

**SHAKEDOWN**

HOW DEPORTATION ROBS  
IMMIGRANTS OF THEIR  
MONEY AND BELONGINGS



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*Dispossession by deportation, and the scope of the suffering it creates, is largely invisible inside the United States. It affects a marginalized, hyper-criminalized population, and its consequences are felt mainly after deportation to another country.*



NO MORE DEATHS  
NO MÁS MUERTES

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# GLOSSARY

## **287(G) OF THE IMMIGRATION AND NATIONALITY ACT**

Under this section of the Immigration and Nationality Act, the federal government is authorized to enter into agreements with state and local law enforcement agencies which allow local law enforcement officers to identify, process, and detain undocumented individuals during regular, daily law-enforcement activities.

## **ALIEN TRANSFER EXIT PROGRAM (ATEP)**

Beginning in 2008, ATEP became a U.S. Deportation strategy whereby migrants are returned to border regions of Mexico far from their initial place of apprehension. The goal of this strategy is to discourage border crossing by geographically separating people from the place they initially crossed and any coyotes they may have met there. The human cost of separating families upon deportation and sending them to places they do not know is tremendous.

## **THE BINATIONAL DEFENSE AND ADVOCACY PROGRAM OF MEXICO'S NORTHERN BORDER INITIATIVE/ PROYECTO DE DEFENSA E INCIDENCIA BINACIONAL (PDIB)**

This documentation and advocacy group is made up of many organizations that work in the following locations in Northern Mexico: Baja California, Agua Prieta, and Ciudad Juarez.

## **BORDER PATROL (BP)**

The Border Patrol is responsible for apprehensions and custody of individuals perceived to be in violation of immigration law along the border.

## **CORRECTIONS CORPORATION OF AMERICA (CCA)**

The largest private corrections company in the United States. This company manages more than 67 facilities in the United States for a profit. They are notorious for poor treatment of detainees, refusal to allow oversight, substantial falsification of records, and intensive lobbying.

## **CRIMINAL ALIEN REQUIREMENT (CAR)**

Criminal Alien Requirement refers to for-profit prisons that are reserved for low-security non-US citizens in Federal Bureau of Prison custody. These facilities have to comply with BOP policies in only a few areas and can therefore develop their own harmful and substandard treatment policies.

## **(U.S.) CUSTOMS AND BORDER PROTECTION (CBP)**

A division of the Department of Homeland Security, the U.S. Customs and Border Protection houses the Border Patrol and is the largest federal law enforcement agency in the country.

## **DEPARTMENT OF CORRECTIONS (DOC)**

A governmental agency responsible for the operation of the state prison and parole system. Not all state prisons are operated by the state Department of Corrections. Many state prisons are privately operated by businesses such as The GEO Group or CCA.

## **DEPARTMENT OF HOMELAND SECURITY (DHS)**

Created by the Homeland Security Act of 2002, the Department of Homeland Security began operations in 2003. One of its primary responsibilities is the implementation and enforcement of immigration laws and policies. DHS oversees the U.S. Customs and Border Protection (CBP) and Immigration and Customs Enforcement (ICE).

## **(U.S.) DEPARTMENT OF JUSTICE (DOJ)**

A U.S. federal department responsible for the enforcement of law and administration of justice. The United States Marshals, Federal Bureau of Prisons, and Office of Inspector General are all agencies within the Department of Justice.

## **DEPORTATION**

The administrative process of removing a person from the U.S. who is not a U.S. citizen and who does not have legal status to be in the U.S. The formal term for deportation was changed to "removal" under the Illegal Immigration Reform and Immigrant Responsibility Act of 1996.

## **DEPORTED MIGRANT RESOURCE CENTER**

Binational humanitarian projects that provide aid to migrants as the U.S. Border Patrol repatriates them near the Naco and Agua Prieta ports of entry.

## **DISPOSSESSION**

Depriving someone of something they own. In this report, the systematic failure to return money and belongings.

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## **EXTORTION**

Obtaining money through force or threats. For individuals who have been deported, extortion is a major occurrence that happens to them and their families.

A common example of extortion is a family receiving a phone call demanding money for the safe return of a kidnapped family member.

## **FEDERAL BUREAU OF PRISONS (BOP)**

A subdivision of the U.S. Department of Justice responsible for the administration of the federal prison system. The Federal Bureau of Prisons has custody of an undocumented individual when that person has been convicted of violating a federal law (including illegal re-entry), is awaiting trial for federal charges, or is a pre-trial detainee for ICE.

## **GEO GROUP**

Previously known as the Wackenhut Corrections Corporation, the GEO Group is an international company that privately and for a profit manages 96 facilities worldwide. They manage prisons of all security levels and immigration detention centers. They are notorious for poor treatment of detainees.

## **IMMIGRATION AND CUSTOMS ENFORCEMENT (ICE)**

A division of DHS, ICE enforces immigration law within the interior of the U.S. Responsibilities include apprehension, detention, and removal of undocumented immigrants.

## **INTERGOVERNMENTAL SERVICE AGREEMENT (IGSA) FACILITY**

Jails, prisons, and other local or state government facilities with immigrant detention beds designated through agreements between federal and state or local governments. These facilities are government owned, but may be operated by either local or state agencies or by a private company.

## **KINO BORDER INITIATIVE/INICIATIVA KINO PARA LA FRONTERA**

The Kino Border Initiative is a binational organization that works in Nogales, Arizona and Nogales, Sonora to promote US/Mexico border and immigration policies that affirm the dignity of the human person. In addition to research and advocacy, they run a soup kitchen and shelter in Nogales, Sonora.

## **MANAGEMENT AND TRAINING CORPORATION (MTC)**

A company that manages for-profit prisons. MTC manages 22 facilities in 8 states.

## **NO MORE DEATHS/NO MÁS MUERTES**

No More Deaths is a humanitarian aid organization based in southern Arizona whose mission is to end death and suffering in the US/Mexico borderlands. No More Deaths operates on the premise of civil initiative: the conviction that people of conscience must work openly and in the community to uphold fundamental human rights. No More Deaths provides direct humanitarian aid in the Arizona desert, at a migrant resource center in Nogales, Sonora, and among the community in Southern Arizona.

## **NUMI FINANCIAL**

A for-profit prepaid debit card company that specializes in disbursing money to released inmates. The user of these cards incurs high service fees and weekly operating fees that go back to NUMI Financial.

## **OFFICE OF CIVIL RIGHTS AND CIVIL LIBERTIES (OCRCL OR CRCL)**

Within the Department of Homeland Security, OCRCL is charged with advising DHS on civil rights and civil liberties issues and investigating complaints.

## **REMOVAL**

See “deportation”

## **REPATRIATION**

The physical act of returning migrants without legal status to their countries of origin. Many of the migrants served at the Border Aid Station and Migrant Resource Centers, and in Border Patrol custody have signed a ‘voluntary removal’ or ‘voluntary departure’ form and are repatriated. This is a civil procedure, rather than a criminal one. For the purposes of this report, ‘repatriation’ and ‘deportation’ are often used interchangeably.

## **SECURE COMMUNITIES (SCOMM)**

A deportation program created in 2008 which operates through a federal information-sharing partnership between local law enforcement, ICE, and the Federal Bureau of Investigations (FBI) to identify deportable individuals in their databases.

## **UNIVERSITY OF ARIZONA**

The University of Arizona is a state university that has released multiple reports in 2013 on abuses people experience upon deportation. These reports include ‘In the Shadow of the Wall’ and ‘Bordering on Criminal: The Routine Abuse of Migrants in the Removal System.’

## **U.S. MARSHALS SERVICE (USMS)**

A federal law enforcement agency within the Department of Justice. The U.S. Marshals Service is in charge of transporting prisoners and pre-trial detainees in the United States.

# SHAKEDOWN

HOW DEPORTATION ROBS IMMIGRANTS OF THEIR MONEY AND BELONGINGS

## EXECUTIVE SUMMARY

As of 2013 the Obama Administration has deported 1.9 million people from the United States, many of whom did not get back their personal property- including money- that they were detained with or that they were allowed to receive while in detention.<sup>1</sup> 34% of deportees interviewed by the University of Arizona reported that they did not get back at least one item of their belongings.<sup>2</sup> This mass failure to return money and belongings affects both people detained by the Border Patrol while crossing the US/Mexico Border, and undocumented individuals detained by Immigration and Customs Enforcement (ICE) anywhere in the U.S.

Though the indicated scale of dispossession is shocking, no large figure can illustrate the daily impacts of this abusive practice. The failure to return money and belongings is a dangerous human rights violation that is not acceptable on any level.

Dispossession by deportation, and the scope of the suffering it creates, is largely invisible inside the United States. It affects a marginalized, hyper-criminalized population, and its consequences are felt mainly after deportation to another country.

As our documentation shows, the property lost is at once humble and substantial. For the most part, the money lost was under \$100 USD per person. These are the personal effects of ordinary working people, however, for whom \$80 in their pocket, or no longer in their pocket, may represent both a week's pay and a ticket to safety in the country to which they are deported. The impact is not only monetary: large-scale loss of IDs, clothing, cell phones, and personal tokens such as wedding rings and family photos also takes a heavy toll on people's safety and psyche. Being deported without money and belongings makes people vulnerable to further exploitation and abuse. Recovery of the withheld property is sometimes belatedly possible through the assistance of a humanitarian organization or one's consulate but never without effort, time, and much uncertainty.

## DISPOSSESSION THROUGH DEPORTATION

"Shakedown" provides a detailed account of why and how immigrants' belongings and money are not returned upon deportation and advocates for specific remedies. We present data based on 1,481 cases handled by No More Deaths' Property Recovery Assistance Project, which helps people recover personal property after being detained in Arizona, from 2011 to 2014; and on 165 interviews with immigrants deported without some or all of their money from 2013 to 2014. We recount stories of money that disappeared from belongings or that was stolen by U.S. agents in plain sight, money deposited into prison accounts that never arrived or from prison labor that was never paid, and money that was returned in forms unusable after deportation such as money orders, prepaid debit cards, and personal checks.

We found that dispossession occurred through three main mechanisms:

- Complete failure to return money and belongings;
- Cash returned in forms difficult or impossible to use internationally; and
- Money directly stolen by agents.

Our key findings include:

- From 2013 to 2014 No More Deaths documented intervention for 165 money-specific cases in which 59% were helped to recover some or all of their lost funds. Out of the \$37,025 that was reported lost or unusable, \$12,851 was recovered, while \$24,174 was lost for good.

- From 2011 to 2014 No More Deaths responded to 1,481 requests for property-recovery help from people who had been deported or were awaiting deportation. We physically handled 884 deportees' personal effects recovered from the U.S. Border Patrol alone.

- For property subject to the Border Patrol's standard policy of destruction after 30 days, our Property Recovery Assistance Project (PRAP) rate of successful recovery is only 22%;

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*“When I was detained, Border Patrol threw my necklaces and belt in the trash yelling ‘esto va a la basura.’<sup>3</sup> They put my cell phone and Birth Certificate in a bag and said they’d hold on to it for me. I asked for it from ICE when I was being deported and they told me, ‘You don’t have anything!’ I showed them a slip with the items listed and they said, ‘Border Patrol has that, not us,’ and told me there was nothing they could do.”*  
– Yolanda, April 2014, Tijuana, Mexico

the rate falls to 12% if the person was subject to criminal prosecution and then initiated their property-recovery effort after deportation.

• Based on a sample of personal effects recovered from Border Patrol, detainees have on average the equivalent of \$38.14 in Mexican currency; 60% have one or more foreign-government-issued IDs; and 52% have a cell phone. These are the items that make a crucial difference for their safety and well-being at the moment of deportation and afterwards.

• As a result of being deported without access to their money, 81% of those asked reported that they could not afford to travel home, 77% could not afford food, 69% could not afford shelter, 64% lost time, and 53% were exposed to danger.

### **FAILURE TO RETURN BELONGINGS UPON DEPORTATION**

The scale of this failure to return belongings has escalated since 2005, when the U.S. Border Patrol first instituted Operation Streamline, a daily court hearing in which migrants detained near the border plea *en masse* to criminal charges of illegal entry or re-entry. Streamline sentences for illegal entry have an average of 30 days.<sup>4</sup> Federal courts in general that are prosecuting migrants for illegal re-entry have an average sentence of 19 months.<sup>5</sup> When a migrant receives a prison sentence, they are transferred to U.S. Marshals Service custody to be imprisoned, and most of their belongings are not allowed to accompany them. These belongings remain at the Border Patrol station where they were first held. U.S. dollars follow people into “inmate accounts” at the prisons, but foreign currency is not accepted. Therefore pesos (and any other money not in USD) stay with belongings. Border Patrol summarily destroys these belongings after 30 days from the date of arrest. Many migrants, however, receive sentences of more than 30 days, resulting in the de facto loss of all of their belongings, including money in pesos.

The Tucson Sector Border Patrol has a unique policy in which the belongings are held for 30 days after the date of release rather than 30 days after the date of arrest. As a result, their headquarters has six shipping containers full of belongings just for individuals who faced Operation Streamline prosecutions. While this policy is an improvement over the norm, it fails to go far enough to guarantee the return of belongings. Many migrants prosecuted through Operation Streamline serve their sentence outside of Arizona, and are eventually deported far from the Border Patrol station holding their belongings. They may or may not know that they are able to make a request for their belongings through the Mexican Consulate or with the aid of non-profits such as No More Deaths, but either way they are left without their belongings when they need them most: at the moment of deportation to an unfamiliar and likely dangerous border town. At that point, months will pass before they are reunited with their belongings, if they are able to be recovered at all.

### **MONEY RETURNED IN FORMS DIFFICULT OR IMPOSSIBLE TO USE INTERNATIONALLY**

Many people have their money returned in a form that is difficult or impossible to use in the country to which they are deported. If someone was carrying cash when they were detained or if their family sent them money in prison, that money is often returned by the prison in the form of a personal check or a prepaid debit card. This situation often occurs when an immigrant is detained in the interior of the U.S. and then transferred from a local jail or prison into ICE custody.

64% of the money cases documented in our survey (106 out of 165) involved personal checks or money orders that could not be cashed in Mexico. Both personal checks and money orders are intended to be domestic financial instruments, not for international use. Mexican banks will not accept them,

and money exchange facilities on the border generally do not change them (although a few will do so at an exorbitant exchange rate of 25% or more). The only real option immigrants have with these checks is having them cashed by someone inside the U.S. by depositing them into their personal bank account and hoping that the money is eventually returned. This option comes with a new set of barriers and an elevated risk of being exploited and robbed. We often meet deported immigrants who have already ripped-up their checks because they believe they are completely useless.

Prepaid Visa and Mastercard debit cards are also a common form for returning detainees' money, particularly from county jails. 12% of the money-specific cases documented in our survey (19 out of 165) involved prepaid debit cards. These cards are difficult to cash outside of the U.S. because activation of the card almost always requires calling a 1-800-number. Unlike regular long distance numbers in the U.S., 1-800-numbers cannot be dialed internationally even with a calling card. If individuals can manage to activate the card, many are confused about their PIN, but to access customer service and change a PIN they must enter a social security number, which people who have been deported do not have. Once the cardholder has an activated card and a functional PIN, funds can be withdrawn from ATMs or used to make purchases. Both of these methods incur exorbitant international fees and result in money left on cards that cannot be accessed because ATMs can only accept withdrawals in 100 peso increments, and purchases rarely use the card's exact total, leaving a quantity unclaimed.

### **DIRECT THEFT BY AGENTS**

In addition to rampant institutional theft, detainees are at risk of direct and individual theft throughout the entire process of apprehension, transfer, prosecution, detention, and deportation. Theft by U.S. Agents accounted for 5% (8 out of 165) of money-specific cases. The stories of stolen money in "Shakedown" reveal that migrants are being robbed throughout their chain of custody. In the cases of theft we documented, four separate agencies were implicated: Customs and Border Protection; Tempe Police Department; U.S. Marshals Service; and the Maricopa County Sheriff's Office.

### **WHO PROFITS? FOLLOWING THE MONEY TRAIL**

Where do the money and belongings end up? While there is no simple answer, we have uncovered multiple destinations which reveal who profits off these abusive practices. When Department of Homeland Security protocols are followed, much of the money goes to a CBP suspense account then eventually ends up in the U.S. Treasury fund. Many others also siphon money along the way including MoneyGram, prison profiteers such as prepaid debit card companies like NUMI Financial, and individual agents, as illustrated by cases of direct theft.

For those apprehended near the border, their belongings stay behind with Border Patrol and are destroyed 30 days after detention in most locations. Property with commercial value is supposed to be sold, with profits put into a suspense account then later sent to the U.S. Treasury if still unclaimed.

### **CATASTROPHIC CONSEQUENCES**

No More Deaths chose to highlight the issue of dispossession because, in addition to suffering and trauma, powerful stories of strength and courage are embedded in it. Migrants put their most precious possessions into one backpack to traverse a deadly desert, only for that backpack to be taken by authorities and not returned. In addition to money and identification documents, people travel with medication, cellphones with family phone numbers, irreplaceable keepsakes, spiritual items, and heirlooms. These cherished items represent peoples' histories and connections to loved ones, which are necessary for their psychological, spiritual and physical well-being.

Similarly, 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'. Money also represents the sacrifices that peoples' families made to send them money in immigration detention or that people earned at \$1 a day for prison or detention center labor and painstakingly saved, only to find themselves penniless on the streets of Mexico because they cannot use the prepaid debit card given to them.

Finally, identification documents may be the only way people can prove their identities. When these documents are seized by U.S. agents and not returned, people are left on the border without the basic documents needed to receive a money transfer or have any recourse when harassed or extorted by the local police. With ID that proves Mexican citizenship, deported individuals gain some access to assistance from the Mexican government. Without ID, the risk of extortion, kidnapping, and sexual assault drastically increases. Without ID, individuals are unable to apply for legitimate work in the border towns where they are deported. With few or no options available to earn money or to leave town, some individuals are recruited into smuggling cartels or otherwise convinced to try crossing the border again as quickly as possible by guides who may take advantage of them. The psychological damage of being stripped away, not only from one's home, but also from resources and autonomy may be felt for a lifetime.

