

**Results of Unannounced
Inspections of Conditions
for Unaccompanied Alien
Children in CBP Custody**





DHS OIG HIGHLIGHTS

Results of Unannounced Inspections of Conditions for Unaccompanied Alien Children in CBP Custody

September 28, 2018

Why We Did This Inspection

In light of the heightened public and congressional interest in the Department of Homeland Security's (DHS) separation of families at the southern border pursuant to the government's Zero Tolerance Policy, the DHS Office of Inspector (OIG) conducted unannounced inspections of Customs and Border Protection (CBP) facilities in Texas on June 26-28, 2018, to assess conditions of unaccompanied alien children in CBP custody. This is one of a series of inspections we will conduct of CBP facilities.

What We Recommend

This report contains no recommendations.

For Further Information:

Contact our Office of Public Affairs at (202) 981-6000, or email us at

DHS-OIG.OfficePublicAffairs@oig.dhs.gov.

What We Found

CBP facilities we visited appeared to be operating in compliance with the 2015 *National Standards on Transport, Escort, Detention, and Search*. With the exception of inconsistent cleanliness of the hold rooms, we observed that unaccompanied alien children had access to toilets and sinks, drinking water, beverages (including milk and juice drinks), as well as snacks and food. Unaccompanied alien children had access to hygiene items and clean bedding at all facilities we visited. We did not encounter issues with temperatures or ventilation, access to emergency medical care, inadequate supervision, or access to telephones. We also observed that CBP Office of Field Operations (OFO) ports of entry had offices and storage spaces redesigned into hold rooms to be able to hold more unaccompanied alien children, family units, and other border crossers referred for processing. The observations provided in this report are limited to the times and locations of the team's visits and cannot be generalized to other times or locations.

CBP Response

Appendix B provides CBP management response in its entirety.



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Department of Homeland Security

Washington, DC 20528 / www.oig.dhs.gov

September 28, 2018

MEMORANDUM FOR: The Honorable Kevin K. McAleenan
Commissioner
U.S. Customs and Border Protection

FROM: John V. Kelly 
Senior Official Performing the Duties of the
Inspector General

SUBJECT: *Results of Unannounced Inspections of Conditions for
Unaccompanied Alien Children in CBP Custody*

For your action is our final report, *Results of Unannounced Inspections of Conditions for Unaccompanied Alien Children in CBP Custody*. We incorporated the formal comments provided by your office. This report is observational and contains no recommendations.

Consistent with our responsibility under the *Inspector General Act*, we will provide copies of our report to congressional committees with oversight and appropriation responsibility over the Department of Homeland Security. We will post the report on our website for public dissemination.

Please call me with any questions, or your staff may contact Jennifer Costello, Chief Operating Officer, at (202) 981-6000.

Attachment



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Background

On April 6, 2018, President Trump directed several Federal agencies, including the Department of Homeland Security, to report on their efforts to end a practice developed under prior administrations of releasing certain individuals suspected of violating immigration law into the United States pending resolution of their administrative or criminal cases — a practice sometimes referred to as “catch and release.”¹ The same day, Attorney General Jeff Sessions directed all Federal prosecutors along the Southwest Border to work with DHS “to adopt immediately a zero-tolerance policy” requiring that all improper entry offenses be referred for criminal prosecution “to the extent practicable” (referred to as the Zero Tolerance Policy).²

Within DHS, U.S. Customs and Border Protection (CBP) played a critical role in implementing the Administration’s Zero Tolerance Policy. CBP’s Office of Field Operations (OFO) inspects all foreign visitors and goods entering at established ports of entry, while U.S. Border Patrol is responsible for apprehending individuals who enter the United States illegally between ports of entry. Both OFO and Border Patrol temporarily detain individuals who do not have authorization to be in the United States.

In early May 2018, DHS determined that the Zero Tolerance Policy would cover alien adults arriving illegally in the United States with minor children. Because minor children cannot be held in criminal custody with an adult, alien adults attempting to enter the United States illegally were separated from any accompanying minor children when the adults were referred for criminal prosecution. The children, who DHS then classified as unaccompanied alien children,³ were held in DHS custody until they could be transferred to the U.S. Department of Health and Human Services (HHS) Office of Refugee Resettlement (ORR).⁴

¹ Presidential Memorandum for the Secretary of State, the Secretary of Defense, the Attorney General, the Secretary of Health and Human Services, and the Secretary of Homeland Security, April 6, 2018.

