

Congress of the United States

Washington, DC 20515

July 19, 2024

Troy A. Miller
Senior Official Performing the Duties of the
Commissioner
U.S. Customs and Border Protection
1300 Pennsylvania Avenue, N.W.
Washington, DC 20004

Dear Senior Official Performing the Duties of the Commissioner Miller:

We are writing to elevate our ongoing concern regarding U.S. Customs and Border Protection's (CBP) forced trashing and confiscation of vital personal belongings of migrants in its custody, including critically important items such as medications, religious garb, and legal documents. Two recent reports by several non-governmental organizations and the Government Accountability Office (GAO) highlight the extent of the problems and offer responsive, practical policy recommendations. We request a meeting to receive an update on CBP's efforts to implement the GAO's recommendations, with which the Department of Homeland Security (DHS) concurred. This is a key step towards fulfilling CBP's stated commitment to fully respect migrants' personal belongings.

Over the last two years, Members of Congress have repeatedly expressed concern regarding Border Patrol's treatment of migrants' personal belongings. On August 3, 2022, twenty-three Members of Congress wrote to CBP and Immigration and Customs Enforcement (ICE) regarding reported instances of CBP agents confiscating and discarding migrants' documents such as passports, birth certificates, and other confidential documents necessary for their immigration proceedings.¹ On August 17, 2022, another congressional letter was sent after reports that Border Patrol agents in the Yuma and Tucson Sectors were confiscating and discarding Sikh asylum-seekers' religious items, including Sikh turbans.² On November 7, 2022, a request was submitted to the GAO to review CBP's activities, policies, and procedures regarding the handling of individuals' personal property in their custody – the request was granted shortly thereafter.³ Finally, on May 18, 2023, congressional letters were submitted to the Border Patrol Sector Chiefs in the San Diego, El Centro, Yuma, Tucson, El Paso, Big Bend, Del Rio, Laredo, and Rio Grande Valley Sectors, requesting information on sector-specific standards, policies, and procedures relating to the handling of migrants' personal belongings. While CBP has responded in various degrees to these requests for information and oversight actions, humanitarian aid organizations continue

¹ Raúl Grijalva et al., "Rep. Grijalva Leads 22 Members of Congress Demanding Answers from CBP and ICE on Migrants' Missing Documents and Possessions, including Religious Items," Press release, August 3, 2022, <https://grijalva.house.gov/rep-grijalva-leads-22-members-of-congress-demanding-answers-from-cbp-and-ice-on-migrants-missing-documents-and-possessions-including-religious-items-rep-grijalva-lidera-a-22-mie/>.

² The Office of Congressman Joaquin Castro, "Castro, Grijalva, Chu demand accountability from customs and border protection after continued reports of turban confiscations," Press release, August 17, 2022, <https://castro.house.gov/media-center/press-releases/castro-grijalva-chu-demand-accountability-from-customs-and-border-protection-after-continued-reports-of-turban-confiscations>.

³ The Office of Congressman Grijalva, "Rep. Grijalva Requests GAO Review of CBP Handling of Asylum Seekers' Personal Property," Press release, November 7, 2022, <https://grijalva.house.gov/rep-grijalva-requests-gao-review-of-cbp-handling-of-asylum-seekers-personal-property/>.

to report alarming cases of property confiscation. We have yet to see CBP meaningfully address these persistent concerns at the policy level.

In February 2024, a new report was published by the American Civil Liberties Union (ACLU), Kino Border Initiative, ProtectAZ Health, Sikh Coalition, and ACLU affiliates in Arizona, New Mexico, San Diego & Imperial Counties, and Texas, documenting hundreds of instances of forced disposal, confiscation, and other mishandling of migrants' personal belongings while in CBP custody. The issues identified in this report, and the harm caused to migrants and service providers, who assist them upon release, are consistent with reports we hear from our constituents and humanitarian aid organizations supporting migrants in our districts. The report also sheds light on some severe harms that have resulted, including cases of parents forced to seek emergency medical care for their children after Border Patrol confiscated and failed to replace vital medications for serious conditions such as epilepsy.⁴ The agency's failure to replace critical medications confiscated upon a person's release from CBP custody raises the risk of migrants who are forced to seek emergency medical care. This adds to local communities' burden, which are then faced with the need to treat migrants whose health has worsened and whose treatment becomes costly.

