A photograph of a white Border Patrol truck parked next to a tall metal fence in a dry, open landscape under a cloudy sky. The truck is white with green and black markings, including the words "BORDER PATROL" on the side. The fence is made of metal posts and wire mesh. The ground is dry and rocky with some sparse grass. In the background, there are low hills or mountains under a blue sky with white clouds.

Seeking Protection, Enduring Prosecution

The Treatment and Abuse of Unaccompanied
Undocumented Children In Short-Term Immigration Detention

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Note on Authorship

This summary report was co-authored by Ana Arboleda and Dorien Ediger-Seto, working as summer interns under the supervision of the Florence Immigrant and Refugee Rights Project. Access to Phoenix shelters holding unaccompanied minors was provided by the Office of Refugee Resettlement. All of the information gathered for this summary derived from our work supporting Florence Project staff in screening and providing legal support for all detained unaccompanied minors in the Phoenix area. The Florence Project is funded by a combination of restricted and unrestricted funds, including federal grants (including some Office of Refugee Resettlement funding), foundation grants, and donations from law firms, corporations, religious organizations, and individuals.

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Introduction

Each year over 100,000 undocumented children¹ will attempt the dangerous journey to the United States through the U.S-Mexico border in hopes of receiving asylum and escaping poverty, violence and lack of education in their home countries. Most of these children will cross through the Sonoran desert, walking for up to five days in extreme temperatures and through dangerous terrain. Because they often make this journey alone, with no caregiver to watch over them, they are especially vulnerable to human trafficking and abuse along the way. Once in the United States they face the added obstacle of being undocumented and therefore subject to mistreatment by Border Patrol (BP), inhumane stays in detention facilities and adversarial immigration proceedings.

Since the Homeland Security Act (HSA) of 2002 was passed, unaccompanied undocumented children in detention have been placed under the long-term care of the Department of Health and Human Services Office of Refugee Resettlement (ORR), instead of Immigration and Customs and Enforcement (ICE). As of 2002, the Department of Homeland Security's (DHS) sole task is to apprehend, transfer and repatriate the children. This means that undocumented, unaccompanied children are arrested by the Border Patrol (BP), ICE or local law enforcement and then transferred over to ORR for long term care while they await trial. The new shift in responsibility has been generally beneficial to the apprehended children since ORR's focus is on the children's welfare, not on their removal. In fact, ORR created the Division of Unaccompanied Children's Services (DUCS) specifically in order to tend to this population's needs. However, despite this radical improvement in the long-term care of unaccompanied minors, their immediate short term well-being, in the time directly after their apprehension by Border Patrol (or ICE), is still the responsibility of DHS. This is significant because children can be held in BP custody for up to seventy-two hours before being released to ORR. Since DHS emphasizes immigration security and the system is still relatively new, the standards of care for short-term custody are inconsistent and at odds with ORR's more welfare focused standards for long-term care.

As a legal organization that advises, represents, and advocates for the rights of unaccompanied children facing removal proceedings in Arizona, the Florence Immigrant and Refugee Rights Project ("Florence Project" or "FIRRP") is in a unique position to observe the disparity between the care given to children in ORR custody and their treatment by the Border Patrol. As part of its legal work, the Florence Project conducts intakes for all of the children entering ORR shelters

¹ Haddal, Chad C. "Unaccompanied Alien Children: Policies and Issues," CRS Report to Congress, March 1, 2007.

in order to determine whether they qualify for legal relief from removal. This initial interview includes many basic questions about the children's journey to the US, including their experiences in Border Patrol custody. Florence Project attorneys also represent many of the detained unaccompanied children in their immigration cases and through this relationship learn more about their experience in Border Patrol custody. Over time, children have consistently provided Florence Project staff with troubling accounts of their arrests and time in Border Patrol custody, which suggested to the Florence Project that systematic issues may exist in BP's short-term detention system.

As a result, the Florence Project tasked us with reviewing intakes, interviewing children, and gathering data relating to the children's answers about Border Patrol custody in an effort to obtain a more global view of their care and treatment. This report is a summary of our findings during our work in the summer of 2009 and is designed to contribute to the discussion about the need for a more transparent and defined set of standards concerning the treatment of minors in short term immigration detention. Due to the inability and fear that many children have to speak up about abuse experiences, we find this work essential in urging the government towards more clear and consistent policies and regulations regarding the treatment of minors while in Border Patrol custody.

Our findings can be added to a growing body of research on the topic of immigration detention in the United States. Two recent reports in particular have found that children in immigration detention are often treated inhumanely and denied the basic care mandated by the FSA. *Crossing the Line*, a report released in 2008 by the Arizona humanitarian aid group No More Deaths, focuses on individuals who had been repatriated to Mexico after being arrested and briefly detained by the Border Patrol. It details the conditions of arrest and in short-term detention, observing that migrants, including many children, are regularly subject to physical and verbal abuse, inhumane conditions, and denial of such basic rights as food, water and vital medical care. In addition, a 2009 report by the Women's Refugee Commission, *Halfway Home: Unaccompanied Children in Immigration Custody*, focuses specifically on the situation of unaccompanied children. Their investigation found that DHS consistently fails to uphold the FSA and other standards for the care of children, holding some children for over 72 hours, denying medical attention and routinely failing to provide adequate food and water to children in short-term custody.

Legal Framework/Preexisting Regulations

As of now, there are few regulations that guide the correct treatment of minors during their apprehension and subsequent detention in Border Patrol facilities. However, some do exist. The Flores Settlement Agreement (FSA) is the result of a class-action lawsuit in 1997 against the Federal government regarding the poor treatment children experienced while in the custody of the former INS, now DHS. While the agreement generally establishes the minimum standards for care of minors, Articles 11 and 12 delineate guidelines for treatment and temporary placement by the arresting authority. Specifically, Article 11 establishes statements of general applicability regarding treatment and setting, stating:

“The INS treats, and shall continue to treat, all minors in its custody with dignity, respect and special concern for their particular vulnerability as minors. The INS shall place each detained minor in the least restrictive setting appropriate to the minor’s age and special needs...”

Article 12 discusses procedures and placement following the child’s apprehension, specifically stating:

“Whenever the INS takes a minor into custody, it shall expeditiously process the minor and shall provide the minor with a notice of rights including the right to a bond determination hearing if applicable. Following arrest, the INS shall hold minors in facilities that are safe and sanitary and that are consistent with the INS’s concern for the particular vulnerability of minors. Facilities will provide access to toilets and sinks, drinking water and food as appropriate, medical assistance if the minor is in need of emergency services, adequate temperature control and ventilation, adequate supervision to protect minors from others, and contact with family members who were arrested with the minor. The INS will segregate unaccompanied minors from unrelated adults”

As evident in the preceding excerpts, the FSA is often vague and does not explicitly distinguish between initial short-term detention and long-term custody. As a result, many child advocates allege that some components of DHS, specifically the Border Patrol, have determined that these standards do not apply to them or simply do not follow them. As we have observed, this adversely affects the experience of unaccompanied children in Border Patrol custody.

Similarly, child advocates charge DHS components with failing to adhere to the

Code of Federal Regulations (CFR), which is the other main set of regulations that can currently be applied to the treatment of unaccompanied children. The CFR outlines the government's policy regarding the use of force by immigration officials during arrest as stated in 8 CFR 287.8:

"A designated immigration officer shall always use the minimum non deadly force necessary to accomplish the officer's mission and shall escalate to a higher level of non deadly force only when such higher level of force is warranted by the actions, apparent intentions, and apparent capabilities of the suspect, prisoner, or assailant."

