

March 4, 2020

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**Re: U.S. Customs and Border Protection and Border Patrol's Abuse and Mistreatment of Detained Pregnant People – Addendum to Complaint of January 22, 2020**

The American Civil Liberties Union Foundation of San Diego & Imperial Counties, the ACLU Border Rights Center, and the ACLU National Prison Project (together, “ACLU”) hereby submit this letter and attached spreadsheet as an addendum to the complaint filed on January 22, 2020 with the Department of Homeland Security’s Office of Inspector General (“DHS OIG”),<sup>1</sup> regarding U.S. Customs and Border Protection (“CBP”)’s mistreatment of detained pregnant people.<sup>2</sup> By way of this addendum, the ACLU reiterates its request that DHS OIG undertake a review based on the information contained in the underlying complaint and the additional material provided herein.

In December 2019, the ACLU National Prison Project filed a Freedom of Information Act (“FOIA”) request regarding the treatment of pregnant people in CBP custody.<sup>3</sup> In response to a

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<sup>1</sup> The ACLU’s underlying complaint, addressing CBP’s abuse and mistreatment of pregnant people, is appended to this letter as Exhibit A, and also available online here: <https://www.aclusandiego.org/wp-content/uploads/2020/01/2020-01-22-OIG-Complaint-1-FINAL-1.pdf>. On February 20, 2020, DHS OIG issued a form “response” to the ACLU’s complaint, which is appended to this letter as Exhibit B. This response does not address any of the substance of the ACLU’s complaint, nor provide a clear timeline for such a response.

<sup>2</sup> CBP is the largest law enforcement agency in the United States, with over 60,000 officers. Border Patrol is a subcomponent of CBP. Throughout this complaint, reference to CBP includes Border Patrol.

<sup>3</sup> AM. CIVIL LIBERTIES UNION NATIONAL PRISON PROJECT, RE: FOIA REQUEST RELATED TO CBP TREATMENT OF PREGNANT INDIVIDUALS AND PROVISION OF REPRODUCTIVE HEALTH CARE (Dec. 2019), [https://www.aclu.org/sites/default/files/field\\_document/2019-12-06\\_cbp\\_repro\\_foia\\_filed.pdf](https://www.aclu.org/sites/default/files/field_document/2019-12-06_cbp_repro_foia_filed.pdf)

partial search for just one item of the ACLU's request, the DHS FOIA Office produced a spreadsheet from DHS's Office for Civil Rights and Civil Liberties ("CRCL") ("the CRCL spreadsheet").<sup>4</sup> The CRCL spreadsheet contains forty-two cases involving CBP's alleged mistreatment of pregnant persons.<sup>5</sup> The most recent cases included on the CRCL spreadsheet are dated September 2019.<sup>6</sup>

In combination with the information included in the ACLU's January 22, 2020 DHS OIG complaint, these cases further demonstrate the pervasiveness of CBP's mistreatment of pregnant persons. The CRCL spreadsheet includes accounts of CBP harassment of pregnant persons at airports, internal checkpoints, land border ports of entry, and within CBP detention facilities.<sup>7</sup> Seven of the cases involve family separation and seven cases involve pregnant unaccompanied minors. Reported conduct ranges from verbal abuse to physical assault to failed provision of medical care.

Some of the accounts involving mistreatment or neglect of pregnant people included in the CRCL spreadsheet are as follows:

- On December 21, 2017, CRCL received an email referral from ORR regarding the case of a pregnant seventeen-year-old who allegedly was separated from her mother while in DHS custody in Eagle Pass, Texas on December 18, 2017. At the time of separation, the minor was five months pregnant.<sup>8</sup>

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<sup>4</sup> DHS's Privacy Office issued a "final" response letter to the ACLU's FOIA request, even though the letter confirms that DHS searched for just one of the categories of records listed in that FOIA request. *See* Exhibit C, appended hereto, also available online here: <https://www.aclu.org/letter/dhs-response-national-prison-projects-foia-request>. The CRCL spreadsheet is appended to this letter as Exhibit D and also available online here: <https://www.aclu.org/legal-document/cbp-matters-related-pregnancy>.

<sup>5</sup> The CRCL spreadsheet contains forty-five rows referred to as "DHS matters," but three appear to be duplicates. For purposes of this letter we refer to each "DHS matter" as a case before the department. The document therefore contains 42 separate cases reported to the department.

<sup>6</sup> The ACLU recognizes that row 38 of the CRCL spreadsheet is related to a September 2019 complaint the ACLU itself filed with both DHS OIG and CRCL regarding pregnant women subjected to the so-called "Migrant Protection Protocols" (also known as the "Remain in Mexico" program). Seven additional rows reference complaints filed by other non-profit organizations that may have also been filed with DHS OIG. Four other rows reference cases documented in public media reports, of which DHS OIG may also already be aware. Notably, fifteen cases were reported to CRCL from other federal agencies and officials, including the U.S. Department of Health & Human Services ("HHS") Office of Refugee Resettlement ("ORR") and U.S. Citizenship and Immigration Services Asylum Division. Sixteen other cases appear to be direct complaints to CRCL from impacted individuals or families.

<sup>7</sup> Case descriptions in the CRCL spreadsheet are not universally clear regarding the location of the alleged conduct. The ACLU's review indicates that approximately fourteen cases involve conduct at a land port of entry, eight at airports, one at an internal checkpoint, and nineteen at DHS detention facilities.

<sup>8</sup> *See* row 8 of CRCL spreadsheet.

- On August 15, 2018, CRCL received an email from a Texas non-profit organization regarding a woman in CBP custody who experienced a miscarriage after officers denied her requests for medical care over three days of persistent bleeding. One officer allegedly ignored her request for assistance, and another simply provided Kotex pads. Despite her condition, CBP officers placed her in handcuffs for criminal proceedings regarding her entry, at which time she was able to report her continued bleeding to her federal public defender.<sup>9</sup>
- On October 16, 2018, CRCL received a CBP Info Center referral regarding alleged CBP misconduct during a search at the Paso del Norte port of entry in El Paso, Texas. The complaint alleges CBP grabbed the “privates” of a woman who was five months pregnant during a pat down, forced her to squat several times, and asked her to urinate in a toilet. The woman reported feeling “traumatized” by the experience. The searches found no contraband and CBP allowed the woman to travel on.<sup>10</sup>
- On April 10, 2019, CRCL received a CBP Info Center referral regarding alleged CBP misconduct towards a family, including a pregnant mother, at the Ambassador Bridge port of entry in Detroit, Michigan. The complaint alleges that fifteen CBP officers surrounded their vehicle and groped the pregnant woman and her 15-month-old child in their genital areas during a search of the family and vehicle. The father described the officers as racist, unprofessional, and inadequately trained.<sup>11</sup>

The CRCL spreadsheet also includes summaries of accounts indicating inappropriate prejudicial mistreatment of people who are perceived to be, or to have been, pregnant, and unlawful discrimination based on race or ethnicity. For example:

- On February 8, 2018, CRCL received an email referral through the CBP INFO Center from a pregnant woman regarding an alleged instance of discrimination based on race and ethnicity against her and her husband by CBP officers at the Rio Grande Valley Sector, Falfurrias Station internal checkpoint in Texas. The woman alleges that five to seven CBP officers surrounded the couple’s vehicle, demanding they exit. The officers allegedly mocked her husband’s accent (he is Syrian), and verbally

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<sup>9</sup> See row 13 of CRCL spreadsheet.

<sup>10</sup> See row 17 of CRCL spreadsheet.

<sup>11</sup> See row 22 of CRCL spreadsheet.

harassed them saying, “You have no right to be here,” “you are not welcome here,” and “nobody gives a fuck who you are.”<sup>12</sup>

- On May 23, 2019, CRCL received a referral from ORR regarding allegations by an unaccompanied minor who CBP officers denied medical attention. CBP officers ignored the child’s pleas for medical assistance by accusing the child of being pregnant. After arriving at the ORR facility, the child was hospitalized. Her medical condition had worsened in CBP custody, where she received no medical treatment.<sup>13</sup>
- On June 24, 2019, CRCL received an email referral through the CBP INFO Center regarding CBP misconduct at the Santa Teresa, New Mexico port of entry. The complainant stated that CBP officers searching her and her car asked inappropriate questions, including if she was pregnant, if she was on her period, how many children she had given birth to, and whether her births had been vaginal births.<sup>14</sup>

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We implore DHS OIG to conduct an immediate review of CBP’s treatment of pregnant people and issue recommendations to improve CBP and Border Patrol policies. At a minimum, we call on DHS OIG to adopt the recommendations detailed in Section IV of the ACLU’s January 22, 2020 complaint.

Thank you for your time and careful attention to this submission. We look forward to your timely response.

Sincerely,

**ACLU National Prison Project**

Eunice Hyunhye Cho, Senior Staff Attorney

**ACLU Foundation of San Diego & Imperial Counties**

Mitra Ebadolahy, Senior Staff Attorney

**ACLU Border Rights Center**

Shaw Drake, Policy Counsel

Astrid Dominguez, Director

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<sup>12</sup> See row 9 of CRCL spreadsheet.

<sup>13</sup> See row 25 of CRCL spreadsheet.

<sup>14</sup> See row 32 of CRCL spreadsheet.

# Exhibit A

January 22, 2020

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**Re: U.S. Customs and Border Protection and Border Patrol's Abuse and Mistreatment of Detained Pregnant People**

**I. Introduction**

The American Civil Liberties Union Foundation of San Diego & Imperial Counties and the ACLU Border Rights Center (together, "ACLU") hereby submit this administrative complaint to the Department of Homeland Security's Office of Inspector General ("DHS OIG"), regarding U.S. Customs and Border Protection ("CBP")'s mistreatment of detained pregnant people.<sup>1</sup> The ACLU requests that DHS OIG undertake a review based on the information contained in this complaint, which is the first in a series of four total complaints addressing the agency's abuse and neglect of detainees.<sup>2</sup>

This complaint is derived from interviews the ACLU completed between March and July 2019 with people in San Diego and Tijuana who recently had been released from CBP custody.<sup>3</sup> During the course of these interviews, individuals related instances of heinous abuse or neglect by CBP officials, including Border Patrol agents.

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<sup>1</sup> CBP is the largest law enforcement agency in the United States, with over 60,000 officers. Border Patrol is a subcomponent of CBP. Throughout this complaint, reference to CBP includes Border Patrol.

<sup>2</sup> Unless otherwise noted, the abuses described here occurred in Border Patrol stations, although some of the people the ACLU interviewed for this project also had been detained by CBP's Office of Field Operations ("OFO") at a port of entry. Neither CBP nor Border Patrol provides detainees with clear information regarding where they are detained (or on what authority), and detainees are sometimes transferred between facilities. Thus, it is not uncommon for individuals to express confusion after release when asked where and by whom they were detained. For these reasons, the complaints in this series may include some accounts stemming from CBP OFO custody rather than Border Patrol custody.

<sup>3</sup> During this time period, the ACLU interviewed 103 individuals. To prepare this account, the ACLU reviewed a subset of the interviews completed (i.e., interviews with pregnant people), and selected a small sample of those interviews for inclusion in this complaint. Although the narratives included here reflect some of the most egregious instances of CBP's abuse and neglect of pregnant detainees, they also echo recurring themes of mistreatment consistently reported by pregnant people to the ACLU.

These reports are especially concerning given that most of these individuals are asylum seekers who had already endured significant trauma in fleeing their homelands to escape persecution. Many such immigrants experience sexual violence during a harrowing journey north to the United States and while trying to survive in northern Mexican border towns with limited or no means to secure shelter, food, or safety.<sup>4</sup> When taken into CBP custody, these vulnerable individuals experienced further abuse and neglect that exacerbated their pre-existing trauma.

CBP's failure to adhere to the maximum detention periods set forth in its own policies aggravate these harms. CBP facilities are only intended to be used for short-term custody. Many of these facilities—including almost all Border Patrol stations—lack beds, showers, or full-time medical care staff. Cognizant of these structural deficiencies, CBP policy states that detainees “should generally not be held for longer than 72 hours in CBP hold rooms or holding facilities.”<sup>5</sup> Border Patrol policy is more restricted still, stating “[w]henver possible, a detainee should not be held for more than 12 hours.”<sup>6</sup>

The TEDS standards and Border Patrol Short-Term Custody policy establish a “floor”—that is, the bare *minimum* guidelines with which CBP must comply.<sup>7</sup> CBP, however, routinely

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<sup>4</sup> Unlawful U.S. policies that interfere with an individual's statutory and regulatory rights to seek asylum in the United States have exacerbated these dangers. *See, e.g.,* Jason Kao & Denise Lu, *How Trump's Policies Are Leaving Thousands of Asylum Seekers Waiting in Mexico*, N.Y. TIMES, Aug. 18, 2019, <https://www.nytimes.com/interactive/2019/08/18/us/mexico-immigration-asylum.html> (describing metering and “Remain in Mexico”—a.k.a. “Migrant Protection Protocols”—program).

<sup>5</sup> U.S. CUSTOMS AND BORDER PROTECTION, NAT'L STANDARDS ON TRANSPORT, ESCORT, DETENTION, AND SEARCH, at § 4.1 (Oct. 2015) [hereinafter “TEDS”], <https://www.cbp.gov/document/directives/cbp-national-standards-transport-escort-detention-and-search>.

<sup>6</sup> U.S. BORDER PATROL, DETENTION STANDARDS: HOLD ROOMS AND SHORT TERM CUSTODY, REFERENCE NO. 08-11267, at § 6.2.1 (Jan. 31, 2008) [hereinafter “Border Patrol Short-Term Custody Policy”], <https://www.documentcloud.org/documents/818095-bp-policy-on-hold-rooms-and-short-term-custody.html>.