The vulnerabilities associated with dispossession are especially severe for individuals already at a greater risk due to

## CASE EXAMPLES

CARLOS, APRIL 2014, TIJUANA, MEXICO

“After I was deported in Mexico, police picked me up and took me to jail for not having an ID. I went to Grupo Beta [the Mexican federal agency for migrants] to find out how to replace my birth certificate. They sent me to another government office where I was told that someone from

Jalisco has to pay 430 pesos to get it from where I was born, which I didn’t have. I got a job that told me I have 20 days to show them my birth certificate. Once I get my first paycheck, I will have to take the day or maybe days off work to get the replacement, losing even more money.”



their gender identity, sexual orientation, age, ethnicity and geographical origin. The United States has a responsibility to ensure the well-being of individuals in its custody and must not engage in practices that needlessly put people in additional harm’s way as soon as they are deported.

### GOVERNMENT LACK OF ACCOUNTABILITY

When No More Deaths has brought concerns related to lost money and belongings to the attention of Border Patrol and ICE, they have responded by saying that returning these belongings is not part of their responsibility and that migrants are not automatically entitled to getting their belongings back. According to the U.S. Constitution, property can be seized only for use as evidence or in the event that it is identified as the illicit proceeds of a crime. The comments made by both low-level officers and higher-level officials suggest a willingness at all levels of CBP to use power to seize belongings at will rather than in accordance with the law.

The United States government, specifically the Department of Homeland Security (DHS), is responsible for the direct and collateral damage of dispossession through deportation since they are ultimately responsible for all removals. “Shakedown” includes six clear recommendations that could be implemented today, without congressional action, and that would significantly ameliorate the issue.

### RECOMMENDATIONS

• Immigrant detainees must always have access to vital belongings while in custody, such as medications necessary for their health and phone numbers necessary to contact loved ones.

• Immigrant detainees who will eventually be deported by ICE should have their belongings, including money, follow them to the end of their chain of custody and should be reunited with these items, including money in its original form, immediately upon their release.

• ICE ERO (Enforcement and Removal Operations) must ensure that every individual has the opportunity to convert his or her commissary funds to cash before deportation.

• CBP should retain prosecuted individuals’ belongings for a minimum of 30 days past the end of their prison sentence, or until ICE picks up the belongings. Belongings should never be destroyed while their owner is still serving a sentence.

• CBP property-management practices must be brought into conformity with law-enforcement norms and CBP’s own written policies.

• DHS must create an accessible and transparent mechanism for accepting complaints filed by immigrant detainees and ensure adequate oversight to remedy the problems identified by the complaints.

The failure to return peoples’ belongings upon deportation represents one more way that ICE and CBP have failed to uphold basic law enforcement standards and human rights norms in their rush to expand the United States’ detention and deportation apparatus. The most appropriate short and long-term solution to these problems is to enact a more reasonable and humane approach to immigration policy. During its five and a half years in office, the Obama administration has accomplished an unprecedented volume of deportations from the United States. Systemic abuse and neglect, including the practices documented in this report, are an unavoidable consequence to detention and deportation, especially of this volume.

Alicia Dinsmore (top left), a No More Deaths volunteer, sits with a mother and her children as they take turns talking to a relative from Nogales, Sonora.



# INTRODUCTION

## NO MORE DEATHS: AID AND ADVOCACY

No More Deaths began in 2004 as a direct humanitarian aid response to the violent consequences of US/Mexico border militarization. Our mission is to end death and suffering on the border through civil initiative: the conviction that people of conscience must work openly and in community to uphold fundamental human rights. No More Deaths' work began by providing food, water and medical care to those crossing the Arizona desert. As the devastating human impacts of deportation have increased, we identified a need to contribute to efforts in Mexico responding to the many needs of people deported there, and have also worked with partner groups in the United States to have deportation recognized as an issue of acute racial and economic justice.

In 2006 No More Deaths began providing aid in Nogales, Mexico, to support people being deported with their medical needs, clothing, phone services, locating lost and detained family members, and recovering money and belongings. We heard stories of family separation, Border Patrol, Immigration and Customs Enforcement (ICE) and private detention center abuses, and a variety of dangerous repatriation practices. In 2008 we published 'Crossing the Line,' an effort to document and publish some of these stories. We advocated for better standards and submitted complaint after complaint to the Department of Homeland Security's Office of Civil Rights and Civil Liberties (OCRCL or CRCL). As we received responses, usually about a year and a half later and never with

any identifiable action taken,<sup>4</sup> we continued to document an alarming number of abuses. We continued to help people file complaints, over 90 to date, a process that has thus far proven futile.<sup>6</sup> In 2011 No More Deaths released 'A Culture of Cruelty,' which documented more than 30,000 cases of abuse related to CBP custody and deportation practices. Key findings included:

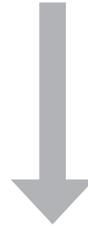
- 11,384 incidents of insufficient, inedible, or no food provided.
- 86% of people needing urgent medical care were deported without it.
- 2,926 incidents of failure to return personal belongings.
- 10% of interviewees physically abused. The longer people were held in custody the more likely they were to be abused.
- 5,763 reports of overcrowding.
- 1,699 incidences of verbal abuse.
- 869 family members deported separately.
- An average length of time living in the U.S. before deportation was 14.4 years.
- On average, interviewees had 2.5 children living in the U.S.

From 2011 to 2014 No More Deaths has continued to witness a whole spectrum of abuses, including the types documented in 'A Culture of Cruelty.' As people kept being deported hungry, bruised, distraught, and separated from their loved ones, we heard one specific request over and over again—to help recover

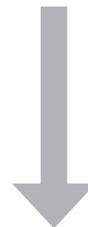
## **CUSTODY ABUSES**

MEDICAL NEEDS DENIED  
SEPARATED FROM FAMILY  
PHONE CALLS DENIED  
PHYSICAL ABUSE  
PSYCHOLOGICAL ABUSE

INSUFFICIENT FOOD  
EXTREME TEMPERATURES  
CROWDED CELLS  
SLEEP DEPRIVATION  
DIRECT THEFT



## **FAILURE TO RETURN MONEY AND BELONGINGS**



## **POST-DEPORTATION CONSEQUENCES**

UNABLE TO ACCESS MEDICATION  
UNABLE TO ACCESS MEDICAL CARE WITHOUT MONEY AND ID  
UNABLE TO PAY FOR PHONE CALLS OR ACCESS NUMBERS IN LOST CELL PHONES/BAGS  
UNABLE TO CONTACT AND/OR TRAVEL TO FAMILY/SAFETY  
ASSAULT, KIDNAPPING  
POLICE HARASSMENT AND EXTORTION, ESPECIALLY WITHOUT ID  
PTSD AND EMOTIONAL DAMAGE

UNABLE TO ACCESS FOOD WITHOUT MONEY OR ID  
INADEQUATE CLOTHING  
UNABLE TO USE HYGIENE PRODUCTS OR CHANGE CLOTHES, IDENTIFYING ONE AS RECENTLY DEPORTED AND EXPLOITABLE  
UNABLE TO ACCESS SHELTER WITHOUT MONEY – FORCED TO SLEEP IN STREETS OR IN THE CEMETERY  
ROBBED IN THE PROCESS OF GETTING MONEY SENT THROUGH SOMEONE ELSE'S NAME BECAUSE ONE IS UNABLE TO DO SO WITHOUT ID

<p><b><i>Crossing the Line</i></b> (2008)</p>	<p>345 cases of abuse documented from 2006-2008.</p> <p>Establishes that systematic human rights violations occur regularly during Border Patrol custody.</p>
<p><b><i>A Culture of Cruelty</i></b> (2011)</p>	<p>More than 30,000 incidents of abuse documented from 12,895 individuals from 2008-2011.</p> <p>Identifies dangerous apprehension methods and changing demographics of deportees.</p> <p>Articulates steps needed to end abuse in short-term custody and dangerous repatriation practices.</p>
<p><b><i>Shakedown</i></b> (2014)</p>	<p>1,646 totals dispossession cases documented in which humanitarian aid volunteers intervened.</p> <p>1,481 requests for property-recovery.</p> <p>165 money-specific cases.</p> <p>Reveals the inner workings and consequences of one pivotal dangerous repatriation practice: dispossession.</p> <p>Pinpoints key players involved in dispossession and explains what practices must change to prevent further abuses.</p>

money and belongings that were taken from people following apprehension by U.S. authorities. Because they were repatriated without money, identifying documents, and other belongings, individuals became stuck in border towns, immobile and vulnerable. These problems remain widespread in 2014, as we publish this report.

Recuperating money and belongings for deportees has become an important humanitarian effort for many groups in Mexico. No More Deaths has focused on this because it has been the most identified immediate need and desire for many of those most affected by deportation. In addition to being approached daily by migrants deported to Nogales asking for this assistance, we have also received inquiries from individuals in other cities throughout Mexico asking for help recovering their lost belongings, as well as concerned family members in the U.S. asking for help to ensure that a loved one receives their money in cash upon deportation in order to have the resources necessary to hastily leave a dangerous border situation.

## **HUMAN RIGHTS AND DANGEROUS DEPORTATION PRACTICES**

While in custody many detainees are not allowed to access their belongings, many of which are vital, such as medications and phone numbers. The inability to access belongings while in custody is a precursor to the failure to return belongings upon deportation. The failure to return both money and belongings that a deportee had on their person or in their prison

account is a cruel and unsafe repatriation practice. Money and belongings provide mobility and autonomy. To strip people of their money and belongings is a pivotal abuse that extends and exacerbates the dangerous and inhumane consequences of U.S. deportation practices by putting people in greater danger upon their return to their country of origin.

Amidst the grave human rights atrocities taking place in the borderlands—the deaths of migrants in the desert, Border Patrol shootings and killings of both U.S. and Mexican citizens with impunity, and massive profits by private detention and border enforcement profiteers—what does the routine dispossession of relatively small amounts of money and belongings actually mean? Indeed, in the face of the \$18 billion spent by the U.S. government in 2012 alone on border and immigration enforcement, the amount of personal loss experienced during deportation may seem trivial but the pain and suffering we witness have never been quantifiable in dollars. The money taken yearly from deportees that is described in this report translates to widespread and immeasurable harm. Although on an individual level these figures may appear humble, they represent a routine, callous violation of human rights on the part of U.S. authorities and the private companies invested in border enforcement and detention.

Although the forms of suffering and abuse experienced in the border region are many, this particular issue is unique because it simultaneously implicates authorities across the spectrum of apprehension, detention, and removal and is also relatively simple to fix. We are calling for the Department of

County jails such as this one in Yavapai County, Arizona are part of custody chains that lead to dispossession.



## **Chains of Custody: Linking the Culpable Agencies**

*Discovering the full extent of how dispossession occurs has been a challenge, as it is built into a myriad of distinct routes of apprehension, detention, and deportation. Immigrants in detention experience a variety of custody chains that often include being passed among the following agencies and facilities over the course of their time in detention:*

- *Local and State Police, Highway Patrol*
- *The Department of Homeland Security: Customs and Border Protection (CBP- which includes the U.S. Border Patrol), Immigration and Customs Enforcement (ICE)*
- *The Department of Justice: The U.S. Marshals Service (USMS are in charge of custody and federal transfers), Federal Bureau of Prisons (BOP is responsible for federal inmates)*
- *The Department of Corrections: State Prisons, County Jails (run by the Sheriff of that county)*
- *Private Prison Companies: Corrections Corporations of America (CCA), GEO Group, Management and Training Corporation (MTC)*

Homeland Security to rapidly consider and implement our recommendations and create inter-agency standards to ensure the return of all confiscated money and belongings upon deportation. Dispossession is one particularly dangerous repatriation practice that could be immediately terminated, drastically diminishing the vulnerability experienced by migrants upon return to their country of origin to predation by those who would exploit them (including smugglers and cartels) while simultaneously improving respect for their dignity and autonomy.

### **BEST PRACTICES FOR MONEY & BELONGINGS RECOVERY**

As part of our work documenting abuses, No More Deaths aims to take action to remedy those abuses whenever possible. In the course of conducting our interviews, we developed a set of “best practices” for aiding immigrants who have been deported so that they can recover their belongings and access their cash from the personal check or debit card they received from the prison system. As a supplement to this report, we have prepared a “Best Practices Guide”

for recovering money and belongings that can be used by other organizations providing resources to migrants along the US/Mexico border. That document, along with other supplementary materials, can be found at online <http://www.cultureofcruelty.org>.

### **AN EXPANDING DATA TRAIL**

In the last five years there has been a large international push by multiple communities to bring to light the United States’ dangerous deportation practices such as nighttime repatriation, family separation through the Alien Transfer Exit Program (ATEP), flying people far from the border through the Mexican Internal Repatriation Program (MIRP), medical repatriations, deporting people without their money and belongings, and sending people to border towns with rampant cartel and state violence.<sup>7</sup> In 2013, the University of Arizona released ‘In the Shadow of the Wall’ based on three years of research and 1,113 interviews with recently deported individuals throughout cities in northern Mexico.<sup>8</sup> They also released a three-part series called ‘Bordering on Criminal’ of which part II focused on possessions taken and

## **COMMON CHAINS OF CUSTODY WHERE MONEY AND BELONGINGS ARE LOST**

Though there are numerous combinations of custody trails, the following are common examples for Mexican Nationals:

### **BORDERLAND APPREHENSION**

A person attempting to cross the desert into the U.S. is apprehended near the US/Mexico border by Border Patrol. This person is placed in a short-term Border Patrol holding cell for up to 72 hours and then transferred into the U.S. Marshals Service custody to be prosecuted for “illegal re-entry” as part of Operation Streamline.<sup>12</sup> After receiving a sentence the person is taken to a private facility for federal inmates contracted with the U.S. Marshals Service (such as Florence, AZ).<sup>13</sup> After completing the sentence, the detainee is released to ICE’s Enforcement and Removal Operations (ERO) and is de-

ported to a Mexican border town such as Nogales, Sonora.

The average length of incarceration for those who go through Operation Streamline is 30 days.<sup>14</sup> The average sentence for re-entry was 19 months.<sup>15</sup> This trail of custody commonly results in the loss of belongings because the items stay with the local Border Patrol when the detainee is transferred to a prison, usually far from where they were apprehended.

### **INTERNAL APPREHENSION**

A person is stopped by a police agency. Through 287(g) (a joint Memorandum of Agreement between local law enforcement and ICE) the local official acts as an authority for immigration enforcement.<sup>16</sup> The person is then transferred into ICE custody and is sent to an ICE detention center until they are given an order of removal. The detainee is released to ICE ERO and is sent from any location throughout the U.S. to a border town such as Nogales, Sonora.

The average length of detention in ICE custody is 31 days.<sup>17</sup> This trail of custody commonly results in cash being returned in forms that do not work internationally, such as personal checks and prepaid debit cards that are given to the detainee from state and county jails.

### **NAMING THE PROBLEM**

In addition to naming the players involved and the roles they play in the webs of custody, naming this multifaceted problem has also been a challenge. Although individual theft of immigrant belongings certainly occurs, and is represented in our interview results, the most common forms of dispossession can be called *structural, institutional or systemic*. The seizure of money and belongings and the failure to return them can all be defined as anything from bureaucratic negligence to blatant, and in many cases, intentional deprivation of money and property. All of these terms describe types of dispossession, which is an umbrella term that will be used in the report.

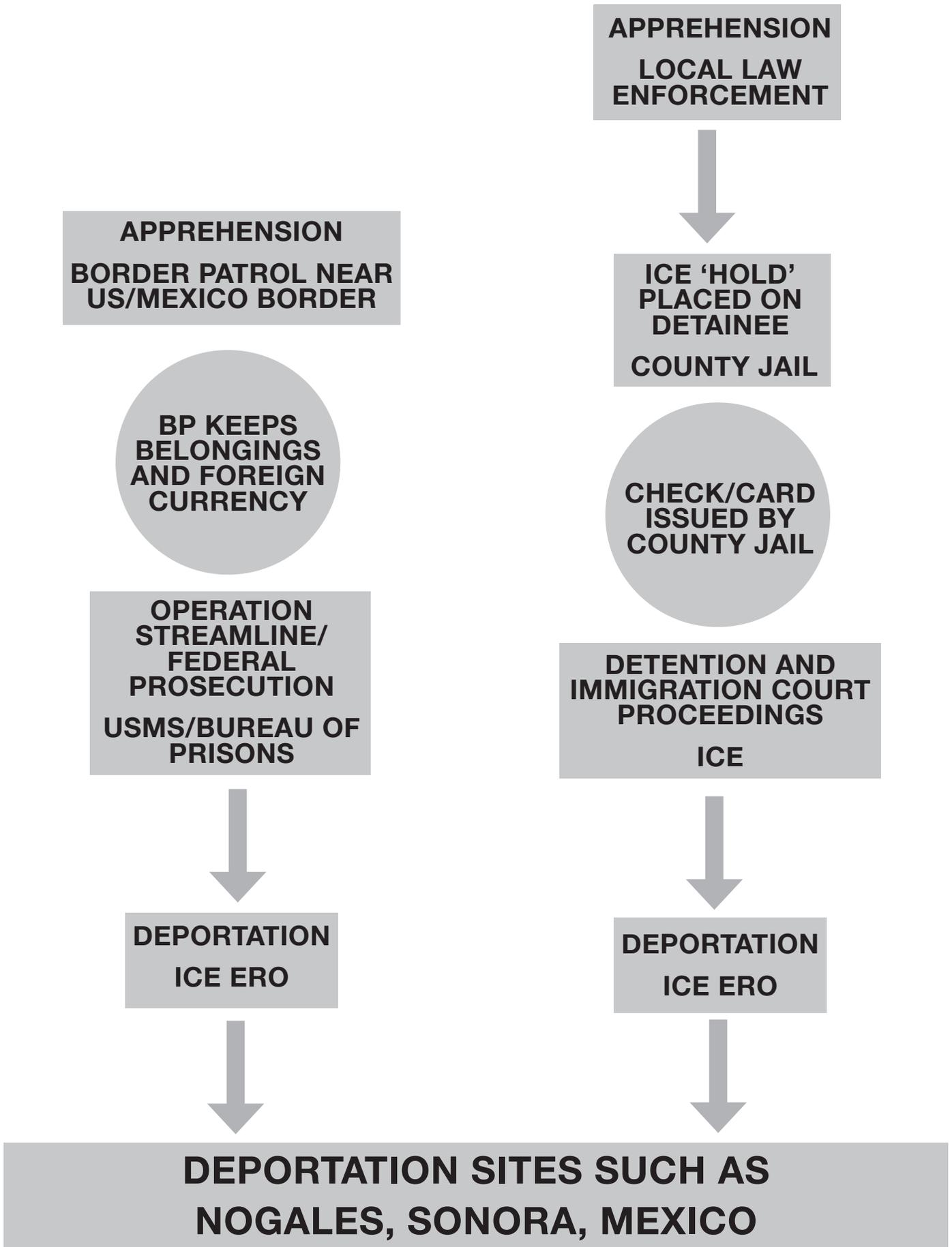
not returned. The report found that the problem is systemic and due to a lack of inter-agency standards and cooperation between Customs and Border Patrol, the Department of Justice, and Department of Corrections.<sup>9</sup> Their key findings reveal that 34% of people had at least one of their belongings taken and not returned, 31% had clothes or bags taken and not returned, and one in four carrying a Mexican ID had their ID taken and not returned. 57% of migrants processed through Operation Streamline lost belongings compared to 23% of those who were processed through other means, and \$55 dollars was the median amount of money lost.

