to 1 year and five month old).

²¹ From summary of “Neuroimaging In Sleep Research Workshop March 29-30, 2006”. Institutional representation from: National Heart, Lung, and Blood Institute, the NIH Office of Rare Diseases, and several member Institutes and Centers of the Trans-NIH Sleep Research Coordinating Committee, <http://www.nhlbi.nih.gov/research/reports/neuroimaging.pdf> accessed October 13, 2014.

²² Neuropsychiatr Dis Treat. Oct 2007; 3(5): 553–567. Sleep deprivation: Impact on cognitive performance, PMID: PMC2656292, [Paula Alhola](#)¹ and [Päivi Polo-Kantola](#).

²³ Sleep As A Component Of The Performance Triad: The Importance Of Sleep In A Military Population, Cynthia V. Lentino, MS, Dianna L. Purvis, PhD, Kaitlin J. Murphy, MS, Patricia A. Deuster, PhD, MPH, 103, Army Medical department Journal (AMEDD Journal), October – December 2013

<http://www.cs.amedd.army.mil/FileDownloadpublic.aspx?docid=565febfe-b26e-4922-8f82-0e9373b5f01a> accessed October 14, 2014

²⁴ See: Army Field Manual 6-22.5: Combat and Operational Stress Control Manual for Leaders and Soldiers. Washington, DC: US Dept. of the Army; March 2009: chap 4. Cited in The Challenge of Sleep Management in Military Operations, Nancy J. Wessensten, PhD, Thomas J. Balkin, PhD, Army Medical department Journal (AMEDD Journal), October – December 2013, p. 111

<http://www.cs.amedd.army.mil/FileDownloadpublic.aspx?docid=565febfe-b26e-4922-8f82-0e9373b5f01a> accessed October 14, 2014

²⁵ For further effects on cognitive ability and the Cadian Rythm disturbance see also: See also: ²⁵ Brain Activity is Visibly Altered Following Sleep Deprivation.

http://web.archive.org/web/20110310143903/http://health.ucsd.edu/news/2000_02_09_Sleep.html, July 29, 2002 UC San Diego Health System, Feb. 10 Issue of Nature, 2002.

²⁶ Discussion below is from [Paula Alhola](#)¹ and [Päivi Polo-Kantola](#), 2007. In summary, SD occurs more after the peak circadian process which is in the morning; very early AM sleep disruption would increase sleep deprivation; onset of which can begin after 16 hours, but is more pronounced after 36 hours. “Reasoning ability during SD has for the most part been measured with Baddeley’s logical reasoning task or its modified versions. “Again the results are inconsistent (deteriorated performance was reported by [Blagrove et al 1995](#); [McCarthy and Waters 1997](#); [Monk and Carrier 1997](#), and [Harrison and Horne 1999](#); no effects were noted by [Linde and Bergstrom 1992](#); [Quigley et al 2000](#), or [Drummond et al 2004](#)). The studies reporting no effect have mainly used SD of ca. 24 h ([Linde and Bergström 1992](#); [Quigley et al 2000](#)), whereas in the studies showing an adverse effect, the SD period has been longer (36 h). Thus reasoning ability seems to be maintained during short-term SD. However, choosing divergent study designs may result in different outcomes. [Monk and Carrier \(1997\)](#) **repeated the cognitive test every 2 hours and found deterioration after as little as 16 hours of SD [bolding added]**. In the studies with zero-results, cognitive tests were carried out in the morning ([Linde and Bergström 1992](#); [Quigley et al 2000](#)) or the practice effect was not adequately controlled ([Drummond et al 2004](#)). In the studies with longer SD, the tests have been conducted either in the late afternoon ([McCarthy and Waters 1997](#); [Harrison and Horne 1999](#)) or have been repeated several times ([Blagrove et al 1995](#); [Monk and Carrier 1997](#)). Therefore, the different results may reflect the effect of circadian rhythm on alertness and cognitive performance. In the morning or before noon, the circadian process reaches its peak, inducing greater alertness, whereas the timing of the circadian nadir coincides with the late afternoon testing (see [Achermann 2004](#)).”