Although the CFR clearly prohibits the disproportionate and indiscriminate use of force, we have observed that it often fails to accomplish its purpose of protecting the child from abuse during apprehension. This could be because while inappropriate uses of force are prohibited, they are never clearly defined, leaving much room for interpretation by immigration officials.

Methodology

The findings in this report come from interviews with 124 unaccompanied minors transferred to ORR shelters over a two-month period (June and July, 2009). We asked children basic demographic questions such as age, nationality and gender, as well as questions designed to evaluate each child's experience in five main areas: medical attention, physical abuse, verbal abuse, detention conditions and the denial or fulfillment of rights. All children were briefed on the purpose of our intakes and follow up interviews with them and it was made clear that their participation was voluntary at all times.

Through this process and in consultation with Florence Project staff, we also identified children who had experienced severe abuse or violations of their basic rights, and as a result we conducted more detailed interviews. These experiences included instances of physical violence, lapses in pre-established repatriation protocols, and denials of medical attention for potentially serious conditions. With the express consent of these children, we assisted them in preparing legal declarations detailing their experiences and submitted formal complaints to the appropriate government agencies (the DHS Office of Civil Rights and Civil Liberties [OCRCL] and the Border Patrol) with their declarations attached.

Most of the children we met with were male, between the ages of 15 and 18. This is representative of the general population of undocumented children in shelters, according to FIRRP's work throughout the year as well as national ORR statistics.² In our findings, roughly half of the children were Guatemalan nationals. Although most undocumented children that cross the border in Arizona are Mexican, only a small number of them are transferred over to ORR custody. Most Mexican children are immediately voluntarily returned back to their country, in accordance with agreements made between the United States and Mexico.³ As a result, this study does not include the largest population of unaccompanied children, as the Florence Project only works with children in ORR shelters in Phoenix.

Findings

Denial of Medical Attention

Out of 124 children, 21 reported that they felt sick or ill at some point during their apprehension or detention in Border Patrol facilities. Out of this 21, 4 received medical attention. Children that did not receive medical attention reported that they either asked for medical attention and did not receive it or were too scared to ask for medical attention. Only a minority of these did not feel like their illness warranted medical attention. Among the worse cases that we encountered, was a sixteen-year-old Honduran boy who sustained an injury to his right ankle while in the desert. During an interview, he stated:

"As I was running, I stepped into a hole that I didn't know was there, and badly hurt my right ankle. It hurt a lot and became very swollen. When I fell, a BP agent caught me and he handcuffed me with metal handcuffs. While I was running I lost one of my shoes and I never got it back. I had to walk to the BP truck barefoot, even though my foot hurt a lot and I couldn't really walk properly... I was taken to a detention center where I spent a total of one day and one night. I don't know what the facility name was. My right foot still hurt a lot and I still couldn't walk, so I told the officer and asked him for medication. The Border Patrol agent looked at my

² Haddal, Chad C. "Unaccompanied Alien Children: Policies and Issues"

³ In Arizona, Border Patrol transfers unaccompanied Mexican nationals directly to the state branch of Mexico's child and family welfare agency, Desarrollo Integral de la Familia (DIF), in Nogales, Sonora.

foot and said I didn't need medical attention and that they didn't have any medication."

After arriving to the ORR shelter, this young man saw a doctor who told him his foot was badly sprained and that it would need a cast. When we interviewed him, his foot was still bandaged and he had just stopped using crutches.

Two other cases of medical neglect struck our attention due to their similarity. The first is that of a seventeen-year-old boy from El Salvador. After walking through the desert for several days, this boy was arrested and taken to a BP facility in Tucson. As he stated, "There is a sign in the detention area that says if you need food, water or medical attention to let an officer know... I was sick with a fever and the chills. I told them I needed to see a doctor. They responded to wait a minute but they never took me to see a doctor." Similarly, the second child, a seventeen-year-old boy from Guatemala, stated:

"When we got to the detention center I was interviewed by a Border Patrol officer. At this point I was feeling very sick. I had a fever, my whole body hurt and I had a headache. I told one of the officers that I was feeling very sick and he looked at me and told me that I did look sick and gave me juice. I drank the juice but I still felt sick and thought I was going to faint. I told another officer that I was sick and he told me that they were going to take me somewhere else where they might give me some medicine. They never took me there."

Although these boys eventually recuperated from their illnesses, this may not always be the case. Lack of medical attention for individuals that are suffering from dehydration can escalate to a severe medical condition, as anyone who works in the desert knows. However, apart from the medical reasons that a denial of treatment is potentially dangerous, most striking is that in both situations the BP agents involved recognized the need for and right to medical attention but failed to provide it. According to paragraph twelve of the FSA, "facilities will provide... medical assistance if the minor is in need of emergency services." These cases are violations of this agreement and indicate that there is a need for adequate oversight of such policies. Given that the majority of children handled by BP has just come out of the desert, and is therefore more likely to have medical issues, it is imperative that the right of a child to medical attention be upheld.

Physical Abuse

Out of 124 children interviewed, 18 of them reported that they had been physically abused by BP during their apprehension or subsequent detention. Out of these 18, 94% were male and 39% spoke an indigenous Mayan language (such as Quiché, Mam or Ixil). In the context of the larger group's demographics, where 75% were male and only 26% spoke a Mayan language, these figures indicate that males and children whose first language is not Spanish are more susceptible to being abused than others. A good example of this is the story of Juan⁴, a fifteen-year-old Guatemalan boy and native speaker of Quiché. In an interpreted session, Juan narrated his story:

"At the time of my arrest, a Border Patrol agent who was tall, white, and quite big shined a light in my face and then handcuffed me. He put on his glove and then he hit me in the mouth near my right cheek. I was bleeding because of it but I didn't receive any medical attention from the officers, even after they noticed. My mouth hurt after the agent hit me."

Juan was then taken to the BP truck, where the agents continued to intimidate him, searching his bag and stomping on it. Given his limited proficiency in Spanish, he was unclear as to why they were doing this, but assumed that it was because they were looking for drugs, which he did not have. He was then taken to the detention center, where he spent two days, and was again physically abused:

"On April 26, 2009, my last day in the detention center in Tucson, I was hungry, so I asked for crackers. A Border Patrol agent, who was thin, had brown hair, brown eyes and a mustache got very angry and called me a "pig". Then, he tried to choke me and threw me to the ground. This hurt me. Some other boys in the cell saw him do this and got very scared too."

Juan said that he was not once given an interpreter, and that his limited Spanish made it difficult to understand what they were saying to him. Other children who experienced similar abuse have reiterated this sentiment. One, Fernando, also a seventeen year old Quiche speaker from Guatemala, stated, "While I was being questioned I didn't understand everything the officer asked me because my native and first language is Quiche and I was not given a translator at any point." It is entirely possible that this incomprehension made communication frustrating for the BP agents involved, possibly encouraging a more violent form of communication than is normally used. However, this does not make these

⁴ In order to respect the privacy of the children whose stories we recount, all names that appear in this report are pseudonyms.

instances of physical abuse acceptable under any circumstances. Rather, children who speak indigenous languages and very little Spanish should be recognized as particularly vulnerable and more precautions need to be taken to ensure that these individuals are afforded treatment appropriate to their unique circumstances.

In addition to correlating with language ability, instances of abuse often took place at a very specific time: the arrest. In our study, 15 out of 18 instances of violent physical abuse occurred at the time of arrest rather than during detention at the BP station. Fernando's story showcases this disproportionate use of force that many children report suffering or witnessing. He stated that after walking through the desert for four days, the BP caught him and his group.