CBP OFO also has a hold room policy, but the only publicly available version of this policy the ACLU has been able to identify is heavily redacted. *See* U.S. CUSTOMS AND BORDER PROTECTION, DIRECTIVE NO. 3340-030B, SECURE DETENTION, TRANSPORT AND ESCORT PROCEDURES AT PORTS OF ENTRY, at 5–8 (rev. Aug. 2011), [https://www.americanimmigrationcouncil.org/sites/default/files/foia\\_documents/access\\_to\\_counsel\\_cbp\\_requests\\_and\\_documents\\_4-9-13.pdf](https://www.americanimmigrationcouncil.org/sites/default/files/foia_documents/access_to_counsel_cbp_requests_and_documents_4-9-13.pdf).

<sup>7</sup> According to a 2016 Government Accountability Office report, “[t]he TEDS policy is intended as a foundational document” to be supplemented with more detailed policies developed by CBP subcomponents. *See* U.S. GOV'T ACCOUNTABILITY OFF., GAO-16-514, IMMIGRATION DETENTION: ADDITIONAL ACTIONS NEEDED TO STRENGTHEN DHS MANAGEMENT OF SHORT-TERM HOLDING FACILITIES, at 9 n.14 (May 2016), <https://www.gao.gov/assets/680/677484.pdf>. As far as we can tell, however, CBP has not made more detailed policies available to the public.

CBP policies also operate against the backdrop of federal statutes and regulations that bind the agency to certain standards of care. For example, CBP's TEDS cites the following additional authorities: 19 U.S.C. §§ 482, 1461, 1581, 1582, & 1589a; 8 C.F.R. §§ 232, 235, 236, & 287; 6 C.F.R. § 115; Standards To Prevent, Detect, and Respond to Sexual Abuse and Assault in Confinement Facilities, 79 F.R. 13100 (Mar. 7, 2014) (to be codified at 6 C.F.R. pt. 115); and the Immigration and Nationality Act, Pub. L. No. 82-414, § 101, 66 Stat. 163, 167 (1952) (codified as amended at 8

disregards these minimum standards.<sup>8</sup> For example, a July 2019 DHS OIG report found that, of 8,000 individuals detained by Border Patrol in the Rio Grande Valley, 3,400 (42.5 percent) were held in excess of 72 hours.<sup>9</sup> More troubling still: 1,500 individuals (18.75 percent) were detained for *more than ten days*.<sup>10</sup> Consistent with these reports, the ACLU's investigation likewise indicated that CBP officials frequently exceed these detention limits. Most individuals we interviewed had spent at least four or five days in CBP custody. One individual we spoke with had been detained for *eighteen* days. Overlong detentions not only transgress agency policies, but also facilitate detainee neglect and mistreatment, which may violate the United States Constitution.<sup>11</sup>

As noted, Border Patrol stations lack bedding, showers, and staff trained to interact with or assist traumatized or otherwise vulnerable populations. People held in these facilities endure freezing

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U.S.C. § 1101). The TEDS also reference other CBP policies, including: U.S. CUSTOMS AND BORDER PROTECTION OFF. OF FIELD OPERATIONS, CIS HB 3300-04B, PERSONAL SEARCH HANDBOOK (2004), [https://foiarr.cbp.gov/docs/Manuals\\_and\\_Instructions/2009/283167437\\_7/1102030829\\_Personal\\_Search\\_Handbook\\_2.pdf](https://foiarr.cbp.gov/docs/Manuals_and_Instructions/2009/283167437_7/1102030829_Personal_Search_Handbook_2.pdf); U.S. CUSTOMS AND BORDER PROTECTION OFF. OF TRAINING AND DEV., HB 4500-01C, USE OF FORCE POLICY, GUIDELINES AND PROCEDURES HANDBOOK (2014), <https://www.cbp.gov/sites/default/files/documents/UseofforcePolicyHandbook.pdf>; U.S. CUSTOMS AND BORDER PROTECTION, DIRECTIVE NO. 3340-030B, SECURE DETENTION, TRANSPORT AND ESCORT PROCEDURES AT PORTS OF ENTRY, at 5–8 (rev. Aug. 2011), [https://www.americanimmigrationcouncil.org/sites/default/files/foia\\_documents/access\\_to\\_counsel\\_cbp\\_requests\\_and\\_documents\\_4-9-13.pdf](https://www.americanimmigrationcouncil.org/sites/default/files/foia_documents/access_to_counsel_cbp_requests_and_documents_4-9-13.pdf); Border Patrol Short-Term Custody Policy, *supra* note 6; U.S. CUSTOMS AND BORDER PROTECTION, CBP POLICY ON NONDISCRIMINATION IN LAW ENFORCEMENT ACTIVITIES AND ALL OTHER ADMINISTERED PROGRAMS (2017), <https://www.cbp.gov/about/eeo-diversity/policies/nondiscrimination-law-enforcement-activities-and-all-other-administered>.

<sup>8</sup> See, e.g., AM. IMMIGRATION COUNCIL, DETAINED BEYOND THE LIMIT: PROLONGED CONFINEMENT BY U.S. CUSTOMS AND BORDER PROTECTION ALONG THE SOUTHWEST BORDER, at 5–6 (Aug. 2016), [https://www.americanimmigrationcouncil.org/sites/default/files/research/detained\\_beyond\\_the\\_limit.pdf](https://www.americanimmigrationcouncil.org/sites/default/files/research/detained_beyond_the_limit.pdf) (finding, for period between September 1, 2014 and August 31, 2015: 67 percent of total number of individuals detained in CBP facilities across the southwest border were held for 24 hours or longer; 29 percent for 48 hours or longer; and 14 percent for 72 hours or longer).

<sup>9</sup> DEP'T OF HOMELAND SEC., OFFICE OF INSPECTOR GENERAL, MANAGEMENT ALERT – DHS NEEDS TO ADDRESS DANGEROUS OVERCROWDING AND PROLONGED DETENTION OF CHILDREN AND ADULTS IN THE RIO GRANDE VALLEY, at 2–3 (July 2, 2019), <https://www.oig.dhs.gov/sites/default/files/assets/2019-07/OIG-19-51-Jul19.pdf>.

<sup>10</sup> *Id.* at 2–3. See also, e.g., OVERCROWDING AND PROLONGED DETENTION AT CBP FACILITIES: HEARING BEFORE THE H. COMM. ON THE JUDICIARY, 116<sup>TH</sup> CONGRESS (2019), <https://judiciary.house.gov/legislation/hearings/overcrowding-and-prolonged-detention-cbp-facilities>.

<sup>11</sup> See, e.g., *Gordon v. Cty. of Orange*, 888 F.3d 1118, 1124 (9th Cir. 2018), *cert. denied sub nom. Cty. of Orange, Cal. v. Gordon*, 139 S. Ct. 794 (2019) (due process right to challenge inadequate medical care for pretrial detainees); see also, e.g., *J.P. v. Sessions*, No. CV-1806081-JAK-SKx, 2019 WL 6723686, at \*32–33 (C.D. Cal. Nov. 5, 2019) (quoting *Gordon*, 888 F.3d at 1124–25) (granting preliminary injunction and holding plaintiffs likely to succeed on due process claim arising out of defendants' failure to provide adequate health care to immigration detainees subject to family separation policy); *Doe v. Johnson*, No. CV-15-00250-TUC-DCB, 2016 WL 8188563, at \*13–15 (D. Ariz. Nov. 18, 2016), *clarified on denial of reconsideration*, No. CV-15-00250-TUC-DCB, 2017 WL 467238 (D. Ariz. Jan. 3, 2017), *aff'd sub nom. Doe v. Kelly*, 878 F.3d 710 (9th Cir. 2017) (noting constitutional entitlement to adequate health care in CBP facilities).



temperatures, inedible food (spoiled or frozen), insufficient potable water, overcrowding, and deprivation of medicine and basic hygienic supplies.<sup>12</sup> In light of these structural deficiencies and inhumane conditions, it is the ACLU's position that **these facilities are categorically unsuitable and inappropriate for any period of detention beyond the time required for initial processing, which should in no case exceed 12 hours.**

Our investigation corroborated a well-documented culture of cruelty, willful negligence, and impunity throughout CBP.<sup>13</sup> It also highlighted the failure of existing agency policies to provide sufficient humanitarian and legal safeguards to protect detainees. Across accounts from recent detainees, four themes emerged: (1) mistreatment of pregnant people, (2) mistreatment and neglect of sick children, (3) family separations, and (4) verbal abuse. As noted, this complaint is the first in a four-part series that will address each theme in turn.

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<sup>12</sup> Journalists, advocates, and non-governmental organizations have documented CBP detention conditions extensively over the past decade. See, e.g., Zolan Kanno-Youngs, *Squalid Conditions at Border Detention Centers, Government Report Finds*, N.Y. TIMES, July 2, 2019, <https://www.nytimes.com/2019/07/02/us/politics/border-center-migrant-detention.html>; Dara Lind, *The Horrifying Conditions Facing Kids in Border Detention, Explained*, VOX, June 25, 2019, <https://www.vox.com/policy-and-politics/2019/6/25/18715725/children-border-detention-kids-cages-immigration>; Sheri Fink & Caitlin Dickerson, *Border Patrol Facilities Put Detainees With Medical Conditions at Risk*, N.Y. TIMES, Mar. 5, 2019, <https://www.nytimes.com/2019/03/05/us/border-patrol-deaths-migrant-children.html>; UNIV. OF CHICAGO L. SCHOOL INT'L HUM. RIGHTS CLINIC, ACLU BORDER LITIGATION PROJECT & ACLU BORDER RIGHTS CENTER, *NEGLECT AND ABUSE OF UNACCOMPANIED IMMIGRANT CHILDREN BY U.S. CUSTOMS AND BORDER PROTECTION*, at 16–27 (May 2018), <https://bit.ly/2zRynCa>; AM. IMMIGRATION COUNCIL, *HIELERAS (ICEBOXES) IN THE RIO GRANDE VALLEY SECTOR: LENGTHY DETENTION, DEPLORABLE CONDITIONS, AND ABUSE IN CBP HOLDING CELLS* (Dec. 2015), <https://www.americanimmigrationcouncil.org/research/hieleras-iceboxes-rio-grande-valley-sector>; AM. IMMIGRATION COUNCIL, *WAY TOO LONG: PROLONGED DETENTION IN BORDER PATROL HOLDING CELLS, GOVERNMENT RECORDS SHOW* (June 10, 2015), <https://www.americanimmigrationcouncil.org/research/way-too-long-prolonged-detention-border-patrol-holding-cells-government-records-show>; AMERICANS FOR IMMIGRANT JUSTICE, *THE “HIELERAS”: A REPORT ON HUMAN AND CIVIL RIGHTS ABUSES COMMITTED BY U.S. CUSTOMS AND BORDER PROTECTION* (Aug. 7, 2013), <http://www.aijustice.org/the-hieleras-a-report-on-human-civil-rights-abuses-committed-by-u-s-customs-border-protection-2/>; NO MORE DEATHS, *A CULTURE OF CRUELTY: ABUSE AND IMPUNITY IN SHORT-TERM U.S. BORDER PATROL CUSTODY* (2011), <https://nomoredeaths.org/abuse-documentation/a-culture-of-cruelty/>.

<sup>13</sup> See, e.g., John Washington, *“Kick Ass, Ask Questions Later”: A Border Patrol Whistleblower Speaks Out About Culture of Abuse Against Migrants*, INTERCEPT, Sept. 20, 2018, <https://theintercept.com/2018/09/20/border-patrol-agent-immigrant-abuse/>; Sarah Macaraeg, *The Border Patrol Files: Border Patrol Violence: U.S. Paid \$60m to Cover Claims Against the Agency*, GUARDIAN (U.S.), May 1, 2018, <https://www.theguardian.com/world/2018/may/01/border-patrol-violence-us-paid-60m-to-cover-claims-against-the-agency>; Charles Davis, *U.S. Customs and Border Protection Has Killed Nearly 50 People in 10 Years. Most Were Unarmed.*, NEW REPUBLIC, Jan. 4, 2015, <https://newrepublic.com/article/120687/border-patrol-officers-get-impunity-anonymity-immigrant-killings>; Garrett M. Graff, *The Green Monster: How the Border Patrol Became America's Most Out-of-Control Law Enforcement Agency*, POLITICO, Nov./Dec. 2014, <https://www.politico.com/magazine/story/2014/10/border-patrol-the-green-monster-112220>; Carrie Johnson, *Former Border Protection Insider Alleges Corruption, Distortion in Agency*, NAT'L PUB. RADIO, Aug. 28, 2014, <https://www.npr.org/2014/08/28/343748572/former-border-protection-insider-alleges-corruption-distortion-in-agency>.

## II. CBP Mistreatment of Pregnant People<sup>14</sup>

In recent years, the Department of Homeland Security has elected to detain increasing numbers of pregnant people, who have greater medical and physical care needs.<sup>15</sup> Prolonged detention in CBP facilities without access to essential amenities (such as beds or showers) or care from trained medical professionals puts pregnant people at risk of dire health outcomes (including miscarriages and stillbirths).<sup>16</sup>

CBP's existing policies are woefully inadequate to safeguard this particularly vulnerable population. The TEDS standards require officials to assess whether an individual is pregnant during initial processing and to evaluate whether special procedures for "at-risk" individuals apply.<sup>17</sup> Although "at-risk" detainees "may require additional care or oversight," the TEDS standards do not specify what type of additional care or oversight should be provided.<sup>18</sup> The TEDS standards require CBP to offer pregnant detainees "a snack upon arrival and a meal at least six hours thereafter," and "regular access to snacks, milk, and juice."<sup>19</sup> Pregnant detainees are not to be shackled or X-rayed.<sup>20</sup> The ACLU has identified no other express provisions in publicly available CBP or Border Patrol detention policies addressing care of pregnant detainees.

