

# DEPORTED WITH NO POSSESSIONS

The Mishandling of Migrants' Personal Belongings by CBP and ICE



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## About the American Immigration Council

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# INTRODUCTION

U.S. Customs and Border Protection (CBP) and Immigration and Customs Enforcement (ICE) have a serious and longstanding problem with handling the personal belongings of detained migrants in their custody. Too often, some or all of a detainee's belongings are lost, destroyed, or stolen by the immigration-enforcement agents entrusted with their care. The Department of Homeland Security (DHS) has attempted to correct this problem through two policy changes: the CBP National Standards on Transport, Escort, Detention, and Search (TEDS), and Local Repatriation Arrangements between the U.S. and Mexican governments which dictate repatriation practices in nine cities along the U.S.-Mexico border. However, these policy shifts have yet to bear fruit. As data from the Binational Defense and Advocacy Program (in Spanish, *Programa de Defensa e Incidencia Binacional*, or PDIB) Documentation Survey with Repatriated Migrants illustrate, detainees from Mexico are still just as likely to have their property retained and not returned as they were before DHS implemented the new policies.

Specifically, before TEDS went into effect in October 2015, 41.5 percent of respondents whose belongings had been retained upon detention reported that not all of their belongings were returned. After TEDS, this proportion was almost identical at 41 percent. Likewise, before the U.S.-Mexico repatriation arrangements were agreed upon in February 2016, 40.4 percent of respondents whose belongings had been retained upon detention reported that not all of their personal belongings were returned. After the agreement, that share stood at 42.4 percent.

The PDIB data also illustrates a relationship between the likelihood of having one's property returned and the city of detention, which, in turn, reflects both a lack of consistency in local implementation of the national standards and the absence of any national oversight as to their implementation. In Ciudad Juárez, for instance, 69.8 percent of respondents whose belongings had been retained upon detention reported that not all of their belongings were returned. Finally, the data spotlights the all-too-common loss of critical belongings such as cash, identification cards, cell phones, and clothing. Loss of these items can leave newly deported migrants stranded in unfamiliar and possibly dangerous cities with no means of buying a bus ticket home, calling for help, securing government services, or staying warm in frigid temperatures.

It is very difficult for individuals whose belongings have been lost, destroyed, or stolen while in detention to file a complaint after being deported. Even when a complaint is filed, it is highly unlikely that the complaint will culminate in any disciplinary action against the immigration-enforcement agent accused of losing or stealing the property in question. According to data obtained by the American Immigration Council in response to a Freedom of Information Act (FOIA) request, 226 formal complaints were filed against CBP between January 2012 and October 2015. Among the 121 complaints in which a formal decision was made, 87.7 percent resulted in “no action.”

## **RULES GOVERNING DETAINEES’ POSSESSIONS AND REASONS FOR DISPOSSESSION**

When a migrant is taken into custody, most often by a CBP Border Patrol agent initially, most of his or her possessions are taken away. Pursuant to CBP’s national standards, these possessions are to be itemized, recorded, and stored for safekeeping.<sup>1</sup> But this process is far from fool-proof. Sometimes, mishandling of belongings and poor record-keeping result in the loss of possessions that become separated from the rest of a detainee’s property. Too often, agents discard a migrant’s belongings. And in some cases, law-enforcement agents have been accused of stealing migrants’ possessions.<sup>2</sup>

Additional problems arise when detainees are held for long periods of time and transferred from one law-enforcement agency to another. This is a common occurrence given that CBP typically hands over detainees to the U.S. Marshals Service, which then transfers the detainees to the Bureau of Prisons or a private prison corporation, from which they are eventually placed in ICE custody. These agencies have different regulations regarding what belongings can follow a detainee along the chain of custody and how long personal possessions will be held for safekeeping. Thus, the likelihood of a detainee getting all of his or her property returned depends in part on which—and how many and for how long—agencies ultimately have custody over the migrant.

For instance, CBP will hold belongings for “a minimum of 30 days from the processing of a detainee,” sometime after which the belongings “will be considered abandoned and may be destroyed.”<sup>3</sup>

The U.S. Marshals Service allows prisoners to keep legal papers, religious medals that cannot be used as weapons or escape devices, eye glasses or contact lenses, prescribed medications or other “health items,” up to \$50, wedding bands, and one set of court clothing. Prisoners are allowed to mail “excess” property back home or have it transferred to an attorney, relative, storage company, or charity. If none of these options is pursued, property “will be considered abandoned after 30 days and will be destroyed or donated” by the Marshals Service.<sup>4</sup>

The Bureau of Prisons (BOP) lacks an explicit time limit on retention of belongings, but notes that there are limits on the number of items that can be retained, and on storage space available for personal belongings, which vary from prison to prison. Personal clothing is not ordinarily permitted unless provided by the prison or purchased by the prisoner at the prison commissary. Legal documents, a limited quantity of “hobbycraft materials,” a radio, a watch, materials from educational programs, personal photos, religious items, and medical devices are permitted, but, if a prisoner is transferred to another facility with different standards, any excess items must be shipped elsewhere at the prisoner’s expense. If a prisoner does not provide a mailing address or pay shipping costs, the property will be disposed of and possibly destroyed.<sup>5</sup>

