



# FROM HOPE TO HEARTBREAK:

## The Disturbing Reality of Border Patrol's Confiscation of Migrants' Belongings

.....

A partnership between the ACLU, the Kino Border Initiative, ProtectAZ Health, the Sikh Coalition, and ACLU affiliates in Arizona, New Mexico, San Diego & Imperial Counties, and Texas.

# AUTHORS

## **The American Civil Liberties Union (ACLU) and ACLUs of Arizona, New Mexico, San Diego & Imperial Counties, and Texas**

Founded in 1920, the ACLU is a nonprofit, nonpartisan organization that works in the courts, legislatures, and communities to defend and preserve the individual rights and liberties guaranteed to all people in this country by the Constitution and laws of the United States. The ACLUs of Arizona, New Mexico, San Diego & Imperial Counties, and Texas are affiliated state-level organizations with similar missions.<sup>1</sup>

## **The Kino Border Initiative (KBI)**

KBI is a binational, inclusive Roman Catholic organization, inspired by the spirituality of the Jesuits and Missionaries of the Eucharist. KBI is locally rooted in Ambos Nogales on the Mexico–U.S. border, with a regional approach throughout Central America and North America. The organization offers direct humanitarian assistance and holistic accompaniment to all migrant people, including those deported, expelled, or returned to Nogales, Sonora, Mexico, by U.S. Immigration and Customs Enforcement (ICE) or U.S. Customs and Border Protection (CBP) as well as individuals fleeing violence who arrive at the border to seek asylum. KBI conducts an intake survey with every individual who receives its services, and that intake survey is the source of some of the anecdotes included in this report.

## **ProtectAZ Health**

ProtectAZ Health offers medical services to asylum-seeking individuals and families being released in Maricopa County, Arizona. They provide multilingual screening, medical evaluation, medications, COVID-19 testing, vaccination, and treatments at no cost to the patient. ProtectAZ Health has created an adaptable medical model that can screen and assess high volumes of individuals to ensure the safety of the individual and community as they continue their journey to their sponsor.

## **The Sikh Coalition**

The Sikh Coalition is a community-based organization that defends civil rights and civil liberties in the United States, educates the broader community about Sikhs and diversity, and fosters civic engagement amongst Sikh Americans. The Sikh Coalition originated to combat uninformed discrimination against Sikh Americans following the events of September 11, 2001. Since its inception, the Sikh Coalition has worked with government agencies and the private sector to achieve mutually acceptable solutions to provide accommodations for Sikh articles of faith.

---

<sup>1</sup> The ACLU of Arizona played a lead role in co-authoring this report, with significant contributions, case examples, and key insights from the other co-authoring organizations.



# CONTENTS

<b>Executive Summary</b>	Page 1
<b>Introduction</b>	Page 3
I. The Issue: Confiscation of Belongings	Page 5
II. The Stories: Collection of Case Examples	Page 9
a. Medications and Medical Devices	Page 10
b. Legal and Identity Documents	Page 14
c. Religious Items	Page 17
d. Items of Financial, Practical, or Sentimental Value	Page 20
III. Policies	
a. Shortcomings of Current CBP Policies	Page 24
b. Recommended Policy Principles	Page 28
<b>Conclusion</b>	Page 30
<b>Acknowledgements</b>	Page 31
<b>Appendix</b>	
a. Policy Recommendations: Border Patrol's Treatment of Personal Property	Page 32
b. Gathering of Testimonies (Methodology)	Page 42





# EXECUTIVE SUMMARY

This report documents the U.S. government's inhumane practice of confiscating migrants' most essential and prized personal belongings as they cross our southern border, including vital medications and medical devices, legal and identity documents, religious items, and items of practical or sentimental importance. Drawing on case examples and perspectives of border organizations that interface directly with migrants and work on this issue firsthand, we present an in-depth depiction of the severe harms caused by the U.S. Border Patrol's confiscation of migrants' personal belongings. We also offer concrete policy solutions to help ensure that Border Patrol treats migrants and their belongings with care and respect.

The case examples presented come primarily from co-authors of the report—the Kino Border Initiative and Protect AZ Health—who have unique perspectives into the issue of property confiscation. KBI, operating a major migrant aid center in Nogales, Mexico, **has spoken with at least 278 migrants since October 2022 who indicated that Border Patrol had confiscated and not returned essential** personal belongings. ProtectAZ Health, which offers free medical screenings and care to recently released migrants in the Phoenix metropolitan area, **conducted intakes with 682 migrants in 2022 and 2023 who reported that medications or medical devices had been confiscated by Border Patrol and not returned or replaced.** Also documented are examples gathered from other organizations, volunteer groups, and advocates along the southern border who have witnessed the effects of property confiscations. Some notable cases include:



Dumpster filled with personal belongings / Near Yuma, AZ / June 2022

- A 5-year-old child who suffered convulsions in Border Patrol custody after agents confiscated and failed to replace her seizure medications. The child and her mother were admitted to a local hospital for two days, but upon returning to CBP detention, Border Patrol agents withheld the medicine and meal supplements prescribed by the hospital staff. The mother was unable to obtain medication for her child until they were released to a shelter in Las Cruces, New Mexico.
- A 2-year-old child with a history of West syndrome (causing frequent epileptic seizures) who suffered six seizures after Border Patrol agents confiscated one of her anti-seizure medications.
- An individual forced by Border Patrol agents to throw away the ashes of his father, who had been cremated after passing away on the journey from Nicaragua to the U.S. southern border.
- A 13-year-old child whose medication for a genetic condition (argininemia) was confiscated by Border Patrol, not provided during the child's three days in detention, and not replaced upon release, resulting in the child being admitted to a local hospital for seven days. Untreated, the condition can lead to muscle weakness, fatigue, seizures, coma, and even death.
- An individual who was forced by Border Patrol agents to discard a prayer rug that had been in his family for over a hundred years.
- An individual whose medical records, including X-ray images and diagnoses, were thrown away by Border Patrol agents. When the individual explained that the documents were needed to explain the medical condition of their son—who required an operation within two months because of a drainage in his brain—the agent became angry. The individual and their son were later expelled into Mexico without the vital medical records.

In addition to highlighting confiscations that have taken place in recent years, our report offers key policy recommendations for CBP, Border Patrol's parent agency. These recommendations, set forth in full in the Appendix, aim to raise and strengthen the baseline of standards that Border Patrol follows when handling migrants' personal property to ensure humane treatment and consistency.

These recommendations mandate special protocols for certain categories of items where confiscation is particularly problematic (e.g., medications and medical devices, legal documents, and religious items). In broad terms, we urge CBP to:

1. Allow migrants to retain as many of their personal belongings as possible, prioritizing essential belongings – from its initial encounter with migrants to their release from U.S. government custody;
2. Ensure that migrants in, and released from, its custody have continuous access to any medications or medical devices they had upon encounter (or adequate replacements); and
3. Reorient policy regarding the confiscation of religious garb and other religious items to incorporate the robust religious-freedom legal protections that the Religious Freedom Restoration Act provides to migrants and, consistent with these federal legal safeguards, permit confiscation of religious items only in very rare circumstances.





# INTRODUCTION

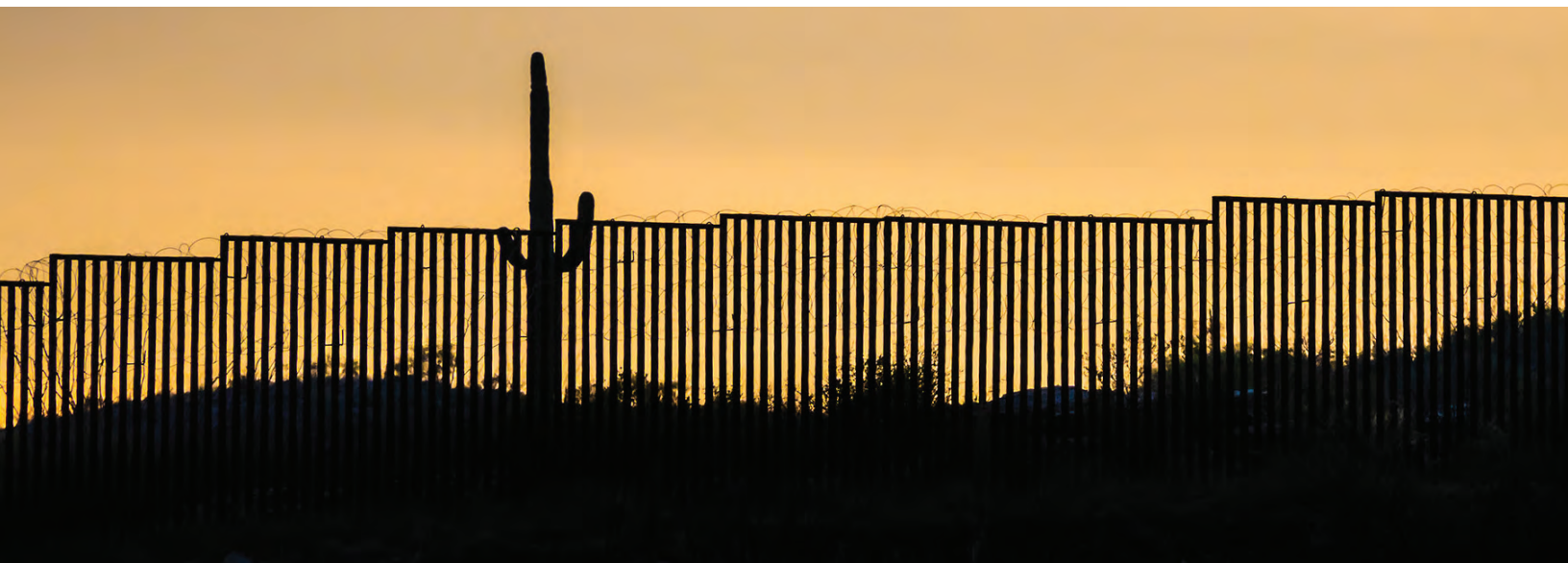
When people come to the U.S. southern border as migrants, they are often carrying only their most important personal belongings: items of significance to their faith, critical medications, and essential documents. But when immigration officials from the U.S. Border Patrol and its parent agency, U.S. Customs and Border Protection (CBP), apprehend migrants, they frequently confiscate these and other important belongings, trashing them or never returning them. These actions frequently violate federal law and policy, cause migrants extreme hardship and distress, and can even be life-threatening. These agencies have the power to change their policies and practices so that migrants and their belongings are treated with care and respect.

This report came about in response to a major escalation of property-confiscation practices by the Yuma Border Patrol Sector in Arizona. In 2022, Yuma Border Patrol agents essentially implemented a policy of mass disposal, under which migrants were forced to discard nearly all of their personal belongings into on-site dumpsters before their requests for asylum could be processed. It was in this context that the Yuma Sector also began to confiscate and trash religious garb from migrants of the Sikh faith and other faiths. In response, several organizations and advocacy groups—including authors of this report—began a concerted effort to pressure CBP to address not only these escalations in Yuma, but also the more deeply rooted deficiencies in policy that allowed them to occur. Indeed, even before the 2022 Yuma escalation in property seizures, unnecessarily strict property rules deprived migrants of their essential personal, legal, medical, and religious items. Our recent efforts have driven an extensive engagement with CBP leadership that we hope will result in long-needed changes in both policy and practice.



“From Hope to Heartbreak” is our attempt to reconcile a robust and distressingly long public record on property dispossession in the U.S. immigration system with more recent cases, stories, and perspectives from the ground. It proceeds in three parts. Section I reviews the last decade of efforts by researchers and government agencies to track the issue of property confiscation at the southern border, as well as coverage of the issue in major media. Section II features new examples from two of the authors of this report—KBI and ProtectAZ Health—presented alongside other information we have gathered from myriad groups along the southern border. We divide this discussion among four categories of property: medications and medical devices; legal and identity documents; religious items; and items of financial, practical, or sentimental value. Finally, Section III identifies significant shortcomings in current CBP policies regarding migrants’ belongings and offers key policy solutions distilled from the specific recommendations that we and other organizations have presented to CBP leadership. Namely, CBP must (1) ensure that Border Patrol allows migrants to retain as many of their personal belongings as possible—from agents’ initial encounter with migrants through the migrants’ release; (2) ensure that Border Patrol allows migrants continuous access to any medications or medical devices they had upon encounter (or adequate replacements); and (3) reorient its policy regarding the confiscation of religious garb and other religious items to incorporate the robust religious-freedom legal protections that the federal Religious Freedom Restoration Act (RFRA) provides to migrants.

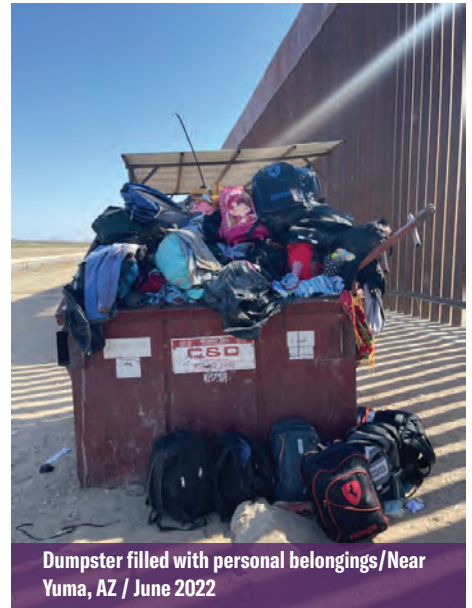
One caveat must be offered regarding the scope of this report. Property confiscation in the U.S. immigration system (and its nexuses with the criminal legal system) involve a variety of agencies, including CBP, Border Patrol, CBP’s Office of Field Operations (OFO), Immigration and Customs Enforcement (ICE), the United States Marshals Service (USMS), the Bureau of Prisons (BOP), and others. Nevertheless, the focus of this report is on confiscations specifically executed by Border Patrol upon apprehension because these are the cases most visible to our respective organizations in the context of current migration policy. Most of our policy recommendations are, therefore, aimed at Border Patrol—the exception being recommendations around the handling of religious items, where there is a strong basis in federal law for CBP to adopt more robust, agency wide protections for migrants’ religious freedom.





