



Kino Border Initiative
Iniciativa Kino para la Frontera



Due Process Denied

CBP Abuses at the Border October 2020-July 2021

This joint report by the Kino Border Initiative (KBI) and NETWORK Lobby for Catholic Social Justice, documents patterns of abuse by the Customs and Border Protection (CBP) agency in the Nogales sector. The purpose of this report is to provide a snapshot of what occurs at the border and to press for external oversight to end CBP's systemic culture of abuse of migrants. As members of Congress continue to push for increased funding for CBP as a response to asylum seekers arriving at the US-Mexico border, and the Biden Administration increasingly relies on CBP to do the work of asylum officers and trained Health and Human Services (HHS) employees, this report demonstrates that CBP is not the appropriate agency to channel migrants due process afforded them by asylum law, and rather is woefully inadequate in such a role.

The 35 cases in this report were documented by KBI from October 2020 to mid-July 2021. All of the immigrants have been interviewed by KBI and unless otherwise stated crossed into the United States between points of entry because points of entry remain closed to asylum seekers. To maintain anonymity, each case is simply titled with the nationality and gender of the migrant.

These complaints against Border Patrol agents show the systemic and inhumane treatment of some of the most vulnerable people who arrive at our southwest border and a complete failure by CBP to follow due process in most cases. By not following due process, CBP and its agents are in turn breaking U.S. and international law.

There are five categories of violations identified and included in this report: 1. Immigrant claims of credible fear dismissed; 2. Immigrants being forced to sign documentation and then expelled; 3. Theft of documentation; 4. Medical negligence; and 5. Physical abuse.

All of the immigrants who were interviewed in this report came to the United States hoping to escape persecution or violence in their home countries. Many of them directly told the CBP agents that they are desperate to evade abusive partners, organized gang activity, extortion, and/or political strife. **However, none of them were referred to an Asylum Officer of the U.S. Citizenship and Immigration Services (USCIS) as is required.**



Kino Border Initiative
Iniciativa Kino para la Frontera



Most migrants interviewed by KBI report that agents lied to them about their rights, where they were going, and what they could legally do as a person physically present in the United States. CBP told the immigrants why they were being expelled in only three of the 35 cases: two under Title 42 and one in compliance with the Migrant Protection Protocols (MPP or “remain in Mexico” policy). All of the others were never given any reasons or just told the border was closed.

One immigrant who was lawfully present in the United States had a valid work permit and was not crossing a border was detained by the Border Patrol and expelled. He had his legal documents with him but the CBP didn’t believe them.

Several cases describe inhumane treatment at the hands of CBP. This includes confiscating baby food and diapers, being forced to sleep on concrete under bridges, in freezing facilities, and even outright physical attacks.

Some cases demonstrate family separation policies that are still pervasive in CBP’s handling of migrants. One woman was separated from her brother, a minor, and at the time of filing her complaint, still had no information about his whereabouts. In a few other cases, husbands had been separated from their wives and children, and the husband was deported.

In one case a border agent physically assaulted a pregnant woman who was seeking asylum at a port of entry.

Despite filing complaints about individual agents, these abuses often go unnoticed and unpunished. Of the thirty-five complaints in this report, none of them resulted in a response to KBI or the complainant about disciplinary action taken against the perpetrators of these abuses. This means agents who attack migrants may still be on the job, repeating these same violations.

These violations are not new to the Kino Border Initiative. In February of 2021, KBI wrote to Department of Homeland Security Secretary Mayorkas detailing much of the same pattern of abuse and more. Secretary Mayorkas replied detailing updates on the individual complaints in process, but did not address any systemic changes to change the culture of abuse.



Kino Border Initiative
 Iniciativa Kino para la Frontera



President Biden’s “blueprint for a humane asylum system” hinges on CBP following the rules and referring all who claim fear to be assessed by USCIS, and remaining in the U.S. as long as the assessment continues rather than being deported before due process can be achieved. This snapshot is the latest of numerous reports highlighting CBP’s systemic pattern of abuse which violates U.S. laws and regulations, as well as international law. This report demonstrates that CBP is incapable of performing the function of trained asylum officers and therefore is not the appropriate agency to assess whether a migrant’s fear claim warrants being paroled into the U.S. to continue the asylum process. President Biden’s plan cannot be humane until there is an end to patterns of abuse and impunity within CBP. We respectfully ask that both the Biden administration and Congress exercise all their powers and initiate external oversight mechanisms over CBP that will end impunity within CBP.

The Kino Border Initiative is a binational organization located in Nogales, Arizona and Nogales, Sonora, Mexico. KBI provides humanitarian aid to migrants in Nogales, Sonora and engages in education and advocacy on both sides of the border with a vision of promoting humane, just, and workable migration.

CONTACT:

Tracey Horan, SP, thoran@kinoborderinitiative.org

Kino Border Initiative

www.kinoborderinitiative.org

NETWORK Lobby for Catholic Social Justice is an organization whose goal is to educate, organize, and advocate for economic and social transformation. For almost 50 years, NETWORK has been guided by Catholic Social Teaching, which tells us to place the needs of people at the socioeconomic margins at the center of our advocacy. Founded by Catholic Sisters in the 1970s, we continue their legacy today by building a just society that ensures all people have what they need to live dignified lives as children of God. We are proud to have over 100,000 supporters across the country who share our passion for justice.

CONTACT:

Ronnate Asirwatham, rasirwatham@networklobby.org

NETWORK Lobby for Catholic Social Justice

www.networklobby.org

Snapshot of complaints made on CBP abuse.

Immigrants claims of credible fear dismissed.