As for ICE, although the agency imposes no time limit—mandating instead that detainees’ “personal property shall be inventoried, receipted, stored and safeguarded for the duration of their detention”—the agency does limit the types and amounts of property that can follow a detainee. Specifically, a detainee is allowed “reasonable quantities” of small religious items, reading material and letters, legal documents, up to 10 photos, eyeglasses, dentures, a personal address book, and a wedding ring. Moreover, property “that is of minimal value, broken, or clearly abandoned” will eventually be discarded, although when and under what conditions is unclear. The same is true of “excess property” that the detainee cannot send elsewhere.<sup>6</sup>

Regardless of the exact mechanism, the longer detainees are in custody, the less likely it is they will have all of their possessions returned to them. More time in detention amounts to more opportunities for something to be lost, destroyed or stolen, and makes it more likely that the clock will run out on the maximum holding period for belongings. The Migrant Border Crossing Study (MBCS) found that 53 percent of detainees who were held for one week or longer had possessions taken and not returned, compared to 22 percent of those detained for less than a week.<sup>7</sup>

The length of time spent in detention is also problematic when an individual is prosecuted and imprisoned under federal charges of unauthorized entry—which became more common following implementation of Operation Streamline in 2005<sup>8</sup>. Individuals convicted of “unauthorized entry” (a misdemeanor under 8 U.S.C. § 1325, with a maximum sentence of six months) and “unauthorized re-entry” (a felony charge under 8 U.S.C. § 1326, with a maximum sentence of two years) will be in detention far longer than the 30-day window for retrieving their belongings from CBP or the U.S. Marshals Service. Thus, imprisoned detainees have less opportunity to retrieve their belongings than detainees who are repatriated in a short time period. This explains why the MBCS found that 57 percent of detainees who were prosecuted and jailed reported having possessions taken and not returned, compared to 23 percent of those processed through some other enforcement mechanism, which resulted in a faster repatriation.<sup>9</sup>

Aside from the loss or theft of belongings, another way in which dispossession occurs is through the return of money to a detainee in a form that is effectively unusable. No More Deaths found that 64 percent of the money-recovery cases it handled involved the return of money by checks or money orders that could not be cashed in Mexico. Another 12 percent involved money returned in the form of prepaid debit cards. However, activation of a debit card requires calling an 800 number that cannot be dialed outside of the United States. Even if migrants manage to activate their cards, many experience confusion with PIN numbers, for example, and cannot access customer service without entering a Social Security number, which most do not have. In addition, using these cards in Mexico is an international financial transaction, for which there are high fees.<sup>10</sup>

## CHANGES IN U.S. POLICY REGARDING PERSONAL BELONGINGS

In response to widespread condemnation of the CBP’s handling of detainees’ belongings, in October 2015 CBP Commissioner R. Gil Kerlikowske announced “an agency-wide policy that sets forth the first nationwide standards governing CBP’s interaction with detained individuals.”<sup>11</sup> This policy—The National Standards on Transport, Escort, Detention, and Search (TEDS)—included basic standards for the handling of detainees’ personal property. These standards state that “operational offices are responsible for creating policies and procedures relating to the handling, retention, retrieval, and return of detainee personal property.” These standards include:

- A detainee’s belongings will be safeguarded, itemized, and documented.
- Priority will be given to the “security and return” of the detainee’s cash and debit/credit cards.
- Copies of legal papers signed by the detainee will be given to the detainee.
- In the case of a juvenile detainee, all personal property and legal papers will accompany the juvenile upon transfer to another agency or detention facility.
- CBP officers will “make every effort” to ensure that a detainee’s personal property is transferred with the detainee to any other agency or facility. If the transfer of property is not feasible, CBP will “generally” hold that property for “a minimum of 30 days,” after which it may be destroyed.
- A detainee can designate a third-party—such as a consulate—to retain or retrieve his or her property.
- A detainee can keep some personal property, provided that it does not threaten security or “order” within the detention facility.
- Medication will “generally” be kept with the detainee’s personal property.
- Documents determined to be genuine will be returned to the detainee upon release or removal.<sup>12</sup>

Although this set of standards is a step in the right direction, the preservation of the 30-day deadline for retrieval of property greatly diminishes the impact for detainees held for more than 30 days. Moreover, local agency divisions are entrusted with implementing these national standards with a large degree of discretion, and with no real oversight by CBP.

Another attempt to create workable standards regarding the handling of personal property came on February 23, 2016, when DHS announced the “finalization of negotiations” with the Mexican government of nine Local Repatriation Arrangements along the U.S.-Mexico border (corresponding to Brownsville, Del Rio, El Paso, Laredo, McAllen, Nogales, Presidio, San Diego, and Yuma). The arrangements specify exactly where and when particular groups of Mexican nationals in the United States will be repatriated to Mexico—such as unaccompanied minors and those with medical conditions.<sup>13</sup> All of the arrangements also include the following:

“*The signatory participants should take all feasible steps to ensure that property, valuables, and money retained, are available for return to the rightful owner at the time of initial release from DHS custody.*”<sup>14</sup>

Unfortunately, the property provision of these Local Repatriation Arrangements fails to explicitly override CBP’s existing 30-day deadline for the retrieval of personal property.