"At around 8:00 am on the morning of June 20, 2009, we were spotted by a helicopter and two Border Patrol officers on two motorcycles. I was running away from them. One of the officers on the motorcycles came very close to me and lifted the motorcycle while riding it, so that it would run only on its back wheel. He hit me on my back using the front wheel of the motorcycle. This hurt my back and caused me to fall to the ground. Once I was on the ground, one of the officers who was wearing a green uniform, was white, thin, and had blue eyes, started kicking me on my side like I was a soccer ball. Every time he kicked me it was very hard and it hurt. After kicking me, the same officer grabbed me by the shoulder and threw me on a thorny bush. The thorns pierced my skin throughout my body and some remained stuck in my hands. I saw another man from my group bleeding throughout his mid section from being thrown to the bushes by another officer. While the officer that caught me went to catch more people from the group, he handcuffed me to the motorcycle so that I couldn't move."

Though Fernando was running away from the Border Patrol, it seems excessive to use a motorcycle to stop a seventeen year old boy, who has not displayed any threatening behavior, and to then kick and throw the same boy into a cactus, especially if he is not resisting arrest once apprehended. He reported that his back still hurt even when he got to the ORR shelter in Phoenix. This incident is a clear violation of the Code of Federal Regulations, and did not appear to serve any purpose other than that of intimidation. Since violence often happens at the time of initial contact between BP agents and children, it is important to recognize the large role that this intimidation plays in their interactions later on. By using excessive force on a child during the arrest, a BP agent can establish his/her power, minimizing the chance that the child will be uncooperative later on. However, enforcement tactics are no excuse for the disproportionate use of

force, and we hope that this can be more firmly established in BP protocol such that the physical abuse of children does not occur in the future.

Verbal Abuse

Another intimidation tactic commonly used by the BP appears to be verbal abuse. However, assessing for it presented us with a unique problem. When directly asked if they had ever been verbally abused by BP, 16 of the 124 children interviewed responded yes. However, when asked to share with us the story of their arrest and detention in detail, many more children reported that they had been threatened, intimidated and insulted by BP agents. One can infer from these results that children may have different perceptions of what constitutes verbal abuse, and that what an adult might be able to identify as abuse, children, particularly those in vulnerable situations, might not. In a specific incident, a 17 year old Guatemalan girl reported that during her interrogation she had been told by BP agents that she would go to jail for many years if she lied about her nationality and that they would be glad to see this happen. Yet, when we explicitly asked if she had ever been verbally abused by BP agents, she said no. Upon further inquiry, we learned that she did not consider those threats to be verbally abusive because she thought that the BP agents' words were true and that they were stating facts. This was a common occurrence among the children interviewed; they either believed lies and threats told by BP agents during the interrogation process, and therefore did not consider them to be verbal abuse or already expected BP to be insulting and intimidating and did not consider abusive behavior to be out of the norm.

Through speaking with the children, we learned that the verbal abuse they were experiencing did not only come in the form of threats and lies but also in the form of insults. One such example is that of a fifteen-year-old Salvadoran, who was called a "damn idiot" and a "piece of crap" as he was being pushed from one side to the other by BP agents attempting to gather information from him. For this child, the BP agent's words had a lasting effect, seeing as when we interviewed him a few weeks after the incident, he was still hurt by them. This is an example of how children are not only physically but also emotionally vulnerable. For this reason, the FSA recognizes children to be deserving of respect, dignity and special concern for their vulnerability as minors, and does not make the distinction between physical and emotional vulnerability in hopes that both will be respected. It is clear that the BP is not always sensitive to this quality.

General Conditions of Detention

Though the Flores settlement outlines vague regulations regarding the conditions of short-term detention facilities, the conditions reported by the majority of children we met with were not consistent with these standards. 85% of them reported that the holding cells were kept at an excessively low temperature, and while 93% of them did receive a blanket, roughly half of them reported that the blanket was dirty. One girl commented that she thought that the blanket was supposed to be green, but that it was so dirty that it looked brown. Unclean blankets are inconsistent with the standards outlined in the FSA, which requires blankets to be sanitary. Exacerbating this discomfort is the fact that 51% of children reported that the only place to sleep was the floor. Since the average length of stay among our sample group was 65 hours (almost three days), this means that the majority of children sleep on the floor with dirty blankets for between two and three nights.

Children also reported disturbing stories about access to food and water. Most children did receive some sort of food in detention, and one did report that he received more and better food once he was transferred to a cell full of minors from a cell he was kept in with adults. This indicates that the BP does have a sense of the special needs of children. Despite this, many children reported that the food, while provided, was unappetizing, insufficient, and often smelled as if it had gone bad. 37% of the children reported that they had received food less than three times a day or that they had only received crackers and a small juice box. Feeding only crackers and juice to a child for three days is nutritionally dangerous, especially considering that the majority of children in BP detention in Arizona have been caught walking in the desert, and have therefore been under a considerable amount of physical strain.

More grave than the insufficient quantities of food provided to children was the availability (or lack) of water in detention. While just 3 out of 124 children reported not being fed by the BP, 25% reported that they were not offered any water. 14% of those offered water also said that the only source of water was a sink. Though this is not an issue of sanitation, it is one of regional sensitivity. In many of the children's countries of origin, the water that comes from the tap is not potable. For this reason, tap water, especially if it smells strongly of chlorine as many children report, is perceived to be unsafe to drink, and several children said that they were unable to drink the water that was offered to them as a result of this. Another issue was that 30% of the children who did receive water said that although they were given water, they had to share the cup or bottle with other people. This is unhygienic, especially since many children had to share with complete strangers. We feel that it is not an unreasonable expectation that children be given their own paper cups from which to drink water.

Though we present the lack of sufficient food and water and the conditions of the cells separately, most children experience them collectively, heightening the experience of alienation and distress. One boy from Guatemala recounted his experience to us, saying:

"I was taken to another detention center where they gave me a cold hamburger and juice. I was never given water in the day that I was there. I was cold and had only a dirty piece of blanket that barely covered me. I asked for another but they said no. They gave me another cold hamburger and juice in the afternoon. They gave no food that night. I asked for food but they said they couldn't give me anything. I slept that night on the floor with just a piece of plastic under me. I tried to sleep but I kept waking up because I was hungry, sick and cold. I felt sad because they didn't treat me well."

This story is typical, and demonstrative of the general experience and conditions of detention that were reported to us. Overall, the children's stories pointed towards a consistent disregard for the dignity and special needs of children. Basic necessities such as food and water should be provided willingly and in sufficient quantities, and the cells should be sanitary and provide at least a minimal amount of comfort. This would be in keeping with the FSA and prevent children from experiencing an elevated and disproportionate amount of stress while in detention.

Denial of Phone Calls, Coercive Signing of Documents and Lack of Interpreters

This study has illuminated that while lack of food, water, sanitation and temperature control are issues that can be easily identified as violating not only government but also humane standards, other practices, such as the denial of phone calls, the coercive signing of legal documents and the lack of adequate explanation of rights and interpreters, are more complicated.