In 2013, The Binational Defense and Advocacy Program of Mexico’s Northern Border Initiative released a report titled ‘Human Rights Violations of Mexican Migrants Detained in the United States.’<sup>10</sup> The report identified the issue of money returned in forms such as checks and also provided general data for deportees’ exposure to danger in Mexico such as extortion, theft, physical assault, and kidnapping. In 2014 the group worked with the Institute for Justice and Journalism to further publicize the dire consequences of the retention of migrants’ belongings, which they describe as ‘invisible violence against migrants.’<sup>11</sup>

### **A CYCLE OF DISPOSSESSION**

The failure to return immigrants’ money and belongings is one piece of a cycle of dispossession that includes exploitation and robbery by smugglers, bandits, employers and government officials. What these practices share in common is the predatory financial exploitation of some of the most vulnerable members of our societies. The cycle of dispossession includes lenders in individuals’ sending communities who charge predatory interest rates to finance the migrant journey; smugglers who threaten and extort migrants and their families; bandits who violently rob, kidnap and assault migrants in the desert and along the journey; private employers who engage in illegal and exploitative labor practices in the United States; local police and towing companies that seize private vehicles and charge exorbitant daily storage rates; detention bonds and related fees associated with the immigration court system; government officials in Mexico and the United States who solicit bribes or otherwise directly rob migrants of their belongings; private prison companies whose exploitative labor practices fail to follow basic standards established in the Fair Labor Standards Act; and phone, commissary and credit card companies that contract with prisons and extract exorbitant fees for the provision of basic services.

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Humanitarian aid volunteers assist two recent deportees at Kino Border Initiative's soup kitchen in Nogales, Sonora.



# METHODOLOGY

The data used for this report comes from two different sources. The first is a survey used from April 2013 to April 2014 to elicit both qualitative and quantitative data from individuals who were recently deported without their money. These individuals fell into two categories: those who did not receive their money at all and those whose money was returned as a debit card, personal check, or money order they could not easily cash in Mexico. The second source is No More Deaths's Property Recovery Assistance Project database, which contains over two thousand cases from 2008 to the present. Each case consists of the following: an individual's request for help recovering their belongings; a No More Deaths volunteer's research into the case; and, in cases where the property was successfully recovered, a complete inventory of the contents and a record of how it was returned to its owner.

Our analysis involves calculating total amounts of money in Mexican pesos and U.S. dollars. Exchange rates change daily. For simplicity and consistency, we have applied an exchange rate of 13 (MXN) pesos to the (USD) dollar. All totals included in this report are in dollars, including cases reported in pesos that have been converted to dollars.

## **SURVEY METHODS**

All volunteers collecting data with the survey were proficient in Spanish and thoroughly trained in the methods and ethics of conducting interviews in addition to being trained specifically by No More Deaths on direct service practices with people deported to Nogales, Sonora, Mexico.

The survey instrument was piloted between April and May 2013. Volunteers who conducted interviews during the pilot noted where the survey needed further clarity or failed to cover aspects of money loss that were brought up by interviewees. Revisions were made to add clarifying questions and additional options on multiple-choice questions. A copy of the final survey instrument can be found in an appendix available online at <http://www.cultureofcruelty.org>.

No More Deaths volunteers, as well as volunteers with the Kino Border Initiative (KBI), a partner organization in Mexico, conducted all interviews one-on-one in facilities in Nogales, Sonora that provide basic services to people who have been deported. Locations included the Centro de Atención al Migrante Deportado (Deported Migrant Service Center), which is a meals program run by KBI, and Transportes Fronterizos de Sonora, which is a bus station that provides discounted tickets for migrants who want to return to their places of origin in Mexico.

Volunteers explained the purpose of the survey and gained thorough, verbal consent before beginning interviews. Thorough consent means that the interviewees' desires were respected and they were informed of our advocacy efforts and the use of their information in our reports. Volunteers involved in both direct service work and the survey project always made it clear to individuals that documenting their cases was in no way linked to receiving services, and that they could willingly choose to be part of either one without the other. In cases where individuals needed volunteers' help to recover money, all steps were taken to address their immediate needs

## **Overview: Property Recovery Assistance Project**

- *Thousands of cases handled since 2008*
- *Volunteers pick up, safeguard, and deliver personal effects to deportees and their families*
- *84% of direct requests for assistance are traced to an initial arrest by Customs and Border Protection*

before the interview. All participants could remain anonymous or use their name if they chose to do so for any reason or if a name was needed to help recover money or belongings or file an official complaint. All names have been replaced with pseudonyms for the stories included in this report. Additionally, all interviewees were offered the option of talking in a private location to maintain confidentiality.

Survey data was entered into a secure online database system created by the American Civil Liberties Union (ACLU) of New Mexico's Regional Center for Border Rights. The database system is used by more than 20 organizations and is designed to adapt to the needs specific to each campaign. The original paper surveys are kept in a secure, centralized file after data entry.

### **DEMOGRAPHICS OF SURVEY PARTICIPANTS**

There were 165 people completing in-depth interviews with varying numbers of responses to demographic questions. 73% of interviewees identified as male and 3% as female. 23% gave their age, with a range from 21 to 67. For nationality, 32% identified as Mexican and 0.6% (one person) as Honduran.

### **PROPERTY RECOVERY ASSISTANCE PROJECT: BACKGROUND AND INTERPRETATION**

No More Deaths's Property Recovery Assistance Project (PRAP) began in 2008, the year that the U.S. Border Patrol and the U.S. Attorney for Arizona, working in collaboration, initiated Arizona's version of Operation Streamline, a program of mass-prosecuting Border Patrol detainees for unlawful entry. The initial basis of the PRAP was a cooperative arrangement between No More Deaths and the Federal Public Defender's (FPD) office in Tucson, which provides legal representation for Operation Streamline defendants and others prosecuted for unlawful entry.

Our arrangement continues to this day. For those of the FPD's clients at risk of dispossession by deportation, the FPD picks up their personal effects from Border Patrol headquarters and turns them over to No More Deaths (all subject to clients' consent; they can choose other options as well). No More Deaths takes charge of returning their belongings to them or their family. In a minority of cases, we are able to return their belongings to them personally in Nogales, Sonora, Mexico, but most of the time we must mail them to their family in their country of origin or the United States.

Over PRAP's history its scope has grown. In 2010 we began to accept requests for Border Patrol property-recovery assistance directly from people who had not been reached by the FPD arrangement: first working directly with deported individuals in Nogales, then corresponding by mail with individuals still incarcerated and awaiting deportation. With great frequency, individuals prosecuted in Arizona are placed by the Federal Bureau of Prisons at contract facilities in Texas and other states, guaranteeing that they are deported far from anywhere we can work with them directly. To help our direct requesters recover their property, we developed another cooperative arrangement, this time with the Consulate of Mexico in Tucson.

We also began to pick up some people's personal effects ourselves directly from the arresting agency, without an intermediary, using a power-of-attorney document provided by the property's owner. This method enables us to assist not only those arrested by Border Patrol, but also police and sheriff's departments in Phoenix and Tucson and CBP at the Nogales Port of Entry. Finally, we expanded beyond personal effects to help people recover funds from prison and detention-center commissary accounts.

The PRAP database became systematized in 2010–2011. Records from earlier years are not fully digitized. From this working database of over two thousand records we have drawn several samples for analysis:

DEPARTMENTS, AGENCIES, AND FACILITIES IMPLICATED FOR 165 MONEY-SPECIFIC CASES

Department of Homeland Security (DHS)- Customs and Border Protection (CBP), Border Patrol (BP), Immigration and Customs Enforcement (ICE)	
U.S. Department of Justice (DOJ)- Bureau of Prisons (BOP), U.S. Marshals Service (USMS)	
State Department of Corrections (DOC), Sheriff's Departments, Police Departments	
Private Prisons (Owners and Management) and Transportation- Corrections Corporation of America (CCA), GEO Group, Management and Training Corporation (MTC), G4S	
<p>Arizona:</p> <ul style="list-style-type: none"> <li>✦ Border Patrol Stations: Tucson, Nogales, Douglas, Naco</li> <li>✦ ICE, Phoenix</li> <li>✦ Tempe Police</li> <li>✦ Maricopa County Sheriff's Department</li> <li>✦ SPC Florence</li> <li>✦ FCC Florence</li> <li>✦ CADC Florence</li> <li>✦ Pinal County Adult Detention Center</li> <li>✦ Eloy Detention Center</li> <li>✦ San Luis Detention Center</li> <li>✦ ASPC Douglas</li> <li>✦ ASPC Lewis</li> <li>✦ ASPC Tucson</li> <li>✦ ASPC Safford</li> <li>✦ ASPC Eymann</li> <li>✦ ASPC Yuma</li> <li>✦ ASP Kingman</li> <li>✦ ASP Phoenix West</li> <li>✦ ASP Florence West</li> <li>✦ Marana (MCCTF)</li> <li>✦ Lower Buckeye Jail</li> <li>✦ Yavapai County Jail</li> <li>✦ Pima County Jail</li> <li>✦ Santa Cruz County Jail</li> <li>✦ FCI Tucson</li> <li>✦ FCI Phoenix</li> <li>✦ FCI Black Canyon</li> </ul>	<p>California:</p> <ul style="list-style-type: none"> <li>✦ Border Patrol, El Centro Station</li> <li>✦ ICE, Los Angeles</li> <li>✦ Imperial County Sheriff's Department</li> <li>✦ FCI Lompoc</li> <li>✦ CSP Corcoran</li> </ul> <p>Texas:</p> <ul style="list-style-type: none"> <li>✦ CI Reeves III, Pecos</li> </ul> <p>New Mexico:</p> <ul style="list-style-type: none"> <li>✦ Otero County Detention Center</li> </ul> <p>Colorado:</p> <ul style="list-style-type: none"> <li>✦ FCI Florence</li> <li>✦ Monte Vista Jail</li> </ul> <p>New York:</p> <ul style="list-style-type: none"> <li>✦ New York Police Department</li> </ul> <p>Nevada:</p> <ul style="list-style-type: none"> <li>✦ Nevada Southern Detention Center</li> </ul> <p>Utah:</p> <ul style="list-style-type: none"> <li>✦ Utah County Jail</li> </ul> <p>Tennessee:</p> <ul style="list-style-type: none"> <li>✦ Unknown Facility</li> </ul> <p>Pennsylvania:</p> <ul style="list-style-type: none"> <li>✦ Allenwood Federal</li> </ul>

✦ 1,481 total property-recovery cases handled between January 1, 2011, and March 5, 2014, whether resulting from arrest by Border Patrol or another agency

✦ 1,033 direct requests for property-recovery assistance submitted to No More Deaths by mail or in person between June 1, 2010, and September 30, 2013

✦ 452 bags of personal effects received indirectly or directly from Border Patrol between June 1, 2011, and March 5, 2014, whose contents we itemized

✦ 222 direct requests for property-recovery assistance from August 1, 2012, to September 30, 2013, traced to an arrest by Border Patrol Tucson Sector and categorized by processing type: Operation Streamline prosecution, other prosecution, or not prosecuted

The database, like the project, is focused on providing a service, property recovery, rather than documenting an

abuse, dispossession by deportation. We do document each case fully, recording more information than is strictly necessary to effect property recovery for the individual. But ultimately the PRAP database is representative of individuals *seeking to undo* their dispossession, not simply individuals *affected by* dispossession. The distinction is important for reasons discussed in more detail in Section One, Part One: the prospects of successful property recovery are very different for people in different categories, and those prospects naturally affect the likelihood that a person will seek to recover their property: some people, at least, are aware of the prospects and make a rational choice based on that. Therefore, the PRAP database assuredly overrepresents cases where prospects are relatively good and underrepresents cases where prospects are relatively bad.

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# SECTION ONE

# DISPOSSESSION

# PRACTICES

165 Money-Specific Cases  
Amount Lost & Recovered in U.S. Dollars

# \$37,024.50

Total that would have been lost if no help were available

# \$12,850.98

Total recovered with help

# \$24,173.52

Total lost for good

## DISPOSSESSION BY DEPORTATION

Every year the detention and deportation system strips the population of immigrants who have been deported of large quantities of their own money. This money is lost in a small, persistent trickle that is unreturned or impossible to recover, which makes its way to the hands of the better-off: private prisons, the U.S. Treasury, prepaid debit card companies, and individual opportunists.

In this section of the report, we will explore in detail three major avenues by which this money is taken:

- Entire belongings taken by Border Patrol during detention and not returned upon deportation;
- Cash placed in immigrants' prison accounts that is returned, upon deportation, as a check or debit card that cannot be used internationally; and
- Money directly stolen by U.S. agents.

We discuss here the mechanisms by which dispossession occurs, and the implications of our own rates of success in attempting to help restore people's property. Our documentation reveals massive loss, even after large efforts are made in conjunction with other groups and individuals. The question of where this money goes is addressed in Section Three.

Among the 165 money-specific interviews over the course of one year, we documented a total of \$24,173.52 lost for good, with an average (mean) per person of \$146.51 lost.

Volunteers were able to help 97 (59%) of those interviewees recover some or all of their lost funds. Those people we were able to help recovered 35% of the total that would have been lost. The full amount recovered was \$12,850.98. The average recovered per person was \$77.88. It is impossible to assess how much the 165 people would have recovered without our help. If we assume they would not have been able to recover anything on their own, then the total lost would have been \$37,024.50, with an average of \$224.39 per person.

Among our 165 money-specific interviews there were:

- 106 cases of money returned as a personal check or money order that could not be cashed
- 21 cases of money missing from belongings that were never returned
- 19 cases of money returned as a prepaid debit card
- 14 cases of prison labor earnings not received
- 9 cases of belongings returned with all or some of the money missing
- 8 cases of money witnessed being stolen by agents
- 3 cases where prison accounts never reflected money deposited into them by family members
- 4 cases that did not fit into any of the above categories

(Note: the total adds up to 184 rather than 165 because some interviewees reported cases that included multiple categories)

Belongings of migrants in storage at the Border Patrol station in Tucson, AZ.



## PART ONE

# FAILURE TO RETURN BELONGINGS AND MONEY UPON DEPORTATION

Ramiro lived in the U.S. for nine years (2003–2012), and has a five-year-old son in Washington State. All of his immediate family, including his mother and brothers, live in Washington. On July 30, 2013, Ramiro was detained by U.S. Border Patrol agents in Douglas, AZ while trying to cross the US/Mexico border to reunite with his family. He was sent to court and criminally prosecuted, sentenced to 60 days, and held in two different Corrections Corporation of America (CCA) private prisons.

Ramiro was deported on September 28, 2013 to Nogales, Sonora. He told No More Deaths volunteers conducting our survey, “When we were released from Florence, we were on a bus with 80 people, and we stopped at the Tucson Border Patrol station to pick up our belongings. At first, the BP agents said that they checked their computer and did not have anyone’s belongings. Then they could tell that people were becoming agitated, so they said they would go look for our things. They found about 70 people’s belongings out of 80 of us, but around 10 were not found, including mine. From there the bus drove us to Nogales, where we were deported.”

Ramiro says that his belongings included a Mexican voting credential, his Washington-state driver’s license, 3,000 pesos (\$230.77), two cell phones, approximately \$80 of prepaid air-time, a charger, a belt, one rosary, and clothing.

### **OPERATION STREAMLINE AND FEDERAL IMMIGRATION CHARGES**

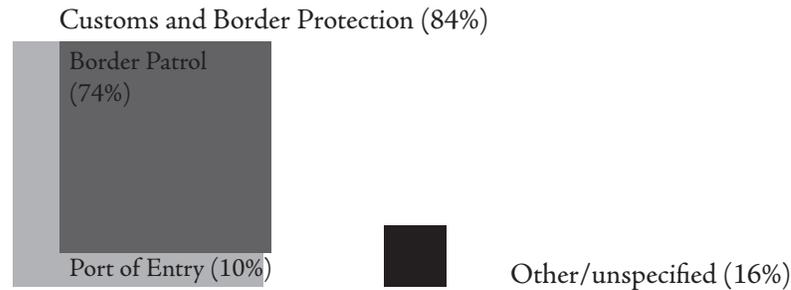
The scale of dispossession by deportation is largely a new phenomenon. A major contributor to it is the strategy of

criminally prosecuting migrants detained on the southwest border with federal charges. Migrants who receive a criminal sentence are transferred to distant prisons while their belongings remain with the Border Patrol, where they are summarily destroyed 30 days after the date of arrest. Because many immigrants receive a sentence of more than 30 days, this policy results in the de facto destruction of detained immigrant’s belongings before they are even released.

