

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.¹ 34% of deportees interviewed by the University of Arizona reported that they did not get back at least one item of their belongings.² 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%;

NO MORE DEATHS / NO MÁS MUERTES

“When I was detained, Border Patrol threw my necklaces and belt in the trash yelling ‘esto va a la basura.’³ 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.⁴ Federal courts in general that are prosecuting migrants for illegal re-entry have an average sentence of 19 months.⁵ 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.