

Congress of the United States
Washington, DC 20515

December 13, 2013

The Hon. Rand Beers
Acting Secretary of Homeland Security
U.S. Department of Homeland Security
Washington, D.C. 20528

Dear Acting Secretary Beers,

We, the undersigned, write to respectfully request a meeting to discuss several humanitarian concerns at the U.S. - Mexico border that fall within the authority of the Department of Homeland Security. We are concerned that U.S. enforcement policies have had a negative impact on the lives and safety of migrants at the border. We hope that a meeting will allow for discussion in greater detail about our concerns and provide clarity about Customs and Border Protection's (CBP) plans to address (1) increases in migrant deaths, (2) inadequate short-term custody conditions, and (3) dangerous deportation practices.

Migrant Deaths

In recent years, an alarming number of migrants have died in the U.S. borderlands. Last year, the remains of 463 migrants were found in U.S. territory, the second-highest year for migrant deaths in the past 15 years. Fiscal year 2013 looks to be another alarming year. In a five-month period, between October 2012 and February of 2013, CBP discovered the remains of a staggering 70 human bodies in the Rio Grande Valley sector alone. By adopting some simple and low-cost measures, such as increasing the number of rescue beacons and water drums along the southern U.S. border, particularly in sectors with high numbers of migrant deaths, CBP could help to reduce the frequency of migrant deaths. In order to address this problem, we request:

- A detailed description of CBP programs or plans to reduce the number of migrant deaths at the border; and
- A description of the number and location of rescue beacons and water drums currently in place along the southern U.S. border.

Short-term Custody

In addition, we are also concerned by reports that migrants are being subjected to inhumane conditions while in short-term CBP custody, including in holding cells at Border Patrol stations, checkpoints, ports of entry, and secondary inspection areas. Complaints of CBP misconduct regularly include verbal and physical abuse, denial of medical care, inadequate food and water, due process violations, exposure to extreme temperatures, extended use of bright lights and inadequate provision of space or bedding making sleep impossible, extreme overcrowding, and permanent confiscation of personal items (including legal documents, medication and personal identification). For example, a 2013 University of Arizona survey of deported migrants in five border cities (Tijuana, Mexicali, Nogales, Ciudad Juarez, and Nuevo Laredo) found that 45% of respondents reported not receiving sufficient food while in U.S. custody, 37% reported denial of medical attention, and 39% reported confiscation of personal property, including money and identity documents.¹ In the past three years alone, numerous organizations have issued similar

reports documenting tens of thousands of cases of CBP abuse that are consistent with these findings.ⁱⁱ In order to address this problem we request:

- A list of the number of short-term custody facilities currently used by CBP, including the average number of individuals currently being held in CBP short-term custody on any given day;
- A description of any oversight or inspection apparatus currently in place to ensure that short-term custody facilities meet basic standards;
- Information regarding whether CBP intends to issue updated short-term custody standards or guidance;
- A description of CBP's plans to work with other DHS components and the Department of Justice to improve the process for returning migrants' confiscated belongings; and
- Information regarding CBP's alleged use of "hieleras," or "icebox" cells.ⁱⁱⁱ

Dangerous Deportations

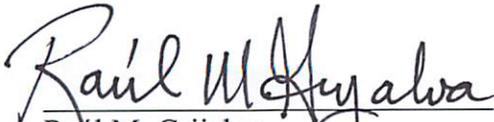
Current CBP deportation practices often separate families and potentially place individuals at risk. Specifically, current CBP deportation practices include repatriating Mexican migrants to border cities with extremely high levels of violence and criminal activity. Additionally, on numerous occasions migrants are returned to Mexico in the middle of the night when basic services are unavailable and most shelters are closed. For example, drug-related violence has exploded in the Mexican state of Tamaulipas with the homicide rate rising to approximately 46 per 100,000, twice the national average. The city of Matamoros, Tamaulipas which borders Brownsville, Texas, has become one of the most turbulent cities in this border state. Deportations to Matamoros, Tamaulipas increased five-fold in the last four years (2009-2012), and the city received a total of 165,549 migrants in this period. The State Department has also recognized the public security threats in this city and restricted the movement of U.S. government employees in Matamoros between 12:00 p.m. and 6:00 a.m. Although this is clearly a dangerous region, some migrants are deported to Matamoros in the middle of the night. Night deportations are not limited to Matamoros. The University of Arizona survey referenced above found that approximately one in five migrants interviewed was deported between 10:00 p.m. and 5:00 a.m. This practice puts deportees at the unnecessary and serious danger of being targeted by cartels and organized crime groups. Hence, ending the night deportations could significantly reduce the risks faced by migrants. In order to ensure humane deportation practices, we request that:

- CBP immediately cease night deportations, and ensure that migrants have access to requisite shelter and services in consultation with local shelters and service providers, and that the security situation and access to basic medical care, shelter and services in Mexican border cities be taken into account in determining where to repatriate Mexican migrants;
- CBP ensure that family units are deported together whenever possible. Specifically, if an individual is repatriated through the Alien Transfer Exit Program (ATEP), he should be asked whether or not he is traveling with family members. If he answers in the affirmative, he should be removed from the ATEP program so that he is deported to the same location as his family members.