Immigration-related charges now account for more than half of all federal prosecutions and just five of the 94 federal court districts handle 41% of all federal cases.<sup>18</sup> This mass prosecution of undocumented people is spearheaded by a program initiated in 2005 known as Operation Streamline, in which migrants apprehended in the borderlands are tried *en masse* and convicted of federal criminal charges in one hour-long hearing. The criminal charges used in Streamline and in many other immigration-related prosecutions are unlawful entry, a misdemeanor punishable by up to 180 days in prison, and unlawful re-entry of a deported immigrant, a felony punishable by up to 20 years in federal prison.<sup>19</sup> The individuals who are mass processed in Operation Streamline receive only a few minutes each with a public defender and are encouraged to plead guilty to avoid even stronger charges and more prison time.<sup>20</sup>

Once they are charged, migrants are transferred from Border Patrol to U.S. Marshals Service custody. The only part of an inmate’s belongings the U.S. Marshals Service will accept is money in U.S. dollars (USD), which is transferred to a prison account in the inmate’s name. Money in the form of

**Breakdown by arresting agency, property-recovery requests received by No More Deaths 2010–2013 (n = 1,033)**



Mexican Pesos or other foreign currency remains with the bag of belongings held by Border Patrol, which means that all money other than U.S. dollars is also lost after 30 days, when their belongings are destroyed.

When undocumented border crossers complete their sentences, they are released from the U.S. Marshals Service custody or Bureau of Prisons custody to Immigration and Customs Enforcement (ICE), which is responsible for their deportation. So far there has been no collaboration at the national level between ICE, Border Patrol, the U.S. Marshals Service, and the Bureau of Prisons to address the fact that this custody chain results in the de facto seizure and destruction of the belongings of most immigration detainees sent to Operation Streamline or prosecuted through other channels.

**A DEEPER LOOK INTO DISPOSSESSION BY PROSECUTION**

Operation Streamline is only one component of the dispossession by prosecution that affects so many of the immigrants being deported from the U.S. There are also many prosecutions based on charges pressed against border crossers by Border Patrol outside of the Streamline program. In the Tucson Sector, they actually outnumber Streamline prosecutions (approx. 23,000 vs. approx. 16,000 annually). Nevertheless, Streamline has gained currency as an overall term for the mass-prosecution approach being pursued by CBP and its partners in the Department of Justice.

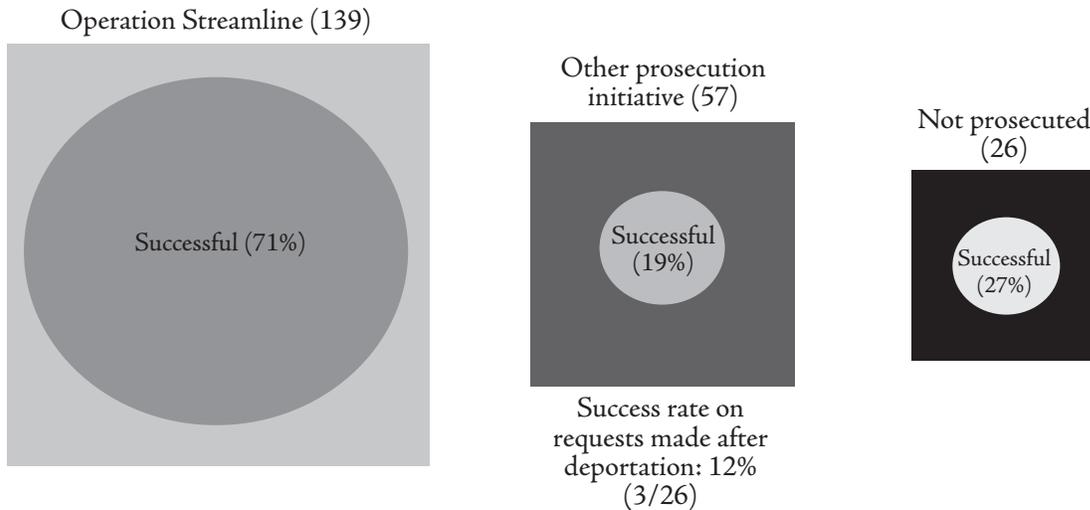
This approach radically “streamlines” notions of due process and judicial discretion while massively benefitting the private prison industry. Through most of its history, CBP processed the people it detained civilly and returned them directly to Mexico. CBP often refers to that approach derisively as “catch and release.”<sup>21</sup> In contrast, the current strategy stems from the “Consequence Delivery System,” which provides agents with a menu of “consequences” to “deliver” to each detainee, the main one being criminal prosecution.<sup>22</sup> However, one of the unadvertised consequences of the new approach is mass dispossession.

It is fair to call dispossession a systematic consequence of prosecution. According to the University of Arizona report, “Bordering on Criminal: The Routine Abuse of Migrants in the Removal System,”<sup>23</sup> 57% of those sent through Streamline reported dispossession, compared to 23% among those who had been deported without being criminally prosecuted. Turning individuals over to the criminal justice system instead of returning them to their country of origin greatly increases their likelihood of being separated from their personal effects.

**LOCAL FACTORS: BORDER PATROL’S TUCSON SECTOR**

While overall a majority of individuals who are brought up on immigration charges by Border Patrol suffer the consequence of dispossession, our experience in the Border Patrol’s Tucson Sector indicates that the rate of (permanent) dispossession can vary greatly, and arbitrarily, as the result of several factors.

**Prosecution and property-recovery success, 2012–2013, for PRAP requesters arrested by Border Patrol in Tucson Sector (n = 222)**



One factor that mitigates loss is a local arrangement between ICE and Border Patrol authorities. It provides for ICE deportation buses departing from Florence, Arizona (where both the U.S. Marshals Service and ICE have detention facilities that are owned and operated by Corrections Corporation of America) to stop in Tucson at Border Patrol headquarters and pick up detainees' personal belongings on their way to be deported to Nogales, Mexico. Based on our experience in Nogales, this is happening regularly, but not consistently. This arrangement is helpful as far as it goes, but is limited by its local scope. It fails to serve individuals transferred out of state to serve their sentence and whose property is still waiting for them in Tucson when they get out, since they are deported by a different ICE office to a different part of the border.

These border crossers shipped out of state and away from their belongings are well represented in PRAP's database. Of the 211 bags of property we recovered in 2013 from the Border Patrol for people, 55% of them had an out-of-state prison address.

A second local factor besides the cooperative arrangement with ICE is a Border Patrol concession. As part of the 2008 rollout of Operation Streamline to Tucson Sector, the sector authorities adopted an exceptional policy on "abandoned property" (the personal belongings of detainees who are transferred to the custody of the U.S. Marshals Service to be prosecuted and imprisoned). For Tucson Sector Streamline cases only, instead of destroying personal effects 30 days after their owner "abandoned" them in BP custody, which is the

usual policy, Border Patrol would instead wait until 30 days past the end of their sentence (up to 210 days). To accommodate this policy, sector headquarters has had to acquire six shipping containers that are now full of belongings just for Operation Streamline prosecutions.

This special policy is, again, helpful as far as it goes, but its arbitrary limitation to Streamline cases results in striking disparities. Obviously, if a non-Streamline defendant is in custody longer than 30 days, then their property will not be waiting for them in Tucson when (or if) their deportation bus stops there because it will already have been destroyed. And staying in custody longer than 30 days is quite common both for those prosecuted outside of Streamline and even for those not prosecuted at all. We have dealt with several individuals who were kept in custody longer than 30 days in order to testify for the prosecution as a material witness and lost their personal effects as a result.

The chart on page 21 illustrates the disparate effects of the Streamline-only exception in the Tucson Sector. Streamline defendants who requested their property through us recovered it most of the time, whereas everyone else was unsuccessful most of the time. The most unsuccessful of all were non-Streamline defendants who did not contact us until after being deported: we got their property back for them just 12% of the time. We are also struck by the relatively small number of non-Streamline defendants in this 13-month period (57) compared to Streamline defendants (139), considering that in the Tucson Sector, non-Streamline prosecutions outnumber Streamline prosecutions. A likely interpretation is that

## Overview: Money not returned with belongings

30 cases documented - 18% of our money-specific cases.  
(13% - belongings containing money not returned at all.  
5% - belongings were returned with money missing.)

3.33% recovery rate

Range: \$5.38 - \$5,500 USD

Average (mean) including \$5,500 outlier: \$486.62

Average (mean) excluding \$5,500 outlier: \$313.75

An example of confiscated money that has been properly inventoried by CBP standards. CBP Directive 5240-007 requires agents to take inventory of detainees' belongings in the owner's presence. Since 2009, however, agents have disregarded their own standards and stopped routinely inventorying and bagging foreign currency.



many non-Streamline defendants, by the time they have an opportunity to contact us, already know that their property has been destroyed and there is no point trying to recover it.

As insufficient as the local arrangements are, they do not always work the way they are supposed to. Many of the 139 Streamline defendants in our sample are people who were deported via Tucson to Nogales and approached our volunteers there. Both the ICE arrangement and the BP concession applied to them, yet their property was not returned to them. The most frequent reason given is that the deportation bus failed to stop in Tucson at BP headquarters, with the driver sometimes citing scheduling reasons.

In sum, although the local arrangements in Arizona are good on paper, as far as they go, in practice many people are still left without their belongings, and others who recover them eventually still suffer from not having their property when they need it most— at the time of deportation.

### AMELIORATING DISPOSSESSION: STRATEGIES FOR PROPERTY RECOVERY

If ICE fails to reunite you with your personal effects before deporting you, forcing you to leave the United States without the things you would never willingly leave your house without—your ID, your cell phone, and your money—what can you do? The PRAP data we have presented is the result of a five-year effort to provide a recourse. It behooves us to point out this recourse's inadequacy. PRAP is not “part of the solution.” It is a stop-gap measure that helps only a small portion of those affected. Even if we had the human

and financial capacity to reach out to everyone affected and provide them the same assistance, our assistance does not and cannot address the vulnerability a deportee experiences in the initial minutes, hours, and days after deportation. We would have to be at every port of entry along the border, 24 hours a day, simultaneously. Not even for one person can we do what ICE can do: return their belongings to them upon deportation.

Even if property recovery is ultimately successful, the amount of time its owner spends without can be anything but brief. Many people have no idea they will be dispossessed by deportation until it has happened. Someone who has already been deported without making arrangements to recover their property may still have a chance to recover it, but it typically takes months. During that time, they may be unable to work for lack of their official ID; the money they are waiting to recover may be a loan that is accumulating interest; and the whole time the questions “yes or no” and “how much longer” may have no clear answer.

Besides contacting No More Deaths, individuals who have suffered, or are at risk of suffering, dispossession by deportation may also seek help from their consulate. Consulates are, at least, not run by volunteers; in theory they have a less limited capacity than we do. In some cases they even have personnel assigned full-time to property-recovery assistance. But neither humanitarian groups nor foreign consulates can take the place of the U.S. government fulfilling its responsibility to ensure that belongings are always returned to their rightful owner.

## CASE EXAMPLES

### JULIO – DEPORTED FROM THE HOSPITAL WITHOUT BELONGINGS

Julio and two friends were separated from their group and lost in the desert. Having gone days without water, one of his friends became so desperate and suicidal that he began searching for sticks with which to stab himself. At one point Julio's friend was so thirsty that he sprayed deodorant into his mouth, receiving a chemical burn. Julio and the other friend tied him to a tree so that

he could not hurt himself while they went to seek help. They encountered a Border Patrol agent and all three were rescued and detained. Because he was carrying all the belongings, they were mistakenly put in Julio's name. Julio was in the hospital for eight days. He was released, processed and deported without getting any of the belongings back, which included \$30 dollars and

4,200 pesos. He was particularly worried because the other two men's possessions were also missing. With assistance from No More Deaths, Julio was able to recover the belongings by calling the Nogales Border Patrol station, where they agreed to bring the backpacks to the Nogales Port of Entry for the Mexican Consulate to pick up the following day.



### MONEY LOST VIA THE LOSS OF BELONGINGS

In No More Deaths' survey, we had two separate categories related to belongings: money left in belongings that were not returned, and belongings returned with the money missing from them. 18% of the total missing money cases (30 out of 165) were related to belongings, with 13% due to money left in belongings that were never returned, and 5% due to belongings that were returned with the money missing. In only 2 of those 30 cases (6% of the time) was the money able to be recovered.

In almost every case when belongings were returned without the money, the owner was surprised that it was missing and did not understand why it was not there or where it went. When asked if they declared their money upon arrest, 16 said yes, eight said they were not asked, and only two said no, that they failed to declare their money in an inventory of belongings. The range of money lost for good per person was between \$5.38 and \$5,500 U.S. dollars, with an average (mean) of \$486.62 and a median of \$142.31 (The unusually large outlier of \$5,500 shifted the average much higher. With that case removed, the average becomes \$313.75). A total of \$14,598.69 USD was reported as lost because of failure to return belongings or money.

### DISPOSSESSION BY MISMANAGEMENT: FAILURE TO OBSERVE PROPERTY STANDARDS

Looking at mass prosecution from the point of view of law-enforcement standards and practices leads to a different set of concerns than what we have discussed so far. Unlike a municipal police department, filing criminal charges was a fairly marginal part of CBP's work for most of its history. The advent of the doctrine of 'Consequence Delivery' has led to an observable decline in standards. In its drive to implement

mass prosecution— an entirely elective strategy— CBP has sought (or, from the operational point of view, been forced) to sidestep or "streamline" basic property-and-evidence standards common to all law-enforcement agencies and duly recognized by CBP. The standards relevant to detained personal effects are reflected in CBP Directive 5240-007, Regarding Personal Property Disposition Procedures, Nov. 6, 2006.

The key passage in Directive 5240-007 is the following:<sup>24</sup>

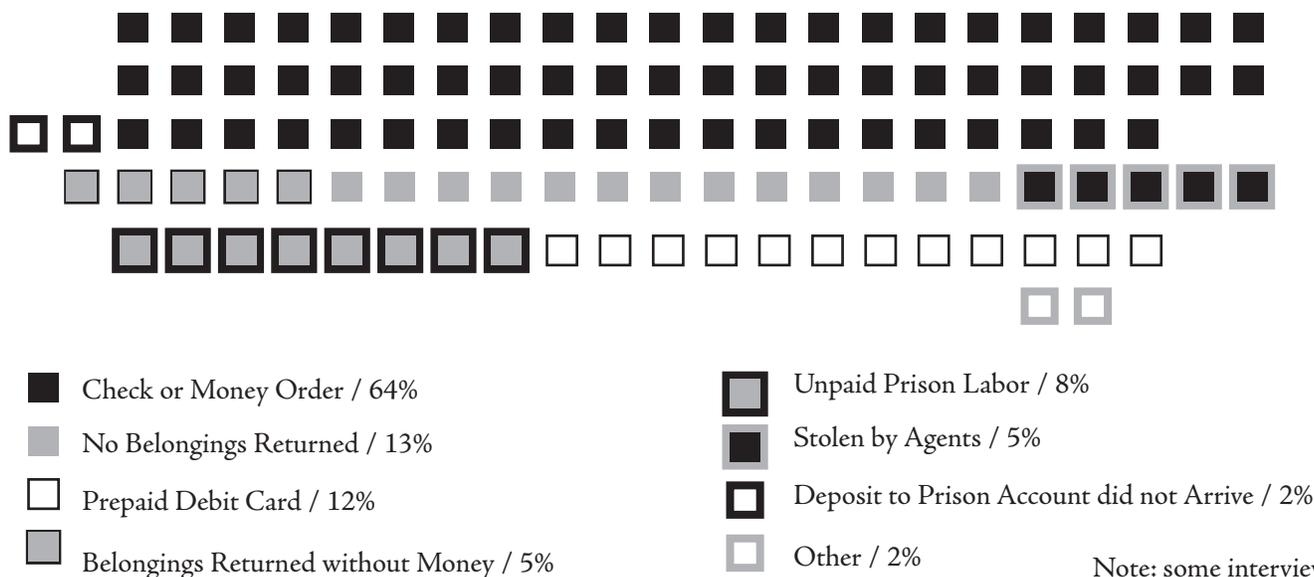
At the time of seizure or arrest, a 100 percent inventory shall be taken of all personal effects possessed by the violator. . . . CBP supervisors shall ensure, where it is safe and practical, that the violator and the seizing/arresting officer jointly complete this 100 percent inventory of all the violator's personal effects.

The meaning of a "100 percent inventory" is unambiguous and a prerequisite for accountability within the chain of custody. It is clearly never acceptable to inventory belongings as merely just a 'bag of stuff'. The chain of custody in this case includes not only CBP and private contractors such as G4S, but also third parties who receive individuals' property on their behalf. If something goes missing from the property, there is no paper trail that might help determine whether it went missing in CBP custody or in a third party's custody.

We have observed the failings in CBP's property-management standards from our Property Recovery Assistance Project (PRAP), in which volunteers receive and handle hundreds of bags of personal effects detained by CBP. We initiated PRAP in 2008. Over the course of five years, we have observed and documented that in the Tucson Sector, CBP's disregard for its own standards dates back to at least 2008, specifically with respect to the 100% inventory. Additionally, we have observed that this disregard escalated in the spring of 2009 in a specific and crucial way: at that time, agents stopped routinely inventorying and bagging foreign currency (primarily Mexican pesos). In our experience, a 100% inventory is virtually never conducted by CBP

NO MORE DEATHS / NO MÁS MUERTES

### Percentage of Money-Specific Cases by Category



Note: some interviewees reported multiple categories.

in accordance with Directive 5240-007. Further, in cases where individuals are detained and have their property taken away, even if an inventory is made, foreign money is rarely recorded in that inventory and it is never separately bagged.

