

Crossing the Line

Human Rights Abuses of Migrants in Short-Term Custody on the Arizona/Sonora Border

In September 2008 No More Deaths released “Crossing the Line,” a report documenting human rights abuses suffered by migrants while in the custody of the United States Border Patrol. No More Deaths has provided humanitarian aid to migrants in the Southern Arizona desert for five years; in 2006, No More Deaths began to provide such assistance at Ports of Entry to those returned by United States immigration enforcement agencies. Many arrive at the aid stations with stories and visible evidence of the mistreatment they have experienced while in the custody of the Department of Homeland Security. Common examples include:

Physical & Verbal Abuse in Agua Prieta

A group of 15 migrants, including 3 women and 2 teenage boys, were detained by the Border Patrol while crossing the desert. The agents who detained them made them run for 30 minutes, telling them that this would discourage them from crossing again. If they stopped running, the agents would kick them to force them to run again.

Physical Abuse & Failure to Provide Medical Care in Nogales

Three women sought treatment for injuries sustained while crossing. All reported that the agents who apprehended them had pushed them into cacti as they were walking in custody. None had received treatment for blisters, trauma, or cactus spines.

Denial of Water in Agua Prieta

A group of 9 was in detention from 6pm to 8:30 am. The jail was very cold and they were not provided with food or water. Maria begged for water for her two children, ages 6 and 9, and the BP officers drank in front of them and refused to provide any water for her children or the others.

The hundreds of cases of abuse No More Deaths have documented highlight the importance of including short-term facilities in any review of the immigration detention system. Focusing only on the abysmal conditions found in Immigration and Customs Enforcement detention facilities will not address the daily violations of human and civil rights that result from ICE and Border Patrol practices during short-term (up to 72 hours) apprehension, processing and repatriation. There are currently no uniform, public, and enforceable regulations of short-term custody, nor independent oversight of the treatment of those detained.

No More Deaths' Documentation Identifies 12 Primary Areas of Concern

- 1) the failure to respect the basic dignity of migrants;
- 2) the routine failure to provide and the denial of water;
- 3) the routine failure to provide and the denial of food;
- 4) the failure to provide medical treatment and access to medical professionals;
- 5) inhumane processing center conditions;
- 6) pervasive verbal abuse;
- 7) pervasive physical abuse;
- 8) dangerous transportation practices;
- 9) the separation of family members;
- 10) the repatriation of children, women, and the vulnerable at night;
- 11) the failure to return belongings to migrants prior to repatriation; and,
- 12) the failure to inform migrants of their rights, coercing them to sign forms, and failing to provide copies of these forms to the migrant in a language they understand.

No More Deaths proposes the following standards and system of oversight to ensure the basic rights and dignity of migrants in Border Patrol custody. These standards shall apply to all stages of contact between Border Patrol agents (as well as employees of outside companies contracted by DHS) and detained migrants which include:

- apprehension in the field;
- detention at the processing centers;
- transportation;
- and repatriation at the Ports of Entry.

Recommended Standards for Short-Term Border Patrol Custody

- **Adequate Access to Water:** Immediately upon contact, all migrants will be offered potable water. Sufficient water will always be made available in a sanitary manner.
- **Adequate Access to Food:** All migrant will be provided with a minimum of basic snack mixes, a minimum of one meal while at the processing center, and subsequent meals if held for more than eight hours.
- **Humane and Sanitary Processing Center Conditions:** Migrants shall have access to toiletries and a clean blanket. Temperature shall be kept at comfortable levels. Sanitation inspections shall occur on a regular basis. Searches shall always be conducted by an agent of the same gender.
- **Upholding Due Legal Process:** Upon admission, migrants shall be informed of their rights in a language they understand and all paperwork must be provided in their native language and signed without coercion.
- **Access to Medical Treatment:** Each migrant will be medically screened by a licensed medical personnel, and no necessary treatment shall be denied. All open wounds and blisters shall be attended to before repatriation.
- **Safe Transportation Practices:** Transportation shall always be at a safe speed that takes into account road and weather conditions. Migrants shall not be overcrowded beyond manufacturer recommendations for the vehicle, and shall not be shackled without seatbelts.
- **Humane Repatriation and Deportation Practices:** Family members shall be processed and repatriated together and through the same Port of Entry. Mothers shall never be separated from their children, especially when breastfeeding. Repatriations shall not occur during nighttime hours. All identity documents and personal property shall be returned to migrants during repatriation.
- **Independent Oversight of Enforcement:** Appropriate disciplinary measures will be established for agents who violate these standards. A community oversight committee shall work in partnership with DHS to monitor the enforcement of the standards. The committee shall be staffed with medical and legal professionals and individuals who work in the area of human and migrant rights.

This is only a brief summary of the proposed standards. The complete text is available at:
<http://www.nomoredeaths.org/custodystandards>.

Please feel free to contact the campaign at: custodystandards@nomoredeaths.org.