On May 23, 2024, the GAO released its report on CBP, U.S. Border Patrol, and the Office of Field Operations (OFO) and their handling of personal property.⁵ We were very concerned by the report's findings, especially instances in which several sectors inexplicably continue to disregard CBP's existing standards, and require all migrants to discard nearly all their personal belongings, retaining only those that can fit into a small flat plastic bag. The report portrays vast inconsistencies across sectors and field locations regarding the type and quantity of items migrants are allowed to retain; inadequate mechanisms for monitoring how sectors and facilities implement guidance for the handling of personal property; and a widespread failure to take even basic steps to inform migrants how to retrieve items that are not returned to them upon their release or transfer.

The GAO offered three recommendations to CBP that, if fully implemented, would go far towards improving CBP's handling of migrants' personal belongings. While we were pleased to see DHS concur with these recommendations and commit to a timetable for their implementation, we urge CBP to take immediate and meaningful steps to support its sectors and field offices in that effort.

As CBP develops new guidance and oversight mechanisms, we request your response to the following questions:

- What steps will CBP take to ensure that its guidance is not open to wide interpretation between sectors and that it is implemented consistently between field locations and sectors?
- What framework will CBP establish to identify migrants' essential personal items?
- To the extent capacity constraints render it difficult to temporarily store and return all of migrants' belongings, what requirements will be imposed on sectors to expand their storage capacity, as some facilities have done successfully, according to the GAO's report? What resources will CBP make available to help them do so?
- What mechanisms does CBP plan to put in place to monitor the implementation of any new guidance?

⁴ American Civil Liberties Union (ACLU) et al., *From Hope to Heartbreak: The Disturbing Reality of Border Patrol's Confiscation of Migrants' Belongings*, 2024, https://www.acluaz.org/sites/default/files/final_reduced_sized_020724_propertyconfiscationreport.pdf.

⁵ Government Accountability Office. (2024). *Southwest Border: Additional Guidance and Monitoring Needed to Improve Cbp's Handling of Personal Property*. (GAO Publication No. 24-106540). Washington, D.C.: U.S. Government Printing Office. Retrieved from <https://www.gao.gov/assets/gao-24-106540.pdf>

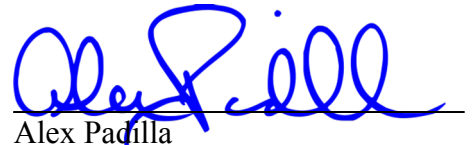
- How does CBP plan on amending policies governing the process for property retrieval, to ensure that all sectors provide written instructions to all migrants upon their release or transfer? How will CBP ensure that these instructions are provided in the person's primary language?
- How does CBP plan to ensure that its treatment of migrants' religious items and garb is in full compliance with the Religious Freedom Restoration Act?
- How does CBP plan to amend its policies governing the treatment of migrants' medications and medical devices to prevent lapses in medical care that are occurring because Border Patrol confiscates and fails to return or replace migrants' medical items? Specifically, what steps will CBP take to ensure that even in cases where Border Patrol deems it necessary to confiscate migrants' medications and medical devices, they are being provided a reasonable supply of replacement medication to carry with them upon their release or transfer?

Thank you for your attention to this important matter. We must ensure that all people in your custody are treated with dignity and that they never have to fear that their personal belongings will be mishandled or never returned. We must ensure that all sectors and field offices adopt uniform policies and procedures that safeguard migrants' personal belongings at all stages. We look forward to your prompt response.