²⁷ For stages of dehydration see: National Institutes of Health’s 7 moderate symptoms, and 10 severe symptoms. <http://www.nlm.nih.gov/medlineplus/ency/article/000982.htm#visualContent> accessed 8-25-14. For dehydration stages in children see: Alok Kalia, MD. Dept. of Pediatrics, University of Texas Medical Branch. Core Concepts of Pediatrics. (c) 2008., http://www.utmb.edu/pedi_ed/CORE/Fluids&Electrolytes/page_09.htm accessed 8-25-14

²⁸ Clinical assessment of dehydration, Alok Kalia, MD. Dept. of Pediatrics, University of Texas Medical Branch. Core Concepts of Pediatrics. (c) 2008 http://www.utmb.edu/pedi_ed/CORE/Fluids&Electrolytes/page_09.htm accessed 8/19/14;

Hemohpilia of Georgia, Nosebleeds, <http://www.hog.org/handbook/article/3/33/nosebleeds> , accessed 8/21/14

²⁹ See: Interviews no 5 and 17.

³⁰ Interviews no. 1 and no. 17.

³¹ CBP Security Policy and Procedures Handbook, 2009, p.493.

Deprivation, not Deterrence.

³² Reported in interview # 1 and # 30.

³³ Reported in interview # 1 and # 30.

³⁴ See: Interview no 4.

³⁵ NPR Reporter John Burnett questioned how systemic the harsh conditions were for unaccompanied immigrant minors whose testimony was detailed in the report of CBP abuses filed with the Office of Civil Rights and Civil Liberties on 11 June, 2014 by five human rights organizations. The findings in that report are confirmed in this report for many abuses, with more than half of respondents confirmed they experienced the abuse. Anecdotal reporting is no substitute for in-depth study; especially when prior reports confirm the same findings. See: Amid Wave Of Child Immigrants, Reports Of Abuse By Border Patrol, NPR, John Burnett, July 24, 2014 <http://www.npr.org/player/v2/mediaPlayer.html?action=1&t=1&islist=false&id=334041633&m=334851624>

³⁶ See: Interviews no.2 and no.3

³⁷ See: interviews no.1 and no.6.

³⁸ See: interviews No, 18, 19, and 20.

³⁹ “A hold room is a secure facility for the detention of aliens encountered and processed by operational components of CBP.” 8.10.1. CBP Security Policy and Procedures Handbook, August 13, 2009, 50, and “are classified as having a Medium Security Level”, “are not designed for sleeping”, 494, preferred location for hold rooms is an interior space without an exterior window, 498, “mounted bubbler shall be provided with separate push button for drinking water”, 501.

⁴⁰ For another source on unsanitary conditions, see: Undocumented Women and Children in Border Patrol Detention Centers Suffering Inhumane Treatment, Latin Post, Nicole Akoukou Thompson, <http://www.latinpost.com/articles/14782/20140613/undocumented-women-children-border-patrol-detention-centers-suffering-inhumane-treatment.htm> accessed 1 Sept, 2014.

⁴¹ Thirty-five children were in families interviewed, but one additional child’s mother was partially interviewed including their stay in detention which was documented, therefore the count on this and other items is 36 children.

⁴² See: Interview no.1.

⁴³ The right to have legal documents and process explained in a reasonable manner and in a language the immigrant understands was established in the ICCPR, Article 14-3-a and f.

⁴⁴ *Sea Swallows the Stories of Africans Drowned at Ceuta*, Inés Benítez, InterPress Service news Agency, Mar 10 2014, <http://www.ipsnews.net/2014/03/sea-swallows-stories-africans-drowned-ceuta/>

⁴⁵ See: International Justice Resource Center’s statement on human rights for links to the international legal evolution of human rights. <http://www.ijrcenter.org/ihr-reading-room/overview-of-the-human-rights-framework/> Accessed Sept. 5, 2014.

⁴⁶ No Action Taken; Lack of CBP Accountability in Responding to Complaints of Abuse, American Immigration Council, May 04, 2014 summary from website: <http://www.immigrationpolicy.org/special-reports/no-action-taken-lack-cbp-accountability-responding-complaints-abuse> accessed August 27, 2014. See full text in pdf at http://www.americanimmigrationcouncil.org/sites/default/files/No%20Action%20Taken_Final.pdf

⁴⁷ No Action Taken, American Immigration Council, May 04, 2014

⁴⁸ US Border Patrol Policy Detention Standards for Hold Rooms and Short Term custody, reference number 08-11267, date: January 31, 2008, section 6.7 Medical Issues, 6.71 (medical need defined), and in 6.72 (medical personnel defined). <http://foiarr.cbp.gov/streamingWord.asp?i=378> accessed August 28, 2014.

