

Handcuffed, Pushed, and Afraid: immigrant children share terrifying experiences while in Border Patrol custody



“Both me and my brother were handcuffed at the border. I felt afraid and I felt like I was a bad person when I felt the heavy metal on my wrists. I was even sadder when my little brother got handcuffed. Later, when we were going up some stairs, an agent pushed us so that we would walk faster.”

**Unaccompanied Boy (age 16)
Illustration by Cate Kennedy**

Florence Immigrant & Refugee Rights Project, September 2024

INTRODUCTION

This report is authored by the Florence Immigrant & Refugee Rights Project (Florence Project) a 501(c)(3) non-profit organization that was founded in 1989 and provides free legal and social services to adults and unaccompanied children facing immigration removal in Arizona. In 2023, the Florence Project served 17,514 unaccompanied immigrant children detained in federal facilities referred to as shelters in Arizona.

This report summarizes 314 complaintsⁱ made by unaccompanied immigrant children ages 5 to 17 in the span of 15 months about conditions they experienced while in U.S. Border Patrol custody, a subagency of U.S. Customs and Border Protection (CBP). Children reported experiencing a broad range of abuse and mistreatment, including verbal and physical abuse, hunger, a lack of hygiene products and lack of access to medical care. The report makes concerning findings, including a continuation of severe verbal and physical abuse of children. Nearly 4 in 10 children in this report experienced verbal abuse and 1 in 10 experienced physical abuse. Children reported they were subjected to vile language, derogatory names, and threatened with deportation or jail. Children also reported being pushed, kicked, and punched, and that some agents brandished weapons to instill fear.

U.S. law defines unaccompanied immigrant children as persons under 18 who lack lawful immigration status and who do not have a parent or legal guardian in the U.S. available to provide care and physical custody.ⁱⁱ In our decades of experience, unaccompanied immigrant children leave their homes and travel to the U.S. for a variety of reasons, including to seek protection from gang or government warfare, violence within their own home, extreme poverty, and/or to reunify with family. Unaccompanied children are generally apprehended by CBP near the U.S.-Mexico border. In 2002, Congress charged the U.S. Department of Human Services' (HHS) Office of Refugee Resettlement (ORR) with the care and custody of unaccompanied immigrant children in order to comply the *Flores Settlement Agreement* (FSA).ⁱⁱⁱ The FSA requires that unaccompanied children not be placed in adult detention centers and instead must be held in the less restrictive ORR shelters with a prompt process to be placed in the least restrictive setting through reunification with sponsors. In 2008, Congress expanded and codified the rights, including that CBP “shall transfer” an unaccompanied immigrant child to ORR custody “no later than 72 hours” after identifying them.^{iv} Congress understood that CBP, a law enforcement agency^v, is not equipped to care for children. The Florence Project has long been alarmed by reports of abuse and mistreatment while in Border Patrol custody. We have assisted children in filing hundreds of individual complaints and authored three prior extensive reports in 2009, 2014, and 2022.^{vi}

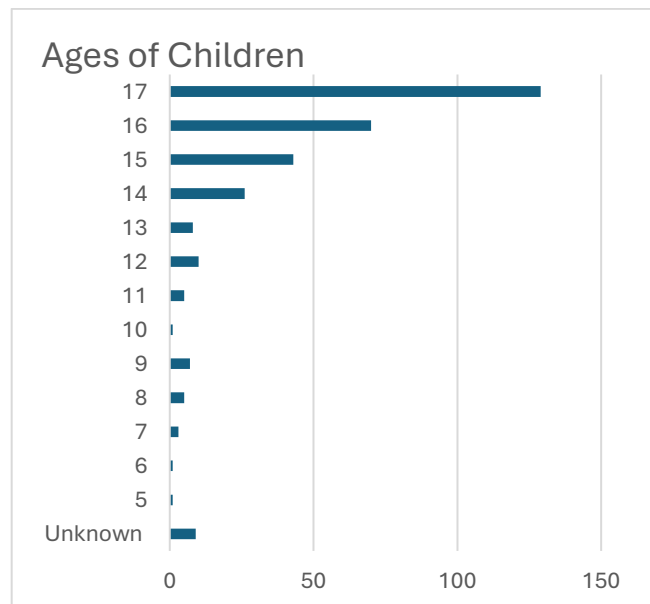
Despite hundreds of complaints about this abuse, the agencies charged with oversight of CBP have failed to make meaningful change and to stop the ongoing abuse.