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<sup>14</sup> This complaint refers to "pregnant people" because transgender and non-binary people can also get pregnant. Many transgender men or nonbinary individuals retain their reproductive organs and, as a result, their capacity to become pregnant. See, e.g., J.S. Brandt et al., *Abstract: Transgender men, pregnancy, and the "new" advanced paternal age: A review of the literature*, MATURITAS (Oct. 2019), <https://www.ncbi.nlm.nih.gov/pubmed/31561817>.

<sup>15</sup> See, e.g., Maria Sacchetti, *Pregnant Immigration Detainees Spiked 52 Percent Under Trump Administration*, WASH. POST, Dec. 5, 2019, [https://www.washingtonpost.com/immigration/pregnant-immigration-detainees-spiked-52-percent-under-trump-administration/2019/12/05/610ed714-16bb-11ea-8406-df3c54b3253e\\_story.html](https://www.washingtonpost.com/immigration/pregnant-immigration-detainees-spiked-52-percent-under-trump-administration/2019/12/05/610ed714-16bb-11ea-8406-df3c54b3253e_story.html); Rochelle Garza, *Trump's War on Asylum-Seekers is Endangering Pregnant Women*, ACLU OF TEXAS (Oct. 3, 2019), <https://www.aclu.org/blog/immigrants-rights/trumps-war-asylum-seekers-endangering-pregnant-women>; [https://www.aclutx.org/sites/default/files/aclu\\_oig\\_complaint\\_preg\\_mpp.pdf](https://www.aclutx.org/sites/default/files/aclu_oig_complaint_preg_mpp.pdf); Daniella Silva, *Senators Urge Trump Admin to Ease Policy on Detaining Pregnant Migrants*, NBC NEWS, Apr. 8, 2019, <https://www.nbcnews.com/news/us-news/senators-urge-trump-admin-ease-policy-detaining-pregnant-migrants-n991856>.

<sup>16</sup> See, e.g., Carolyn Sufrin, MD, PhD, et al., *Pregnancy Outcomes in US Prisons, 2016-2017*, 109 AM. J. PUB. HEALTH 5, 799–805 (2019) (discussing negative health impacts of substandard care for incarcerated pregnant individuals and their babies); see also Rachael Rettner, *Stress in Pregnancy Boosts Stillbirth Risk*, Live Science, Mar. 27, 2013, <https://www.livescience.com/28229-pregnancy-stress-stillbirth.html>. See also, e.g., Zoë Schlanger & Justin Rohrlich, *A Pregnant Woman Miscarried While in Border Patrol Custody on July 4*, QUARTZ, July 9, 2019, <https://qz.com/1662543/a-migrant-lost-her-fetus-while-in-border-patrol-custody-on-july-4/>; Ema O'Connor & Nidhi Prakash, *Pregnant Women Say They Miscarried in Immigration Detention And Didn't Get The Care They Needed*, BUZZFEED NEWS, July 9, 2018, <https://www.buzzfeednews.com/article/emaconnor/pregnant-migrant-women-miscarriage-cpb-ice-detention-trump>.

<sup>17</sup> TEDS, *supra* note 5, § 4.2.

<sup>18</sup> *Id.* § 5.1.

<sup>19</sup> *Id.* § 5.6.

<sup>20</sup> *Id.* §§ 5.5 & 5.7.

The ACLU's investigation indicates that Border Patrol fails to respect even these minimal standards or to provide prompt and necessary medical care to pregnant people in custody. Our interviews also indicate that Border Patrol agents subject pregnant people to physical mistreatment, verbal abuse, and/or neglect.

### **III. Individual Accounts of Pregnant People in CBP Detention**

Based on our investigation, we have selected a number of individual accounts that illustrate CBP's unacceptable treatment of pregnant detainees. These accounts have been anonymized: names have been changed, and certain details omitted, to protect the affected individuals. The accounts are, however, reported faithfully and based on lengthy interviews conducted by ACLU staff, usually within days of release from CBP detention.

#### Jennifer's Account

Jennifer is a 24-year-old Honduran woman who fled to the United States with her two daughters. She was six months pregnant when she was apprehended and detained at a Border Patrol station in May 2019. Jennifer reported that, during her initial processing, a Border Patrol agent subjected her to excessive force. The agent, apparently infuriated that Jennifer and her friend were speaking to each other while awaiting processing, forcibly grabbed Jennifer by the arm and took her out of her seat. The agent then grabbed Jennifer by the shoulders from behind and slammed her face-first against a chain link fence three times. Jennifer attempted to shield her protruding stomach from the fence—crying out “You’re hurting me! I’m pregnant!”—yet the agent continued to throw her against the fence.<sup>21</sup> Other officials witnessed this abuse but did not intervene. Jennifer's two daughters, ages two and seven, also witnessed the agent's assault on their mother, and cried out in fear as they helplessly watched. Jennifer experienced acute stress after the attack, both because she feared for the health of her pregnancy and was terrified that she would re-encounter the assailing Border Patrol agent while in custody. Border Patrol detained Jennifer for three days; throughout this period, she did not receive any medical care or treatment.

#### Nancy's Account

Nancy, a 30-year-old asylum seeker from El Salvador, came to the United States with her partner in May 2019. The pair was taken into Border Patrol custody and separated by agents. The Border Patrol denied each of Nancy's requests to communicate with her partner. Agents repeatedly

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<sup>21</sup> The Border Patrol's excessive force against Jennifer violates CBP's non-discrimination policy and policy requiring at-risk detainees, explicitly including pregnant individuals, be treated with special precautions. *See* TEDS, *supra* note 5, §§ 1.4, 4.2.

told Nancy that she and her partner had no recognized familial connection because they were not married, even though Nancy was pregnant with her partner's child. Nancy reported that the stress of traveling to the United States and being detained while pregnant and separated from her partner was overwhelming.

In Border Patrol custody, Nancy feared for her health and the health of her unborn child. She reported that the food she received was spoiled and served cold; she could not bring herself to eat it.<sup>22</sup> Nancy also reported that the available drinking water had a burning smell of chlorine; Nancy feared the water was not potable because the water supply was connected to (and on top of) the toilet in her cell.<sup>23</sup> She was not provided with any hygiene products (toothbrush, toothpaste, sanitary pads). Nancy, who had been taken into custody in wet and mud-covered clothing, was neither permitted a change of clothing nor provided a chance to shower for the duration of her detention.<sup>24</sup>

Nancy also feared illness in detention, as she was held in an overcrowded cell where detainees had to sleep back to back. She worried constantly about her pregnant belly being accidentally stepped on, kicked, or elbowed by other detainees. She recounted the fact that many detainees appeared to be sick, coughing with runny noses. When the detainees tried to express their health-related concerns to the Border Patrol agents on duty, the agents refused to take any action. Nancy recalls one agent saying, "You are only allowed to ask for a medic if you have a fever."

After seven days in Border Patrol custody, Nancy began to experience significant lower abdomen pain, a headache, and vomiting. She immediately reported her symptoms; in response, Border Patrol agents told her she was lying, and one told her, "If I were you, I would have returned home already." The agents' slander and indifference made Nancy afraid to report her significant pain and discomfort. Nevertheless, Nancy continued to try to tell the agents that she was unwell.<sup>25</sup>

Finally—three days later, on Nancy's tenth day in Border Patrol custody—Nancy was transported to a nearby hospital for evaluation. Upon her arrival at the emergency room, doctors

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<sup>22</sup> CBP's own policies require food to be provided in "edible condition." See TEDS, *supra* note 5, § 4.13. See also Border Patrol Short-Term Custody Policy, *supra* note 6, § 6.8.

<sup>23</sup> CBP policy requires "functional drinking fountains or clean drinking water along with clean drinking cups must always be available to detainees." See TEDS, *supra* note 5, § 4.14. See also Border Patrol Short-Term Custody Policy, *supra* note 6, § 6.9.

<sup>24</sup> CBP's denial of basic hygienic products and the opportunity to shower during Nancy's prolonged detention also violated agency policy. See TEDS, *supra* note 5, § 4.11 (discussing basic hygiene items and showers).

<sup>25</sup> Nancy also reported that, throughout the entire time she was detained by Border Patrol, various Border Patrol agents pressured her to sign a "voluntary departure" form. Voluntary departure permits a respondent in removal proceedings to leave the United States by a certain date, without being subject to a formal removal order. Voluntary departure, however, still can trigger various grounds of inadmissibility for people who hope to enter the United States

witnessed Nancy experience symptoms consistent with a panic attack. Following examination, the doctors also diagnosed Nancy with dehydration, low potassium, low blood sugar, and a kidney infection (for which antibiotics were prescribed).

Nancy was returned to the Border Patrol holding cell after her hospitalization. The next day, she was finally released from Border Patrol custody and permitted to move to the San Diego Migrant Family Shelter, operated by Jewish Family Service. Her partner, however, remained detained.<sup>26</sup>

#### Amaya's Account

Amaya is a 25-year-old Honduran asylum seeker who was detained for a total of eighteen days in CBP custody while five months pregnant. When Amaya was taken into custody, CBP neither permitted her to shower nor to change out of her dirty clothing. Consequently, a few days into her detention, Amaya developed a vaginal infection.

Eventually, agency officials allowed medical personnel to evaluate Amaya; these personnel conducted their examination in front of other detainees in a crowded holding cell, without any regard for Amaya's privacy. Amaya repeated her request for fresh clothing and clean undergarments, which was again denied. Amaya was prescribed antibiotics and prenatal vitamins. On her fifth day of detention, CBP allowed Amaya to shower; the water, however, was scorching hot, and burned her skin.<sup>27</sup> Amaya was not provided clean undergarments at this time. Desperate, she asked the other women in her holding cell to request pantliners from CBP officers for her to use.<sup>28</sup>

Amaya's vaginal infection persisted. She was given clean undergarments only after two full weeks in CBP custody.

After Amaya was released, she was taken to the San Diego Migrant Family Shelter, operated by Jewish Family Service. Upon arrival, she was weighed and discovered she had lost approximately 22 pounds (10 kilograms) while in detention.

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lawfully in the future. *See* AM. IMMIGRATION COUNCIL, PRACTICE ADVISORY, VOLUNTARY DEPARTURE: WHEN THE CONSEQUENCES OF FAILING TO DEPART SHOULD AND SHOULD NOT APPLY (Dec. 21, 2017), [https://www.americanimmigrationcouncil.org/practice\\_advisory/voluntary-departure-when-consequences-failing-depart-should-and-should-not-apply](https://www.americanimmigrationcouncil.org/practice_advisory/voluntary-departure-when-consequences-failing-depart-should-and-should-not-apply).

<sup>26</sup> Eventually, Nancy's partner was transferred to U.S. Immigration and Customs Enforcement ("ICE") custody at the Otay Mesa Detention Facility.

<sup>27</sup> To the ACLU's knowledge, no Border Patrol stations in San Diego sector have showers accessible to detainees, so it is probable that Amaya was held in CBP OFO, rather than Border Patrol, custody. *See also supra*, note 2.

<sup>28</sup> Amaya reported that CBP officials would provide female detainees just one or two pantliners at a time; for this reason, Amaya asked several of her cell mates to request and share pantliners with her.

### Irene's Account

Irene is a 35-year-old Honduran woman who fled her home country together with her husband after they both experienced persecution for being HIV-positive. When the Border Patrol apprehended the pair in January 2019, Irene was two months pregnant. Irene notified the Border Patrol agents of her pregnancy and HIV-positive status. Nevertheless, upon arrival at the Border Patrol station, agents confiscated Irene's HIV medication, prenatal vitamins, and all other belongings. The Border Patrol also separated Irene from her husband. Detained, ill, pregnant, and without her partner, Irene experienced acute physical and emotional stress, including anxiety about her confiscated HIV medicine (which is essential to managing her disease).<sup>29</sup>

On her first night of detention, Irene experienced heavy vaginal bleeding and painful cramping. She began to fear that she had lost her placenta.<sup>30</sup> Irene yelled to the Border Patrol agents, screaming that she was afraid her baby was in danger and that she was bleeding profusely. In response, an agent told her, "Don't be so dramatic." Irene watched in horror as a pool of her own blood formed inside her holding cell. The only person who helped her during this harrowing experience was another detained woman, who massaged Irene's belly to try to ease her pain and attempted to comfort her. Irene, overwhelmed by the amount of blood and what appeared to be tissue passing from her vagina, fainted.

When she regained consciousness, Irene's cell mate told her that the Border Patrol had permitted her to retrieve a change of clothes for Irene from Irene's personal belongings. Irene cleaned herself as best she could and changed out of her blood-soaked attire. Of her cell mate, Irene later reported: "Without her help, I would not be alive; I owe her everything."

Irene did not receive any medical assistance or attention before, during, or after this experience. The Border Patrol did not provide her with any sanitary napkins or other hygienic

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<sup>29</sup> The Border Patrol's confiscation of Irene's HIV medication and failure to make that medication available to Irene to self-administer contravenes agency policy. *See* TEDS, *supra* note 5, § 4.10; *cf.* Border Patrol Short-Term Custody Policy, *supra* note 6, § 6.7.5 ("Medications").

<sup>30</sup> Describing her experience to the ACLU investigator, Irene stated: "Se me salió la placenta, una gran bola de sangre." ("I lost the placenta, a large ball of blood.")

supplies.<sup>31</sup> Irene was not even permitted to shower to clean off her own blood. Irene, believing she had miscarried, was deeply traumatized. She was not permitted to see or speak with her husband.

