

*Id.* ¶ 6.2.1.

4. AI Justice attorneys conduct weekly “Know Your Rights” presentations at immigrant detention facilities operated by United States Immigrant and Customs Enforcement (“ICE”), a different component of DHS. In 2013, these attorneys interviewed more than one hundred immigrant detainees who had been apprehended by CBP in Texas in a territory that CBP categorizes as its “Rio Grande Valley Sector,” an operational division of CBP. Subsequently, the detainees were transferred to ICE detention facilities in Florida, where AI Justice attorneys encountered them. Upon information and belief, CBP operates ten holding stations in its Rio Grande Valley Sector. The detainees described prolonged periods of detention—as long as two weeks for some individuals—in inhumane and unlawful conditions.

5. Specifically, detainees consistently reported that, upon their arrest, they were told by CBP agents that they were being taken to what the CBP agents referred to as the “hieleras,” which is Spanish for “icebox” or “freezer.” The hieleras were extremely cold concrete holding rooms—cells—inside a CBP holding station. Detainees stated that the temperature inside the concrete cells was kept so cold that the detainees’ lips chapped and split, their fingers and toes turned blue, and their faces chapped and throbbed with pain. The majority of detainees reported being kept in cells with no beds, no chairs, and a single toilet sitting in plain view in the corner of the cell. Lights remained on twenty-four hours a day. Detainees, including women and children, reported sleeping, what little they could on the frigid concrete floor, frequently huddled together for warmth. So many detainees were placed in the cells that the cells became grossly overcrowded. Detainees described being held with as many as sixty other detainees in a single hielera, with all sixty individuals having to share a single toilet. Some detainees indicated that the cells were so crowded they could not

stretch their arms out without touching other detainees. Other detainees indicated they were so crowded that there was not enough room to lie down on the floor. Instead, they tried to sleep while sitting up.

6. The hieleras have no shower or bathing facilities. As a result, detainees described being held for days—and in some cases as long as two weeks—without being able to bathe or clean themselves. This was particularly hard on female detainees who were menstruating during their detention. Many detainees reported that when they ran out of toilet paper in the overcrowded cells, CBP agents took hours to provide more toilet paper and typically did so only after detainees made repeated requests for more. Detainees were not provided with even the most basic personal hygiene products, such as toothbrushes, toothpaste, combs, or soap. Detainees were not provided with a change of clothing. They remained in the clothing in which they were apprehended. Consequently many of them remained in soiled clothing for days or weeks.

7. The majority of detainees described being fed only once every twelve hours. Many of the detainees reported that the “meal” they received consisted of a bologna sandwich that was often either freezing cold or actually partially frozen. As a result, the majority of the detainees reported experiencing constant hunger and suffering headaches. Many detainees also indicated that the only water provided to them was in a single thermos shared by all the detainees. No cups were provided to drink the water. Detainees described the water as smelling like bleach and it burned their throats when they drank it.

8. No medical facilities existed at the hieleras. Detainees who arrived with prescription medications had their medications confiscated. Several detainees, including a diabetic whose insulin

was confiscated, reported experiencing medical emergencies while in the hieleras but having received no or inadequate medical attention.

9. Many of the detainees stated that at some point in their detention CBP officers began telling them they would be released from the hieleras if the detainees would sign documents that were provided only in English, which the vast majority of the detainees could neither read nor understand. Many of the detainees initially refused to sign the documents, but after days of suffering in the hieleras, almost all succumbed and signed. The documents they signed turned out to be acknowledgment of and agreement with factual allegations which support a finding of inadmissibility, providing for the expedited removal of the detainee, despite the fact that the factual allegations were frequently inaccurate or false.

10. In July 2013, based on these reports from more than one hundred detainees of their mistreatment and CBP's apparent wholesale disregard of its own Short Term Custody Policy, AI Justice submitted a Freedom of Information Act ("FOIA") request to CBP seeking records related to CBP's operation of hold stations in its Rio Grande Valley Sector including, but not limited to, CBP's compliance with its Short Term Custody Policy.

11. CBP responded to neither AI Justice's FOIA request, nor to AI Justice's appeal of CBP's constructive denial of its request. CBP's failure to produce the requested records violates the FOIA and is impeding AI Justice's efforts to educate the public regarding CBP enforcement operations in general and to educate the immigration bar regarding CBP's detention practices in particular. CBP also is hindering AI Justice's ability to effectively advocate for justice and fairness for noncitizens subject to these practices.