# THE ISSUE: CONFISCATION OF BELONGINGS

There are longstanding concerns over migrants being systematically stripped of their personal belongings in the course of U.S. immigration processing or enforcement actions, whether by Border Patrol or other agencies. Some of the most comprehensive documentation of this issue over the last decade has come from nongovernmental organizations and other advocacy groups with direct insight into what happens to migrants who have been deported, expelled, or returned to Mexico.<sup>2</sup> A 2013 study by the Immigration Policy Center found that more than one third of 1,110 migrants repatriated to Mexico reported that their personal belongings were taken and not returned.<sup>3</sup> From 2011 to 2014, No More Deaths, an Arizona-based humanitarian organization, handled 1,481 requests for property-recovery assistance from migrants who had been deported or were awaiting deportation and whose personal belongings had been taken and not returned by U.S. authorities.<sup>4</sup> No More Deaths has continued to help thousands of migrants reunite with their personal belongings through its Property Recovery Assistance Project (PRAP).<sup>5</sup> According to a 2016 report by the American Immigration Council, 66.5 percent of 1,162 individuals interviewed said that immigration authorities had taken their belongings; of that subset, 41.5 percent reported that some of their belongings had not been returned upon leaving custody.<sup>6</sup>



<sup>2</sup> The record goes back even further. See *No More Deaths, A Culture of Cruelty: Abuse and Impunity in Short-Term U.S. Border Patrol Custody*, 2011, <https://nomoredeaths.org/wp-content/uploads/2014/10/CultureOfCruelty-full.compressed.pdf>.

<sup>3</sup> Daniel E. Martínez and Jeremy Slack, *Bordering on Criminal: The Routine Abuse of Migrants in the Removal System*, *Immigration Policy Center*, December 2013, 6, [https://nnirr.org/wp-content/uploads/2014/07/mbc\\_s\\_border\\_-\\_possessions\\_final\\_1.pdf](https://nnirr.org/wp-content/uploads/2014/07/mbc_s_border_-_possessions_final_1.pdf). Of those who had been carrying a Mexican identification card, one out of every four reported that it had been confiscated. Researchers observed that migrants who had been transferred between a greater number of DHS and DOJ component agencies (e.g., ICE or BOP) were more likely to experience these confiscations, suggesting that a large part of the problem is rooted in a lack of interagency standardization around the handling of migrants' belongings.

<sup>4</sup> No More Deaths, *Shakedown: How Deportation Robs Immigrants of Their Money and Belongings*, December 2014, 5, <https://nomoredeaths.org/wp-content/uploads/2014/12/Shakedown-withcover.pdf>. In addition to substantiating claims that excessive property confiscation has been a systemic practice in the U.S. immigration system, the report presented groundbreaking analysis on the confiscation of migrants' money in particular, highlighting how money is often stolen outright by U.S. officials, lost in the course of custody transfers, or returned to migrants in unusable forms. The report was also novel in specifically showing Border Patrol's involvement in property confiscations.

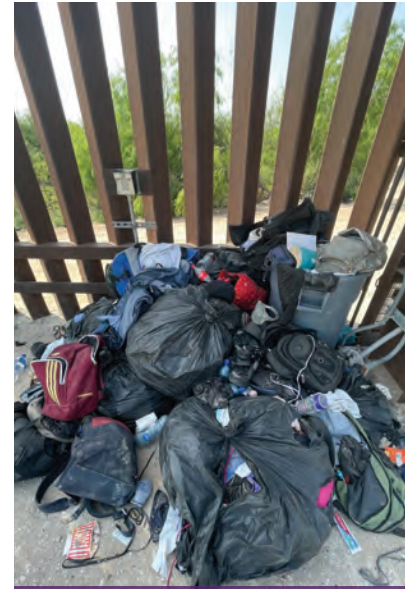
<sup>5</sup> Over the last 15 years, the problem of migrants being returned to Mexico without their personal belongings has been so widespread that No More Deaths, Kino Border Initiative, and the Federal Public Defender's Office created a formal program to help migrants reunite with their lost property. Under the initiative, called the Property Recovery Assistance Project (PRAP), the Federal Public Defender's Office gives their clients the option to sign a power of attorney to allow PRAP to pick up their belongings on their behalf and return them via the Kino Border Initiative in Nogales, Sonora. Unfortunately, as of 2023, there is no longer capacity to continue this project, which relied on unpaid volunteers and eventually dwindled down to only one person working to reunite dozens of people with their belongings every month. While the project was commendable in providing a vital resource for thousands of migrants over the years, the only sustainable solution for this borderwide issue is for the U.S. government to finally take responsibility for safeguarding and returning migrants' personal belongings.

<sup>6</sup> Guillermo Cantor, *Deported with No Possessions: The Mishandling of Migrants' Personal Belongings*, American Immigration Council, December 21, 2016, <https://www.americanimmigrationcouncil.org/research/deported-no-possessions>. Based on data from the Programa de Defensa e Incidencia Binacional (PDIB), this study concluded that new property policies implemented by CBP in 2015 did not appear to ameliorate the problem, as the proportion of migrants reporting dispossession between 2015 and 2016 remained nearly identical.



In 2019, the Department of Homeland Security (DHS) Office of Inspector General (OIG) conducted an inspection of 21 Border Patrol facilities and found vast inconsistency across sectors of how Border Patrol handles migrants' personal belongings.<sup>7</sup> In New Mexico, the OIG investigation revealed that Border Patrol agents in the El Paso Sector were observed discarding personal belongings, "at times indiscriminately."<sup>8</sup> Likewise, agents at the El Paso Del Norte Processing Center were seen allowing migrants to retain certain items, such as money and cellphones, while "discarding virtually all other detainee personal property—including backpacks, suitcases, handbags, and children's toys—in the nearby dumpster." In interviews with migrants, OIG also discovered that Border Patrol agents were discarding migrants' belongings upon apprehension, causing most migrants at the agency's Las Cruces station to arrive only with what was in their pockets.

After several children in Border Patrol custody died from preventable illnesses in 2019, media outlets began to scrutinize the agency's practice of confiscating migrants' medications.<sup>9</sup> The New York Times identified routine confiscations of medications as among the factors putting migrants with medical conditions at increased risk.<sup>10</sup> A 2019 investigative report based on interviews with five doctors who volunteered at border shelters and clinics found that Border Patrol routinely confiscated and failed to replace migrants' medications. For example, a young child with a history of seizures was stripped of his seizure medications by Border Patrol and released with no replacement.<sup>11</sup> The American Academy of Pediatrics likewise documented two cases of young migrant children with pre-existing conditions who rapidly deteriorated after Border Patrol withheld their medications, causing the children to be admitted into pediatric intensive care units.<sup>12</sup>



Pile of personal belongings / Near Hidalgo, TX / May 2022 / Photo Credit: Scott Nicol

More recently, in the summer of 2022, advocates in the Arizona–Sonora border region began raising the alarm about an escalation of property-confiscation practices in the Yuma Border Patrol sector. Media articles published in May revealed that Border Patrol agents were forcing migrants to discard nearly all of their belongings on-site; passports, birth certificates, and police reports were among the items left behind.<sup>13</sup>

<sup>7</sup> OIG, *Capping Report: CBP Struggled to Provide Adequate Detention Conditions During 2019 Migrant Surge*, OIG-20-38, June 12, 2020, <https://www.oig.dhs.gov/sites/default/files/assets/2020-06/OIG-20-38-Jun20.pdf>.

<sup>8</sup> *Ibid.*, 19.

<sup>9</sup> Priscilla Alvarez and Geneva Sands, "Fifth child dies after arriving at US border from Guatemala since December," CNN, May 20, 2019, <https://www.cnn.com/2019/05/20/politics/migrant-child-dies-in-government-custody/index.html>.

<sup>10</sup> Sheri Fink and Caitlin Dickerson, "Border Patrol Facilities Put Detainees With Medical Conditions at Risk," *The New York Times*, March 5, 2019, <https://www.nytimes.com/2019/03/05/us/border-patrol-deaths-migrant-children.html>.

<sup>11</sup> Caitlin Dickson, "Border Patrol is confiscating migrant kids' medicine, U.S. doctors say," Yahoo News, June 4, 2019, [https://www.yahoo.com/video/border-patrol-is-confiscating-migrant-kids-medicine-us-doctors-say-225354608.html?guccounter=1&guce\\_referrer=aHR0cHM6Ly93d3cuZ29vZ2xllmNvbS8&guce\\_referrer\\_sig=AQAAAJPaHFHOPwIDADW-X-BKWLOAebxOTRjPrR3wCzQD5qbkAkt1RikNEVivy\\_T2qsHcl-W\\_jz4FF7kuWHV\\_Hzf28JjaxAYZ4-eV1u4ihPvO2ypGrFEUeSaqW0rt88lqlbPMHMOF3mYHTpWgoAOZ7E0E55Z0L-z8QipPzrpTjdV8Z0P](https://www.yahoo.com/video/border-patrol-is-confiscating-migrant-kids-medicine-us-doctors-say-225354608.html?guccounter=1&guce_referrer=aHR0cHM6Ly93d3cuZ29vZ2xllmNvbS8&guce_referrer_sig=AQAAAJPaHFHOPwIDADW-X-BKWLOAebxOTRjPrR3wCzQD5qbkAkt1RikNEVivy_T2qsHcl-W_jz4FF7kuWHV_Hzf28JjaxAYZ4-eV1u4ihPvO2ypGrFEUeSaqW0rt88lqlbPMHMOF3mYHTpWgoAOZ7E0E55Z0L-z8QipPzrpTjdV8Z0P).

<sup>12</sup> Noy R. Halevy-Mizrahi and Ilana Harwayne-Gidansky, "Medication Confiscation: How Migrant Children Are Placed in Medically Vulnerable Conditions," *Pediatrics* 145, no. 1, January 1, 2020, <https://doi.org/10.1542/peds.2019-2524>.

<sup>13</sup> Melissa del Bosque, "Clothes, shoes, passports: migrants forced to dump possessions at US-Mexico wall," *The Guardian*, May 8, 2022, <https://www.theguardian.com/us-news/2022/may/08/us-mexico-border-agents-belongings>.

An April inspection by the Office of the Immigration Detention Ombudsman (OIDO) of the Border Patrol Soft-Sided Facility in Yuma confirmed that “large quantities of detainee personal property had been disposed [of],” including medications and religious figurines.<sup>14</sup> According to OIDO, the inspection was prompted by numerous allegations from migrants detained in the Tucson Border Patrol Sector that agents in Yuma had required them to discard any personal property that did not fit into a small CBP-provided plastic pouch. When OIG investigated the same facility three months later, it found that migrants’ larger personal belongings that could not fit inside the plastic pouch, “even when not discarded at intake,” generally were not returned upon release from CBP custody.<sup>15</sup> A separate OIDO inspection of Border Patrol facilities in the Tucson Sector in April 2022 also revealed multiple areas of noncompliance with agency standards for handling migrants’ belongings, including failure to notify migrants when and why their belongings were being thrown out.<sup>16</sup> In June, the Uncage and Reunite Families Coalition—an Arizona-based group of community activists and religious leaders—submitted a letter to the Yuma Sector Border Patrol chief describing several cases of property confiscation, including an instance of someone who was required to throw away his father’s ashes. A Univision broadcast the following month corroborated the broader trend with narrated video footage showing migrants throwing their backpacks en masse into on-site dumpsters, reportedly at the direction of Border Patrol officials.<sup>17</sup>

On August 1, 2022, the ACLU and ACLU of Arizona submitted a letter to then-CBP Commissioner Chris Magnus alleging that Border Patrol agents in Yuma had forced dozens of migrants of the Sikh faith to remove and discard their turbans.<sup>18</sup> The letter followed months of advocacy by Arizona-based border groups, which sought to convince local CBP officials to end the practice. On August 2, The Intercept broke the story, highlighting details from multiple interviews with Sikh migrants whose sacred religious garb had been stripped by Border Patrol agents.<sup>19</sup> The Intercept recounted the case of one asylum-seeker:

**“They told me to take off my turban. I know a little English, and I said, ‘It’s my religion. ’But they insisted,” the man said, speaking through an interpreter in a July phone interview. The man pleaded with the officers, who forced him to remove his turban and tossed it in a trash pile. He asked if he could at least keep his turban for when he was released from custody. They told him no. “I felt so bad,” he said.**

---

Melissa del Bosque, “The Things They Carried: Is the Border Patrol discarding asylum-seekers’ documents?” *The Border Chronicle*, May 3, 2022, <https://www.theborderchronicle.com/p/the-things-they-carried-is-the-border>.

<sup>14</sup> OIDO, *U.S. Border Patrol Yuma Soft-Sided Facility*, OIDO-23-003, October 17, 2022, 5, <https://www.dhs.gov/sites/default/files/2022-10/OIDO%20Final%20Observation%20Report%20-%20U.S.%20Border%20Patrol%20Yuma%20Soft-Sided%20Facility-Updated.pdf>.

<sup>15</sup> OIG, *Results of Unannounced Inspections of CBP Holding Facilities in the Yuma and Tucson Areas*, OIG-23-29, June 23, 2023, 18, <https://www.oig.dhs.gov/sites/default/files/assets/2023-06/OIG-23-29-Jun23.pdf>.

<sup>16</sup> OIDO, *U.S. Border Patrol Tucson Sector Facilities*, OIDO-23-002, October 17, 2022, <https://www.dhs.gov/sites/default/files/2022-10/OIDO%20Final%20Inspection%20Report%20-%20U.S.%20Border%20Patrol%20Tucson%20Sector%20Facilities-Updated.pdf>.

<sup>17</sup> Univision, Primer Impacto, “Mochilas, ropa y dinero: migrantes se ven obligados a botar sus pertenencias antes de entregarse a la Patrulla Fronteriza,” July 5, 2022, <https://www.univision.com/shows/primer-impacto/mochilas-ropa-y-dinero-migrantes-se-ven-obligados-a-botar-sus-pertenencias-antes-de-entregarse-a-la-patrulla-fronteriza-video>.

<sup>18</sup> American Civil Liberties Union of Arizona (ACLU-AZ), *Yuma Border Patrol Sector’s Practice of Confiscating Sikh Individuals’ Turbans During Asylum Processing*, August 1, 2022, <https://azluminaria.org/wp-content/uploads/2022/08/2022-08-01-Letter-to-CBP-re-CBP-Confiscation-of-Sikh-Turbans.pdf>.