Instead of providing Irene with medical care, agents moved her to a segregated holding cell the next day. The Border Patrol did not explain this move, but Irene believes she was moved due to her HIV-positive status and heavy bleeding. While in the segregated cell, Irene received food through a small opening at the bottom of the cell door.

As Border Patrol had confiscated Irene's HIV medication, Irene's symptoms flared. She suffered intense trembling and cold sweats. In addition, Irene continued to experience symptoms consistent with miscarriage, including excruciating cramping and lower back pain.

After twelve days in Border Patrol custody, Irene finally was transferred to the Otay Mesa Detention Center, where she was evaluated by medical personnel. These providers confirmed that Irene was no longer pregnant.<sup>32</sup>

#### IV. Recommendations

As these individual accounts reflect, CBP has failed to maintain even a baseline standard of care for pregnant people in its custody. Moreover, the extended periods of detention to which these vulnerable individuals are subjected exacerbate the physical, mental, and emotional harms detainees experience in CBP custody.

The ACLU asks that DHS OIG conduct an immediate review of CBP's treatment of pregnant people in its custody and issue recommendations to improve CBP and Border Patrol detention policies. At a minimum, we call upon DHS OIG to:

- (1) Recommend that CBP **stop detaining pregnant people**, and instead prioritize the prompt release of such individuals into U.S. shelters or into the care of their personal support networks in the United States.<sup>33</sup>

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<sup>31</sup> As described in note 24, *supra*, the Border Patrol's failure to provide Irene with basic hygienic supplies violated CBP policy. *See* TEDS, *supra* note 5, § 4.11.

<sup>32</sup> Irene did not, however, receive necessary medical care at Otay Mesa. When she asked for medication, she was told to "drink water and walk it off."

<sup>33</sup> As noted, *supra* note 4, CBP subjects pregnant people to a variety of unlawful U.S. policies that interfere with an individual's statutory and regulatory rights to seek asylum in the United States, including the so-called "Migrant Protection Protocols" and other fast-track deportation and removal procedures. As a corollary to this recommendation, CBP should immediately and formally **exempt all pregnant persons from such policies** and instead prioritize their prompt release from immigration detention. Subjecting people to other unlawful and abusive policies, such as the so-called "Migrant Protection Protocols," is not an acceptable alternative to humane treatment and prompt release.

- (2) Recommend that CBP policies and practices be revised to **prohibit any period of detention beyond the time required for initial processing, which should in no case exceed 12 hours.**<sup>34</sup>
- (3) Recommend that CBP **develop, adopt, and publish explicit policies that will ensure adequate, timely medical care for pregnant people** in the agency's custody. Such policies should be developed in consultation with independent medical experts and rights stakeholders,<sup>35</sup> and reflect best practices recommended by professional associations (such as the American Medical Association and the American College of Obstetricians and Gynecologists).
- (4) Recommend that CBP **annually report on, and publish on its website, the number of pregnant people in its custody** over the preceding year, and, for all pregnant people detained in excess of 12 hours, **publicly report key information and statistics related to such detentions** over the preceding year, including each pregnant person's (a) total length of time spent in CBP detention, (b) access to edible food and potable water, (c) access to showers, (d) access to clean, warm bedding, and (e) access to fresh clothing (including clean undergarments); (f) the availability and provision of prenatal and other necessary medical care to each pregnant detainee in CBP custody (both on site and off site); (g) the use of restraints on pregnant detainees; and (h) incidents of miscarriage or stillbirth in CBP detention.<sup>36</sup>
- (5) Assess **whether CBP oversight and disciplinary mechanisms are sufficient** to ensure that CBP officials are held accountable for all instances of detainee abuse, neglect, or other mistreatment, and to ensure that dangerous, abusive, or otherwise unfit CBP employees are removed promptly from duty.

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Thank you for your time and careful attention to this submission. We look forward to your timely response.

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<sup>34</sup> This would ensure that CBP's TEDS and other agency policies are consistent with the presumptive maximum detention period set out in Border Patrol's Short-Term Custody Policy, *see supra* note 6, at § 6.2.1.

<sup>35</sup> *See, e.g., Fact Sheet: Health Harms Experienced by Pregnant Women in U.S. Immigration Custody*, PHYSICIANS FOR HUMAN RIGHTS (Nov. 2019), <https://phr.org/wp-content/uploads/2019/12/PHR-Pregnant-Women-in-Immigration-Custody-Fact-Sheet-Nov-2019.pdf>.

<sup>36</sup> Such data collection and reporting will improve CBP accountability by providing public information necessary to allow external assessments of agency actions and adherence with governing policies.



Sincerely,

**ACLU Foundation of San Diego & Imperial Counties**

Mitra Ebadolahi, Senior Staff Attorney

Jacqueline Ramos, Legal Investigator

Sarah Thompson, Border Litigation Fellow/Staff Attorney

Kimberly Grano, Legal Fellow/Staff Attorney

Perla Gonzalez, Legal Assistant

**ACLU Border Rights Center**

Shaw Drake, Policy Counsel

Astrid Dominguez, Director

# **Exhibit B**



## OFFICE OF INSPECTOR GENERAL

Department of Homeland Security

Washington, DC 20528 / [www.oig.dhs.gov](http://www.oig.dhs.gov)

February 20, 2020

ACLU Foundation of San Diego & Imperial Counties  
P.O. Box 87131  
San Diego, CA 92138

ACLU Border Rights Center  
P.O. Box 8306  
Houston, TX 77288

Dear ACLU Foundation of San Diego & Imperial Counties and ACLU Border Rights Center:

We received your January 22, 2020 letter to our office requesting a review of the U.S. Customs and Border Protection's (CBP) treatment of detained pregnant people.

We appreciate you sharing your letter. The DHS Office of Inspector General continues its unannounced inspections of CBP and U.S. Immigration and Customs Enforcement (ICE) detention facilities to evaluate compliance with CBP and ICE detention standards including health, safety, medical care, mental health care, grievances, and use of force. In addition, a list of our ongoing audits, inspections, and special reviews is published on our website at [www.oig.dhs.gov/reports/ongoing-projects](http://www.oig.dhs.gov/reports/ongoing-projects).

Please call me with any questions, or your staff may contact Rachel Magnus, Office of External Affairs, at (202) 981-6000.

Sincerely,

Joseph V. Cuffari, Ph.D.  
Inspector General

# Exhibit C



**Homeland  
Security**

*Privacy Office, Mail Stop 0655*

February 13, 2020

**SENT BY E-MAIL TO: [echo@aclu.org](mailto:echo@aclu.org)**

Eunice Cho  
915 15th Street NW  
7th Floor  
Washington, DC 20005

Re: 2020-HQFO-00284

Dear Ms. Cho:

This is the final response to your Freedom of Information Act (FOIA) request to the Department of Homeland Security (DHS), dated December 6, 2019, and received by this office on December 6, 2019. You are seeking the following:

1. Any and all records related to the identification, classification, treatment, and care of pregnant persons apprehended by CBP, subject to secondary screening, extended questioning, an enforcement examination, or detention by CBP, or in CBP custody, including, but not limited to TEDS Sections 3.9, 4.2, 5.1, 5.5, 5.6, and 5.7.;
2. Any and all records related to the identification, classification, treatment, and care of survivors or victims of sexual assault apprehended by CBP, subject to secondary screening, extended questioning, an enforcement examination, or detention by CBP, or in CBP custody;
3. Any and all records related to the use of restraints on pregnant people, or people in active labor, delivery, or post-delivery recuperation in CBP custody;
4. Any and all records related to the custody, classification, treatment, or care of pregnant people or people in active labor under or subject to the Migrant Protection Protocols;
5. Any and all records, including, but not limited to, any databases, spreadsheets, lists, and other data compilations, that reflect the following:
  - a. The total number of individuals in CBP custody identified as pregnant while in CBP custody, including any lists broken down by month and/or facility at which the individual was housed.
  - b. The total number of individuals in CBP custody who gave birth while in CBP custody,

including any lists broken down by month and/or facility at which the individual was housed.

c. The total number of individuals in CBP custody who had a miscarriage while in CBP custody, including any lists broken down by month and/or facility at which the individual was housed.

d. The total number of individuals in CBP custody who terminated a pregnancy while in CBP custody, including any lists broken down by month and/or facility at which the individual was housed.

e. The total number of pregnant individuals apprehended by CBP, including any lists broken down by month and/or location of the apprehension.

f. The total number of pregnant individuals under or subject to the Migrant Protection Protocols;

6. Any and all records, including significant incident reports (SIRs) and associated documentation, regarding the identification, care, and treatment of individuals who are pregnant, postpartum, who recently had a miscarriage or who recently had a terminated pregnancy in CBP custody;

7. Any and all records, including significant incident reports (SIRs) and associated documentation, regarding the identification, care, and treatment of individuals who are pregnant, postpartum, who recently had a miscarriage or who recently had a terminated pregnancy and who are subject to MPP;

8. Any and all records documenting the use of restraints on pregnant people, people in active labor, delivery, or post-delivery recuperation in CBP custody;

9. Any and all records regarding the request or provision of preventative contraception, emergency contraception, or abortions to people in CBP custody;

10. All press releases, statements, post-investigation reports, summaries, or records of communication within federal agencies or federal agencies and local agencies or federal agencies and Mexican government officials containing, describing, referring to, or revealing information related to pregnant people, or people in active labor, delivery, or post-delivery recuperation in CBP custody or subject to the MPP; and

11. Any and all records related to an investigation of the treatment of pregnant people, or people in active labor, delivery, or post-delivery recuperation in CBP custody or subject to the MPP by the DHS Office of Inspector General, the DHS Office for Civil Rights and Civil Liberties, or the CBP Office of Professional Responsibility.

Please note our office only conducted a search for **item #11** of your request.

A search of the Department of Homeland Security, Office of Civil Rights and Civil Liberties (CRCL) for documents responsive to your request produced a total of 20 pages. Of those pages, I have determined the pages are partially releasable pursuant to Title 5 U.S.C. § 552 (b)(6), (b)(7)(A), (b)(7)(C), and (b)(7)(E).

Enclosed are 20 pages with certain information withheld as described below:

**FOIA Exemption 6** exempts from disclosure personnel or medical files and similar files the release of which would cause a clearly unwarranted invasion of personal privacy. This requires a balancing of the public's right to disclosure against the individual's right to privacy. The privacy interests of the individuals in the records you have requested outweigh any minimal public interest in disclosure of the information. Any private interest you may have in that information does not factor into the aforementioned balancing test.

**FOIA Exemption 7(A)** protects from disclosure records or information compiled for law enforcement purposes, the release of which could reasonably be expected to interfere with enforcement proceedings. I have determined that the information you are seeking relates to an ongoing criminal law enforcement investigation. Therefore, I am withholding all records, documents, and/or other material, which if disclosed prior to completion, could reasonably be expected to interfere with law enforcement proceedings and final agency actions related to those proceedings. Please be advised that once all pending matters are resolved and FOIA Exemption 7(A) is no longer applicable, there may be other exemptions which could protect certain information from disclosure, such as FOIA Exemptions (6), 7(C), 7(D), and 7(E).

**Exemption 7(C)** protects records or information compiled for law enforcement purposes that could reasonably be expected to constitute an unwarranted invasion of personal privacy. This exemption takes particular note of the strong interests of individuals, whether they are suspects, witnesses, or investigators, in not being unwarrantably associated with alleged criminal activity. That interest extends to persons who are not only the subjects of the investigation, but those who may have their privacy invaded by having their identities and information about them revealed in connection with an investigation. Based upon the traditional recognition of strong privacy interest in law enforcement records, categorical withholding of information that identifies third parties in law enforcement records is ordinarily appropriate. As such, I have determined that the privacy interest in the identities of individuals in the records you have requested clearly outweigh any minimal public interest in disclosure of the information. Please note that any private interest you may have in that information does not factor into this determination.

**Exemption 7(E)** protects records compiled for law enforcement purposes, the release of which would disclose techniques and/or procedures for law enforcement investigations or prosecutions or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law. I determined that disclosure could reasonably be expected to risk circumvention of the law. Additionally, the techniques and procedures at issue are not well known to the public.

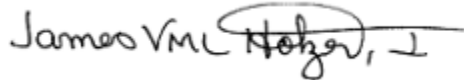
You have a right to appeal the above withholding determination. Should you wish to do so, you must send your appeal and a copy of this letter, within 90 days of the date of this letter, to:

Privacy Office, Attn: FOIA Appeals, U.S. Department of Homeland Security, 245 Murray Lane, SW, Mail Stop 0655, Washington, D.C. 20528-0655, following the procedures outlined in the DHS FOIA regulations at 6 C.F.R. Part 5 § 5.8. Your envelope and letter should be marked "FOIA Appeal." Copies of the FOIA and DHS FOIA regulations are available at [www.dhs.gov/foia](http://www.dhs.gov/foia).

Provisions of FOIA allow DHS to charge for processing fees, up to \$25, unless you seek a waiver of fees. In this instance, because the cost is below the \$25 minimum, there is no charge.

If you need any further assistance or would like to discuss any aspect of your request, please contact our FOIA Public Liaison and refer to **2020-HQFO-00284**. You may send an e-mail to [foia@hq.dhs.gov](mailto:foia@hq.dhs.gov), or call 202-343-1743 or 1-866-431-0486. Additionally, you have a right to seek dispute resolution services from the Office of Government Information Services (OGIS) which mediates disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. If you are requesting access to your own records (which is considered a Privacy Act request), you should know that OGIS does not have the authority to handle requests made under the Privacy Act of 1974. You may contact OGIS as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001, e-mail at [ogis@nara.gov](mailto:ogis@nara.gov); telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

Sincerely,

A handwritten signature in black ink that reads "James V. Holzer, Jr." with a stylized flourish at the end.

