

# SHAKEDOWN

## HOW DEPORTATION ROBS IMMIGRANTS OF THEIR MONEY AND BELONGINGS NO MORE DEATHS

FACTSHEET HIGHLIGHTING THE FINDINGS OF THE REPORT RELEASED DECEMBER 10, 2014

The failure of authorities to return money and personal belongings to individuals removed from the United States—**dispossession through deportation**—has become one of the most prevalent and dangerous deportation practices. **Of the 400,000 people deported from the U.S. in FY 2013, nearly one third were deported without their money and/or personal belongings.**<sup>1</sup>

Shakedown uses four years of data accumulated from No More Deaths' Property Recovery Assistance Project to expose the widespread practices of U.S. Border Patrol and Immigration and Customs Enforcement (ICE) wherein they deport people with nothing more than the clothes on their backs—and then destroy or appropriate their property left behind. In the 165 mon-

ey-specific cases highlighted in the report, a total of \$37,025 U.S. dollars would have been lost if no help were available. Of this total, \$12,850 (35%) was recovered with assistance.

It is precisely those categories of people excluded from President Obama's recent executive action—"recent entrants" and individuals convicted of criminal charges—who are most vulnerable to these dangerous and abusive deportation practices. No More Deaths recommends specific, feasible actions that the U.S. Department of Homeland Security (DHS) could take immediately—without Congressional action—that would be a huge step towards ending the de-facto confiscation of immigrant's money and belongings.

### HOW DOES DEPORTATION STRIP PEOPLE OF THEIR MONEY AND BELONGINGS?

Using an in-depth survey in 165 money-specific cases, No More Deaths has found that there are three main mechanisms by which immigrants being deported lose their money and belongings, for good:

#### 1) Complete failure of U.S. officials to return money and belongings;

✦ In 13% of the reported cases, the deported individual did not receive any of their belongings at deportation. In 5% of cases, money was completely missing from the belongings when they were returned to the owner.

✦ Family members deposited money into prison accounts, but it never reached the person imprisoned before deportation (2%).

✦ Prison labor was never paid (8%).

#### 2) Cash returned in forms that cannot be accessed internationally;

✦ 64% of the money cases in Shakedown involved personal checks or money orders. If someone who is deported receives his or her

money in this form, it is almost impossible to cash inside Mexico.

✦ 12% of the cases involved money returned in the form of prepaid Visa and Mastercard debit cards. Recipients of these debit cards face numerous hurdles including barriers to activating the cards outside of the U.S., inability to request or change their pin without a social security number, exorbitant international fees for purchases and withdrawals, and even cards being frozen for potential fraud because use in Mexico is considered "suspicious activity."

#### 3) And money directly stolen by U.S. agents in plain sight;

✦ 5% of money cases involved direct and individual theft by agents through the process of apprehension, transfer, prosecution, detention, and deportation. We documented 4 implicated agencies: Customs and Border Protection (CBP), Tempe Police Department, U.S. Marshals, and the Maricopa County Sheriff's Office.

*\*\*\*Note: Total cases add up to over 100% because some reported cases include multiple categories*



### AS A RESULT OF BEING DEPORTED WITHOUT ACCESS TO THEIR MONEY, AMONG THOSE SURVEYED

**81% REPORTED THAT THEY COULD  
NOT AFFORD TO TRAVEL HOME**

**69% COULD NOT AFFORD SHELTER**

**53% SAID THEY WERE EXPOSED TO DANGERS SUCH AS THREATS, ROBBERY, OR ATTACKS**

**77% COULD NOT AFFORD FOOD**

**64% LOST TIME**

## HOW DOES DISPOSSESSION THROUGH DEPORTATION PUT PEOPLE IN DANGER?

**The Disastrous Loss of Identity Documents:** People are made extremely vulnerable when they are left on the Mexico border without a way to prove their identities. Without ID, they face harassment and extortion by local police, they cannot receive Western Union money transfers from family members, they cannot apply for legitimate work and have to work under the table, and they are at greater risk for kidnapping and sexual assault by organized crime. Deported individuals with no other options for earning money or leaving town have an increased incentive to try to cross the border again as quickly as possible, and are more likely to relent to recruitment by drug smugglers and cartels.

*“After I was deported in Mexico, police picked me up and took me to jail for not having an ID.” Shakedown, P. 8*

**The Loss of Irreplaceable Personal Items:** Migrants put their most precious possessions into one backpack to traverse a deadly desert: money, IDs, medication, cell phones and scraps of paper with crucial family phone numbers, irreplaceable keepsakes, spiritual effects- cherished items that represent peoples’ histories and loved ones, which are necessary for their psychological, spiritual and physical well-being.

*“When I was detained, Border Patrol threw my necklaces and belt in the trash yelling ‘esto va a la basura,’” Shakedown, P. 6*

The vulnerabilities associated with dispossession are most severe for specific categories of individuals already at risk due to their gender identity, sexual orientation, medical condition, ethnicity, and geographical origin.

## WHY IS DISPOSSESSION THROUGH DEPORTATION HAPPENING?

**Increased Criminal Prosecutions & Assembly-Line Justice through Operation Streamline:** Dispossession of immigrants severely increased with the creation of Operation Streamline in 2005. Operation Streamline is a daily court hearing in which dozens of migrants detained on the border plea en masse to criminal charges of illegal entry or felony-level re-entry. Upon receiving a prison sentence (often 30 days or more), each person is transferred to US Marshals Service custody - but his or her belongings stay at the Border Patrol station and, as to policy, are destroyed after 30 days. Only U.S. dollars can follow people into “inmate accounts” at the prisons, so pesos and other foreign currency stay in the bags that are destroyed.

**Lack of Government Accountability:** When No More Deaths has brought concerns related to loss of belonging to the attention of Border Patrol and ICE, they have suggested that while they may be willing to consider measures to improve the return of belongings, it is not part of their responsibility and that migrants are not automatically entitled to getting their belongings back.

*“Alejandro’s lawyer told him that his belongings would be returned upon completion of his Operation Streamline-related sentence. Upon deportation, he asked an ICE official about his belonging and was told they wouldn’t be returned. He was deported to Mexico at 3 a.m. with only the clothes on his back.” Shakedown, P. 25*

## HOW CAN WE STOP DISPOSSESSION THROUGH DEPORTATION?

The Department of Homeland Security is responsible for the direct and collateral damage of dispossession through deportation because they are ultimately responsible for all removals.

**Ensure Access to Belongings:** Immigrant detainees should have access to vital belongings (such as medications) while in custody. Their belongings should follow them through the chain of custody, and they should be reunited with these items immediately upon their release. Belongings should never be destroyed while their owner is still serving a prison sentence. In summary, CBP property-management practices must be brought into conformity with law-enforcement norms and CBP’s own written policies.

**Guarantee Access to Money in Cash Pre-Deportation:** ICE Enforcement and Removal Operations must ensure that every person can convert commissary funds to cash, or be able to cash their checks or withdraw money from debit cards before being deported.

**Increase Agency Accountability and Accessibility:** DHS must create an accessible and transparent mechanism for accepting complaints filed by immigrants in detention and after deportation, and ensure adequate oversight to remedy the problems identified by the complaints. DHS should release a yearly report with data on the total number of belongings destroyed and total amount of money that was left unreturned and unclaimed.

1. Martinez, Slack, and Heyman. “Bordering on Criminal: The Routine Abuse of Migrants in the Removal System (Part II: Possessions Taken and Not Returned)”; *Special Report, December 2013*

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