<sup>19</sup> John Washington, “Border Patrol Agents are Trashing Sikh Asylum-Seekers’ Turbans,” *The Intercept*, August 2, 2022, <https://theintercept.com/2022/08/02/sikh-turban-border-patrol/>.



A follow-up piece detailed additional accounts from other shelter workers in Arizona who, after seeing the news coverage, indicated that they had encountered migrants whose turbans were confiscated and that the problem extended beyond the Yuma Sector.<sup>20</sup> In an open letter to CBP Commissioner Magnus, several members of Congress expressed shock at the situation and demanded an immediate end to the confiscations and trashings of religious garb.<sup>21</sup> A similar letter was sent to DHS Secretary Alejandro Mayorkas by the Sikh Coalition, the ACLU, and 162 other organizations, urging immediate action on the issue.<sup>22</sup> CBP responded to the mounting public pressure with assurances that an internal investigation was underway and, in the same month, issued interim guidance to Border Patrol clarifying its search and handling policies with respect to the Sikh turban; no guidance was offered for the other Sikh articles of faith or religious garb from other faiths.

While reports of turban confiscations declined in the months thereafter, pressure continued to mount on CBP to address long-standing concerns around religious sensitivity and property confiscation more broadly at the southern border. In August 2022, advocates and community members gathered at a church in Phoenix to call attention to Yuma Border Patrol's mass confiscations of migrants' belongings.<sup>23</sup> As the number of migrants arriving in places like New York City rose precipitously, an episode of "60 Minutes" noted that 12 out of the 16 migrants they had spoken with for the story claimed that Border Patrol had taken and failed to return their personal documents.<sup>24</sup> Following years of complaints about CBP and ICE's confiscations of migrants' personal documents, Rep. Raúl Grijalva (D-AZ) led 22 other members of the House in demanding that the agencies provide more information about their handling of migrants' belongings.<sup>25</sup> Grijalva and other House members later requested that the Government Accountability Office (GAO) launch a formal investigation into CBP's "activities, policies, and procedures regarding the handling of personal property belonging to individuals in its custody."<sup>26</sup> The request was accepted by GAO and, as of this report's publication date, its investigation is ongoing.

Most recently, in late 2023, OIG published the results of two unannounced inspections in the El Paso and Laredo Border Patrol sectors. The inspection of the El Paso Sector, conducted in November 2022 with an announced follow-up three months later, reported that "Border Patrol instructed detainees to discard larger property such as backpacks or suitcases in a dumpster next to the intake area" and that Border Patrol in this facility "did not meet standards related to ... managing property."<sup>27</sup> In the Laredo inspection, conducted in March 2023, OIG found that three out of four of the facilities they inspected "did not accurately track or record property on inventory logs or in the respective data systems."

---

<sup>20</sup> John Washington, "Whistleblowers say Arizona Border Patrol practice of trashing Sikh turbans is widespread," *Arizona Luminaria*, August 5, 2022, <https://azluminaria.org/2022/08/05/whistleblowers-say-arizona-border-patrol-practice-of-trashing-sikh-turbans-is-widespread/>.

<sup>21</sup> The Office of Congressman Joaquin Castro, "Castro, Grijalva, Chu demand accountability from customs and border protection after continued reports of turban confiscations," Press release, August 17, 2022, <https://castro.house.gov/media-center/press-releases/castro-grijalva-chu-demand-accountability-from-customs-and-border-protection-after-continued-reports-of-turban-confiscations>.

<sup>22</sup> The Sikh Coalition et al., "Ending border officials' religious-freedom violations and their practice of trashing migrants' personal belongings," August 22, 2022, <https://www.sikhcoalition.org/wp-content/uploads/2022/08/Border-Officials-Religious-Rights-Violations-Sign-On-Finalized.pdf>.

<sup>23</sup> Angela Cordoba Perez, "'I understood his pain': Advocates denounce confiscating belongings from migrants at border," *AZCentral*, August 5, 2022, <https://www.azcentral.com/story/news/politics/immigration/2022/08/05/asylum-advocates-denounce-confiscating-belongings-from-migrants-at-border/10230819002/>.

<sup>24</sup> *60 Minutes*, "Helping asylum seekers in New York City," November 6, 2022, <https://www.cbsnews.com/video/helping-asylum-seekers-in-new-york-city-60-minutes/>.

<sup>25</sup> Raúl Grijalva et al., "Rep. Grijalva Leads 22 Members of Congress Demanding Answers from CBP and ICE on Migrants' Missing Documents and Possessions, including Religious Items," Press release, August 3, 2022, <https://grijalva.house.gov/rep-grijalva-leads-22-members-of-congress-demanding-answers-from-cbp-and-ice-on-migrants-missing-documents-and-possessions-including-religious-items-rep-gr-ijalva-lidera-a-22-mie/>.

<sup>26</sup> The Office of Congressman Grijalva, "Rep. Grijalva Requests GAO Review of CBP Handling of Asylum Seekers' Personal Property," Press release, November 7, 2022, <https://grijalva.house.gov/rep-grijalva-requests-gao-review-of-cbp-handling-of-asylum-seekers-personal-property/>.

<sup>27</sup> OIG, *Results of Unannounced Inspections of CBP Holding Facilities in the El Paso Area*, OIG-23-50, September 15, 2023, 20, <https://www.oig.dhs.gov/sites/default/files/assets/2023-09/OIG-23-50-Sep23.pdf>.

# THE STORIES: COLLECTION OF CASE EXAMPLES

**February 2022: The Arizona–California Humanitarian Coalition (AZ-CA) <sup>28</sup> encountered Ignacio\* who was forced by Border Patrol agents to throw away his father’s ashes. His father had been cremated after passing away during their journey from Nicaragua to the border.**

The public record on property confiscation at the southern border, though now considerable, fails to capture the full range of consequences these seizures can actually have for migrants experiencing them. The following section offers a more detailed illustration of the different facets and implications of property confiscation, presenting a collection of recent accounts from migrants and others impacted by this issue. Specifically, we examine four categories of confiscation: (1) medications and medical devices, (2) legal and identity documents, (3) religious items, and (4) items of financial, practical, or sentimental value. The many examples presented here demonstrate how current CBP policies systematically fail to ensure humane treatment of migrants and their belongings.

We draw heavily on documentation from KBI and ProtectAZ Health, whose story-collection methods and limitations are discussed in the Appendix. KBI operates a major migrant-aid center in Nogales, Sonora, and since October 2022, has spoken with at least 278 migrants who have indicated that Border Patrol confiscated and failed to return essential personal belongings. <sup>29</sup> ProtectAZ Health, which offers free medical screenings and care to recently released migrants in the Phoenix metropolitan area, conducted intakes with 682 migrants in 2022 and 2023 who reported that medications or medical devices had been confiscated by Border Patrol and not returned or replaced. Finally, we include accounts gathered from several other organizations, volunteer groups, and advocates along the southern border. Most report witnessing the effects of property confiscation with great regularity, even if they have lacked the resources to track the issue exhaustively.

---

<sup>28</sup> A humanitarian organization based in Yuma, Arizona, AZ-CA supports migrants at various stages of their journey by streamlining rapid-response efforts and advocating for a humanitarian response to migrants.

<sup>29</sup> This is a vast undercount of the practice of property confiscation. For KBI to be made aware of a migrant’s experience with Border Patrol, the migrant person must know about KBI, arrive at the migrant aid center, and disclose this experience in response to a general question about abuse and mistreatment on the migration journey in KBI’s intake survey.





Medications / Near Yuma, AZ / December 2023

# MEDICATIONS AND MEDICAL DEVICES

**June 2022:** The ACLU of New Mexico encountered Silvia\* who was detained with her two children by Border Patrol agents in El Paso. Her 5-year-old daughter, Rosa\*, has epilepsy and takes medication three times a day and follows a strict dietary regimen. When detained by CBP, Rosa's medications were taken away, and the family was refused any medical assistance until later that night, after Rosa began convulsing. Rosa and her mother were taken from CBP custody to the University Medical Center (UMC) in El Paso where they stayed for two days. Doctors at UMC prescribed medications for four months, as well as Enfamil and PediaSure nutrition drinks for approximately one month. Once Rosa and her mother returned to CBP detention, CBP agents withheld the medicine and meal supplements prescribed by UMC staff. Only after they were released to a shelter in Las Cruces, New Mexico, did Rosa receive the vital medical care and medication she desperately needed.

The confiscation of migrants' medications and medical devices, and the failure to return them, directly illustrates the way in which Border Patrol's property practices put migrants' health and safety at risk. As is well understood in the medical profession and supported by any number of studies, individuals with acute or chronic health conditions who fail to take their medications are at risk for significant adverse effects, including acute disease exacerbation, prolongation of symptoms and disease, and contribution to the creation of resistant pathogens.



Inhaler / Near Yuma, AZ / June 2022

In some cases, missing even a single dose can have severe—even fatal—consequences. Moreover, the confiscation of medications, medical devices, and relevant medical documentation often creates serious challenges for healthcare providers who must assess and resume a migrant’s care without all the necessary information. Finally, the consequences of confiscations can impose substantial cost burdens on local healthcare systems in the form of necessary replacement medications, emergency room visits, and hospitalizations.

As previously noted, ProtectAZ Health conducted intakes with 682 migrants in 2022 and 2023 who reported that medications or medical devices had been confiscated by Border Patrol and not returned or replaced. Many of these reports involved confiscations of migrants’ medications for high blood pressure and diabetes, with some individuals suffering from extremely elevated and dangerous

blood-pressure and blood-sugar levels upon their release to shelter providers. For example, in March 2022, an insulin-dependent migrant was forced by Border Patrol to dispose of her insulin and medical supplies and arrived at ProtectAZ Health’s clinic with a blood-sugar level of 420 mg/dL (reference range is 70-120 mg/dL).

Confiscations of rescue inhalers and other medical devices have also been serious and widespread. In 2022, a New Mexico shelter provider reported that multiple migrants had inhalers and epinephrine autoinjectors taken and not returned by El Paso Border Patrol agents. ProtectAZ Health has documented multiple confiscations of rescue inhalers—one from a migrant who then suffered an asthma attack in ICE custody and required emergency care; another from a migrant who was told by an ICE official that “it was his problem if he needed help [since] it was his fault he came to this country.” Other cases have involved young children. In 2019, an article published in the American Academy of Pediatrics presented the cases of two migrant children who had to receive emergency treatment because Border Patrol had confiscated their albuterol inhalers.<sup>30</sup> In one case:

**“A 7-year-old boy with a medical history of moderate-persistent asthma... had been detained at a CBP facility for 2 days before being released and then traveled several thousand miles northeast to stay with his mother’s extended family. While he and his mother were detained, the boy’s albuterol inhaler was confiscated, and a replacement was not provided. This child had developed respiratory symptoms 2 days after his release, and 1 week after arriving at his family’s home, he rapidly deteriorated. The family brought him to a local emergency department, and he was subsequently transferred to our PICU.”**

Border Patrol has also frequently confiscated children’s epilepsy medication, as in the example above of a 5-year-old who began convulsing in CBP custody and had to be rushed to an El Paso hospital.<sup>31</sup> In another case documented by ProtectAZ Health, in March 2022, a mother was forced to throw away not only her child’s seizure medications, but also medical documents pertaining to the child’s history of epilepsy and developmental delay. A New Mexico shelter provider recalled the case of a teenage boy from 2022 who was released from Border Patrol without his epilepsy medication after being separated from his mother. Another New Mexico shelter noted that a child’s epilepsy medication was confiscated and not returned by Border Patrol in early 2023.

<sup>30</sup> Noy R. Halevy-Mizrachi and Ilana Harwayne-Gidansky, “Medication Confiscation: How Migrant Children Are Placed in Medically Vulnerable Conditions,” *Pediatrics* 145, no. 1, January 1, 2020, <https://doi.org/10.1542/peds.2019-2524>.

<sup>31</sup> ACLU of New Mexico, June 2022



In another instance, a doctor cited in a 2019 investigation recalled treating a child who required a daily dose of steroids due to her congenital adrenal hyperplasia.<sup>32</sup> Her steroids and other medications were confiscated by Border Patrol and not replaced during the approximately one week she was in custody, during which time, the doctor emphasized, any infection or cold could have killed her. Another doctor described the case of a 15-year-old who said that the diabetes medication she had brought with her from Guatemala had been confiscated by Border Patrol.<sup>33</sup> The doctor observed that the child was in a state of mild diabetic ketoacidosis, which can be fatal. Border Patrol's repeated confiscations of medications prescribed to children suggests an especially disturbing trend of disregarding young migrants' medical needs.

**September 2023: ProtectAZ Health received a 13-year-old boy, Leonel,\* with a history of argininemia, a genetic condition in which a person lacks a critical amino acid necessary to prevent the build-up of ammonia in the body. Untreated, this condition can lead to muscle weakness, fatigue, seizures, coma, and even death. Leonel requires a daily supplement to replace this essential amino acid. Leonel was traveling with his father who reported that Leonel's medication was confiscated and that he did not receive it while detained for three days with Border Patrol in Casa Grande, Arizona. The medication was not returned to the father upon release. While staying at ProtectAZ Health's shelter, Leonel's condition quickly deteriorated. He became lethargic, was unable to walk, and had to be transported to the Phoenix Children's Hospital, where he was admitted and spent seven days to stabilize his condition.**

Adult migrants with an array of medical conditions have likewise had key medications confiscated, with Border Patrol refusing to return the medication upon the migrants' release. In March 2023, ProtectAZ Health documented the case of an individual whose medications for a seizure disorder were confiscated by Border Patrol, resulting in his hospitalization for a seizure that same evening. In January 2022, ProtectAZ Health encountered a migrant with mental health needs whom Border Patrol separated from his family, stripped of his medications, and left with no documentation of the medications. The same month, a migrant reported to ProtectAZ Health that Border Patrol had confiscated his HIV medications and that he was not provided any medications during detention or upon release. This individual ended up contracting COVID-19 while in CBP detention, placing him at significant risk given his immunocompromised state. In August 2022, ProtectAZ Health encountered two migrants who were HIV-positive. One was apprehended at the border with a three-month supply of medication, and the other with a half bottle of medication. In both cases, Border Patrol confiscated the medications and did not provide replacements upon release. All told, in 2022 and 2023, ProtectAZ Health encountered 12 separate cases of migrants whose HIV medications were confiscated by Border Patrol and not even partially replaced.<sup>34</sup>

Even when Border Patrol does not confiscate all medication, it sometimes allows migrants to keep only a small fraction of multi-month supplies of medicine that they have brought with them. In December 2022, a person with Type 1 diabetes told ProtectAZ Health that Border Patrol had confiscated all but one vial of their two-month supply of insulin. Agents had left them with only a single vial of long-acting insulin, which is not sufficient to

---

<sup>32</sup> Dickson, *supra* n. 11, "Border Patrol confiscating medicine."

