



U.S. DEPARTMENT OF HOMELAND SECURITY **OFFICE OF INSPECTOR GENERAL**

OIG-24-04

November 2, 2023

FINAL REPORT

Results of Unannounced Inspections of CBP Holding Facilities in the Miami Area





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U.S. Department of Homeland Security

Washington, DC 20528 | www.oig.dhs.gov

November 2, 2023

MEMORANDUM FOR: The Honorable Alejandro Mayorkas
Secretary
Department of Homeland Security

Troy A. Miller
Senior Official Performing the Duties of the Commissioner
U.S. Customs and Border Protection

FROM: Joseph V. Cuffari, Ph.D.
Inspector General

JOSEPH V
CUFFARI

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JOSEPH V CUFFARI
Date: 2023.11.02
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SUBJECT: *Results of Unannounced Inspections of CBP Holding Facilities in the Miami Area*

Attached for your action is our final report, *Results of Unannounced Inspections of CBP Holding Facilities in the Miami Area*. We incorporated the formal comments provided by your office.

The report contains two recommendations aimed at improving management of and conditions in CBP short-term holding facilities in the Miami Area of South Florida. Your office concurred with recommendation 1 and did not concur with recommendation 2. Based on information provided in your response to the draft report, we consider recommendation 2 open and unresolved. As prescribed by Department of Homeland Security Directive 077-01, *Follow-Up and Resolutions for the Office of Inspector General Report Recommendations*, within 90 days of the date of this memorandum, please provide our office with a written response that includes your (1) agreement or disagreement, (2) corrective action plan, and (3) target completion date for each recommendation. Also, please include responsible parties and any other supporting documentation necessary to inform us about the current status of the recommendation. Until your response is received and evaluated, the recommendations will be considered open and unresolved.

Based on information provided in your response to the draft report, we consider recommendation 1 open and resolved. Once your office has fully implemented the recommendation, please submit a formal closeout letter to us within 30 days so that we may close the recommendation. The memorandum should be accompanied by evidence of completion of agreed-upon corrective actions.

Please send your response or closure request to OIGInspectionsFollowup@oig.dhs.gov.

Consistent with our responsibility under the *Inspector General Act*, we will provide copies of our report to congressional committees with oversight and appropriation responsibility over the Department of Homeland Security. We will post the report on our website for public dissemination.

Please contact me with any questions, or your staff may contact Tom Kait, Deputy Inspector General for Inspections and Evaluations, at (202) 981-6000.

Attachment



DHS OIG HIGHLIGHTS

Results of Unannounced Inspections of CBP Holding Facilities in the Miami Area

November 2, 2023

Why We Did This Inspection

As part of the Office of Inspector General's annual, congressionally mandated oversight of CBP holding facilities, we conducted unannounced inspections at six locations in the Miami area to evaluate CBP's compliance with applicable detention standards.

What We Recommend

We made two recommendations to improve the management of and conditions in CBP short-term holding facilities in the Miami area.

For Further Information:

Contact our Office of Public Affairs at (202) 981-6000, or email us at:

DHS-OIG.OfficePublicAffairs@oig.dhs.gov.

What We Found

In November 2022, we conducted unannounced inspections of six U.S. Customs and Border Protection (CBP) facilities in the Miami area, specifically two Border Patrol stations and four Office of Field Operations ports of entry. Our inspections found the CBP facilities generally met the *National Standards on Transport, Escort, Detention, and Search* (TEDS standards) for cleanliness, food and beverages, supplies and hygiene items, bedding, and medical care. However, we found inaccurate data in detainee custody logs at two Border Patrol stations. Detainee custody logs in Border Patrol's system of record did not accurately account for amenities provided to detainees in custody.

Border Patrol in the Miami sector also struggled to promptly transport migrants due to various challenges. Specifically, CBP officials told us of instances when migrants at the United States Coast Guard (Coast Guard) sector in Key West, Florida, had long wait times for transportation to a Border Patrol station because of inadequate transportation resources available in the local area, limited holding capacity at Border Patrol stations, and long distances between Miami sector facilities. Finally, our interviews revealed a gap in standards of care when the Coast Guard transferred migrants from their landing location on U.S. islands into CBP custody. The standards applicable to migrants waiting to be transferred to CBP holding facilities remain ambiguous.

CBP Response

CBP concurred with recommendation 1 and did not concur with recommendation 2. We consider recommendation 1 open and resolved and recommendation 2 open and unresolved.



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Abbreviations

CBP	U.S. Customs and Border Protection
ERO	Enforcement and Removal Operations
ICE	U.S. Immigration and Customs Enforcement
OFO	Office of Field Operations
POE	port of entry
TEDS	<i>National Standards on Transport, Escort, Detention, and Search</i>



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Background

U.S. Customs and Border Protection's (CBP) Office of Field Operations (OFO) manages U.S. ports of entry (POEs), where officers perform immigration and customs functions. They inspect individuals who appear at POEs with or without valid documents for legal entry, such as visas or legal permanent resident cards and also examine goods permitted or prohibited under customs and other laws. Between POEs, CBP's Border Patrol detects and interdicts people and goods suspected of entering the United States without inspection. OFO and Border Patrol are generally responsible for short-term detention of people who are inadmissible to, or deportable from, the United States, or subject to criminal prosecution. The 2015 *National Standards on Transport, Escort, Detention, and Search* (TEDS standards)¹ guide how CBP should manage short-term detention. Because CBP facilities are only equipped for short-term detention, CBP may repatriate, release, or transfer detainees to other agencies, as appropriate. CBP coordinates with U.S. Immigration and Customs Enforcement's (ICE) Enforcement and Removal Operations (ERO) to place migrants in long-term detention facilities managed by ICE ERO or to release migrants while they await immigration hearing proceedings. CBP also coordinates with the U.S. Department of Health and Human Services' Office of Refugee Resettlement, the agency responsible for the placement of unaccompanied children.