⁴⁹ See Minimal Rules for Treatment of Prisoners (SMRTP), Article. 32. (1) Punishment by close confinement or reduction of diet shall never be inflicted unless the medical officer has examined the prisoner and certified in writing that he is fit to sustain it.

⁵⁰ See Article 20. (1) *Every prisoner shall be provided by the administration at the usual hours with food of nutritional value adequate for health and strength, of wholesome quality and well prepared and served.* (2) *Drinking water shall be available to every prisoner whenever he needs it.*

⁵¹ See SMRTP, Article 24. *The medical officer shall see and examine every prisoner as soon as possible after his admission and thereafter as necessary, with a view particularly to the discovery of physical or mental illness and the taking of all necessary measures; the segregation of prisoners suspected of infectious or contagious conditions; the noting of physical or mental defects which might hamper rehabilitation, and the determination of the physical*

capacity of every prisoner for work. Article 25. (1) *The medical officer shall have the care of the physical and mental health of the prisoners and should daily see all sick prisoners, all who complain of illness, and any prisoner to whom his attention is specially directed. (2) The medical officer shall report to the director whenever he considers that a prisoner's physical or mental health has been or will be injuriously affected by continued imprisonment or by any condition of imprisonment.*

⁵² See SMRTP, Article 15. *Prisoners shall be required to keep their persons clean, and to this end they shall be provided with water and with such toilet articles as are necessary for health and cleanliness.*

⁵³ See SMRTP, Article 26. (b) *The hygiene and cleanliness of the institution and the prisoners; (c) The sanitation, heating, lighting and ventilation of the institution; (d) The suitability and cleanliness of the prisoners' clothing and bedding.*

⁵⁴ See: Inter-American Commission on Human Rights, Report on Immigration in The United States: Detention And Due Process, 30 December, 2010. pp. 67, p. 23, <http://www.oas.org/en/iachr/migrants/docs/pdf/Migrants2011.pdf> accessed 25 September, 2014

⁵⁵ SMRTP article. 10. *All accommodation provided for the use of prisoners and in particular all sleeping accommodation shall meet all requirements of health, due regard being paid to climatic conditions and particularly to cubic content of air, minimum floor space, lighting, heating and ventilation.*

⁵⁶ See: IACHR Report, pp 75, p.25

⁵⁷ See: CBP Table: Juvenile and Adult Apprehensions - Fiscal Year 2011 (Oct. 1st through Sept. 30th) <https://www.hsdl.org/?view&did=734591> accessed 9-9-14. Given that only unannounced inspections of public institutions are reliable for monitoring of social conditions, the non-disclosure of DHS on this point suggests their inspections were pre-announced.

⁵⁸ CBP's Handling of Unaccompanied Alien Children, Sept. 2010. http://www.oig.dhs.gov/assets/Mgmt/OIG_10-117_Sep10.pdf, see pages 6-12.

⁵⁹ As FIRRPP pointed out in the 2009 report on short term conditions for unaccompanied minors, “. . . Following arrest, the INS shall hold minors in facilities that are safe and sanitary and that are consistent with the INS's concern for the particular vulnerability of minors. Facilities will provide access to toilets and sinks, drinking water and food as appropriate, medical assistance if the minor is in need of emergency services, adequate temperature control and ventilation, adequate supervision to protect minors from others, and contact with family members who were arrested with the minor.” The INS will segregate unaccompanied minors from unrelated adults. Seeking Protection, Enduring Prosecution; The Treatment and Abuse of Unaccompanied Undocumented Children In Short-Term Immigration Detention, Florence Immigrant and Refugee Rights Project, Ana Arboleda and Dorien Ediger-Seto, 2009: 6. <http://www.firrp.org/media/BPAbuseReport.pdf> see Also:

A Review of DHS' Responsibilities for Juvenile Aliens, Office of the Inspector General, Department of Homeland Security, September 2005, page 1, 12

⁶⁰ See: International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, Article 16. 2. *Migrant workers and members of their families shall be entitled to effective protection by the State against violence, physical injury, threats and intimidation, whether by public officials or by private individuals, groups or institutions.* <http://www2.ohchr.org/english/bodies/cmw/cmw.htm> accessed 2 October, 2014.