DATA SET AND DEMOGRAPHICS

The instant report is based on interviews by Florence Project staff with 314 unaccompanied immigrant children held in federal detention shelters in Arizona between January 1, 2023 to March 31, 2024. The children we work with have recently arrived at the ORR shelters after spending time—often much longer than the 72-hour limit set by Congress—in CBP custody. As part of our legal intake, Florence Project staff ask children about their age, nationality, gender, language(s) spoken, as well as questions about their time in CBP custody. When a child discloses mistreatment while being held by CBP, we offer them an opportunity to file a complaint with the Office of Civil Rights and Civil Liberties (CRCL) and/or Office of Professional Responsibility (OPR). Some children chose to file an official complaint with the federal oversight agency while others chose to not file a complaint. Based on our experience, it is very likely that the number of children who were mistreated or faced or inhumane conditions during this time period is much higher than the reports we collected.

Children often do not disclose harm and/or do not want to file an official complaint because of several barriers including (1) Florence Project staff have limited access to meet with children because of how quickly most children move through system; (2) many do not have the ability to express what happened to them because of their age (e.g. tender age, disabilities, or difficulty getting an interpreter); and (3) children fear retaliation because of making a complaint against the government. Further, children are interviewed day(s) after their journey and time in CBP custody and while still detained and not in the safety of their final destination with sponsors.

The children who made these reports come from **21 countries around the world** and speak at least 15 languages. The majority came from Mexico, Guatemala, Ecuador, Colombia, Venezuela, and Guinea. None identified English as their first language, and over 30 of them identified their language as a third language (neither English nor Spanish). Many reports came from children between the **ages of 7 to 13**.



FINDINGS

Finding 1: Tender-aged children reported inhumane treatment, including verbal abuse, extreme cold, and separation from caretakers and siblings.

“The officer was grabbing kids and throwing them to the ground and punching them. The same officer was grabbing people by the shirt collar and yanked them towards him. The worst moment was when the officer pushed an adult man on the back of his head, and he hit the ground.”

Unaccompanied Boy

The Florence Project considers separation from caretakers, such as grandparents, aunts or uncles, or adult siblings, a form of family separation that greatly harms children.^{vii} For many years, we have urged the government to adopt a more accurate and humane definition of family units and ensure that immigrant children are not separated from their parents and caretakers (e.g. adult sibling, aunt, grandparent) for the sole purpose of immigration enforcement. Thirty-three (33) of the children who made complaints were tender-aged, specifically between ages 5 and 12.^{viii}

Tender-aged children reported:

❖ Family Separation

- A 5-year-old child was separated from a grandparent and held without family for 72 hours in a Border Patrol facility.
- A 9-year-old child was separated from her mother and was not allowed to say goodbye to her.
- An 8-year-old child was cold and hungry after being separated from two family members.

❖ Foul and Derogatory Verbal Abuse

- A 12-year-old child described how agents called her and her sister “bitches” and other derogatory names while laughing.
- An 8-year-old child was told “fuck you” by an agent in uniform as the agent threw his belongings away.
- An agent yelled at an 11-year-old child to move faster, even though her foot was injured and later required a cast.

❖ Harmful Conditions

- An 8-year-old child was not allowed outside for four days, even though they saw other children who were allowed to do so.
- An 8-year-old child was held in a cell with non-related adults.
- An agent told an 11-year-old child and his group that they would be beaten with his gun if he did not get in the car faster.
- A 12-year-old was made to sleep on the floor in a room with unrelated adults.

Finding 2: Thirty-seven children, or nearly one in ten, disclosed experiencing physical abuse. Florence Project Legal Assistant Camille Auer describes a week in March 2024 when she became alarmed by the violent experiences that children were sharing. Camille works with unaccompanied children who are particularly vulnerable (e.g. under the age of 12, pregnant teens, teen parents, and those with disabilities). Camille says,

“That week especially, I heard many reports with a higher level of violence from what I had heard before. Children said that agents picked up kids by their shirts and threw them on the ground, children were handcuffed and pushed, a child witnessed an adult being thrown into the barbed wire. Border Patrol agents are leveraging their position of power to intimidate children and physically harm them. Often children describe these abuses as “the norm.” They are generally afraid to speak out against these agents due to the egregious treatment they experienced. When being interviewed by the Florence Project, we as legal assistants have the opportunity to remind these children that they are always deserving of respect and dignity. That no adult, no matter their position, should abuse them.”