The explanation CBP has offered humanitarian aid groups for why currency might be un-inventoried is that detainees are unforthcoming and deceitful about any money in their possession, and that it is often deliberately concealed in the lining of clothing (to guard against theft). This concealment would ostensibly apply only to foreign currency, not U.S. currency. In our experience, this type of concealment is not particularly common: when we open a bag of belongings and find un-inventoried (foreign) currency inside, it is typically in the wallet or a jacket pocket or even loose among the clothing, in plain view through the plastic bag. More extraordinary is CBP's claim that a full inventory of personal effects is the detainee's responsibility. Standard property procedure in nearly all law enforcement requires that property of detainees be inventoried in the owner's presence, the same practice called for in CBP Directive 5240-007, rather than simply asking the owner what their property contains and taking it at face-value.

Another fundamental principle of property management is good stewardship. In our experience through PRAP, on multiple occasions No More Deaths volunteers have opened sealed property bags whose contents, including currency, were wet, reeking, and hopelessly mold-damaged.

### DISPOSSESSION BY DUMPING: DESERT MALICE

Those who cross the Sonoran desert into the U.S. are typically walking anywhere from two days to two weeks. In most

cases, it is simply not possible to carry enough food and water. Whatever other small items people bring in their backpacks tend to be invaluable keepsakes, such as family heirlooms and one-of-a-kind photographs. If they are apprehended in the desert, many individuals report being forced to dump out their belongings on the desert soil before being crammed into the back of Border Patrol vehicles. People are often forced to leave their blankets, food, and water aside before they are taken to facilities that can be freezing cold, and where food and water is many times denied.

Though this type of abuse was not included in the survey administered in Nogales, the Desert Aid Working Group of No More Deaths reports that such scattered belongings have been found frequently since 2004, and many migrants in Nogales corroborate that Border Patrol agents forcibly dumped their belongings in the desert. Furthermore, Desert Aid volunteers have found money amidst such piles, which demonstrates that monetary loss is also a part of this abusive practice.

### DISPOSSESSION BY CAPRICE: ARBITRARY EXERCISE OF SEIZURE AUTHORITY

No More Deaths has participated in Non-Governmental Organization (NGO) efforts to bring the failure to return belongings to the attention of top CBP officials and CBP Tucson Sector officials. CBP officials often respond that any efforts they make to return belongings is going above and beyond, and that they technically can seize all property if they choose to do so. The implication of these responses is that returning these belongings is not part of their responsibility and that migrants are not automatically entitled to getting their belongings back. CBP states that they have done their

## CASE EXAMPLES

### ALEJANDRO – BUS FAILS TO STOP FOR BELONGINGS DURING DEPORTATION

Alejandro was detained by Border Patrol in the desert outside Nogales, Arizona, on January 31, 2014. He was carrying \$226.24 in cash as well as his cell phone, a change of clothes and his Mexican voter ID card. Everything stayed with Border Patrol while he was sent to the federal courthouse in Tucson to be prosecuted through Operation Streamline. Alejandro was sentenced to 60 days in prison for illegal entry.

His lawyer then told him that his belongings would be returned upon completion of his sentence, and that the bus would stop at the Border Patrol Station in Tucson to pick up his items on the way to the border. Alejandro served two months in Florence, Ari-

zona at a Corrections Corporation of America facility, and then was released to ICE to be deported. He was placed on the bus, but the bus did not stop in Tucson. Alejandro asked an ICE official about his belongings and was told that they wouldn't be returned. He was then deported to Mexico at 3 a.m. on March 28, 2014, with only the clothes on his back.

All of the people on that bus were deported at 3 a.m., but none of them received their belongings. In addition to Alejandro, volunteers talked to four other men: Sergio, Pablo, Alvaro and Ramon. Sergio's belongings consisted of a cell phone, \$15 in cash his Mexican voter ID card and clothing. Pablo had

a blue backpack with his cell phone, \$12.82 in cash, his Mexican voter ID card and his birth certificate. Alvaro had a cell phone, \$75 in cash, a voter ID card, driver's license, pants, and a plaid jacket with \$150 hidden in it to prevent theft. Ramon had \$98.39 in cash, his voter ID card, a birth registration card and clothing.

The men were able to contact the Mexican Consulate to report their losses. The Consulate told them that their belongings, if not already destroyed, would take three or four months to recover from Border Patrol. In the meantime, the men were on their own to figure out how to get home without any money or identification.

part and followed due process by notifying individuals on how they can recover their belongings within 30 days without acknowledging that this process, on a practical level, is usually unrealistic or impossible.

Some agents have indicated that they go out of their way to ensure the return of confiscated belongings, but view this activity as a favor outside of the scope of their duties. We were disturbed by this attitude, especially considering that the Fourth Amendment of the U.S. Constitution protects against "unreasonable . . . seizures" and Article 17.2 of the Universal Declaration of Human Rights prohibits arbitrary deprivation of property.<sup>25</sup> According to the U.S. Constitution, property can be seized only for use as evidence or in the event that it is identified as the illicit proceeds of a crime. The comments made by these officers as well as the higher-level officials suggest a willingness, at all levels of CBP, to use the power to seize belongings at will rather than in accordance with the law.

#### **BEYOND CBP: INTERIOR IMMIGRATION ENFORCEMENT AND DISPOSSESSION**

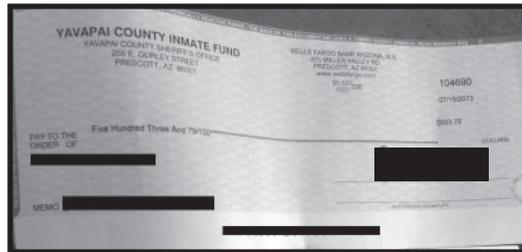
As mentioned at the beginning of this section, not all post-deportation requests in the PRAP database relate to a CBP arrest: at least 17% come from individuals whose

deportation began with an encounter with local authorities, most frequently in Phoenix or Tucson. The mechanism for dispossession in these cases is very similar to what we have already seen: the jurisdiction that receives the immigrant detainee from the arresting agency (such as the county sheriff if the undocumented immigrant was arrested on the street) accepts only a minimal list of personal effects, so the rest of the property remains with the arresting agency.

Thus, the common denominator in almost all cases of dispossession is not arrest by CBP, but deportation by ICE. It is ultimately ICE's responsibility then to ensure that belongings follow immigrants who are detained through the end of their chain of custody, to their release. It is not a stretch to argue that, both on law-enforcement grounds and humanitarian grounds, one of the primary items on ICE's "deportation checklist" must be to reunite detained individuals with their personal property upon release. Personal property includes not just personal effects held by the arresting agency that are subject to scheduled destruction if ICE does not take active steps to recover them, but also commissary funds held in trust by the jail, prison or detention center from which ICE picks up the detainee and takes them directly to a foreign country. This is the subject of the next section.

## PART TWO

# MONEY RETURNED IN FORMS DIFFICULT OR IMPOSSIBLE TO USE INTERNATIONALLY



Detention centers often give individuals their money back in the form of a check before deporting them to Mexico. Banks and check-cashing facilities in Mexico do not accept U.S. checks, so deportees are left unable to access their own money.

In July of 2013, four men who were deported from Utah County Jail in Spanish Fork, Utah arrived in Nogales, Sonora, Mexico. They had all lived in the U.S. for at least six years and had been detained in a workplace raid. The money each man had in his wallet when detained was deposited by officials in a prison account, and just before being deported they were given checks. The smallest check was for \$41.00, and the largest was \$257.00. No *casa de cambio* (currency exchange) would accept the checks.

One of the men had not been in Mexico for over 15 years, and then was suddenly in Nogales without any money, but in possession of a check that, in his words, was “a useless piece of paper.” All four men felt they were in danger because without money, they couldn’t pay for shelter, food, communication home, or travel away from Nogales. No More Deaths volunteers helped the four men call family in Utah and Mexico, and make plans to receive money through Western Union. They left Nogales without being able to cash the checks.

### CRIMINALIZATION AND LOCAL ENFORCEMENT

The Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) of 1996 set the stage for never before seen, widespread immigration enforcement by local and state officers. Such enforcement was specifically enabled through a section called 287(g). Furthermore, in 2008 Secure Communities was created which operates through a federal information-sharing partnership between ICE and the Federal

Bureau of Investigations (FBI) to identify deportable individuals in their databases.<sup>26</sup>

As a result of 287(g) and Secure Community agreements, detention beds filled up rapidly which has fueled both the private and public industry. As of 2014 a bed quota now requires “U.S. Immigration and Customs Enforcement (ICE) to hold an average of 34,000 individuals in detention on a daily basis.”<sup>27</sup> Another product of these inter-agency agreements has been the inter-agency mismanagement of funds, specifically by the Department of Corrections and ICE.

### WHAT HAPPENS TO PEOPLE’S MONEY WHEN THEY ARE IMPRISONED FOR IMMIGRATION VIOLATIONS?

When someone without documents has been detained—either crossing the border or within their community here in the U.S.— and kept in custody for any reason, the cash in U.S. dollars they were carrying on them is deposited into a prison commissary account in their name. Their family may also add money to this account if they are able.

Very few immigrants detained by ICE are held in facilities run by ICE; the agency outsources most detention functions to other entities. Typically, these functions are delegated by contract to county jails and state Department of Corrections facilities, or to private, for-profit detention centers, primarily those run by the Corrections Corporation of America and the GEO Group, Inc.

ICE detainees are also held in facilities contracted by the U.S. Bureau of Prisons or Intergovernmental Service

**ALONZO - \$1,000 CHECK STOLEN BY FAKE CHECK-CASHING SCHEME**

Alonzo was deported to Nogales, Mexico, on Oct. 15, 2013, after being held in the Arizona State Prison Complex in Florence, Arizona. His \$1,000 in cash was returned in the form of a Bank of America check from the Arizona State Department of Corrections. He attempted to cash the check at every *casa de cambio* and bank available within walking distance of the border, but did not succeed. An individual on

the street noticed his problem and offered to help. He said he could cash Alonzo's check in the U.S. and come back with the money, and asked Alonzo to endorse the check. Alonzo entrusted him with the check, but the man never returned and instead stole the endorsed check. No More Deaths volunteers met Alonzo and helped him prepare a notarized letter to the Inmate Trust Account at ASPC-Florence. He asked

them to stop payment on the check and re-issue it to a migrant service organization called San Toribio Romo Migrante, which could then cash the check and send him the money via Western Union. Alonzo had to seek other resources to be able to leave Nogales because it would take at least two weeks for the check to be stopped and re-issued— if it hadn't already been cashed and the money stolen for good.



Agreement (IGSA) Facilities that provide detention beds in jails, prisons and other facilities, which can be operated by private companies. ICE therefore has little day-to-day involvement with the people they are holding, instead abdicating those responsibilities to third parties.

Each facility has its own policy for returning money to people upon release, and these policies vary significantly from institution to institution. In Nogales, Sonora, Mexico, we have met deported people with their money returned as checks, debit cards, money orders and cash. All forms of currency other than cash present immediate problems upon deportation.

**CASH RETURNED AS A CHECK OR MONEY ORDER**

By far the most common money-related problem for people deported to Mexico after spending time in detention is being given a check in U.S. dollars instead of cash. Both personal checks and money orders are domestic financial instruments, not for international use. Mexican banks will not accept them for deposit, and money exchange facilities on the border generally do not change them, although a few will do so at an exorbitant exchange rate.<sup>28</sup> The only real option migrants have for recovering their money from these checks is to have it cashed by someone able to cross the border into the U.S. This option comes with a new set of barriers and an elevated risk of being exploited and robbed.

The fact that cash seized from detainees may be returned to them, upon their release, in the form of checks or money

orders is due to a combination of insufficient policies for the safe return of inmate funds, a lack of coordination among government agencies and detention centers, and, above all, a lack of concern for the well-being of those directly affected. Prisons and jails typically issue these checks during transfers between agencies and facilities, which requires the next custodial agency to open an account for the detainee during intake and deposit the check in it on their behalf.

ICE is the agency that takes custody of people who are to be deported. However, because the amount of time spent in ICE custody is usually brief, typically a couple of days while being processed, the checks are simply handed to the person being deported – right before they are expelled from the only country where the check is valid. People are given no opportunity to cash their checks in the U.S. before deportation and ICE has so far neglected its responsibility to cash the checks for them.

64% of the dispossession of money cases documented in our survey (106 out of 165) involved personal checks or money orders that could not be cashed in Mexico. These checks contained a total of \$15,402.91, with an average of \$145.31 USD per person. The smallest check was for \$0.37, and the largest was for \$1,146.48. In 80 cases, volunteers were able to help the person recover some or all of the money. Successfully recovered was \$9,206.03, which is 60% of the total funds documented from the checks reported to us, for an average of \$115.08 recovered per person who received help cashing their checks. The other 40%, a total of \$6,196.88, was likely lost for good. Bank of America issued 63 of the checks, Wells

## CASE EXAMPLES

### ROBERTO— BORDER PATROL EXCHANGED CASH FOR A MONEY ORDER DESPITE OWNER'S PLEAS

Roberto was detained by Border Patrol in the desert north of Douglas, Arizona on March 25, 2014. At the BP station in Douglas, agents said they were going to exchange the \$226.00 in cash he had been carrying for a money order. He asked them not to and told them that he wouldn't be able to use the money order in Mexico. They disregarded his pleas and told him that it

wasn't safe for him to carry cash. An agent purchased a MoneyGram money order in Roberto's name for the amount of \$224.81, with a receipt showing a \$1.19 charge for the transaction. The agent laughed when Roberto objected to accepting the money order and receipt before being transferred to the Border Patrol station in Tucson. He was deported the following day to No-

gales, Mexico. Once there, he tried to cash the money order at every relevant establishment he could think of—*casas de cambio*, banks, repatriation services of the Mexican government— and nothing worked.

Roberto said that because all his money was on a money order he couldn't use, he hadn't been able to eat, couldn't buy a bus ticket home, and

Fargo issued 25, and the rest came from other regional banks. The checks recorded in our surveys came from at least 26 different facilities in six states: Arizona, Utah, Texas, Nevada, California and Tennessee.

Most of the deported individuals No More Deaths spoke to about their checks had already made significant efforts trying to cash them. Out of the 108 cases:

- + 58 had asked other migrant service organizations to help cash it
- + 33 had tried to cash it at a *casa de cambio*
- + 27 had tried to cash it at a Mexican bank
- + Six had tried to exchange the check for goods and services
- + Two had given the check to a stranger to try to cash it in the U.S.
- + One had asked the Mexican consulate for help exchanging it

When asked what the major barriers were to cashing their checks:

- + 43 responded that "Mexican banks will not accept it"
- + 10 responded that "It takes too long"
- + Nine responded that they "did not have identification"
- + Two responded that "The name on the check is different from real name" because they had used a false name in detention
- + Two responded that "The amount was too low to cash."

We often met people who had already ripped up and thrown away their checks because they believed the check was completely useless. Some people never even tried to

cash them because they had heard from others that it was impossible.

One person reported being told—as they tried in vain to cash their check in Nogales, Sonora—that the jail had tricked him because there is no money on those checks. An employee at a money exchange business said to him, "It's a joke that they are playing on you." He reiterated, "*Es una burla que nos esta dando.*"

In most cases recently deported immigrants wanted to cash their check the same day in order to have money to leave the border region, regardless of the amount they would have to sacrifice to get the money quickly. Previously, there was one same-day option for cashing checks in Nogales: a *casa de cambio* (money exchange business) that would buy the checks at an exorbitant 25% rate. This explains why the average recovered per person (\$115.08) is significantly lower than the average check per person (\$145.31). This *casa de cambio* would only cash checks from the Arizona Department of Corrections—there were no options for individuals deported from detention facilities in other states. In October 2013, this operation closed and there is no longer a single bank or money exchange business in Nogales, Mexico (where approximately 45,000 people are deported each year) that will accept checks in U.S. dollars issued by the Arizona DOC or any other agency.

Money orders appear to be far less common, at least in Nogales. Only five cases were reported during our study, and in each case the money order was through MoneyGram and given by a local police or sheriff's department in Arizona (and in

couldn't pay for a safe place to stay. He was desperate to get out of Nogales because he had been kidnapped there in early 2013 and held at gunpoint for six days in order to extort money from his family in the U.S. He thought he was going to be killed. When he was finally released, he was told not to say anything about what had happened and never to return to Nogales.

On top of that previous trauma, Roberto had just been lost in the desert for four days, until finding a highway where he was able to flag down a Border Patrol vehicle and turn himself in.

Recognizing Roberto's urgent need to leave Nogales, humanitarian aid volunteers exchanged the money order for all the cash they had on hand, hoping to cash the money order later back on the U.S. side of the border. The volun-

teers did not have the total amount of the money order, they were short more than \$20. They offered to send the difference later via Western Union, but Roberto insisted that the remaining money be used to help someone else in need. He also donated an additional \$10 to the Kino Border Initiative, which offers home-cooked meals and other services to recently deported migrants in Nogales, Mexico.



one instance given by Border Patrol) as opposed to a prison facility. Unlike a check, a money order is actually purchased from MoneyGram, which holds the money until it is cashed (rather than the law enforcement agency doing so). Any issues with the money order must be handled directly through MoneyGram, and if the money is never claimed, it stays with MoneyGram. Although MoneyGram is an international company with locations in Mexico, in our experience, the MoneyGram tellers in Nogales, Mexico will not cash U.S. money orders issued by branches of their company outside the country.