⁶¹ International Covenant on Civil and Political Rights (1976) see Article 14. (f) To have the free assistance of an interpreter if he cannot understand or speak the language used in court; <http://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx> accessed 2 October, 2014.

⁶² FIRRPP reported 26% of unaccompanied minors interviewed spoke a Mayan Language (see FIRRPP, *ibid.* p. 20). Our study documented 28% of adult immigrants spoke an indigenous language.

⁶³ See Article 30. (3) *Where necessary and practicable the prisoner shall be allowed to make his defence through an interpreter of physical or mental health.* https://www.unodc.org/pdf/criminal_justice/UN_Standard_Minimum_Rules_for_the_Treatment_of_Prisoners.pdf accessed 2 October, 2014.

⁶⁴ See: UN DRIP, Article 13. 2. States shall take effective measures to ensure that this right is protected and also to ensure that indigenous peoples can understand and be understood in political, legal and administrative proceedings, where necessary through the provision of interpretation or by other appropriate means. http://www.un.org/esa/socdev/unpfii/documents/DRIPS_en.pdf accessed 2 October, 2014

Deprivation, not Deterrence.

⁶⁵ Announcement of U.S. Support for the United Nations Declaration on the Rights of Indigenous Peoples, undated by the US Dept. of State, <http://www.state.gov/documents/organization/184099.pdf> , See also the White House fact sheet on US interests at the UN, the DRIP statement undated as well. See: <http://www.whitehouse.gov/the-press-office/2011/09/20/fact-sheet-advancing-us-interests-united-nations> For the actual date of Dec. 16, 2010, see the unofficial release from ACHP,

<http://www.achp.gov/docs/UN%20Declaration%20background%20info%20Mar%202013.pdf> , all accessed 9-10-14.

⁶⁶ Furthermore the Article XXXVI was reaffirmed by Article 8 of the American Convention, IACHR Report, pp 20, p 57.

⁶⁷ See: UN Convent on the Rights of Migrant Workers and Members of their Families. 7. When a migrant worker or a member of his or her family is arrested or committed to prison or custody pending trial or is detained in any other manner: (a) The consular or diplomatic authorities of his or her State of origin or of a State, ... if he or she so requests, be informed without delay of his or her arrest or detention . . .; (b) The person concerned shall have the right to communicate with the said authorities, and he or she shall also have the right to receive communications without delay; (c) The person concerned shall be informed without delay of this right . . .to correspond and to meet with representatives to make arrangements with them for his or her legal representation.

<http://www2.ohchr.org/english/bodies/cmw/cmw.htm> accessed 9-10-2014

⁶⁸ See under: A Review of DHS' Responsibilities for Juvenile Aliens, Office of the Inspector General, Department of Homeland Security, September 2005, pg. 12. http://www.oig.dhs.gov/assets/Mgmt/OIG_05-45_Sep05.pdf accessed 23 September, 2014.

⁶⁹ See; IACHR Report, pp79,p.26-27

⁷⁰ Ibid, pp 87, p. 29.

⁷¹ At POE's and in the field between POE's, Border Patrol is tasked with apprehension, short term detention, and legal processing of juveniles. DHS Office of Inspector General, A Review of DHS' Responsibilities For Juvenile Aliens, Office of Inspection and Special Reviews, Sept. 2005. http://www.oig.dhs.gov/assets/Mgmt/OIG_05-45_Sep05.pdf

⁷² See by way of comparison, The 2011 ICE Performance Based National detention standards which excludes short term detention facilities of Border Patrol by definition, see: section 1.1. <https://www.ice.gov/doclib/detention-standards/2011/pbnds2011.pdf> Also See: American Bar Association Comments on Standards to Prevent, Detect, and Respond to Sexual Abuse and Assault in Confinement Facilities, Dec. 19, 2012 and additional standards recommended on Feb. 26, 2013.

http://www.americanbar.org/content/dam/aba/uncategorized/GAO/2013feb26_abuseinconfinementfacilities_l.authcheckdam.pdf

⁷³ IACHR Report 30 December, 2010.

