



The Right to Seek Asylum

**Migrants' Stories of the Struggle for Human Rights,
Dignity, Peace and Justice in the United States**

A Report by the
ACLU Foundation of San Diego & Imperial Counties
and SDSU Center for Community Research and Engagement

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1. Executive Summary

Since the inauguration of President Trump, the federal government has relentlessly pursued a host of policy and regulatory changes and new rules in order to reduce the number of immigrants living in the United States. These efforts include expanding and intensifying immigration enforcement as well as measures crafted explicitly to gut asylum protections in the U.S. and to deter asylum-seeking migrants arriving at the southern border, in particular.

The San Diego Rapid Response Network (SDRRN) is a coalition of human rights, service and faith-based organizations, labor and others that formed in February 2017 to help San Diegans likely to be harmed by the incoming administration's anti-immigrant, anti-asylum agenda. Core partners are Jewish Family Service of San Diego, San Diego Organizing Project, SEIU Local 221 and the ACLU Foundation of San Diego & Imperial Counties.

In December 2017, SDRRN launched a 24-hour hotline and emergency service referral program to monitor increased immigration enforcement activities occurring in the region, provide emergency assistance, connect affected individuals and families with legal aid and other resources, and advocate for their safety and human rights.

California's First Responder with Humanitarian Aid for Asylum Seekers

When the Department of Homeland Security (DHS) abruptly terminated its "Safe Release" program in late October 2018, SDRRN had the relationships and infrastructure in place to quickly pivot to a new role as California's de facto first responder to the humanitarian emergency caused by the government's subsequent release of thousands of asylum-seeking migrant families from federal detention onto San Diego streets without food, shelter, means or guidance to find their way to relatives or sponsors in other parts of the country.

Initially, ICE and Border Patrol were dropping off 20 to 30 families daily (approximately 50 to 60 people, all families with young children) at various San Diego locations – without communicating or coordinating with local governments or nonprofit social service providers. At the time, San Diego County had 8,500 homeless residents – the nation's fourth largest population of people experiencing homelessness for the third consecutive year, according to a U.S. Department of Housing and Urban Development report published during the same period.¹

With financial and in-kind support from SDRRN member organizations, private donors and later, the county government, the San Diego Migrant Family Shelter effectively met the urgent human needs of more than 19,000 asylum seekers who transitioned through San Diego over the shelter's first year of operation (November 1, 2018 – October 31, 2019).

The extraordinary, collaborative efforts kept hundreds of profoundly vulnerable families safe and off the street where they would have otherwise strained the region's capacities to shelter and assist its existing homeless population.

The San Diego Migrant Family Shelter, now operated by Jewish Family Service of San Diego (JFS), offers an innovative model for delivering a range of emergency social services to a uniquely underserved immigrant population. It exemplifies what for many Americans is the inherent belief that the United States is a nation of immigrants with a moral obligation to protect people displaced by violence and persecution in other countries.

Some Asylum Seekers Receive Sub-standard Treatment in U.S. Custody

The number of asylum-seeking families transitioning through the San Diego region had been on the rise since 2015, though it dropped in early 2019 with the Trump administration's

introduction of the controversial “Remain in Mexico” policy, officially known as “Migrant Protection Protocols.” Under this policy, the U.S. government has already forced more 55,000 people it deemed eligible to seek asylum to remain in Mexico for the duration of their asylum proceedings.

The overwhelming majority of families seeking asylum protection are fleeing their home countries due to fear of chronic violence and persecution. They are detained by Customs and Border Protection (CBP) or Border Patrol, held in short-term detention until they complete the credible fear interview. If DHS determines that the asylum seeker has a credible fear of returning to their home country, the migrant is then given a court date to pursue their claims and released into the U.S. (if not forced to remain in Mexico) to await their immigration proceedings. Because of the backlog of pending asylum cases, the wait can be several months to years.

Families released by ICE or Border Patrol into the San Diego region are picked up by JFS or SDRRN volunteers and/or staff or dropped off at the San Diego Migrant Family Shelter by immigration officers. Invariably, these families reach the shelter and once there, receive immediate, interim care and the necessary support to safely transition into the U.S.

An unknown number of asylum seekers suffer social, emotional and/or physical trauma as a result of uprooting themselves from their homes and all they know and making the difficult, dangerous journey to the United States. For some, their trauma is made worse by their experiences while in the custody of the U.S. government, where abusive treatment, lack of access to basic human needs, family

separations and denial of due process occur in violation of CBP’s own standards governing interactions with detained individuals.

Survey data and personal anecdotes shared by a sampling of the San Diego Migrant Family Shelter guests confirm that some asylum-seeking families spend days in overcrowded, short-term federal detention facilities with inadequate bedding, inadequate or substandard food, and lack of access to clean drinking water. People told stories of being demeaned, criminalized, threatened and even physically abused by immigration officers. Some reported struggling with health issues caused or exacerbated by their arduous journey and/or exposure to cold temperatures, contagious diseases, unsanitary conditions and lack of medical attention while detained. Some reported feeling pressured by officers to accept voluntary deportation or sign documents they did not fully understand.

In direct contrast, the San Diego Migrant Family Shelter receives asylum seekers with respect and compassion. Shelter staff and volunteers offer families a welcoming, safe space to rest and recuperate, with much needed food, water, showers, clean bedding and clothing, medical attention, legal assistance to navigate the complex asylum process, and help with travel arrangements and costs, if necessary. Families typically stay one to three days before leaving to join loved ones and/or sponsors in cities across the nation.

As soon as one group of families moves on, other families arrive – often having made similarly traumatic journeys and sometimes, having endured substandard conditions and mistreatment while in the custody of the very government they turned to for safe refuge.

Purpose, Desired Outcomes of ACLUF-SDIC Collaboration with CCRE

The ACLU Foundation of San Diego & Imperial Counties (ACLUF-SDIC) partnered with the San Diego State University's (SDSU) Center on Community Research and Engagement (CCRE) to document aspects of the current U.S. asylum process from the perspective of asylum seekers transitioning through the San Diego Migrant Family Shelter.

The Center on Community Research and Engagement is associated with SDSU's sociology department. The research center strives to "*promote community-based projects through applied or participatory action research [and] critical analysis...*"²

In collaborating with CCRE, ACLUF-SDIC drew upon the center's independence and expertise in data collection and analysis to survey a sampling of shelter guests for details of their firsthand experiences while in U.S. custody – including the care they received, the manner in which they were treated, and the condition of facilities in which they were detained – and to extrapolate the known data to make credible assumptions about the experiences of larger populations of asylum seekers.

ACLUF-SDIC's goals for this collaborative project are to foster greater public empathy and acceptance of people seeking asylum in the United States, to make the public aware of the federal government's responsibility to implement a fair, humane asylum process, and to more effectively fight for asylum seekers' legal, civil and human rights.

Desired outcomes include improved capacities to:

- use data and stories told from migrants' points of view to counter dominant, false anti-immigrant narratives and to advocate for a just, humane and expeditious asylum process;
- secure funds for ongoing San Diego Migrant Family Shelter operations and other initiatives that provide for the

well-being of asylum seekers and other newcomers;

- advocate for a permanent emergency shelter for migrants in San Diego County;
- hold local elected officials accountable to widely shared values as a region and state that have historically welcomed immigrants;
- hold the U.S. federal government accountable for violations of the *CBP National Standards on Transport, Escort, Detention, and Search*; and
- enforce and expand the civil rights and liberties of all immigrants, refugees and asylum seekers.

Methodology

Between February and April 2019, bilingual (English/Spanish) SDSU underclass and graduate student researchers surveyed 350 adults at the San Diego Migrant Family Shelter. Between March and May 2019, ACLUF-SDIC staff conducted in-depth interviews of 64 shelter guests, including some CCRE survey respondents who were willing to share additional details of their experiences. All surveys and interviews were anonymous and voluntary.

More than 90 percent of CCRE survey respondents were from Central America's Northern Triangle (Guatemala – 43 percent, Honduras – 38 percent and El Salvador – 12 percent). Spanish was the primary language spoken by 83 percent of people surveyed; 16 percent spoke an indigenous Central American language.

Sources of additional data include the American Immigration Council, Customs and Border Protection, the Department of Homeland Security, and the U.S. Immigration Policy Center at the University of California, San Diego. A more detailed methodology, including survey and interview questions, is appended to this report.

Summary of Findings

The San Diego Rapid Response Network established the San Diego Migrant Family Shelter - California's first emergency migrant family shelter in the border region. Since opening its doors, the shelter has provided critical humanitarian assistance to more than 19,000 asylum seekers (November 1, 2018 – October 31, 2019).

The CCRE survey of approximately two percent of the shelter's population (over a year's time) strongly suggests that a significant number of asylum-seeking migrants experience treatment by federal immigration authorities and/or federal detention conditions that are in violation of the *CBP National Standards on Transport, Escort, Detention, and Search*.

In-depth interviews conducted by ACLUF-SDIC staff provide anecdotal confirmation of trauma suffered by asylum seekers that was caused or exacerbated by the substandard treatment by immigration officers and substandard detention facilities.

Half of all survey respondents reported mistreatment by immigration officers, most commonly verbal abuse and threats. Others reported being denied adequate food, clean drinking water and bedding. More than three-quarters of people surveyed reported being unable to shower, even if detained longer than the 72-hour standard.

Despite having endured a long journey, exposure to the elements and being detained in overcrowded holding areas where illness can easily spread, two-thirds of adults and more than 40 percent of children were not screened by medical personnel while detained. Of those who reported medical problems to immigration officers, more than a third did not receive medical attention while detained.