One such area was that of access to phone calls. 49% of the children we interviewed were denied the opportunity to call family, their country's consulate, or a lawyer. One boy related to us that when he asked to make a phone call, the attending BP agent told him that this was not one of his rights and that he was not going to make that phone call. Given that these children are unaccompanied, it seems reasonable to afford them the right to let their families know where they are and that they are safe, since most children apprehended in the desert have often gone days without communicating with their families, who are left

worried, awaiting word of their whereabouts. According to the Office of the Inspector General (OIG), this right to a phone call is recognized by the BP.⁵

In addition to being denied phone calls to speak to their families, most children were unaware that they had any rights at all, both in regards to phone calls and basic necessities such as food and water. We found that children were not generally aware that they were able to call an attorney or their country's consulate for assistance. These are rights established by the FSA and the Vienna Convention on Consular Relations, respectively. While the BP provides all children a document listing such rights and asks them to sign it (Form I-770), only 31% of children we spoke to said they understood what was given to them and only 41% said they were explained the content of the papers. The FSA requires that "juveniles who are under 14 years of age, or are unable to understand the Form I-770, must have the form explained to them in a language and manner they can understand."⁶ In addition, the OIG recognizes that all legal documents should be available in both English and Spanish. 39.5% of the children reported that the papers were only in English. Therefore, it is clear that most children are not being informed of their rights in a manner that is required by protocol. This is a direct violation of the FSA, and makes children more vulnerable to further abuse.

Furthermore, the practice of handing out documents to sign without any explanation not only causes children to miss out on crucial information but also increases the risk that they will sign something that is legally binding. This is especially dangerous in the case of Mexican children, who are asked to sign deportation documents without first being properly assessed for refugee status or being briefed on the implications of their signature.⁷ In addition, Mexican children who sign deportation documents and are immediately returned to their country have less routine access to legal counsel and are therefore in more danger of trafficking or more abuse, particularly if repatriation protocol is not followed correctly (see next section).

Upon speaking to the children and asking them why they signed papers that a majority of them did not understand, it also became evident that intimidation tactics used by BP agents during questioning might also be used when asking children to sign documents. Of the 116 children that were asked to sign legal

⁵ *A Review of DHS' Responsibilities for Juvenile Aliens*, Office of the Inspector General, Department of Homeland Security, September 2005, pg. 12.

⁶ *Ibid*, pg. 12.

⁷ Though the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (TVPPRA) does make some provisions for Mexican nationals to be screened for trafficking, conversations with DUCS officials and a report, *A Child Alone and Without Papers*, by the Center for Public Policy Priorities (CPPP) indicate that this screening process is unsophisticated and unclear. One recurring problem is that the same DHS officials who are arresting the children are also screening them for trafficking, leading to a conflict of interest between enforcement and protection.

documents, 79 felt that they had no option but to sign them, that they signed them out of fear or both. Fear, intimidation and powerlessness seemed to be the driving force behind the signing of documents.

Finally, another finding that caught our attention were several cases in which children reported that they thought or were led to believe that signing these documents would get them home faster. In one specific example of this, a 16 year old girl from Guatemala who was a Mayan language speaker told us that she was given papers to sign but that she did not understand them and that they were not explained to her. The only reason she signed the documents was because she was under the impression that it would get her home faster. This girl had not been adequately explained what the purpose of the documents was, causing additional suffering when she finally realized that she was not going to be sent home as soon as she thought. In addition, failure to provide an interpreter to children who do not speak Spanish, such as this Guatemalan girl, makes them more vulnerable to confusion and suffering since they do not know what they are signing and have no means of communicating when an error or an injustice has occurred. According to our findings 26% of the children we interviewed could potentially fall in this category.

Repatriation

Slightly different from the other aspects of short-term detention is that of repatriation. Though our questions did not explicitly touch on this issue, it emerged during our interviews as an area of concern. Several children reported that they had either been repatriated or had narrowly escaped being repatriated back to Mexico in a manner that violated protocol in some way. Two main lapses in procedure that related to repatriation were identified throughout the course of the study. The first related to the improper determination of age and nationality, where in several instances non-Mexican minors were placed in repatriation proceedings designed for adult Mexican nationals, violating their right to see a judge as established by the FSA. In all of these instances, the concerned children were placed onto buses that would take them to Nogales for repatriation, but realized what was happening and became scared. A seventeen-year-old girl from Guatemala explained:

At the time of my arrest, I told the Border Patrol that I was 22 and that I was from Mexico because I was scared of what would happen if they knew I was from Guatemala...I was almost repatriated to Mexico with the rest of the group...I was going to go with them but then I became scared because I didn't want to be in Mexico all alone with nobody to help me.

She went back to the bus and told the officials the truth, and was taken back to the detention center with them, eventually ending up in the shelter in Phoenix where we interviewed her. However, she could have very easily ended up in Nogales, Sonora with the rest of those deported, resulting in a potentially very dangerous situation. Women and children are at the highest risk for human trafficking, and it is imperative that precautions be taken that prevent situations like this from developing into something much worse. One way of doing this is to verify age and nationality. Though DHS does have protocol for age-determination, including bone density and dental exams, it is not clear how consistently or accurately it is applied in everyday practice.⁸

The second was concerned with the improper repatriation of Mexican nationals. The current protocol for repatriating unaccompanied Mexican minors has been established in Arizona such that the BP hands them straight to Mexican authorities in Nogales, Sonora, and DIF ensures that they are safely returned to their families.⁹ Though this protocol is not the focus of this report, one story in particular deserves to be mentioned. The child in question, Rosa, is seventeen and from Mexico. She came to Phoenix after her third attempt crossing. The previous two times, she had been caught by the BP and repatriated straight to Mexico without ever being transferred to DIF. She said that each time she told the truth about her age and nationality, but that despite this, she was repatriated alone along with the other Mexican citizens, all of whom were adults. Though this is just one case out of many, we feel that it is important that children such as Rosa are treated in accordance with the official protocol. Since we do not come into contact with most Mexican unaccompanied minors, it is not clear to us how often the preestablished protocol is disregarded as in this case. However, reports from No More Deaths and the Women's Commission both indicate that this lapse in protocol has occurred in the past, and more oversight is necessary to ensure that this does not continue to happen in the future.

Conclusions and Recommendations

⁸ "Program Instruction: Age Determinations of Aliens in the Custody of HHS and DHS," Department of Health and Human Services, Division of Unaccompanied Children's Services, March 23, 2009.

⁹ Phone interview with Antonio Zapien, No More Deaths volunteer, July 20th, 2009. This protocol was established by an agreement between the Mexican Consulates in Arizona and DHS, and built on bi-national agreements that established expedited removal proceedings for Mexican nationals, including minors.

Overall, this report emphasizes one main area of concern: that various forms of coercion and abuse are taking place regularly and systematically throughout the time that children are in short-term detention, and that despite the pervasive nature of these abuses, there is little understanding among the victims and their eventual caretakers of what constitutes abuse and how to address it. Since it is not realistic to educate each child about how to appropriately respond to an abusive BP agent in the field, especially if it is unclear what is abuse and what is not, our recommendations focus on improving the standards of detention such that these abuses do not occur in the first place.

Therefore, it follows that a clear protocol for the treatment of children in short term detention needs to be established. We recommend this protocol include:

1. Minimum requirements for the distribution of food and water

In terms of food, a minimum caloric value for each meal should be established and food should be distributed at least every five hours such that no child goes hungry. For water, a clean supply should always be available in each cell, and sufficient cups should be provided such that no child has to share. Both food and water should be safe and sanitary, and should always be provided when a child asks.

2. Sanitary holding cells

While it is recognized that BP holding cells are not designed for long-term living, they should still be subject to a minimum standard of cleanliness and comfort. This should include comfortable temperatures (not excessively hot or cold), sufficient blankets, and a basic level of sanitation. Blankets and the floor should be clean, and mattresses or sleeping pads should be provided if beds are not available.