² Dept. of Justice, *Memorandum for Federal Prosecutors Along the Southwest Border*, April 6, 2018. Entering the United States without inspection and approval is a civil offense and may also result in criminal charges. See 8 United States Code (U.S.C.) §§ 1227 (civil grounds for removal), 1325 (crime of improper entry), 1326 (crime of reentry), 1182(a)(6)(A) (grounds of inadmissibility for entering without inspection). The Department of Justice has the authority to decide whether and to what extent to prosecute Federal crimes.

³ Unaccompanied alien children are aliens under the age of 18 with no lawful immigration status in the United States and without a parent or legal guardian in the United States “available” to care and physical custody for them. 6 U.S.C. § 279(g)(2).

⁴ The *Homeland Security Act of 2002* gave primary responsibility for the custody and care of unaccompanied alien children to the ORR; while DHS was delegated the task of apprehension, transfer, and repatriation of unaccompanied alien children.



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Generally, CBP must transfer unaccompanied alien children into the custody of ORR within 72 hours of identifying them as such.⁵ While temporarily holding unaccompanied alien children at OFO ports of entry, Border Patrol stations, and processing centers, CBP must provide safe and sanitary holding facilities, as detailed in CBP's 2015 *National Standards on Transport, Escort, Detention, and Search* (TEDS Standards).⁶ These standards outline protocols for CBP on how to treat vulnerable populations, including unaccompanied alien children, and specify requirements for general care and conditions for children in temporary custody.

In response to significant congressional and public interest related to the Zero Tolerance Policy, a multi-disciplinary team of DHS Office of Inspector General (OIG) attorneys, inspectors, and criminal investigators conducted unannounced site inspections at CBP facilities in part to assess compliance with the TEDS Standards. Between June 26 and 28, 2018, the OIG team visited nine CBP facilities in McAllen and El Paso, Texas, including five Border Patrol stations and four OFO ports of entry. Based on these inspections, we reported on CBP holding alien children separated under the Zero Tolerance Policy in facilities intended solely for short-term detention for longer than the 72 hours generally permitted by law and the TEDS Standards.⁷

This report describes the OIG team's general observations with respect to the following TEDS Standards:

- Access to Toilets, Sinks, and Drinking water;
- Access to Food and Snacks;
- Access to Hygiene Items, Bedding, and Clothes;
- Temperature Control and Ventilation;
- Emergency Medical Care; and
- General Care and Condition of Unaccompanied Alien Children.

Appendix A provides more information on the scope and methodology of the inspection. The observations provided in this report are limited to the times

⁵ DHS must meet this timeline unless there are "exceptional circumstances." 8 U.S.C. § 1232(b)(3).

⁶ In 1997, the *Flores v. Reno* Settlement Agreement established standards for the treatment of minors while in Federal custody and recognized the particular vulnerability of unaccompanied alien children while detained without a parent or legal guardian present. The *Flores* Agreement includes a requirement that immigration officials hold minors immediately following arrest in facilities that provide (1) access to food and drinking water; (2) medical assistance in the event of emergencies; (3) toilets and sinks; (4) adequate temperature control and ventilation; (5) adequate supervision to protect minors from others; (6) separation from unrelated adults whenever possible; and (7) contact with family members who were arrested with the minor. DHS and HHS recently proposed regulations that, once implemented, would terminate the *Flores* Agreement. 83 Fed. Reg. 45,486 (Sept. 7, 2018).

⁷ More information on this issue is available in *Initial Observations Regarding Family Separation Issues Under the Zero Tolerance Policy*, OIG-18-84, September 2018.



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and locations of the team's visits and cannot be generalized to other times or locations.

Observations of Conditions for Unaccompanied Alien Children in CBP Custody

CBP facilities we visited appeared to be operating in compliance with the TEDS Standards. With the exception of inconsistent cleanliness of the hold rooms, we observed that unaccompanied alien children had access to toilets and sinks, drinking water, beverages (including milk and juice drinks), as well as snacks and food. Unaccompanied alien children had access to hygiene items and clean bedding at all facilities we visited. We did not encounter issues with temperatures or ventilation, access to emergency medical care, inadequate supervision, or access to telephones. We also observed that OFO ports of entry had offices and storage spaces redesigned into hold rooms to be able to hold more unaccompanied alien children, family units, and other border crossers referred for processing.