James Holzer  
Deputy Chief FOIA Officer

Enclosure(s): Responsive Documents, 20 pages



# Exhibit D

CBP related matters with pregnant or pregnancy in the summary with date to DHS between 1-20-17 to 12-17-19

Generated on: 01/10/2020

For Office Use Only (FOUO)

Yellow - both charts//Green pregnancy only

Row	DHS Matters - Complaint Number	DHS Matters - Contact Number	DHS Matters - State	DHS Matters - Type	DHS Matter - Investigation Type	DHS Matters - Last Action	DHS Matters - Last Action Date	DHS Matters - Date to DHS	DHS Matters - Date to CRCL	DHS Matters - Summary of Allegation	DHS Matters - Component Involved	DHS Matters - Primary Assignment	DHS Matters - Secondary Assignment	Issue - Issue	Issue - Basis	Issue - Situation	Issue - Situation Basis	Issue - Incident Location	Issue - Incident Date
1		Contact-DHS-17-1086	Closed	Contact		Info Layer - Sent to Component no further action	03/20/2017	03/07/2017	03/08/2017	On March 8, 2017, CRCL received an email referral from the CBP Info Center (b)(6) in which (b)(6) alleges that on March 5, 2017, after being referred to secondary inspection at the San Ysidro point of entry, a female CBP officer touched "all my body parts" during a search (b)(6) who is a United States citizen and is five months pregnant, alleges that the officer kicked her in the leg during the search.	CBP			Excessive or Inappropriate Use of Force		Port of entry/CBP checkpoint		San Ysidro, CA	
2		Contact-DHS-17-1376	Closed	Contact		Info Layer - Sent to Component no further action	06/05/2017	05/04/2017	05/04/2017	On May 4, 2017, CRCL received a CBP referral email (CIC Incident (b)(7)(F) regarding U.S. Citizen/Resident (b)(6) and her experience at the San Ysidro Port of Entry on April 30, 2017. (b)(6) stated that because she is six months pregnant she did not want to be exposed to radiation, so she asked the "man to get help driving her car through." (b)(6) alleges that female (b)(6) who did the pat down used excessive force and "hit [her] stomach hard." (b)(6) states that she has a high risk pregnancy slight placental abruption.  CBP could not find a SIGMA report for the date in question, but did confirm that (b)(6) (b)(7)(C) works out of San Ysidro and forwarded the matter to OPR as well as CRCL.	CBP			Excessive or Inappropriate Use of Force		Port of entry/CBP checkpoint		San Ysidro, CA	
3		Contact-DHS-17-1385	Closed	Contact				05/08/2017	05/08/2017	On May 8, 2017, CRCL received an email from (b)(6) of the Kino Border Initiative on behalf of her client (b)(6) (b)(6) alleges that Border Patrol Agents encountered her and her husband (b)(6) (b)(6) soon after they crossed the border near Douglas, Arizona, on April 20, 2017, and processed them at the Douglas Border Patrol Station. Both (b)(6) and (b)(6) speak Mizteco; (b)(6) alleges that CBP failed to provide a translator for them. (b)(6) contends that while at the station, an agent told her that (b)(6) would be sent to Tucson, and she would be deported. Because (b)(6) is pregnant, she said she did not want to be deported alone. (b)(6) was deported to Nogales, Sonora on April 21, 2017. She alleges that she did not know where (b)(6) was or what process he would face, and contacted the Mexican consulate several times. The consulate was unable to update her on the status of his case, or find him in the system. (b)(6) states that on April 24, 2017, her attorney found (b)(6) on the roster for Operation Streamline and contacted his criminal defense attorney, who stated that the charges would be dismissed because (b)(6) does not speak fluent Spanish. (b)(6) reportedly was transferred to Otay Mesa Detention in New Mexico, instead of being deported. On April 29, 2017, (b)(6) contacted (b)(6) (b)(6) to tell her he would be deported to Mexico City. She alleges that this family separation has caused her grave emotional distress and put her in a vulnerable situation in a border city.	CBP			Language access (Limited English Proficiency)		Port of entry/CBP checkpoint		Douglas, AZ	04/20/2017

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4	17-10-CBP-0372	Contact-DHS-17-1764	Closed	Complaint	Short Form	Closed No Further Action	11/13/2017	07/12/2017	07/12/2017	On July 12, 2017, CRCL received email correspondence from (b)(6) on behalf of her niece (b)(6). (b)(6) an Egyptian national, regarding allegations that CBP discriminated against (b)(6) and denied her repeated requests for medical treatment after CBP denied her entry into the United States before returning her to Egypt on July 11, 2017. (b)(6) alleges that she arrived at Chicago O'Hare International Airport on July 10, 2017. (b)(6) contends that while CBP officers were questioning her, she mentioned that she was pregnant at which point they began to treat her differently, "like a criminal and questioned [her] for more than 4 hours." (b)(6) alleges that after CBP informed her that they were cancelling her visa and returning her to Egypt, officers "detained [her] in a cell-like room with a dirty mattress on the ground and a bathroom with no door." (b)(6) alleges that she had been bleeding a bit on the plane, but planned to deal with it when she left the airport. Instead, because she remained in CBP custody, she requested that the officers provide her medical assistance or take her to the hospital. (b)(6) contends that the officers "mocked [her] saying that it's such a coincidence that [she] was fine in Egypt, but the bleeding just started here. [She] asked more than once to go to the doctor, but they didn't acknowledge [her] request." Additionally, (b)(6) alleges that CBP officers would not allow her to speak to her aunt or her husband to inform them of her detention. (b)(6) claims that the room in which she was detained was freezing cold, that officers made her remove her sweater, and that she could not eat the food that they provided to her because it was excessively spicy. (b)(6) contends that she became "dizzy from the stress, lack of nutrition, and exhaustion from traveling 27 hours [and] started to fade out of consciousness. The paramedics came and took my	CBP	(b)(6)	(b)(6)	Medical/Mental Health Care	Medical Care	CBP Detention or CBP Deferred Inspection	CBP Hold Room	O'Hare International Airport	07/10/2017
5		Contact-DHS-17-2014	Closed	Contact				08/09/2017	08/09/2017	FAMILY SEPARATION ISSUE.  On August 9, 2017, CRCL received an email referral from HHS ORR regarding unaccompanied child (UAC) (b)(6) age 3. The complaint allege that the UAC was separated from her father upon apprehension at the U.S. Border. The UAC's mother was contacted and she stated that they originally all traveled together but separated in Mexico because they had to take different buses to the border. The mother traveled with her nine year old son and she was released to a family friend because she is currently four months pregnant. According to EARM, the UAC and father, (b)(6) were separated at the Yuma Arizona Border Patrol Station due to her father's prior immigration violations.	CBP			Due Process		Unaccompanied minor	FAMILY SEPARATION	Yuma Border Patrol Station	

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6	18-01-CBP-0005	Contact-DHS-18-0074	Closed	Complaint	Short Form	Closed No Further Action	02/22/2018	10/17/2017	10/17/2017	On October 17, 2017, CRCL received an email referral from CBP INFO Center, (b)(7)(E) regarding allegations by (b)(6) that on October 15, 2017, at approximately 1:00 a.m., as she and her boyfriend were crossing at Otay Mesa Port of Entry, a CBP officer forced her out of her car and elbowed her stomach; (b)(6) alleges that she is 38 weeks pregnant. (b)(6) alleges that in the line to cross, a woman driving another vehicle hit her side mirror, continued to drive, and then braked suddenly, causing (b)(6) boyfriend to bump into her vehicle. (b)(6) claims that the woman informed CBP of the incident, at which point CBP officers surrounded (b)(6) car, placed her boyfriend in handcuffs, and forced her out of the vehicle, elbowing her stomach, before she even had an opportunity to put her shoes on. (b)(6) claims that she informed the officer that she is 38 weeks pregnant and that he could have injured her unborn child, to which the chief allegedly responded, "It's all ok."	CBP	(b)(6)	(b)(6)	Excessive or Inappropriate Use of Force		Port of entry/CBP checkpoint			10/15/2017
7	18-03-CBP-0053	Contact-DHS-18-0629	Closed	Complaint	Referred	Closed No Further Action	06/07/2018	12/15/2017	12/15/2017	On December 15, 2017, CRCL received an email referral from DHS OIG (b)(7)(E) regarding allegations from (b)(6) in correspondence submitted to the OIG Public Website on December 4, 2017. (b)(6) a U.S. citizen, alleged that a CBP officer mistreated his mother-in-law, (b)(6) as she attempted to enter the United States on December 3, 2017, at Orlando International Airport in Orlando, Florida on a flight from Santo Domingo, Dominican Republic. He further alleges that (b)(6) mistreated his wife during questioning about her mother. (b)(6) states that (b)(6) was planning to visit him and his family, including his wife (b)(6) who is pregnant. (b)(6) states that (b)(6) had intended to spend Christmas with them, after which she planned to stay with them to take care of her pregnant daughter, (b)(6) until March 3, 2018. (b)(6) alleges that (b)(6) was subjected to sexual abuse, humiliation, and inappropriate conduct by female (b)(6). (b)(6) states that he and his wife waited for (b)(6) at the baggage claim area of the airport for a couple of hours with no sign of her. Then his wife (b)(6) received a call from (b)(6) which (b)(6) answered. (b)(6) allegedly questioned both (b)(6) by phone, asking them a series of "personal questions" and questioning them about (b)(6) and the purpose of her visit. According to (b)(6), (b)(6) began to call (b)(6) a liar and wrongly said that (b)(6) was coming to the US with intent to work. (b)(6) denied that and said that (b)(6) was visiting to help her. (b)(6) allegedly pressured (b)(6) by asking her how much she would pay (b)(6) wrote in	CBP	(b)(6)		Sexual assault/abuse	Staff/Detainee	Port of entry/CBP checkpoint		Orlando International	12/03/2017



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8		Contact-DHS-18-0714	Closed	Contact		Info Layer - No Response necessary	01/04/2018	12/21/2017	12/21/2017	<p>FAMILY SEPARATION.</p> <p>On December 21, 2017, CRCL received an email referral form HHS ORR regarding Unaccompanied Child (UAC) (b)(7)(F), age 17. The complaint alleges that she was separated from her mother, (b)(6) while in DHS custody in Eagle Pass, TX. on 12/18/17.</p> <p>According to EARM, the UAC, her mother, and her cousin arrived at the International Bridge I port of entry at Eagle Pass, Texas claiming fear of returning to her home country of Honduras. The UAC is five months pregnant and was placed in Setton Home in San Antonio, Texas. Her mother was held at GEO Del Rio Texas and will be transferred to a women's facility as soon as space in approved.</p>	CBP			Due Process		Unaccompanied minor	FAMILY SEPARATION	Eagle Pass Port of Entry	
9		Contact-DHS-18-1159	Closed	Contact		Info Layer - Sent to Component no further action	02/15/2018	02/08/2018	02/08/2018	<p>On February 8, 2018, CRCL received an email referral from CBP INFO Center (b)(7)(F) regarding allegations by (b)(6) that CBP discriminated against her and her husband based on his race and ethnicity and harassed them when they proceeded through a CBP checkpoint in the Rio Grande Valley Sector, Falfurrias Station, Highway 281 on November 19, 2017. (b)(6) alleges that as the vehicle was waiting to proceed through the checkpoint, apparently a dog alerted, at which point a CBP officer demanded that (b)(6) open their trunk (b)(6) contends that she and her husband did not hear the officer's order, and the officer then yelled at them to proceed to secondary because they were "being detained." (b)(6) alleges that five to seven officers surrounded the vehicle and demanded that her husband exit the vehicle, at which point they patted him down. (b)(6) alleges that the officers told her to exit the vehicle and wait by the doors of the building outside; it was approximately 40-45 degrees outside. (b)(6) claims that she is pregnant, and had left her jacket in the car, and that officers did not give them their jackets for 10 to 15 minutes. (b)(6) alleges that while they were waiting the officers were unprofessional and made rude remarks to her husband, including "This is the last time you two will be seeing each other", "you have no rights here", "you are not welcome here", "nobody gives a fuck who you are." (b)(6) alleges that the officers also mocked her husband's accent. (In a previous complaint to CRCL, (b)(6) stated that her husband is Syrian.) (b)(6) claims that when she and her husband returned to the vehicle after CBP officers had searched in for 40 minutes to search the vehicle, "the soup my mother cooked for me that I left on the passenger's seat was thrown all over the car," damaging the vehicle's upholstery. (b)(6) claims that the following officers</p>	CBP			Discrimination/Profiling	National Origin	Port of entry/CBP checkpoint		Falfurrias Station	11/19/2017