3. Access to appropriate medical care.

Children should be provided with appropriate medical attention and should be informed of their right to receive it.

4. Access to phone calls and appropriate legal or consular counsel.

Children should be informed of their right to make a phone call and this right should be respected.

5. Requirements for the explanation of legally binding documents.

No child should be asked, forced or coerced into signing papers that have not been fully explained to them, and children should be aware of their right to decide whether to sign them or not.

6. Access to interpreter's services.

Children who are not proficient in Spanish should be given access to an interpreter such that they understand their rights as children in detention and their inability to communicate does not make them more vulnerable than they already are as children. No child should be asked to sign paperwork in English without having it clearly explained to them by a neutral party in their native language.

7. **Clearer and more stringent regulations on the use of force.**
Violence and physical force should be prohibited unless a child is directly and explicitly threatening the life or safety of another person. If, and only if this is the case, techniques designed to diffuse the threat in the situation should be used in lieu of techniques that would hurt the child. Sufficient training should be provided such that disproportionate violence is never utilized.
8. **Appropriate age-determination and respect for pre-established repatriation agreements.**
A humane and non-invasive method of age-determination must be adopted so that all children may be properly identified, and given the special rights that their condition as children grants them. Methods of age-determination should never include coercive and threatening interrogations that may traumatize vulnerable children. Furthermore, the United States should respect all repatriation agreements made with foreign countries such that children are safely returned to their homes. For those countries with which the United States has no repatriations agreements, efforts to should be made to reach them since the lack of them directly affects children and makes them even more vulnerable to trafficking and abuse.
9. **Basic recognition of the dignity of children.**
Overall, children should be treated in a dignified and non-intimidating manner. Derogatory comments, physical violence, and inhumane holding cell conditions are all methods of deterrence that do not work and only serve to unnecessarily intimidate detained children.

In furtherance of these recommended standards and in hope that the conditions of short-term detention are established such that the rights and dignity of all children are respected, we consider the process of abuse documentation imperative. In this regard, it would be beneficial to all parties if there were more collaboration and oversight between the different governmental and non-governmental parties involved in the care of undocumented unaccompanied children. This cooperation between agencies and stakeholders would minimize the large disparities in the way that children are treated in short and long term immigration detention, and would ensure that these children, regardless of legal status or circumstances, are respected as people and treated with the basic standards of human dignity in mind.

Appendix A: Tables and Graphs

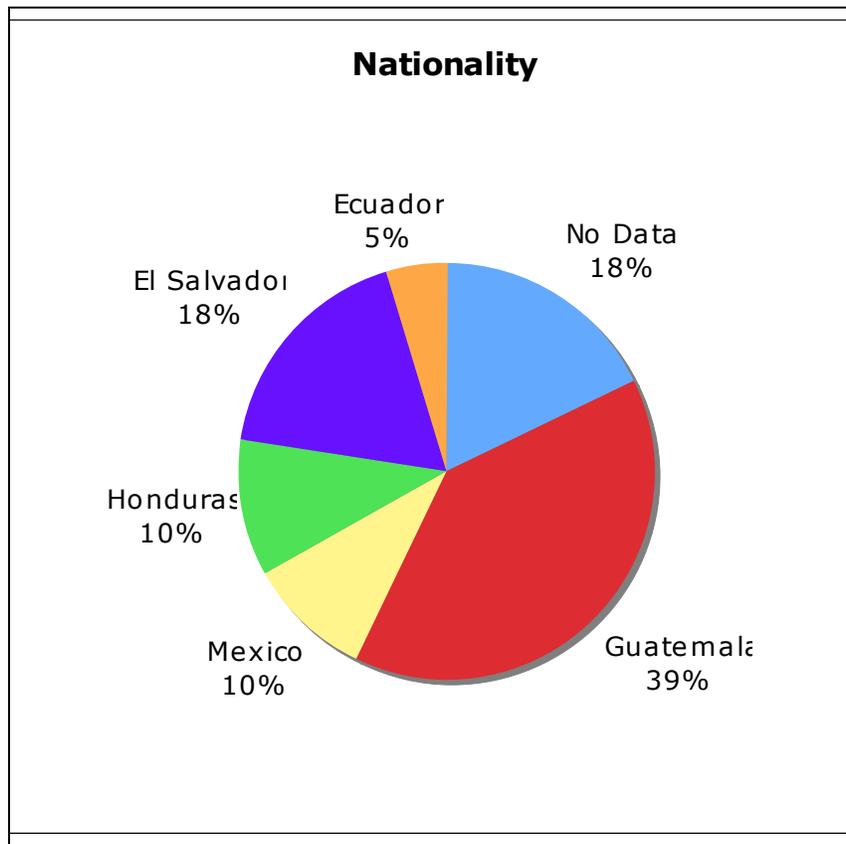
1. Demographic Information

1.1 Age

5 to 10	11 to 14	15 to 18
4%	17%	79%

The average age was 15.5, but the majority of the children were 15 and 18 years old, the youngest being 5 and the oldest 18 (his birthday was in between the time of his arrest and court date)

1.2 Nationality



**Questions concerning nationality were added to the study a short time after we had begun to collect information. Therefore, the category “No Data” refers to children interviewed at the beginning of the study.

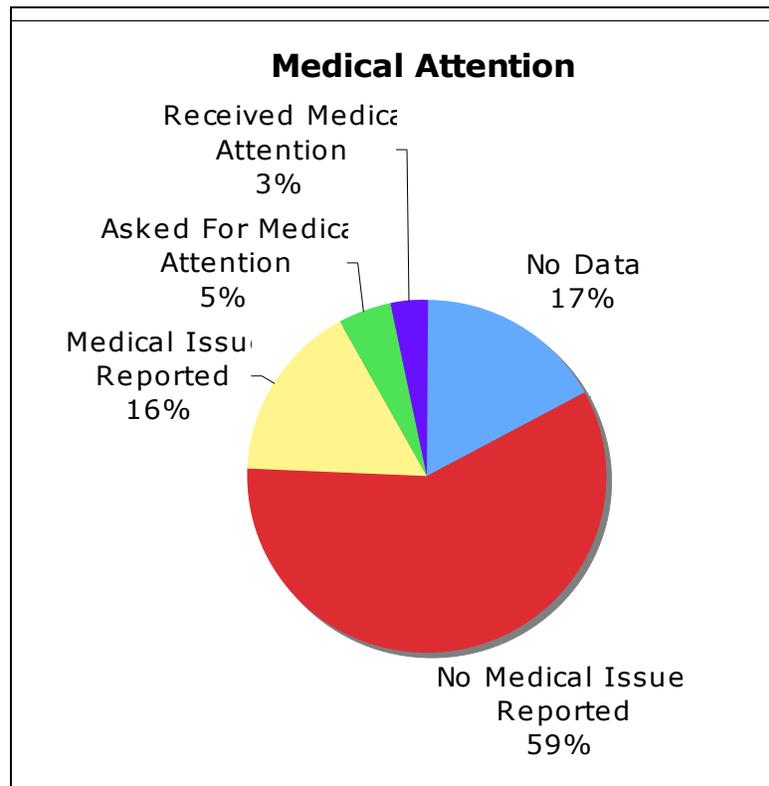
1.3 Sex

25% (31) reported their sex as female, and 75% (93) as male

1.4 Language

26% spoke an indigenous Mayan language, and none were provided with any sort of interpretation service.