1. Case: Honduran Family

Date of incident: July 30, 2021

Date Kino filed complaint with office of Civil Rights and Civil Liberties (CRCL), Customs and Border Protection Office of Professional Responsibility (CBP OPR)*: August 11, 2021

Location: McAllen, TX, Tucson, AZ

Complaint against: Border Patrol Agent

Description: A Honduran man, wife and daughter entered the United States and were detained in Reynosa. They told the agents who detained them that they wanted to seek asylum. The agents said “no,” that there was nothing the agents could do for them; however, the agents asked the family to write down their names. The family was taken under a bridge, where they were told to sleep outdoors, on the concrete. They were not given food or water for 10 hours. There were several hundred other migrants under the bridge with no access to running water. All the migrants were confined in a small space where they could touch each other. There were three toilets (port-o-potties) for several hundred migrants. There were no facilities for them to bathe under the bridge. On the fourth day, the family was flown to Tucson where they were finally able to wash themselves, though they were detained there for four days and only allowed to wash that one time. In Tucson, they asked again to be considered for asylum but were again told no. The agents also shouted at the immigrants asking them to shut their kids up. The agents told the family that since they came to the US illegally, they had no right to asylum, and that they should attempt to seek asylum at the nearby port of entry. From there, they were expelled to Nogales, Sonora.

Status: No response as of 8/17/2021

2. Case: Honduran Man

Date of incident: July 23, 2021

Date Kino filed complaint with CRCL and CBP OPR: August 3, 2021

Location: McAllen, TX and Tucson, AZ

Complaint against: Border Patrol Agent

Description: A Honduran man, his wife, and daughter entered the United States near McAllen, Texas where they were detained. They were kept under an overpass with hundreds of other migrants. The agents took their temperatures and biometric data. There was a medical tent, but the family could not get medical attention. Their infant daughter became sick while they were there. Although they asked for medical attention for their baby, the agents refused to provide any. They were held there for

three days. This family was exposed to the elements and went without basic necessities like running water, beds to sleep in, etc. They were only fed twice a day. Border Patrol would periodically call names to board buses; if you missed your name, you had to wait until next time they came to call your name. Because of this, people chose to remain awake rather than risk missing their chance to leave. The father recalls the brutal sleep deprivation this caused. After three days the Border Patrol transferred them to a facility. At the facility the agents confiscated *all* their belongings (clothes, medicine, diapers, phone chargers, etc.). They were not given anything to eat at the facility for the whole day. The father was temporarily separated from his wife and daughter and placed in a separate holding facility with about fifty others, who had been at the facility for some time. Eventually, the agents took down details of the family members they had in the US and told them they could leave once their family members had paid for their travel. This was a lie. The family was instead taken to the airport and flown to Tucson, AZ and then expelled to Nogales, Sonora.

Status: On 8/6/2021 KBI received an email from CRCL stating that they received the complaint and forwarded it to the Office of the Inspector General (OIG). No details were provided about disciplinary actions for officers or recourse for victims of abuse.

3. Case: Guatemalan Man

Date of incident: June 30, 2021

Date Kino filed complaint with CRCL and CBP OPR: July 9, 2021

Location: Tucson, AZ

Complaint against: Border Patrol Agent

Description: A Guatemalan man, his wife, and son entered the United States with the intention to seek asylum. They crossed and encountered Border Patrol. The Border Patrol asked if their objective was to seek asylum, and the father said yes. The family was then transported to an outpost and processed. A CBP officer asked where they were from but did not ask any other questions. They were transported to a facility in Tucson, where the man was separated from his wife and son. They were all moved between several different detention centers, and the only time the man was able to see his wife and son was during transport. In one of the facilities, he told an agent he feared returning to Guatemala. The agent laughed in his face and said something to the other agents, who all laughed. He felt so humiliated and discouraged to ask for asylum again. He was moved four times to different border facilities. Finally, he and his family were expelled in the very early morning hours without ever being given a fear assessment or referred to the USCIS.

Status: Approximately four weeks after initial complaint was filed, on 8/5/2021, KBI received an email from CRCL stating that they received the complaint and

forwarded it to the OIG. No details were provided about disciplinary actions for officers or recourse for victims of abuse.

4. Case: Guatemalan Woman

Date of incident: April 2, 2021

Date Kino filed complaint with CRCL and CBP OPR: June 15, 2021

Location: Tucson Station: Sasabe outpost, Tucson BP Station

Complaint against: Border Patrol Agent

Description: A Guatemalan woman crossed into the United States walking through the desert. She became ill and fainted. When she came to, a Border Patrol Agent was standing over her. She was taken to an outpost and processed. There, she told the agents about the violence she had faced, and that she had proof of threats she had received. The agent said he didn't speak Spanish but that she should take it up with officers at the next station. In Tucson, she was made to remove her outerwear (her jacket and two shirts and a pair of pants) even though the facility was cold. She was sent into room with a TV, and on the TV screen it said that if anyone was experiencing violence, they should speak to an agent. She then called the agents and said she wanted to apply for asylum. They told her that was unavailable because of the pandemic. The agents started yelling at her that she should have gone to a port of entry if she wanted asylum, and that she was breaking the law by coming this way. They said to her that she was doing what the mafia does, crossing the border illegally. Additionally, officers threw the name of her abuser in her face and taunted her, telling her they were going to call him. She felt humiliated by the agent's actions. By this time, she had had three separate agents decline to help her apply for asylum. She was expelled to Mexico the next morning.

Status: As of 8/17/2021, KBI has received no response to this complaint.

5. Case: Guatemalan Woman

Date of incident: July 5, 2021

Date Kino filed complaint with CRCL and CBP OPR: July 23, 2021

Location: Tucson Station

Complaint against: Border Patrol Agent

Description: A Guatemalan woman, her sister (19), brother, and son entered the United States and were all detained by border patrol. At that time the agent was very nice to them and gave them water and took them to a Border Patrol station. They were subsequently moved to Tucson. There, CBP processed the sister first, and a female CBP agent reached into her sister's shirt and grabbed sister's documents from her bra. Her brother was separated from them, and she did not have any information about his whereabouts as of July 10. She was never told why they separated her brother from her. She was also then separated from her sister,

who CBP says tried to escape them while they were walking in the desert. The woman told agents several times that her sister had not tried to escape apprehension and that they had been together the whole time. The officers told her “You are not in your country. We are in charge here.” In the facility, the staff at the station refused to give them blankets. In the early morning, she was reunited with her sister on a bus. She tried several times to tell them she was seeking asylum, but no one listened. CBP kept telling them that this was their country, and they were in charge. The woman, her sister, and son were expelled to Nogales, Sonora in the early morning.