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10		Contact-DHS-18-1993	Closed	Contact		Info Layer - No Response necessary	06/05/2018	05/05/2018	05/05/2018	On May 5, 2018, CBP officers assigned to the JFK International Airport POE in Jamaica, New York reported that a pregnant Haitian national experienced medical complications while undergoing a secondary inspection for under declared currency. Emergency Medical Technicians responded and the subject, accompanied by her Haitian national spouse, were transported and admitted to a local hospital, where it was confirmed that she had a miscarriage.	CBP			Medical/Mental Health Care	Medical Care	Port of entry/CBP checkpoint		John F. Kennedy International	
11		Contact-DHS-18-3655	Closed	Contact		Info Layer - Sent to Component no further action	09/04/2018	07/31/2018	07/31/2018	(b)(7)(F) On July 31, 2018, CRCL received an email referral from CBP INFO Center (b)(7)(E) regarding information from (b)(6) in correspondence to the INFO Center dated, July 4, 2018, (b)(6) alleged that CBP officers at the Hidalgo Port of Entry in Hidalgo, Texas mistreated her as she was attempting to enter the U.S. on June 6, 2018. (b)(6) alleged that she was trying to enter the U.S. for her "health problems" and that CBP took her into custody for six hours at the POE. She alleged that officers took off all her clothes, told her she was a terrorist, verbally tortured her, and abused her. She said they sent her back to Mexico and that she "lost [her] baby in [her] belly." She did not specify when her pregnancy ended and did not provide information linking that event to her treatment by CBP.  CRCL obtained (b)(6) from PCQS from searching on her name and entering "1995," the number in her email address, as the presumed year of her birth. According to the I-213 in EARM, (b)(6) is a citizen of the United Kingdom who stated at the POE that she wanted to travel to Atlanta, Georgia to visit a friend. In secondary inspection, (b)(6) was given a pat search. The I-213 states that (b)(6) said that she wanted to travel to Atlanta and work taking care of children and giving private lessons as she stated that she was an English teacher. She stated that she planned to stay in the U.S. for two months working and then move to Canada. The I-213 states that (b)(6) was four months pregnant and said she was in good health.	CBP			Inappropriate questioning / inspection conditions (Non TSA)	Treatment	Port of entry/CBP checkpoint		Hidalgo Port of Entry	06/03/2018
12		Contact-DHS-18-3770	Closed	Contact		Info Layer - Sent to Component no further action	08/24/2018	08/08/2018	08/08/2018	(b)(6) CRCL received email correspondence from CBP on August 8, 2018 reporting a complaint by a traveler from Kosovo who was refused admission. The traveler had a tourist visa and was 7 months pregnant. She was allegedly questioned in a belligerent in disrespectful manner, and the officer did not believe her when she said she was coming to visit her Aunt. She states that the trauma put her at high risk of miscarriage. She was not allowed to contact her husband until the next day, and was held at the airport apparently overnight. She states that she was questioned for approximately 5 hours.	CBP			Inappropriate questioning / inspection conditions (Non TSA)		Port of entry/CBP checkpoint		Detroit Metro Wayne County	07/11/2018

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13	18-11-DHS-0663	Contact-DHS-18-3851	Open	Complaint	Short Form	Under Investigation - non 504	04/05/2019	08/15/2018	08/15/2018	<p>On August 15, 2018, CRCL received email correspondence from (b)(6) of American Gateways on behalf of (b)(6). (b)(6), an ICE detainee at T. Don Hutto Detention Center in Taylor, Texas. In a CRCL Civil Rights Complaint form, (b)(6) alleged that she experienced a miscarriage in CBP custody and did not receive medical care for three days. Her allegations include the following:</p> <p>1. On June 2, 2018, she was apprehended by CBP when she was approximately 12-13 weeks pregnant;</p> <p>2. A tall, white officer in a green uniform accused her of lying about her name, saying it was (b)(6) instead of (b)(6). According to (b)(6) the officer yelled at her, told her to shut up, and slammed the door.</p> <p>3. The following day on June 3, 2018, she knocked on the glass window where the officers were and reported that she was bleeding. The officer from the night before allegedly yelled at her again about not telling the truth, but a different officer gave her a box of Kotex pads.</p> <p>4. (b)(6) claimed that each time she used the bathroom, more blood came out and she used 6-7 pads on the 3rd. She stated that she was scared she was going to miscarry, and told other officers about the bleeding. She also claimed to be experiencing coldness and lower back pain and requested to see a doctor, but the officers just provided her with more pads.</p> <p>5. On June 4, 2018, (b)(6) continued to experience bleeding and asked for a doctor. Allegedly, the CBP officers put her in handcuffs and yelled at her to get on a bus where they took her to criminal court to talk to a judge about her entry. When she told the public defender (PD) about what was happening to her, the PD wrote down a note that she needed to be seen by a doctor. Upon return to the CBP office, (b)(6)</p>	CBP, ICE	(b)(6)		Medical/Mental Health Care	Medical Care	Port of entry/CBP checkpoint		Brownsville Station	

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14	18-12-CBP-0580	Contact-DHS-18-4011	Closed	Complaint	Short Form	Closed No Further Action	09/24/2019	09/05/2018	09/05/2018	<p>Complaint #1- Asylum Turn Around</p> <p>On September 4, 2018, CRCL received allegations from (b)(6) Women's Refugee Commission on behalf of (b)(6) age 38, her children, and one grandson, all Mexican nationals. (b)(6) writes that on Monday, August 6, 2018, (b)(6) her children, and one grandson, all Mexican nationals, presented themselves at the Calexico Port of Entry (POE) in Calexico, California to seek asylum in the US. Her children's names and ages are as follows: (b)(6) (21), (b)(6) (16), (b)(6) (12), (b)(6) (6), and (b)(6) (3). (b)(6) grandson, who also came with her and was accompanied by his mother (b)(6) is (b)(6) daughter, (b)(6) was 8 months pregnant at the time the family presented itself. As they formed the line to enter the POE and got closer to the port building, an official approached them and asked why they were coming. When they responded that they wanted to seek asylum, the official said that they "shouldn't be there," indicating that they were clogging traffic, and that they would have to come another day. They sent (b)(6) and her family to Mexican officials - she is unsure whether it was INM or Grupo Beta - who took their names and phone number and said they would be called back to the Port when there was space. Other people took her and her family to a shelter nearby." (b)(6) continues: "[O]n Tuesday, August 7, 2018, (b)(6) received an early call to say that they would be able to come back to the POE that day. Around 1 or 2pm in the afternoon, Mexican officials arrived at the shelter and transferred her and her family back to the</p>	CBP	(b)(6)	(b)(6)	Due Process		Port of entry/CBP checkpoint		Calexico	08/06/2018



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15	18-12-CBP-0581	Contact-DHS-18-4042	Closed	Complaint	Short Form	Closed Informal Resolutions to Component	09/25/2019	09/04/2018	09/04/2018	<p>Complaint #2- CBP handling of asylum claim and conditions of detention.</p> <p>On September 4, 2018, CRCL received allegations from (b)(6) Women's Refugee Commission on behalf of (b)(6) age 38, her children, and one grandson, all Mexican nationals. (b)(6) writes that on Monday, August 6, 2018, (b)(6) her children, and one grandson, all Mexican nationals, presented themselves at the Calexico Port of Entry (POE) in Calexico, California to seek asylum in the US. Her children's names and ages are as follows: (b)(6) (21), (b)(6) (16), (b)(6) (12), (b)(6) (6), and (b)(6) (3). (b)(6) grandson, who also came with her and was accompanied by his mother (b)(6). (b)(6) is (b)(6) (4). (b)(6) daughter, (b)(6) was 8 months pregnant at the time the family presented itself. As they formed the line to enter the POE and got closer to the port building, an official approached them and asked why they were coming. When they responded that they wanted to seek asylum, the official said that they "shouldn't be there," indicating that they were clogging traffic, and that they would have to come another day. They sent (b)(6) and her family to Mexican officials - she is unsure whether it was INM or Grupo Beta - who took their names and phone number and said they would be called back to the Port when there was space. Other people took her and her family to a shelter nearby. (b)(6) continues: "[O]n Tuesday, August 7, 2018, (b)(6) received an early call to say that they would be able to come back to the POE that day. Around 1 or 2pm in the afternoon, Mexican officials arrived at the (b)(6).</p>	CBP	(b)(6)		Conditions of Detention		Port of entry/CBP checkpoint		Calexico Port of Entry	
16		Contact-DHS-18-4046	Closed	Contact		Info Layer - Sent to Component no further action	09/14/2018	08/27/2018	08/27/2018	<p>(b)(6)</p> <p>On August 27, 2018 CRCL received email correspondence from CBP Info Center regarding a migrant who was detained near Columbus, NM on August 7, 2018. The detainee was held at an unidentified short term CBP detention facility and alleges poor conditions including low temperatures which gave her a sore throat. In addition, the detainee was 7 months pregnant and although she told the BPA she was told to sit on the floor with other detainees, which cause her back pain.</p>	CBP			Conditions of Detention	Env Health / Sanitation	CBP Detention or CBP Deferred Inspection	CBP Detention	near columbus NM	08/07/2018

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17		Contact-DHS-19-0114	Closed	Contact		Info Layer - Sent to Component no further action	10/22/2018	10/16/2018	10/16/2018	On October 16, 2018, CRCL received a CBP Info Center referral (b)(7)(E) in which (b)(6) alleges on September 29, 2018, at the Paso Del Norte Bridge POE, she was selected for secondary inspection. She states she was searched, her car was searched, and subject to K9 inspection. She states she was patted down and her privates were grabbed several times. She alleges she was made to squat several times and states she is five months pregnant. She states she was asked to urinate so the toilet could be searched. She states an officer disputed that she was pregnant. She states the event traumatized her. Per CBP in the Info Center Referral, TECS indicates (b)(6) was referred to secondary due to inconsistency in her story and her behavior. It also notes a k-9 search of the vehicle led to an alert for the presence of narcotics; however, the k-9 alert did not lead to finding any narcotics. After negative results, the traveler was allowed to proceed.	CBP			Inappropriate questioning / inspection conditions (Non TSA)	Treatment	Port of entry/CBP checkpoint		Paso Del Norte Bridge	
18		Contact-DHS-19-0416	Closed	Contact		Info Layer - Respond to Sender with no further action	12/07/2018	11/27/2018	11/27/2018	On November 27, 2018, CRCL received email correspondence from (b)(6) in which she alleges that on August 30, 2018, at the Chicago O'Hare International Airport, Customs and Border Protection (CBP) improperly denied her VISA and entry to the U.S. and returned her to Palestine. She states when she arrived she was asked if she was pregnant, to which she replied yes she was six months pregnant but only intended to be in the U.S. for one month to visit her brother. She states her due date was mid-December. She states she was interrogated for five hours and her passport and phone were not returned to her until she reached Germany. She states her VISA was canceled, incurring her costs. She asks if this practice was based on the fact that she was pregnant and if so, if this is in keeping with human rights and international law.	CBP			Discrimination/Profiling	Sex	Port of entry/CBP checkpoint		Chicago-O'Hare International	
19		Contact-DHS-19-0691	Closed	Contact		Info Layer - No Response necessary	11/07/2019	01/10/2019	01/10/2019	On January 10, 2019, CRCL received an email referral from OIG (b)(6) regarding a December 20, 2018 phone call from (b)(6) a federal air marshal, who reported allegations of sexual assault against two unnamed pregnant detainees in an ICE facility in McAllen, TX. (b)(6) was approached in New Orleans on December 19, 2018, by (b)(6) who are part of the NOLA Grannies Project, an immigration advocacy group. They told him that two pregnant women had been sexually assaulted by an unnamed guard approximately one week earlier. (b)(6) believes that (b)(6) have more information on the identity of the detainees.	CBP,ICE			Sexual assault/abuse	Staff/Detainee	Immigration detention		unknown facility	12/12/2018

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20	19-05-ICE-0180	Contact-DHS-19-0968	Open	Complaint	Short Form	Under Investigation - non 504	03/12/2019	02/26/2019	02/26/2019	<p>On February 25, 2019, CRCL staff were made aware of a joint statement from ICE and CBP regarding a stillbirth in custody. On February 22, 2019, while being processed for release from DHS custody, (b)(6) a 24-year-old Honduran woman went into premature labor and delivered a stillborn baby at the Port Isabel Detention Center (PIDC) in Los Fresnos, Texas. The woman, whose name and identifying details were withheld in order to protect her privacy, reported being six months pregnant at the time of her apprehension by the U.S. Border Patrol (USBP), shortly before midnight on February 18 near Hidalgo, Texas. While in USBP custody, she was taken to the hospital and cleared for release on February 21 after receiving two medical screenings. In the late afternoon on February 22, she was transferred to ICE custody to be processed for release. That same evening, while being processed for release by ICE, she began complaining of abdominal discomfort and was examined by the ICE Health Service Corps (IHSC). The clinical director was called and ordered that she be sent to the hospital. EMS was called. At that time, she conveyed that the baby was coming. She went into premature labor, at 27 weeks pregnant, and delivered an unresponsive male infant. IHSC initiated CPR and EMS transported them both to the Valley Baptist Medical Center in Harlingen, Texas, where the infant was later pronounced dead. According to the statement, the woman remains in ICE custody awaiting medical clearance, after which she will be released from custody. The statement further stated, "Although for investigative and reporting purposes, a stillbirth is not considered an in-custody death, ICE and CBP officials are proactively disclosing the details of this tragic event to be transparent with Congress, the media and the public."</p>	CBP,ICE	(b)(6)		Medical/Mental Health Care	Death	Immigration detention		PORT ISABEL	