2. Medical Access



**As with nationality, questions regarding medical treatment were added to the study a short time after we had begun to collect information. Therefore, the category "No Data" refers to children interviewed at the beginning of the study.

3. Abuse: Statistics and Correlations

Verbal Abuse: 12% (15)

Physical Abuse: 15% (18)

Sexual Abuse: none reported

Of the children who experienced physical abuse (18 total):

- 17 males, 1 female
- Average age – 16
- 39% initially lied about their age (7 out of 18)

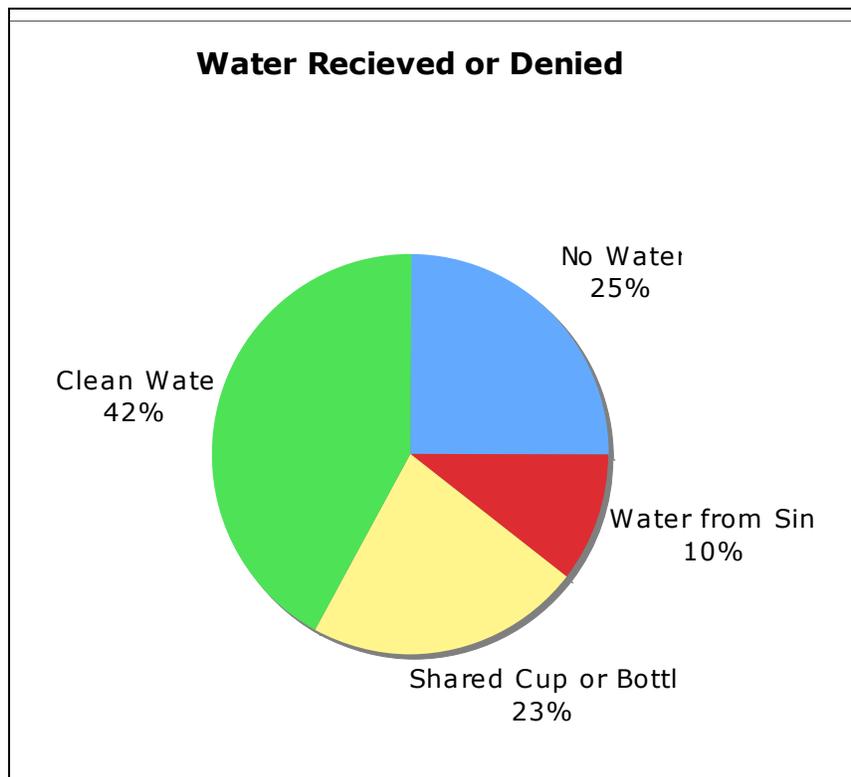
- 9 Guatemalans, 2 Mexicans, 2 Hondurans, 2 El Salvadorans, 3 of unknown nationality
- 3 were arrested in Phoenix (by the police or by ICE), 15 were arrested by the Border Patrol
- 15 experienced abuse at the time of their arrest

4. Physical Conditions of Detention

4.1 Length of Detention

Average Time in BP custody: 64 hours
 Held for more than 72 hours: 10 children (8%)

4.2 Access to Water



4.3 Access to Food

- 37% (46) received only crackers or were fed less than 3 times a day
- 63% (78) received "sufficient" food (typically hamburgers, crackers and juice, some got chocolate milk as well)
- 3 received no food while in BP detention

4.4 Sleeping Arrangements

51% (63) slept on the floor

4.5 *Temperature and Blankets*

- Was it cold where they detained you? **85% Yes** **15% No**
- Did they give you a blanket? **93% Yes** **7% No**
- If so, was the blanket clean? **49% Yes** **51% No**

5. Legally Binding Documents and Phone Access

5.1 *Papers*

94% of the children signed papers, 6% did not.

What language were the papers in?

	Number	Percent
English	49	39.5
Spanish	27	21.8
Both	17	13.7
Don't know	22	17.7
No Info/NA	9	7.3

Did you understand them?

	Number	Percent
Yes	38	30.6
No	74	59.7
Sort of	4	3.2
N/A	8	6.5

Did Border Patrol explain what the papers were?

	Number	Percent
Yes	51	41.1
No	64	51.6
Some	1	0.8
N/A	8	6.5

I signed the papers because:

	Number	Percent
No Option	73	58.9
Understood	20	16.1
Scared	21	16.9
N/A	9	7.3
Other	7	5.6

5.2 *Access to Phone Calls*

51% were given the option to make at least one phone call.

Appendix B: Declarations**Affidavit of Abuse**

I, [REDACTED], do swear under penalty of perjury that the following declaration is true and correct to the best of my knowledge and that it has been read back to me in Spanish.

- 1) I am sixteen years old and a Guatemalan citizen.
- 2) I entered the United States through Altar, Sonora on July 9, 2009 with a group of twenty-two people.
- 3) Around 5 am in the morning of July 9, 2009, Border Patrol spotted us and everyone in the group ran away. An officer dressed in a green uniform, who was tall, skinny, had blonde hair and brown eyes, ran after me. When he finally caught me he threw me to the floor and smashed the side of my head into the ground with his boot. This hurt very much and my eye began swelling a few minutes afterwards. When we were walking to the Border Patrol truck, the same officer told me that if I ran he would, “quebrar tu pinche madre” [English equivalent of “fuck you up”].
- 4) After I was caught by Border Patrol, I saw a girl from my group, who was sixteen, being hit on the head by a Border Patrol officer with a flashlight. She fell to the ground after she was hit and I never got to see if she got up after that. Seeing this scared me because I didn’t know if they were going to do something like that to me.
- 5) My eye continued swelling and hurting even after we got to the detention center but I did not ask for medical attention nor was I given any. I was taken to the doctor once I arrived at the shelter I am now.

Executed on July 14, 2009 in Phoenix, Arizona.

Date: _____

Affidavit of Abuse

I, [REDACTED], A# [REDACTED], do swear under penalty of perjury that the following declaration is true and correct to the best of my knowledge and that it has been read to me in Spanish.

- 1) I am seventeen years old and a citizen and native of Guatemala.
- 2) I entered the United States by walking through the desert on April 24, 2009 near Sonoita. I came with a group of people that I didn't know and one guide.
- 3) I was lying down in the desert when three Border Patrol officers came and started yelling at us to get down and not move. I ran but stopped when I heard a shot coming from the direction of the Border Patrol. They told me to get down on my knees and put my hands behind my back. After I did, an officer who was white, bald and had green eyes, took his right hand and hit me on the chest so hard that it knocked me back. This hurt me inside my chest. After that, with his right hand, the same officer, hit me on the back of the neck very hard. I was in pain but I didn't say anything because the officer seemed to be very mad. The same officer did the same thing to a man that was kneeling next to me. The whole time there was another officer pointing a gun to my face. I was handcuffed and put in a truck with all the others in my group after that.
- 4) When we got to the detention center I was interviewed by a Border Patrol officer and I told them I was seventeen. At this point I was feeling very sick. I had a fever, my whole body hurt and I had a headache. I told one of the officers that I was feeling very sick and he looked at me and told me that I did look sick and gave me juice. I drank the juice but I still felt sick and thought I was going to faint. I told another officer that I was sick and he told me that they were going to take me somewhere else where they might give me some medicine. They never took me there.
- 5) The next morning, April 25, 2009, I was taken to another detention center where they gave me a cold hamburger and juice. I was never given water in the day that I was there. I was cold and had only a dirty piece of blanket that barely covered me. I asked for another but they said no. They gave me another cold hamburger and juice in the afternoon. They gave no food that night. I asked for food but they said they couldn't give me anything. I slept that night on the floor with just a piece of plastic under me. I tried to sleep but I kept waking up because I was hungry, sick and cold. I felt sad because they didn't treat me well.
- 6) I was not allowed to make phone calls to the Guatemalan consulate, my parents or a lawyer during my time at the detention center. I asked to make a phone call on three different occasions but the guards just ignored me. I

stopped because another fifteen year old boy whose name was [REDACTED], A# [REDACTED], asked for something and the officer grabbed him by the shirt and threw him against the floor. This scared me.