Many asylum seekers reported that immigration officers did not communicate legal documentation instructions in a manner they understood. Close to half of people surveyed reported they were not informed of their right

to access their home country's consular officials.

Families continue to be separated while in federal custody. Nearly one quarter of parents surveyed reported being separated from their minor child at some point during apprehension or detention, most for longer than a day. (This number includes fathers who are routinely separated from their families, as are boys, aged 13-17.) More than one third of people recounted being separated from other family members.

Key findings are presented in *Chapter 7 – Conclusion*.

Summary of Recommendations

Consistent with U.S. law and legal protections, federal immigration authorities should promptly receive and process asylum seekers whether or not they enter the United States through an official port of entry. People seeking asylum should not be illegally turned away, made to stay in Mexico or sent back to the very countries they fled. They should not be criminalized, scapegoated or abandoned by the U.S. government.

The U.S. Congress should hold the federal agencies involved in the asylum process accountable for the just, humane treatment of asylum seekers. Federal lawmakers should hold the Department of Homeland Security and Customs and Border Protection accountable for strict compliance with the *CBP National Standards on Transport, Escort, Detention, and Search*.

The State of California should continue to support its southern border communities, local governments and community-based organizations providing emergency services for migrants. State funding should prioritize rural areas, such as the Imperial Valley and infrastructure development where resources and/or expertise are scarce or non-existent.

The San Diego County Board of Supervisors should provide requisite resources for a permanent emergency shelter and coordinate with other levels of governmental and non-governmental organizations to ensure a humane and sustainable process for facilitating the transition of asylum-seeking migrants to their intended destinations.

San Diego County should establish an Office of Immigrant Affairs to coordinate county services and resources, ensure language access, and provide timely, accurate updates on local, state and national legislation and policies affecting immigrants. Additionally, the county should establish a binational working group that is comprised of regional and local governments and non-governmental organizations to address immigration-related issues affecting the San Diego – Tijuana mega-region.

The state, county and local governments should demand timely communication and coordination from federal immigration agencies regarding changes in policies and/or practices that affect the region. Local governments should establish and promote a welcoming environment for immigrants. This may include implementing recommendations outlined in Welcoming San Diego's *Strategic Plan on Immigrant & Refugee Integration*³ and the like.

Lastly, We The People should reject the xenophobia and bigotry implicit in the Trump administration's anti-asylum agenda. We should demand that our elected representatives honor U.S. and international law and uphold the enduring values that define and unify us as San Diegans, Californians and Americans.

Key recommendations are presented in *Chapter 7 – Conclusion*.

2. Introduction

California is home to more than 10 million immigrants, more than any other state and about a quarter of our nation's foreign-born population. **San Diego – California's second largest city – hosts the world's busiest land border crossing and is today a major transit point for migrant families seeking refuge in the United States from violence and persecution in their home countries.**

San Diego has a proud history of welcoming refugees from around the world. Even so, the San Diego region is at the epicenter of human and civil rights abuses by U.S. Customs and Border Protection (CBP), Border Patrol and U.S. Immigration and Customs Enforcement (ICE) that occur in the state.

Protecting immigrants from our own governments' abuse of power is a challenging and significant part of the ACLU of San Diego & Imperial Counties' work. Our efforts are centered on ensuring the fundamental rights of due process and equal protection embodied in the U.S. Constitution and Bill of Rights apply to every person, regardless of immigration status. We fight for justice through impact litigation and legal advocacy; through community partnerships, education and organizing; by advancing equitable, inclusive public policy; and by lifting up the voices of unjustly treated people and sharing their stories.

Facing an onslaught of controversial federal policy changes and proposals meant to reduce the number of immigrants living in the United States, the ACLUF-SDIC collaborates with local nonprofit organizations and volunteers as a core partner of the *San Diego Rapid Response Network* (SDRRN) to address the human needs of people in our region who are most affected.

Over the past year, temporary shelter, humanitarian aid and, when needed, travel assistance was provided to 19,179 legal asylum-seeking migrants, mostly Central American families with young children. An August 2019 independent quantitative analysis⁴ of more than 17,000 San Diego Migrant Family Shelter intakes reviewed by the U.S. Immigration Policy Center (USIPC) at the University of California, San Diego, documented the demographics of the shelter population. The USIPC study also documented a trend in complaints of mistreatment and substandard federal detention facilities.

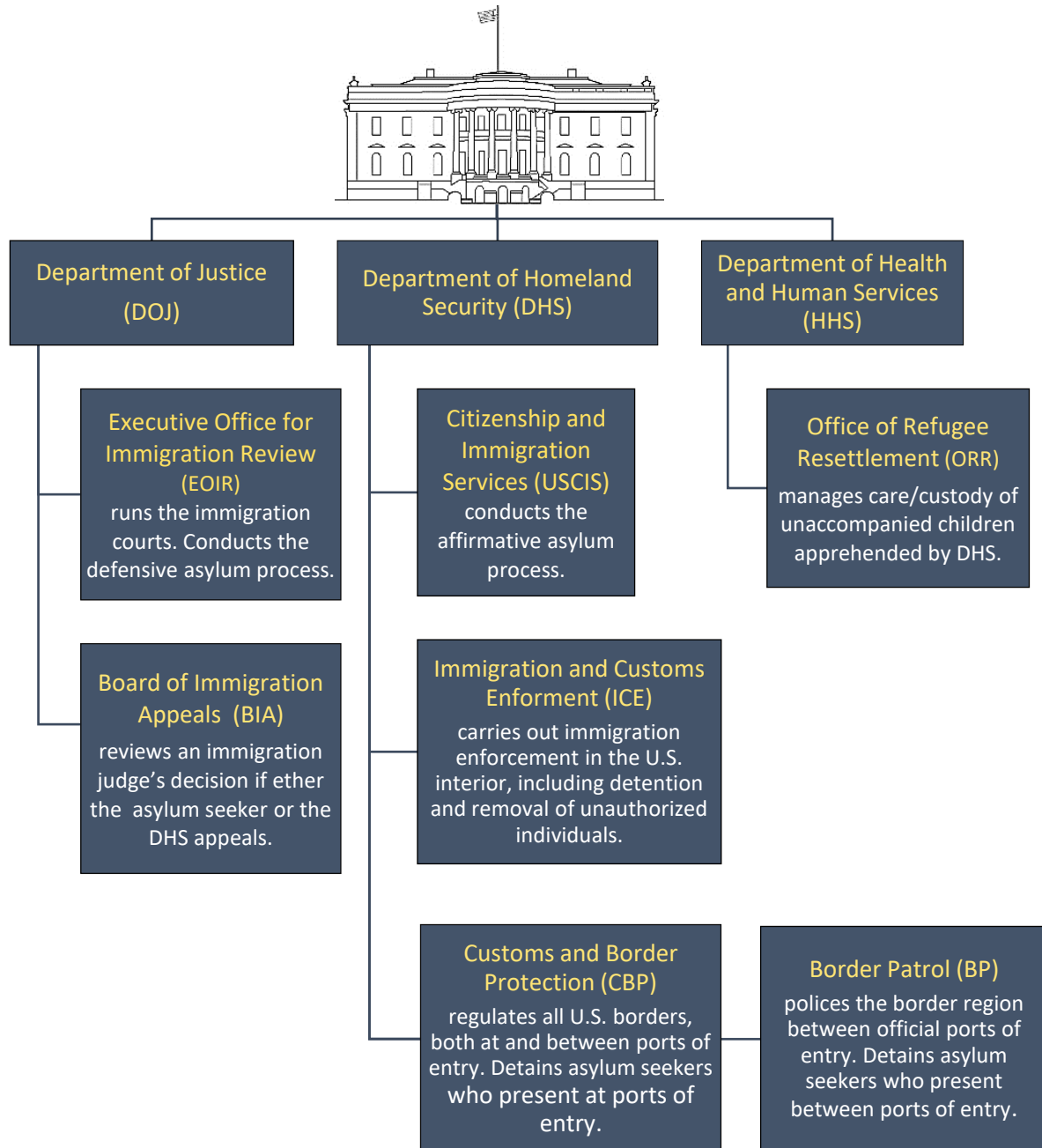
This report, *The Right to Seek Asylum: Migrants' Stories of the Struggle for Human Rights, Dignity, Peace and Justice in the United States*, offers a qualitative analysis of the experiences of a sample of the shelter population and fosters deeper understandings of how U.S. asylum policies impact people's lives. The data and stories herein can help change hearts, minds and policies that perpetuate bigotry and injustice.

Stories of the struggle for human dignity, peace and freedom in America, told from asylum seekers' points of view, can help to foster empathy among policymakers and the public at large. And, for what they reveal about the demeaning and/or inhumane treatment some asylum seekers receive while in U.S. custody, these stories can inform the ACLU's efforts to confront abuses of power in the courtroom and the court of public opinion.

With these goals in mind, the ACLU Foundation of San Diego & Imperial Counties and SDSU Center for Community Research and Engagement are privileged to present this important report.

3. Federal Agencies in the Asylum Process

People seeking asylum protection in the United States must navigate a complex process that can involve multiple federal agencies.



4. San Diego Rapid Response Network

In February 2017, with the incoming Trump administration and the onset of expanded and intensified immigration enforcement, a number of San Diego's civil and human rights, labor, faith-based and social service organizations, attorneys and others came together to build a collaborative network of support for local immigrants affected by family separation, detention and deportation.

After several months of imagining, planning and organizing, what emerged was the San Diego Rapid Response Network (SDRRN), a coalition of more than 40 organizations and

dozens of volunteers working cooperatively to monitor immigration enforcement activities occurring in the region, provide emergency assistance, coordinate free and low-cost legal representation, connect affected San Diegans with resources and advocate for their safety and human rights.