⁷⁴ IACHR Report, 30 December, 2010. pp 375, p 129-130.

⁷⁵ Ibid. pp 50 , p.18, also see: UNHCR Revised Guidelines on Applicable Criteria and Standards Relating to the Detention of Asylum Seekers," supra, Guideline 8

⁷⁶ See CCPR, Article 3. (a) *To ensure that any person whose rights or freedoms as herein recognized are violated shall have an effective remedy, notwithstanding that the violation has been committed by persons acting in an official capacity;*

⁷⁷ As per CBP definitions: "A hold room is a secure facility for the detention of aliens encountered and processed by operational components of CBP". CBP Security Policy and Procedures Handbook, 8.10.1., 13 August, 2009.

⁷⁸ See CCPR, Article 7. Article 7. *No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. In particular, no one shall be subjected without his free consent to medical or scientific experimentation.*

⁷⁹ See: Rights And Guarantee S Of Children In The Context Of Migration and/or In Need Of International Protection, Inter-American Court Of Human Rights, Advisory Opinion OC-21/14 of August 19, 2014, p. 13, pp 31. *"Similarly, the Court finds it necessary to recall that, pursuant to international law, when a State is a party to an international treaty, such as the American Convention on Human Rights, such treaty is binding for all its organs, including the Judiciary and the Legislature, 21 so that a violation by any of these organs gives rise to the international responsibility of the State. 22 Accordingly, the Court considers that the different organ s of the State must carry out the corresponding control of conformity with the Convention, . . ."*

http://www.corteidh.or.cr/docs/opiniones/seriea_21_eng.pdf accessed 21 October, 2014

⁸⁰ Unaccompanied Alien Children (UAC) Project, National Center for Border Security and

Immigration, University of Texas, El Paso. March 2014. The report attempted to study the problem of CBP under capacity for processing UAC's. While the researchers were given data about increase of UAC's they were not told about the exponentially larger increases in family units at the same time.

<http://ncbsi.utep.edu/documents/UAC%20Project%20Site%20Visits/UTEP%20NCBSI%20Final%20Report%20March%2020%202014.pdf> accessed Oct. 9, 2014

⁸¹ See: apprehensions FY 14 through August 31, 2014, compared to the same time period for FY 13:

<http://www.cbp.gov/sites/default/files/documents/SWB%20Family%20and%20UAC%20Apps%20thru%208-31.pdf> accessed October 10, 2014.

⁸² See BP tables: Southwest Border Unaccompanied Alien Children (0-17 yr. old) Apprehensions and Southwest Border Family Unit Apprehensions, <http://www.cbp.gov/newsroom/stats/southwest-border-unaccompanied-children>, accessed 9-6-2014.

⁸³ Mission to Central America: The Flight of Unaccompanied Children to the United States, Report of the Committee on Migration of the United States Conference of Catholic Bishops, Nov. 2013.

<http://www.usccb.org/about/migration-policy/upload/Mission-To-Central-America-FINAL-2.pdf> accessed Oct. 9, 2014

⁸⁴ Releases » Releases » Releases 2013 » Measures Ensuring Respect for and Protection of the Human Rights of Migrants Measures Ensuring Respect for and Protection of the Human Rights of Migrants, Anne C. Richard, Assistant Secretary, Bureau of Population, Refugees, and Migration, February 20, 2013.

<http://www.state.gov/j/prm/releases/releases/2013/205066.htm> accessed October 10, 2014.

⁸⁵ The decrease of 11% was mostly due to a larger influx from other countries, none of which were in the top ten sender countries. See: Estimates of the Unauthorized Immigrant Population Residing in the United States, Bryan Baker and Nancy Rytina, DHS, Jan. 2012. Table 3. http://www.dhs.gov/sites/default/files/publications/ois_ill_pe_2012_2.pdf