Status: Approximately two weeks after the initial complaint was filed, on 8/5/2021, KBI received an email from CRCL stating that they received the complaint and forwarded it to the OIG. No details were provided about disciplinary actions for officers or recourse for victims of abuse.

6. Case: Mexican Man

Date of incident: June 30, 2021

Date Kino filed complaint with CRCL and CBP OPR: July 2, 2021

Location: Mariposa Port of Entry

Complaint against: Border Patrol Agent

Description: A Mexican man, his wife, and two children presented themselves at the Mariposa port of entry twice to seek asylum in the US. The agents on duty first told them they needed to go to the Mexican immigration office at the Mexican port of entry at the other side of the road. When the Mexican authorities said they can't do anything, the family returned to the US port of entry. The same agents said the only thing they could do was deport them to Mexico. The family had pleaded with the agents, saying they were afraid to go back as they had received death threats from the police in their village who were involved in organized crime. The CBP agents said they could not help them, and they needed to go to Kino Border Initiative to get legal help. They called a Mexican government agent to pick the family up and take them to Kino.

Status: As of 8/17/2021, six weeks after initial complaint was filed, KBI has received no response to this complaint.

7. Case: Salvadoran Woman

Date of incident: April 17, 2021

Date Kino filed complaint with CRCL and CBP OPR: July 13, 2021

Location: Nogales Station (300m west of Mariposa Port of Entry, Nogales, AZ)

Complaint against: Border Patrol Agent

Description: A Salvadoran woman, her 10-year-old daughter, 1-year-old son, brother, cousin, and cousin's daughter, entered the United States on April 17, 2021.

They saw a Border Patrol truck arriving and waited for it to arrive so they could ask for asylum. The Border Patrol agent who got out of the truck was enraged. He pulled a gun on the mother and family. He berated them, calling them “damned criminals,” “rats,” “terrorists,” and “criminals,” as they cried and asked for asylum. He spoke English and Spanish but spoke Spanish poorly, but the Salvadoran woman said she understood enough. He continued to pull his gun on them even though they were not posing any threat to his safety. They were unarmed and with children. She believed that he was going to kill them. Then, another agent arrived and calmed the first agent down. Other agents and vehicles arrived to transport them. She told those agents that they were seeking asylum, but they said they didn’t speak Spanish. Once they were transported to an open-air outpost, she asked the agents there for asylum and got the same answer. Then they were transported to a permanent building where they were inspected by a doctor. She told the doctor she wanted seek asylum and he just said good luck. At the facility, she told several more agents she wanted to seek asylum. Despite telling 7 or 8 different agents that they were hoping to seek asylum in the United States, they were repeatedly told that no one spoke Spanish and were never given a fear assessment. They were all expelled to Nogales, Sonora. Status: As of 8/17/2021, five weeks after the initial complaint was filed, KBI has received no response to this complaint.

8. Case: Guatemalan Family

Date of incident: February 17, 2021

Date Kino filed complaint with CRCL and CBP OPR: February 24, 2021

Location: Tucson Station

Complaint against: Border Patrol Agent

Description: A Guatemalan family (husband, wife and 7-month-old son) entered the United States and were detained. The family left Guatemala after the man’s brother was murdered by an organized crime group. The family was taken to an office near Sasabe, where they were never asked why they fled Guatemala or asked for the documents they had with them as proof of persecution. They were later taken to Tucson, and they were expelled the following day to Nogales, Sonora in the early morning.

Status: On 3/8/2021, two weeks after the initial complaint was filed, KBI received an email from CRCL stating that they received the complaint, recorded it in their database, and no further actions would be taken. No details were provided about disciplinary actions for officers or recourse for victims of abuse.

9. Case: Guatemalan Woman

Date of incident: February 1, 2021

Date Kino filed complaint with CRCL and CBP OPR: February 4, 2021

Location: Tucson Station

Complaint against: Border Patrol Agent

Description: A Guatemalan woman and her two children (including a 14-year-old son) fled Guatemala and were detained in the desert upon entry to the US by Border Patrol and taken to the Tucson Station. At the facility, the woman tried to talk to the agents and tell them she could not return to Guatemala because she had suffered violence. The agent said if he allowed her asylum that he would be breaking the law and if he did it for her the agents would have to do it for others. Border Patrol said they had no legal right to seek asylum. They were expelled to Nogales, Sonora. The family was harassed and threatened in Mexico after being expelled.

Status: Approximately two months after the initial complaint was filed, on 4/1/2021, KBI received an email from CRCL stating that they received the complaint and forwarded it to the OIG. No details were provided about disciplinary actions for officers or recourse for victims of abuse.

10. Case: Guatemalan Woman

Date of incident: January 15 2021 and February 1, 2021

Date Kino filed complaint with CRCL and CBP OPR: February 15, 2021

Location: Yuma Station, Tucson Station

Complaint against: Border Patrol Agent

Description: A Guatemalan woman with her two-year-old child, who is fleeing violence, has twice attempted to seek asylum in the United States and been turned away both times without being able to make her case for asylum. The woman has photo evidence of violence that she has faced in Guatemala. She requested asylum the first time she crossed the border, but the agents only listened to the unaccompanied minors in the facility and did not speak to the adults or ask questions. She tried showing agents her documentation to no avail.

The second time, she and her daughter were taken to two different border facilities, and each time she was denied the opportunity to speak. She said that a man in a black uniform attempted to speak to them but was asked not to by male agents in green uniforms. She was expelled to Nogales, Sonora.

Status: On 2/25/21, ten days after the initial complaint was filed, KBI received an email from CRCL stating that they received the complaint, recorded it in their database, and no further actions would be taken. No details were provided about disciplinary actions for officers or recourse for victims of abuse.

11. Case: Honduran Woman

Date of incident: January 2021

Date Kino filed complaint with CRCL and CBP OPR: January 27, 2021

Location: Tucson Station

Complaint against: Border Patrol Agent

Description: A Honduran woman fled Honduras with her 14 and 17-year-old sons after several members of her immediate family were murdered by members of organized crime. The guide who was taking them across the border instructed one of the boys to cross first. The woman and the younger son crossed later and were detained at the border in Southern Arizona. CBP officers shouted at them in English, which the woman and boy did not speak. Later, at the CBP station, she told an agent that she wanted to request asylum, and that she had a daughter who was living in the US with special needs. He said that at this time there is no access to asylum for single women. He said only unaccompanied minors could access asylum. She began to cry and said nothing else. She and her younger son were expelled to Mexico.