Core SDRRN partners are Jewish Family Service of San Diego, San Diego Organizing Project, SEIU Local 221 and the ACLU Foundation of San Diego & Imperial Counties. Below is a partial list of additional SDRRN partners.

- 2-1-1 San Diego
- ABA Immigration Justice Project
- ACCE
- AFT – Immigration Committee City College
- California Western Community Law Project
- Casa Cornelia Law Center
- Casa Familiar
- Catholic Charities of San Diego
- CSA San Diego County
- Center for Community Solutions
- Employee Rights Center (ERC)
- Legal Aid Society of San Diego
- MAAC Project
- North County Immigration Task Force
- Parent Institute for Quality Education (PIQE)
- Price Philanthropies
- San Diego City College
- San Diego Unified School District
- SEIU USWW - San Diego
- South Bay Community Services
- Vista Community Clinic

(Un)Safe Release

On October 25, 2018, the Department of Homeland Security abruptly ended ICE's longstanding "Safe Release" program. Through this program, ICE would connect detained migrant families seeking asylum with family members or sponsors living in the U.S. prior to releasing them on the U.S. side of the border.

On October 26, 2018 and nearly every day since, ICE and Border Patrol have released asylum-seeking families into San Diego and other U.S. border communities with no access to shelter, food and water, and no resources or guidance to reach their destination cities.

SDRRN established cooperative relationships with ICE and Border Patrol to ensure their safe delivery of families to the shelter.

SDRRN officially launched in December 2017 as a 24-hour hotline and emergency services referral program. By the end of 2018, the hotline had received more than 1,500 calls regarding immigration enforcement activity or legal needs.

On October 26, 2018, a caller reported observing groups of people being dropped off at a San Diego bus station. The following day, another such sighting was reported and on subsequent days, SDRRN volunteers logged reports of similar drop-offs at various locations.

The new arrivals were families, primarily from Central America and some from as far away as Vietnam, Russia and the African continent. Most had never been in the U.S., did not speak English, had little or no money, and did not know the area, how to navigate the transportation system or how to contact loved ones.

Fleeing terrible persecution in their own countries, migrants traveled hundreds, if not thousands of miles to exercise their legal, human right to seek asylum in the United States. They were detained by CBP (if they presented at an official port of entry) or Border Patrol (if they crossed into the U.S. between ports of entry), vetted by DHS, and if found eligible to apply for asylum protection, they were given hearing dates to pursue their claims. These families are legally in the U.S. pending their hearings.

For the majority of these initial asylum seekers and the thousands that followed over a year's time, California was not their final destination. Eighty-five percent of respondents' intended destinations were outside the state.⁵ Because of the federal government backlog of asylum cases, the wait can be several months to years. Even so, after fitting the adults with ankle monitors, ICE and Border Patrol routinely abandoned migrant families in San Diego neighborhoods without food, shelter or the means to complete their journeys.

Initially, immigration officers released people at the rate of 20 to 30 families daily without notice or coordination with local governments or non-governmental groups. These numbers tapered off in early summer of 2019, with the administration's implementation and expansion of the controversial "Migrant Protection Protocols" (MPP) - or "Remain in Mexico" policy - requiring asylum-seeking migrants to await their asylum hearing dates in Mexico.

For more on MPP, see section *5d – Unjust Barriers to Entry*.

4a. Sheltering Migrant Families

When DHS terminated the ICE “safe release” program in late October 2018, **SDRRN’s unique experience, relationships and direct service infrastructure allowed it to pivot to a new role as California’s de facto “first responder” to the humanitarian crisis caused by the Trump administration’s release of thousands of asylum-seeking migrants onto San Diego’s streets.**

Within a day of the initial hotline call, SDRRN organizations immediately pooled their resources, secured space and established what would later be known as the San Diego Migrant Family Shelter. Private donations were raised to support ongoing operations. Core partners also met with city, regional and state officials to advocate for emergency funding and in-kind support.

Jewish Family Service of San Diego (JFS) stepped forward as the shelter’s operator and serves well in this role. Working together with other SDRRN partners’ staff and volunteers, JFS helps families meet essential human needs and provide case management and legal services. Community health clinics, county

workers and volunteer medical professionals screen all arrivals and provide care to meet basic medical needs. When necessary, assistance with travel costs and logistics are provided to enable families to connect with sponsors in cities across the United States.

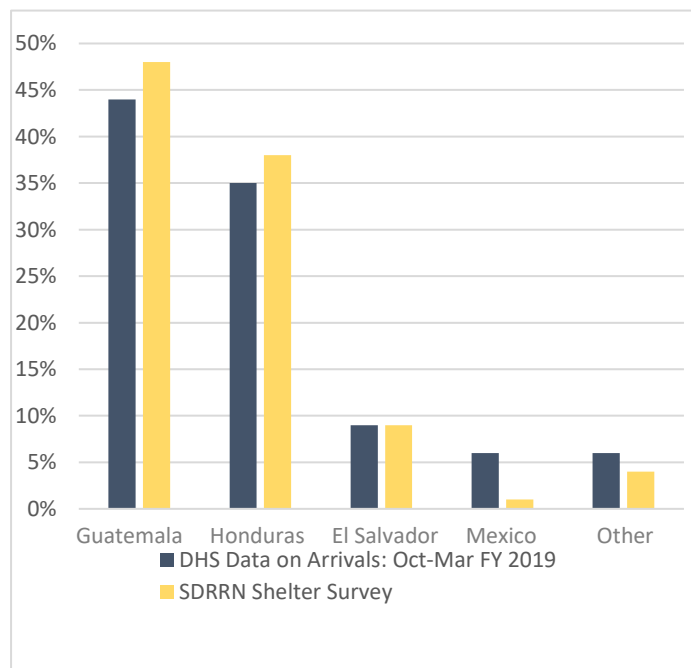
In March 2019, the San Diego Migrant Family Shelter relocated to a building in downtown San Diego. This location is owned by San Diego County and leased to JFS through December 2019.

In its first full year of operation (November 1, 2018⁶ – October 31, 2019), the San Diego Migrant Family Shelter assisted 19,179 asylum seekers. Families are generally sheltered for 24 to 72 hours. As quickly as one group moves on, other families arrive. From the beginning, sheltering efforts were intended as a stopgap measure, but with no other infrastructure in place in California’s border region capable of meeting the significant humanitarian needs of asylum-seeking families, these efforts quickly became essential to the safety and well-being of all Californians, including newcomers.

4b. What the Survey Indicates About Families in the Migrant Family Shelter

More than 90 percent of survey respondents migrated from Central America’s Northern Triangle region (Guatemala – 43 percent, Honduras – 38 percent and El Salvador – 12 percent). This demographic information generally corresponds with the Department of Homeland Security’s data on family arrivals occurring in the first half of the 2019 fiscal year (October 2018 – March 2019), the same period during which the survey was conducted.

Families’ Country of Origin: DHS Data⁷ v. CCRE Survey Results



Spanish was the primary language spoken by 83 percent of people surveyed; 16 percent of survey respondents spoke an indigenous Central American language.

Most families at the San Diego Migrant Family Shelter are families with small children. Of the survey respondents, women outnumbered men 62 percent to 38 percent. Nearly all survey respondents were in family units (98 percent), with more than half (52 percent) of respondents accompanied by one child, a quarter (26 percent) accompanied by two children and one-fifth (20 percent) accompanied by three or more children. More than 80 percent of people surveyed were not accompanied by a spouse or partner at the shelter. The average age of adult respondents was 32 and the average age of respondents' children at the shelter was eight.

For most respondents, California is not their intended destination. The UCSD-U.S. Immigration Policy Center's quantitative study of 17,000+ shelter intakes revealed that while only 15 percent of families planned to remain

in the state to wait for their asylum hearing, California was the top destination.⁸ Meaning, while the state is not the intended destination of the majority of migrant families, more intend to stay in California than in any other of the 50 states.

Similarly, 94 percent of the 350 people surveyed by CCRE said they intended to leave California to join loved ones and/or sponsors in other states for the duration of their asylum proceedings. Even so, California was among the five states that made up 48 percent of destinations for survey respondents. The others are Texas (19 percent), Florida (11 percent), Maryland (6 percent) and North Carolina (almost 6 percent).

In order to pay for the one-time travel expense, the vast majority (92 percent) of individuals surveyed reported receiving the assistance of family and friends, and 4 percent report self-financing their travel. The data shows that very few rely on civil society and non-profit organizations for travel expenses.

The Right to Seek Asylum

Asylum is a protection granted to foreign nationals already in the United States or at the border who meet the international law definition of a “refugee.” The United Nations 1951 Convention and 1967 Protocol define a refugee as a person who is unable or unwilling to return to his or her home country, and cannot obtain protection in that country, due to past persecution or a well-founded fear of being persecuted in the future “on account of race, religion, nationality, membership in a particular social group, or political opinion.”

In 1980, the United States Congress incorporated the internationally-recognized definition of “refugee” into U.S. immigration law through the Refugee Act of 1980. Individuals who are at our border or in the United States and meet this definition are eligible for asylum under U.S. and international law.

5. Seeking Safety in the U.S.

As a signatory to the United Nations 1967 Protocol and under U.S. immigration law, **the United States has legal obligations to provide protection to people who qualify as refugees.** The Refugee Act established two paths to obtain refugee status — either from abroad as a resettled refugee or *from inside the United States as an asylum seeker.*

The Department of Homeland Security initiates the asylum screening process known as the “credible fear” or “reasonable fear” interview for people who arrive at U.S. ports of entry or are encountered by U.S. immigration authorities near the border and express fear of returning to their country of origin. Individuals who are successful in the credible or reasonable fear process are then referred to immigration court proceedings which typically occur several months later. This is where they must prove their eligibility for asylum or other protection-based relief or face deportation.