Of note, while only 37 children reported experiencing physical abuse themselves, several children reported that they witnessed severe violence by CBP against others in custody.

Children reported:

- ❖ Witnessing Violence Against Others
 - One child said he saw two adults die in CBP holding facilities.
 - A 15-year-old child observed agents purposefully tripping children and pulling on their jackets as they walked by.
- ❖ Agents Using Guns to Threaten
 - An agent in a green uniform took out his gun to scare everyone into standing in line.
 - A CBP official threatened a 14-year-old child with a pistol. He told the child that he would shoot unless the child remained silent.
- ❖ Physical Abuse Including Punching and Kicking
 - Children made multiple reports of having to sleep on the floor and agents kicking them to wake them up.
 - A teen boy recalls an agent yelling at him, “why are you not following directions?” because he was standing in the wrong line. The agent then punched him on the back.
 - A 15-year-old boy was punched in the eye by an agent and reported having trouble with his eyesight after the injury.
 - An agent handcuffed, yelled at, and then kicked a 17-year-old boy behind the knees.

- An agent sat on a 14-year-old child who was injured.
- An agent grabbed a 14-year-old child by the shoulders and chest and pushed him to the floor.
- An agent kicked a 14-year-old child in the back of the knees and made him fall.
- An agent punched a 17-year-old child.
- An agent grabbed a child by the wrist and twisted his arm.
- A child was woken up by getting kicked twice.
- An agent threw a child to the ground, ripping his clothes.
- Agents threw water bottles at a sleeping child to wake them up.

Finding 3: CBP continues to regularly verbally abuse immigrant children. Nearly 4 in 10 children in this report disclosed verbal abuse.

“Why are you here, this is not your country, leave and go back to your country.”

“Shit (referring to child), go back to Mexico.” “Sit the fuck down.”

115 of the children making complaints reported verbal abuse. The Florence Project has been reporting verbal abuse to oversight agencies for years. In 2022^{ix}, we reported that 85 children reported heinous verbal abuse by agents in charge—for example, “one child was called a criminal and cussed at,” and “one child reported that CBP agents yelled at the child until the child cried.” Our data in this report shows a continuation of verbal abuse.

Children reported that agents made racist remarks, yelling, and cursing at them among other inappropriate and concerning statements:

- ❖ The agent made racist remarks while grabbing a child’s wrist and twisting his arm. The child complained of pain on his wrists and ankles while in CBP custody, but no one listened.
- ❖ An agent humiliated children by laughing at them, cussing at them, and making racist remarks.
- ❖ Agents told children to go back to their home country.
- ❖ A teenage girl recalls that when she told agents her age, the agents began to speak with each other in English—a language she did not understand—and started laughing. She reported being scared.
- ❖ Agents told a child, “Shit, go back to Mexico!”
- ❖ Children were told they had no home and no parents because they got kicked out.
- ❖ A child was called a “bad Indian.”
- ❖ Agents called children criminals and imbeciles.
- ❖ An 11-year-old girl was told to look for an American to marry so that she can stay in the United States.

- ❖ Agents threatened to send a child to jail.
- ❖ Several children reported being accused of lying and told they would be sent to jail unless they told the truth.

Finding 4: CBP denied children necessary medical care and ignored the simplest requests for help, including failure to provide a child with hygiene supplies to clean a bloody wound.

A girl with a 1-year-old baby describes the formula being taken away by officers and wasn't given other food or formula for her baby. The baby was sick and upset all night. The girl traveled with the baby's dad and chose to send their baby with him rather than keep baby with her because she was afraid [for her baby's safety] after the way the officers treated them.

Many children reported that agents ignored them when they were in pain and that they were denied basic medical attention and hygiene products, placing their health at risk.

Children reported:

- ❖ Agents threatened to take away medication from a 17-year-old who suffers from asthma.
- ❖ Many children stated that they reported pain and discomfort to agents, including stomach pain, lung pain, and ankle and leg pain. All their complaints went ignored.
- ❖ A child whose friend suffered from anxiety heard the agents tell her friend that she needed to calm herself because they would not keep taking her to the doctor every time she had a panic attack.
- ❖ A child with a leg injury was yelled at to hurry and not checked until hours later. The leg injury was so severe that the foot required a cast.
- ❖ A 13-year-old child had a large cut on the knee that was bleeding profusely, to the point where the child felt like fainting because of the loss of blood. The child was crying because of pain from the injury. The child states that nobody provided any medical attention or supplies to clean and dress the wound, despite the obvious and grievous injury.