Status: Nine days after the initial complaint was filed, on 2/5/2021, KBI received an email from CRCL stating that they received the complaint and forwarded it to the OIG. No details were provided about disciplinary actions for officers or recourse for victims of abuse.

12. Case: Honduran Woman

Date of incident: January 31, 2021

Date Kino filed complaint with CRCL and CBP OPR: February 5, 2021

Location: Tucson Station

Complaint against: Border Patrol Agent

Description: A Honduran woman fled domestic abuse from a partner in Honduras who is connected to organized crime. She filed a police report in Honduras and he threatened her even more. While traveling through Mexico, she feared being forced into prostitution to survive. She was able to avoid this. On the way to the United States, she was kidnapped by the cartel and ransomed for one thousand dollars. When a friend was able to pay the ransom, the cartel dropped her and 38 others off in the desert. Once she entered the United States through the desert she was detained by Border Patrol. At that time, she told the Border Patrol agent she wanted a lawyer to claim asylum. The agent said she will be able to ask for one at the next facility. At the next facility she asked again and said she needed help to file for protection. The agent she spoke to at that facility knew Spanish. This agent said he couldn't do anything about it and that she could tell someone in the next facility she will be transferred to. Then she was taken to the Tucson Border Patrol station where she told another agent she wanted a lawyer to file for asylum. The agent said he was not going to violate immigration law for her or anyone else. He said she did not have rights because she arrived illegally. She tried to tell her story of violence and persecution to several other agents, but the first one didn't allow her to speak to anyone else and just shouted at her to get on the bus. She was expelled to Nogales,

Sonora. She fears that Mexico is also unsafe for her since it is where the cartel who kidnapped her operates. While in Mexico, she has been “approached by men in a dark vehicle” and she worries that she will be attacked.

Status: On 2/25/2021, three weeks after the initial complaint was filed, KBI received an email from CRCL stating that they received the complaint, recorded it in their database, and no further actions would be taken. No details were provided about disciplinary actions for officers or recourse for victims of abuse.

13. Case: Mexican Man

Date of incident: March 23, 2021

Date Kino filed complaint with CRCL and CBP OPR: March 29, 2021

Location: Tucson Station

Complaint against: Border Patrol Agent

Description: A Mexican man entered the United States when individuals associated with organized crime demanded he carry a backpack full of drugs into the United States and threatened him with a razor. When he refused, they beat him. Once the Mexican man regained consciousness, he turned himself in to Border Patrol. He told agents what happened to him, where Border Patrol could find the drugs and the men who assaulted him who belonged to a criminal gang. Still, the agents kept the man in the vehicle the whole day, picking up other immigrants and giving him only water to drink. Once they came to the CBP facility and he was processed, he repeated what had happened to him. The CBP agent there laughed and asked if he wanted to file a police report. When he said yes, the agent said it would take too long. He was never given an opportunity to express his fears about returning to Mexico or give information about the crime that had been committed against him. He was never given medical attention while in CBP custody and was left alone in a cell for long stretches of time despite his weakened state. He was soon expelled back to Mexico.

Status: On 4/23/2021, three and a half weeks after the initial complaint was filed, KBI received an email from CRCL stating that they received the complaint and forwarded it to the OIG. No details were provided about disciplinary actions for officers or recourse for victims of abuse.

14. Case: Salvadoran Woman

Date of incident: February 3, 2021

Date Kino filed complaint with CRCL and CBP OPR: February 9, 2021

Location: Deconcini Port of Entry

Complaint against: Border Patrol Agent

Description: A Salvadoran woman, her husband and two children traveled from El Salvador to Mexico initially to escape threats at home. Soon after, they also received

threats in Mexico and decided to flee to the US. They approached the DeConcini port of entry in Nogales. There, an agent shoved the woman who was eight months pregnant in the chest. The woman pleaded with the agent to not turn them back as they were fleeing danger in Mexico. The agents, both male and female, simply laughed at them when they explained the danger and said the family must go back. When the family said they had nowhere to go, the agents said that was not the agents' problem. They forcibly removed them and took them to the Mexican immigration office at around 10:30 PM. The family slept by the line of cars entering the United States out of fear of navigating Nogales at night.

Status: On the same day KBI filed the complaint, CBP OPR responded with the case number for the Joint Intake Center. Two weeks later, on 2/25/2021, KBI received an email from CRCL stating that they received the complaint, recorded it in their database, and will take no further action. Four months after the complaint was filed, on 6/2/2021, KBI received an email from CRCL saying they received the complaint and forwarded it to the OIG. No details were provided about disciplinary actions for officers or recourse for victims of abuse.

15. Case: Guatemalan Woman

Date of incident: May 11, 2021

Date Kino filed complaint with CRCL and CBP OPR: May 19, 2021

Location: Tucson Station

Complaint against: Border Patrol Agent

Description: A Guatemalan woman traveling with her son and brother were detained by Border Patrol once they entered the United States and processed at an open-air border facility. At the open-air facility, they did not ask them why they were in the US or give them a chance to claim asylum. There, she was separated from her brother. She was told this was because he was a minor and not her son. She told the agent she had a power of attorney paper signed by her mother to care for her brother and presented the papers. They didn't accept the papers. They transferred them to Tucson. The three of them had fled Guatemala because of the murder of family members. In the Tucson facility, she could see her brother detained separately with the other minors. That was the last time she saw her brother as of the time this complaint was filed. At the Tucson facility, she told an agent she was afraid to return to Guatemala and she tried to show documentation of violence, the death certificates of her family members killed by organized crime. The CBP agent told her that her documents were likely fake because she comes from a "corrupt" country. In addition, the CBP agents said that every day, immigrants come to the facility with this type of paperwork. She tried to persuade him to look up the names of the murders online so he could see she was telling him the truth and the documents were real. He did not. She and her son were expelled to Nogales, Sonora.