<sup>33</sup> *Ibid.*

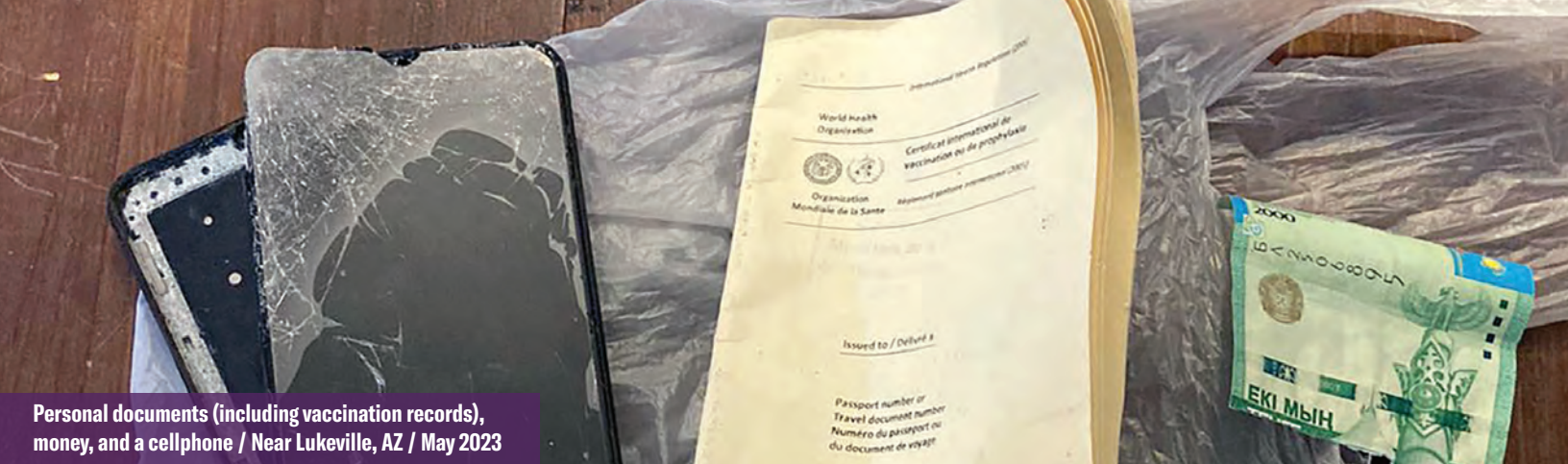
<sup>34</sup> This is likely a significant underrepresentation of the problem since many migrants face stigma (and sometimes persecution) in their country of origin due to their HIV status

control blood sugars in a person with Type 1 diabetes. More recently in November 2023, a 2-year-old girl with a history of West syndrome, which causes frequent epileptic seizures, had her three seizure medications confiscated and only two out of the three were returned by Tucson Border Patrol. Due to a missed dose of that medication, the child suffered six seizures before arriving at ProtectAZ Health’s clinic. The child was transported from the ProtectAZ Health clinic to Phoenix Children’s Hospital, where she was admitted overnight to control her seizures and restart her on her medication regimen.

These confiscations put the health of people migrating through the southern border at undue risk, some of whom had, before their arrival to the United States, been able to treat or manage acute or chronic medical conditions. They also place additional burdens on receiving medical providers, who must piece together the medical histories to determine proper next steps. And they impose significant financial burdens on shelters and healthcare providers—not to mention migrants and their families—who must contend with the costs of emergency care and replacement medications.<sup>35</sup> These outcomes are frequently avoidable, requiring simply that Border Patrol prioritize the continuity of migrants’ medical care rather than directly undermining it.

---

<sup>35</sup> The cost of a 30-day supply of HIV triple-therapy regimen can be more than \$4,000 in the United States, for example.



Personal documents (including vaccination records), money, and a cellphone / Near Lukeville, AZ / May 2023

# LEGAL AND IDENTITY DOCUMENTS

**July 2021, Victoria\*:** “My son needs an operation within two months because of drainage in his brain. I showed the agent I spoke with all of the medical documentation and medical records, including X-Ray images and documents explaining the diagnosis of my son’s medical condition. The agent took all of the papers and threw them in the trash. I went to get them out of the trash, and he took them away from me and threw them away once more, saying “those go to the trash.” I explained that I needed them so that I could show the doctors what condition my son has. I tried to ask him once more for help, and he became angry. He told me to sit down and take a sleeping mat. The mat they gave me was extremely wet, so I didn’t sleep on it. Hours later they transported us to Nogales, and we arrived at the port of entry around 7:00 or 7:30 a.m. on July 6. They then expelled us to Nogales, Sonora.”

Confiscation of migrants’ personal documents—such as birth certificates, passports, medical records, and legal evidence substantiating asylum claims—has been a persistent feature of Border Patrol’s property practices.<sup>36</sup> It has often created significant problems for migrants who are deported, returned, or expelled to another country, for migrants released into the United States, and for humanitarian service providers who work to assist them.

In the summer of 2022, KBI spoke with a number of migrants who reported that Border Patrol agents had deported, expelled, or returned them without important identity documents, most commonly Mexican identification. One person’s birth certificate was torn up in front of him by Border Patrol agents. He told KBI that he was only able to save his Mexican ID because he had previously hidden it in his shoe. Another case involved a mother and daughter who said that Border Patrol had thrown away their suitcase, which contained copies of their birth certificates. KBI also identified instances of other important documents being taken during this time. One individual’s medical-release paperwork was withheld by a Border Patrol agent who refused to hand it over after receiving it from the attending nurse. Another migrant told KBI in January 2023 that Border Patrol had thrown away two folders of documents and photos he was planning to use for his asylum case.

<sup>36</sup> See Martinez and Slack, *supra* n. 3, *Bordering on Criminal*, 6 (stating that 26% of 764 migrants who had been carrying a Mexican identification card did not receive it upon being deported).



And in April 2023, a group of Mauritanian women detained by Yuma Border Patrol reportedly had their bags confiscated and not returned. The Mauritanian Network for Human Rights, which assisted the women after they were released, noted that one of the bags had contained important identity documents.

These practices are not limited to the Arizona border region. In Texas, the National Butterfly Center (located on the border in the city of Mission) has repeatedly found discarded photo identifications, birth certificates, and bank account documents at its facility or on the perimeter, where migrants are often apprehended. The organization collected at least 10 sets of identification documents in 2022 alone. Other advocates who operate in the Rio Grande Valley Sector also report finding discarded police reports, medical records, passports, immigration papers, and other documents that could be vital to substantiating asylum and other legal claims. In April 2023, one migrant who was transferred to Arizona from Texas recounted to KBI how a Border Patrol agent had cut his Venezuelan ID in half with scissors after denigrating him repeatedly with obscenities. Advocates in San Diego have reported similar issues, citing two reports from October 2023 of migrants whose bags containing important documents were not returned to them upon release. In one case, a migrant ended up losing his identification documents and other paperwork. In another, a migrant lost her birth certificate, diplomas documenting achievements in higher education, and a cherished family photo. A 2021 article by Telemundo documented a severe case in Texas where a 16-year-old child was separated from his family, accused of lying about his age, and bullied by Border Patrol agents into signing an improvised affidavit falsely stating that he was 18 years old.<sup>37</sup> Border Patrol agents then proceeded to tear up the child's true birth certificate and sent him to an ICE detention center for adults.

**March 2022: Mireya\* was raped by three men while traveling north through the Sonoran Desert (on the U.S. side). When she was later apprehended by Border Patrol agents, Mireya told them what had happened and repeatedly asked to go to hospital to receive a medical examination. One of the Border Patrol agents insinuated that Mireya was lying and tried to dissuade her from going. Eventually, however, they took her to the hospital, where she received a medical examination and corresponding paperwork. Mireya handed one of the Border Patrol agents the paperwork in the hope that it might persuade them to let her apply for asylum, but the agent did not return it, and Mireya was later expelled back to Mexico without the documentation. The Guatemalan consulate later tried to help Mireya apply for legal status as a crime victim, but she no longer had any of the medical documentation to substantiate her claim.**

Document trashings and confiscations can create any number of issues for migrants who have been deported, expelled, or returned to Mexico. Without identification, migrants in these circumstances cannot withdraw money, receive money orders from family members, or purchase bus or plane tickets. While Mexican immigration officials at Instituto Nacional de Migración (INM) usually provide migrants with repatriation documents containing their name and photo, many banks and businesses in Mexico do not accept this document as sufficient identification to withdraw money or receive deposits. Further, INM sometimes fails to provide this

---

<sup>37</sup> Damià Bonmatí y Belisa Morillo, "Aislado en una prisión con solo 16 años: la odisea de un menor que fue separado de sus papás en la frontera," Noticias Telemundo, December 15, 2021, <https://www.telemundo.com/noticias/noticias-telemundo/inmigracion/separacion-bajo-el-gobierno-biden-asi-fue-la-odisea-de-un-menor-de-16-rcna8638>.

document or may not be accessible to migrants released by U.S. officials late at night or early in the morning.

Document confiscations also cause problems for migrants released into the United States, as well as the shelters trying to assist them. Casa Alitas, one of the two largest migrant shelter providers in Arizona, notes that confiscations of legal and identity documents (as well as cellphones) often lead to migrants losing contact information for sponsors in the United States, hampering shelter providers' efforts to coordinate onward travel. The consequences of these practices have been documented beyond the border region. In February 2022, the Children's Legal Center filed a class action lawsuit on behalf of 68 asylum-seekers whose personal documents were confiscated and not returned, alleging that the confiscations violated due process rights by obstructing these individuals from applying for work authorization and from providing corroborating biographical evidence in support of their asylum cases.<sup>38</sup>

While these confiscations were carried out by ICE, not Border Patrol, the impact is the same, rendering some class members unable to apply for work permits or even enroll their children in school.<sup>39</sup> In November of the same year, CBS News produced a follow-up piece to the "60 Minutes" episode (cited in Section I), which documented migrant-reception efforts in New York City; the report noted that attorneys, educators, case workers, and volunteers had described the problem of document confiscation as widespread.<sup>40</sup> One migrant interviewed for the "60 Minutes" story recounted how a Border Patrol agent had kept several of her family's personal documents, including passports, Venezuelan identification cards, and her children's birth certificates:



**"Passports are very important here. To open an account, to identify yourself, and I don't have that document. I don't have the children's birth records because they took them from me. That makes me feel terrible."**

Volunteers with the Borderlands Relief Collective in San Diego cite Border Patrol's failure to return migrants' identification documents as one of the most frequent and concerning forms of property confiscation, especially for parents of minors, who may not be otherwise able to prove their parental relationship in legal proceedings.

---

<sup>38</sup> Chad McLannett, "Seizure of Identification Documents by United States Immigration and Customs Enforcement Creates Hardships for Immigrant Families," Children's Legal Center, April 6, 2023, <https://www.mcdowellfoundation.org/blog/seizure-of-identification-documents-by-ice-creates-hardship-for-immigrant-families#:~:text=Unfortunately%2C%20it%20has%20become%20increasingly,families%20at%20risk%20of%20deportation>

<sup>39</sup> Ibid.

<sup>40</sup> Camilo Montoya-Galvez et al., "Accounts of migrants' documents being confiscated by border officials prompt federal review," CBS News, November 7, 2022, <https://www.cbsnews.com/news/immigration-migrants-documents-confiscated-border-officials/>.



Religious items / Near Yuma, AZ / April 2023

## RELIGIOUS ITEMS

**September 2022, Jorge\*:** “They [Yuma Border Patrol] would not let me use my Bible. I had it in the same place where I had my phones and my asylum application. They confiscated all of it from me, along with a silver chain, a ring, the phones, and my school documents from primary and secondary school. I also had a backpack with clothes and a wallet with bank cards. They said that if I did not claim my belongings within a month, they would throw them in the trash. When they asked me to sign my deportation, I did not want to because I did not want to return to Mexico, where I would be in danger. When I resisted signing my deportation, they used the door to hit my head to try to force me to sign ... Border Patrol deported me to Nogales, Mexico without my belongings. I thought we would pick up my belongings on the way, but we never did.”

A major impetus of this report and the most recent advocacy efforts surrounding property confiscation was a spike in Border Patrol’s confiscations of turbans from Sikh asylum-seekers in the summer of 2022.<sup>41</sup> During that time, the International Rescue Committee’s (IRC’s) Phoenix Welcome Center and other shelter workers in Arizona reported dozens of cases involving Sikh asylum-seekers who said their turbans had been confiscated and not returned.<sup>42</sup> Forcibly removing or targeting a Sikh’s turban or hair has historically symbolized denying that person the right to belong to the Sikh faith and is perceived by many as the most humiliating and hurtful physical and spiritual injury that can be inflicted upon a Sikh. A private attorney and Sikh rights

<sup>41</sup> There is evidence that other Sikh articles of faith were confiscated and/or destroyed as well. For example, The Intercept’s breaking coverage of the story featured an asylum-seeker whose traditional Sikh underwear (Kachera) was rendered unusable after Border Patrol cut the ribbon suspending it on his body. The Intercept recounted his reaction: “They said it was to prevent suicide,” he said, “but you can use pajamas to commit suicide if you want to. You can use socks. This underwear is important to us.” See *Washington, supra* n. 19, “Trashing Sikh Asylum-Seekers’ Turbans.”

<sup>42</sup> *Washington, supra* n. 20, “Whistleblowers say practice is widespread.”