CBP's ability to meet TEDS standards and provide reasonable care for detainees in short-term holding facilities across its 328 POEs and 135 Border Patrol stations can vary greatly. Conditions can differ between facilities operated by Border Patrol versus OFO because of variances in mission, policies, and procedures of these two CBP sub-components. Facility conditions can also fluctuate considerably across Border Patrol sectors because of geography, infrastructure, and a variety of other factors.

Border Patrol's Miami sector consists of 1,776 coastal miles along the Atlantic and Gulf shores of Florida, Georgia, South Carolina, and North Carolina. While the Miami sector's area of responsibility includes Georgia, South Carolina, and North Carolina, the sector's primary area of operation is the State of Florida, excluding the Florida Panhandle west of the Apalachicola River (Figure 1). OFO Miami field office POEs consist of airports and seaports from West Palm Beach to Key West, Florida.

¹ TEDS standards govern CBP's interaction with detained individuals. CBP, [National Standards on Transport, Escort, Detention, and Search](#), Oct. 2015.



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Figure 1. Map of Miami Sector



Source: Department of Homeland Security Office of Inspector General

Congress mandated that the OIG conduct unannounced inspections of CBP holding facilities to assess conditions of detention.² This report describes the results of our November 2022 unannounced inspections of six CBP short-term holding facilities in the Miami area, including two Border Patrol facilities – Dania Beach station and Marathon station – and four OFO facilities – Port Everglades seaport, Fort Lauderdale International Airport POE, Miami seaport, and Key West POE (see Figure 2).

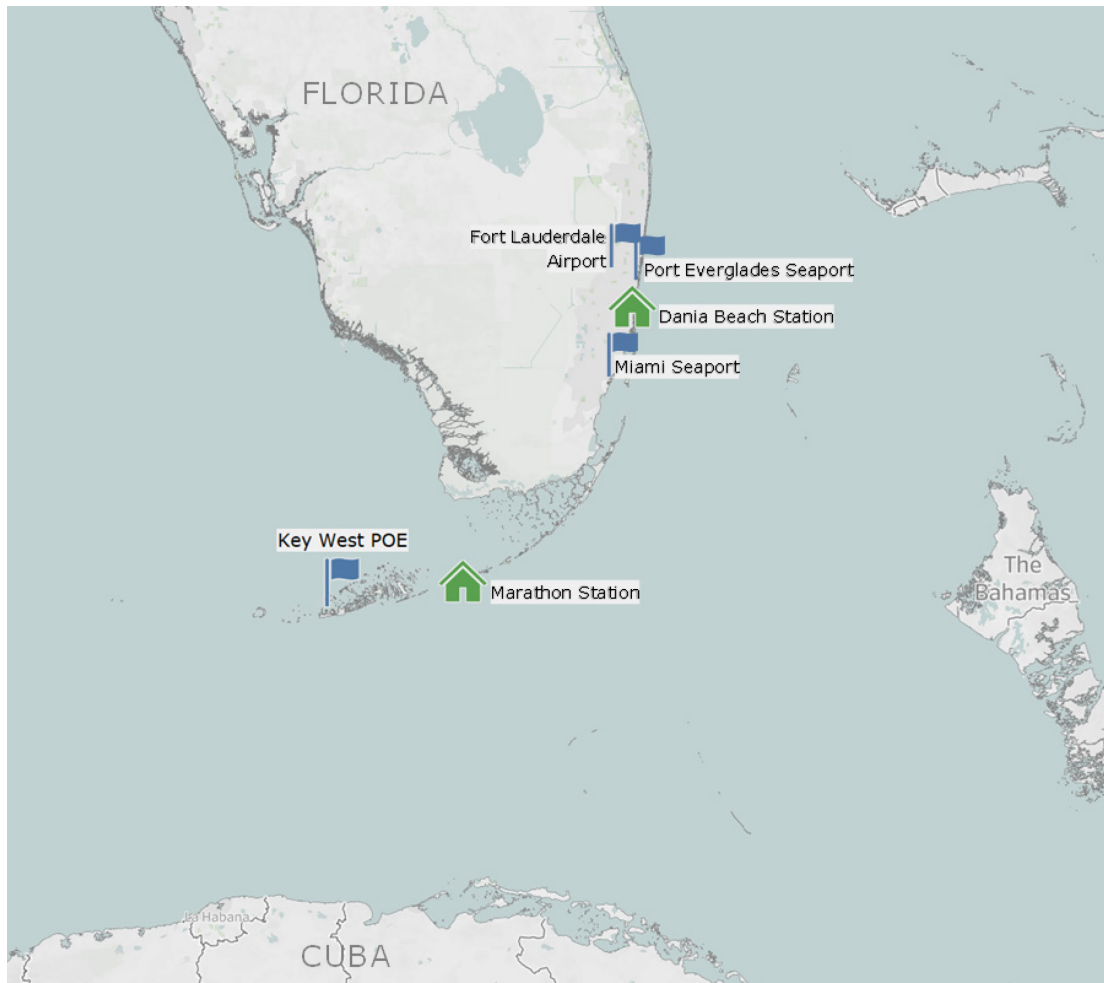
² *Consolidated Appropriations Act, 2022*, Pub. L. No. 117-103, Division F; *Department of Homeland Security Appropriations Act, 2022*, H.R. Rep. No. 117-87 (2021).