⁸⁶ NAFTA/TELCAN's 6 million displaced agricultural workers for period 1994-2014 figure from Alberto Arroyo Picard (see: Picard⁸⁶). Guatemala's agricultural employment as a percentage of total employment dropped from 42% in 2003 to 31% in 2013.⁸⁶ Its active working population in 2013 was 5,811,193.⁸⁶ $(42\%-31\%) (5,811,193) = 639,231$ workers displaced from agricultural sector. As of 2014, Mexico's loss rate of .0582 as a percentage of population (118 million total population) (6 million) If applied to Guatemala in 2014, .0582 (15 million) = another 120,369 workers (762,300- 639,231) for an equivalent of expected future losses in agricultural in the next eleven years for Guatemala alone assuming a similar loss rate within Guatemala under CAFTA. The actual rate will likely be much higher given the poverty rate in Guatemala is higher in general. The percentage of undocumented workers from Mexico and Central America in the US is approximately 6.64 million. They represent 60% of all undocumented in the United States. (6.64 million / 11 million). All figures are rounded. Sources: For NAFTA workers displaced: see: Picard, Alberto Arroyo. México a 20 años del TLCAN, Datos duros que muestran su fracaso. Slide 7.

<http://www.anec.org.mx/foro-multisectorial-tri-nacional/mexico-a-20-anos-del-tlcan> . For an extended academic version of NAFTA's impacts, see: Resultados del Tratado de Libre Comercio de América del Norte en México: lecciones para la negociación del Acuerdo de Libre Comercio de las Américas., Alberto Arroyo Picard, Alejandro Villamar, Antonio Bonifaz Moren, Luis Bueno Rodríguez, Juan Manuel Sandoval, Marcela Orozco, Víctor Osorio, 2003, Managua Centro de Estudios Internacionales México, D.F. Red Mexicana de Acción Frente al Libre Comercio. For CAFTA displaced Guatemalan Workers, see: [Se reducen empleos en sector agropecuario, La Prensa Libre](#), Byron Dardón, La Prensa Libre, 24 May, 2014. The Guatemalan agricultural labor force in 2012 was 32.3% of the active labor force, the largest occupation in Guatemala. 5.57 million, with a loss from 2003-2013 of 11% or 11% or 639,231 persons, and active labor force figure, see: [Caracterización estadística República de Guatemala](#), p 36, 2012;: Encuesta Nacional de Empleo e Ingresos ENEI 2012.

⁸⁷ All figures from: "Sons and Daughters of the Earth": Indigenous communities and land grabs in Guatemala Alberto Alonso-Fradejas, Food First, no.1 in a series. 04.01.2013, <http://foodfirst.org/publication/sons-and-daughters-of-the-earth-indigenous-communities-and-land-grabs-in-guatemala/> accessed 18 Sept. 2014

⁸⁸ Deadly Conflict Over Honduran Palm Oil Plantations Puts CEO in the Spotlight, Jennifer Kennedy, CorpWatch Blog, 10 January, 2013 <http://upsidedownworld.org/main/honduras-archives-46/4071-deadly-conflict-over-honduran-palm-oil-plantations-puts-ceo-in-the-spotlight> accessed 18 Sept. 2014

⁸⁹ See: Mayan Q'eqchi' Communities Violently Evicted in Alta Verapaz, Guatemala, Jeff Abbott 15 September 2014, <http://upsidedownworld.org/main/guatemala-archives-33/5048-mayan-qeqchi-communities-violently-evicted-in-alta-verapaz-guatemala>

Deprivation, not Deterrence.

⁹⁰ Diana Villiers Negroponte, July 2, 2014, The Surge in Unaccompanied Children from Central America: A Humanitarian Crisis at Our Border, Brookings Institute, <http://www.brookings.edu/blogs/up-front/posts/2014/07/02-unaccompanied-children-central-america-negroponte>

⁹¹ See: IFAD, <http://www.ruralpovertyportal.org/country/home/tags/guatemala> accessed September 24, 2014

⁹² The design of the conditions for short term detention are linked to the Department of Defense's Center for Low Intensity Conflict involvement in the architecture of border security since 1994, Border Patrol Strategic Plan for 1994 and Beyond, Aug. 8th, 1994, p. 1. <https://www.documentcloud.org/documents/355856-border-patrol-strategic-plan-1994-and-beyond.html>. See: Col. Joseph D. Rozek, Center for Strategic and International Studies, <http://csis.org/expert/joseph-d-rozek> accessed 8/23/14, the origin of the post-cold war "deterrence" policy did not include the Homeland, but was subsequently expanded to include it. See Discriminate Deterrence, Commission of Integrated Long term Strategy, 1988, http://usacac.army.mil/cac2/CSI/docs/Gorman/06_Retired/01_Retired_1985_90/26_88_IntegratedLongTermStrategy_Commission/01_88_DiscriminateDeterrence_Jan.pdf