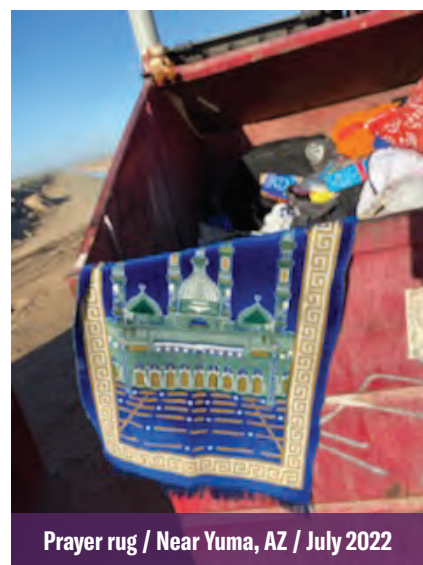


advocate in San Jose told The Intercept that he had “been hearing about the Border Patrol’s practice of removing and confiscating turbans for years” and that the abuses extended beyond the Yuma Sector.<sup>43</sup>

In September 2022, the IRC Welcome Center relayed that Sikh migrants had started to arrive at the shelter in Border Patrol buses with their turbans in clear property bags. While less egregious than the prior practice of confiscation and destruction, the mandatory removal, inspection, and bagged return of Sikh turbans remains problematic from the perspective of the Sikh faith tenets; namely because the removal or absence of the turban alone, which Sikhs view as an extension of their body, is a highly sensitive matter akin to being naked for those who wear them as a matter of Sikh religious practice.

The improper confiscation of religious items and garb at the southern border has been a longstanding problem and is not limited to Sikh turbans and other Sikh articles of faith. In 2015, a former janitor for the agency published a photography project documenting arrangements of items Border Patrol had confiscated from migrants, including Bibles and rosaries.<sup>44</sup> These improper confiscations were also documented in a 2018 civil lawsuit against the federal government,<sup>45</sup> a 2019 congressional report,<sup>46</sup> and written complaints in 2019 and 2020 by the ACLU and others.<sup>47</sup>

Despite these warnings, Border Patrol has continued to confiscate migrants’ religious garb and other religious items. In recent years, one individual reported to KBI that a Border Patrol agent had taken his Bible (which he emphasized had sustained him along his journey) and trashed it in front of him. AZ-CA reported seeing the same trend in Yuma during the summer of 2022, witnessing migrants who were forced to discard rosaries and multigenerational family Bibles into the on-site dumpsters. In June 2022, the IRC Welcome Center spoke with an asylum-seeker who said her hijab had been confiscated by Border Patrol. The following month, an Afro-Cuban migrant told the AZ-CA that Border Patrol agents had confiscated his religious artifact, a small figurine of significance in the Lukumi faith. AZ-CA also encountered, around the same time, several migrants in Yuma who were forced by Border Patrol agents to abandon their Muslim prayer rugs. One of these individuals said he was made to discard a prayer rug that had been in his family for over a hundred years. And in October 2023, a migrant who passed through a San Diego Border Patrol Sector facility and was assisted by the Haitian Bridge Alliance reported witnessing an agent force a



Prayer rug / Near Yuma, AZ / July 2022

<sup>43</sup> Washington, *supra* n. 19, “Trashing Sikh Asylum-Seekers’ Turbans.”

<sup>44</sup> Kieran Corcoran, “A photo of rosaries taken from migrants at the US border became a viral symbol — and the artist who took it hopes it can change things,” *Business Insider*, March 8, 2017, <https://www.insider.com/story-behind-viral-photo-of-rosaries-taken-from-migrants-at-us-border-2018-6>.

<sup>45</sup> Teneng et al. v. Trump, No. 5:18-cv-01609 (C.D. Cal. Aug. 1, 2018).

<sup>46</sup> U.S. Commission On Civil Rights, “Trauma at the Border: The Human Cost of Inhumane Immigration Policies,” October 2019, <https://www.usccr.gov/files/pubs/2019/10-24-Trauma-at-the-Border.pdf>.

<sup>47</sup> ACLU letter directed to DHS Office for Civil Rights and Civil Liberties (CRCL), Office of the Inspector General (OIG), U.S. Customs and Immigration Enforcement (ICE), & CBP Re: Investigating religious-freedom violations by Border Patrol and ICE, March 19, 2019, [https://www.aclu.org/sites/default/files/field\\_document/3-15-19\\_aclu\\_request\\_for\\_investigation\\_of\\_religious-freedom\\_violations\\_.pdf](https://www.aclu.org/sites/default/files/field_document/3-15-19_aclu_request_for_investigation_of_religious-freedom_violations_.pdf); and ACLU Letter Directed to DHS, OIG, & CRCL Re: Investigating religious-freedom violations by DHS, September 10, 2020, [https://www.aclu.org/sites/default/files/field\\_document/follow-up\\_letter\\_to\\_dhs\\_oig\\_crcl\\_9-10-20.pdf](https://www.aclu.org/sites/default/files/field_document/follow-up_letter_to_dhs_oig_crcl_9-10-20.pdf).

Muslim woman to remove her religious garb (a dress). When she tried to explain that she couldn't because of her religion, the agent yelled at her saying, "I don't care" and that the migrant's religious beliefs were not the agent's problem.

That the confiscation and frequent trashing of religious garb and items persists year after year—despite being documented and repeatedly brought to the attention of CBP authorities—raises serious concerns about the need for improved training and awareness among immigration officials regarding the religious rights of all migrants. But more fundamentally, it points to a failure of CBP policy and practice to recognize the full extent of migrants' religious freedom rights and to respect those rights, even when faced with an unexpected influx of asylum-seekers or other circumstances. Through the federal Religious Freedom Restoration Act (RFRA) of 1993,<sup>48</sup> Congress provided heightened legal protections for religious exercise. These religious freedom legal protections, along with those provided by the First Amendment, apply to CBP's treatment of migrants' religious practice and property.<sup>49</sup> Yet, three decades after RFRA was enacted and twenty years after CBP was created, the agency has failed to adequately incorporate RFRA's stringent protections into its policies and practices. While CBP claims to be working toward doing so, in the interim, many asylum-seeking individuals, who often have fled horrific religious persecution in their home countries, continue to be retraumatized and denied the very type of religious safety that drew them here in the first place.

---

<sup>48</sup> See 42 U.S.C. § 2000bb-1 *et seq.*

<sup>49</sup> RFRA applies to any "branch, department, agency, instrumentality, and official (or other person acting under color of law) of the United States." Id. § 2000bb-2(1). This includes Border Patrol. See, e.g., *United States v. Ramon*, 80 F. Supp. 2d 663, 677 (W.D. Tex. 2000) (holding that Border Patrol's policy of targeting and stopping vehicles displaying religious symbols violated RFRA).





Replacement hygiene items provided to newly arriving migrants by nonprofit organizations / San Diego, CA / November 2023

## ITEMS OF FINANCIAL, PRACTICAL, OR SENTIMENTAL VALUE

October 2021, Katrina\*: “I crossed the Rio Grande with my one-year-old daughter near Reynosa around 10:00 p.m. on October 14 and was picked up by Border Patrol. They threw out a lot of our belongings. They left us with some of the documentation we had brought with us but threw out the rest. There were about ten agents there who told everyone in the group that we had to get rid of our belongings. This included food and medication I had packed for my daughter. They took us to another facility about thirty minutes away where they again took down our biographical information. The people at this facility confiscated our sweaters... On the fifth day detained, they told us they were setting us free and returned our belongings to us. My earrings and my daughter’s earrings were missing. My earrings were silver, but my daughter’s were gold earrings that my late grandmother had given her. The small purse had been emptied except for my cell phone. I told an agent that the earrings were missing. He told me that they could get them back to me if I wanted to wait three more days in the cell.”



Many of the items that Border Patrol confiscates from migrants—money, cellphones, clothes—may seem minor in comparison to other examples, but these confiscations must be understood in the context of people whose lives have been uprooted and who otherwise have very little. No More Deaths’ 2014 ‘Shakedown’ report (cited in Section I) makes this point in the case of money:

“Money in this context not only means value in dollars, but frequently represents borrowed sums of money that may take years to pay back, whose loss means the impoverishment of loved ones or the forfeiture of homes, land, or other mortgaged assets. Sums of money must be measured against the wages of a southern Mexican or Central American farmer and how long it may have taken to save or borrow enough to go north, only to have money returned as an un-cashable check or, if the amount is large enough, for it to be confiscated as evidence of ‘illegal activity’”.<sup>50</sup>

In the summer of 2022, for example, one migrant told KBI that a Border Patrol agent had confiscated 5,020 pesos (approximately \$264) from him and did not return the money. Another said he had witnessed a Border Patrol agent take 3,000 pesos from another migrant and rip it up in his face saying, “This is trash, this is of no value to you here,” before throwing the ripped bills in the garbage. Several other individuals told KBI they had lost hundreds of dollars at a time to Border Patrol. A case of outright theft was documented in 2022 by the ACLU of New Mexico, which encountered a woman who reported that the attending Border Patrol agent confiscated her wallet containing \$240 dollars, slid the money into his pocket, and then returned the wallet. When she asked the agent where the money was, he changed the subject and told her not to worry since, “you have a very good case and will be approved to stay.” In June 2023, a migrant told KBI that Border Patrol agents confiscated his belongings, including his clothing, cellphone, and 7,300 pesos (\$408).

A more subtle form of monetary dispossession is the return of migrants’ cash in forms that are either difficult or impossible to use internationally, such as personal checks or prepaid debit cards. This issue has been documented most thoroughly for migrants in Mexico, where banks do not accept these monetary instruments and the minority of Mexican money exchange facilities that do accept them require proof of identification, which is often confiscated by Border Patrol agents or other U.S. officials. As a result, migrants in these situations are effectively left without money at a time when they need it most. KBI and No More Deaths have responded by playing the intermediary role of converting checks and debit cards into cash for migrants, handling 1,206 individual cases of cashing assistance from 2020 to 2022 with a median amount of \$256 dollars at stake for each case. Since the vast majority of migrants deported, expelled, or returned to Mexico do not have access to similar check-cashing services, this data point is best understood as a glimpse into the amount of money migrants are effectively losing because of the way their money is being processed and re-issued by U.S. officials.

---

<sup>50</sup> No More Deaths, *supra* n. 4, *Shakedown*, 7.

**December 2022: When Fernando\* was detained by Border Patrol, agents took most of his clothes, his phone, wallet and 4,400 Mexican pesos (approximately \$221). They transferred him to U.S. Marshals custody, where agents took the rest of his clothes and his Mexican ID and put them in a bag. After his court hearing, he heard agents saying he was to be deported the next day, but he tested positive for COVID-19 and went to isolation for nine days. Afterward, he was held under custody for 13 more days because Border Patrol said he had requested asylum, even though he had not. When he had an interview with an asylum officer, Fernando explained he had not requested asylum and wanted to be deported as soon as possible. The officer responded: “If you keep saying that and don’t calm down, you’re going to stay here even longer.” ICE officials then asked Fernando to sign a document saying he had received the \$175.65 he had earned by working in detention, but they never gave him the money. On December 7, he was deported with none of his belongings, nor the money he had earned. He shared: “I had worked sometimes a shift of 12 hours to earn every \$2 of that money.”**

As with money, the loss of cellphones takes on greater meaning for those in precarious circumstances. In the summer of 2022, KBI encountered at least 29 cases in which migrants’ cellphones were confiscated by Border Patrol agents. Many of those individuals, having just been deported, expelled, or returned, had not been able to contact family members for days or weeks and needed to call family members desperate to hear from them. Further, contacting family members is often the only way that people can get the financial resources to travel home or to another part of Mexico after being released into an unfamiliar city, often with no money. One man, who arrived at KBI in May, told staff members that he wanted to try to reclaim his confiscated phone because it contained photos of his family and granddaughter. Several other individuals who lost phones during this time period also mentioned the loss of cherished photos.

Confiscations of clothing, meanwhile, seem to be an almost universal experience for migrants passing through Border Patrol custody; they are often forced to leave behind all but a single layer. Sometimes this takes place in the remote areas where Border Patrol encounters migrants. For example, in August 2023, volunteers with the Borderlands Relief Collective observed Border Patrol agents apprehend a group of migrants in the Otay Mountain region just east of San Diego. Border Patrol subsequently confiscated the migrants’ clothing and other belongings and left them in large plastic bags on the side of the road (when the volunteers returned to the same location more than five hours later, the bags were still there). A migrant who was detained in a San Diego Sector Border Patrol facility in October 2023 told the Haitian Bridge Alliance that agents forced migrants to relinquish all but a single layer of clothing despite it being “very, very cold.” In Arizona, KBI spoke with one individual who, in February 2023, had been deported at three in the morning:

**“The official asked me how many shirts I had, and I responded that I had two shirts plus a sweater. The official started laughing and told me I had to take everything off but one shirt ... When I left for Mexico it was very cold and I was only wearing one layer.”**

Shelter workers and volunteers have been vocal critics of this practice, especially during winter months and for migrants traveling to colder destinations. A volunteer with the Borderlands Relief Collective lamented how Border Patrol's confiscations are "putting [migrants] in a position where they won't have anything, only what they are wearing. So not even a change of clothes." This translates into additional obligations for shelter providers in border regions. A large shelter in Las Cruces, New Mexico indicated that when migrants were consistently having to throw away all but one layer of clothes in 2022, the shelter was spending upwards of \$100,000 every month to provide replacements. As Border Patrol sectors in New Mexico have scaled back clothing confiscations in the months since, the shelter reports that this expense has essentially been reduced by half.

Finally, migrants have been stripped of precious items that they cherish and that have sustained them on their migration journey. In a particularly distressing incident from February 2022, AZ-CA encountered a man who was forced by Border Patrol agents to throw away his father's ashes. His father had been cremated after passing away during the 70-day journey from Nicaragua to the border. The following month, when the Yuma Border Patrol Sector's mass disposal practices were ramping up, AZ-CA observed several families who were forced to discard their children's toys and stuffed animals while their children watched. In July 2022, an individual told KBI that Border Patrol had taken their wallet which, they recounted, "was special to me because it had been a gift from my son." The following month, a man told KBI that Border Patrol agents had confiscated all of his personal belongings, including a chain with a diamond ring that his father had given to him.



# POLICIES

## SHORTCOMINGS OF CURRENT CBP POLICIES

This section reviews the current suite of CBP policies governing migrants' personal belongings. We identify several ways in which the agency's policy framework has gaps, is problematically vague, or otherwise falls short of what would be required to ensure humane practices with respect to migrants' belongings. This lays the foundation for our recommended policy principles and full policy recommendations, discussed subsequently.