Status: On 6/1/2021, three weeks after the initial complaint was filed, KBI received an email from CRCL saying they received the complaint and forwarded it to the OIG. No details were provided about disciplinary actions for officers or recourse for victims of abuse.

16. Case: Guatemalan Woman

Date of incident: April 25, 2021

Date Kino filed complaint with CRCL and CBP OPR: May 1, 2021

Location: Tucson Station

Complaint against: Customs officer

Description: A Guatemalan woman and her two-year-old son were detained shortly after entering the United States. They were apprehended by CBP in the desert and transported to a facility. They were processed but never asked why she came or if she feared going back. After that, she was transported to another facility in a crowded, hot, suffocating bus with other migrants. The migrants were finding it hard to breathe, but the bus was travelling at high speed and agents could not hear them knocking for help. After 30 minutes, they got the agents' attention, and the agents turned on the air. Once they arrived at the next facility, they were held in a very cold room. Some of the women in the facility were called into an office to be interviewed privately. This woman was not. Agents never inquired why she had come to the United States. She didn't realize she was being expelled until she was already travelling in CBP transport to the border. She and her son were expelled the same day to Mexico and given no information as to why they were being expelled. She had decided to leave Guatemala because of threats from an organized crime group that had also physically beat her.

Status: On 5/6/2021, five days after the initial complaint was filed, KBI received an email from CRCL stating that they received the complaint, recorded it in their database, and no further actions would be taken. No details were provided about disciplinary actions for officers or recourse for victims of abuse.

17. Case: Guatemalan Woman

Date of incident: November 2, 2020

Date Kino filed complaint with CRCL and CBP OPR: November 6, 2020

Location: Nogales Station

Complaint against: Border Patrol Agent and customs officer

Description: A Guatemalan woman and her one-year-old daughter and eight-year-old son entered the United States and were detained by CBP. At Tucson station, when they were being transferred, the Guatemalan woman asked where she was being taken; the CBP agent replied she did not know, but that they might take the woman's fear declaration at the next station. The woman was taken to Nogales. The

woman asked an agent to take her fear declaration, but the agent said CBP doesn't do that in Nogales. Then the woman asked another agent who gave her food to take her fear declaration. That CBP agent didn't speak Spanish and asked another agent to come over to interpret. She told them that a family member had been killed in Guatemala and that she also feared returning to Mexico as she had been robbed there. The agents told her that her case doesn't matter since there are gangs in the U.S. too. The woman and her children were expelled to Mexico soon after.

Status: On 1/4/2021, approximately two months after the initial complaint was filed, KBI received an email from CRCL stating that they received the complaint, recorded it in their database, and no further actions would be taken. No details were provided about disciplinary actions for officers or recourse for victims of abuse.

18. Case: Guatemalan Man

Date of incident: October 22, 2020

Date Kino filed complaint with CRCL and CBP OPR: October 30, 2020

Location: Sasabe Outpost, Tucson Station

Complaint against: Border Patrol Agent

Description: A Guatemalan man, his wife and two children fled Guatemala and were detained by CBP. They were taken to two facilities in quick succession. At the second facility they were processed. While they were processed, an agent with a tattoo said that the US was not accepting asylum seekers at this time, and it was dangerous to cross in the desert. The Guatemalan man said he recognized this agent as someone they had encountered before in the desert. But there, the agent had been dressed in plain clothes and driving an unmarked vehicle; in the office he was wearing a uniform. The Guatemalan man said he recognized him by his tattoo. At no time while they were in CBP custody were they able to talk about their fears of return to Guatemala or ask for asylum. They were all expelled to Mexico the same day they entered.

Status: On 11/18/2020, about three weeks after the initial complaint was filed, KBI received an email from CRCL stating that they received the complaint, recorded it in their database, and no further actions would be taken. No details were provided about disciplinary actions for officers or recourse for victims of abuse.

Immigrants forced to sign documentation prior to expulsion.

19. Case: Venezuelan Man

Date of incident: January 17, 2021

Date Kino filed complaint with CRCL and CBP OPR: January 22, 2021

Location: Ajo Station (Why, AZ)

Complaint against: Border Patrol Agent

Description: A Venezuelan man entered the United States and was detained by Border Patrol. He had narrowly escaped criminals who tried to pull him back to Mexico. They managed to take his backpack, which had his phone and other belongings. It was soon after this that he was detained. He was taken to Ajo Station, where he was forced to sign several documents, most of which were in English, a language he does not speak. He fled Venezuela because of persecution he experienced. When he told the agents he was afraid to return to Venezuela, they asked him which was more dangerous: Mexico or Venezuela. He told them he thought both were dangerous. The following day he was forced to sign papers and said he was being expelled under MPP; he was also told he would be given an opportunity to speak with an immigration official in Tucson the following day. This was a lie; he was never given this opportunity. He was transported to Tucson and expelled to Nogales, Sonora two days later.

Status: On 1/29/2021, one week after the initial complaint was filed, KBI received an email from CRCL stating that they received the complaint, recorded it in their database, and no further actions would be taken. No details were provided about disciplinary actions for officers or recourse for victims of abuse.

20. Case: Honduran Woman

Date of incident: July 30, 2021

Date Kino filed complaint with CRCL and CBP OPR: August 9, 2021

Location: Ajo Station

Complaint against: Border Patrol Agent

Description: A Honduran woman who has been in the United States since 2018 was visiting a friend when they noticed a CBP checkpoint on the way. Fearing what may come, she got out of the car on the roadside to avoid the checkpoint because of her immigration status. She called her husband to pick her up, but he refused to come at first, fearing that he would be mistaken for a smuggler. Eventually, he came to get her, but they got lost in the desert and in the early hours of the morning called 911 to rescue them. The Pima County Sheriff's officer then detained her. CBP arrived at the scene, and she was handed over to them. She was not crossing the border. The CBP officers then forced her to sign a document and put her in a vehicle, telling her she was going to be expelled under Title 42. She was expelled in Nogales.