Access to Toilets, Sinks, and Drinking Water

The TEDS Standards require CBP facilities holding unaccompanied alien children to provide toilets and sinks that are cleaned and sanitized at least once per day and drinking fountains or drinking water along with clean drinking cups. In all nine CBP facilities (five Border Patrol facilities and four OFO ports of entry) we visited, unaccompanied alien children had adequate access to toilets, sinks, and drinking water. In four Border Patrol facilities, unaccompanied alien children had access to a standard toilet and sink unit typically built inside the hold rooms. Signs above the sinks typically stated that the water was potable, and the sinks worked when we tested them. The hold rooms also had plastic water coolers, but cups were not always in the rooms. Two Border Patrol stations had bottled water available in addition to sinks or water coolers. At the Ursula Central Processing Center, shown in figure 1, which is different from the other four, more typical Border Patrol facilities,⁸ bottled water was available for drinking, and portable toilets were placed in the holding areas.

⁸ The Ursula Central Processing Center (also known as McAllen Central Processing Center) opened in 2014 to accommodate the overflow of unaccompanied alien children from and consolidate processing operations for the Rio Grande Valley sector. The facility is a retrofitted warehouse that can hold more than 1,000 people.



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Figure 1. Bottled water in pods and toilets at the Ursula Central Processing Center, observed on June 26, 2018.

Source: DHS OIG

At the four OFO ports of entry we visited, we saw no issues except for one unsanitary bathroom. Figure 2 shows a typical hold room toilet and sink unit and also illustrates that the cleanliness of hold rooms was inconsistent (photo on the right).

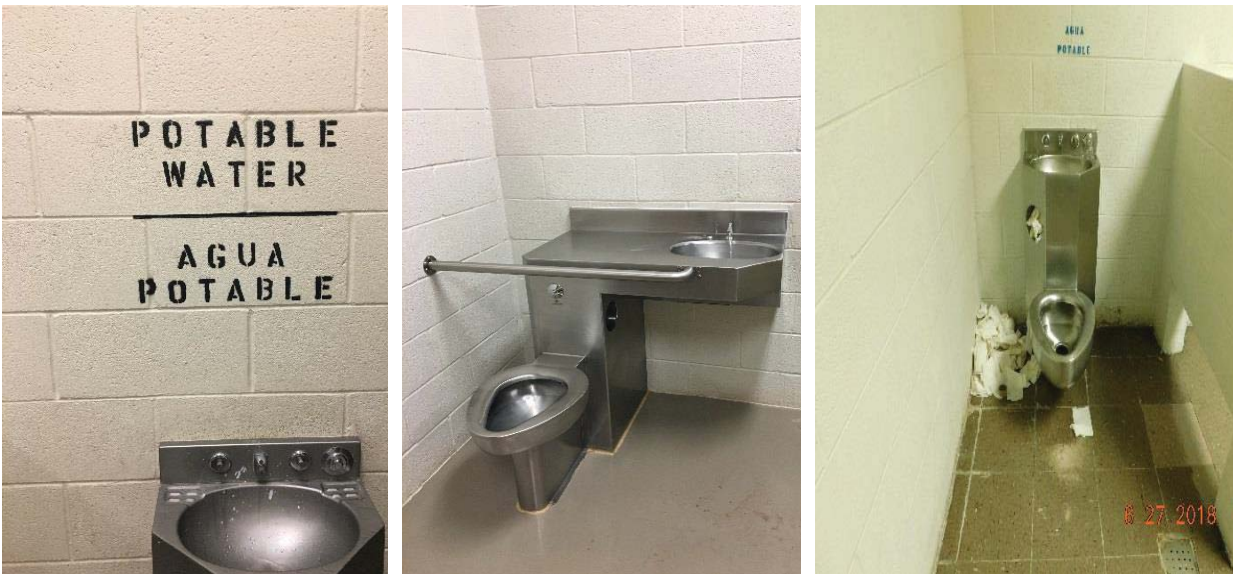


Figure 2. Toilets and sinks in Border Patrol and OFO hold rooms, observed on June 26–27, 2018.

Source: DHS OIG

Access to Food and Snacks

The TEDS Standards require CBP facilities to provide unaccompanied alien children with regular access to snacks, milk, and juice and to offer a meal at least every six hours, with at least two of those meals served hot. The TEDS Standards also require that food must be appropriate for a child’s age and



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capabilities, such as formula and baby food. In all nine CBP facilities we visited, unaccompanied alien children had access to food and snacks. All five Border Patrol facilities had meals, snacks, juice, milk, and baby formula available. Food available at these stations included frozen burritos, canned food, instant oatmeal, ramen noodles, applesauce, crackers, and granola bars. However, we observed expired baby formula at one facility, though no infants were held at that facility at the time of our visit. Figure 3 shows the typical assortment of foods we saw at Border Patrol stations. All four OFO facilities we visited had snacks, food, and beverages available. Figure 4 captures the food and beverages we saw at OFO ports of entry. At one Border Patrol facility, we directly observed children eating warm burritos; at another Border Patrol facility, we observed children with juice and snack bars; and at the Ursula Central Processing Center, we saw apples, milk, and juice in areas where children were held. Unaccompanied alien children we spoke with did not complain of hunger and said they had enough food.