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Figure 2. Locations of CBP Facilities Visited in November 2022



Source: DHS OIG

CBP Standards for Detention at Short-Term Holding Facilities

TEDS standards govern CBP's interactions with detained individuals and specify how detainees should be treated while in CBP custody. According to TEDS, every effort must be made to promptly transfer, process, release, or repatriate detainees within 72 hours of being taken into custody, as appropriate and operationally feasible.³ CBP has an obligation to provide detainees

³ TEDS 4.1, *Duration of Detention*. TEDS states that every effort must be made to hold detainees for the least amount of time required for their processing, transfer, release, or repatriation, as appropriate and as operationally feasible. TEDS standards generally limit detention in CBP facilities to 72 hours, with the expectation that CBP will transfer unaccompanied children to the Office of Refugee Resettlement and repatriate or release families and single adults or transfer them to ICE ERO long-term detention facilities or other partners as appropriate. For DHS authority to detain individuals, see 6 U.S.C. § 211(c)(8)(B) and 6 U.S.C. § 211(m)(3).



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in its custody with drinking water, meals and snacks, access to toilets and sinks, basic hygiene supplies, bedding, and under certain circumstances, showers.⁴ CBP must also ensure that holding facilities are kept clean, temperature controlled, and adequately ventilated.⁵

TEDS standards also outline general requirements for detainee access to medical care.⁶ In late December 2019, CBP expanded these requirements by adopting CBP Directive No. 2210-004,⁷ which requires “deployment of enhanced medical support efforts to mitigate risk to and sustain enhanced medical efforts for persons in CBP custody along the Southwest Border.” To implement this directive, CBP introduced an Initial Health Interview Questionnaire (CBP Form 2500)⁸ and a Medical Summary Form (CBP Form 2501) to document detainee health conditions, referrals, and prescribed medications. Although CBP Directive No. 2210-004 is mandatory along the Southwest border, CBP facilities in the Miami area are not required to follow the same guidance. However, some of the facilities we inspected used CBP Form 2500 for screening detainees.

Border Patrol Migrant Encounters in the Miami Area

Border Patrol’s Miami sector experienced a significant increase in migrant encounters from fiscal year 2021 through May 2023. Overall, these encounters rose 289 percent from FY 2021 to FY 2022, and 36 percent from October 2022 through May 2023 (see Table 1). This included relatively large increases in encountered migrant families.

⁴ TEDS 4.14, *Drinking Water*; TEDS 4.13, *Food and Beverage: Meal Timeframe and Snack Timeframe*; TEDS 5.6, *Detention: Meals and Snacks – Juveniles, Pregnant, and Nursing Detainees*; TEDS 4.15, *Restroom Facilities*; TEDS 5.6, *Detention: Hold Rooms – [Unaccompanied Children]*; TEDS 4.11, *Hygiene*; and TEDS 4.12, *Bedding*. Under TEDS standards, reasonable efforts must be made to provide showers to juveniles approaching 48 hours and adults approaching 72 hours in CBP custody; see TEDS 4.11, *Hygiene: Basic Hygiene Items*, and TEDS 5.6, *Detention: Showers – Juveniles*.

⁵ TEDS 4.7, *Hold Room Standards: Temperature Controls*; and TEDS 5.6, *Detention: Hold Rooms – [Unaccompanied Children]*.

⁶ TEDS 3.11, *Medical Treatment and Authority* and TEDS 4.10, *Medical*.

⁷ CBP Directive No. 2210-004, *Enhanced Medical Support Efforts*, Dec. 30, 2019.

⁸ The questions on CBP Form 2500 are used to determine whether a detainee has any injury, symptoms of illness, known contagious diseases, or thoughts of harming self or others. For seven of the questions, a positive response would automatically prompt a more thorough medical assessment.



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Table 1. Border Patrol Miami Sector Encounters, FYs 2021–2023

Fiscal Year	Unaccompanied Children	Family Units	Single Adults	Total Encounters	Percentage Increase
2021	11	88	932	1,031	N/A
2022	89	674	3,246	4,009	289
2023 to date*	48	711	4,709	5,468	36

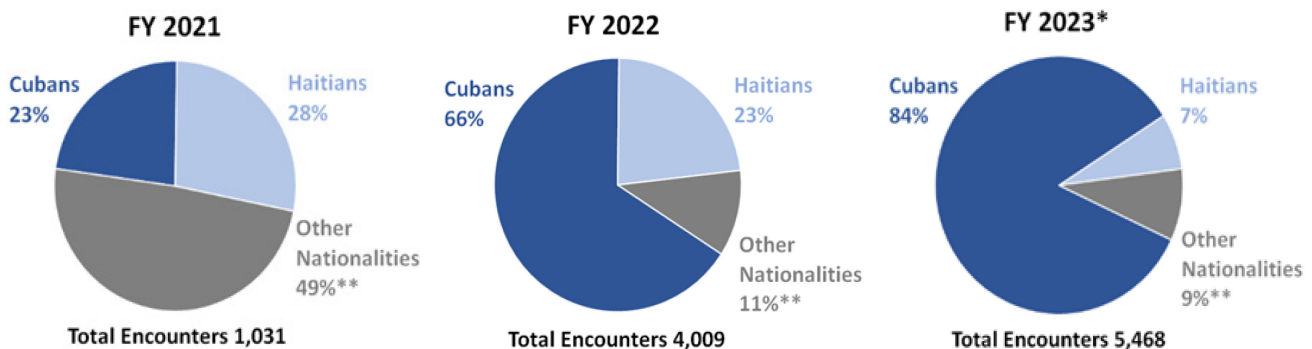
Source: CBP enforcement statistics

Note: Encounter numbers include Title 8 apprehensions, Title 8 inadmissibles, and from March 2020 to May 2023, Title 42 expulsions. (Under the U.S. Code, Title 42 is a public health authority and Title 8 is an immigration authority.)

* FY 2023 data are for October 2022 through May 2023.

Border Patrol officials said that with the increase in encounters since FY 2021, the Miami sector now has a more humanitarian-focused mission, with rising migrant encounters. Cuban and Haitian migrants made up the majority of these encounters. As shown in Figure 3, Cuban encounters reflected 23 percent of overall encounters in FY 2021, with an increase to 84 percent of total encounters from October 2022 through May 2023. Border Patrol officials said that migration of Cubans and Haitians, who typically arrive at U.S. islands in proximity to Key West on makeshift boats or rafts, has increased due to continued economic and political instability in their home countries.