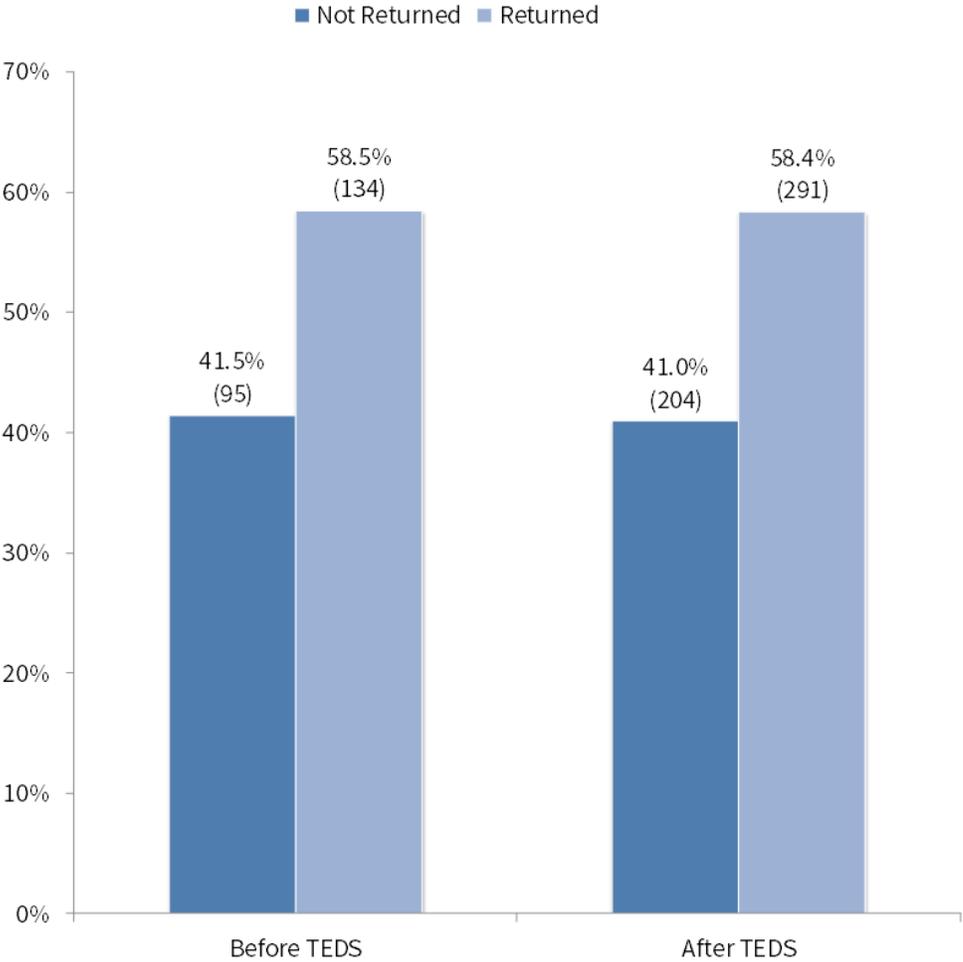
## **NEW SURVEY DATA REVEALS THAT MIGRANTS ARE ROUTINELY REMOVED WITHOUT THEIR PERSONAL BELONGINGS**

Several reports have exposed the U.S. government’s failure to return retained detainees’ belongings upon deportation. Our analysis of the 2015 PDIB survey data, collected between August 2015 and August 2016 in four Mexican localities<sup>15</sup>, as well as testimonies from deportees, reveals that previously reported issues persist. Among the 1,162 individuals interviewed, 731 (66.5 percent) reported that the authorities retained their belongings. Of these, 299 (41.1 percent) said that not all of their belongings were returned.

Notably, despite the new policies described above, the handling of detainees’ belongings has not measurably improved. According to new data from PDIB, before TEDS went into effect, 95 out of the 229 respondents whose belongings had been retained upon detention (41.5 percent) reported that not all of their personal belongings were returned. After TEDS went into effect, this proportion was almost identical at 204 out of 498 respondents, or 41 percent (Figure 1). Likewise, before the U.S.-Mexico repatriation arrangements, 187 out of the 463 respondents whose