*Casas de cambio* offering to cash U.S. checks (for a high profit) generally only do so temporarily because of tighter regulations aimed at preventing money-laundering that have gone into effect since the attacks of 9/11. Small money exchange operations just south of the border would purchase migrants' checks with the knowledge that, once the checks have been endorsed, they may be deposited into a U.S. bank account north of the border. However, because any U.S. bank account that regularly deposits "third-party checks" (made out to someone other than the account-holder) will eventually be flagged by the bank for suspicious activity, *casas de cambio* generally do not continue to cash the checks for very long.

Although uncommon, if the check-holder has their own U.S. bank account the check can be deposited directly into that account by someone able to cross into the U.S., either at the teller or through an ATM belonging to their bank.

Without options for cashing checks in Mexico, or in any other country besides the U.S., deported people are faced

with the challenge of figuring out how to get their check deposited into a U.S. bank account if they hope to recover their money. The process of cashing a check then becomes a multi-day or even multi-week affair for people who need their cash immediately. If the deported individual has a trusted family member or friend in the U.S. who is willing to help, they may be able to contact the facility where the check was issued and ask to have the existing check voided and a new check issued in the name of the trusted person in the U.S. In this case, the re-issued check must be mailed to the home address of the friend or family member. Once the new check arrives it can be cashed, and then the money must be sent via Western Union to the deported individual in Mexico. However, even this convoluted solution is often unworkable, as many people are also deported without their identification cards, making it impossible to receive money sent via Western Union. (See **PART 1: Failure to Return Belongings and Money Upon Deportation** for details of how identity documents are routinely "lost" while people are in custody.)

If the detention facility cannot or will not do this, the check can be endorsed by the owner and mailed to a trusted friend or family member in the U.S. This person must have a U.S. checking account in order to deposit the check through an ATM. Humanitarian aid volunteers in Nogales typically cross the border into the U.S. to mail the check domestically rather than internationally. There are obvious risks associated with this approach because it requires sending an endorsed check through the mail, which means that the check

## Overview: Personal Checks in U.S. Dollars

*106 cases documented*

*64% of money-specific cases*

*A total of \$15,402.91 on the checks*

*60% recovered with help of humanitarian aid organizations*

*40% lost for good*

*Checks documented in Nogales, Mex. were issued by 26 prison facilities in six states*



could be stolen and cashed without the rightful owner having any recourse.

Because the process of sending an endorsed check or having a re-issued check sent to a trusted friend or relative will take a minimum of three to five days, and often longer, the deported individual may ask their friend or family member to send money as soon as possible, with the understanding that it will be reimbursed when the check arrives. Money is most often sent through Western Union, which requires a valid form of ID to receive the money. Additionally, the sender is subject to fees in order transfer funds, which can be significant depending on the amount being sent. This approach does not work for deported individuals who do not have such personal ties in the United States, or don't know anyone specifically able to help in the above-mentioned fashion.

In such cases, the money is likely lost for good. The only other options are to trust strangers who offer to help, a prospect fraught with problems and filled with opportunists, or to find border-based humanitarian aid volunteers that are willing and able to help people cash checks. These solutions are piecemeal and partial at best, unable to even remotely approach the capacity necessary to successfully ameliorate this issue. The only feasible solution lies with the checks being cashed before deportation, in the U.S.

### **CASH RETURNED ON A DEBIT CARD**

Some county jails and detention facilities give people their money on pre-paid VISA and MasterCard debit cards upon release instead of returning their cash. In Nogales, 12%, or 19

out of the 165 cases documented in our missing money survey, resulted from debit cards that were difficult or impossible to use in Mexico. Most people deported with debit cards are not given verbal instructions on how to use them, often only written instructions in English.

Edwin, a 39-year-old Honduran man, arrived in Nogales, Sonora on May 2, 2013 after a grueling and dangerous trip north through Mexico riding on top of trains. He met volunteers and told them about his previous attempt to enter the U.S. in September 2012. That time he had run out of money by the time he reached Nogales, Sonora, so he stayed for two months and worked before crossing. He saved everything he could— a total of \$50.00, and then attempted to enter the United States.

Edwin was detained in the desert outside of Tucson and held for almost four months in the Pinal County Jail; he was then deported to Honduras on January 3, 2014. His \$50.00 was returned to him on a debit card, with instructions in English that he could not read. After being deported to Honduras, he attempted to use the card at an ATM and then at a bank, but the teller told him that the number was blocked. He threw the card in the trash and considered the money lost for good.

After hearing this story upon his return to Nogales, volunteers worked with Edwin to call the Pinal County Jail and have the money re-issued as a check. Unfortunately, the check could only be written in his name and by the time it arrived in Nogales, two weeks later, he had already tried to cross into the U.S. and had been detained again. Eventually, five months

## CASE EXAMPLES

### JULIO– LIFE ENDANGERED BY BEING DEPORTED WITH A DEBIT CARD INSTEAD OF CASH

In April 2013, Julio's life was endangered when he was discovered to be an informant on the drug cartels for the U.S. Drug Enforcement Agency (DEA). In Nogales, Sonora, Mexico he was shot in the leg by cartel members and jumped from the back of a moving truck to escape from them. He then called his wife and told her to leave the house immediately with their three kids, all under the age of 5. She and the kids took a taxi and met him at the port of entry to the U.S. At the border crossing the entire family presented themselves to request asylum. Julio was brought to a hospital for his bullet wound, and his wife and children were released inside the U.S. After his medical condition stabilized, Julio was transferred to the Pinal County Jail in

Florence, Arizona. His family sent him money regularly so he could pay for phone calls, though some of the money was deducted to pay for his meals.

In early May 2013, Julio went to a hearing where he was told he would not be released from detention if he pursued asylum, and that he could be held in detention and separated from his family for years during the asylum-seeking process. He did not receive the support from the DEA that he had anticipated. Out of desperation to get out of detention, he signed a voluntary departure and decided that he would try to relocate his family to somewhere within Mexico that was safer; he asked only that he not be deported to Nogales, Mexico where he expected people would try to kill him as they had before.

His wishes were not respected, and he was deported directly onto the street in downtown Nogales.

The \$80.00 remaining balance in his prison account at Pinal County Jail was given to him in the form of a Chase Bank VISA prepaid debit card. Humanitarian aid volunteers helped him activate the card though use of U.S. phones, but he could not get the card to work at either an ATM or in a store. Because he was in imminent danger and needed to get out of Nogales as soon as possible, a volunteer purchased the card for the \$80 it was supposed to be worth. Julio immediately left to head as far south as he could go. The volunteer attempted to use the card, making multiple calls to VISA, but was never able to get it to work.

later, volunteers were able to get the check cashed and send his money to him in Honduras through Western Union. Notably, the money had to be sent in his mother's name because he had been deported without the identification required to receive it.

The first immediate barrier to using debit cards from detention facilities is that sometimes they are not yet activated. Activation of the card almost always requires calling a 1-800 number in the U.S., which cannot be dialed internationally with a calling card. Anyone deported to a foreign country with their money on a debit card has no ability to activate and use that card— except by taking creative and extraordinary measures.

In Nogales, No More Deaths provides U.S. cell phones that receive signal across the border into Mexico to dial the 1-800 numbers listed on the debit cards given to deportees in order to activate these cards. Alternately, people with family members and friends living in the U.S. may be able to call someone there and ask them to dial the activation number on their behalf. Because all of the deported individual's money is on this debit card, making a long-distance phone call from a public phone is a difficult endeavor. In many cases, this first, immediate barrier of debit card activation is also the final barrier. Even so, 10 of the 19 individuals with debit cards in our survey reported having attempted to call the number on the back of the card to activate it or to change the PIN number.

In some cases, those who have been deported with debit cards were told that the PIN is their birth-date minus the year. However, in the U.S., dates are written as month/day/year, while in most of the world (including Mexico and Central America), dates are written as day/month/year. Many people who arrive deported to Nogales, especially those who have never lived in the U.S., are unaware of this difference. As a result, they try to use a PIN that is the day and then month of their birth-date, which will not work because the PIN has been programmed as the month and then day of their birth-date.

Many people we talked to never received a PIN number or never received instructions on how to use the card. Those who did receive instructions were unable to find the PIN on the debit card instructions given to them. Visa debit card instructions are written in English and Spanish, but the instructions for peeling off the paper covering the PIN appear only in English.

Anyone having trouble with a debit card PIN is instructed to call the number on the back of the card to request help or change the PIN. However, to identify themselves as the cardholder of a Visa debit card issued through Chase Bank, they are required to enter a Social Security number. In small print on the back of the debit card, there are instructions to "...enter your BOP register number followed by a zero" or when prompted, to "enter your Social Security number."

SAMUEL – DEPORTED AT 3 A.M. WITH A NON-FUNCTIONING DEBIT CARD AND MONEY STOLEN BY ARRESTING OFFICER IN TEMPE, ARIZONA

On November 30, 2013, Samuel was pulled over by the Tempe police while driving at 7 a.m. to pick up breakfast for his family. Samuel had given space to a bicyclist on the right-hand side of the road while passing, following the “Give a bike 5 feet” rule. He says his tire had only slightly crossed the yellow line and that he used his turn signals while he was maneuvering to give the bicycle space. The officer asked for his driver’s license and Samuel told him that he didn’t have one. The officer then reached in and took Samuel’s wallet out of his pocket. He took out \$250 in cash, eyed it, then put it back in the wallet and drove Samuel to the Tempe police station.

Once inside the station, the arresting officer turned Samuel over to the booking officer and joked about using Samuel’s money to buy donuts and coffee. While being booked, Samuel asked to call his wife, so he could tell her he had been detained and would not be home to watch their daughters, ages 1 and 7. The officers told him no. At 11:00 a.m., he was finally allowed to call his wife, who was at work by that time. She had left their children at her brother’s house

without milk or diapers that morning, thinking that Samuel would be returning shortly after to pick them up and feed them breakfast. He never made it.

At 3:00 a.m., Samuel was sent to Durango, a Maricopa County jail. The Tempe police station gave him a written inventory of his belongings but the \$250.00 was not listed. Six days later when he was transferred to the Florence Service Processing Center (FSPC), he saw that his wallet was empty. He complained about his missing money to FSPC. They called the Tempe police station, but Tempe said his money wasn’t there. Durango said the same. Samuel spent three days at Florence SPC before being transferred to the Pinal County Adult Detention Center where he was held for two months, during which time he never appeared before a judge, never talked to a lawyer, and was never charged with anything. In early February 2014, someone from ICE was visiting the jail and Samuel asked him what was going to happen to him. Samuel told him he’d been there for two months already.

The ICE official told Samuel that he would be seeing a judge and that

if he didn’t sign at that moment then he would stay in jail for a year or two longer. On February 13, 2014 Samuel saw a judge, signed what he was asked to sign, and was deported at 3 a.m. the following morning to Nogales, Sonora, Mexico.

During his time in Pinal County his wife had sent him a money order for \$50 in the mail that was deposited into his prison account. Before being released to ICE custody to be deported, Pinal County issued him a debit card from Numi Financial with a \$50 balance.

Samuel said the first thing he did when he was dumped in Nogales at 3 a.m. was go to a bank to withdraw the money on the card. He said that it didn’t work, so he broke the card in frustration and threw it in the trash. He walked around the streets of Nogales without any money for the rest of the night and following day until he was able to find a place to stay at a shelter for migrants. He has been in Nogales ever since. Because he doesn’t have any identification with him—his passport is at his home in Phoenix—he hasn’t been able to receive money transfers in his name from his family.



These directions are written only in English and use an abbreviation for “Bureau of Prisons” that would not be familiar to many English-speakers, let alone Spanish-speakers.

Many of the people who receive these debit cards are from rural regions of Mexico and Central America, and may never have interacted with a formal banking system before. For some it is the first time they have ever had a debit or credit card of any kind. In our survey, we asked “Have you ever used a debit card before?” and “Do you know how to use this specific card?” 12 people responded that they had never used a debit card; six said they had. 11 people responded that they did not know how to use this specific card; six responded that they did.

Even if a debit card is activated and the PIN is known, people deported with their money on debit cards still face difficulties in accessing those funds. They have two options to get money from the card: make an ATM withdrawal or make purchases at a store that accepts credit cards. Using an ATM in Mexico (or elsewhere) to withdraw the amount on the card, which is from the U.S., results in numerous fees, including an international transaction fee, withdrawal fee, and balance inquiry fees.

Those who were able to successfully withdraw money from an ATM with their card reported an average of \$15.08 USD lost in fees and ATM restrictions. In addition to numerous fees, ATMs only allow for withdrawals



**Overview: Money returned on Prepaid Debit Cards**

*19 cases documented, which is 12% of money-specific cases*  
*Total of \$520.28 lost for good*  
*Total of \$1,059.21 recovered with humanitarian aid*  
*68% of people managed to recover at least some of their funds with the help of humanitarian aid volunteers*

in large, specific increments and any quantity of money that does not fit into those increments is sacrificed. For example, if someone had \$50 USD, the equivalent of 650 MXN, they would first be charged at least 5 dollars for the international transaction from the debit card company, plus an equivalent fee in pesos from the ATM in Mexico, leaving around 520 MXN on the card. They would then only be able to withdraw 500 MXN (two 200 peso bills and one 100 peso bill), forfeiting the remaining 20 pesos (\$1.50) for a total loss of 150 MXN (\$11.54 USD). This is a best case scenario, assuming that there were no additional service charges assessed for “card maintenance,” “balance inquiry,” or “declined transaction,” to name a few of the possible fees.

The other option is to use the card to purchase items from a store and possibly receive cash back. Many people deported to Nogales, Mexico attempt to do this at OXXOs (the most common convenience store there), and while the purchase of small items is sometimes successful, these transactions result in large international fees and the stores will not give cash back.

**DEBIT CARD TERMS AND CONDITIONS**

Facilities that issue debit cards obligate those in detention to receive their money in the form of a debit card upon release— cash is never an option.

People are likewise obligated to accept the terms and conditions imposed by debit card companies if they want to get their money back. The forced acceptance of these terms and conditions amounts to a contract of adhesion, or a non-voluntary contract. Contracts of adhesion are unenforceable in court, and yet people being released from taxpayer-funded detention centers are being coerced into accepting these cards and forced

to accept whatever fees are charged for using them to get their money back, no matter how exorbitant or unreasonable.

One company’s cardholder agreement is written in text smaller than 8-point font and in English only. On the back of the debit card itself there is the following notice: “Use of this card constitutes acceptance of all terms and conditions as set forth in the Cardholder Agreement.” Therefore, when someone wants to use their own money to buy food, pay for lodging, or buy a bus ticket home, the simple act of using the debit card that they were given without a choice means acceptance of any and all fees.

These imbalanced contracts, where one side has all the power and dictates all the terms, are ideal for companies seeking to maximize profits. The debit card company or bank can set their terms and the other party, in this case a person being released from detention, is forced by prison officials to accept these terms as a condition of their release. Furthermore, because the other party is being physically removed from the United States immediately after being given the debit card, they will have little or no recourse through the U.S. judicial system or consumer protection agencies if they are defrauded in any way.

(See **Section 3: Who Profits?** for more on how private corporations profit off of the mass incarceration of immigrants.)

Based on the information from our missing money surveys, the banks that issue debit cards to individuals being deported are First California Bank and Chase Bank. Others reported problems with cards from a company called Numi Financial, which claims on its website to be “the leader in stored value card solutions for the criminal justice & corrections industry.” There was also one instance documented of an individual being deported with an “EZ Exit Card,” which was issued by EZ Card & Kiosk LLC.

## PART THREE

# CASH DIRECTLY STOLEN BY U.S. AGENTS



### **Overview: Cash Directly Stolen by U.S. Agents**

*8 cases documented  
5% of money-specific cases  
A total of \$2,193.92 reported as stolen  
100% of this cash was lost for good  
The responsible agents were from 4 different agencies: CBP, U.S. Marshals Service, Tempe Police Department, and the Maricopa County Sheriff's Office.*

In April 2013, Manuel, 36, was detained by Border Patrol while crossing the border near Douglas, Arizona. He was transferred to the Tucson Border Patrol detention facility and selected as one of 70-plus people to be prosecuted that day through Operation Streamline with criminal charges of “illegal entry.”

The group to be prosecuted along with Manuel was bused to the federal courthouse in Tucson. Before entering the courtroom, the group was divided by gender and the migrants had to undress in a room downstairs. At that time, they were also to show a U.S. Marshal what they had hidden in their clothing. Manuel had \$360.00 in \$20.00 bills sewn into his underwear. The Marshal found the money and left to put it aside without speaking to Manuel.

After getting dressed, Manuel says that he asked the Marshal, “What is going to happen with my money?” and the official responded, in Spanish, “Don’t count on getting that money back. I’m going to buy beer with it this weekend.” Some 40 other detainees heard the statement and many protested that this was unfair and inappropriate. There were no other officials in the room.

During Operation Streamline, Manuel was sentenced to one month in the Florence-CCA. He was deported to No-

gales on May 7, 2014, and never saw his money again. When we met him in Nogales, he was struggling to get a bus ticket out of Nogales without a way to pay for it and felt he was in danger on the street with no money.

Many people are aware that migrants are subject to robbery on their journey to the U.S., targeted by armed bandits, drug cartels, and the guides they pay to lead them across the desert. The hidden story is that there are frequent reports of U.S. agents robbing cash from migrants during apprehension and detention. The original survey, piloted in spring 2013, did not include a category for stolen cash. However, when three cases of cash being stolen by U.S. agents were reported during the pilot period, we added this category.

In 5% (8 out of 165) of the missing money cases reported to No More Deaths, migrants in detention witnessed agents of the state stealing their cash. Many detainees are passed from the custody of one agency to another. At each stage, they are potentially subject to being robbed due to lack of impartial oversight of the chain of custody and lack of agency accountability for such losses.