Finding 5: Children were detained over the 72-hour limit set by Congress. For many years, Florence Project staff has documented that Border Patrol regularly detains unaccompanied immigrant children beyond the 72-hour limit set by Congress. This is a direct violation well-established laws which mandate that unaccompanied children cannot be held in CBP custody for longer than 72 hours.^x CBP holding centers are not designed to accommodate children for these excessive periods of time. The excessive time spent in inappropriate custodial settings facilitates abuse and is detrimental to children's psychological and emotional wellbeing.

Children reported:

- ❖ A 15-year-old girl shared that she had been detained for two weeks in what she described as a cage.
- ❖ A 12-year-old child was held in a cold room for five days.
- ❖ A child was held for four days and only given a chocolate bar twice a day.
- ❖ A 14-year-old child was held for a week.
- ❖ A pregnant child was held for five days and only left to be taken to the hospital due to her pregnancy.
- ❖ A pregnant child was held for a week without sufficient food.
- ❖ A child was detained for six days and was not provided additional food after finding out she was pregnant while in custody.

Finding 6: Children reported inhumane conditions including going hungry, lacking hygiene products, experiencing extremely cold temperatures, and being held with adults.

One of the most pervasive complaints that children make about CBP custody is that they have been held in extremely cold temperatures without a blanket or jacket. For this report's time period, 35 percent of the children reported being extremely cold in these facilities, which both agents and migrants commonly refer to as "ice boxes." Children also commonly reported that they were not provided with adequate food while in custody. For this report, 17 percent of the children reported being hungry or thirsty while in CBP custody.

Children reported:

- ❖ Sleeping on the cold floor without any jacket or blanket.
- ❖ A child's belongings, including sweaters, were taken and thrown away.
- ❖ An 11-year-old child reported that the food provided by CBP was frozen and it could not be eaten.
- ❖ A 13-year-old child reported that it was difficult to sleep because of how cold it was and not having any jacket or sweater to cover themselves with.
- ❖ A 14-year-old reported being held with adults and only been given one bottle of water.
- ❖ Another 14-year-old reported spending five days in custody and being very cold.
- ❖ 16-year-old reported being held with adults and children for two days. When the child became ill, and agents refused to provide medication.

CONCLUSION

THROUGH ITS INACTION AND FAILURE TO PROVIDE MEANINGFUL OVERSIGHT, THE FEDERAL GOVERNMENT HAS ALLOWED AND ENDORSED THE ABUSE OF CHILDREN IN ITS CARE.

In the Florence Project’s experience after filing hundreds of complaints on behalf of immigrant children for over two decades, oversight agencies, including the Department of Homeland Security’s Office of Civil Rights and Civil Liberties (CRCL) charged with investigating systemic conditions, often fail to meaningfully investigate children’s complaints. Many of the children who file complaints do not receive any substantive update or resolution from the agency(s)—Florence Project staff often refer to the complaint process as a black hole.

In 2022, the Florence Project and partner organizations filed a group of complaints with oversight agencies including CRCL and the Office of Inspector General, reporting hundreds of instances of many of the same types of abuses and mistreatments as are documented in this report. CRCL claimed to have reviewed, considered, and tracked the information as part of their ongoing investigation. In September 2022, it issued recommendations to CBP. However, in February 2023, CBP only fully agreed with one— to remind personnel of existing policies and procedures relating to care of unaccompanied immigrant children in its custody. CBP refused to develop additional policy, guidance, and training as recommended by CRCL. No further public response or action has been taken by CBP in response to CRCL’s 2022 recommendations. Ultimately, the watchdog agencies have allowed CBP to continue without meaningfully addressing any of the systemic problems raised.