Figure 3. Border Patrol Miami Sector Cuban, Haitian, and Other Nationalities Encounters, FYs 2021–2023



Source: CBP enforcement statistics

* FY 2023 data are for October 2022 through May 2023.

** Includes migrants from Mexico, Central America, South America, and Asia.



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The Coast Guard Supports CBP in Transporting Migrants from U.S. Islands

The United States Coast Guard (Coast Guard) and CBP share responsibility for patrolling and enforcing U.S. law along the U.S. maritime borders and territorial seas. The Coast Guard interdicts migrants at sea, where migrants are immediately repatriated back to their point of departure or home country and assists CBP in transporting and holding migrants who land on U.S. islands in south Florida. Within CBP, Air and Marine Operations is responsible for securing the air and maritime environments between POEs. Border Patrol is responsible for securing the land environment between POEs and has limited marine patrol capability and is restricted to the intercoastal waterways (inland).

Once a migrant touches land on any of the U.S. islands, such as Dry Tortugas or Marquesas Keys, CBP is responsible for processing the migrant. The Coast Guard or CBP receives notification of a landing from an overhead flight, good Samaritan reporting, Florida Fish and Wildlife Conservation Commission, or the National Park Service. CBP and the Coast Guard coordinate transportation of migrants to a transfer point where Border Patrol takes custody. The Coast Guard usually transports migrants from their landing location to the Coast Guard sector in Key West. Once migrants disembark the Coast Guard vessels onto the sector, the Coast Guard holds them until the Border Patrol arrives. The Coast Guard does not have the manpower or space to secure or house migrants for long periods of time.

Results of Inspection

We found the facilities we inspected in November 2022 generally met TEDS standards for cleanliness, food and beverages, supplies and hygiene items, bedding, and medical care. However, we found inaccurate data in detainee custody logs at two Border Patrol stations. Detainee custody logs maintained in e3,⁹ Border Patrol's electronic system of record, did not accurately account for amenities¹⁰ provided to detainees in custody. Border Patrol's Miami sector struggled to promptly transport migrants due to various challenges. Specifically, migrants arriving at the Key West Coast Guard sector had long wait times for transportation to a Border Patrol station because of limited transportation resources available in the local area, limited holding capacity at Border Patrol stations, and long distances between Miami sector facilities. Finally, our interviews revealed a gap in standards of care when the Coast Guard transferred migrants from their landing location on U.S. islands into CBP custody. The standards applicable to migrants waiting to be transferred to CBP holding facilities remain ambiguous.

⁹ The e3 system is Border Patrol's primary system for collecting biographic, encounter, and biometric data for migrants encountered or apprehended. Border Patrol agents also use e3 to log detainee custodial actions and amenities, including health interviews, meals, snacks, clean clothing, hygiene products, sleeping mats, blankets, showers, and welfare checks.

¹⁰ Amenities refers to items such as water, snacks, food, access to basic hygiene items and facilities, and other provisions as required by TEDS.



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CBP Facilities and Processes Generally Met TEDS Standards

The CBP facilities we visited generally met TEDS standards for cleanliness, food and beverages, supplies and hygiene items, bedding, and medical care. All six facilities we inspected were mostly clean, and five of the six facilities¹¹ had meals, snacks, and water available for detainees. CBP provided access to bottled and potable water, microwavable meals with vegetarian or dietary restriction options, snacks for all ages, infant formula, and the flexibility to purchase additional food as needed. During our inspection, we observed Border Patrol agents and support staff providing migrants with drinks, food, and clothing (see Figures 4 and 5).

Figures 4 and 5. Border Patrol Agents and Support Staff Providing Migrants with Drinks, Food, and Clothing at the Marathon Border Patrol Station, Observed November 17, 2022



Source: DHS OIG photos

Five facilities were well stocked with supplies and hygiene items, such as diapers in various sizes and wipes, clean clothing and sandals for adults and children, and personal hygiene items, including toiletry kits (with shampoo/body wash, body lotion, toothpaste, and deodorant), paper

¹¹ The Key West POE did not have holding cells onsite. If the POE needed to detain anyone, they would be processed at the Marathon Border Patrol station (approximately 50 miles away).



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shower wipes, and feminine hygiene products. In addition, the facilities had Mylar and cloth blankets and mats available.

Facility practices for health interviews and medical assessments complied with TEDS standards, though they varied across Border Patrol and OFO facilities. Of the five facilities inspected, three chose to use the CBP Form 2500 to document detainee initial health interviews, whereas one facility asked detainees the same questions on the CBP 2500 form but did not document their responses. The last facility transported migrants to the nearest Border Patrol station where health interviews were documented on the CBP Form 2500. None of the facilities had contract medical support staff, but all had processes in place to work with local emergency medical services and nearby hospitals to secure migrant medical care. At the time of our inspection, none of the detainees were held longer than 72 hours.

Border Patrol Had Data Integrity Issues

We found inaccurate data in detainee custody logs at two Border Patrol stations. Detainee custody logs maintained in e3 did not accurately account for amenities provided to detainees in custody. According to TEDS, “[a]ll custodial actions, notifications, and transports that occur after the detainee has been received into a CBP facility must be accurately recorded in the appropriate electronic system(s) of record as soon as practicable.”¹² Having accurate, complete, and consistent data is critical for CBP to monitor care of detainees in custody and to ensure compliance with TEDS and other applicable standards.

Some of the most significant or common data integrity issues we found in the custody logs included the following:

- Among the two stations, in 11 of the 11 custody logs reviewed, one or more meals were not documented.
- At one station, agents replicated information in the custody log for eight detainees, i.e., the log showed identical rather than tailored information for each detainee.
- At one station, eight custody logs indicated male detainees received feminine hygiene products.