The primary policies related to CBP's treatment of migrants' personal belongings are as follows:

- **National Standards on Transport, Escort, Detention, and Search (TEDS) (2015):** Broad standards governing Border Patrol and Office of Field Operations (OFO) treatment of migrants in their custody;<sup>51</sup>
- **Personal Effects Internal Operating Procedure (Personal Effects IOP) (2021):** Guidance specific to Border Patrol pertaining to the handling of migrants' personal belongings;<sup>52</sup>
- **Enhanced Medical Support Efforts (2019):** Overarching requirements for medical programs of Border Patrol and OFO;<sup>53</sup>
- **Border Patrol Implementation Plan, Enhanced Medical Support Efforts (2020):** Border Patrol's blueprint for implementing CBP's Enhanced Medical Support Efforts;<sup>54</sup> and
- **Alien Initial Health Interview Questionnaire (Form 2500) (2019):** The form used by Border Patrol to screen migrants for medical needs.<sup>55</sup>

While some of the problematic confiscations presented in the prior sections may be attributable to poor implementation of CBP's existing policies, the policies themselves require revision due to several fundamental deficiencies:

---

<sup>51</sup> CBP, *National Standards on Transport, Escort, Detention, and Search (TEDS)*, October 2015, <https://www.cbp.gov/sites/default/files/assets/documents/2020-Feb/cbp-teds-policy-october2015.pdf>.

<sup>52</sup> CBP, *Personal Effects Internal Operating Procedures (IOP)*, April 22, 2021, [https://www.cbp.gov/sites/default/files/assets/documents/2022-Oct/PersonalEffectsIOP\\_082922\\_Redacted.pdf](https://www.cbp.gov/sites/default/files/assets/documents/2022-Oct/PersonalEffectsIOP_082922_Redacted.pdf).

<sup>53</sup> CBP, *Enhanced Medical Efforts Directive*, January 14, 2020, <https://www.cbp.gov/sites/default/files/assets/documents/2021-Nov/Enhanced%20Medical%20Support%20Efforts.pdf>.

<sup>54</sup> U.S. Border Patrol, *Implementation Plan Enhanced Medical Support Efforts*, July 2020, <https://www.cbp.gov/sites/default/files/assets/documents/2020-Jul/USBP-Medical-Directive-Implementation-Plan-CONOPS-only.pdf>.

<sup>55</sup> CBP, *Alien Initial Health Interview Questionnaire (Form 2500)*, September 2019, [https://www.cbp.gov/sites/default/files/assets/documents/2022-Aug/cbp\\_2500.pdf](https://www.cbp.gov/sites/default/files/assets/documents/2022-Aug/cbp_2500.pdf).

## **1. Personal belongings discovered when migrants are encountered “in the field” are potentially outside the scope of existing guidance.**

The TEDS standards apply to all personal property “discovered during apprehension or processing.”<sup>56</sup> Given how often Border Patrol agents have forced migrants to abandon personal belongings prior to their transfer to a centralized processing location, it is possible that some Border Patrol sectors may believe that TEDS does not apply to migrants when they are first encountered in “the field”. Problematically, the Personal Effects IOP (comprising the bulk of the agency’s property-related policies) stipulates that “if a subject’s personal effects do not enter a facility, the following IOP does not apply,” even while asserting that a primary purpose of the IOP is “to establish procedures to safeguard personal effects discovered during apprehension or processing.”<sup>57</sup>

This lack of clarity around when and where policies regarding migrants’ belongings apply constitutes a significant loophole for Border Patrol. As government oversight agencies like OIG and OIDO have documented (and many others have observed), some Border Patrol sectors have implemented indiscriminate and coercive mass disposal policies under which migrants, prior to being transferred to a central processing hub, are made to discard all but a small plastic pouch full of their personal belongings. Whether addressed through policy reform, new guidance, or other policy enforcement mechanisms, any serious policy framework concerning migrants’ belongings must be understood to begin at the point of encounter, including prior to migrants’ transfer to a more central processing location.

## **2. Border Patrol is not expressly required to return migrants’ personal belongings directly to them upon their release from custody.**

CBP policy offers conflicting guidance on whether migrants’ personal belongings should be returned to them upon release or transfer. The TEDS standards state that Border Patrol agents “will make every effort to transfer” migrants’ belongings with them and establish a 30-day minimum holding period for scenarios where this “cannot” be done.<sup>58</sup> The 2021 Personal Effects IOP simply provides that, upon release or transfer, “any personal effects inventoried as the subject’s are transited with them.”<sup>59</sup>

Instead, many Border Patrol sectors have either trashed migrants’ belongings outright or relied heavily on a retrieval system that effectively leads to most migrants’ property being discarded. In theory, this system allows migrants to return to the same Border Patrol station within 30 days to reclaim any personal belongings that were withheld. But in practice, the retrieval system functions as a mass disposal policy due to the legal, financial, and other barriers that renders it impracticable to navigate for the vast majority of migrants. Migrants who have been deported, expelled, or returned from the United States are legally prohibited from reentering the country to obtain their confiscated belongings. Even for migrants placed in immigration proceedings and released within the 30-day window, retrieving their belongings requires the resources and ability to travel to and from the remote

---

<sup>56</sup> CBP, *supra* n. 51, TEDS, Policy 7.1 (Personal Property/General).

<sup>57</sup> CBP, *supra* n. 52, Personal Effects IOP, Policies 1.2 and 3.3.

<sup>58</sup> CBP, *supra* n. 51, TEDS, Policy 7.1 (Personal Property/General).

<sup>59</sup> CBP, *supra* n. 52, Personal Effects IOP, Policy 6.7.1.

areas where Border Patrol stations are located—a capability most migrants simply do not have. Moreover, these retrieval systems do not address the immediate and serious harms imposed by CBP’s treatment of migrants’ belongings, such as the confiscation of religious items or vital medications.

Other Border Patrol sectors have structured custody and processing in a way that makes it difficult for migrants to reclaim their belongings upon release. Humanitarian providers in San Diego report that, as migrants are ushered onto buses, Border Patrol agents aggressively hurry them through the process of identifying and gathering their belongings from a pile, at times telling migrants incorrectly that their bags are already on board the buses.

To ensure that migrants are not dispossessed of their personal belongings, CBP policies must clearly require these items to be directly and immediately returned into the hands of migrants upon their release from Border Patrol custody.

### **3. There is little guidance dictating how and under what circumstances Border Patrol sectors should adapt their policies regarding migrants’ belongings in the event that processing capacity is exceeded.**

CBP officials have repeatedly highlighted the concern that Border Patrol sectors operating over capacity cannot vet large quantities of personal property and still comply with federal policies limiting a migrant’s time in detention. While capacity challenges are understandable, the solution cannot be to indiscriminately strip migrants of their personal belongings whenever Border Patrol’s capacity is stretched thin. By failing to establish any meaningful triage mechanism that prioritizes retention of certain types of personal belongings, existing CBP policies make it more likely that Border Patrol sectors completely disregard guidance pertaining to migrants’ personal belongings.

### **4. Policies governing the handling of migrants’ medications and medical devices are vague and inadequate.**

Despite the high stakes, CBP policies governing how agents should handle migrants’ prescribed medications are simply inadequate to protect migrants’ health and well-being. While the TEDS standards assert that migrants with non-U.S. prescription medications should have their medications verified or be taken to a medical practitioner to obtain a U.S. equivalent,<sup>60</sup> the policy does not include any requirement that the medications actually be replaced. Nor does the policy provide a contingency plan in the event that medications cannot be replaced, or any obligation for Border Patrol to ensure that migrants have physical possession of their medications when they are released from custody.<sup>61</sup> The Personal Effects IOP states only that “[d]etainees with prescription medications of non-U.S. origin are referred to a health provider to obtain U.S. prescription medications in accordance with the relevant guidance and policy documents and non-U.S. medications handled per local office protocols and procedures.”<sup>62</sup> This guidance has all the same deficiencies as the TEDS

---

<sup>60</sup> CBP, *supra* n. 51, TEDS, Policy 4.10 (Non U.S.-Prescribed Medication/Medical).

<sup>61</sup> This may explain a practice reported by the Arizona-based shelter, Casa Alitas, in which Border Patrol takes multiple days to fill migrants’ prescriptions and mails the medications to the shelter long after the migrant has left.

<sup>62</sup> CBP, *supra* n. 52, Personal Effects IOP, Policy 6.2.4



policy and appears to leave the question of medication replacement entirely to the discretion of individual Border Patrol sectors.

Existing policies also make it more likely that Border Patrol Agents will confiscate or discard certain medications without ever consulting a medical professional. For example, the Personal Effects IOP defines “contraband” as “medications of unknown origin, or any item that may puncture a plastic bag/skin.”<sup>63</sup> This opens the door for Border Patrol agents to improperly deem unfamiliar medications or certain medical devices as subject to disposal, even though a medical professional might recognize the medication or devices and be able to attest that it is appropriate for the migrant to keep them. Similarly, the portion of the Enhanced Medical Support Efforts health questionnaire (Form 2500) that determines whether a medical assessment must be conducted by a doctor excludes any mention of medications.<sup>64</sup> Thus, unless there is some other trigger for a medical examination, a medical professional may not have the opportunity to review a migrant’s medications before Border Patrol agents confiscate and/or discard them. As discussed below, Border Patrol agents should not be authorized to make determinations about migrants’ medications without consulting a licensed medical provider.

## **5. Existing guidance on the handling of migrants’ religious garb and items falls far short of the legal obligations imposed by the federal Religious Freedom Restoration Act (RFRA).**

Despite the fact that RFRA imposes exceedingly high standards on the government to justify confiscations of migrants’ religious garb and other sacred items, neither the TEDS standards nor the Personal Effects IOP provide specific instruction concerning this sensitive category of belongings. Under RFRA, Border Patrol may seize migrants’ religious garb and items only in very rare circumstances. Yet, the TEDS standards state only that “agents should remain cognizant of an individual’s religious beliefs while accomplishing an enforcement action in a dignified and respectful manner.”<sup>65</sup> This directive is wholly inadequate and mistakenly implies that religious items can be treated in much the same manner as other personal belongings even though federal law imposes far stricter requirements. Indeed, CBP’s treatment of religious garb and artifacts must comply with RFRA at all stages, including agents’ initial searches or inspections of the religious garb and items, accommodations that may be necessary for such items, the potential confiscation of the items, and any conditions of storage of the items.

---

<sup>63</sup> CBP, *supra* n. 52, Personal Effects IOP, Policy 6.2.1.

<sup>64</sup> CBP, *supra* n. 55, Form 2500.

<sup>65</sup> CBP, *supra* n. 51, TEDS, Policy 1.5 (Religious Sensitivity/General Standards).



Tagged bags of belongings returned to migrants by CBP / San Diego, CA / November 2023

# RECOMMENDED POLICY PRINCIPLES

The appendix of this report includes a set of recommendations on how the agency should amend its policies governing migrants' personal belongings. Below, we distill those recommendations into several guiding principles that should ultimately shape CBP's approach on this issue—regardless of the particular policy language chosen.

- 1. Migrants should be permitted to retain as many of their personal belongings as possible, from their initial encounter with Border Patrol to their release from U.S. government custody.**

As an initial matter, CBP must close any policy loophole that allows Border Patrol to force migrants to discard items before they are transferred to a more centralized processing hub. Border Patrol should also hand migrants' personal belongings back to them upon their release, rather than requiring migrants to travel back to remote Border Patrol stations at a later date to reclaim their property. Finally, Border Patrol should have mechanisms built into its policies regarding migrants' belongings that allow flexibility in extraordinary circumstances while maintaining a baseline of reasonable, humane standards. Our recommendations propose a default state in which migrants retain all of their belongings upon release from custody, and an exceptional state where migrants may retain a subset of chosen items in a bag of reasonable size (significantly larger than what Border Patrol currently offers) upon release from custody.

Beyond policies exclusive to CBP, DHS and the Department of Justice (DOJ) must adopt an interagency framework(s) ensuring that migrants who are transferred from Border Patrol to the custody of other federal agencies (e.g., ICE or USMS) are not dispossessed of their belongings. This should minimally establish compatible terminology and clarify obligations regarding the transfer, storage, and documentation of migrants' personal property.



**2. Border Patrol must ensure that migrants in and released from its custody have continuous access to any medications or medical devices they had upon first encounter (or adequate replacements).**

Border Patrol's widespread practice of confiscating and failing to replace migrants' medications and medical devices puts migrants' health and lives in jeopardy, imposes substantial burdens on shelter and healthcare providers in border regions, and creates significant liabilities for the agency. CBP must enact clearer policies that ensure continuity of care for those in, and released from, Border Patrol custody. These must minimally include requirements that allow the confiscation of migrants' medications or medical devices only at the direction of a licensed medical provider and that any confiscated medications or medical devices be promptly replaced, that migrants have unimpeded access upon request to their medications and medical devices even where they are not permitted to hold those items while in custody, and that Border Patrol maintain robust referral mechanisms with external licensed medical providers based in regions where migrants are released.

**3. CBP must reorient its policy regarding the treatment of religious garb and other religious items to incorporate the robust religious freedom legal protections that RFRA provides to migrants and, consistent with these federal legal safeguards, to permit the confiscation of religious items only in very rare circumstances.**

The confiscation of most religious items, and especially religious garb, is likely to impose a “substantial burden” on religious migrants’ ability to practice their faith.<sup>66</sup> When this occurs, the confiscation is legally permitted under RFRA only if it is necessary to further a “compelling governmental interest” and is “the least restrictive means” of doing so.<sup>67</sup> This legal standard sets a very high bar for the government, and the situations in which CBP will be able to overcome that bar will be rare.<sup>68</sup> CBP policy must not only recognize this, but it also must identify the very limited circumstances under which confiscation of a religious item may be permissible. Importantly, any policy pertaining to the confiscation of religious garb and items must also address the proper procedures for granting any necessary religious accommodations, searching religious garb and items, and storing them. This means prioritizing the religious tenets that forbid many people of faith from removing religious garb or from being seen without their religious garb by someone of the opposite gender, as well as the religious belief that such garb must be treated respectfully at all times.

---

<sup>66</sup> See 42 U.S.C. § 2000bb-1(b).

<sup>67</sup> Id.