Acting Secretary Beers, we recognize the multiple challenges in securing our southern border and the significant efforts undertaken by the Department of Homeland Security to this end. However, U.S. border enforcement policies should not be carried out in a way that puts the lives and safety of migrants at risk.

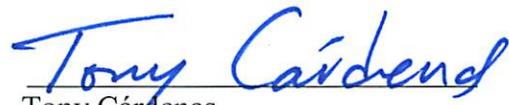
Thank you for your consideration of our concerns, and we look forward to discussing these issues with you.

Sincerely,


Raúl M. Grijalva
Member of Congress


Lucille Roybal-Allard
Member of Congress


Karen Bass
Member of Congress


Tony Cárdenas
Member of Congress

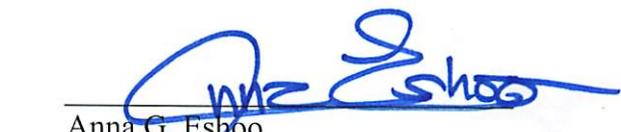

Donna M. Christensen
Member of Congress

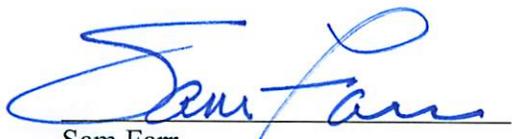

Yvette Clarke
Member of Congress

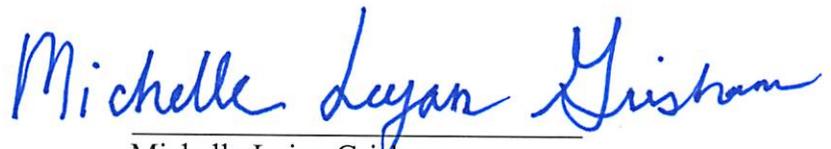

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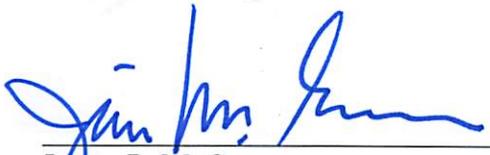

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Marc Veasey

Marc Veasey
Member of Congress

Paula White

Paula White

Joe Farcia

ⁱ See University of Arizona report, *In the Shadow of the Wall: Family Separation, Immigration Enforcement and Security*, p. 24 (March 15, 2013). Available at: http://las.arizona.edu/sites/las.arizona.edu/files/UA_Immigration_Report2013web.pdf

ⁱⁱ See No More Deaths. *Crossing the Line: Human Rights Abuses of Migrants in Short Term Custody on the Arizona Sonora Border*. (September 2008). Available online at: <http://www.nomoredeaths.org/Abuse-Report-Crossing-the-Line/View-category.html>; Binational Defense and Advocacy Program, Northern Border Initiative, *Human Rights Violations of Mexican Migrants Detained in the United States*, May 2010-2011 (Jan. 2012), available at <http://www.lawg.org/storage/documents/Mexico/informe-violaciones-derechos-humanos-pdib-27marzo12.pdf>; Kino Border Initiative, *Documented Failures: The Consequences of Immigration Policy at the U.S.-Mexico Border* (Feb. 13, 2013), available at http://www.iesuit.org/iesuits/wp-content/uploads/Kino_FULL-REPORT_web.pdf (One in four migrants surveyed alleged abuse at the hands of the Border Patrol, more than double the rate of reported abuse by Mexican police, criminal gangs, or any other source.); No More Deaths, *A Culture of Cruelty: Abuse and Impunity In Short-term U.S. Border Patrol Custody* (2011), available at <http://nomoredeaths.org/cultureofcruelty.html> (No More Deaths conducted interviews with 12,895 individuals released from Border Patrol custody. Of those, 10 percent reported physical abuse by CBP agents, including sexual assault, use of chokeholds, and hitting and kicking of detainees, while 13 percent reported verbal abuse, including the use of racial slurs. Only 20 percent of people in custody for more than two days reported receiving food, while the vast majority of those in need of emergency medical care or medications reported being denied treatment. Children reported denial of water at a higher rate than adults.); Amnesty International, *In Hostile Terrain: Human Rights Violations in Immigration Enforcement in the US Southwest* (2012), available at http://www.amnestyusa.org/sites/default/files/ai_inhostileterrain_final031412.pdf; Washington Office on Latin America, *Beyond the Border Buildup: Security and Migrants Along the U.S.-Mexico Border* (Apr. 2012), http://www.seguridadcondemocracia.org/administrador_de_carpetas/biblioteca_virtual/pdf/beyondborderbuildup_wola.pdf

ⁱⁱⁱ See Rachael Bale, "Detained border crossers may find themselves sent to 'the freezers'." Center for Investigative Reporting (Nov. 18, 2013), available at <http://cironline.org/reports/detained-border-crossers-may-find-themselves-sent-to-freezers-5574>; AI Justice, *The "Hieleras": A Report On Human & Civil Rights Abuses Committed by U.S. Customs & Border Protection* (Aug. 7, 2013), available at <http://aijustice.org/the-hieleras-a-report-on-human-civil-rights-abuses-committed-by-u-s-customs-border-protection-2/>