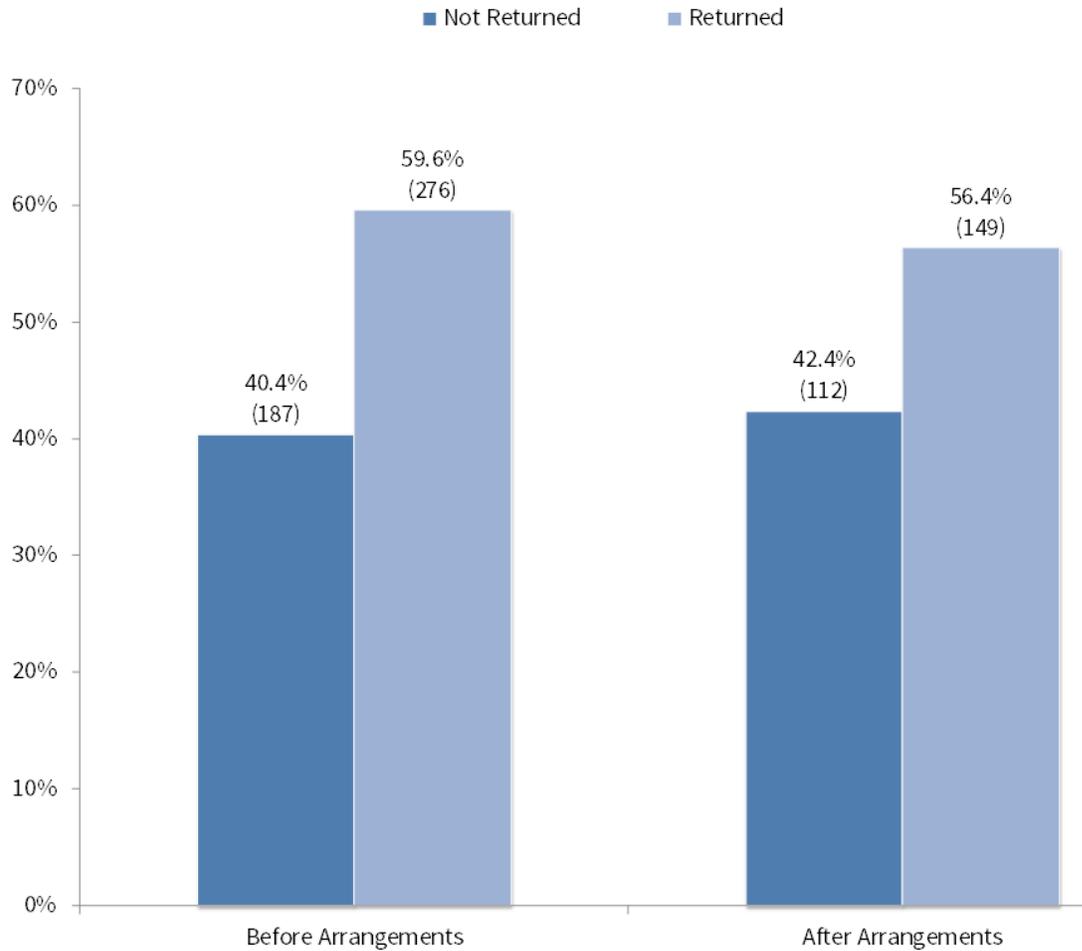
belongings had been retained upon detention (40.4 percent) stated that not all of their personal belongings were returned. After the repatriation arrangements were in force, that share remained nearly unchanged at 112 out of 264 respondents, or 42.4 percent (Figure 2).

**Figure 1: Percentage of individuals whose belongings were retained upon detention who reported that not all of their belongings were returned (before and after TEDS)**



Source: PDIB Documentation Survey with Repatriated Migrants, 2015-2016.

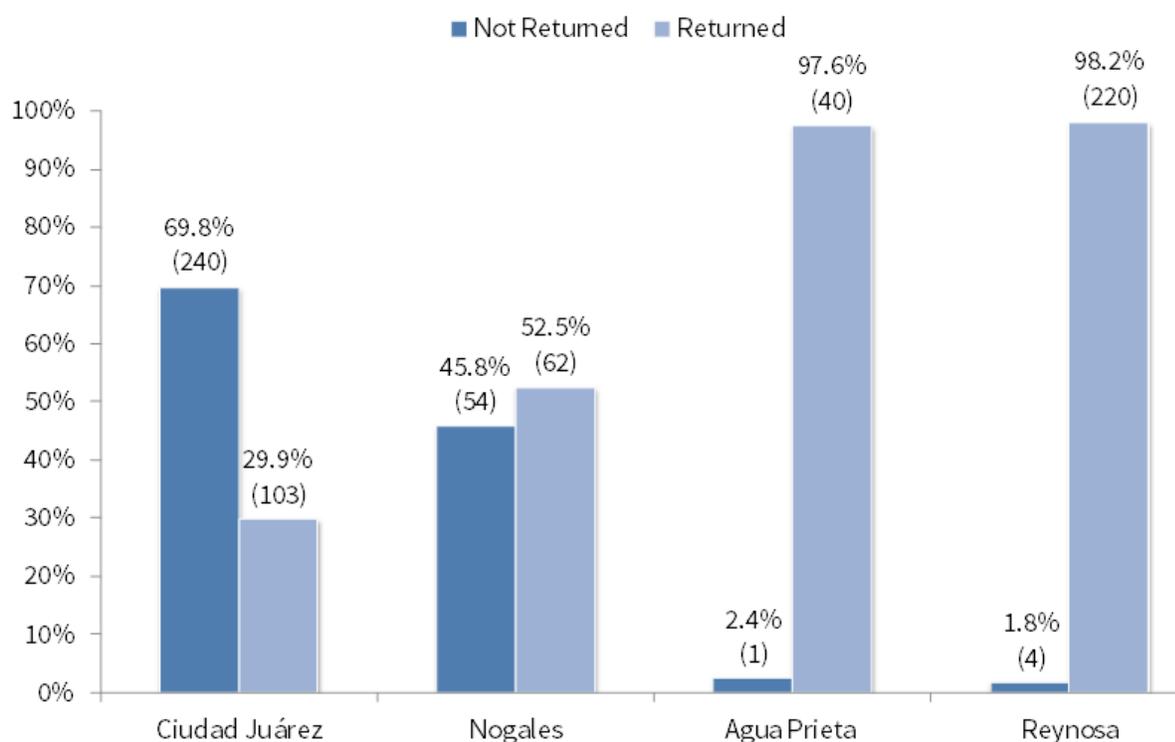
**Figure 2: Percentage of individuals whose belongings were retained upon detention who reported that not all of their belongings were returned (before and after U.S.-Mexico Repatriation Arrangements)**