Asylum seekers, including families with small children, are typically detained in “short-term” holding facilities while being processed for release or awaiting transfer to a long-term detention center. People who come to a port of entry requesting asylum are typically detained at CBP facilities near the port where they presented. People who enter between ports of entry are most often detained in Border Patrol facilities.

There are no statutes or regulations specifically governing “short-term” detention,⁹ defined by CBP as the “temporary detention of a person at a CBP facility for the least amount of time necessary to complete processing, transfer, and/or repatriation.”¹⁰ CBP and Border Patrol issue internal guidance regarding facility standards and operations that can change over time. A 2008 Border Patrol memorandum directed agents to avoid holding individuals for more than 12 hours in short-term holding facilities whenever possible,¹¹ although this was extended to 72 hours in the 2015 *U.S. Customs and Border Protection National Standards on Transport, Escort, Detention, and Search (TEDS)*.¹²

According to CBP, the number of people presenting themselves at official southwestern border crossings with claims of credible fear increased by 121 percent between FY 2017 and FY 2018.¹³ During the same period, the number of migrants presenting at the San Diego sector field office with claims of credible fear rose 187 percent.¹⁴ For those entering between official border crossings at the southwestern border, there was a less steep but still significant 43 percent rise in claims of credible fear,¹⁵ and a 78 percent increase in the San Diego sector.¹⁶

Families represent a significant percentage of all migrants seeking to enter the United States. DHS indicates that in FY 2019, more than 40 percent of all migrants crossing at official ports of entry and 50 percent crossing between ports of entry did so in family units.¹⁷

San Diego is a major receiving point for asylum-seeking migrant families. In FY 2016,¹⁸ FY 2018 and the first half of FY 2019,¹⁹ the San Diego sector received the largest number of families presenting at official border crossings. San Diego has also seen a steady rise in families apprehended while crossing between ports of entry. From 2017 to 2018, San Diego had a 61 percent increase in family apprehensions²⁰ and from 2018 to 2019, there was a 267 percent increase.²¹

More families are entering the United States between ports of entry. In FY 2019, 90 percent of families who crossed the border did so between ports of entry,²² as compared to 72 percent and 67 percent for FY 2017²³ and FY 2018.²⁴

5a. Why People Flee Their Home Countries

By design, the survey and interview questions did not delve into people's personal histories or other matters that might relate to the merits of their legal asylum claims. Even so, some shelter guests volunteered additional information about their experiences.

Families at the shelter are fleeing violence and insecurity. Eighty percent of all survey respondents reported fear of returning to their home country, including 85 percent of Hondurans surveyed and 95 percent of Salvadorans surveyed. When asked what they feared,²⁵ 85 percent of all respondents said gang violence; 23 percent said police or political

violence; and 19 percent said domestic violence. These answers were followed by fear due to political opinion (10 percent), fear due to religious affiliation (5 percent) and other violence (4 percent).

People who expressed a fear of returning to their home countries often described gang members forcibly recruiting their sons, raping or harassing their daughters, or directly threatening their families. One survey respondent shared that she decided to leave Guatemala after attempted extortion and threats of retaliation for failure to pay MS-13 members. She and her 9-year-old daughter fled, moving outside of the city to live with an aunt. After a few days there, gang members confronted them in the town center, threatening to hurt her daughter. The two packed up and left the next day.

Some respondents reported that their governments could not protect them from threats and violence. A Guatemalan woman said that people are fleeing because if someone files a complaint with the police, "you disappear."

Of the survey respondents who did not specifically express fear of returning to their home country (20 percent of all respondents), 91 percent reported migrating for economic opportunities and 13 percent reported that violence drove them to leave their country.²⁶

As respondents were able to give multiple answers, the survey elicited migrants' varied and intertwined motives for leaving their home countries. The stories that emerged from the in-depth interviews revealed clear parallels between people's fear of violence, their vulnerability to violence, and their lack of power, privilege and opportunity to change their hostile environment or protect their loved ones. They could only flee.

“People are dying every day,
and no one cares about us.
Our own government
is telling us to flee the city
because they have
no control over
what's going on.
My family was in danger.”

A Honduran woman, who reported fleeing her country because gang members raped her 13-year-old daughter, shared how the police not only advised her to leave the country but took her to the border with Mexico.

One Honduran mother reported, “We lived check to check. We lived miserably and that's why we came over here. My husband barely had money to buy our kids shoes, get a haircut. We can't do regular things like go to the park, take our kids places or anything because *our lives are consumed by violence* and trying to survive day to day.”

A man from El Salvador shared, “In our country there is rarely any work. At the age of 25, people are already facing unemployment. We decided to leave our country because I want to work and keep my son away from the gangs. My son was being threatened with death by the gangs. My daughter was being threatened by the gangs because she refused to go live with one of the gang members and they were mad. So, we had to leave El Salvador for a better opportunity at life. We just want to live a calm, normal life without worrying about being killed.”

5b. Journey to the U.S. Southern Border

Central American families arrive at the United States-Mexico border after an arduous journey that usually lasted weeks. The average reported time migrants took to travel from their home countries to the United States-Mexico border was 39 days, with a median of 20 days. Fleeing an abusive and alcoholic husband, one Honduran woman said it took her and her two children seven weeks to travel with no money or family support. About 70 percent also spent time in a border city, mostly Tijuana, with the average border stay being three days.

During the journey and in border cities, families face hardship and victimization. Seventy percent reported suffering from hunger and thirst during the journey north. Nearly one in five reported that they or their family members suffered from medical issues along the way. Families were often victims of crime and violence, with a third reporting that they or their family members experienced **theft** (93 people), **kidnapping** (5 people), **sexual violence** (8 people) or **other physical violence** (37 people). Twenty people reporting witnessing kidnappings or being aware of disappearances. One family recounted being robbed of everything, including their clothes, in the middle of the night and being left naked on the streets.

Some respondents explained that while the journey was dangerous, they believed staying in their home country was even more dangerous. Mexico is far from a safe haven for the thousands of U.S.-bound

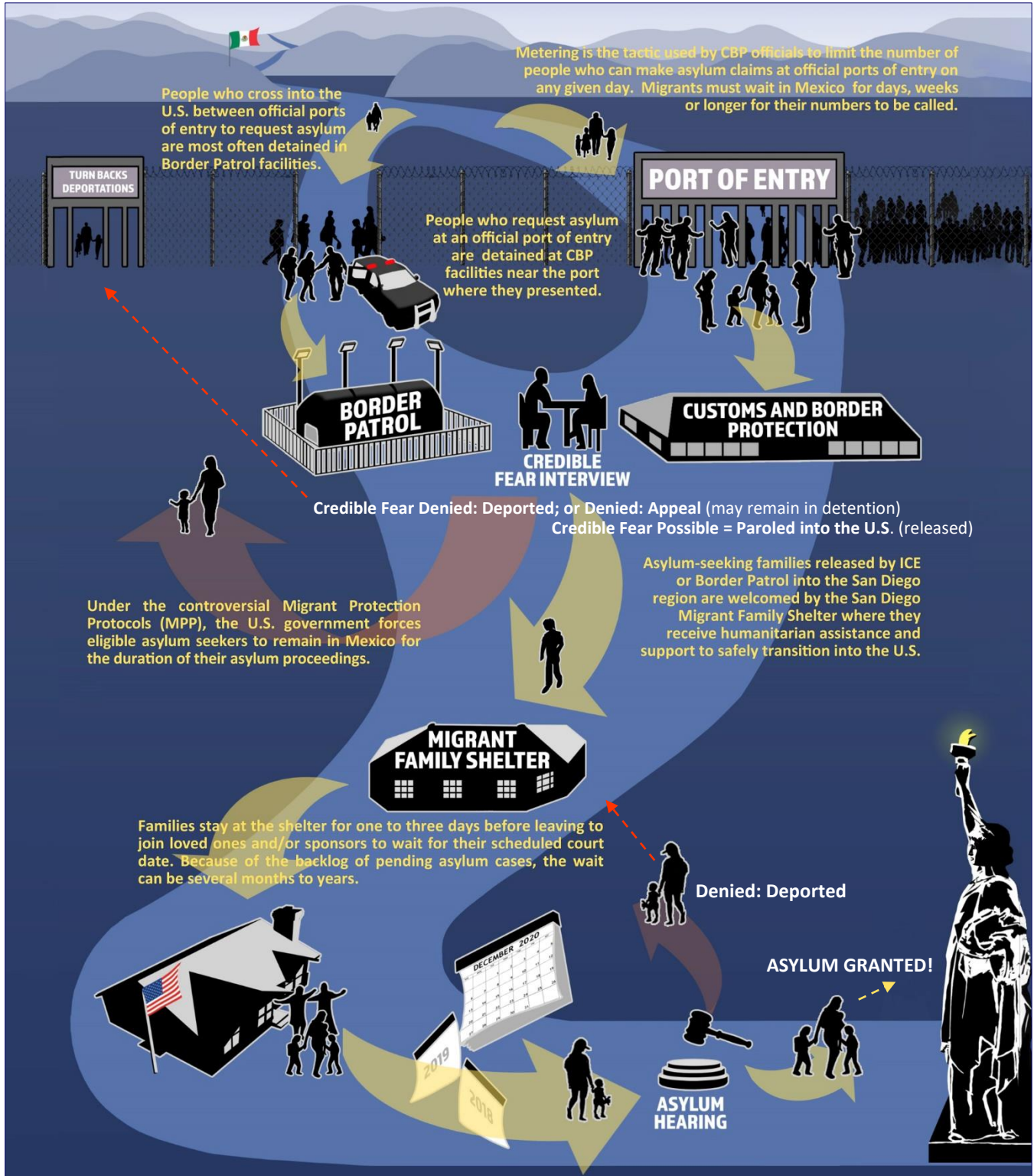
migrants amassing in their border communities. Nationally, the murder rate in Mexico increased by 33 percent in 2018, the second consecutive year of record setting rates.²⁷ These high murder rates are reflected in the Tijuana-San Diego border region. Asylum seekers without resources and stable housing are particularly vulnerable to kidnapping, trafficking, sexual assault and murder.