Status: No response as of 8/17/2021

21. Case: Guatemalan Man

Date of incident: July 30, 2021

Date Kino filed complaint with CRCL and CBP OPR: August 9, 2021

Location: Ajo Station

Complaint against: Border Patrol Agent

Description: A Guatemalan man who has been in the United States since 2005 was detained in the desert while trying to pick up his wife. He went to pick her up, but they got lost in the desert. Eventually they called 911 for help. The Pima County Sheriff's officer then detained them. Border Patrol arrived at the scene, and they were then handed over to them. Despite having a work permit, which he tried to present to agents, he was not allowed to leave the checkpoint. He was not crossing the border. CBP officers then forced him to sign a document and put him in a vehicle and they told him he was going to be expelled under Title 42. He was expelled in Nogales.

Status: No response as of 8/17/2021

Theft of Documentation by CBP

22. Case: Guatemalan Woman

Date of incident: July 5, 2021

Date Kino filed complaint with CRCL and CBP OPR: July 15, 2021

Location: Tucson Station

Complaint against: Border Patrol Agent

Description: A Guatemalan woman with her four children crossed into the United States with a big group and encountered a Border Patrol agent in a vehicle. That agent was very nice to them, gave them water and said they could have whatever they needed. He called for more vehicles to carry them all, and they were transferred to a Border Patrol facility that was very cold. Then they were put on busses to Tucson. At the Tucson border facility, the woman approached an agent asking how they should apply for asylum and informing him that her son has a medical condition and needs medical care. She showed him the documents (a diagnosis, x-rays, etc.) to prove that her son was in need and that he needed surgery within the next two months. The agent took the documents and threw them in the trash. When she went to retrieve them from the trash, he took them again and told her "they belong in the trash." When she protested, he became angry and told her to go away and gave her a sleeping mat. The mat was soaking wet so that she could not use it. She never got her documents back. Hours later, she and the children were expelled to Nogales, Sonora.

Status: On 8/6/2021, three weeks after the initial complaint was filed, KBI received an email from CRCL saying they received the complaint and forwarded it to the OIG. No details were provided about disciplinary actions for officers or recourse for victims of abuse.

23. Case: Cuban Man

Date of incident: March 7, 2021

Date Kino filed complaint with CRCL and CBP OPR: March 24, 2021

Location: Yuma and Campo (Pine Valley, CA) BP Stations

Complaint against: Border Patrol Agent

Description: A Cuban man and his wife crossed into the United States and were detained. He was searched and their documents were confiscated. The man was separated from his wife, even though his wife told the agents they were together. He was transferred to Campo BP Station in California, and when he was being transferred he was told he would be reunited with his wife at the detention center. While in detention, he was not allowed to shower for five days, and the lights were always kept on. There, a border patrol agent interviewed him in Spanish. The agent asked him about his relatives but did not ask anything about asylum. The man asked if he could present his case. The CBP agent said no, as that was for a courtroom with a lawyer. The man asked why the agent didn't ask him why he left Cuba, and the agent still said no. After five days, they transported the man to expel him, very early in the morning. The man says he was disoriented but once he heard he was being expelled he said he can't leave without his wife. He was told his wife would be joining him soon. This was not true. He was not reunited with his wife and was expelled to Tijuana, Baja California in the early morning hours. A week later, he tried to cross again at Yuma as his wife was still in CBP custody. He was then expelled to Nogales.

Status: On 4/23/21, a month after the initial complaint was filed, KBI received an email from CRCL saying they received the complaint and forwarded it to the OIG. No details were provided about disciplinary actions for officers or recourse for victims of abuse.

Medical Negligence

24. Case: Guatemalan Woman

Date of incident: July 5, 2021

Date Kino filed complaint with CRCL and CBP OPR: July 23, 2021

Location: Tucson Station

Complaint against: Border Patrol Agent

Description: A Guatemalan woman and her two young daughters entered the United States through the desert and encountered a Border Patrol agent. They were detained and moved to a facility with cold rooms. Then they were transferred to Tucson. There, she told an agent that she had injured her foot while walking in the desert and needed medical attention. The agent agreed, but then she walked away and never came back. She was never given any medical attention. They were made to sit in the chairs at the Tucson facility; the children could not sleep. At the facility, they were forced to take off any extra clothing and allowed to wear only a t-shirt and pants. Her daughter was shivering. They asked for blankets but were given only one small one many hours later. She tried to tell agents she wanted to seek asylum,

but no one listened to her. The next morning the family was expelled to Nogales, Sonora.

Status: On 8/5/2021, approximately two weeks after the initial complaint was filed, KBI received an email from CRCL stating that they received the complaint and forwarded it to the OIG. No details were provided about disciplinary actions for officers or recourse for victims of abuse.

25. Case: Guatemalan Woman

Date of incident: April 4, 2021

Date Kino filed complaint with CRCL and CBP OPR: April 8, 2021

Location: Tucson Station

Complaint against: Border Patrol Agent

Description: A Guatemalan woman entered the United States and was detained by Border Patrol and transferred to a border patrol facility. She had previously injured herself in the desert and could not walk well. When transported to the facility, a nurse told her she needed surgery to fix a broken bone and torn muscle. She was taken to a clinic where an X ray was taken and found that her tibia was shattered. The medical assistant then told the female border agent who was present that the woman needed an operation right away. The medical assistant told the woman that the surgery was absolutely necessary, and so she agreed to the operation. Then they transferred her to a hospital and changed the Border Patrol agent in of charge of her. It was now a male Border Patrol agent. He received all the paperwork. The woman did not receive any paperwork. The medical staff started prepping for the surgery, then all of a sudden they said they couldn't do it. The medical staff then gave the woman a sedative and put a cast on. The nurse told her that wherever she goes next, that the women must have surgery When she asked why they were not continuing with surgery, the medical staff apologized profusely and told her the agents were not going to allow the Guatemalan woman to stay in the U.S. long enough for an operation she desperately needed. Medical staff repeated that she must have surgery as soon as she can because her injuries were serious. The Border Patrol agent there then rushed the woman out of the hospital without allowing the woman to eat or change clothes or get any prescribed pain medication. Though she could barely walk, she was expelled to Nogales, Sonora without any crutches.

Status: On 6/30/2021, two and a half months after the initial complaint was filed, KBI received an email from CRCL saying they received the complaint and forwarded it to the OIG. No details were provided about disciplinary actions for officers or recourse for victims of abuse.