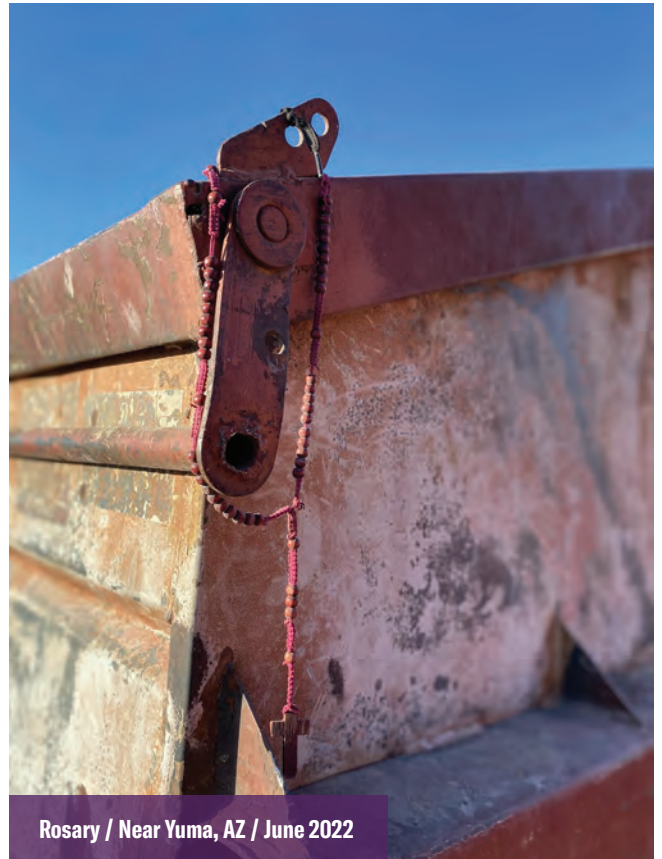
<sup>68</sup> See *Burwell v. Hobby Lobby Stores, Inc.*, 573 U.S. 682, 728 (2014) (RFRA's legal standard is “exceptionally demanding”).





# CONCLUSION

Migrants arriving at the U.S. southern border have often experienced extraordinary challenges and hardship, whether in their countries of origin, on their journey, or in the border region itself. For the U.S. government to greet them with systematic confiscation of the few belongings they carry is indefensible—particularly given the vast budgetary resources afforded to CBP and its operations. If followed, our proposed recommendations will lead to a strong, coherent baseline of sensible policies ensuring that Border Patrol sectors handle migrants’ personal belongings with consistency and care. This is all the more urgent for treatment of high-stakes items, including those with medical, legal, or religious significance. We urge CBP to work diligently to address the aforementioned gaps in its policies regarding migrants’ belongings in a way that brings uniformity, professionalism, and humanity to Border Patrol’s practices in this area.



Rosary / Near Yuma, AZ / June 2022



# ACKNOWLEDGEMENTS

**We thank the following organizations for their partnership, feedback, and continued advocacy:**

- American Immigration Council
- Arizona–California Humanitarian Coalition
- Arizona Jews for Justice
- Borderlands Relief Collective
- Casa Alitas
- Diocesan Migrant & Refugee Services
- Florence Immigrant & Refugee Rights Project
- Haitian Bridge Alliance
- HIAS
- Hindus for Human Rights
- International Rescue Committee Arizona
- Jewish Family Service of San Diego
- Mauritanian Network for Human Rights
- Muslim Advocates
- National Butterfly Center
- No More Deaths
- Physicians for Human Rights
- Sikh American Legal Defense and Education Fund
- Uncage and Reunite Families Coalition
- UNITED SIKHS

# POLICY RECOMMENDATIONS: BORDER PATROL'S TREATMENT OF PERSONAL PROPERTY

The recommendations listed below envision a stronger and more coherent set of CBP policies that prioritize migrants' retention of their personal belongings, while also affording individual Border Patrol sectors a degree of flexibility to adapt to shifting operational circumstances. These recommendations are drawn from recommendations that were made to CBP by the authors of this report and other organizations in February 2023 and March 2023.

## 1. DEFINITIONS

- 1.1. **Personal Property:** All items in a migrant's possession discovered during encounter, apprehension, or processing.
- 1.2. **Essential Personal Property:** Personal property that falls into the following categories:
  - i. **Religious garb and other religious items.** <sup>69</sup> Religious garb is any item worn on the person as part of an individual's sincere religious beliefs and/or practice. It can take various forms depending on the religion, specific beliefs, and customs of the individual. It includes (but is not limited to) religious headwear, clothing, jewelry, and accessories. Other religious items include, but are not limited to, religious texts, figurines, prayer rugs, and pictures.
  - ii. **Medications,** whether prescribed or over the counter, of U.S. or foreign origin. <sup>70</sup>
  - iii. **Medical devices** needed to administer medications or to monitor one's health condition (e.g., insulin syringes, glucometers, inhalers). <sup>71</sup>
  - iv. **Assistive devices,** including prosthetic devices, crutches, wheelchairs, hearing aids, and eyeglasses.

---

<sup>69</sup> RFRA places significant legal constraints on the government's handling of these items. CBP policy must incorporate this robust legal standard into any rules it wishes to apply to the inspection, confiscation, accommodation, and storage of religious garb and other religious items, including "contraband" or "public health hazard" determinations.

<sup>70</sup> Medications in quantities for individual use should never be treated as contraband.

<sup>71</sup> Medical devices should never be treated as contraband.



- v. **Documents**, A large shelter in Las Cruces, New Mexico indicated that when migrants were consistently having to throw away all but one layer of clothes in 2022, the shelter was spending upwards of \$100,000 every month to provide replacements. As Border Patrol sectors in New Mexico have scaled back clothing confiscations in the months since, the shelter reports that this expense has essentially been reduced by half.
- vi. **Money** of either U.S. or foreign denomination. Examples of form include cash, currency, negotiable instruments, and payment cards.
- vii. **Mobile phones**, including any corresponding charger cable and plug.
- viii. **Electronic computing and word processing devices**, including laptops, tablets, and other devices facilitating communication.
- ix. **Hygiene items**, including products for menstrual hygiene, dental care, deodorants, diapers, and baby wipes.
- x. **Child-care supplies**, such as baby bottles, pacifiers, and teething devices.
- xi. **All articles of clothing**, except clothing that is so badly damaged as to make it unusable or in a condition that will permanently damage other personal property (e.g., very wet and muddy).
- xii. **Jewelry** (such as wedding bands, necklaces, etc.) and watch(es).
- xiii. **Items of sentimental value** (which are of reasonable size), such as photographs, tokens, and children's toys.

**1.3. Permanent Confiscation:** Permanent removal of a migrant's personal property from their physical possession upon determination that it constitutes contraband or a health hazard, and further, that it cannot not be safely stored and returned to the migrant upon their release.<sup>72</sup>

**1.4. Temporary Confiscation:** Temporary removal of a migrant's personal property from their physical possession.

**1.5. Retained Personal Property:** Personal property that has been temporarily confiscated from a migrant and that remains in Border Patrol storage following the migrant's release or transfer from Border Patrol custody.

---

<sup>72</sup> The terms "contraband" and "health hazard" are defined in Section 6.2 of CBP's Personal Effects IOP. While we do not endorse the definitions for these terms, we cite them to permit alignment with CBP's existing property-related policies. When it comes to religious garb and other religious items, these definitions are likely too restrictive, and confiscating items based on these definitions would violate RFRA in many circumstances.

- 1.6. CBP Emergency Medical Services (EMS) Personnel:** An employee of CBP who is an emergency medical technician (EMT) or paramedic, who has received certification from the National Registry of Emergency Medical Technicians, and who has completed the DHS EMS provider credentialing process with their CBP component office.<sup>73</sup>
- 1.7. Medical Assessment:** An evaluation of an individual to assess medical status, conducted by a licensed medical provider.

## 2. GENERAL POLICY RECOMMENDATIONS

- 2.1. Personal Property Discovered Upon Encounter:** Border Patrol agents should not permanently confiscate, discard, or pressure migrants to discard any personal property discovered upon encounter, except where the personal property is determined to be contraband or a health hazard and further, that it cannot be safely stored and returned to the migrant upon their release.
- 2.2. Retention of Personal Property During Detention:** Border Patrol should allow migrants to physically maintain as much of their personal property as possible throughout the period of detention, prioritizing essential personal property. Decisions to temporarily confiscate a migrant's personal property should take into account the items' importance to the migrant's health, hygiene, comfort, faith, and dignity.
- 2.3. Temporary Confiscation and Storage of Property:** Under limited circumstances, Border Patrol may temporarily confiscate migrants' personal property discovered during apprehension or processing. Such property must be inventoried, safeguarded and stored in preparation for the property's return to migrants in good condition.
- 2.3.1. Operational Feasibility:** If extraordinary operational circumstances render it impossible for all of a migrant's personal property to be temporarily stored or physically kept by the migrant throughout detention, Border Patrol should allow the migrant to retain as much of their personal property as possible in a bag of reasonable size (pursuant to 2.3.2), prioritizing essential property followed by other items at the migrant's selection. If such extraordinary operational circumstances persist for more than one week in a given Border Patrol sector, resources should be quickly reallocated at the headquarters level to permit immediate restoration of normal operating procedures.
- 2.3.2. Luggage:** Border Patrol should permit migrants to store personal property in bag(s) already in their possession. If a migrant does not possess a bag(s) suitable for travel, Border Patrol should provide the migrant a bag(s) no smaller than 2" x 1" x 9" and that is compliant with Federal Aviation Administration regulations. Single adults should be allotted at least one bag each. Family units should be allotted at least one bag per person, including children.<sup>74</sup>

---

<sup>73</sup> CBP, *supra* n. 53, Enhanced Medical Support Efforts, Policy 5.1.

<sup>74</sup> Some religious garb or items (e.g., turbans) may not fit alongside other essential property in the bags issued by Border Patrol or the bags already in possession of the migrant. In those instances, agents should provide an additional bag or other religious accommodation that allows the individual to retain the religious item(s). Failing to do so would likely violate RFRA by improperly pressuring migrants to choose between either retaining items for their religious practice or retaining other essential items, such as medications, that are necessary to their physical well-being. *See, e.g., Jones v. Carter*, 915 F.3d 1147, 1150 (7th Cir. 2019) (holding that the state may not force a prisoner to choose between adequate nutrition and religious practice). In other situations, some religious items (e.g., prayer rugs) may be too large to fit in any available bag. Border Patrol must nevertheless accommodate migrants' ability to retain these items unless prohibiting them is the least restrictive means of furthering a compelling governmental interest.

**2.4. Permanent Confiscation/Destruction of Personal Property:** Border Patrol should discard or destroy personal property only if (a) it is contraband that cannot be safely stored and returned to the migrant upon release from custody, (b) it is a health hazard, or (c) if extraordinary operational constraints render temporary storage or physical retention by the migrant impossible, pursuant to 2.3.1.

**2.4.1. Contraband Determination:** Any contraband or health hazard determination should be communicated to the migrant.

**2.4.2. Documentation:** Border Patrol should maintain documentation regarding the discarding, destruction, or confiscation of any personal property, whether performed by Border Patrol or by the migrant at Border Patrol's direction, including the name and nationality of the individual and the basis for the discarding, destruction, or confiscation.<sup>75</sup> All cases in which personal property is temporarily retained and later discarded or destroyed after being considered abandoned should be recorded separately.

**2.5. Return of Temporarily Confiscated Personal Property to Migrants:** Upon a migrant's release from Border Patrol custody, Border Patrol should return all temporarily confiscated property to the migrant's physical possession or take every step possible to ensure its prompt and secure transfer to the custody of any other relevant federal or state agency, prioritizing essential personal property.<sup>76</sup>

**2.6. Interagency Transfers:** If a receiving government agency refuses to accept some or all of a migrant's personal property, Border Patrol should:

- i. Retain any refused personal property for no fewer than (a) 60 days from the date of the individual's release from the other agency's custody, or (b) 180 days, if the individual remains in the other agencies' custody or, if Border Patrol is unable to determine the custodial status;
- ii. Electronically itemize the retained personal property in e3DM or another centralized database. The fields into which this information is entered should be associated with clear, standardized definitions;
  - Ex. For currency, it should be made clear that the amount entered is an actual count, verified by the officer entering the information. The migrant's own declaration of the amount of currency in their possession should be recorded separately;

---

<sup>75</sup> Any written documentation should not be entered into TECS or any other database accessible outside of CBP to respect the privacy of the individual and their faith practices.

<sup>76</sup> CBP, *supra* n. 51, TEDS, Policy 7.1.



- iii. Exchange any foreign currency in the migrant's possession into U.S. dollars (at a competitive market rate) and return it to the migrant in a form that can be accounted for by the receiving U.S. government agency;
- iv. Store the retained personal property in an individual bag/container and receipt with a control number, utilizing CBP Form I-77, Baggage Check Claim;<sup>77</sup>
- v. Provide the migrant with an itemized written receipt that lists the retained personal property in full;
- vi. Provide the migrant with a corresponding claim ticket for the retained personal property;
- vii. Inform the migrant of the minimum time for which retained personal property will be stored, and that property not claimed by them or their third-party designee(s) prior to that time may be discarded or destroyed; and
- viii. Provide the migrant an opportunity while in custody to designate a third party to retrieve retained personal property on their behalf.

**2.7. Retrieval of Retained Property:** Border Patrol facilities that store personal property should allow individuals or their designee(s) to retrieve personal property with the minimal possible administrative burden. Border Patrol should permit individuals or their designees to request extensions and should grant such requests on good cause. Examples of good cause include but are not limited to: inability to travel or otherwise appear at the storage facility due to temporary health, employment, financial, or legal impediments. Upon request, Border Patrol should facilitate shipment of items at the requesters' expense.

**2.8. Return of Personal Property Prior to Repatriation:** Migrants who are deported, expelled, or returned to a country outside of the United States by CBP and whose personal property was temporarily confiscated and is stored in a Border Patrol facility should have all such items returned to their physical possession prior to or directly and immediately upon repatriation.

**2.9. Language Access:** Where Border Patrol policies require agents to provide a migrant with information whether verbally, in writing, or both, such information must be provided in the individual's primary language.<sup>78</sup>

---

<sup>77</sup> CBP, *supra* n. 52, Personal Effects IOP, Policy 6.5.1.