Migrant families struggle to find safe housing in communities on the Mexican side of the border. One-quarter of respondents who spent time in a border city depended on a shelter or church for a place to stay. Ten percent found no accommodations at all. Tijuana has limited infrastructure in place to respond to the humanitarian emergency. Asylum seekers are forced to find shelter where they can, staying in smaller, privately-run shelters that do not have the capacity to serve the growing human need.

Moreover, for migrants in Tijuana, the lack of legal providers in the area results in little knowledge of what is to come in the immigration process and little information about their rights as people seeking asylum in the United States. Although San Diego has a more robust legal community, reports indicate attorneys, journalists, and activists who have been actively following and supporting asylum seekers in Tijuana have been harassed at the border and even denied entry into Mexico.

Concerns about safety and lack of access to resources in Tijuana are exacerbated by the U.S. government's recent Migrant Protection Protocols (MPP), also known as "Remain in Mexico."

5c. The Path to Asylum for Migrant Families Arriving at the U.S. Southern Border



Remain in Mexico (MPP)

On January 28, 2019, the Trump administration implemented the “Migrant Protection Protocols,” a new policy to further abrogate the rights of asylum seekers. Under this policy, also known as MPP and “Remain in Mexico,” asylum seekers fleeing for their lives are forced to stay in Mexico for the duration of their asylum proceedings.

For many of these individuals, this means continued exposure to violence, fear, unstable living arrangements and a lack of access to legal counsel.

MPP began as a pilot program at San Diego’s San Ysidro port of entry and has since expanded to El Paso and Calexico.

5d. Unjust Barriers to Entry

Many asylum-seeking families are confused and intimidated by what has become an increasingly unclear process. People reported being told by immigration authorities that ports of entry are full, they are directed toward an unofficial list, and left without clear information or direction. The Trump administration’s controversial “Migrant Protection Protocols” (MPP) are another new barrier to a just, humane and expeditious asylum process. Since its implementation, more than 55,000 applicants for asylum have been forced to remain in Mexico for the duration of their asylum proceedings.

Prior to the implementation of the MPP, asylum seekers would be either released into the U.S. or transferred to ICE detention after undergoing processing by CBP or Border Patrol to continue their asylum cases.

Under this new policy, asylum seekers are screened, sometimes in the middle of the night, by a CBP or Border Patrol officer for placement in MPP. Usually, asylum seekers do not know they are being screened for MPP and therefore have no idea how to prepare. It is at an individual officer’s sole discretion whether an asylum seeker is MPP-eligible. The officer considers if the asylum seeker will face persecution or torture in Mexico but does not consider the asylum seeker’s legal status in Mexico, if they have shelter or run the risk of other potential harm. The officer’s decision requires no immediate review.

In the first two weeks of MPP implementation, only single adults from the Guatemala, Honduras and El Salvador were returned to Mexico. Now, entire families are being sent to Mexico, regardless of home country (unless a family’s home country is Mexico).

As part of their proceedings, asylum seekers have hearings before an immigration judge where they have a right to be represented by private counsel, present evidence and seek administrative and judicial review of final decisions in their cases. Being in the United States allows asylum seekers to better prepare for this process. In the U.S., they can join with family members or friends who can help provide shelter and other resources necessary in the asylum process, including finding legal representation and transportation to immigration court hearings, communicating with witnesses and collecting evidence. Access to such resources could be the difference between the right to remain in the U.S. indefinitely or being forced to return to the home country where the families’ safety is at risk.

MPP exposes asylum seekers to further insecurity and danger in Mexico and severely limits their access to crucial resources. Obligating asylum seekers to continue their case from Mexico can cause catastrophic miscommunication and significantly undermine their successful navigation of the process.

“Metering” is a tactic through which CBP officials limit the number of people who can present with asylum claims at ports of entry on any given day. This controversial practice results in bottlenecks on the Mexican side of the border. In Tijuana, individuals seeking asylum are directed to sign up on an unofficial list managed by other asylum seekers at the San Ysidro PedWest/El Chaparral bridge. Volunteers managing the list write down the asylum seekers’ names and give them a number. Asylum seekers then wait to be called.

CBP officials notify the National Migration Institution (INM) of the number of asylum seekers they will process that day. Grupo Beta, the INM’s migrant humanitarian agency, then notifies the volunteer administering the list. Individuals wait days, weeks or longer to be called.

Many people who ultimately crossed the border between official ports of entry initially attempted to present themselves at an official port of entry but were turned away pursuant to CBP’s the metering policy.”

Reflecting national trends, 90 percent of CCRE survey respondents reported having been apprehended crossing between official ports of entry. Of these, 11 percent reported they

unsuccessfully attempted to present themselves at an official border crossing.

People reported being turned away, told to get on a list, and/or that they ultimately crossed between ports of entry because the process was too lengthy, or it was too dangerous to wait on the Mexican side of the border.

When asked why they crossed between ports of entry, **most survey respondents indicated they did not understand the official process for requesting asylum at a port of entry.** Nearly half (49 percent) of respondents apprehended entering between official border crossings reported being unaware of the official process for requesting asylum; 41 percent were afraid of being deported if they presented at the port of entry; and 19 percent of respondents said that the process was too lengthy and/or they could not continue to support themselves or were afraid to continue waiting at the border.²⁸ As one woman explained, “I was on the street with my daughter and was afraid.” Another recounted having lost their number for “the list.”



A Guatemalan woman described being a victim of kidnapping in Tijuana. She didn't have money for a taxi or public transit, so she accepted a ride from a stranger who offered to take her from the port of entry to where she was staying.

The stranger took her to a house near the outskirts of the city where she was kept in a room. She had to beg for food and water, and sometimes had no other option but to drink from the toilet bowl. She is unsure how long she was held captive.

When describing how she managed to escape, she said, "I just remember that one day they put me in a taxi that took me to the pedestrian crossing in Tijuana." There she ran out of the taxi and right up to Mexican Immigration officials begging for someone to help her. She explained her situation and they helped her enter the San Ysidro port of entry.

Despite this experience, the woman was sent back to Tijuana after processing to await her next court hearing under MPP.

A Honduran family reported that they fled their home after gang members killed a family member and then broke into their home. When the family arrived at the border, they added their names to the list. After waiting some time and experiencing violence in Tijuana, they decided to cross the border through the hills.

A Honduran man described how he, his wife and two young sons attempted to present themselves at the port of entry in Tijuana but were told by officials that port of entry was not receiving asylum seekers and they needed to go elsewhere. Not knowing what else to do, the family entered adjacent to the port of entry. They were apprehended with a group of roughly 19 people. When the Border Patrol officer saw the children, he yelled, “great, a fucking family.”

Verbal Abuse

CBP National Standards on TEDS, Section 1.4: “CBP employees must treat all individuals with dignity and respect. CBP employees will perform their duties in a non-discriminatory manner, with respect to all forms of protected status under federal law, regulation, Executive Order, or policy, with full respect for individual rights including equal protection under the law, due process, freedom of speech, and religion, freedom from excessive force, and freedom from unreasonable searches and seizures.” (p. 4)

Section 1.2: “CBP employees must speak and act with the utmost integrity and professionalism. CBP employees must conduct themselves in a manner that reflects positively on CBP at all times.” (p. 4)

6. Stories of Mistreatment in U.S. Custody

In October 2015, CBP issued national standards for its interactions with and care of individuals in its custody: the *U.S. Customs and Border Protection National Standards on Transport, Escort, Detention, and Search (TEDS)*.²⁹

CBP stated that the set of standards “reflects key legal and regulatory requirements.”³⁰ Notably, the *CBP National Standards on TEDS* raised the general recommended time that people remain in its custody to 72 hours.³¹ However, the CCRE survey results indicate that CBP regularly violates its own standard.³²

The problematic nature of prolonged stays in short-term CBP and Border Patrol detention is exacerbated by the conditions in these facilities. The facilities, often referred to as *hieleras*, or iceboxes, are infamously known for being extremely cold, unsanitary and overcrowded.³³ The holding cells in these facilities are neither designed nor equipped for overnight sleeping.³⁴ Toilets and sinks are located inside cells and are only partially shielded from view. Individuals detained in the *hieleras* along the southern border routinely report lack of adequate food, water and medical care during their stay.³⁵

The survey results are consistent with such reports. Half of respondents reported mistreatment from immigration officers during apprehension, processing and/or detention. Most common was verbal abuse, followed by physical abuse and rough rides in Border Patrol vehicles.

A quarter of respondents reported being yelled at in detention and over a third of respondents (37 percent), reported suffering verbal abuse while in custody. Many women described gender-based verbal abuse, with repeated reports of officers calling them “*puta*” (bitch or slut) and other derogatory terms.