Figure 3. Food, snacks, and juice at Border Patrol facilities, observed on June 26–27, 2018.

Source: DHS OIG



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Figure 4. Beverages and food items at OFO ports of entry, observed on June 27, 2018.

Source: DHS OIG

Access to Hygiene Items, Bedding, and Clothes

The TEDS Standards specify that unaccompanied alien children will be given access to basic hygiene articles, clean bedding,⁹ and, when available, clean and dry clothing. In all nine CBP facilities we visited, unaccompanied alien children had access to hygiene items. All facilities also provided clean bedding, supplying either space blankets (made of Mylar) or cloth blankets for the children. In addition, eight out of nine CBP facilities we visited had either cots or floor mats for unaccompanied alien children. We observed supplies, such as clean clothing and towels at the five Border Patrol facilities including the Ursula Central Processing Center, as shown in figure 5.



Figure 5. Clothing, towels, and hygiene items at Border Patrol facilities, observed on June 26-27, 2018.

Source: DHS OIG

⁹ The TEDS Standards define bedding as “A (or any combination of) blanket, mat, or cot.”
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At the four OFO ports of entry visited, we observed supplies of clothing and hygiene items to include soap, toothbrushes, toothpaste, sanitary napkins, diapers, and baby wipes, as shown in figure 6.



Figure 6. Clothing and hygiene items at OFO ports of entry, observed on June 27, 2018.

Source: DHS OIG

Temperature Control and Ventilation

The TEDS Standards require CBP facilities holding unaccompanied alien children to provide “adequate temperature control and ventilation,” and further suggest that when it is within CBP control, hold room temperatures should be “reasonable and comfortable.” During our visits, we observed that temperatures met this standard. Although some unaccompanied alien children at the Ursula Central Processing Center complained that they felt cold, the temperatures we observed on thermostats or measured in the five Border Patrol and four OFO facilities were within 68 to 76 degrees Fahrenheit.

Emergency Medical Care

The TEDS Standards specify that any physical or mental injury or illness observed by or reported to CBP personnel should be reported to a supervisor and appropriate medical care should be provided, including calling emergency services in the event of a medical emergency. The TEDS Standards also require non-U.S.-prescribed medication to be validated by a medical professional. All facilities we visited have procedures in place to refer unaccompanied alien children to local hospitals and to procure or validate prescription medication. CBP and medical staff control access to prescription medications, and we observed prescription medication logs in two facilities to document detainee administered prescriptions. We observed first aid kits in all facilities. Although not specifically required under CBP standards, three of the nine facilities we



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visited had trained medical staff to conduct medical screening and provide basic medical care.

General Care and Condition of Unaccompanied Alien Children

The TEDS Standards require CBP staff to check hold rooms regularly. In all nine CBP facilities, CBP staff monitored the unaccompanied alien children in hold rooms by direct observation and, in some cases, using video monitoring.

The TEDS Standards specify that all unaccompanied alien children must be advised of their right to consular access and granted telephone access. All facilities we visited had working phones available for unaccompanied alien children use. We observed call logs documenting phone calls and observed one unaccompanied alien child calling a relative in the United States during Border Patrol processing.

The TEDS standards require CBP to make “reasonable efforts” to provide showers to unaccompanied alien children who are approaching 48 hours in detention. Shower facilities were available for unaccompanied alien children at one OFO and three Border Patrol facilities we visited. These four facilities also had the ability to launder unaccompanied alien children’s clothes. At the other facilities, we observed supplies of clean clothes for unaccompanied alien children’s use as necessary.

The OFO ports of entry we visited have a very limited number of holding cells for short-term custody. We observed that when unaccompanied alien children, who are required to be held separately from unrelated adults, occupy space at a port of entry, there is limited ability to hold other people.

We observed offices and storage spaces redesigned to make more rooms for holding unaccompanied alien children, family units, and other border crossers referred for processing. For example, at the Gateway International Bridge in Brownsville, one hold room with a bathroom and sink was only used as a bathroom so that temporary hold rooms that did not have bathroom facilities could have access to them. To meet the requirement to hold unaccompanied alien children and other categories of detainees separately, CBP had converted regular office space into hold rooms. Figure 7 shows converted offices that held unaccompanied alien children or families during our visit.