The Florence Project is not alone in reporting CBP’s lack of accountability. In recent years, CBP leadership has been subject to a series of investigations of egregious misconduct and mismanagement, including investigations of top officials for negligence, sexual violence, and discrimination. In April 2024, media reports disclosed emails and texts between CBP agents where they referred to non-citizens as “tonks” (a derogatory term describing the sound a metal flashlight makes when hitting a non-citizen’s skull) and referred to themselves as “tonk smasher[s]” and “tonk stomper[s].” Documents also showed how agents “gloated about migrants’ misfortunes or hinted at beating them” and “joked about killing migrant children in their custody.” The lack of meaningful oversight continues: a recent report by the U.S. Government Accountability Office (GAO) shows that half of CBP’s new hires of investigators from the Office of Professional Responsibility (OPR) charged with investigating individual misconduct in the Southwest Border region came from Border Patrol itself and that OPR has limited guidance or training about independence. In sum, without effective, independent and unbiased oversight of CBP, both individual and systemic mistreatment and abuse of immigrant children will continue and likely worsen.

RECOMMENDATIONS

WE CALL ON THE ADMINISTRATION AND CONGRESS TO INVESTIGATE THIS WIDESPREAD CULTURE OF ABUSE AND DEHUMANIZATION OF IMMIGRANT CHILDREN BY U.S. BORDER PATROL.

- I. Sanction, reform, or replace CBP’s Office of Professional Responsibility (OPR) and DHS’s Office of Civil Rights and Civil Liberties (CRCL).** Both agencies have failed to investigate and address the systemic abuse and mistreatment of unaccompanied immigrant children.
- II. Eliminate exceptions in law that allow children to languish in CBP custody for more than 72 hours and allow for meaningful accountability measures when children’s stays exceed that limit.** Congress must mandate that no child can be held for longer than 72 hours in CBP custody and eliminate the exception that allows for longer stays due to operational needs.^{xi} CBP facilities have never been designed to house children, however, stays longer than 72 hours have become too common. At a minimum, we call on Congress and Administration to conduct a thorough investigation on why this trend continues and make the investigation results publicly available. We also ask Congress to create accountability measures to allow children who have been abused while in custody and held for longer than 72 hours to receive meaningful reparations.
- III. Hire child welfare professionals to conduct protection screening of arriving children, ensure appropriate care, and maintain children’s family unity.** Consistent with Congress’s directive as part of the Consolidated Appropriations Act, 2022, DHS must staff southern land border facilities with state-licensed child welfare professionals.^{xii} These child-welfare professionals must be mandated reporters of abuse and neglect under state law and CBP must be required to allow state child welfare investigations when reported.
- IV. Congress or an independent entity appointed by the federal government must conduct an investigation of CBP’s rampant culture of abuse.** As this report and prior reports show, CBP agents regularly use cruel language to terrify and dehumanize children and use various levels of excessive force and brandishing of weapons to intimidate and/or abuse children. This behavior is unacceptable and should be swiftly investigated and corrected.
- V. Increase individual agent accountability.** Each agent who interacts with a child should be required to report their name and location on the child’s Form I-213 to increase accountability and CBP must provide a children face directory of employees so that children can readily identify abusive agents and file complaints.

ACKNOWLEDGEMENTS

We thank the unaccompanied children who shared their experiences making this report possible. *Les damos las gracias a los/las/les jovenes que compartieron sus experiencias cuales forman este reporte.*

A Feather in the Wind by Loreña Hernández

From the border...through a tunnel....to a box.

Run... keep running...reach... and grab on, for life depends on it.

Desperately clinging to the courage that filled their breath in hopes it will be enough to trek across the terrain and against the elements. Searching and seeking that which their home lacked in hopes across the way they can attain to fill what is missing. Opportunity.

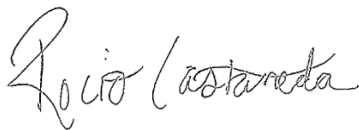
Careful my child for the way is deceitful, treacherous, and deadly.

Run...keep running...reach... and grab on, for life depends on it.

From another border...through another tunnel...don't return home in a box.

Loreña is a Florence Project volunteer and student at Pima Community College who wrote this poem as part of her Mexican-American Studies class. While completing this assignment, memories flooded her mind about stories that her father shared. Loreña's father came to the U.S. as an unaccompanied child, traveling by himself from the state of Oaxaca in southern Mexico, a trek of more than 1,700 miles. Because of his tenacity, perseverance, and hard work, she is here today advocating on behalf of immigrants through her poetry and volunteer work.

Dated July 2024,



Rocío Castañeda Acosta
Advocacy Attorney
rcastaneda@firrp.org



Yesenia Rames
Senior Legal Assistant
yramales@firrp.org

Florence Immigrant & Refugee Rights Project
P.O. Box 86299
Tucson, AZ 85754

This report is filed concurrently with government oversight agencies listed below with a similar complaint from Immigrant Defenders Law Center (ImmDef) regarding the same abuses reported by unaccompanied children ImmDef serves in California.

