



Recommendations to Combat Abuse and Harm of Children in CBP Custody

July 11, 2019—Troubling [new reports](#) reveal that unaccompanied children, many of whom have fled to the U.S. in search of protection, are facing abusive treatment by Customs and Border Protection (CBP) agents charged with their care immediately after arriving in the U.S.

Children’s reports of sexual assault, verbal and emotional abuse, threats, and retaliation by agents during their time in CBP custody are horrific. The [accounts](#) of prolonged detention of children in inhumane, unsanitary, and unsafe conditions at CBP facilities in Clint, Texas, and elsewhere are unacceptable. KIND has long advocated for reform and accountability to ensure the safety and well-being of children in our government’s custody.

No child should face harm or abuse while in our government’s care.

CBP must immediately take concrete steps to:

- ensure safe conditions and humane and appropriate treatment for all children, and hire child welfare professionals to care for the children in its custody
- fully investigate and hold accountable those responsible for abusing or harming children
- ensure the prompt transfer of unaccompanied children to the care and custody of the Office of Refugee Resettlement (ORR), as provided for by federal law.

What can be done to ensure this never happens again?

For many years, children, human rights monitors, and the government itself have reported inappropriate conditions for and treatment of children in CBP custody. CBP hold rooms, which are designed for only short-term use, are wholly unsuited to the care of children. CBP agents, who have expertise and training in law enforcement rather than child welfare, are similarly unprepared to provide children with necessary and appropriate care. These problems, which have long been documented, have too long been met with little to no accountability.

When unaccompanied children are held in CBP custody for weeks and months--in violation of federal law requiring their transfer to ORR within 72 hours--the likelihood of harm and abuse only increases.

KIND urges the following actions to ensure the safety and protection of *all* children in CBP custody:

1. Ensure that CBP hires trained and licensed child welfare professionals for all facilities holding children
2. Create systematic third-party oversight and public reporting in all federal facilities holding children, including Immigration and Customs Enforcement (ICE), CBP, and ORR, to ensure government compliance with minimum standards—complementing the critical role performed by *Flores* counsel and monitors
3. Ensure all allegations of abuse are referred to the FBI for investigation and prosecution
4. Ensure children are notified of their rights when in CBP custody.

What can be done for children who have suffered abuse?

Many unaccompanied children have fled to the U.S. in search of protection from threats to their lives, abuse, or neglect from which their countries cannot or will not protect them. Further victimization of these children at the hands of the U.S. government is abhorrent and must be met with immediate accountability and efforts to ensure children receive the protection, services, and assistance they need and deserve.

1. Every serious allegation should be reported to the FBI and local law enforcement
2. Every child who reports having suffered abuse should be referred to an attorney
3. Federal officials should prioritize requests for certifications for crime victim visas by child survivors of abuse
4. Children should be provided post-release social and legal services after they leave federal custody to support their healing process from trauma, harm, and abuse.

How can I help to ensure the safety of children in CBP custody?

Members of Congress and the public can support legislation that requires safe and appropriate conditions in detention facilities.

To this end, KIND urges support of the following legislation:

- The [Northern Triangle and Border Stabilization Act of 2019](#) (H.R. 3524) requires better treatment of detained children at the border, including by setting standards for CBP facilities and directing the hiring of child welfare professionals.
- The [Child Trafficking Victims Protection and Welfare Act](#) (S. 661) provides for the safe and appropriate treatment of children in CBP custody by requiring at least one licensed child welfare professional at ports of entry and Border Patrol stations that regularly hold a large number of children. The bill also provides minimum standards of care for children in CBP custody.

KIND further urges Congress to reject calls by the Administration and legislative proposals that would weaken or eliminate critical protections for children provided for by the Trafficking Victims Protection Reauthorization Act (TVPRA).

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