Source: PDIB Documentation Survey with Repatriated Migrants, 2015-2016.

Beyond the failure of TEDS or the repatriation arrangements to make much of an impact, other PDIB findings are also noteworthy. For instance, respondents in some cities were far less likely than others to have their personal belongings returned. In Ciudad Juárez, 240 out of the 344 respondents whose belongings had been retained upon detention (69.8 percent) reported that not all of their belongings were returned. Similarly, 54 out of the 118 respondents whose belongings had been retained upon detention (45.8 percent) in Nogales said that not all of their belongings were returned. In comparison, the problem appears to be much less severe in Agua Prieta and Reynosa (Figure 3).

**Figure 3: Percentage of individuals whose belongings were retained upon detention who reported that not all of their belongings were returned (by city)**



Source: PDIB Documentation Survey with Repatriated Migrants, 2015-2016.

Although respondents had all sorts of belongings taken from them and not returned, there were a number of items in particular that are of great practical importance: money, identification, cell phones, and clothing. Lack of money can leave a newly deported migrant in an unfamiliar and possibly dangerous city with no way to buy food or a bus ticket home. Without identification, a deportee is rendered “undocumented” in his or her own country, unable to access government services reserved for Mexican citizens. Being deprived of one’s cell phone, with all of the important phone numbers that may be stored on it, makes it extremely difficult to contact family members for help. And being left without warm clothing can become a serious problem in parts of Mexico during the winter—especially at night.

According to PDIB data, 173 out of the 220 respondents who had money taken from them upon detention (78.6 percent) reported that not all of it was returned. Likewise, 133 out of the 207 respondents (64.3 percent) who brought a voter identification card reported that it was not returned. A total of 209 out of the 227 respondents (92.1 percent) who brought a cellular telephone with them reportedly did not get it back. And 121 out of the 223 respondents (54.3 percent) who had clothing taken away reported that it was not returned. A similar pattern of dispossession was apparent with other types of belongings, such as jewelry, religious objects, and photos (Table 1).

**Table 1: Percentage of individuals who reported that their belongings were not returned to them after being retained by government authorities**

	Number of individuals whose belongings were retained when detained	Percentage of individuals whose belongings were not returned when deported
Money	220	78.6% (173)
Voter ID Card	207	64.3% (133)
Cell Phone	227	92.1% (209)
Clothes	223	54.3% (121)
Jewels	78	75.7% (59)
Religious Objects	139	43.9% (61)
Photos	33	78.8% (26)

Source: PDIB Documentation Survey with Repatriated Migrants, 2015-2016.

## CONSEQUENCES OF DISPOSSESSION

The consequences to detainees of not having their belongings returned to them can be serious and potentially deadly. For instance, the MBCS found that 70 percent of deported migrants had traveled to the United States with Mexican identification documents. Of those, 26 percent reported that they had their documents taken and not returned prior to deportation. This is arguably the most important possession one could lose. Extortion and harassment by Mexican officials have been linked to lack of identification.<sup>16</sup> Moreover, it is not possible to receive a wire transfer, obtain certain jobs, board an airplane, or access some state services without identification.<sup>17</sup> Losing money can be nearly as dire. No More Deaths found that, as a result of being deported without access to their money, 81 percent of deportees reported that they could not afford to travel home, 77 percent could not afford food, 69 percent could not afford shelter, and 53 percent were exposed to some sort of danger.<sup>18</sup>

### First-hand Accounts from Individuals Returned to Mexico

Accounts by migrants<sup>19</sup> returned to Mexico within the past 12 months illustrate some of the many ways in which the retention of belongings by U.S. government authorities occurs. It also shows the practical and emotional implications that the taking of belongings has on these individuals' lives.