Via mail to:

Daniel Delgado, Director for Immigration Policy Border and Immigration Policy,
Office of Strategy, Policy, and Plans
U.S. Department of Homeland Security
Washington, DC 20508

Via email to:

Office of Civil Rights and Civil Liberties, CRCLCompliance@hq.dhs.gov;
Department of Homeland Security Joint Intake Center, JointIntake@cbp.dhs.gov;
Office of the Immigration Detention Ombudsman (OIDO), DetentionOmbudsman@hq.dhs.gov.

ⁱ The word complaint in this report means complaint made to Florence Project staff and does not necessarily mean that the child chose to file an official complaint with an oversight agency. Some children chose to not file an official complaint. Over the years, the Florence Project has filed hundreds of official complaints with oversight agencies on behalf of immigrant children who suffered mistreatment or abuse in Border Patrol custody.

ⁱⁱ 6 U.S.C. § 279(g)(2).

ⁱⁱⁱ National Center for Youth Law, “The Florence Settlement: Why it’s important, and what the government is required to do before getting out of it” (May 22, 2024), <https://medium.com/ncyl-news/the-flores-settlement-why-its-important-and-what-the-gov-t-is-required-to-do-before-ending-it-b886021131d7>.

^{iv} 8 U.S.C.A. § 1232(b)(3) (federal government must transfer noncitizen unaccompanied children “not later than 72 hours” to the custody of the Department of Health and Human Services for placement in ORR shelters).

^v See U.S. Customs and Border Protection, About CBP (“With more than 60,000 employees, U.S. Customs Protection, CBP, is one of the world’s largest law enforcement organizations...”),

<https://www.cbp.gov/about#:~:text=Mission%20Statement,enhance%20the%20nation's%20economic%20prosperity>.

^{vi} In 2009, we published the report “Seeking Protection, Enduring Prosecution, The Treatment and Abuse of Unaccompanied Undocumented Children in Short-Term Immigration Detention”, August 2009, available here

<https://firrp.org/media/BPAbuseReport.pdf>. In 2014, along with partner organizations we filed “Systemic Abuse of Unaccompanied Immigrant Children by U.S. Customs and Border Protection”, June 2014, available here

<https://www.acluaz.org/sites/default/files/documents/DHS%20Complaint%20re%20CBP%20Abuse%20of%20UICs.pdf>. In 2022, we published “Immigration Advocates File

Complaints Protesting the Treatment of Children in CBP Custody”, April 2022, available here <https://firrp.org/immigration-advocates-file-complaints-protesting-the-treatment-of-children-in-customs-and-border-protection-cbp-custody/>.

^{vii} The National Child Traumatic Stress Network, Children with Traumatic Separation: Information for Professionals, available here https://www.nctsn.org/sites/default/files/resources/children_with_traumatic_separation_professionals.pdf; *See also* Allison Eck, Psychological damage Inflicted by Parent-Child Separation is Deep, Long-Lasting, NOVA Next (June 20, 2018), https://www.americanbar.org/content/dam/aba/publications/litigation_committees/childrights/child-separation-memo/parent-child-separation-trauma-memo.pdf.

^{viii} The Department of Health and Human Services considers children under 13 as children with special needs requiring certain priorities. Dept. of Health & Human Serv., ORR Unaccompanied Children Program Policy Guide, 1.2.1 Placement Considerations, available at <https://www.acf.hhs.gov/orr/policy-guidance/unaccompanied-children-program-policy-guide-section-1#1.2.2>.

^{ix} Florence Immigrant & Refugee Rights Project, et al., “Immigration Advocates File Complaints Protesting the Treatment of Children in CBP Custody”, April 2022, available here <https://firrp.org/immigration-advocates-file-complaints-protesting-the-treatment-of-children-in-customs-and-border-protection-cbp-custody/>.

^x 8 U.S.C.A. § 1232(b)(3).

^{xi} *Id.* (the law currently allows Border Patrol to hold an unaccompanied child for over 72 hours when there are exceptional circumstances).

^{xii} *See* Consolidated Appropriations Act, 2022, Explanatory Statement, Division F—Department of Homeland Security; <https://docs.house.gov/billsthisweek/20220307/BILLS-117RCP35-JES-DIVISION-F.pdf>.