Nine individuals reported money in cash stolen by U.S. agents, with a total of \$2,193.92 taken, for an average of \$274.24 stolen per person. The range of amount stolen per

(left)

Border Patrol vehicle in the Tucson Sector. Border Patrol agents usually work alone or with one other agent and are not supervised or monitored during the apprehension process.

(below)

Roberto displays his wounds after being beaten and left alone in the desert by Border Patrol agents.



## CASE EXAMPLES

### LETICIA: MONEY TAKEN IN MARICOPA COUNTY JAIL

Leticia was detained in Tempe, Arizona in November of 2012, and deported to Nogales, Sonora in April 2013 after 4.5 months in the Maricopa County Jail. She told No More Deaths volunteers that during the intake process, she presented \$374.00 she had on her for her belongings inventory, including three \$100.00 bills. The officer told her that the jail does not accept \$100.00 bills for inmate accounts, and did not include those on the inventory. He recorded only the \$74.00, but took all of her cash, including the three \$100.00 bills.

When Leticia was deported, she received only the remaining \$74. She believes the officer simply stole the \$300.00. In the Maricopa County Jail policies related to money and belongings, which are publicly available, nowhere does it state that \$100.00 bills are not accepted, nor does it suggest that anything less than the full amount of money confiscated during the intake process will be returned upon release.<sup>29</sup> There was no evidence that the \$300.00 was seized because it was related to illegal profits.

person was from 570 pesos (43.85 USD) to \$500 USD.

When they are apprehended in the desert in the Tucson sector, most migrants are arrested by one, two, or a small group of Border Patrol agents. Currently, there is no monitoring or supervision of the apprehension process. A Border Patrol vehicle or a private, contracted security agency named G4S (formerly known as Wackenhut) will then drive apprehended individuals to a Border Patrol short-term detention facility. When detainees are processed, an inventory is taken of their belongings and they should receive a written receipt. The individuals selected for Operation Streamline are then transported on a G4S bus to the Pima County Federal Courthouse, where they are processed by the U.S. Marshals Service and strip-searched before being handcuffed, shackled, and then brought to the courtroom.

The diversity in the stories we received about stolen money indicates that migrants are at risk of robbery at nearly every phase of the process described above. In the nine reported cases of theft we documented, four separate agencies were implicated (Customs and Border Protection, Tempe Police Department, U.S. Marshals, and the Maricopa County Sheriff's Office). Additionally, these thefts took place under six different circumstances. Our cases include examples of:

- Cash having been taken by a Border Patrol agent during the apprehension process in the desert. (1 case)
- Cash that detainees attempted to report during intake as part of an inventory of their belongings having been stolen. This cash was never written on the inventory; it was, instead,

taken and kept by the agent who performed the inventory. (3 cases)

- A wallet containing \$500.00 cash having been taken by a customs agent during a secondary search of a person attempting to cross through the port of entry with false papers. (1 case)
- Money that a detainee had hidden in his clothing found and stolen by U.S. Marshals during a strip-search in the federal courthouse before an Operation Streamline hearing. (1 case)
- Money stolen during intake by the Maricopa County Sheriff's Office. (1 case)

Note that there is one case in which the agency and specific circumstances are unknown.

In cases where a migrant has been directly robbed, there is little to no recourse available. When an individual steals cash in the above-listed circumstances, there is no documentation of the money existing or changing hands. The only evidence is the migrant's word against the agent's. Similar to other allegations of abuse in detention, reporting robbery by agents can lead to a migrant being marked as a troublemaker who makes false accusations, which can result in harassment, retaliation and indefinite detention while a investigation is supposedly occurring. If such investigations actually take place, they are certainly not transparent. All of these factors lead to a very low rate of such thefts being reported while migrants are still in the same detention facility where the robbery occurred.

## CASE EXAMPLES

### ROBERTO: ROBBED AND BEATEN IN THE DESERT, AND THEN LEFT BEHIND

Roberto tells his experience in his own words: “When the Border Patrol agents stopped me at the border around midnight [on the Tohono O’odham Nation, where the border wall is only a barbed wire fence], they yelled at me, “Stop!” and then “*Te vamos a matar!*” (We are going to kill you). There were three Border Patrol agents and one had a shirt with the name ‘John’ on it. One of them hit me in the left eye, and another agent hit me in the mouth on the left side. I was on the ground, bleeding, and they looked into the pockets of my pants and stole all my money I had there, a total of \$354.00. The agents continued hitting me in the head, the arms and the left

leg. They put something sharp under my fingernail on my index finger and ripped off the nail and it was bleeding. They grabbed and dragged me by the hair and then threw me over the barbed wire that marks the border in that area. They called me ‘motherfucker.’

“They went away and left me there bleeding. I had my [Mexican] cell phone and I called Grupo Beta [\*the Mexican federal agency for migrants]. This was about 3:00 a.m. now. Grupo Beta said they would come for me, but I tried to walk, barely dragging myself along because I could not walk. About an hour and a half later Grupo Beta arrived, and brought me to the general hospital in

Nogales. It took 45 minutes of driving to get there. At the hospital, they gave me stitches in the wound close to my left eye. They put hydrogen peroxide on the fingernail that had been ripped out. I told both Grupo Beta and the doctor at the hospital about what the Border Patrol agents did to me. They gave me a prescription for medicine that fights both the infection and the pain.

“This is an injustice! Why do they do this? Why do they beat people? They see us as animals, as dogs. I wasn’t carrying drugs, nothing, not people, I’m not a trafficker. I don’t use drugs. If they are going to detain someone, okay, but don’t mistreat us.”

### Belongings/Money Not Returned

Out of the 11 cases, the interviewees were missing the following:

Identification  
**4**

Money  
(\$40-\$584)  
**3**

**5** Items of  
\$100+ value

**3** Sentimental or  
practical value

Number of people for each category Tijuana sample

### BEYOND NOGALES: MISSING MONEY AND BELONGINGS IN TIJUANA

Because all of No More Deaths’ interviews were conducted in Nogales, Sonora, we wanted to understand if dispossession issues are affecting people who have been deported to other places on the border in similar ways. When people are apprehended in other Border Patrol sectors they are subject to distinct practices that differ from those we see in the Tucson sector. Detainees are also processed and held in facilities that are operated by other states and counties meaning that the forms in which they return money could differ from our Nogales based research results. American Civil Liberties Union (ACLU) of San Diego offered to help, and hired a researcher in March 2014 to investigate whether migrants held in California and deported to Tijuana face similar problems.

The investigator conducted 11 interviews with individuals who had been deported to Tijuana, Mexico, and spoke to key informants working in the shelter and meal programs that serve them. Here is what they found:

- In Tijuana, the two most common non-returned items are official forms of identification and cell phones.
- While checks and debit cards can be issued to deportees in lieu of their original cash, this practice may be less common than it is in Nogales due to the fact that fewer people deported to Tijuana have gone through the criminal justice system. (San Diego has a 5% prosecution rate, while Tucson has a 32% prosecution rate for people detained by Border Patrol).
- In Tijuana, it appears that people who were held in California prisons used to receive checks upon deportation in lieu of their original cash, but within the past year they began receiving debit cards in cases of inter-agency transfers when cash is not returned.
- There have been several cases of debit cards being stapled directly to paperwork, which usually damages a debit card’s magnetic strip, preventing it from functioning properly.

# SECTION 2

# CATASTROPHIC CONSEQUENCES

## WHAT DOES IT MEAN TO BE DEPORTED WITHOUT MONEY OR BELONGINGS?

The Consequence Delivery System is part of a CBP strategy to administer repercussions for unauthorized entry in hopes of reducing recidivism. Programs such as the Alien Transfer Exit Program (ATEP), which deports people far from where they were picked up, and Operation Streamline, which federally prosecutes migrants, are two examples of this strategy. ICE also engages in deterrence programs such as 287(g) and Secure Community programs that result in the incarceration of undocumented people in detention centers nationwide.<sup>30</sup> Reckless repatriation practices, such as dropping people off in the middle of the night, far from where they entered, and without their belongings are demonstrative of the innate cruelty of deterrence practices. The consequences of these programs and strategies, whether direct or collateral, are catastrophic.

### ARRIVING IN MEXICO

What is it like to be deported to Nogales with no money or belongings? Among the 45,000 people deported to Nogales each year are women and family members separated from their husbands, who were laterally repatriated to other border cities like Mexicali or Ciudad Acuña;<sup>31</sup> *campesinos* from the poorest, southernmost Mexican states who have never heard of Nogales; those in dire need of the medical care they were denied in detention; and those who had lived in the U.S. for so long that they are more comfortable speaking English than Spanish and have no ties to Mexico.

What individuals from such different walks of life have in common is that they suddenly find themselves—often in the

middle of the night, with buses arriving regularly between 2:00 and 4:00 a.m.<sup>32</sup> – in an unfamiliar border town with many industries, both illegal and legal, that center around their exploitation. Whether people call the US, Mexico, or any other country home, the stress of the urgency to buy a bus ticket to return to family and support networks<sup>33</sup> is shadowed by the utter impossibility of achieving such an escape without money.

### MONEY LOSS

Some survey participants were also asked about what kinds of problems they faced as a result of being deported without access to their money in cash. Out of the 88 respondents:

- 81% said, “Could not afford to travel home”
- 77% said, “Could not afford food”
- 69% said, “Could not afford shelter”
- 64% said, “Lost time”
- 53% said, “Exposure to danger”

In addition to the five categories listed on the survey, 26 participants added their own responses:

- Six said that it kept them from communicating with their family, causing worry among family members.
- Three said that they could not afford medical supplies that they needed: one person needed crutches; one person needed medication for a pre-existing condition; and the third person needed to treat the wounds of an abuse suffered.
- Three said that they could not receive money through Western Union from family because their identification was not returned either.

*Based on the personal effects recovered from Border Patrol between 2011 and 2014, whose contents we inventoried, Border Patrol detainees have on average \$38.14 in Mexican currency; 60% have one or more foreign-government-issued IDs; and 52% have a cell phone. These are the elements of one's personal effects that make a crucial difference for their safety and well being at the moment of deportation and afterwards.*

- ♦ One said that he couldn't send money to his wife and children—that the money was intended for them.
- ♦ Two said that they could not get around locally without money for buses.
- ♦ Four said that it caused a great amount of confusion and frustration.
- ♦ Three said that they could not afford clothing and hygiene products, such as soap and toothpaste. Among these, one stated, "I felt ashamed to not be able to change my clothes, and to look crazy (*parecer loco*)"
- ♦ Three expressed that it was an affront to their basic human dignity. ("To live with dignity, you need money.")

### **THE RISKS OF TRYING TO RECOVER MONEY**

Upon arrival in a border town, every step a person who has been deported might take to get money to get home involves significant risk. The useless pieces of paper that are checks cashable only in the U.S. could represent that person's life savings, or months, if not years, of prison wages. Barring humanitarian intervention, all too often these checks are "cashed" by enterprising exploiters, who cross stateside to "help" the deported individual get their money, only to never be heard from again.

The danger continues: if a deported individual knows someone who could wire them money and scrounges up change for a pay phone, there is nothing stopping an ill-intentioned passerby from redialing the number and claiming to be holding the person hostage in order to demand money.

Such fake hostage situations and related extortions are regular occurrences. The perpetrators know that those who have been deported have virtually no legal recourse.

Even if a deported individual contacts family to have money wired, they need a government-issued identification, e.g. a Mexican voting card (*credencial*), to receive money through Western Union or MoneyGram. We have found that rarely did someone choose to travel without an official form of identification – rather, migrants without IDs are usually missing it because it was taken during detention and never returned. Opportunists looking to capitalize on this situation may offer to have money wired in their name, for a fee, on behalf of the migrant without ID. Again, there is no accountability or legal recourse if the person receiving the money decides to keep it and disappear.

### **PROPERTY LOSS**

What would it mean for you to leave home carrying only what you are able to fit into one backpack alongside the food and water you must also haul across a vast desert for days on end? What would you choose to bring? This is the decision that hundreds of thousands of migrants must make every year as they travel north into the U.S.

Common items found in migrants' backpacks include one-of-a-kind photos, family heirlooms, religious keepsakes, prescriptions and medications, important identification documents such as birth certificates and driver's licenses, telephones and notebooks with important contacts, a change of clothes, hygiene products, food, and cash.

## CASE EXAMPLES

### RAMIRO: POLICE HARASSMENT

Ramiro was imprisoned for two months for “illegal entry” after he was detained for crossing the border. He was deported without his belongings, which included ID and 3,000 pesos (\$250.00 USD). He told us that not having his belongings has caused many problems and even danger. First of all, he could not buy a bus ticket to travel south to his community of origin in Mexico. Without identification, he could not receive

money from family through Western Union. A day after arriving in Mexico, the local police stopped him and asked for his identification. When he did not have identification to show, they threatened to arrest him if he did not pay a bribe, but he also had no money. Eventually he showed them his deportation paper issued by Repatriación Humana, and they allowed him to go, but the event left him scared and shaken.



Not only are people denied medical care while in custody, but also pre-existing medical conditions are aggravated by them not having important, and in some situations lifesaving, medications returned. Not only are people separated from their families, but also cherished and irreplaceable mementos are lost. Not only are people over-crammed into cells and denied hygiene materials in custody, but they are also deported without a change of clothes or hygiene products, which makes them more identifiable as a recent deportee and thus more easily exploitable by predators. Not only are people starved while in custody, the food they had on them is not returned. Not only are people denied phone calls in custody, but they also lose important numbers that were written on paper or inside a cellphone directory, leaving them isolated.

#### **THE DANGERS OF DEPORTATION WITHOUT CELL PHONES AND MEXICAN IDENTIFICATION**

Even if people receive their money in cash upon deportation, they can still be stranded if they don't receive belongings such as a cell phone containing numbers for family members or other contacts. Many individuals are unable to find family members who may be lost in the desert, still in detention, or already deported to another location on the border through the Alien Transfer Exit Program (ATEP).

Not being able to receive a wire transfer is only one of myriad problems caused by not having formal identification. Local police in Nogales and elsewhere in Mexico often seek out people who look like migrants and ask to see their

credencial (voter ID card) with the justification that many migrants are from Central America and do not have legal status in Mexico. When the person being questioned is not able to produce the requisite identification, the police may then attempt to bribe the individual under the threat of arrest. If the person does not have any money, he or she may be arrested under suspicion of being Central American. Alternately, an officer may fabricate charges as a pretense for arrest. Once arrested, migrants are at risk of being physically brutalized, sexually harassed or abused, and subject to other ill treatment.

People without government-issued identification cannot work legally in Mexico, which leaves them in economic limbo. Some accept under-the-table jobs in extremely poor conditions, with long hours, relatively low pay, and no recourse if the employer chooses to not pay them. Loss of identification can also result in being unable to travel and for those needing medical attention, not having access to a public hospital.

#### **ADDITIONAL RISKS OF BEING DEPORTED WITHOUT MONEY AND BELONGINGS**

While there are basic services such as meals and shelter for migrants in Nogales, not every border community has the same amenities—and most programs have a limited number of days a deported individual can receive their services. Many deported individuals find themselves stuck on the border for longer than the few nights offered at the shelters and then begin sleeping on the streets or in the graveyard. Due to the

**MIGUEL: ADDITIONAL DANGERS DUE TO SEXUAL ORIENTATION**

Miguel is from Oaxaca but feels that he cannot return because his family will not accept that he is gay. He was held in three detention facilities, two of which were owned by the private prison company Corrections Corporation of America (CCA), and then deported to Nogales, Mexico. He did not receive any of his belongings upon deportation. He was initially told by

a Border Patrol agent that they would keep his belongings for 30 days, but he was subsequently detained for 45 days. The consulate told him that even if his belongings were still available, it would take four months to recover them. When he heard this news, he did not know what he was going to do. When we spoke with Miguel, he was considering looking for work in Nogales so he could buy a ticket south.

In addition to losing his backpack and belongings, he lost \$317.07 that he had inside of his backpack. He reported not having access to food or shelter, and felt that he was generally exposed to a great deal of danger. Miguel was experiencing a lot of confusion and psychological damage. He reported feeling additional fear because he is gay and is more vulnerable without money and resources.



dangerous repatriation practice of not returning money and belongings, someone sleeping on the street and going hungry could have a check for hundreds of U.S. dollars in his or her pocket with no way to cash it.

Arriving without money, belongings and identification drastically increases one's vulnerability. For individuals already at greater risk due to gender identity, sexual orientation, age and ethnicity, arriving empty-handed can heighten the chance of assault and exploitation. Though questions about identity and risk were not included in the No More Deaths interviews, the issue did come up numerous times when interviewees were asked if they felt that they were exposed to a danger as a result of not having their money and belongings.

In 2013 a group in northern Mexico called The Binational Defense and Advocacy Program (Programa de Defensa e Incidencia Binacional) published a report detailing human rights violations for migrants in the U.S. and in Mexico. Their report lists extortion as the number one most common abuse in Mexico for migrants, followed by physical assault. Other abuses reported are theft, verbal assault, threats, negative attention, and kidnapping.<sup>34</sup>

**LACK OF MONEY AND BELONGINGS = LACK OF OPTIONS**

People deported without their money and belongings must consider their most realistic options moving forward. Many say they prefer to return to a place of origin and not immediately attempt the arduous and risky journey to the U.S. again. A 2013 University of Arizona study found that only 25% of those recently deported planned to attempt to cross the border again during the next week.<sup>35</sup>

For some, trying to cross through the desert again feels less risky than returning home empty-handed. Much of the cash that is stolen from migrants is borrowed money that came

from a loan taken out against the family's home or farming land. In some cases, it is the largest amount of cash they have ever possessed. A migrant who returns without that money would risk losing everything if unable to pay back the loan.

In this context, the solicitations of organized crime networks become tempting. Individuals may take small roles in the border drug trade, even if they never before would have participated, to recover the money. Many report making this decision out of desperation and lack of options. Often these inexperienced new recruits are placed in risky roles and sacrificed to arrest or physical harm, while seasoned cartel members protect themselves.