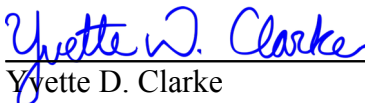
Sincerely,



Raúl M. Grijalva
Member of Congress




Alex Padilla
United States Senator



Yvette D. Clarke
Member of Congress



Eleanor Holmes Norton
Member of Congress



Henry C. "Hank" Johnson, Jr.
Member of Congress



Joaquin Castro
Ranking Member
Subcommittee on the Western
Hemisphere
House Committee on Foreign
Affairs



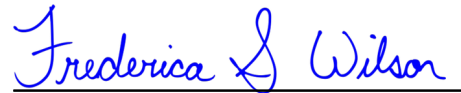
Nanette Diaz Barragán
Member of Congress



Delia C. Ramirez
Member of Congress



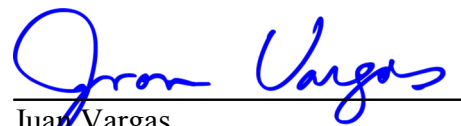
James P. McGovern
Member of Congress




Frederica S. Wilson
Member of Congress



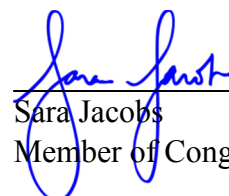
Katie Porter
Member of Congress



Juan Vargas
Member of Congress



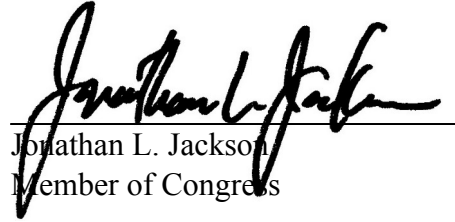
J. Luis Correa
Member of Congress



Sara Jacobs
Member of Congress



Dan Goldman
Member of Congress



Jonathan L. Jackson
Member of Congress



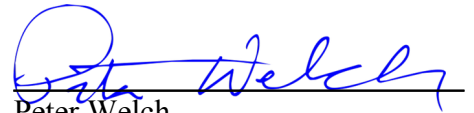
Shri Thanedar
Member of Congress



Raphaela Butler
United States Senator



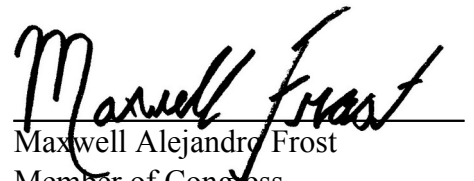
Jamaal Bowman, Ed.D.
Member of Congress



Peter Welch
United States Senator



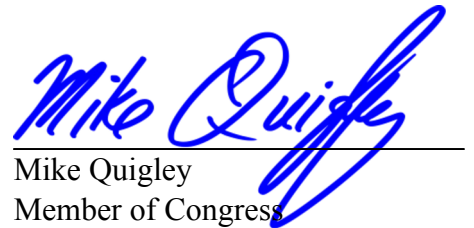
Jesús G. "Chuy" García
Member of Congress



Maxwell Alejandro Frost
Member of Congress



Cori Bush
Member of Congress



Mike Quigley
Member of Congress



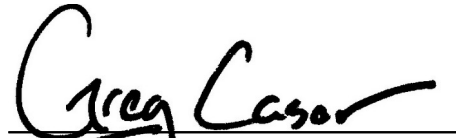
Tony Cardenas
Member of Congress



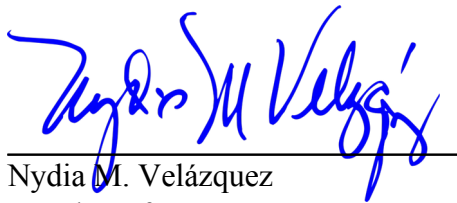
Tammy Duckworth
United States Senator



Sheria Jackson Lee
Member of Congress



Greg Casar
Member of Congress



Nydia M. Velázquez
Member of Congress



Grace F. Napolitano
Member of Congress



MARK TAKANO
Member of Congress