A quarter of respondents reported being threatened by officers after being taken into custody. Most common was during processing, with 58 people reporting that immigration agents threatened to send them to a detention facility and 46 people reporting that immigration agents threatened to take their children away.

A Honduran woman and her 12-year-old son reported that they were apprehended crossing the border near the beach. She stated that the officer asked her, “*¿Porque vienes a joder aca?*” (Why are you coming here to make trouble?) To which she responded that she was fleeing from her abusive husband. The officer replied, “*Esas mentiras no me las creo, puras pendejadas las tuyas, ya no estes chingando.*” (I don’t believe those lies, it’s pure bullshit, stop pestering me.)

A Honduran woman described how officers called her “*puta*” (bitch or slut), “*desgraciada*” (wretch) and “*prostitute*” after she told them her two oldest daughters are not her husband’s biological children. The officers switched between English and Spanish to curse and humiliate her. She remained quiet as they insulted her until she was unable to contain herself and wept.

Another Honduran mother described the horrific treatment she and her 22-year-old pregnant daughter, 14-year-old son and two young grandchildren experienced in detention. In addition to being denied adequate food, medical attention and being subjected to freezing temperatures, they also reported verbal abuse. After the officer learned that the mother lost her son's birth certificate on their journey through Mexico, he became upset and began screaming at her. The mother responded to the officer, "stop yelling at me; you are being disrespectful." In response, the officer yelled, "I am disrespectful? You have disrespected the laws of *my* country!"

The mother said that although she is a migrant, she has rights. The officer demonstrated outrage and threatened to detain her indefinitely, saying she would never see her son again. She stated she knew he had no authority to take her child.

A woman described how an officer yelled at her son because he did not remain seated. The mother had gotten up and the boy tried to follow. The officer said he would separate them because, according to the officer, the boy was too old to be with his mom. He was nine-years-old.

A 19-year old mother reported that during an interview, an officer threatened to send her to a detention center and take her child away from her. Another respondent said that when she asked for more food for her kids because the Border Patrol officer hadn't given them enough, a guard yelled at her and told her that if she kept complaining, they would take her kids away.

A Honduran woman described being told by officers that they would separate her from her spouse and child. She was questioned without her husband present. She said, "I believe they questioned me without my husband present on purpose; they tried to intimidate me." In the interview, the Border Patrol officers asked her about her husband, his work or potential gang affiliations, she reported. She said the officers claimed, "Your husband will be arrested, and your children sent to the orphanage."

Physical Abuse

CBP National Standards on TEDS provides no specific prohibition of physical abuse of detainees.

Sexual Abuse

CBP National Standards on TEDS, Section 1.3: "CBP has a zero tolerance policy prohibiting all forms of sexual abuse of individuals in CBP custody, including in detention facilities, during transport, and during processing." (p. 4)

Twenty-five survey respondents reported immigration officials using physical violence, with 20 reporting the violence occurred during apprehension. Some women reported observing violence against their husbands.

“My husband was mistreated by the immigration agents. They hit him and threw him on the ground. They threw him into the car and the agents called him a dumbass, donkey, and shit... They threatened to hit him in the mouth if he talked back. All this happened in front of my son who cried and cried.”

A woman reported that when her partner told officers he feared returning to Honduras due to his bisexuality, the agents insulted and humiliated him. They yelled at him, ordering him to kneel and kiss their feet, but he refused. They repeatedly hit him and pulled his ponytail so hard that they ripped his hair out.

The woman said she was called a slut and mocked for having a bisexual husband. Agents threatened to separate her from her children. After the family was detained, she and her children were separated from her partner and, at the time of the interview, she had not yet heard from him.

Searches

CBP National Standards on TEDS, Section 3.1: “All searches must be conducted under the appropriate legal authority and standards.

Officers/Agents must be diligent in their efforts to protect a detainee’s legal rights and **treat detainees with respect, dignity, and an appropriate level of privacy.**” (p. 9)

Section 3.4: “Whenever operationally feasible, officers/agents conducting a search or that are present at a medical examination, **must be of the same gender**, gender identity, or declared gender as the detainee being searched.” (p. 9)

A Honduran man shared that agents subjected him, his wife and their two young sons to a search in front of a group of 19 other migrants. He reported that a male Border Patrol agent told his wife to remove her jeans and leggings, leaving her only in a very short pair of shorts. The man said that when he protested, agents singled him out, subjected him to a second search, forcefully kicked his ankles and aggressively patted him down. He said the agent grabbed him by the collar and neck and flung him towards the ground, causing him to fall. The agent then threatened to deport him immediately.

He said that when asked by immigration authorities, prior to his release, if he experienced mistreatment, he told them he did not because he feared his detention would be prolonged or his children would suffer.

Rough Rides

CBP National Standards on TEDS, Section 2.5:

“Officers/Agents must comply with all operational office’s policies and procedures pertaining to the use of government vehicles as articulated in the most recent Motor Vehicle Management Handbook, and must operate vehicles in accordance with all appropriate traffic laws and regulations.” (p. 5)

Section 2.1: “CBP vehicles used for transporting detainees must be properly equipped, maintained and operated. Additionally, these vehicles must comply with safety inspection requirements in accordance with applicable federal and state law.” (p. 5)

Section 1.1: “The safety of CBP employees, detainees, and the public is paramount during all aspects of CBP operations.” (p. 4)

Twenty-two people reported that they were subjected to a rough ride in a Border Patrol vehicle after apprehension or on the way to detention. A “rough ride” is a euphemism for the practice of intentionally operating a vehicle in a manner that causes passengers discomfort or physical harm. This can involve quick and abrupt stops, hitting potholes or bumps in the road, taking sharp, fast turns, etc.

a survey respondent described how, after being arrested, Border Patrol agents were verbally abusive to him and his son. When they were transported to the detention center, the driver seemed to intentionally drive over bumps causing the asylum seeker’s son to hit his head “hard” on the vehicle. The boy still had a bump on his head at the time of the survey, which was several days after the incident.

A Salvadoran woman recounted that officers threatened to pepper spray her and her 19-year-old pregnant daughter while riding in a Border Patrol vehicle. The agents swore at them saying, “fuck you” and calling them “pieces of shit.” The agent driving repeatedly hit the brakes causing her and her daughter to be violently thrown around the interior of the car.

Duration of Detention

CBP National Standards on TEDS, Section 4.1:

“Detainees should generally not be held for longer than 72 hours in CBP hold rooms or holding facilities. Every effort must be made to hold detainees for the least amount of time required for their processing, transfer, release, or repatriation as appropriate and as operationally feasible.”
(p. 14)

Survey respondents regularly reported being held for longer than the 72 hours CBP sets as the general amount of time permissible for short-term detention.

The median time spent in detention was three days, but the average was 3.5 days. Forty-five percent of survey respondents who were detained by CBP or Border Patrol reported being held for more than three days. Four percent of respondents reported their families were detained for a week. The longest detention reported was 18 days.

A Honduran family with two young daughters reported being detained for eight days without the opportunity to shower.

Provision of Food

CBP National Standards on TEDS, Section 4.13: “Adult detainees, whether in a hold room or not, will be provided with food at regularly scheduled meal times.” (p. 18)

Section 5.6: “Juveniles and pregnant detainees will be offered a snack upon arrival and a meal at least every six hours thereafter, at regularly scheduled meal times... Juveniles and pregnant or nursing detainees must have regular access to snacks, milk, and juice.” (p. 22)

Section 4.13: “Food and water should never be used as a reward, or withheld as punishment. Food provided must be in edible condition (not frozen, expired or spoiled).” (p. 18)

Respondents reported violations of meal and snack standards in terms of the timing, amount and quality of food they were provided. While most respondents were given food within an hour of detention, 41 percent were not given food for at least several hours, with some waiting until the next day. Fifty-six percent reported that they did not receive enough food in general and 14 percent reported that they were fed fewer than three meals a day. Many others complained that the food they were served as meals (often small burritos and instant noodle cups) were meager and nutritionally insufficient.

Fifty-eight percent of respondents rated the food quality as below average. Some individuals reported the food they ate in the short-term detention facilities made them or their children sick, with a few describing the food as undercooked or rotten.

In in-depth interviews and survey comments, several respondents mentioned incidents of food being withheld as punishment, in violation of CBP policy.

One mother described being fed one cookie and one thin burrito once a day.

A pregnant woman detained in CBP custody reported losing 15 pounds because of the inadequacy of the meals.

A Honduran woman explained that she was not provided access to the special formula she had packed for her lactose intolerant, one-year-old daughter. After going almost two days without formula for her daughter, she raised the issue to officers. One officer yelled at her, calling her and her daughter “*gustosas*” (picky). When she defended herself and her daughter, the officer called her “*pendeja*” (dumbass) and retaliated by denying food to everyone's children in that cell that afternoon.

Provision of Water

CBP National Standards on TEDS, Section 4.14: “Functioning drinking fountains or clean drinking water along with clean drinking cups must always be available to detainees.” (p. 18)

Temperature

CBP National Standards on TEDS, Section 4.7: “When it is within CBP control, officers/agents should maintain hold room temperature within a reasonable and comfortable range for both detainees and officers/agents.” (p. 16)

Provision of Bedding

CBP National Standards on TEDS, Section 4.12: “Clean bedding must be provided to juveniles. When available, clean blankets must be provided to adult detainees upon request.” (p. 17)

Survey respondents reported notable violations of the CBP policy on provision of water in detention. Nearly 10 percent of respondents (31 people) reported not always having access to drinking water. Moreover, survey respondents reported problems with the quality of the available water. Seventy percent reported having to drink water from a tap, sink or fountain. Some reported the location of the water tank as being attached to the toilet. Thirty-eight percent of respondents reported the water tasted or smelled bad. Most reported a smell or taste of chlorine, with a small number reporting that the water was dirty or smelled or tasted like urine, feces or old pipes.