Physical Abuse

26. Case: Guatemalan Man

Date of incident: August 1, 2021

Date Kino filed complaint with CRCL and CBP OPR: August 4, 2021

Location: Tucson Station, outpost

Complaint against: Border Patrol Agent

Description: A Guatemalan man in a group of six entered the United States and encountered Border Patrol agents. One of the agents pushed one of the men down with a knee on his back. Another man from the group was running, and the dog the agents brought with them attacked him and knocked him face down into a cactus. One of the spines penetrated near his eye, causing his face to bleed. When the man with eye injury asked for help, the agents said no, and that this is what happens to people who come here. An agent grabbed the Guatemalan man who filed this complaint by the back of the neck and shoved him. The agent lunged to try to shove him again; when he ducked down the agent kept going forward and hurt himself on the cactus spines. Angered by this, the agent grabbed the Guatemalan man by the neck. The man said he felt like he was being choked. The Guatemalan man was injured as he had cactus spines stuck in his legs. He was not allowed to take them out until the next day. The Guatemalan man's brother-in-law was also in the group. He was dehydrated and vomiting. As he lay on the ground, begging for water, an agent put his foot on the man's back and then kneeled on him. It was not until they arrived at a temporary outpost nearly two hours later that they got water. The group was expelled to Nogales, Sonora the next morning, where Kino then took them to the hospital.

Status: No response as of 8/17/2021

27. Case: Guatemalan Man

Date of incident: June 12, 2021

Date Kino reported incident: June 22, 2021

Location: Tucson Station, outpost

Complaint against: Border Patrol Agent

Description: A Guatemalan man entered the United States through the desert with a group of several others. He encountered Border Patrol agents who tripped him, causing him to fall and injure his knee. His face was injured with thorns. He was in a lot of pain, and he asked for medical attention. The agents said they could not help him. They then forced him to walk for an hour in handcuffs. Then the agents drove him to the border station. He didn't receive medical attention at the station. He was expelled from that station to Nogales, Sonora. Only after he arrived in Mexico did Kino facilitate medical attention.

Status: On 8/6/2021, two weeks after the initial complaint was filed, KBI received an email from CRCL saying they received the complaint and forwarded it to the OIG.

No details were provided about disciplinary actions for officers or recourse for victims of abuse.

28. Jamaican Man

Date of incident: June 16, 2021

Date Kino filed complaint with CRCL and CBP OPR: June 24, 2021

Location: DeConcini Port of Entry (Nogales, AZ)

Complaint against: Border Patrol Agent

Description: A Jamaican man entered the United States at a port of entry to ask for asylum and was immediately confronted by two Border Patrol agents who physically attacked him. They knocked him to the ground with a plastic barrier and began beating and punching him. One agent put his foot on his neck as he lay on the ground. The agents dragged him across concrete into an office at the port of entry. A third agent told the two that what they were doing was wrong. The other agents dismissed her objection. The Jamaican man was then handcuffed to a bench. Later, he was taken to another room where he was photographed and fingerprinted. When the agents asked why he was there, the Jamaican man said he was seeking asylum. The agents asked where he was from and when he said Jamaica. The agents said, "this is what a bunch of you have been doing (running into the port of entry), you are getting out of here." They took him to the Mexican immigration office. His friends were in Mexico waiting to see if he got across successfully. The Mexican immigration officers took photos of all their passports and asked them to go to Kino Border Initiative.

Status: On 8/6/2021, seven weeks after the initial complaint was filed, KBI received an email from CRCL saying they received the complaint and forwarded it to the OIG. No details were provided about disciplinary actions for officers or recourse for victims of abuse.

29. Case: Guatemalan Man

Date of incident: January 28, 2021

Date Kino filed complaint with CRCL and CBP OPR: January 29, 2021

Location: Tucson Station

Complaint against: Border Patrol Agent

Description: A Guatemalan man crossed into the United States and was detained in the desert. The border patrol agents who arrested them were driving a four-wheeler. They drove really fast, right towards the immigrants. The immigrants had to jump out of the way to avoid being run over. The Guatemalan man fell over when he jumped out of the way. Despite not resisting arrest, an agent put his hand around the migrant's neck and pulled him to handcuff him. The agents were laughing as they handcuffed him. Despite cold temperatures, he was made to remove his

outerwear and walk only in a t-shirt. He was forced to walk 20 minutes handcuffed. Afterwards, he was transported to Tucson and promptly expelled.

Status: On 3/18/2021, seven weeks after the initial complaint was filed, KBI received an email from CRCL stating that they received the complaint, recorded it in their database, and no further actions would be taken. No details were provided about disciplinary actions for officers or recourse for victims of abuse.

30. Case: Guatemalan Man

Date of incident: January 29, 2021

Date Kino filed complaint with CRCL and CBP OPR: February 2, 2021

Location: Tucson Station

Complaint against: Border Patrol Agent

Description: A Guatemalan man entered the United States near Sasabe, Sonora and walked for four hours before being met by Border Patrol who were on motorcycles. At first the man started to run, but when the official got closer, he stopped and put his hands up. The agent then grabbed him and shoved him to the ground, causing pain to his shoulder. He was then moved to Tucson. He was not given any medical attention for his shoulder. He was instead expelled to Nogales, while he was still experiencing pain.

Status: On the same day the complaint was filed, the local CBP OPR contact responded inquiring about photos or medical records associated with the abuse. On 2/8/2021, a week after the initial complaint was filed, KBI received an email from CRCL stating that they received the complaint, recorded it in their database, and no further actions would be taken. No details were provided about disciplinary actions for officers or recourse for victims of abuse.

31. Case: Guatemalan Man

Date of incident: April 5, 2021

Date Kino filed complaint with CRCL and CBP OPR: April 7, 2021

Location: Tucson Station

Complaint against: Border Patrol Agent

Description: A Guatemalan man entered the United States in a group of three and was met by five Border Patrol agents. The agent had dogs and the man was afraid of dogs, so he ran and hid so that the dogs would not bite him. Then the agent forcefully grabbed him by the back of the neck and handcuffed him to other detained migrants. The agents were screaming in English, but the Guatemalan man did not understand English. The man complained that the handcuffs were too tight, but the agents did not respond. The agent's dog ran between the three immigrants,

causing one to fall first and take the others down with him. The Guatemalan man who made this complaint fell on his wrist and his handcuffs got tighter. He asked again that they loosen the handcuffs but there was no response. His right wrist was bruised for days after he was expelled.