<sup>78</sup> DHS, Equity Action Plan Pursuant to Executive Order 13985, January 25, 2022, [https://www.dhs.gov/sites/default/files/2022-04/DHS%20Equity%20Action%20Plan%20%28Final%29\\_0.pdf](https://www.dhs.gov/sites/default/files/2022-04/DHS%20Equity%20Action%20Plan%20%28Final%29_0.pdf).

### 3. MEDICAL POLICY RECOMMENDATIONS

**3.1. Identification of Medications and Medical Devices:** If migrants are in possession of medications or medical devices or have been identified as having medical needs at any point while in Border Patrol custody, they should be referred to a licensed medical provider who should make reasonable attempts to identify all medications and medical devices in a migrant’s possession and/or their U.S. equivalents.

**3.1.1.** Border Patrol should not discard or request that migrants discard medications or medical devices in their possession prior to the migrant being referred to and seeing a licensed medical provider.

**3.2. Ready Access While in Custody:** To the maximum degree feasible, migrants should retain possession of their medication and/or medical devices while in custody. To the extent that direct possession is not feasible, Border Patrol should maintain robust systems to ensure that migrants have rapid and continuous access to their medications and/or medical devices.

**3.3. Return Upon Release:** Upon release, migrants’ medications and/or medical devices, or their appropriate replacement if issued, must be immediately returned to their direct possession.

**3.4. Confiscation and Replacement:** If migrants’ medications and/or medical devices cannot be identified, Border Patrol may confiscate these items, but every effort should be made by the licensed medical provider to immediately provide a replacement. If the medications and/or medical devices are identified but not on formulary or available in the United States, a 30-day supply (or supply equal to whatever the migrant possessed upon apprehension, whichever is greater) of a comparable medication and any corresponding medical device(s) should be prescribed and provided at the direction of a licensed medical provider.

**3.4.1. Operational Feasibility:** If full replacement of a migrant’s confiscated medications and/or medical devices is not immediately feasible due to operational constraints, Border Patrol should provide as adequate replacement(s) as possible at the direction of a licensed medical provider, taking into account medical necessity.

**3.4.2. Emergency Medical Services Transfer:** If a migrant’s confiscated medications and/or medical devices are not adequately replaced, and the migrant or a licensed medical provider indicates that nonaccess to the confiscated items poses an imminent or potential health risk, the migrant should be transferred to an external licensed medical provider who can provide an adequate replacement.

**3.4.2.1.** In accordance with existing policy, if a migrant is referred for emergency medical services, any resulting discharge summary, treatment plans, and prescribed medications (or equivalent alternatives) from any medical evaluation should accompany the migrant upon release, transfer, or repatriation.<sup>79</sup>

---

<sup>79</sup> CBP, *supra* n. 51, TEDS, Policy 4.10.

**3.4.3. Referral to Community Medical Partners:** Border Patrol should maintain and make use of robust referral mechanisms with external licensed medical providers based in regions where migrants are released, and who can provide continuity of care (medical evaluations, replacement of medications and/or medical devices, etc.) when Border Patrol’s capacity to do so is constrained.

**3.4.3.1.** Referrals of released migrants by Border Patrol to external licensed medical providers should include all relevant medical information, including any medications and/or medical devices that were confiscated and/or are needed.

**3.4.3.2.** In cases where migrants have been identified as having medical needs but did not arrive in custody with medications and/or medical devices to address them, Border Patrol should make reasonable attempts to provide an adequate supply of those medications and/or medical devices. Where this is not immediately feasible due to operational constraints, migrants should be referred to external licensed medical providers as indicated above.

**3.5. Storage of Medications:** Proper storage of medications should be available for migrants (i.e., refrigeration for insulin). Upon transfer to other facilities, all efforts should be made to provide proper storage of medications during the transfer.

**3.6. Competencies of Contracted Medical Providers:** Contracted medical providers must be able to identify medications of both U.S. and non-U.S. origin, in their generic or brand name.

**3.7. Training for Nonmedical Personnel:** Border Patrol should create and require staff to be familiar with a list (and photos) of commonly taken medications (generic and brand name) and their non-U.S. equivalents, prescription and nonprescription, by class and by medical condition.

**3.7.1.** Specialized training should be provided to staff to identify specific conditions where delay in medication administration might result in severe disease, death, or other complications (e.g., diabetes, epilepsy, substance use disorder, certain antimicrobials, HIV).

**3.8. Resourcing and Capacity-Building:** In accordance with Section 6 of [CBP Directive 2210-004](#) (Enhanced Medical Support Efforts), the chief of the Border Patrol and the executive assistant commissioner of the OFO, or their designees, should:

- i. Periodically assess the scope and scale of existing contracted medical support to ensure that the above recommendations can be appropriately implemented;
- ii. Adjust budgetary resource requests to ensure sufficient staffing of licensed medical providers and stock of onsite medications and medical devices; and
- iii. Pursue partnerships with external licensed medical providers to help address the medical needs of migrants passing through Border Patrol custody.





## 4. RELIGIOUS POLICY RECOMMENDATIONS

**4.1. Identification of Religious Garb and Items:** Before conducting any search, screening, or confiscation that could infringe migrants' religious-freedom rights, CBP officers/agents should determine whether individuals they encounter are wearing religious garb or in possession of other religious items and inform these individuals of their right to wear and/or retain the items. While officers/agents should be able to recognize common religious garb and items, they should also ask individuals whether they have religious items in their possession. This process of identifying religious garb and other religious items should be conducted with sensitivity and respect for the individual's religious beliefs.

**4.1.1.** Upon their initial encounter with a migrant, CBP officers/agents should state: "If you are wearing or carrying religious items, you may be able to keep them. Are you wearing or carrying any religious items, and if so, what are they?"

**4.1.2.** To promote language access, this question should be presented on a preprinted pocket card with at least the five most common languages encountered in each sector.

**4.2. Searches and Screenings:** Whenever a migrant is wearing or carrying religious garb or other religious items, any search or screening of the items must comply with RFRA. In particular, with respect to religious headwear or other religious garb worn by a migrant, before resorting to searches or screenings that involve touching or removing the garb, CBP officers/agents must use visual inspections and other less intrusive methods to detect whether contraband or other risks are present. If further inspection is required after exhausting less intrusive inspection measures, officers/agents should first offer the individual the option of a pat-down of the garb before requiring any removal. Removal of the religious garb must be a last resort.<sup>80</sup>

**4.2.1.** Searches and screenings of religious garb should generally be conducted by officers/agents of the same gender of the individual.

**4.2.2.** Officers/agents must treat religious garb respectfully and may not mishandle or damage any religious item during any screening or search. They should touch religious garb only after putting on clean gloves and should not place religious garb on the ground or any other dirty surface.

**4.2.3.** Where removal of religious garb is necessary as a last resort, migrants should be allowed to remove the item(s) themselves to minimize officers/agents' further touching of the garb and to preserve its sanctity. Once the garb is removed, the migrant should be permitted to unfold, shake out the item, or otherwise hold or position it in a way that allows officers/agents to determine, without touching the item, that there is no cause for concern.

---

<sup>80</sup> In March of 2023, some of the authors of this report, along with other organizations, submitted detailed recommendations to CBP regarding the treatment of migrants' religious garb and CBP's need to comply with RFRA.

- i. Any removal of religious garb should be witnessed by at least one CBP officer/agent, in addition to the officer(s)/agent(s) conducting the search and the number of officers/agents present must be limited to the minimum number needed to conduct and witness the search.
- ii. Officers/agents must provide as much privacy as possible for any removal of religious garb.
- iii. After religious garb is screened and no risk is found, individuals wearing religious garb should be provided automatic, on-the-spot approval to continue wearing it without having to make a request. If an item has been removed from the individual, officers/agents must immediately return it and allow the individual adequate time and privacy to reposition the garb appropriately on their body.

**4.3. Confiscation and Replacement:** CBP may confiscate religious garb or other religious items only in the rare circumstance that the item poses a significant, highly probable, and imminent security or safety hazard, and there is no other way to address that hazard than through confiscation. In such cases, the reasons for confiscation should be clearly explained to the individual and documented. If a confiscated religious item is necessary for the individual's religious practice, CBP officers/agents must provide a suitable replacement, as soon as possible, unless replacing the item would create an unmitigable safety risk. To the extent that RFRA allows officers/agents to restrict direct and continuous possession of certain replacement items during custody, officers/agents must ensure that individuals have rapid access to the item as necessary to exercise their faith.

**4.4. Storage of Confiscated Religious Items:** Any confiscated religious item must be treated with respect and stored in a hygienically clean environment to avoid damage or destruction of the item. All religious items confiscated should be placed into appropriately sized storage bags that are issued to each person separate and apart from any storage bags issued for other personal belongings. Religious items should not be stored in, or next to, items that may come into contact with dirt, shoes, the floor, bathrooms, garbage, sewage, etc.

**4.5. Return of Confiscated Religious Items Upon Release:** As with all the property, upon a migrant's release from CBP custody, CBP should return temporarily confiscated religious items directly to the migrant's physical possession or take every step possible to ensure its prompt transfer to the custody of any other relevant federal or state agency. The failure to return religious items in a prompt manner, or the imposition of requirements that make it difficult for migrants to retrieve any confiscated religious property will likely violate RFRA.

**4.6. Training for CBP Personnel:** All CBP officers/agents should receive annual training regarding how to handle religious garb and other religious items. The training should be developed in consultation with religious leaders to ensure cultural and religious competency and should cover a wide array of faith traditions, as well as real-world scenarios to ensure proper understanding and application.



**4.7. Competencies of Contracted Providers:** RFRA applies to “all Federal law, and the implementation of that law, whether statutory or otherwise” and to every “branch, department, agency, instrumentality, and official (or other person acting under color of law) of the United States.”<sup>81</sup> That includes CBP and CBP employees, contractors, grantees, and others acting under CBP’s control in implementing and enforcing the law. Contracted service providers must be thoroughly vetted, trained, and audited to ensure that they respect religious freedom and abide by CBP’s policies on religious garb and other religious items.

**4.8. Resourcing and Capacity-Building:** If the rights afforded by RFRA are to have any meaning, CBP must commit to policies that proactively implement protections for religious items. The chief of the Border Patrol and the executive assistant commissioner of OFO, or their designees, should:

- i. Conduct a quarterly audit of written documentation to identify improper religious-garb practices used by CBP officers/agents, gaps in policy, and areas where additional training is needed, including for specific officers/agents who repeatedly employ improper practices;
- ii. Designate at least one individual at each port of entry, Border Patrol station, and checkpoint as a religious-freedom ombudsman and technical advisor who is able to resolve disputes within a reasonable amount of time and does not subject an individual to prolonged detention; and
- iii. Adjust budgetary resource requests to ensure sufficient availability of on-site replacement options for confiscated religious items and garb.

## 5. RELATED POLICY PRIORITIES (DHS)

While the dispossession of migrants’ personal belongings within the U.S. immigration system can be significantly reduced through changes to CBP’s policies and practices alone, there are aspects of the problem that stem from failures of interagency coordination. Accordingly, DHS should begin harmonizing property-related policies across its components, first by developing an agreement between CBP and ICE that establishes interagency policies regarding migrants’ personal property. At a minimum, the policies should establish compatible standards regarding definition of terms, conditions for transfer of items, obligations for storage of items, and protocols for documentation. The agreement should ensure that all personal property, and especially all essential personal property, follows individuals who are transferred between CBP and ICE custody. DHS should then work to develop a similar framework with DOJ components (USMS and BOP).

---

<sup>81</sup> 42. U.S.C. § 2000bb-2(t).

# GATHERING OF TESTIMONIES (METHODOLOGY)

Many of the case examples shared in this report come from the Kino Border Initiative (KBI) and ProtectAZ Health. This section offers some additional context regarding how these personal accounts were collected, and why they represent an undercount of the number of migrants experiencing property confiscation.

**The Kino Border Initiative** is a binational organization that provides direct humanitarian assistance and holistic accompaniment to migrant people, including those deported, expelled, or returned to Nogales, Sonora, Mexico, by ICE or CBP as well as individuals fleeing violence who arrive at the border to seek asylum.

The personal accounts KBI has contributed to this report come from intakes it conducts with every individual receiving its services. As previously noted, since October 2022, KBI has spoken with at least 278 migrants who indicated that Border Patrol had confiscated and not returned essential personal belongings.

This number significantly understates the scale of the issue for a few reasons:

1. KBI's survey does not include a specific question about property confiscation, but instead asks a general question about abuse and mistreatment on the migrant's journey. Many migrants may not think to share that their belongings were taken or may not feel comfortable disclosing this type of information to KBI in the first place.
2. Not all migrants passing through Nogales know about KBI, and not all those who know about KBI choose to come to its migrant aid center.
3. Migrants passing through Nogales represent only a fraction of those Border-wide who are subject to these policies.

**ProtectAZ Health** provides medical services to asylum-seeking individuals and families being released in Maricopa County, Arizona. The organization operates out of one of the largest migrant shelter providers in Arizona. As a part of the medical intake process at ProtectAZ Health, migrants are asked the following questions:

- Do you take medication(s) every day?
- Do you have a 30-day supply of these medications?
- When you entered the United States did you have any medications or medical items removed from you?
- If YES, were these medications or medical items returned to you upon your release?



If an individual reports medications were removed from them and they did not have access to them while detained or they were not released with their supply of medication (or a U.S. equivalent), the case is documented in the individual's chart. They are then evaluated by one of ProtectAZ Health's providers and appropriate replacements of medications and medical devices are made.

In 2022 and 2023, ProtectAZ Health conducted intakes with 682 migrants who reported that medications or medical devices had been confiscated by Border Patrol and not returned or replaced.

As with KBI, this must be understood as a significant underrepresentation of the scale of medical confiscations at the southern border, for several reasons:

1. Migrants may not feel comfortable disclosing certain parts of their medical history. They may also not want to complain about Border Patrol's conduct while still in transit for fear of retaliation or an adverse effect on their asylum case.
2. ProtectAZ Health has only recently (in the last year or so) been consistently asking about medical confiscations by Border Patrol.
3. Not all migrants arriving in Maricopa County whose medications have been confiscated choose to seek out ProtectAZ Health's services.
4. Migrants arriving in Maricopa County represent only a fraction of those Border-wide who are subject to these policies.