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Figure 7. Offices converted into holding spaces at an OFO facility, observed June 27, 2018.

Source: DHS OIG

Management Response and OIG Analysis

We obtained management comments to the draft report from CBP. We included a copy of those comments, in their entirety, in appendix B. We also made other revisions, where appropriate, to address separate technical comments CBP provided.



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Appendix A
Objective, Scope, and Methodology

The Department of Homeland Security (DHS) Office of Inspector General (OIG) was established by the *Homeland Security Act of 2002* (Public Law 107-296) by amendment to the *Inspector General Act of 1978*.

The objective of this inspection report is to detail some of our observations from visits to CBP facilities in and around McAllen and El Paso, Texas, pertaining to conditions for unaccompanied alien children in CBP custody. The observations provided in this report are limited to the times and locations of the team's visits and cannot be generalized to other times or locations. We selected facilities in and around McAllen because the Rio Grande Valley Border Patrol sector had more apprehensions of family units and unaccompanied alien children than any other sector during April–May 2018. We selected facilities in and around El Paso because the El Paso Border Patrol sector had the third-most apprehensions during that time and has active ports of entry. We conducted our unannounced inspections at the following facilities:

Rio Grande Valley, Texas

CBP Border Patrol facilities:

- McAllen Station;
- Ursula Central Processing Center;

CBP OFO facilities:

- Gateway International Bridge Port of Entry;
- Brownsville and Matamoros International Bridge Port of Entry;
- Hidalgo Port of Entry.

El Paso, Texas

CBP Border Patrol facilities:

- Clint Station;
- Paso Del Norte Processing Center;
- El Paso Station;

CBP OFO facility:

- Paso del Norte International Bridge Port of Entry.

Throughout our visits, we spoke with CBP employees, including line officers, agents, and senior management officials as well as unaccompanied alien children. We also reviewed relevant guidance, policies, and procedures.

We conducted this inspection between June 26 and 28, 2018, under the authority of the *Inspector General Act of 1978*, as amended, and according to the *Quality Standards for Inspections* issued by the Council of the Inspectors General on Integrity and Efficiency.



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Appendix B
DHS' Management Response to the Draft Report

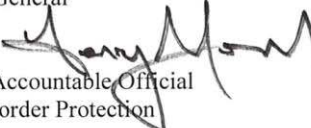
1300 Pennsylvania Avenue NW
Washington, DC 20229



**U.S. Customs and
Border Protection**

September 27, 2018

MEMORANDUM FOR: John V. Kelly
Senior Official Performing the Duties of the
Inspector General
Office of Inspector General

FROM: Henry A. Moak, Jr. 
Senior Component Accountable Official
U.S. Customs and Border Protection

SUBJECT: Management Response to Draft Report: "Results of
Unannounced Inspections of Conditions for
Unaccompanied Alien Children in CBP Custody"
(Project No. 18-095- ISP-CBP)

Thank you for the opportunity to review and comment on this draft report. U.S. Customs and Border Protection (CBP) appreciates the work of the Office of Inspector General (OIG) in planning and conducting its review and issuing this report.

CBP performs an essential role in securing our Nation's borders at and between ports of entry. As part of securing our borders and enforcing immigration laws, CBP is committed to treating all people in our facilities humanely. CBP's officers and agents continually uphold the utmost professionalism while maintaining efficient border operations.

CBP is committed to ensuring the safety, security and care of all aliens in our custody. CBP has continued efforts to provide a standard of care that meets or exceeds the requirements set out in the National Standards on Transportation, Escort, Detention, and Search (TEDS) policy. CBP ensures that all minors (including UACs) in its custody are treated with dignity and respect, and with concern for their particular vulnerability as minors. CBP ensures that all its facilities comply with the requirements of the *Flores* Settlement Agreement (FSA), and takes several steps to document this compliance. For instance, CBP policy requires that field personnel conduct welfare checks at regular intervals. By conducting regular welfare checks CBP ensures that areas where minors are held are safe and sanitary. Additionally, minors in CBP custody have access to drinking



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water; food; functional toilets and sinks; emergency medical care, if needed; adequate temperate and ventilation; and adequate supervision.

We appreciate the OIG's observations that CBP facilities appeared to be operating in compliance with the TEDS Standards during unannounced visits; that children had access to suitable facilities, beverages, and food; and that there were no issues with access to emergency medical care, supervision, and access to telephones.

Again, thank you for the opportunity to review and comment on this draft report. Technical comments were previously provided under separate cover. Please feel free to contact me if you have any questions. We look forward to working with you again in the future.



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Appendix C
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