Status: No response as of 8/17/2021

32. Case: Guatemalan Man

Date of incident: April 3, 2021

Date Kino filed complaint with CRCL and CBP OPR: April 13, 2021

Location: Tucson Station

Complaint against: Border Patrol Agent

Description: A Guatemalan man entered the United States and was detained by Border Patrol. He fled extortion and threats in Guatemala. On his way to the United States, he was kidnapped in Mexico and held against his will for two weeks. His kidnappers tortured him. They burned him with hot water and forced him to take drugs. He managed to flee his kidnappers to continue to the U.S. In the U.S., he and two friends encountered one Border Patrol agent. The agent first handcuffed the other two to each other with chains. The agent then kicked the Guatemalan man who made this complaint in the left ankle, which caused him to collapse. The agent picked the man up by his shoulder and put him in the back of the truck. The agent expelled the man to Nogales, Sonora despite the injuries the agent had inflicted and the fact that he was kidnapped in Mexico. He was never given an opportunity to speak to anyone else about his fear of return.

Status: On 4/30/2021, about two weeks after the initial complaint was filed, KBI received an email from CRCL stating that they received the complaint, recorded it in their database, and no further actions would be taken. No details were provided about disciplinary actions for officers or recourse for victims of abuse.

33. Case: Honduran Woman

Date of incident: February 28, 2021

Date Kino filed complaint with CRCL and CBP OPR: March 5, 2021

Location: Nogales Station

Complaint against: Border Patrol Agent

Description: A Honduran woman, her daughter, neighbor, and neighbor's daughter entered the United States and were detained by Border Patrol. They were taken to a border facility which had other immigrants. The agents took the fingerprints in a rough manner, which caused her daughter to cry out in Spanish that her mom was good and the police should not take her away. The agents then got angry and insulted them, calling them "rats." Their belongings were confiscated (bags, clothes, diapers, formula for babies). They did not give them water when they asked for

some because they were thirsty from walking. Three hours later, they gave them juice and crackers. Despite the facility being cold, they were not permitted to put on any outerwear they brought with them. The next day, when they were being transported out of the facility and the woman asked for their jackets, an agent threatened to shoot them; saying “you should have thought about that before you brought your daughter here” and “Don’t move! I’ve got a gun and I am not afraid to use it.” Her daughter’s lips were cracked because of the cold. While they were being transferred, they were kept out in the cold while the agents went to a place with heat. When she asked for a new diaper for her daughter, the agent denied her this. Her daughter went 18 hours in a soiled diaper. They were expelled to Nogales.

Status: On 3/31/2021, three weeks after the initial complaint was filed, KBI received an email from CRCL which stated, “CRCL has reviewed the information you provided, in which Ms. Ramos Euceda alleged that she and her minor daughter were mistreated by US Border Patrol (USBP) agents following their apprehension by USBP and experienced inadequate conditions of detention at the Nogales Border Patrol Station while in USBP custody. Based on information we received from other sources, CRCL is investigating allegations of violations of civil rights and civil liberties in the Tucson Border Patrol Sector, including Nogales. CRCL plans to conduct an onsite investigation of the Tucson Sector later this year, and we will consider the allegations and concerns you sent us on behalf of Ms. Ramos Euceda.” No additional details were provided about disciplinary actions for officers or recourse for victims of abuse.

34. Case: Mexican Man

Date of incident: May 16, 2021

Date Kino filed complaint with CRCL and CBP OPR: May 25, 2021

Location: DeConcini Port of Entry

Complaint against: Customs Officer

Description: A Mexican man presented himself at the DeConcini Port of Entry seeking asylum several times over a period of two days. He received threats that made him believe his life was in danger and even survived an attempted kidnapping in Nogales. On May 16, he ran toward the port of entry, near where cars were crossing because he was afraid of his pursuers. CBP officers apprehended him there. He was punched, kicked, and beaten by about twelve officers. He told them that he wanted asylum because there were people in Mexico who were trying to kill him. CBP did not give him an opportunity to talk to anyone else and he was immediately expelled back to Mexico. CBP called the Mexican police, who never came. They then called the Mexican Red Cross to take him to the General Hospital of Nogales in Sonora. The hospital did not take care of his wounds. When released from the hospital, he tried again to enter the United States at the port of entry because people

were following him. He tried asking for asylum to the 9 agents who detained him. However, the agents told him he had no right to be in the United States and asked him to be silent. The agents then took him to a room and questioned him but did not ask him about asylum. He was then expelled back to Mexico again.

Status: On 6/2/2021, a week after the initial complaint was filed, KBI received an email from CRCL saying they received the complaint and forwarded it to the OIG. No details were provided about disciplinary actions for officers or recourse for victims of abuse.

35. Case: Guatemalan Man

Date of incident: November 4, 2020

Date Kino filed complaint with CRCL and CBP OPR: November 4, 2020

Location: DeConcini Port of Entry

Complaint against: Border Patrol Agent

Description: A Guatemalan man entered the United States and was detained. He was first detained by a State Trooper, who then called in the Border Patrol. The agents took him to a Border Patrol station. He expressed fear to the agents about returning to Mexico. The agents' supervisor then said they will decide if they were going to send the Guatemalan man to Guatemala or Nogales. Later, he was taken to the border with a group of other immigrants by the Border Patrol. Everyone was asked to walk across the border to Mexico. He asked the agents why he was being sent to Mexico when he was Guatemalan. An agent hit him with a baton on the knee and threatened to hit him on the head. He was in a lot of pain and his knee became swollen. After that, some other agents came and told him to seek out the Guatemalan Consulate in Nogales and ask about his rights in Mexico. He walked to a park in Nogales, Sonora and slept in a park.

Status: KBI spoke with the local CBP OPR representative on the same day they filed the complaint. OIG had already opened a complaint at this time. An OIG investigator followed up with KBI. Since that date, KBI has not received any updates as to consequences for the officer involved or whether the victim received any recourse.