A Border Patrol agent told us that inaccurate and duplicate custody log data may happen when there are large numbers of detainees. In that circumstance, every detainee will be fed at the same time, which results in identically logged activities.

¹² TEDS 4.5, *Electronic System(s) of Record*.



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Data integrity has been a recurring issue for CBP. We observed unreliable data in detainee custody logs in recent inspections of the Yuma and Tucson areas of Arizona,¹³ the Rio Grande Valley area of Texas,¹⁴ the El Centro and San Diego areas of California,¹⁵ and the Del Rio area of Texas.¹⁶ CBP continues to address the data integrity issues we identified, including completing refresher training that achieved closure of a data integrity recommendation for the El Centro and San Diego areas.

Since the November inspection, Miami sector has conducted refresher training on e3. Its training guide¹⁷ provides step-by-step instructions with visual aids on how to add custodial care actions to the detention module of a detainee's file. Miami sector Border Patrol agents reviewed the e3 training guide during daily station muster events when agents were on duty over different shifts and afterwards signed a training attendance roster.

Border Patrol Faced Challenges Transporting Migrants in the Miami Area

Border Patrol in the Miami sector struggled to promptly transport migrants, as required by TEDS.¹⁸ Agents and officers told us of instances when migrants had long wait times at the Coast Guard sector in Key West for transportation to a Border Patrol station because of limited transportation resources available in the local area, limited holding capacity at Border Patrol stations, and long distances between Miami sector Border Patrol stations.

Once notified of a migrant landing, Border Patrol coordinates the movement of migrants to a Border Patrol station for processing. Border Patrol's main vehicle fleet in the Miami sector to transport migrants consists of three passenger vans, one each for the Marathon, Dania Beach, and West Palm Beach Border Patrol stations. While migrant encounters increased from FY 2021 through May of FY 2023, there was no corresponding increase in vehicles for the sector (see Figure 6). During our inspection, Border Patrol officials told us the Miami sector did not have a contract for transportation support and had submitted a request for contract support to Border Patrol headquarters.

¹³ *Results of Unannounced Inspections of CBP Holding Facilities in the Yuma and Tucson Areas*, [OIG-23-29](#), June 23, 2023.

¹⁴ *Results of Unannounced Inspections of CBP Holding Facilities in the Rio Grande Valley Area*, [OIG-23-28](#), May 24, 2023.

¹⁵ *El Centro and San Diego Facilities Generally Met CBP's TEDS Standards but Struggled with Prolonged Detention and Data Integrity*, [OIG-23-03](#), Dec. 20, 2022.

¹⁶ *Del Rio Area Struggled with Prolonged Detention, Consistent Compliance with CBP's TEDS Standards, and Data Integrity*, [OIG-22-80](#), Sept. 29, 2022.

¹⁷ Border Patrol's *e3 Detention Module Comprehensive Training Guide*.

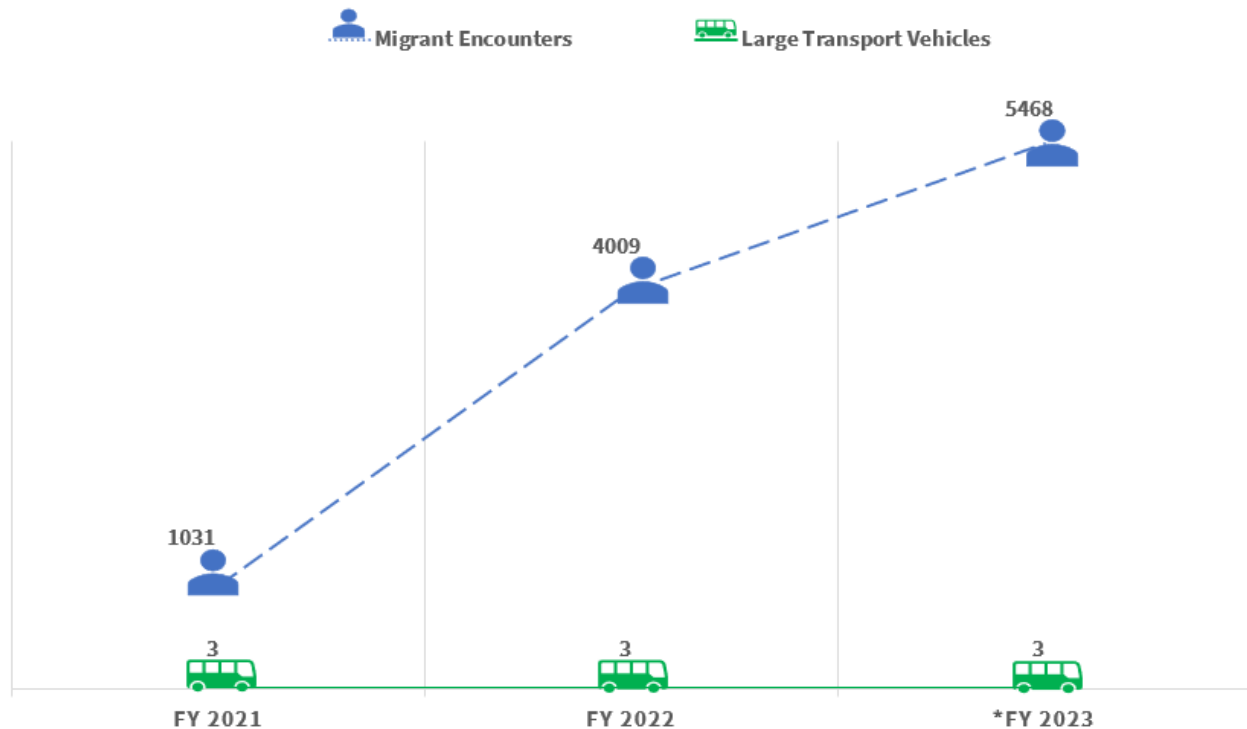
¹⁸ TEDS 1.8, *Duration of Detention*, states that "[e]very effort must be made to promptly ... transport ... detainees as appropriate according to each operational office's policies and procedures, and as operationally feasible."