One woman described asking an officer for water and being directed to the bathroom sink.

A Guatemalan woman recounted that when her daughter cried of hunger and dehydration, officers mocked her, asking “What do you want, a cold coke? You know what you came for, don't complain.”

Nearly two-thirds (63 percent) of respondents reported the temperature in detention was cold or very cold. Survey respondents reported sleeping in cold detention areas without adequate bedding. Approximately 30 percent of respondents (nearly 100 people) reported not being given a blanket. Of those given a blanket, 94 percent reported they were given a mylar blanket, a heat reflective thin plastic sheet. Eighteen percent were not given a mattress or cot. Moreover, 24 respondents reported that they slept on the floor with no mattress, cot or blanket.

Four out of five respondents said they were held in areas with large numbers of people. Some described cells with many times the number of people than they were designed to accommodate. Some also reported that they had to sleep on their side, sitting up and even standing up because of overcrowding.

One woman reported fainting due to extremely cold temperature in the detention facility that she said exacerbated the symptoms of a cold and caused her to experience low blood pressure.

A Guatemalan mother reported experiencing extremely cold conditions after returning from the hospital with her daughter at night. She said she was not being given a mylar blanket until the next morning.

The mother of a one-year-old reported sleeping sitting up on a bench with her child in her lap, wrapped in the one mylar blanket they had been given. Another mother said she slept on the hard floor with her three-year-old until they were given a mattress on the third day in detention.

A father described how he only had one blanket for himself and his child. The blanket ripped on the third day of detention. He had to continue using it for two more days.

Health and Hygiene

CBP National Standards on TEDS, Section 4.7: “All facilities or hold rooms used to hold detainees must be regularly and professionally cleaned and sanitized.”
(p. 16)

Section 2.8: “If officers/agents suspect or a detainee reports that a detainee may have a contagious disease, the detainee should be separated whenever operationally feasible.”
(p. 6)

Section 4.11: “Reasonable efforts will be made to provide showers, soap, and a clean towel to detainees who are approaching 72 hours in detention.” (p. 17)

Survey respondents reported exposure to health and hygiene problems in CBP and Border Patrol custody. Forty-one percent of respondents reported hygiene and health issues inside the cells where they were detained. Of the complaints, 41 percent were regarding dirty surfaces or trash in the holding area where detainees also sleep and eat.

Detainees with contagious diseases were often housed in the common holding areas. Of the survey responses, 29 percent of complaints about health and hygiene conditions in the cells were about the presence of vomit, diarrhea and/or other bodily fluids in common holding areas, 25 percent about lice and/or scabies, and 3 percent about the presence of other contagious illnesses.

Survey results indicated opportunities to shower are rare, even after days in detention. Eighty-three percent of individuals surveyed reported they did not have the opportunity to shower while in short-term detention, including 78 percent of those who were detained for three days or more. Showering was more common in CBP detention than in Border Patrol detention: 55 percent of the 33 respondents held in CBP custody had the opportunity to shower, whereas only 12 percent of the 296 respondents held in Border Patrol custody had the opportunity to shower. Some described the shower water temperature as extremely hot or cold.

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A Salvadoran woman and her daughter described witnessing “people with colds, fever and head lice all mixed together” in a cell holding approximately 100 people.

A Honduran man held in a Border Patrol detention facility described the cell as “dirty, with vomit, blood, and a lot of sick people,” including migrants with colds, nausea, throat infections and a man who coughed blood on the floor.

One pregnant woman described the shower water as so hot one “could skin a chicken in it.” She explained that she was not permitted to shower until her fifth day in detention. Once she showered, she had to change back into the same dirty clothes and underwear, despite a vaginal infection. Lacking access to clean underwear, she used pantliners in an attempt to help relieve her infection. Around day 14 of detention, she saw a doctor who agreed her condition had not improved. She was then given one change of underwear. She was released from detention a few days later.

Medical Care

CBP National Standards on TEDS, Section 4.3: “Upon a detainee’s entry into any CBP hold room, officers/agents must ask detainees about, and visually inspect for any sign of injury, illness, or physical or mental health concerns and question the detainee about any prescription medications. Observed or reported injuries or illnesses should be communicated to a supervisor, documented in the appropriate electronic system(s) of record, and appropriate medical care should be provided or sought in a timely manner.” (p. 14)

Section 4.10: “Any detainee, not in general processing, with non U.S.-prescribed medication, should have the medication validated by a medical professional, or should be taken in a timely manner to a medical practitioner to obtain an equivalent U.S. prescription.” (p. 17)

Two-thirds of the adults and 43 percent of children reported not being seen by a medical professional at any point during CBP or Border Patrol detention. Respondents also reported not being screened by immigration officers for medical conditions.

Survey results indicated lack of screening by medical personnel despite that more than 80 percent of people reported being held in close quarters with groups of five or more people. Survey respondents indicated officers sometimes wear masks, where none are offered to detainees.

Even those who complained of serious illness were often not seen by a medical professional. Twenty-eight percent of respondents (92 people) reported communicating to immigration officers that they or someone in their family had a serious medical condition. In 35 percent of those cases, the person with a serious medical condition did not receive medical attention. Many people described being yelled at, threatened or ignored when they asked for medical assistance.

Moreover, those who were seen by professionals were not always seen in a timely manner. Of the 57 people who were seen by a medical provider in response to a complaint about a serious medical issue, 42 percent waited three hours or more to see a medical provider and 18 percent waited between one and three days to see a provider.

Of the thirty-seven survey respondents who reported taking medication on a regular basis, 22 indicated that they brought medicine with them to the United States and 11 indicated receiving medication while in detention,

One woman reported that she has high blood pressure and had to ask to see a medical professional after three days of not having medicine.

Another woman, who had torn ligaments in her knee, described how an officer noticed she was injured but he did not care, saying, “*Norte querías, norte tienes,*” (You want to be in the United States, now you’re here).

A man from El Salvador said that when he told an officer that he wasn't feeling well and had a swollen throat, the officer yelled, "Unless you're dying, I don't care about your throat. Tell me when something is actually wrong to the point where you're about to die. Otherwise be quiet because I don't care." Through tears, the man said, "They [the officers] weren't concerned with our health and even turned on the air conditioning to be extra cold as we all tried to sleep. It's like they were trying to torture us mentally as we were at our most vulnerable."

One woman reported waiting two days before her son saw a medical professional after she reported the boy was suffering from diarrhea. By the time he was seen by a provider, the condition had worsened, and the boy was producing bloody stool. Another mother reported to immigration officers that her daughter had asthma, but she was ignored, and her daughter was never seen by a medical provider.

A Honduran man came to the U.S. with his wife and two young sons. The man reported that his family had first attempted to enter the U.S. at the official port of entry in Tijuana. After being told that they must go elsewhere because asylum seekers were not processed there, the family was forced to enter via Tecate, Mexico, through the mountains. The family walked for 17 hours fighting dehydration, hunger, the sun and mountainous terrain.

Throughout the journey his wife had a possible yeast or urinary tract infection and their 7-year-old son was fighting off an ear infection with antibiotics they purchased in Tecate, Mexico. The man described that during processing officers threw away the antibiotics and other medications. When the man asked if his son could see a medical provider, the officers responded that he was not dying and that access to a medical provider would only be provided for serious medical conditions.

An HIV-positive Honduran woman who was separated from her husband reported suffering a miscarriage at three months of pregnancy during her first day in detention. She was denied medical attention and instead relied on another woman in the cell who helped her through the miscarriage.

The woman was not given medical attention to treat the miscarriage or HIV. Instead, she was held in a solitary unit for two weeks before being transferred to an ICE detention center. In solitary confinement, she reportedly was given her food through a small opening at the bottom of her cell door. She never had contact with the outside world or saw the light of day during her confinement. Without access to her HIV medication or treatment for the miscarriage, she experienced trembling, cold sweats, cramps and lower back pain.

One individual reported he had traveled with medicine for chronic back pain. When he was detained, agents told him that he could not have that medication with him and made him throw it away.

The agents indicated they would give him new medicine, but never did.

Telephone Access

CBP National Standards on TEDS, Section 4.9:

“Officers/Agents must grant detainees telephone access per the operational office’s policies and procedures and may, at their discretion, grant telephone access to any detainee even if not required.” (p. 16)

Short-Term Detention Standards and Oversight Report to Congress FY 2015:

“Aliens are notified of communication privileges with consular or diplomatic officers of their country of nationality, and they are provided access to telephones for such purposes, if requested.” (p. 3)

The majority of survey respondents (83 percent) reported not being able to use the phone. CBP’s standards on telephone access are vague, but the default practice appears to be to deny access to telephones.

Due Process

CBP National Standards on TEDS, Section 1.7: “All instructions and relevant information must be communicated to the detainee in a language or manner the detainee can comprehend.” (p. 4)

Section 4.8: “As appropriate, detainees must be advised of their right to consular access in a language or manner the detainee comprehends. If requested by a detainee, consular contact will be afforded as soon as operationally feasible.” (p. 16)

The survey results raise significant concerns about the preservation of due process for asylum seekers. Thirty-one percent of respondents said immigration officials did not explain what the documents were that respondents signed. Thirty-seven percent of respondents reported that they did not feel they fully understood what they signed. Thirty-one percent of respondents reported feeling pressured by CBP or Border Patrol officers to sign documents. Nearly one in ten reported they were pressured by officers to accept voluntary deportation. Forty-five percent of respondents reported that they were not informed about their right to access their consular officials.