“ When I was caught by “la migra,” [immigration officer] they threw away my clothes, my wallet, my cap, and my belt. They put away my voter ID, my money, my cell with its battery. When they created a list of my belongings, the agent did not put in the amount of money that I had with me, which was 12,440 pesos. He wrote less than that, half of that amount, 6,449. I asked him to correct it and he only crossed out the amount and wrote the correct amount with his pen. I asked him to print the receipt again so that I wouldn't have problems later on, but he told me it was not necessary. Now I was deported with nothing. I don't think they will ever return all the money I had with me.”

—Julio, 23 years old

“ They did not return to me 4,095 pesos or my cell phone. I am desperate because I don't have enough for the bus. I don't know this city, I can't stay here.”

—Antonio, 22 years old

“ I had 500 pesos and 4 dollars with me. They put the dollars in the commissary but they told me they could not return my pesos to me, that they would stay there. They did not explain to me why. They did not return my cell phone to me either, or my engagement ring. I feel really bad that I was sent back without my stuff.”

—Julia, 37 years old

“ They made me throw away my notebook with all my phone numbers. They kept the rest of my stuff, but I needed that notebook to talk with my family; my stuff is not as important to me as my family is. I have my husband and three (U.S.) citizen daughters; the oldest is 12, I have one who is eight, and the youngest one is three. How do I let them know that I was sent back here?”

—Marta, 36 years old

“ I had 2,041 pesos and my birth certificate. They didn’t return them to me. They told me I had 30 days to claim my things but they did not tell me how to do that.”

—Francisco, 18 years old

“ They did not return 500 pesos (of the money I had with me). They left them in migration, where I was detained. They also kept my cell phone, a camera, and a sheet with my phone numbers. They told me I had 30 days to request them, that I had to talk to the Mexican consulate. I called the consulate and they told me they would send my stuff to the capital where I live and I have not filed the request because I live in Santiago Juchitahuaca, Oaxaca, and the capital is eight hours from my town. I am resigned that my stuff is lost.”

—Alejandro, 28 years old

“ I had with me 1,080 pesos. They put it in an envelope, wrote my name on a sheet of paper, and allowed me to keep them. When I arrived at Sierra Blanca the guard took it from me. He said he was doing that for my safety. I asked for a receipt, but he told me “we will give it to you right now.” Then they put me in a room for several hours and never gave me the receipt. Before leaving that place I asked for my money and they told me they could not give it to me because I did not have the receipt. They told me that if I wanted I could stay to claim it. But I did not want to stay; what I wanted was to come back to my country.”

—Raúl, 27 years old

“ A Hispanic agent threw my stuff away, including the money I had, and he laughed. He told me that everything needed to be thrown away, including money, everything that was from Mexico because there all of that was useless. I am very sad because here in Mexico it is extremely costly to get a cell phone or buy clothes.”

—Celina, 38 years old

“ I had 1,270 pesos, my voter ID, and two cell phones and they did not return them to me. They told me to speak to the consulate if I wanted to recover them. I feel bad because my wife and kids don’t have enough to eat and I will not be able to recover my money or work without my ID.”

—Carlos, 27 years old

“ I had 1,000 pesos with me. They told me they were going to throw them away, but I saw that they left it on a table.

**Interviewer: Didn’t they put the money in a protection bag?**

No, in the bag they only put my passport, not the money, because they are not stupid.”

—Esteban, 22 years old

“ They started to take my things. They put some of them in a bag and gave me a receipt. But they threw away my sweater and scarf. Because it was too cold I asked them if I could at least keep my scarf and they told me no because I could commit suicide. Then I saw when the cleaning ladies took the trash can with them and I heard when one of them told the other one: ‘this is for you’ and it was my sweater. And I was freezing. It’s very upsetting to be robbed/ have things stolen.”

—Isabel, 33 years old

“ They told me I had 30 days to request my stuff back. Otherwise, they would throw them away. Or that it would be even better if I threw them away myself, so I did throw them away. Because I would be locked in so who would go for them? So I went ahead and threw them in the trash can so that no one would keep them.”

—Sandra, 19 years old

## COMPLAINTS FILED WITH CBP REGARDING DETAINEES' LOST OR STOLEN BELONGINGS

It is extremely difficult for individuals whose belongings have been lost, destroyed, or stolen while in detention to file a complaint after being deported. Thus, most removed individuals are unlikely to pursue that route. Additionally, the system for filing complaints with enforcement agencies (in particular, with CBP) is not easy to navigate, as previous reports have shown.<sup>20</sup> In spite of this, some detainees manage to file complaints either while they are still in detention, or after being released or deported.

In an effort to get a more thorough understanding of the handling of belongings, we reviewed data on complaints filed against CBP by detainees or individuals who have interacted with CBP officers outside of detention. This data, which was obtained by the American Immigration Council in response to a Freedom of Information Act (FOIA) request, provide an interesting snapshot of some prevailing issues.

Between January 2012 and October 2015, 226 complaints<sup>21</sup> had been filed with CBP regarding the loss or theft of personal property by CBP officers. Of those, 134 (59.3 percent) concern lost or missing property or money, 51 (or 22.6 percent) involve theft of money, 28 (12.4 percent) involve theft of property, and the remaining 13 (5.8 percent) were broadly classified by CBP as detainees' funds and personal property.