For explanatory background see: USA: In Hostile Terrain: Human rights violations in immigration enforcement in the US Southwest, March 28, 2012, <http://www.amnestyusa.org/research/reports/usa-in-hostile-terrain-human-rights-violations-in-immigration-enforcement-in-the-us-southwest>, Borderlines, Tom Barry, Border Patrol History: Origins of "Prevention Through Deterrence" Strategy, March 25, 2011, <http://borderlinesblog.blogspot.com/2011/03/border-patrol-history-origins-of.html>;

. All sources in this footnote accessed: 18 august, 2014

⁹³ Border Patrol Strategic Plan for 1994 and Beyond, p. 3.

⁹⁴ DoD Roles and Missions in Homeland Security, Office of the Under Secretary of Defense

For Acquisition, Technology, and Logistics, May. 2004, <http://fas.org/irp/agency/dod/dsb/homelandv2.pdf> accessed Sept. 24, 2014.

⁹⁵ CBP Security Policy and Procedures Handbook. 2009, 166.

⁹⁶ See: CBP - [Border Patrol Facilities, Feb. 29, 2012](#), p. 10-15, and [HDR, Protecting our Borders](#), 12,13,14,21.

⁹⁷ Description from Border Patrol agent Baxter, Border Patrol Nation, Todd Miller, City Lights Press, 100: 2014. See also, Border Patrol Academy, <http://myborderpatroljob.com/border-patrol-academy>.

⁹⁸ Based on a minimum eight hour training day for 58 days; see: <http://myborderpatroljob.com/border-patrol-academy>

⁹⁹ DHS website <http://www.dhs.gov/prevent-terrorism-and-enhance-security> . accessed 19 August, 2014.

¹⁰⁰ Remarks by Secretary of Homeland Security Jeh Johnson at the American Bar Association Annual Convention, August 9, 2014, <http://www.dhs.gov/news/2014/08/09/remarks-secretary-homeland-security-jeh-johnson-american-bar-association-annual>. Accessed 19 august, 2014.

¹⁰¹ "The principal role of the fusion center is to compile, analyze, and disseminate criminal/terrorist information and intelligence and other information (including, but not limited to, threat, public safety, law enforcement, public health, social services, and public works) to support efforts to anticipate, identify, prevent, and/or monitor criminal/terrorist activity.". Fusion Center Guidelines, Department of Justice, https://it.ojp.gov/documents/fusion_center_guidelines_law_enforcement.pdf accessed October 11, 2014.

¹⁰² [Cross-border terrorism: does "evidence to compel" further action exist?](#), Adam Isacson, WOLA blog. January 17, 2013.

¹⁰³ See pages 120-121,124, 144. Does Immigration Enforcement Reduce Crime? Evidence from "Secure Communities", forthcoming, Journal of Law & Economics, published draft of August 21, 2014. 40-41. http://its.law.nyu.edu/faculty/profiles/representativeFiles/Policing_Immigration_Cox_Miles_2213F16A-9C8F-11F3-1C621CB4E863216C.pdf accessed Sept 21, 2014, or Policing Immigration, Adam B. Cox, or Thomas J. Miles, the University of Chicago Law Review, 80:87, 2013

¹⁰⁴ For the case of Nicaragua, see: State Terrorism and the United States. London: Gareau, Frederick H. (2004). Zed Books. pp. 16 & 166. For the case of El Salvador, see: From Reagan to Bush, the Transition in US Foreign Policy towards Central America, 6-7-613. http://www1.american.edu/faculty/leogrande/JLAS_Reagn-Bush.pdf For Guatemala, see: Guatemalan Migration in Times of Civil War and Post-War Challenges, Suzanne Jonas, March 27, 2013. <http://www.migrationpolicy.org/article/guatemalan-migration-times-civil-war-and-post-war-challenges> , all accessed 19 august, 2014.

¹⁰⁵ References are available in the hyperlinks associated with this graph under: sources.

¹⁰⁶ Based on the proportion of 87% of all CBP were assigned to the SW border in 2014.