A Honduran woman reported immigration officers had her sign documents that were not explained to her, nor read to her in a language she understood. The agents laughed and mocked her, telling her that she was signing her deportation order.

A Honduran woman described how officers told her that she had no rights here as they pressured her to accept deportation at 1:00am. After refusing, she remained detained for another nine days before being processed for release from the short-term detention center. She reported feeling punished for not accepting a deportation order and believes officers detained her longer than others so as to continue pressuring her into accepting deportation.

Family Separation

CBP National Standards on TEDS, Section 1.9: “CBP will maintain family unity to the greatest extent operationally feasible, absent a legal requirement or an articulable safety or security concern that requires separation.” (p. 4)

Survey results indicated families continue to be separated in short-term detention. Seventy-nine survey respondents (24 percent) reported being separated from their minor children. (This number includes fathers who are routinely separated from their families.) Fifty-five parents with no partner in the shelter reported being separated from their children at some point during the short-term detention.

Males who are 18 years of age and older are usually placed in all-male cells. Males who are 13-17 years of age are separated from their families and held in cells specifically for male adolescents. However, survey results indicated at least seven cases of single parents who were separated from children as young as one year old to children as old as 12 years old.

Most minor children separated from their parents were not reunited in the same day. Of the 55 *single* parents reporting separation, 85 percent were separated from their children for one or more days, with 18 cases of separations lasting longer than three days. While the very youngest children were separated for less than an hour, a few aged 12 and under were separated for more than a day.

Survey results indicated CBP and Border Patrol regularly violated the standard on keeping families together. One third of 166 people surveyed on the topic responded that they had been separated from family members other than minor children.³⁶

Separation from a partner or adult child was most common. Respondents reported immigration officers did not provide information regarding the whereabouts or condition of separated family members. At the time of interviews, some migrants reported still not knowing the whereabouts of their separated family members.

Separation from a partner or adult child was most common. Respondents reported immigration officers did not provide information regarding the whereabouts or condition of separated family members. At the time of interviews, some migrants reported still not knowing the whereabouts of their separated family members.

Family separation can impact the success of asylum petitions, especially for individuals with connected asylum claims or family members who might serve as corroborating witnesses.

One Salvadoran mother shared how her two sons, one 17 and the other nine-years-old, were both separated from her for the two days she was detained.

A Honduran woman described being separated from her partner upon apprehension. She was four months pregnant with their child, but Border Patrol agents said the couple failed to prove that he was the biological father. The officers pressured and coerced her into saying she had come alone to the U.S. After three days in detention she was released. Her partner was put in the Migrant Protection Program and returned to Mexico to continue his case from abroad

Another woman reported that she was not reunited with her partner when she was released from Border Patrol custody. She said she was fearful because she had not heard anything about him and prior to fleeing her country of origin, her partner was receiving death threats. Her partner had all the evidence related to their claim in his possession.

7. Conclusion

The United States of America is a nation with tremendous means, power and capacity for compassion. From our nation's founding and in its proudest moments, the U.S. has provided refuge to people displaced by chronic violence and persecution in their home countries. Guaranteeing a fair asylum process to individuals and families desperate for protection and freedom exemplifies our long-standing humanitarian traditions and national values. As a border metropolis, San Diego has a unique responsibility to welcome asylum seekers and migrants, including vulnerable Central American families who are exercising their civil and human rights to seek safety in the United States.

The Trump administration's anti-asylum agenda is comprised of punishing, often unjust policies and practices intended to deter asylum-seeking Central American families from entering the United States. These families have been funneled to official ports of entry where they wait months to make their claims. Once their claims are made and deemed credible, they are forced to remain in Mexico where they face more danger. Additionally, this administration has made attempts to make people who cross between official ports of entry ineligible for asylum, and in other ways hindered an expeditious and humane asylum process.

The Center for Community Research and Engagement's survey of approximately 2 percent of the shelter's population (in its first year of operation) strongly suggests that a significant number of asylum-seeking migrants are subjected to federal detention conditions and/or treatment by federal immigration authorities that are in violation of the *CBP National Standards on Transport, Escort, Detention, and Search*.

The cost in human suffering is antithetical to who we are as San Diegans, Californians and Americans.

Every data point presented in this report is an opportunity to confront and correct abuses of power that undermine a fair and humane asylum system. Every story is an opportunity to change hearts, minds and policies that perpetuate bigotry, exclusion and injustice.

Key Findings

1. Due to a lack of knowledge about or fear of the U.S. asylum process, which has become increasingly complicated with restrictive and ever-changing policies, 90 percent of surveyed families entered the country between official ports of entry and were apprehended.
2. A significant number of San Diego Migrant Family Shelter guests surveyed reported experiencing abuse and mistreatment in violation of CBP's own standards on professionalism, interactions and provision of care as laid out in the *CBP National Standards on Transport, Escort, Detention, and Search*:
 - a. Half of survey respondents reported mistreatment by immigration officers, most commonly verbal abuse.
 - b. Forty-five percent of survey respondents reported being held in detention longer than the 72-hour standard.
 - c. Almost two-thirds of respondents described the temperature in detention as cold or very cold.

- d. More than three-quarters of respondents were unable to shower while in short-term detention, including those detained for three days or longer.
 - e. More than one-third of respondents who reported medical problems to immigration officers were not seen by a medical provider.
 - f. Forty-five percent of respondents reported they were not informed of their right to access consular officials of their own country.
3. Most survey respondents reported insufficient access to food, bedding and telephones while detained.
 4. Two-thirds of adults and 43 percent of children were not screened by medical personnel at any point during detention.
 5. Families continue to be separated while in federal custody.
 - a. Almost a quarter of parents surveyed reported being separated from their minor child at some point during apprehension or detention. (This number includes fathers who are routinely separated from their families as are boys, aged 13-17.)
 - b. More than one-third of the 166 people surveyed on this topic reported being separated from other family members.

Key Recommendations (Federal)

1. The federal government must honor the basic rights of all immigrants, including rights protected by the U.S. Constitution and international human rights law such as the right to seek refuge from persecution.
2. The federal government must afford due process to people seeking admission into the U.S. for the purpose of applying for asylum protection and ensure timely access to fair procedures to ensure that individuals fleeing persecution receive protection from deportation.
3. The federal government must never separate parents from children unless a neutral decision maker determines the parent presents a danger to the child.
4. **Congress must hold DHS and CBP accountable for compliance with the *CBP National Standards on Transport, Escort, Detention, and Search*.**
5. Congress must hold all executive agencies accountable for the just, humane treatment of asylum seekers and all immigrants.

Key Recommendations (State)

1. The state government must continue to support counties and cities dealing with border emergencies and a growing immigrant population, prioritizing funding for rural areas, such as Imperial County. Funding should be used to build infrastructure in areas where resources are scarce or non-existent and where they lack the expertise to handle emergency situations.
2. The state must monitor and fully enforce the implementation on SB 29 (Lara–2017) and AB 103 (2017) that aim to restrict the growth of immigration jails.
3. The state must closely monitor and fully enforce the implementation of AB 32 (Bonta–2019) that prohibits for-profit prisons in California; and ensure the provision of resources necessary to welcome and accommodate newcomers resulting from ICE private detention center closures.
4. The state should demand timely communication and coordination from federal immigration agencies related to the implementation of new policies or changes in practices that affect California and its southern border region.

Key Recommendations (Regional)

1. Regional and municipal governments must create and promote a welcoming environment for immigrants. This may include implementing recommendations outlined in Welcoming San Diego's *Strategic Plan on Immigrant & Refugee Integration*³⁷ and the like.
2. Facilitate immigrants' access to county and city services. Coordinate with county and state and support local organizations when addressing border emergencies.
3. San Diego County government must provide \$5.4 million in funding for a permanent migrant shelter facility with an experienced, continuously funded migrant shelter operator. San Diego had the largest increase in families presenting themselves at ports of entry along the border.³⁸ Recent shifts in policies and practices illustrate that this will be an ongoing need. Funding should support development of a permanent facility and a shelter manager.
4. The county must guarantee migrants receive health screenings to avoid unnecessary family tragedies and to protect public health.
5. Provide continued medical screenings and services to families in the San Diego Migrant Family Shelter to ensure their wellbeing, avoid tragic deaths like those seen in other regions, and prevent public health risks as a result of lack of access to medical care.
6. Develop a plan to ensure coordination and facilitate communication between immigration agencies and health service providers regarding known health information for families that are being referred to the shelter in a manner that comports with HIPAA privacy regulations.³⁹
7. Lead on supporting a welcoming environment for immigrants by creating an Office of Immigrant Affairs with the capacity to coordinate county services, ensure language access, and provide mental health services to immigrants in our region. The office should also develop programs and initiatives that facilitate adjustment of status and naturalization, civic

engagement, and provide updates on local, state, and national legislation and policies that affect immigrants.

8. The county should fund an immigration universal representation program to begin to address the inequities in the immigration process. The fund must supplement the programmatic limitations of the state's One California funding to ensure every person going through the immigration court system in San Diego County has access to a lawyer.
9. The county should coordinate with other levels of government as necessary to continue its support of and provide a permanent facility for a migrant shelter beyond 2019.
10. The county should create a binational working group formed by both County and City government and community-based organizations to address the immigration-related needs of the Tijuana – San Diego region.

8. Endnotes

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³⁶ Initially, when asked about separation from minor children, survey respondents reported also being permanently separated from other family members. In response, surveyors added a question regarding separation from family members part way into the survey period. Therefore, only 166 respondents were asked if they were separated from anyone besides their minor child.

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