

July 30, 2019

Joseph Cuffari
Inspector General
Department of Homeland Security
245 Murray Lane SW
Washington, DC 20528-0305

Dear Mr. Cuffari:

I write to request that you conduct an investigation into the detention of several United States citizens by Customs and Border Protection (CBP) and Immigration and Customs Enforcement (ICE).

On June 27, 2018, 18-year-old Francisco Erwin Galicia was stopped at a border patrol checkpoint in Falfurrias, Texas, during a trip to attend a college soccer tryout.¹ Galicia, a United States citizen and high school senior in Edinburg, Texas, provided CBP with a Texas birth certificate, a Texas identification card, and a Social Security card.² CBP detained Galicia because they claimed, falsely, “that his documents were fraudulent.”³ Galicia was born in Dallas and has been in the United States “all his life,” yet CBP “kept telling him [the documents] were fake.”⁴

Despite receiving “additional paperwork corroborating that he is a U.S. citizen,” CBP kept Galicia in custody for over three weeks.⁵ CBP then transferred Galicia to ICE custody, where he was held over the weekend during removal proceedings.⁶ Finally, on July 23, after nearly a month in custody, Galicia was released and allowed to return home.⁷ Mr. Galicia was reportedly kept in atrocious conditions: he lost 26 pounds because of lack of food, was not allowed to shower, and was “crammed into an overcrowded holding area[where] [s]ome men had to

¹ Dallas Morning News, Obed Manuel, “No shower for 23 days: U.S citizen says conditions were so bad that he almost self-deported,” July 24, 2019,

<https://www.dallasnews.com/news/immigration/2019/07/24/no-shower-23-days-us-citizen-held-deportation-shares-like-immigrant/>; Washington Post, “U.S. citizen freed after nearly a month in

immigration custody, family says,” Meagan Flynn, July 24, 2019,

<https://www.washingtonpost.com/nation/2019/07/23/francisco-erwin-galicia-ice-cpb-us-citizen-detained-texas/>.

² *Id.*

³ *Id.*

⁴ *Id.*

⁵ *Id.*

⁶ *Id.*

⁷ *Id.*

sleep on the restroom area floor.”⁸ Mr. Galicia described the conditions as “inhumane,” indicating that he was ready to “sign a deportation paper just to not be suffering there anymore.”⁹

This is not the first time that immigration authorities have reportedly inappropriately detained a United States citizen without evidence to support such detention.¹⁰ In March, CBP officers detained 9-year-old United States citizen Julia Isabel Amparo Medina for over 30 hours.¹¹ Medina presented her United States passport card at a border stop on the way to school, yet CBP officers simply claimed she did not closely enough resemble the photograph on her card, and proceeded to accuse her of lying about her identity and detained her for over a day.¹² Finally, after “roughly 32 hours,” CBP released Medina.¹³

And it appears that they are not uncommon occurrences. According to an April 2018 investigation by the *Los Angeles Times*, ICE released nearly 1,500 people in its custody between 2012 and 2018 after investigating citizenship claims.¹⁴ The investigation revealed, among other examples, that ICE had detained United States citizen Davino Watson for 1,273 days.¹⁵ In Texas alone, a study estimated ICE had wrongfully requested that local jails hold a United States citizen in custody for the agency to pick up hundreds of times between 2006 and 2017.¹⁶

The detentions of Mr. Galicia and Ms. Medina represent a nightmare scenario in which U.S. citizens were stopped at the border or in the country, presented proof of their citizenship, were accused of no other crime, and were still held by ICE without recourse for hours or days at a time. To the extent CBP and ICE are systematically detaining U.S. citizens under similar circumstances, it would represent a severe and unacceptable abuse of power and authority. I therefore ask that you conduct an investigation of this matter, which should include an assessment of the following questions:

1. How many times has ICE or CBP detained a United States citizen in the last 5 years, and what were the circumstances of these detentions?
 - a. What was the average length of these detentions?

⁸ *Id.*

⁹ Dallas Morning News, Obed Manuel, “No shower for 23 days: U.S citizen says conditions were so bad that he almost self-deported,” July 24, 2019, <https://www.dallasnews.com/news/immigration/2019/07/24/no-shower-23-days-us-citizen-held-deportation-shares-like-immigrant>

¹⁰ Time, “9-Year-Old U.S. Citizen Detained for 32 Hours After Crossing the Border to Go to School,” Suyin Haynes, March 22, 2019, <https://time.com/5556738/girl-9-detained-border-patrol/>.

¹¹ *Id.*

¹² *Id.*

¹³ *Id.*

¹⁴ Los Angeles Times, “Must Reads: ICE held an American man in custody for 1,273 days. He’s not the only one who had to prove his citizenship,” Paige St. John and Joel Rubin, April 27, 2018, <https://www.latimes.com/local/lanow/la-me-citizens-ice-20180427-htlmstory.html>.

¹⁵ *Id.*

¹⁶ Cato Institute, “U.S. Citizens Targeted by ICE: U.S. Citizens Targeted by Immigration and Customs Enforcement in Texas,” David Bier, August 29, 2018, <https://www.cato.org/publications/immigration-research-policy-brief/us-citizens-targeted-ice-us-citizens-targeted>.

- b. Were detainees held under adequate conditions?
2. How many cases described in question #1 involved ICE or CBP detaining a United States citizen despite the individual having documentation of their U.S. citizenship?
 - a. What was the average length of these detentions? For how long after obtaining proof of citizenship did ICE or CBP detain these citizens?
 - b. Were these detainees held under adequate conditions?
3. What policies and procedures do ICE and CBP have in place to prevent the detention of United States citizens, and how do ICE and CBP ensure that individual agents are complying with these policies and procedures? How have these policies and procedures changed since January 2017? How have efforts to ensure that individual agents are complying with these policies and procedures changed since January 2017?
4. What steps have ICE and CBP taken within the last 5 years to avoid the wrongful arrest and mistaken detention of United States citizens?
 - a. The Los Angeles Times investigation found that ICE relies “on databases that are incomplete and plagued by mistakes.”¹⁷ Have the databases used by ICE and CBP been improved, or relied upon less, to avoid these errors?
5. What policies and procedures do ICE and CBP have in place regarding the use of racial profiling by agents?
6. How much has been paid in settlements in the last 5 years to United States citizens because they were wrongly arrested and/or detained by ICE and CBP?

Sincerely,



Elizabeth Warren
United States Senator

¹⁷ Los Angeles Times, “Must Reads: ICE held an American man in custody for 1,273 days. He’s not the only one who had to prove his citizenship,” Paige St. John and Joel Rubin, April 27, 2018, <https://www.latimes.com/local/lanow/la-me-citizens-ice-20180427-htm1story.html>.