When their losses push migrants to try crossing the border again, this leaves them at risk of further charges, extended detention, and the whole process all over again. Multiple migrants have reported that because of their experiences and knowledge of abuses by law enforcement, they will do anything they can to avoid being detained, even if that means dying. Border Patrol lists 445 border deaths in 2013, meaning that at least one person each day loses their life.<sup>36</sup>

**MENTAL HEALTH IMPACTS**

Long-term mental health impacts must also be taken into account as part of the consequences of deportation. Deportation exposes people to violence, instability, and fear, which can result in Post-Traumatic Stress Disorder (PTSD). Separating people from their families and communities is traumatic enough and is only exacerbated by stripping away their money and belongings, which results in increased vulnerabilities. Though the immediate impacts have been documented in this report, the long-term impact of deportation and dispossession may not be fully assessed for years to come as communities continue to be divided and exploited, causing inter-generational trauma.

**NO MORE DEATHS / NO MÁS MUERTES**

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## CASE EXAMPLES

### RAMONA: STUCK IN NOGALES

Ramona, a 54-year-old mother of three working in Phoenix for many years, intended to briefly visit her hometown of Puebla, Mexico to attend to her son with a broken leg. As she attempted to re-enter the US, she carried with her the cash to pay her \$5,000.00 crossing fee in full. She came up with the money through pawning jewelry and an advance on alimony payments from her ex-husband. When arrested, Ramona was carrying \$5,636 in total, all of it in U.S. dollars.

Border Patrol agents detained Ramona in Sasabe, Arizona, in a group of three migrants and their guía (guide). The agents told them to declare any valuables they had, but Ramona's money was sewn into her clothing as she was concerned about losing it. At Border Patrol headquarters in Tucson, Ramona surrendered her personal effects including the money. She observed that two Form I-77 tags were assigned, one to her bag of personal effects and one to her money. However, she was not allowed to have a copy of either one and received no documentation regarding her money. She was, however, assured repeatedly that her money would be returned to her.

Ramona and the two other members of her group were identified as material witnesses for the prosecution of their guide. She was interrogated twice, shouted at, and asked accusing

questions about the money she was carrying—was it money that people had paid her for their crossings? Even the accusing agent told her after that the money would be returned when she “got out of jail.” Upon transfer to a detention center, she requested to call her consulate about the matter, but was not allowed. After spending eight days at the Florence CCA Detention Center, ICE officers drove her to Tucson on their way to Nogales, Mexico. She inquired about her money, but because she was never given a receipt they told her she would just have to take it up with her Consulate.

After connecting with the Mexican Consulate in Tucson with the help of No More Deaths volunteers working in Nogales, Mexico, she acquired a letter dated July 18, 2013 from the BP Tucson Asset Forfeiture office, addressed to her in Puebla, Mexico. The letter was to inform her that her money had been seized and was “subject to forfeiture . . . as proceeds of unlawful activity.” The letter added that she had 30 days from the date of the letter to petition for remission of forfeiture by filling out the enclosed forms.

Ramona received at the same time a copy of another letter, dated August 22, 2013, asserting that CBP had initiated forfeiture proceedings by publishing a notice on a government website for 30 consecutive days starting July 26, 2013.

By the time she obtained this letter, those 30 days had already elapsed and it was too late to confirm whether such a notice had in fact appeared on that website, let alone contest the forfeiture.

All of the letters and forms that Ramona received were written in English, which she does not speak. They were also written in legal jargon versus plain language.<sup>37</sup> Representatives of the Consulate of Mexico expressed an inability to understand the options offered well enough to advise Ramona or to help her fill out the forms provided. Furthermore, the “petition for relief from forfeiture” form provided placed a very high burden on Ramona for the recovery of her money. She would have to provide originals or certified copies of receipts proving that the money was not ill-gotten gains. She was expressly required to submit her petition in English, and to have the completed form notarized. Notarization in Mexico is not a simple matter and can cost a week's pay.

As of October 30, 2013, more than three months after her deportation, Ramona still had not recovered her money and was coping with the effects of the loss. Interest continued to accrue on the loan of her pawned jewelry. Because several months of advance payments of her alimony were also tied up in the seizure, she was obliged to take a cleaning job in Nogales for \$80.00 a week to sustain herself.

# SECTION 3

## WHO PROFITS? FOLLOWING THE MONEY TRAIL

The question of where all of these belongings and money end up, once lost by the rightful owners, leads to a very tangled and complex web. While there is no simple answer, there are a number of overarching trends that help us understand exactly who is profiting from money taken from immigrants and never returned.

One perplexing fact is that in many cases, the agency that takes the money is not the agency that keeps the money after it is considered “abandoned.” When all Department of Homeland Security protocols are followed, much of the money eventually ends up in the U.S. Treasury fund. There are also many profiteers siphoning money along the way. Money appears to end up with private prisons such as CCA, MoneyGram, for-profit prepaid debit card companies such as NUMI Financial, and individual agents.

We see two basic paths for tracking where the money of dispossessed migrants ends up: what happens to non-U.S. currency that remains in belongings with Border Patrol; and what happens to U.S. dollars in inmate accounts for immigrants who have been criminally prosecuted and are eventually deported by ICE.

### **MONEY IN BELONGINGS DESTROYED BY CBP**

When migrants who have been detained while crossing the border are criminally prosecuted for “illegal (re)entry,” their belongings stay behind with Border Patrol and are destroyed 30 days after detention in most locations. In the Tucson Sector, the belongings are held for up to 210 days: through the length of the sentence plus an additional 30 days after release from detention for Operation Streamline prosecutions.

The destination of the money left in these belongings depends on whether that money was properly recorded on an inventory form, called 6051D, during its owner’s intake processing. Inventoried money is supposed to be retained when belongings are destroyed and then placed in a CBP suspense account in the owner’s name. This means that when proper procedures are followed, money can be claimed by its owner

long after the other belongings have been destroyed. After three years, any money still unclaimed is released and goes into the U.S. Treasury fund.

Cash left in belongings that was not inventoried properly is technically destroyed with the rest of the belongings. Certainly in some cases, for instance when bills are effectively hidden by being sewn into clothing or stowed inside of perishable items, this money may be literally destroyed. However, based on our observations, a great deal of money simply isn’t accounted for. There is currently no mechanism by which found money is officially logged after the original inventory, and we are not aware of any protocol requiring CBP to hold onto such money for its owner if it is found in the destruction process without having been recorded. While we have no way to know for sure what happens to such money, we find it hard to believe that cash, when discovered and not inventoried, would be physically destroyed. If it isn’t being destroyed, we have no way of knowing if cash gets pocketed by individual agents or immediately turned over to the U.S. Treasury.

According to a 2006 CBP directive titled Regarding Personal Property Disposition Procedures, seized or abandoned property determined to have a commercial value must be sold through a private company, referred to as the “National Seized Property Contractor.”<sup>38</sup>

### **UNCLAIMED FUNDS FROM PRISON ACCOUNTS**

Money in U.S. dollars transferred to the owners’ prison accounts or deposited into these accounts by friends and family is more difficult to track if it is never recovered. Again, many deported individuals lose money that was returned as money orders, checks, or pre-paid debit cards.

The money from checks that are never cashed would remain in the bank account of the source that issued the check (e.g., Arizona Department of Corrections), just as any uncashed personal check would. In some cases, when the check is cashed through a money exchange operation in Mexico, 25% or more of the money goes to that business’s profits.

When funds are returned by money order, companies such as MoneyGram actually receive the funds from the detention center and then own that money. This would indicate that MoneyGram and similar companies keep the funds when a money order cannot be cashed.

Finally, for funds returned on cards, the quantity not claimed would simply go to the financial services company that produces those cards, such as NUMI Financial.

It is relatively simple to track how debit card and money order companies, such as MoneyGram, take over custody of a detainee's funds and then absorb these funds as profit when the owner is not able to recover the money after being deported. It is, however, slightly more complex to track the flow of money when a deported individual's check goes uncashed. If a private prison company owns the detention center that issued the check (as opposed to just operating it), as is the case with Florence FCC, for instance, the unclaimed funds appear to stay with that company.

On the other hand, in the case of federal or county facilities, even those operated by private companies, the unclaimed funds are supposed to be turned over to a governmental account. For example, when No More Deaths volunteers interviewed an accounts manager at CI Reeves III, a Geo Group-operated, but Bureau of Prisons-owned, facility in Pecos, Texas, they were informed that if checks issued by their facility are not cashed within three months, the funds are sent to the U.S. government's lockbox and designated as "unclaimed funds." This is consistent with the Arizona DOC's "Department Order Manual on Inmate Property," which states that unclaimed funds, after they come to be considered forfeited, go into a general fund or to the state (909.07 1.7.4).

### **NUMI FINANCIAL: CORPORATE PROFITEERING AT ITS WORST**

Numi Financial (Numi) is one of many obscure companies that are profiting from the privatization of incarceration. According to its website, "Numi Financial is the leader in stored value card solutions for the criminal justice and corrections industry."<sup>39</sup> Operating since 1998, Numi Financial specializes in MasterCard prepaid access cards and markets specifically to the corrections industry. According to its website, its "product offerings include inmate release cards, work release cards, juror pay cards, and other industry specific card programs."<sup>40</sup> Numi Financial's website also suggests that there is little to no cost to a prison, itself, for utilizing Numi Financial's services. Specifically, they say "all facilities can opt into the program at no charge," and they quote a customer from Cumberland County Jail as saying, "We no longer have to buy checks, which saves us a lot of money."<sup>41</sup>

Numi Financial's profits appear to be gained almost entirely from exorbitant cardholder fees. These fees include: a \$2.50

per week account maintenance fee that is first charged two days after activation rather than at the end of the first week of service; a \$3.50 fee to call customer service and another \$3.95 fee to speak to a customer representative; over \$5.00 in fees for each international ATM use; a \$0.50 fee for each denied transaction; and a \$1.50 fee for a balance inquiry. While Arizona DOC unclaimed inmate funds are legally supposed to be returned to a state general fund after three years, the \$2.50 weekly maintenance fee alone would have eaten away \$390 by that time – larger than the amount on most deported immigrants' cards.

The Numi Financial sales pitch to prison facilities includes rhetoric stressing "efficiency." One key component of this pitch that Numi promotes is, "No more unclaimed property reporting... Eliminate customer service duties as Numi handles all lost, stolen, and card usage issues."<sup>42</sup> Ultimately, the facilities profit by handing over accountability for all unclaimed funds and the problems former inmates have with accessing their money. Numi, in turn, profits from this particular arrangement by keeping money that is not recovered by its owner.

Pinal County Jail in Arizona, which up until 2014 had 625 beds contracted to ICE for immigrant detainees,<sup>43</sup> uses Numi Financial prepaid debit cards to return funds to people who are being deported. A cursory investigation of Numi Financial's legal compliance with Arizona law brought No More Deaths into contact with the Arizona Department of Financial Institutions (AZDFI). An examiner at the AZDFI determined that Numi Financial has never been licensed to do business in Arizona and might be operating illegally. The AZDFI issued a letter to Numi Financial in March 2014 that gave the company 30 days to explain why it did not need a business license, and indicating that Numi would be prohibited from operating in Arizona.

At the end of May, 2014 the company and its lawyers responded to the notice with documents from other states and a legal justification of their unlicensed operation. The AZDFI has sent that information to the state Attorney General's office, which will review it, consult the relevant Arizona statutes, and make a final decision. If it is determined that Numi Financial has been operating illegally without a business license, their operations in the state will be shut down and they face the possibility of fines.

No More Deaths has also helped involuntary customers of Numi Financial submit consumer complaints to the AZDFI seeking reimbursement from the company for fees charged and changes to the company's practices. Furthermore, the AZDFI has sent a notice about the company to its counterparts in other states so they can do their own investigations into whether the company is complying with state laws regulating business activity.

## SECTION 4

# CONCLUSION & RECOMMENDATIONS

For people caught up in today's nexus between the criminal justice system and immigration enforcement—including Operation Streamline and Secure Communities as well as the broader strategy of mass prosecution and mass deportation—the consequences far exceed the penalties officially imposed, and are sometimes unexpected. We have shown that one of the unofficial but systematic “consequences” of being detained for immigration reasons is the loss of belongings and money, which has many ramifications up to and including endangerment of lives.

There are a few simple and clear changes that would go a long way to ensure that money and belongings are returned appropriately to everyone being deported from the U.S. We assert that first and foremost, law enforcement agencies should preserve basic law enforcement standards and principles, such as property and evidence management and the primary safety of the individual.

Recommendations for the Department of Homeland Security (DHS):

**1. Immigrant detainees must always have access to vital belongings while in custody, such as medications necessary for their health and phone numbers necessary to contact loved ones.**

CBP, ICE officials or Local Enforcement Agencies must all allow those they apprehend this right. Ensuring that detainees have access to their most urgent and essential items while in custody is step one in respecting their needs connected to their belongings and is an important precursor to that same respect being extended upon release and/or removal.

**2. Immigrant detainees who will eventually be deported by ICE should have their belongings, including money, follow them to the end of their chain of custody and they should be reunited with these items (including money in its original form) immediately upon their release.**

ICE must ensure that each immigrant in their custody has all of their original belongings before deporting them to their country of origin. DHS must also require in their ICE con-

tracts that all prisons holding ICE detainees must allow their belongings to come along with them. Short of that, DHS must require that each detainee's belongings be transferred from CBP or any other arresting agency directly to the ICE ERO facility that will be responsible for that person's deportation, so that each person will receive their belongings before being deported.

A special emphasis should be placed on returning any form of identification, money, phones and legal documents. It is not adequate to depend on consulates to help recover belongings after deportation because these items are vital for each person to have immediately upon arriving on the border, for their safety. ICE should coordinate with its partner and peer agencies—CBP, local sheriff and police departments, the U.S. Marshals Service, BOP, State Departments of Corrections—as well as its own detention facilities to ensure restoration of all belongings, or at minimum, the essential belongings noted above.

**3. ICE ERO must ensure that every individual has the opportunity to convert their commissary funds to cash before deportation.**

DHS has ultimate responsibility for ensuring that funds are returned to their owners in a form that can be used after deportation. Therefore, DHS must either provide a way for individuals to cash checks and debit card balances before deportation or require that all facilities that hold immigrant detainees return the money from their inmate accounts in cash. ICE-Enforcement and Removal Operations (ICE-ERO) is specifically the branch of DHS that is in charge of removing individuals for deportation and as such should be responsible for ensuring that those deported have their cash in hand when leaving the U.S. While DHS policy is most important to change, individual facilities could also address the problems and risks associated with dispossession of money and belongings by returning money in the form of cash to everyone being transferred to ICE for deportation.

**4. CBP should retain prosecuted individuals' belongings for a minimum of 30 days past the end of their prison sentence, or until ICE picks up the belongings. Belongings should never be destroyed while their owner is still serving a sentence.**

The people subject to DHS's mass-prosecution initiatives, although officially transferred to the criminal justice system, in effect remain under DHS responsibility: they are systematically returned to DHS after serving their sentence, without recovering their liberty in the meantime. Because most prosecuted individuals receive sentences of 30 days or longer, their belongings are de facto forfeited at the time of prosecution, unless they receive extraordinary and efficient outside help.

CBP should expand the Tucson Sector's special retention policy for Operation Streamline prosecutions to the entire border, and to all of its prosecution initiatives. Under this policy each person's belongings are retained until 30 days past the end of their prison sentence, allowing the opportunity to claim it after release.

**5. CBP property-management practices must be brought into conformity with law-enforcement norms and CBP's own written policies.**

An accurate 100% inventory of belongings, including money, should be made for each detainee. All detained personal effects should be completely reviewed and documented by a uniformed officer in the presence of the property's owner (the detainee) and at least one other officer. Every individual who becomes part of the chain of custody of a detainee's property, whether a government employee or not, should sign for an itemized list of that property. All currency, both foreign and domestic, must be counted and bagged separately from other belongings. All unclaimed currency must be placed in a suspense account in the owner's name, and not destroyed, whether it was originally inventoried or not. Good stewardship of belongings should be exercised and appropriate preservation measures taken (e.g., wet clothes should be allowed to dry prior to being stored).

**6. DHS must create an accessible and transparent mechanism for accepting complaints filed by migrants**

**and ensure adequate oversight to remedy the problems identified by the complaints.**

This complaint process should be accessible to both immigrants currently in detention and those recently deported, and allow real avenues for prompt and fair redress. A yearly report with a total of all of the money that is never returned to or claimed by its original owner should be released publicly by both CBP and ICE. This report should also indicate the number of belongings that were destroyed, and the number of people impacted by dispossession. This report should include an explanation of why it was not possible to return these items, and what steps are being taken to alleviate future issues.

All of these recommendations are remedies that the Obama Administration could implement immediately; none of these recommendations would require legislative approval from Congress.

Recommendation for jurisdictions that work with DHS:

Both federal and local jurisdictions should end or limit collaboration with ICE and CBP until ICE and CBP demonstrate that they are taking appropriate measures to reliably restore detainees' personal property.

• DHS's lack of policies to guarantee the return of property and money, resulting in dispossession, is only one of a host of reasons for jurisdictions to refrain, beyond any minimal legal obligations that may be imposed upon them, from facilitating mass deportation and mass prosecution. Among the organisms that should end or limit their cooperation are municipalities, states, and the U.S. Department of Justice (U.S. Attorneys, the U.S. Marshals Service, the Bureau of Prisons, and the Federal Public Defender).

The issue of dispossession makes a strong argument that mixing immigration and criminal justice results in dangerous repatriation practices and an attack on human rights. The best way to address the issue would be to end criminal prosecutions for immigration-related charges. Furthermore, to comprehensively address the full range of human rights abuses associated with immigration-related charges, the most effective solution would be to end detention and deportation as a whole and to respect the dignity and freedom of movement of all people.

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