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Figure 6. Border Patrol's Miami Sector Encounters Compared to the Number of Large Transport Vehicles, FYs 2021–2023*



Source: CBP enforcement statistics and Miami sector data

* FY 2023 data are for October 2022 through May 2023.

The shortage of transportation vehicles in relation to the number of migrant encounters is exacerbated by holding capacity limitations and the distance between CBP facilities. From the Coast Guard sector, the closest Border Patrol station - the Marathon Border Patrol station - is almost 50 miles away. Border Patrol officials said holding capacity limitations at the Marathon station result in many migrants being transported to the Dania Beach or West Palm Beach Border Patrol stations. These stations add additional distances of about 140 miles (approximately 3 hours) and 190 miles (approximately 4 hours), respectively. Border Patrol officials stated there is only one roadway leading into and out of the Florida Keys, and public events or a single accident can increase the drive time by several hours.

The limited number of vehicles available to transport migrants far distances contributed to longer migrant time in custody. CBP officials said that agents and officers dedicate extensive time to transporting migrants in the Miami area, and that migrants sometimes wait up to 4 hours for transportation once they arrive at the Coast Guard sector.



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After our inspection, Border Patrol officials provided updates on efforts to address these transportation issues. Officials said that the request to contract for transportation support is progressing and is expected to be finalized later in 2023. Additionally, under a memorandum of agreement, ICE ERO has loaned Border Patrol's Miami sector two 22-passenger transport vans. The agreement provides Border Patrol's Miami sector the option to request additional loaned vehicles. Additionally, OFO has loaned two 12-passenger transport vans to the Marathon Border Patrol station.

Standards of Care are Unclear When Migrants Wait to Enter CBP Custody

Our discussion with CBP officials about transportation challenges in the Miami area led to our identification of a policy gap regarding applicable detention standards. When migrants land at a U.S. Island, the Coast Guard transports them from their landing location to Key West and typically holds them at the Coast Guard sector until Border Patrol agents arrive to take custody.

Based on our interviews of CBP and Coast Guard officials, as well as our observations and review of the policies we received, there appears to be a gap in the standards of care from when Coast Guard transfers migrants from their landing location to CBP custody in Key West. For example, a CBP official showed us a covered concrete area under a dormitory at the Coast Guard sector in Key West where migrants often wait (see Figures 7 and 8). While the location offers shade, it was not designed as a holding area. On the ground floor of the dormitory, we observed one men's and one women's bathroom, each with a single stall and working sink, and a drinking fountain. While migrants await transportation from the Coast Guard sector to a Border Patrol station – which according to Coast Guard, Border Patrol, and Field Operations officials can take up to 4 hours – they may have limited access to additional amenities. Amenities provided to the migrants are not documented, and standards of care applicable to them remain ambiguous.



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Figures 7 and 8. Migrant Waiting Area Underneath Dormitories at the Key West Coast Guard Station, Observed November 17, 2022



Source: DHS OIG photos

Coast Guard officials said that their authority for the migrants should end when they disembark cutters at the Key West sector and Border Patrol takes custody. However, migrants are not considered to be in Border Patrol custody (and are not entered into the e3 system) until Border Patrol agents arrive at the Key West encounter location and take physical custody of the migrants. The Coast Guard understands Border Patrol's transportation difficulties and holds migrants at the Key West sector until Border Patrol agents arrive with transport vehicles. Given the significant increases in migrant encounters in the Miami area, as presented in Table 1, it is critical that DHS clarify the standards of care for migrants awaiting transfer from the Coast Guard to CBP.

Conclusion

Border Patrol's Miami sector has a distinct humanitarian mission with increasing migrant encounters, primarily Cubans and Haitians, and interdependencies with OFO, the Coast Guard, and ICE. Despite significant increases in migrant encounters, CBP facilities and processes in the Miami area generally met TEDS standards. However, Border Patrol faces challenges transporting migrants in the Miami sector and detainee custody logs had data integrity issues. Since our inspection, Border Patrol has taken initial steps to increase transportation resources. Also, Border Patrol agents have completed refresher e3 training, addressing our feedback during the inspection. Unless DHS establishes clear guidance for standards of care between the Coast Guard and CBP in the Miami area, DHS risks not providing and tracking appropriate care and conditions for migrants in detention.



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Recommendations

Recommendation 1: We recommend the Miami Sector Chief, Border Patrol, U.S. Customs and Border Protection identify and implement strategies to enhance the timely transportation of migrants in the Miami sector.

Recommendation 2: We recommend the DHS Secretary develop and implement guidance on standards of care for migrants awaiting transfer from United States Coast Guard to U.S. Customs and Border Protection.

Management Comments and OIG Analysis

DHS provided management comments on a draft of this report. We included the comments in their entirety in Appendix B. We also received technical comments from DHS on the draft report, and we revised the report as appropriate. DHS concurred with recommendation 1, which we consider open and resolved. DHS did not concur with recommendation 2, which we consider open and unresolved. A summary of the DHS response and our analysis follows.

CBP Response to Recommendation 1: Concur. DHS disclosed that Miami sector is currently awaiting the award of a transportation/security contract brokered by Border Patrol. Once the contract is awarded, within 90 days after the award is initiated, Miami sector will develop a standard operating procedure describing how to properly use the secured transportation and security assets in the contract. Estimated completion date: January 31, 2024.