Some of the allegations are indeed troublesome, as revealed by the following summaries, which are part of the complaints dataset we received from CBP:

- A Civilian reported an unknown CBPO [CBP officer] stole her son's iPad, Calexico, CA.
- Alien claimed money and property were stolen from her while in Border Patrol custody, Jacumba, CA.
- Alien's cellphone allegedly missing following vehicle inventory by BPA [Border Patrol agent], Zapata, TX.
- Allegation by UDA [undocumented alien] of missing money (\$60.00) he had surrendered to a BPA, Progreso, TX.
- Subject previously in BP custody alleged he is missing \$200.00, Tucson, AZ.

- BPA [Border Patrol Agent] allegedly lost or took \$300 from an undocumented alien, Tucson, AZ.
- BPA [Border Patrol Agent] allegedly took a detainee’s wallet with \$250 and \$2500 Mexican pesos, Laredo, TX.
- BPA [Border Patrol Agent] allegedly took US \$100 from UDA [undocumented alien] at the time of his arrest, Harlingen, TX.
- CBPO [CBP officer] allegedly removed a priceless medallion from a traveler’s glove box during inspection, Blaine, WA.
- Civilian alleged a large sum of money was missing after his inspection by CBPOs [CBP officers], Chicago, IL.

Among the 226 formal complaints filed against the agency, 30 were still being investigated when the American Immigration Council received the data, and the remaining 196 cases were closed or had a completed investigation. Among these 196 cases, 75 included no information on the decision that was reached (if any), leaving 121 cases in which a formal decision was made. Focusing on these 121 cases, the data indicated that 106 resulted in “no action;” seven led to some form of reprimand of the accused; six resulted in some form of counseling; and only two resulted in the suspension of the perpetrator of the mishandling/theft of the belonging. In other words, among the 121 complaints in which a formal decision was made, “no action” represented 87.7 percent of all outcomes. Unfortunately, the dataset generated by CBP contains no information as to whether the individuals who filed the complaints were able to recover their missing or stolen belongings.

## CONCLUSION

DHS recognizes that there is a serious problem with the current system used to keep track of the belongings of migrants who are detained at the U.S.-Mexico border and subsequently deported. And, to the agency's credit, it has tried to institute two policy fixes to the problem: TEDS and the Local Repatriation Arrangements. But those measures are insufficient to meaningfully safeguard the belongings of migrants. PDIB data illustrates this, indicating that those new policies are not yet having any measurable impact on the ground. Detained migrants from Mexico are still being sent back across the border without money, identification, cell phones, clothes, and many of the other items they had in their possession when they were apprehended. This likely has much to do with the fact that both of the DHS policies leave in place the vague 30-day time frame for retrieving belongings—an impossibility for many migrants who are detained for more than 30 days.

Ideally, a detainee's belongings would follow him or her from the time of apprehension to the time of removal or release. Leaving deported migrants without the ability to prove their identity in their own country or to buy a bus ticket to their home town is unnecessary, readily avoidable, and a fundamental violation of their constitutional and other legal rights. Moreover, national standards should be implemented consistently by all local CBP offices; were CBP overseeing—and enforcing—the implementation of its standards nationally, there would not be such vast differences in treatment from one border location to another, as evidenced by the PDIB data. Finally, as the data obtained by the American Immigration Council reveal, it is extraordinarily difficult for deportees to obtain any sort of redress from the U.S. government in cases where their belongings were taken upon detention and not returned upon deportation. This reflects a fundamental lack of transparency and accountability within DHS.

## APPENDIX: DATA SOURCES

### PDIB survey data

The study population of the survey was Mexican national migrants aged 18 and above who have been removed from the United States within ten calendar days prior to the date on which the survey was conducted.

Face-to-face interviews were conducted in the following four repatriation points: Nogales, Sonora; Agua Prieta, Sonora; Ciudad Juárez, Chihuahua; and Reynosa, Tamaulipas. The survey team intended to maintain a consistent interview schedule across all repatriation points. However, because of the changing patterns or repatriation flows across the four locations, the number of interviews conducted daily was variable across repatriation points.

Interviewers were instructed to interview all individuals they encountered. When large numbers of individuals arrived at once, interviewers were instructed to select every third person from the individuals they encountered. In addition, interviewers were trained to ensure that women were represented among those interviewed.

The survey instrument contained questions on the following main themes:

- General information
- History of the individual in the United States
- Apprehension
- Belongings
- Short-term detention
- Long-term detention
- Removal process
- Repatriation (reception in Mexico)

Survey participants gave explicit consent for their information to be analyzed and shared in reports like this one.

## Testimonies from victims

Testimonies regarding experiences of dispossession were also collected by PDIB staff during post-repatriation interviews with recently deported migrants.

## CBP complaints data

Complaints regarding belongings analyzed in this report are a subset of a much larger set of complaints (concerning a variety of issues) filed with CBP Between January 2012 and October 2015. This dataset was obtained by the American Immigration Council through Freedom of Information Act (FOIA) litigation.