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21		Contact-DHS-19-1277	Closed	Contact		Info Layer - Sent to Component no further action	04/04/2019	03/26/2019	03/26/2019	On March 26, 2019, CRCL received an email referral from the CBP Info Center (b)(7)(F) in which (b)(7)(F) alleges on March 14, 2019, CBPOs at the Minneapolis-Saint Paul International Airport (MSP) failed to grant her an accommodation based on the fact that she is eight months pregnant, and misrepresented a form she was required to sign. (b)(6) alleges while she was in line she asked an officer if anyone could assist her with carrying her heavy bags and in placing them on the belt because she is eight months pregnant. She alleges the officer declined her request but another officer later saw her struggling and assisted her. During inspection, the officer found milk and instant noodles with a prohibited ingredient in them. She explained she thought milk was allowed for young children and that she didn't know about the prohibited ingredient in the instant noodles. She states a senior officer told her she would be fined three hundred dollars. She states CBP told her she had to pay immediately or face additional fines. (b)(7)(F) did not have enough money to pay the fine, but was able to contact her father who paid on her behalf. She states she signed a form when she paid the fee that at the time she did not realize Box 11a was checked which stated she was given an opportunity to amend her customs form. She states she was not given this opportunity. She also noticed another box was checked stating that she was notified of her right to a hearing and waived her right to the hearing. She claims she had asked what her options were to contest the fine and had been told there were no options. (b)(7)(F)	CBP			Abuse of authority/misuse of official position		Port of entry/CBP checkpoint		Minneapolis-St. Paul International	
22		Contact-DHS-19-1426	Closed	Contact		Info Layer - Sent to Component no further action	04/25/2019	04/10/2019	04/10/2019	On April 10, 2019, CRCL received an email referral from CBP INFO Center (b)(7)(F) reporting information from (b)(7)(F). In correspondence sent to the INFO Center on March 30, 2019, (b)(7)(F) wrote alleged that CBP officer(s) groped him, his pregnant wife, and his 15-month-old daughter in their genital areas during inspection at the Ambassador Bridge Port of Entry in Detroit, Michigan on March 30, 2019. (b)(7)(F) who stated that he and his wife and daughter are U.S. citizens, claimed that ten to 15 agents surrounded their vehicle because, he believed, an officer he described as racist, unprofessional, and inadequately trained perceived them to be a threat to him. (b)(7)(F) alleged that CBPOs handcuffed him and his wife while his frightened daughter was in her car seat; he used the term "cuffed" and did not specify if the cuffing involved only handcuffs. (b)(7)(F) contended that the "groping" and "grabbing" of genitals constitutes sexual assault.	CBP			Inappropriate touch/search of person (non-TSA)		Port of entry/CBP checkpoint		Ambassador Bridge Port of Entry	03/30/2019



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23		Contact-DHS-19-1489	Closed	Contact		Info Layer - No Response necessary	05/09/2019	04/18/2019	04/18/2019	THIS MATTER INVOLVES AN UNACCOMPANIED MINOR. On April 18, 2019, CRCL received an email referral from the U.S. Department of Health and Human Services Office of Refugee Resettlement (HHS ORR) regarding unaccompanied child (b)(6) age 17. The minor reported that she has been in DHS custody for four days. According to EARM, the minor claimed to be four months pregnant. The minor was apprehended by Border Patrol near San Ysidro, California on April 13, 2019, and was taken to Imperial Beach Border Patrol Station in San Diego, California for processing.	CBP			Due Process		Unaccompanied minor	Time in Custody	Imperial Beach Station	
24	19-08-CBP-0439	Contact-DHS-19-1583	Open	Complaint	Retained	Under Investigation - non 504	07/02/2019	05/02/2019	05/02/2019	<p>Washington Post article states that in some cases DHS is violating its Migrant Protection Protocols program by sending back to Mexico some persons with "known physical/mental health issues." According to the article, "at least two pregnant women and a Honduran family that includes a 4-year-old girl with a neurological disorder were sent from El Paso to Ciudad Juarez, Mexico, under the MPP program, according to court proceedings in recent weeks. It is difficult for the girl to take in food, she is nonverbal and unable to walk, and her family argues that waiting in Mexico was a dangerous proposition." The mother says the daughter was diagnosed in Honduras with Guillain-Barre syndrome.</p> <p>According to the article, the mother crossed the border on March 29 with the 4-year-old and a 14-year-old and requested asylum after surrendering to Border Patrol agents in El Paso. She spent seven days in CBP custody and then was told that she would be returned to Ciudad Juarez. "They said that I needed to return because when I crossed, the law had changed," she said.</p> <p>At her request, agents called her husband in Florida, but they told him there was nothing they could do.</p> <p>After spending nearly three weeks at a migrant shelter in Ciudad Juarez, the family returned to El Paso in late April for an initial hearing in immigration court, and was interviewed by an asylum officer. The family was released to an El Paso migrant shelter, and then flew to Florida with tickets purchased by a charity program.</p> <p>CRCL requested and received the names and alien numbers of the family members mentioned in this article: (b)(6)</p>	CBP	(b)(6)		Due Process		CBP Detention or CBP Deferred Inspection	CBP Detention	El Paso Station	04/05/2019

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25	19-08-CBP-0358	Contact-DHS-19-1734	Open	Complaint		Assign Complaint	06/04/2019	05/23/2019	05/23/2019	<p>THIS MATTER INVOLVES AN UNACCOMPANIED MINOR</p> <p>On May 23, 2019, CRCL received a referral from Department of Health and Human Services (DHHS), Office of Refugee Resettlement (ORR), regarding allegations by (b)(6) (b)(6) The minor alleges that while in CBP custody, she felt ill and requested medical treatment. The minor alleges that the officer accused her of being pregnant and denied her access to medical care. The minor states that the officer then accused all of the girls of being pregnant and denied the requests of others who requested access to medical treatment. The ORR intake coordinator stated that when minor arrived into ORR custody her medical condition had worsened and she was taken to a hospital for evaluation and was hospitalized.</p> <p>According to EARM, a BPA encountered the minor on May 13, 2019, in the Rio Grande Valley, Texas Border Patrol Sector and then transferred the minor to Rio Grande Valley Centralized Processing Center for processing. The minor was transferred into ORR custody on May 20, 2019.</p>	CBP	(b)(6)		Medical/Mental Health Care	Medical Care	Unaccompanied minor	Medical Care, Time in Custody	Rio Grande Valley Centralized Processing Center	05/13/2019
26	19-08-CBP-0440	Contact-DHS-19-1751	Open	Complaint	Retained	Under Investigation - non 504	07/02/2019	05/28/2019	05/28/2019	<p>On May 28, 2019, CRCL reviewed an article published by the Los Angeles Times on May 19, 2019, titled, "Pregnant women, other vulnerable asylum seekers are returned to Mexico to await hearings." The article states that only about 20 asylum-seekers have been exempted from the Migrant Protection Protocols (MPP) and allowed into El Paso. It notes that pregnant women "have been shipped back to Mexico without medical care to await their hearings" and details overcrowding in shelters in Ciudad Juarez. The L.A. Times interviewed (b)(6) (b)(6) a woman who is eight months pregnant and who was placed into MPP. On the day of (b)(6) (b)(6) immigration court hearing, the article noted, four other pregnant migrants in the MPP program, "along with a new mother carrying her 6-day-old daughter," crossed the bridge with (b)(6) (b)(6) The article states, "[T]he guidelines do not make provisions for all pregnant women, new mothers, parents with disabled children or transgender migrants -- all of whom have been returned to Juarez in recent weeks."</p>	CBP	(b)(6)		Due Process		Port of entry/CBP checkpoint		El Paso Station	

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27	19-09-CBP-0450	Contact-DHS-19-1830	Open	Complaint		Assign Complaint	07/16/2019	06/03/2019	06/03/2019	<p>TIME IN CUSTODY - RETENTION MEMO</p> <p>THIS MATTER INVOLVES AN UNACCOMPANIED MINOR. On June 3, 2019, CRCL received an email referral from HHS ORR regarding (b)(6). The minor alleged that she was in CBP custody for ten days between May 21, 2019 and May 31, 2019. EARM indicates that she presented herself for admission on May 21, 2019 at the San Ysidro Port of Entry in San Diego, California and was referred and escorted to the San Ysidro Admissibility Enforcement Unit on May 21, 2019. "While detained at the San Ysidro Admissibility Enforcement Unit, Area of Operations, the minor was provided with meals, a sleeping cushion, blanket, and showers. [The minor] was also questioned about her wellbeing by successfully answering the In-Processing Health Screening Form. [She] denied any immediate medical issues/concerns while in the custody of [CBP]. However, [the minor] stated she is eight months pregnant. [She] was referred to the Physician's Assistant on site at the SYS/POE Admissibility Enforcement Unit for evaluation and clearance while in the custody of [DHS]."</p>	CBP	(b)(6)	(b)(6)	Due Process		Unaccompanied minor	Time in Custody	San Ysidro Port of Entry	
28		Contact-DHS-19-1836	Closed	Contact		Info Layer - No Response necessary	07/03/2019	06/03/2019	06/03/2019	<p>On June 3, 2019, CRCL received a referral from ORR, which alleges that CBP detained UAC (b)(6) who is 17 years old and three months pregnant, for 12 days. According to EARM, OFO apprehended the UAC on May 19, 2019 at the San Ysidro, CA Port of Entry, and transferred custody to ORR on June 1, 2019. (b)(6) alleges she was held in a small cell with twenty-seven other people. It is not clear from the records where (b)(6) was held for the twelve days between the time she claimed asylum and the time she was transferred to ORR.</p> <p>(b)(6)</p>	CBP			Due Process		Unaccompanied minor	Time in Custody	San Ysidro POE	
29	19-09-CBP-0464	Contact-DHS-19-1919	Open	Complaint		Assign Complaint	07/19/2019	06/04/2019	06/04/2019	<p>TIME IN CUSTODY MEMO</p> <p>On June 11, 2019, CRCL received a referral from ORR. The correspondence alleges that DHS detained UAC (b)(6) for 11 days. According to EARM, USBP apprehended her on May 24 and transferred custody to ORR on June 3. Per EARM, she stated that she was seven months pregnant.</p>	CBP	(b)(6)	(b)(6)	Due Process		CBP Detention or CBP Deferred Inspection	CBP Detention	Clint Station	05/24/2019

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30	19-09-CBP-0414	Contact-DHS-19-1932	Open	Complaint		Assign Complaint	06/24/2019	06/05/2019	06/05/2019	<p>THIS MATTER INVOLVES AN UNACCOMPANIED MINOR</p> <p>On June 5, 2019, CRCL received an email from (b)(1) of Raices Texas on behalf of (b)(6). The minor alleges that after she was apprehended she told the Border Patrol Agent that she was spotting. The minor alleges that she was then transported to the processing center, at which she told the BPA that she was spotting and had a miscarriage warning. The minor alleges that the BPA continued the interview, which lasted for about an hour. The minor alleges that after the interview was over, she was taken to the hospital, but halfway there, the person who was transporting her realized that he did not have all of her paperwork so he had to go back to get them. She then went to the hospital, at which the doctor told her that she was under a lot of stress and needed some rest. The minor stated that she didn't know if the doctor told the officer this, because when she returned to the processing center she was forced to sleep on a hard surface with a foil blanket.</p> <p>According to EARM, a BPA encountered the minor on February 17, 2019, near Eagle Pass, Texas and transported her to the Eagle Pass S. Station for processing. EARM states that the minor was 3-months pregnant and was transported to the hospital for examination.</p>	CBP	(b)(6)		Medical/Mental Health Care	Medical Care	Unaccompanied minor	BORDER PATROL HOLD ROOM CONDITIONS, Medical Care	Eagle Pass South Station	02/17/2019
31		Contact-DHS-19-2131	Closed	Contact		Info Layer - No Response necessary	07/09/2019	06/10/2019	06/10/2019	<p>(b)(6)</p> <p>On 6/10/2019, CRCL received a referral from ORR, the correspondence alleges that CBP detained UAC (b)(6) who is 10-years-old, for 7 days. According to EARM, USBP/OFO apprehended the UAC on 6/8/2019 and transferred custody to ORR on 6/8/2019. UAC disclosed during his stay, he was provided three meals (breakfast, lunch, and dinner) and disclosed always having access to water. UAC informed case manager that he would be told to "shut up" by other minors in the detention center. Minor denied any abuse from the officers in the detention center. UAC informed case manager he was told to give up his mattress for the pregnant ladies in the detention center.</p>	CBP			Due Process		Unaccompanied minor	Time in Custody	Yuma Station	
32		Contact-DHS-19-2432	Closed	Contact		Info Layer - No Response necessary	07/26/2019	06/24/2019	06/24/2019	<p>On June 24, 2019, CRCL received an email from the CBP INFO center (b)(7)(F) with allegations from (b)(6) relating to the her experience at the Santa Teresa, New Mexico Port of Entry. (b)(6) alleges that on June 19, 2019, a CBPO at the POE behaved inappropriately when searching her and her car, including asking questions about whether she was pregnant, was on her period, how many children she had and whether those children were vaginal births.</p>	CBP			Inappropriate questioning / inspection conditions (Non TSA)	Treatment	Port of entry/CBP checkpoint		Santa Teresa POE	06/19/2019



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33		Contact-DHS-19-2601	Closed	Contact		Info Layer - No Response necessary	07/11/2019	07/04/2019	07/04/2019	On July 4, 2019, CRCL received a referral from ORR. The correspondence alleges that CBP detained UAC (b)(6) who is 17 years old, for 4 days. The UAC also alleges that she was at one facility for two days with her partner (an adult) and her three-year-old son before they were transferred to a second facility. The ORR intake interview states that the UAC believed her son should stay with her partner, so they stayed in a separate room from her at the second facility. She also alleged that she was not allowed to shower at the second facility. According to EARM, USBP apprehended the UAC on June 30, 2019 before transferring to ORR custody on July 3, 2019. EARM indicates that the first facility at which she and her family were detained was the Naco, Arizona Port of Entry. EARM also indicates that the UAC is eight months pregnant. Additionally, she stated that in 2014 her grandmother sold her to her husband when she was thirteen years old.	CBP			Due Process		Unaccompanied minor	Time in Custody	Naco, AZ POE	
34		Contact-DHS-19-2711	Closed	Contact		Info Layer - No Response necessary	08/15/2019	07/18/2019	07/18/2019	On July 22, 2019, CRCL received an email referral from the CBP Info Center (b)(7)(E) in which (b)(6) alleges on July 16, 2019 at the JFK International Airport, (b)(6) - (b)(7)(C) targeted her and her mother for additional screening, (b)(6) based on their race. (b)(6) states she and her mother are of Indian descent. She states she is pregnant, and had just been ill after getting off of the plane. She states they were approached to have their luggage inspected. (b)(6) explained to the officer she was pregnant and had just been ill, hoping the inspection would not take long. She states they were charged \$1900 because the CBPO claimed they did not report valuable they purchased overseas. (b)(6) states this is false and that she and her mother reported the purchases. She alleges he did not give her any paperwork explaining or documenting the fee.	CBP			Discrimination/Profiling	Race	Port of entry/CBP checkpoint		John F. Kennedy International	
35		Contact-DHS-19-2946	Closed	Contact		Info Layer - No Response necessary	08/22/2019	08/12/2019	08/12/2019	FAMILY SEPARATION On August 12, 2019, CRCL received a referral from ORR. The correspondence alleges that CBP detained UAC (b)(6) who is 14 years old, and separated the UAC from her adult sister. The UAC reported that she was traveling with her 20-year-old sister, and that she was separated from her sister immediately after apprehension. The UAC reported that immigration officials informed her that they were being separated because her sister was an adult. She further reported that her sister is pregnant. According to EARM, USBP apprehended the UAC on August 10, 2019 and transferred custody to ORR on August 11, 2019.	CBP			Due Process		Unaccompanied minor	FAMILY SEPARATION	Yuma Station	