OIG Analysis: We consider these actions responsive to the recommendation, which we consider open and resolved. We will close this recommendation when CBP submits documentation showing it has implemented the corrective actions described in the management response.

CBP Response to Recommendation 2: Non-concur. DHS identified two Coast Guard guidelines that address standards of care for migrants; the *Alien Migrant Interdiction Operations Tactics, Techniques, and Procedures* (CGTTP 3-93.8/NTTP 3-07.4.1M; dated July 2020) and *Counter Drug and Alien Migrant Interdictions Operations Manual* (COMDTINST M16247.4B; dated April 2020). DHS also explained the specific events noted in this OIG draft report are uncommon and not reflective of daily operations. However, to minimize delays at the seaport of debarkation, operational planners work to align the cutter's arrival with CBP for a seamless transition from the cutter to an awaiting bus or other suitable transportation. Should transportation delays occur due to circumstances outside of CBP's control (e.g., traffic, vehicle accident) the Coast Guard cutter(s) would be notified, and the cutter(s) would make available additional food and water for those non-citizens. DHS requested the OIG consider the recommendation resolved and closed.



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OIG Analysis: We do not consider these actions responsive to the recommendation, which we consider open and unresolved. We agree the two guidelines identified by DHS address the care of migrants. The guidelines address the Coast Guard’s migrant interdiction mission, and specifically cover procedures for the care of migrants interdicted at sea and held onboard Coast Guard vessels for repatriation back to their country. The guidelines do not address the care of migrants waiting onshore for transfer to CBP custody after being transported from U.S. islands to the Coast Guard sector. Further, the local Coast Guard officials we spoke with stated their responsibility ended at disembarkation, and that food and other amenities were not always available.

Additionally, DHS stated the specific events noted in the OIG draft report were uncommon and not reflective of daily operations. Encounters in the Miami sector have significantly increased from FY 2021 to FY 2023. At the time of our inspection, CBP officials generally described transportation delays when taking custody of migrants at the Coast Guard sector as common. Also, as noted in the report, migrants can wait extended periods of time awaiting transfer to CBP. While OIG understands the number of encounters can fluctuate, the increases indicate that DHS components in the Miami area need to be prepared to provide care for migrants waiting onshore for transfer from Coast Guard to CBP custody.

We will close this recommendation when DHS or its designee develops and implements guidance on standards of care for migrants awaiting transfer from Coast Guard to CBP custody.



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Appendix A: Objective, Scope, and Methodology

The Department of Homeland Security Office of Inspector General was established by the *Homeland Security Act of 2002* (Pub. L. No. 107-296) by amendment to the *Inspector General Act of 1978*.

Our objective for this unannounced inspection was to determine whether CBP complied with the TEDS standards and other relevant policies and procedures related to length and conditions of detention at CBP short-term holding facilities in the Miami area of Florida.

Prior to our inspection, we reviewed relevant background information from congressional mandates, nongovernmental organizations, and media reports.

Between November 14-18, 2022, we conducted unannounced inspections of two Border Patrol stations (Dania Beach and Marathon) and four OFO POEs (Port Everglades Seaport, Fort Lauderdale International Airport, Miami Seaport, and Key West). We also visited the Coast Guard sector in Key West.

Our inspections were unannounced. We did not inform CBP that we were in the sector or field office area of responsibility until we arrived at the first facility. At each facility, we observed conditions and reviewed electronic records and paper logs as necessary. We also interviewed CBP personnel. We photographed examples of compliance and noncompliance with TEDS standards. For example, we took photographs to document the storage of detainee personal property and the conditions of holding rooms.

With the number of detainees arriving and departing each day, conditions at facilities could vary daily. Our conclusions are, therefore, limited to what we observed and information we obtained from CBP staff at the time of our inspections. We conducted additional interviews with CBP staff and requested additional documentation after site visits to supplement our review.

Because of the Coast Guard's unique role in this sector, we visited the Coast Guard sector in Key West and interviewed Coast Guard personnel regarding their roles transporting migrants from U.S. islands to Key West and holding migrants until Border Patrol agents arrive to take physical custody.

Regarding TEDS standards for medical care, we reviewed provisions to:

- ensure medical records and medications accompany detainees during transfer (TEDS 2.10);



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- ask detainees about, and visually inspect for, any sign of injury, illness, or physical or mental health concerns (TEDS 4.3);
- take precautions to protect against contagious diseases (TEDS 4.3);
- identify the need for prescription medicines (TEDS 4.3);
- provide medical care (TEDS 4.10); and
- take precautions for at-risk populations (TEDS 5.0).

This review describes CBP's process for providing access to medical care but does not evaluate the quality of medical care provided to those in CBP custody.

We conducted this review in November 2022 under the authority of the *Inspector General Act of 1978*, 5 U.S.C. §§ 401-42, and according to the *Quality Standards for Inspection and Evaluation* issued by the Council of the Inspectors General on Integrity and Efficiency.

DHS OIG's Access to DHS Information

During this inspection, CBP provided timely responses to our requests for information and did not deny or delay access to the information we requested.



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Appendix B: CBP Comments on the Draft Report

U.S. Department of Homeland Security
Washington, DC 20528



October 6, 2023

MEMORANDUM FOR: Joseph V. Cuffari, Ph.D.
Inspector General

FROM: Jim H. Crumpacker, CIA, CFE
Director
Departmental GAO-OIG Liaison Office

SUBJECT: **Management Response to Draft Report: “Results of Unannounced Inspections of CBP Holding Facilities in the Miami Area” (Project No. 23-005-ISP-CBP(a))**

JIM H CRUMPACKER
Digitally signed by JIM H CRUMPACKER
Date: 2023.10.06 11:58:45 -0400

Thank you for the opportunity to comment on this draft report. The U.S. Department of Homeland Security (DHS or the Department) appreciates the work of the Office of Inspector General (OIG) in planning and conducting its review and issuing this report.

