



Immigrants' Rights

The fundamental constitutional protections of due process and equal protection embodied in our Constitution and Bill of Rights apply to every person, regardless of immigration status.

When the government has the power to deny legal rights and due process to one vulnerable group, everyone's rights are at risk. The ACLU Immigrants' Rights Project is dedicated to expanding and enforcing the civil liberties and civil rights of immigrants and to combating public and private discrimination against them.

Using targeted impact litigation, advocacy, and public outreach, the ACLU protects the rights and liberties of immigrants. For more than 25 years, the ACLU has been at the forefront of almost every major legal struggle on behalf of immigrants' rights, focusing on challenging laws that deny immigrants access to the courts, impose indefinite and mandatory detention, and discriminate on the basis of nationality. In addition, we have challenged constitutional abuses that arise from immigration enforcement at the federal, state, and local levels, including anti-immigrant "show me your papers" laws at the state level and unconstitutional enforcement tactics by the federal government and local agencies.

<https://www.aclu.org/issues/immigrants-rights>

ACLU Calls on Biden Administration to Address CBP Abuses at the Border

Analysis of 13 Unresolved Complaints Highlights Need to Prioritize Reform Recommendations

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WASHINGTON — The American Civil Liberties Union and the ACLU of Texas sent [a letter](#) to Secretary of Homeland Security Alejandro Mayorkas this week chronicling 13 unresolved administrative complaints filed with the Office of Inspector General between 2019 and 2020. The letter lays out clear recommendations to limit CBP detention, hold its personnel accountable, and rebuild a more just and humane asylum system. An [accompanying index](#) outlines hundreds of abuses documented by the ACLU and partners.

“Over the last few years, we have witnessed and documented abuse, neglect, and trauma inflicted by CBP on people simply seeking protection in the United States,” said **Shaw Drake, staff attorney and policy counsel at the ACLU of Texas**. “The conditions and treatment migrants suffer at the hands of U.S. authorities aren’t just an affront to their human rights and dignity, but to our nation’s credibility. This is not the country we aspire to

be, and we urge urgent action to rebuild a system where people can seek safety in the United States without facing further abuse from U.S. border agents.”

Claims outlined in the appendix of unresolved complaints include:

- **“One asylum seeker reported counting some 2,300 people sleeping outside.** Many reported being forced to sleep on the muddy, rocky ground, and in puddles of water during thunderstorms, which were quickly followed by extreme heat, humidity and sun exposure. Families, including those with infant children, are not provided with any bedding, mats, or chairs. They are forced to sleep on the ground outdoors, even while raining, and are only given Mylar sheets, which are paper-thin and look like tinfoil ... some families reported not even being provided with the Mylar sheets.” [Appendix 3]
- **“Jennifer is a 24-year-old Honduran woman who fled to the United States with her two daughters.** She was six months pregnant when she was apprehended and detained at a Border Patrol station in May 2019 ... The agent, apparently infuriated that Jennifer and her friend were speaking to each other while awaiting processing, forcibly grabbed Jennifer by the arm and took her out of her seat. The agent then grabbed Jennifer by the shoulders from behind and slammed her face-first against a chain link fence three times. Jennifer attempted to shield her protruding stomach from the fence — crying out ‘You’re hurting me! I’m pregnant!’ — yet the agent continued to throw her against the fence.” [Appendix 8]
- **“As one person interviewed by ACLU staff stated, ‘I felt like a cockroach.’** Families report verbal abuse by Border Patrol agents including the use of slurs such as ‘pendeja’ and ‘burra’ meaning ‘asshole’ and ‘dumbass.’ Mothers were also verbally abused when they asked for more food or clean clothing for their children. They were told that they were responsible for their children’s suffering because they decided to come to the United States.” [Appendix 2]

“These complaints, based on hundreds of interviews, demonstrate that CBP’s abusive treatment of people seeking asylum and other immigrants — including pregnant women and infants — is systemic,” said **Jonathan Blazer, director of border strategies at the ACLU.** “We welcome the stated commitments of President Biden and Secretary Mayorkas to implement reforms to ensure immigrants are treated with dignity. Our documentation and analysis of what has gone so wrong in the past can serve as a helpful guide as the new administration attempts to repair and rebuild. But as the severity of the claims highlight, there is no time to waste.”

The letter outlined clear steps Secretary Mayorkas can take to hold CBP accountable and rebuild a just and humane system, including:

- **Strictly limit CBP detention** to the minimum period necessary for initial processing — no more than 12 hours; transition away from CBP personnel playing a role in the processing of people seeking asylum; and end CBP’s authority to make family separation determinations.
- **Strengthen CBP’s use-of-force standards** to prohibit agents and officers from using deadly force unless necessary, as a last resort, to prevent imminent death or serious bodily injury, and only after all reasonable alternatives have been exhausted.
- **Promptly and fully rescind Trump administration orders,** rules, directives, memos, decisions, guidance, and policies designed to restrict access to asylum at the southern border. End the use of other policies predating the Trump administration that severely hinder access to asylum, such as placing those seeking asylum in expedited removal and “metering” at ports of entry.
- **Return to the United States all people seeking asylum with open cases** who are waiting outside the country and release them to networks of care in the United States, on recognizance, bond, or parole while their cases proceed.

The letter states: “It is not enough to reverse Trump-era border policies. The roots of the problems described in this report extend to prior administrations. To address past abuses and protect against future ones, the scope of CBP power must be curtailed, past abuses must be investigated and those responsible must be held accountable, and true accountability mechanisms must be entrenched throughout the agency.” <https://www.aclu.org/press-releases/aclu-calls-biden-administration-address-cbp-abuses-border>