- 7) The next morning, April 26, 2009, I woke up and they told me they were taking me to Guatemala and that I was leaving. The officers were laughing when they said that but I didn't realize that they were lying until I got to the shelter that I am now.

Executed in Phoenix, Arizona on May 29, 2009.

Date: _____

Affidavit of Abuse

I, [REDACTED], A# [REDACTED], do swear under penalty of perjury that the following declaration is true and correct to the best of my knowledge and that it has been read back to me in Spanish.

- 1) I am seventeen years old and a native and citizen of Guatemala.
- 2) I entered the United States on June 16, 2009 through Altar, Sonora with a group of 20 people, one of whom was a coyote.
- 3) At around 8:00 am on the morning of June 20, 2009, we were spotted by a helicopter and two Border Patrol officers on two motorcycles. I was running away from them. One of the officers on the motorcycles came very close to me and lifted the motorcycle while riding it, so that it would run only on its back wheel. He hit me on my back using the front wheel of the motorcycle. This hurt my back and caused me to fall to the ground.
- 4) Once I was on the ground, one of the officers who was wearing a green uniform, was white, thin, and had blue eyes, started kicking me on my side like I was a soccer ball. Every time he kicked me it was very hard and it hurt.
- 5) After kicking me, the same officer grabbed me by the shoulder and threw me on a thorny bush. The thorns pierced my skin throughout my body and some remained stuck in my hands. I saw another man from my group bleeding throughout his mid section from being thrown to the bushes by another officer.
- 6) While the officer that caught me went to catch more people from the group, he handcuffed me to the motorcycle so that I couldn't move.
- 7) Once the officer had gathered about eight people from my group, he chained us to each other and made us walk for about 10 minutes to a large vehicle. On the way, I got very thirsty and I wanted to drink my water but the officer told me I couldn't.
- 8) I was taken to a detention center where I was asked many questions, including my age. At first I lied about my age but told them the truth soon after because I was afraid of being put in jail.
- 9) While I was being questioned I didn't understand everything the officer asked me because my native and first language is Quiche and I was not given a translator at any point.

- 10) I was put in a cell with other minors and we were fed only crackers and juice every five hours throughout the day I was there. I felt hungry my whole stay there. I was also uncomfortable because I didn't have privacy to go to the bathroom. I stayed in this cell for about 24 hours until I was taken to the shelter I am now.
- 11) During my stay in that detention center I asked to make a phone call but the officer who was in charge told me I couldn't.
- 12) I felt pain in my back throughout my stay there and I still had thorns stuck inside my hand. I did not ask for medical attention and I was not given any.

Executed in Phoenix, Arizona July 20, 2009.

Date: _____

Affidavit of Abuse

I, [REDACTED], A# [REDACTED], do swear under penalty of perjury that the following declaration is true and correct to the best of my knowledge and that it has been read back to me in Spanish.

1) I am 15 years old and a citizen of Guatemala. I crossed into the United States from Mexico and was arrested in the desert near Altar.

2) I entered the United States through the desert on April 24, 2009 with a group of fifteen people and one guide. I was separated from my group because I couldn't keep up. I hid under a tree and that is where Border Patrol found me, around 4 in the morning, along with six others from my group.

3) At the time of my arrest, a Border Patrol agent who was tall, white, and quite big shined a light in my face and then handcuffed me. He put on his glove and then he hit me in the mouth near my right cheek. I was bleeding because of it but I didn't receive any medical attention from the officers, even after they noticed. My mouth hurt after the agent hit me.

4) The officer who hit me in the mouth and another officer took me to a truck and asked me questions. I told them that I am fifteen and at first I said that I was from Mexico but they didn't believe me so I told them the truth, that I am from Guatemala.

5) On the way to the detention center, in the truck, I was hungry so I tried to eat the crackers that I had been carrying with me. They got really angry, took my bag, looked inside and then stepped on it. I think they were looking for drugs because that is what they kept asking me about. They found no drugs because I wasn't carrying any.

6) Once I was in the Tucson detention center, they took my picture and then they gave me papers to sign. I signed them, but I didn't know what they said and the Border Patrol never explained them to me.

7) I was in detention for two days. I slept on the floor and they didn't give me any blankets. I was in a cell with a few other boys who were 16 and 17 years old.

8) On April 26, 2009, my last day in the detention center in Tucson, I was hungry, so I asked for crackers. A Border Patrol agent, who was thin, had brown hair, brown eyes and a mustache got very angry and called me a "pig". Then, he tried to choke me and threw me to the ground. This hurt me. Some other boys in the cell saw him do this and got very scared too. One of the boys who saw this happen is named [REDACTED] A# [REDACTED] and he is this shelter with me.

9) My first language is Kiche, and Border Patrol never gave me an interpreter so that I would understand what they were saying. I speak little Spanish so I did not understand much of what was said to me.

Executed on July 1, 2009 in Phoenix, Arizona.

Date: _____

Affidavit of Abuse

I, [REDACTED], do swear under penalty of perjury that the following declaration is true and correct to the best of my knowledge and that it has been read back to me in Spanish.

- 1) I am 16 years old and a native and citizen of Honduras.
- 2) I entered the United States on or around June 18, 2009, through the desert somewhere near Cananea, Mexico. I was in a group of thirteen people and one guide. We walked for three days.
- 3) On the third day of walking, in the early morning at around 2 am June 21, 2009, the Border Patrol (BP) found us. The whole group ran away. As I was running, I stepped into a hole that I didn't know was there, and badly hurt my right ankle. It hurt a lot and became very swollen. When I fell, a BP agent caught me and he handcuffed me with metal handcuffs. While I was running I lost one of my shoes and I never got it back. I had to walk to the BP truck barefoot, even though my foot hurt a lot and I couldn't really walk properly.
- 4) When I was being arrested I witnessed a member of my group, a man in his forties, be pushed hard by one of the Border Patrol agents. This scared me.
- 5) I was taken to a detention center where I spent a total of one day and one night. I don't know what the facility name was. My right foot still hurt a lot and I still couldn't walk, so I told the officer and asked him for medication. The Border Patrol agent looked at my foot and said I didn't need medical attention and that they didn't have any medication.
- 6) In the detention center, I was given water from a bottle whenever I wanted it, and I was fed cold beans from a bag and crackers, five times a day. They let me call the consulate of Honduras, but they told us that there was no law saying that we had a right to call our families.
- 7) I slept that night on the floor and with only a piece of a blanket under me. I was cold and very uncomfortable.
- 8) On the third day, they transferred me to a different detention center in Tucson. I did not ask for medical attention in this facility nor was I given any medical attention. From that facility they brought me to this shelter in which I am now. I was seen by a doctor within hours of getting to the shelter and I was told by that doctor that my foot was sprained and that I needed crutches.

Executed in Phoenix, Arizona on July 1, 2009.