DHS leadership is pleased to note the OIG’s unannounced inspection, conducted in November 2022, found that the U.S. Customs and Border Protection (CBP) facilities in the Miami area generally met the National Standards on Transport, Escort, Detention, and Search (TEDS) standards for cleanliness, food, and beverages, supplies and hygiene items, bedding, and medical care. From February 1, 2023, through March 15, 2023, Miami Sector (MIP) provided refresher training to MIP agents and U.S. Border Patrol (USBP) processing coordinators to ensure compliance with the e3 Detention Module and TEDS standards, to include detainee custody logs and the amenities provided to detainees in custody. DHS remains committed to ensuring compliance with CBP policies, including but not limited to TEDS, by providing reasonable and appropriate care for persons in CBP’s custody.

The draft report contained two recommendations, including one with which the Department concurs (Recommendation 1) and one with which the Department non-concurs (Recommendation 2). Enclosed find our detailed response to each recommendation. DHS previously submitted technical comments addressing several accuracy, contextual, and other issues under a separate cover for OIG’s consideration.

Again, thank you for the opportunity to review and comment on this draft report. Please feel free to contact me if you have any questions. We look forward to working with you again in the future.

Enclosure



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Enclosure: Management Response to Recommendations Contained in 23-005-ISP-CBP(a)

OIG recommended that the Miami Sector Chief, USBP, CBP:

Recommendation 1: Identify and implement strategies to enhance the timely transportation of migrants in the Miami sector.

Response: Concur. In October 2022, a “Memorandum of Agreement (MOA) between the Immigration and Customs Enforcement Office of Enforcement and Removal Operations Miami Field Office and U.S. Customs and Border Protection Miami Sector” documented the long-term loan of two 22-passenger transport vans to alleviate capacity concerns while transporting migrants. In addition, in September 2022, CBP Office of Field Operations, Miami Field Office temporarily loaned two 12-passenger transport vans to MIP’s Marathon Station.

MIP is currently awaiting the award of a transportation/security contract brokered by USBP, which is expected to be announced in September 2023. Once the contract is awarded, MIP will work closely with USBP headquarters, as appropriate, to finalize coordination efforts and further identify strategies to fully utilize the new capabilities to enhance migrant transportation requirements. Within ninety days after the award is initiated, MIP will develop a standardized Standard Operating Procedure describing how to properly utilize the secured transportation and security assets in the contract.

Estimated Completion Date: January 31, 2024.

OIG recommended that the DHS Secretary:

Recommendation 2: Develop and implement guidance on standards of care for migrants awaiting transfer from United States Coast Guard [USCG] to U.S. Customs and Border Protection.

Response: Non-Concur. The USCG currently maintains guidelines that inform how USCG units care for migrants, specifically USCG’s “Alien Migrant Interdiction Operations Tactics, Techniques, and Procedures” (CGTTP 3-93.8/NTTP 3-07.4.1M; dated July 2020). Instances in which the USCG transports migrants from a U.S. Island (e.g., Marquesas Keys or Dry Tortugas) to a USCG installation for turnover to CBP are conducted as a support operation under the USCG’s “Counter Drug and Alien Migrant Interdictions Operations Manual” (COMDTINST M16247.4B; dated April 2020), where the USCG is providing logistical support to a partner agency. When local USCG units conduct these types of agency support operations, they are coordinated locally at the regional level with the intent to minimize delays in transfer to CBP, consistent with TEDS standards.



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The specific events noted in this OIG draft report are uncommon and not reflective of daily operations. During early January 2023, for example, over 300 Cuban migrants landed on the Dry Tortugas and the Marquesas Keys, and Coast Guard personnel were also working to repatriate over 1,000 non-citizens that were aboard Coast Guard cutters at sea at the same time. The last time this many non-citizens were aboard Coast Guard cutters at sea was during the Cuban and Haitian maritime mass migrations in the early 1990s. It's important to clarify that the event on the Dry Tortugas highlighted by the OIG was one in which the Coast Guard assisted another federal agency to rescue non-citizens from a less than desirable location and transport them to a location which CBP could receive them for processing, since those non-citizens had already landed in the United States. In the rare cases in which the Coast Guard transports non-citizens to the United States—detailed logistics, including transportation from the seaport of debarkation to a federal processing site—are arranged at the regional level between the Coast Guard operations center and the corresponding CBP field office. To minimize delays at the seaport of debarkation, operational planners work to align the cutter's arrival with CBP for a seamless transition from the cutter to an awaiting bus or other suitable transportation. Should transportation delays occur due to circumstances outside of CBP's control (e.g., traffic, vehicle accident) the Coast Guard cutter(s) would be notified, and the cutter(s) would make available additional food and water for those non-citizens. In the case of the Dry Tortugas, CBP arranged for buses to receive the non-citizens that were landed at the Coast Guard base in Key West, Florida.

Coast Guard operational commanders manage cutter patrol locations daily based on current irregular maritime migration flows. Depending on the number of at-sea interdictions and the number of non-citizens on cutters within a patrol region (e.g., North Florida Straits), additional cutters may be re-directed to diffuse high migrant populations at sea across multiple cutters to reduce the stress of those non-citizens and Coast Guard crews. Such decisions are weighed against operational and environmental risks, including other operations that those same cutters may be tasked to support (e.g., search and rescue or drug interdiction). The operational relationships between the Coast Guard, CBP, and regional-level interagency partners including State and Local partners are strong, and further enabled by standing interagency organizations such as Regional Coordinating Mechanisms and DHS Homeland Security Task Force – Southeast. Through these interagency elements, partners collaborate to support one another if a single agency or multiple agencies have equities in a particular case. These operational constructs and relationships are exercised daily, including in the cases detailed in this report.

We request that the OIG consider this recommendation resolved and closed.



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Appendix C:

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