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36		Contact-DHS-19-3243	Closed	Contact		Info Layer - No Response necessary	09/12/2019	09/09/2019	09/09/2019	MPP; Migrant Protection Protocols. CRCL reviewed a September 7, 2019, article from TIME magazine titled, "A Heavily Pregnant Migrant Crossed the U.S. Border Experiencing Contractions. American Doctors Stopped Her Labor, Then Sent Her Back to Mexico." The article describes a Salvadoran woman who was apprehended by Border Patrol while 8.5 months pregnant and experiencing contractions. The article states, "Agents took her to the hospital, where doctors gave her medication to stop the contractions. And then, according to the woman and her lawyer, she was almost immediately sent back to Mexico. There, she joined the more than 38,000 people forced to wait across the border for immigration court hearings under a rapidly expanding Trump administration policy. And her plight highlights the health risks and perils presented by the "Remain in Mexico" program."	CBP			Human Rights		Port of entry/CBP checkpoint		Rio Grande Valley Centralized Processing Center	09/07/2019
37	19-11-CBP-0646	Contact-DHS-19-3332	Open	Complaint	Short Form	Under Investigation - non 504	09/06/2019	08/16/2019	08/16/2019	<p>This Complaint is regarding (b)(6) (b)(6) Young woman with 5 year-old daughter (b)(6) and 16 year-old brother (b)(6) Became pregnant with (b)(6) through kidnapping and rape when she was a minor. (b)(6) mother listed on birth cert. due to circumstances of pregnancy. Provided hospital records to CBP and requested DNA test. CBP separated her from daughter and minor brother. DNA test eventually confirmed parentage after months of separation.</p> <p>On August 16, 2019, CRCL received a direct submission from the Women's Refugee Commission detailing several cases of family separations occurring within the context of the Migration Protection Protocols (MPP), also known as "Remain in Mexico" (RIM). WRC provided A numbers for some of the MPP cases, which are categorized by (1) Biological parents separated from their children; (2) Legal guardians separated from their children; (3) Legal guardian or adoptive parent separated from their child; (4) Caretakers/common-law guardians separated from their children; (5) Families with children where parents and children are split up, with part of the family being sent back to Mexico (usually involving one young adult sibling); (6) Spouses and common law partners separated from each other; (7) Adult siblings separated from minor siblings. These examples also raise issues relating to CBP destroying legal documents, refusing to consider legal documents, poor detention conditions for persons held in CBP custody before being returned to Mexico, and indigenous language speakers and persons with medical issues being returned to Mexico under MPP.</p>	CBP	(b)(6)		Human Rights	(b)(6)	Port of entry/CBP checkpoint		Southern Border-MPP	
38		Contact-DHS-19-3441	Open	Contact		More Information Needed	10/24/2019	09/27/2019	09/27/2019	<p>ACLU- Pregnant women returned to Mexico under the MPP Protocols. MIGRANT PROTECTION PROTOCOLS (MPP). On September 26, 2019, CRCL received a direct submission from the ACLU Border Rights Center and the ACLU of Texas, in the form of a letter requesting an investigation into several allegations of pregnant women, many in their third trimester and some near full-term, who have been subjected to the Migrant Protection Protocols (MPP). On September 27, 2019, (b)(6) (b)(6) reached out to the ACLU for the A numbers relating to these individual allegations.</p>	CBP			Human Rights		Port of entry/CBP checkpoint		Southern Border (MPP)	09/26/2019

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39		Contact-DHS-19-3443	Closed	Contact		Info Layer - No Response necessary	10/04/2019	09/26/2019	09/26/2019	FAMILY SEPARATION On September 26, 2019, CRCL received a direct correspondence from (b)(6) from Morrison Child and Family Services on behalf of UAC (b)(6) who is 12 years old. According to the correspondence, the UAC reported that he was separated from his father, (b)(6) at the border. The UAC reported that his "father" has a different last name than his mother, (b)(6). He reported that his mother had sent his father POAs and that his father had his birth certificate. The UAC reported that upon apprehension, his father presented the documents, but that the BP agents said that the documents were fake and that his father would go to jail for five years for having false documents. He further reported that he did not speak to the agents at that time because he was crying. According to EARM, USBP apprehended the UAC on September 23, 2019 and transferred custody to ORR on September 25, 2019. According to EARM, the purported father admitted that he was not the UAC's biological father as he met the UAC's mother when she was six months pregnant, but stated that he raised the UAC like a son. According to EARM, the individual also stated that he never legally married the UAC's mother. According to EARM, the UAC is in custody at a shelter in Oregon, which is close to a where his biological mother lives in Beaverton, Oregon.	CBP			Due Process		Unaccompanied minor	FAMILY SEPARATION	Rio Grande Valley Centralized Processing Center	
40	20-01-CBP-0073	Contact-DHS-20-0109	Open	Complaint		Assign Complaint	11/06/2019	10/21/2019	10/21/2019	On October 21, 2019, CRCL received email notification from the CBP SITROOM regarding (b)(6) (b)(6). According to the notification:  On October 15, 2019, CBP officers assigned to the San Ysidro, California POE reported that a Mexican national, who applied for asylum via the pedestrian lanes was admitted to the hospital. The subject was pregnant and complained of abdominal pains and vaginal bleeding. Officers transported the subject to a local hospital where she underwent surgery; however the fetus did not survive. The subject remains in the hospital for recovery and observation. (b)(6)	CBP	(b)(6)	(b)(6)	Medical/Mental Health Care	Death, Medical Care	Port of entry/CBP checkpoint		San Ysidro	
41		Contact-DHS-16-2061	Closed	Contact				08/30/2016	08/30/2016	THIS MATTER INVOLVED AN UNACCOMPANIED MINOR AND FAMILY SEPARATION ISSUE.  On August 30, 2016, CRCL received an email referral from HHS ORR on behalf of unaccompanied child (UAC) (b)(6) age 9. The complaint allege that the UAC was separated from his mother (b)(6) on August 29, 2016 in McAllen, TX because the mother is currently at the hospital due to her pregnancy.	CBP			Due Process		Unaccompanied minor	FAMILY SEPARATION	McAllen, TX	08/29/2016



Row	DHS Matters - Complaint Number	DHS Matters - Contact Number	DHS Matters - State	DHS Matters - Type	DHS Matter - Investigation Type	DHS Matters - Last Action	DHS Matters - Last Action Date	DHS Matters - Date to DHS	DHS Matters - Date to CRCL	DHS Matters - Summary of Allegation	DHS Matters - Component Involved	DHS Matters - Primary Assignment	DHS Matters - Secondary Assignment	Issue - Issue	Issue - Basis	Issue - Situation	Issue - Situation Basis	Issue - Incident Location	Issue - Incident Date		
42	18-09-DHS-0400	Contact-DHS-18-3137	Open	Complaint	Short Form	Under Investigation - non 504	04/16/2019	06/18/2018	06/18/2018	On June 18, 2018, CRCL received an email referral from the DHS OIG (b)(6) regarding (b)(6) (b)(6) an ICE detainee at Otay Mesa (San Diego CCA) in San Diego, California. On 5/24/2018, a USCIS Asylum Officer submitted a complaint to the OIG website on behalf of (b)(6) (b)(6) regarding her medical care at the facility. (b)(6) (b)(6) alleged that officials "accelerated the loss of her baby," and reported that she was not satisfied with the explanations or proof that she was given regarding her pregnancy termination. Specifically, she stated that she was not shown an ultrasound that had been taken to assess the health of her fetus. She also claimed that she had to sleep on a top bunk after her pregnancy was terminated which caused her back, stomach, and leg pain (from climbing the ladder).	CBP,ICE	(b)(6)			Medical/Mental Health Care	Medical Care	Immigration detention			OTAY MESA DETENTION CENTER (SAN DIEGO CDF)	
43		Contact-DHS-18-3655	Closed	Contact		Info Layer - Sent to Component no further action	09/04/2018	07/31/2018	07/31/2018	On July 31, 2018, CRCL received an email referral from CBP INFO Center (b)(7)(F) regarding information from (b)(6) . In correspondence to the INFO Center dated, July 4, 2018, (b)(6) alleged that CBP officers at the Hidalgo Port of Entry in Hidalgo, Texas mistreated her as she was attempting to enter the U.S. on June 6, 2018. (b)(6) alleged that she was trying to enter the U.S. for her "health problems" and that CBP took her into custody for six hours at the POE. She alleged that officers took off all her clothes, told her she was a terrorist, verbally tortured her, and abused her. She said they sent her back to Mexico and that she "lost [her] baby in [her] belly." She did not specify when her pregnancy ended and did not provide information linking that event to her treatment by CBP.  CRCL obtained (b)(6) (b)(6) from PCQS from searching on her name and entering "1995," the number in her email address, as the presumed year of her birth. According to the I-213 in EARM, (b)(6) is a citizen of the United Kingdom who stated at the POE that she wanted to travel to Atlanta, Georgia to visit a friend. In secondary inspection, (b)(6) was given a pat search. The I-213 states that (b)(6) said that she wanted to travel to Atlanta and work taking care of children and giving private lessons as she stated that she was an English teacher. She stated that she planned to stay in the U.S. for two months working and then move to Canada. The I-213 states that (b)(6) was four months pregnant and said she was in good health.	CBP				Inappropriate questioning / inspection conditions (Non TSA)	Treatment	Port of entry/CBP checkpoint			Hidalgo Port of Entry	06/03/2018
44		Contact-DHS-19-0022	Closed	Contact		Info Layer - Sent to Component no further action	10/11/2018	10/03/2018	10/03/2018	On October 3, 2018, CRCL received a referral from CBP INFO Center (b)(7)(F) regarding allegations by (b)(6) (b)(6) alleges that she was in the late stages of her pregnancy when she and her mother, who suffers from diabetes, attempted to fly to the United States on Etihad Airlines from Abu Dhabi. (b)(6) alleges that CBP denied her entry and cancelled her visa, and discriminated against her on the basis of her national origin (Egyptian) in doing so. (b)(6) claims that the CBP officers were rude to her, detained her at the airport for approximately 12 hours, which resulted in pain to her and harm to her mother.	CBP				Discrimination/Profiling	National Origin	Port of entry/CBP checkpoint		Abu Dhabi Preclearance	09/22/2018	

Row	DHS Matters - Complaint Number	DHS Matters - Contact Number	DHS Matters - State	DHS Matters - Type	DHS Matter - Investigation Type	DHS Matters - Last Action	DHS Matters - Last Action Date	DHS Matters - Date to DHS	DHS Matters - Date to CRCL	DHS Matters - Summary of Allegation	DHS Matters - Component Involved	DHS Matters - Primary Assignment	DHS Matters - Secondary Assignment	Issue - Issue	Issue - Basis	Issue - Situation	Issue - Situation Basis	Issue - Incident Location	Issue - Incident Date
45	19-11-CBP-0646	Contact-DHS-19-3332	Open	Complaint	Short Form	Under Investigation - non 504	09/06/2019	08/16/2019	08/16/2019	<p>This Complaint is regarding (b)(6) (h)(6) Young woman with 5 year-old daughter (h)(6) and 16 year-old brother (h)(6) Became pregnant with (h)(6) through kidnapping and rape when she was a minor. (h)(6) mother listed on birth cert. due to circumstances of pregnancy. Provided hospital records to CBP and requested DNA test. CBP separated her from daughter and minor brother. DNA test eventually confirmed parentage after months of separation.</p> <p>On August 16, 2019, CRCL received a direct submission from the Women's Refugee Commission detailing several cases of family separations occurring within the context of the Migration Protection Protocols (MPP), also known as "Remain in Mexico" (RIM). WRC provided A numbers for some of the MPP cases, which are categorized by (1) Biological parents separated from their children; (2) Legal guardians separated from their children; (3) Legal guardian or adoptive parent separated from their child; (4) Caretakers/common-law guardians separated from their children; (5) Families with children where parents and children are split up, with part of the family being sent back to Mexico (usually involving one young adult sibling); (6) Spouses and common law partners separated from each other; (7) Adult siblings separated from minor siblings. These examples also raise issues relating to CBP destroying legal documents, refusing to consider legal documents, poor detention conditions for persons held in CBP custody before being returned to Mexico, and indigenous language speakers and persons with medical issues being returned to Mexico under MPP.</p>	CBP	(b)(6)		Human Rights		Port of entry/CBP checkpoint		Southern Border-MPP	