¹⁰⁷ See: Amid Wave Of Child Immigrants, Reports Of Abuse By Border Patrol, NPR, John Burnett, July 24, 2014 <http://www.npr.org/player/v2/mediaPlayer.html?action=1&t=1&islist=false&id=334041633&m=334851624> ; The "Hieleras": A Report On Human & Civil Rights Abuses Committed by U.S. Customs & Border Protection, Americans

Deprivation, not Deterrence.

for Immigrant Justice, August 7, 2013. <http://www.ajjustice.org/the-hieleras-a-report-on-human-civil-rights-abuses-committed-by-u-s-customs-border-protection-2/> , accessed 19 August, 2014.

¹⁰⁸ Customs Border Protection, ICE detainee passes away in south Texas hospital, August 4th, 2014.

<http://m.ice.gov/news/releases/1408/140804laredo.htm?f=m> accessed 8/6/14. Also: 24-year-old ICE detainee passes away in south Texas hospital, 9 HD, Andra Litton, August 4, 2014, <http://www.ktsm.com/news/immigration-crisis/24-year-old-ice-detainee-passes-away-south-texas-hospital> accessed October 15, 2014

¹⁰⁹ Familia acusa a Migración de EE. UU. por muerte de quetzalteco,

http://www.prensalibre.com/quetzaltenango/joven-muere-neumonia-Xela_0_1146485399.html accessed 8/6/14

¹¹⁰ Afghan detainees claim US abuse; Former prisoners say that mistreatment has continued in a "secret" prison on the site of the Bagram military base, Andrew Wander, 15 Oct 2010

<http://www.aljazeera.com/news/asia/2010/10/2010101514217930443.html>

¹¹¹ Salt Pit Death: Gul Rahman, CIA Prisoner, Died Of Hypothermia In Secret Afghanistan Prison, Adam Goldman and Kathy Gannon, 03/28/10, http://www.huffingtonpost.com/2010/03/28/salt-pit-death-gul-rahman_n_516559.html accessed 8/16/2014 .

¹¹² Ousted chief accuses border agency of shooting cover-ups, corruption, Andrew Becker, Center for Investigative Journalism, August 14, 2014. <https://beta.cironline.org/reports/ousted-chief-accuses-border-agency-of-shooting-cover-ups-corruption/> , accessed October 9, 2014

¹¹³ Guatemalan Quetzals were converted at the rate of \$Q 7.55 per \$US 1.00 rate published on May 25, 2014 in XE.com <http://www.xe.com/currencytables/?from=USD&date=2014-05-25> accessed October 17, 2014.

¹¹⁴ Honduran Lempira were converted at the rate of \$ 19.1 Lempira per \$US 1.0 rate published on May 25, 2014 in XE.com <http://www.xe.com/currencytables/?from=USD&date=2014-05-25> accessed October 17, 2014.

¹¹⁵ Graph from WOLA: Adam Isacson.

¹¹⁶ Tucson Sector Family Unit counts (FY 2013 to 7/31/13: 2,281 family units and FY 2014 to 7/31/14: 3,493 Family units:

<http://www.cbp.gov/newsroom/stats/southwest-border-unaccompanied-children>

¹¹⁷ see: 2014 Quadrennial Homeland Security Review, 69 <http://www.dhs.gov/sites/default/files/publications/2014-ghsr-final-508.pdf> accessed 24 September, 2014

¹¹⁸ Mexico: The U.S. Border Patrol's newest hire, Todd Miller, Al Jazeera, October 4th,

<http://america.aljazeera.com/opinions/2014/10/mexico-us-borderpatrolsecurityimmigrants.html>

¹¹⁹ Findings of this report concur with the conclusions of the 2011 report of No More Deaths, *A Culture of Cruelty* which stated that the violations of immigrants' human rights in short term US border custody were "widespread and systemic", in that the Tucson Sector, one of the two busiest sectors in the United States, has not changed their practices since the release of that report, and continue to reap the same violations of human rights.

¹²⁰ For small producer definition by agricultural product, see: Table / Cuadro 1.7 Centroamérica: Áreas por productor de granos básicos, maíz, frijol, arroz, 2005-07 (hectáreas), [Pequeños productores de granos básicos en América Central](#), 12. accessed September 30, 2014

¹²¹ The CLC was enacted as part of the North American Agreement on Labor Cooperation, which implementation of these polices would also eliminate.