## ENDNOTES

1. U.S. Customs and Border Protection, *National Standards on Transport, Escort, Detention, and Search*, October 2015, p. 26, [https://www.cbp.gov/sites/default/files/documents/cbp-teds-policy-20151005\\_1.pdf](https://www.cbp.gov/sites/default/files/documents/cbp-teds-policy-20151005_1.pdf).
2. Kate O’Keeffe, “Civil-Rights Groups Allege Some U.S. Authorities Steal from Deportees,” *The Wall Street Journal*, April 6, 2016, <http://www.wsj.com/articles/civil-rights-groups-allege-some-u-s-authorities-steal-from-deportees-1459915291>
3. U.S. Customs and Border Protection, *National Standards on Transport*, p. 26.
4. U.S. Marshals Service, “Northern District of Ohio: Prisoner Property,” accessed November 7, 2016, <https://www.usmarshals.gov/district/oh-n/prisoners/property.htm>.
5. Federal Bureau of Prisons, “Inmate Personal Property,” August 22, 2011, [https://www.bop.gov/policy/progstat/5580\\_008.pdf](https://www.bop.gov/policy/progstat/5580_008.pdf).
6. U.S. Immigration and Customs Enforcement, *Performance-Based National Detention Standards 2011*, p. 105-115, <https://www.ice.gov/doclib/detention-standards/2011/pbnds2011.pdf>.
7. Daniel E. Martinez and Jeremy Slack, *Bordering on Criminal: The Routine Abuse of Migrants in the Removal System, Part II: Possessions Taken and Not Returned* (Washington, DC: American Immigration Council, December 2013), p. 2, 4, <https://www.americanimmigrationcouncil.org/research/bordering-criminal-routine-abuse-migrants-removal-system>. Data are taken from Wave II of the Migrant Border Crossing Study (MBCS), which collected information from 1,110 randomly selected, recently repatriated migrants surveyed in six Mexican cities between 2009 and 2012. The MCBS is currently housed in the Center for Latin American Studies at the University of Arizona and the Department of Sociology at George Washington University. See <http://las.arizona.edu/mbcbs> for the full report and methodology.
8. Department of Homeland Security, Office of Inspector General, “Streamline: Measuring Its Effect on Illegal Border Crossing,” May 15, 2015. [https://www.oig.dhs.gov/assets/Mgmt/2015/OIG\\_15-95\\_May15.pdf](https://www.oig.dhs.gov/assets/Mgmt/2015/OIG_15-95_May15.pdf). Streamline is a joint initiative by DHS and the Department of Justice that was created in 2005 with the goal of rounding up those caught in the act of crossing the U.S. border without authorization and subjecting them to criminal prosecution. {According to CMOS, commentary comes after source}
9. Daniel E. Martinez and Jeremy Slack, *Bordering on Criminal*, p. 3.
10. No More Deaths, *Shakedown: How Deportation Robs Immigrants of Their Money and Belongings* (Tucson, AZ: 2014), p. 6-7, <http://nomoredeaths.org/wp-content/uploads/2014/12/Shakedown-withcover.pdf>. No More Deaths handled 1,481 cases through their Property Recovery Assistance Project, which helped people recover personal property after being detained in Arizona, between 2011 and 2014. In addition, 165 interviews were conducted with immigrants who were deported without some or all of their money from 2013 to 2014.
11. U.S. Customs and Border Protection, *National Standards on Transport*, p. 3.
12. *Ibid*, 26.
13. U.S. Department of Homeland Security, “United States and Mexico Sign Updated Repatriation Arrangements,” February 23, 2016, <https://www.dhs.gov/news/2016/02/23/united-states-and-mexico-sign-updated-repatriation-arrangements>.
14. U.S. Department of Homeland Security, “Updated U.S.-Mexico Local Repatriation Arrangements,” last updated February 26, 2016, <https://www.dhs.gov/publication/updated-us-mexico-local-repatriation-arrangements#>.
15. The PDIB survey was implemented in Nogales, Sonora; Agua Prieta, Sonora; Ciudad Juárez, Chihuahua; and Reynosa, Tamaulipas.
16. Daniel E. Martinez and Jeremy Slack, *Bordering on Criminal*, p. 5.
17. *Ibid*, 5.
18. No More Deaths, *Shakedown*, p. 6-7.
19. For confidentiality reasons, all names were replaced with pseudonyms.
20. Daniel E. Martinez, Guillermo Cantor, and Walter Ewing, *No Action Taken: Lack of CBP Accountability in Responding to Complaints of Abuse* (Washington, DC: American Immigration Council, May 4, 2014), <https://www.americanimmigrationcouncil.org/research/no-action-taken-lack-cbp-accountability-responding-complaints-abuse>.
21. Although the full dataset of belongings complaints contained 314 cases, 88 of them appeared to be duplicate cases (they shared the same case number but in other fields the information was not necessarily identical). To ensure the quality of the data and minimize the risks of double-counting, those 88 cases were excluded from the analysis. Thus, the total number of cases included in this analysis is 226.