Date: _____

Affidavit of Abuse

I, [REDACTED] A# [REDACTED], do swear under penalty of perjury that the following declaration is true and correct to the best of my knowledge and that it has been read back to me in Spanish.

- 1) I am fifteen years old and a citizen of El Salvador.
- 2) I entered the United States on or around July 6, 2009 through the Sonoran desert with a group of six people, one of which was a guide. I was left by group near a paved road because I was very sick and constantly throwing up. I waited there until it was morning, to turn myself in to Border Patrol. I was caught by Border Patrol around 10 am that morning.
- 3) The Border Patrol officers took me to a station near where I was caught where they asked me multiple questions such as my age and nationality. I said I was fifteen, which was the truth, and that I was from Mexico, which was a lie. I was still very sick from the desert but I did not ask for medical attention because I was scared.
- 4) That same day I was taken to another station which I believed was called Tucson. Once there, Border Patrol officers questioned me once again. Two Border Patrol officers, one who seemed to be Latino and tall and the other who seemed to be Caucasian with blue eyes and white hair, surrounded me and told me that if I didn't tell the truth about my nationality they would put me in jail for many years. They called derogatory names such as "pinche pendejo" [fucking idiot] and "mierda" [piece of crap] as they each pushed me from one side to the other while I was standing up. I was shocked when I heard them say these words since I consider them to be very bad. I finally said I was from El Salvador because I was scared they would hurt me or lock me away for a long time.
- 5) After they questioned me I started to feel even sicker so I finally asked for medical attention and I was taken to the hospital in handcuffs, where I was given an IV. I felt better after that.

Executed on July 13, 2009 in Phoenix, Arizona.

Date: _____

Affidavit of Abuse

I, [REDACTED], A# [REDACTED], do swear under penalty of perjury that the following declaration is true and correct to the best of my knowledge and that it has been read to me in Spanish.

1) I am 17 year of age and a native citizen of Mexico.

2) I entered the United States through Naco, Arizona on June 4th 2009. There were 6 people in my group and 1 guide. I came with my cousin, who is an adult.

3) We had only been walking for a few hours when we were spotted by Border Patrol and detained. I was not handcuffed and I was offered water. I was taken to a facility near to where I was caught in which I was questioned, and made to sign some papers. I don't know what the papers said, I didn't understand them. When I was asked my age I said I was 17 which was the truth. A few hours later, on the same day, I was put in a bus with many other people and deported to Sonora, Mexico. I was not given any food during my time in detention or allowed to make any phone calls. Upon my return to Mexico, I was not released to any government agency and I was not picked up by any family member.

4) A few days after I had made my first attempt, I tried to enter the United States again. This time there was 9 people in the group and a different guide. We went by car from someplace in Sonora and had traveled for about an hour when we were again caught by Border Patrol on June 7th 2009. I was not handcuffed this time either and I was offered water. I was taken to a detention facility near to where I was caught in which officers asked me for my age. Once again, I told officers I was 17. After a few hours I was put in a bus and taken to Sonora, Mexico again. I was not offered food during my time at this facility. Upon my return to Mexico, the second time, I was not released to any Mexican government agency or to my parents in Mexico.

6. A few days after my second attempt, I again tried to enter the United States. There was a group of about 10 people with me and 1 guide. This time we walked through the desert for a few days before we were caught by Border Patrol in Tucson on June 12th 2009. I was not handcuffed and was offered water. I told the officers once again that I was 17 years old. I was taken to a detention facility where I was held in a cell with about 15 other people, many of whom were adults. There was another girl in the cell with me who was 11 and whose name was Guadalupe. She was alone like me. We were both fed during our time in this detention facility. The first night I spent in the cell I lay on the floor but was unable to sleep because the officers kept calling my name and waking me up in the middle of the night to sign papers. The next morning I was taken in front of a judge inside the detention facility. The judge asked me what my age was, and I first said the truth but then a woman standing near me gave me a bad look and out of fear I said I was 18 so I wouldn't get in trouble. Later that day I was taken to the center in which I am now. I don't know how the matter of my age got resolved or why they believed me all of a sudden.

Affidavit of Abuse

I, [REDACTED], do swear under penalty of perjury that the following declaration is true and correct to the best of my knowledge and that it has been read back to me in Spanish.

1. I am 17 years old and I am from Quetzaltenango, Guatemala.
2. I entered the United States, traveling with my brother, on or around the 4th of April, crossing the border near Sasabe with a guide and a group of 21 people from many different places in Mexico and from Central America.
3. We walked in the desert, up and down hills, for one day and one night. While we were walking I stepped on a cactus and it hurt a lot because a spine went into my foot.
4. In the middle of the night, the guide heard the BP and told us to separate. We hid for around half an hour. When we thought they were gone, we came back together as a group and the guide told us that there was a boy missing so we looked for him. Then, we rested. I took off my shoe because my foot still hurt and the cactus spine was still in, so I tried to take it out.
5. I was sitting next to a woman from the group, and a Border Patrol agent came up from behind and grabbed us. The rest of group ran away, so only some of us got caught, and I was separated from my brother.
6. The agent let me go and another agent told me get up. I put my shoes on to get up but they told me to take them off again and put them on again. I was still sitting without my shoe on and an agent with coloured eyes came behind me and kicked me in the side, hard. It hurt a lot and I was crying – apart from the pain that I felt because I got caught, there was now also physical pain because I got kicked. Then, a man from our group told him not to hurt me because I am a woman.
7. We had to walk for a while to get to the BP truck, and my foot still hurt.
8. At the time of my arrest, I told the Border Patrol that I was 22 and that I was from Mexico because I was scared of what would happen if they knew I was from Guatemala, and I didn't want to get deported all the way back there.
9. I was held in the detention center with a group of adult women. We had to drink water from the sink, which smelled funny. There were no cups, either. We were fed one hamburger a day.

10. The detention center was very cold. I was given a blanket that was very dirty – I think it was originally green, but it looked brown and smelled really bad. I had to sleep on the floor, and there was very little room because there were so many people in the room.
11. I met two young women in the center and they told me that I should stay with them because they had really good jobs in the States and they could help me.
12. I spent one night in detention. While I was there, the BP gave me papers to sign. They were in Spanish, and even though they gave us some time to read them, I didn't understand them because I was so scared, so I just signed them.
13. After spending one night in detention, I was almost repatriated to Mexico with the rest of the group, including the two women. I was going to go with them but then I became scared because I didn't want to be in Mexico all alone with nobody to help me.
14. I got off of the bus and started to walk into Mexico, but before crossed the border I got scared, so I went back to the BP agents and told them the truth – that I am actually a minor from Guatemala.
15. The agents from the bus to a different detention center, where they asked me lots of questions and yelled at me for not telling the truth. There were older women there with lots of tattoos. I asked why they were there and somebody told me that they were there because they had committed crimes. I was scared.
16. I was taken to an individual room and I slept there alone for one night. They left me without a blanket for one hour. Then another guard came to give me food and asked me why I didn't have a blanket. I was freezing. So he gave me one, but it was only one and very thin. I was cold the whole night.
17. The next day, they took me back to the detention center I was originally in. I was there for six hours, in the same room I was in before. I asked where I was going to be taken next and a BP agent yelled at me and told me to shut up. They wouldn't give us food when I asked, either.
18. The whole time I was in detention for the second time I was treated very badly. BP agents kept on yelling at me because I had lied about my age and nationality. They were very scary and intimidating.
19. Finally, they brought me to the shelter, and it is much better here than it was in the detention centers.

Executed in Phoenix, Arizona on Monday, June 22nd, 2009.